

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
May 12, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-072

Construct a Single Detached House with front attached Garage, front veranda (with pergola), front balcony, rear uncovered deck (5.28m x 8.03), rear balcony with privacy wall (@ 6' in Height), fireplace, and to develop a Secondary Suite in the basement

8412 - 118 Street NW
Project No.: 384557668-002

II 11:00 A.M. SDAB-D-21-073

Comply with an order to cease the Supportive Housing operation by vacating all occupants & personal belonging from the building; and complete a follow up inspection with the Development Compliance Officer to confirm that item 1 has been completed. Items 1 & 2 must be completed before May 17, 2021

3945 - 118 Avenue NW
Project No.: 390447510-001

III 2:00 P.M. SDAB-D-21-074

Change the Use from General Industrial Use to Religious Assembly and construct exterior and interior alterations

2808 / 2832 / 2836 - Ellwood Drive SW
Project No.: 389324194-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 384557668-002

APPLICATION TO: Construct a Single Detached House with front attached Garage, front veranda (with pergola), front balcony, rear uncovered deck (5.28m x 8.03), rear balcony with privacy wall (@ 6' in Height), fireplace, and to develop a Secondary Suite in the basement

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 15, 2021

DATE OF APPEAL: April 15, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8412 - 118 Street NW

LEGAL DESCRIPTION: Plan 1822240 Blk 13 Lot 27B

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Current existing house 8412-118 St has attach front garage, We are applying for new built for the same. Some of the Neighbors have attached front garage, our house is in a crescent facing green island, there there minimum traffics in the driving lane. There are new developments in the neighborhood are approved for attached front garage. This is a big

investment for us, we are seeking for fairness, and encouragement for our infill project which the City is supporting. Thank you!

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 110.2(5), **Secondary Suites**, where developed within Single Detached Housing, Semi-Detached Housing or Duplex Housing, is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, or Blatchford Lane Suites.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is “to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the

streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Driveway Access

Section 814.3(17) states “Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue.”

Development Officers Determination

1. Driveway - The driveway is located off of 118 Street NW (front) instead of the alley (Section 814.3.17).

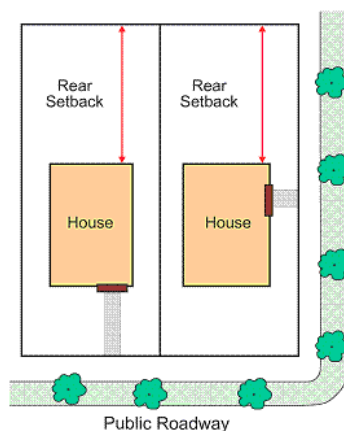
[unedited]

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officers Determination

2. Reduced Rear Setback - The distance from the house to the rear property line is 12.12m instead of 15.42m (40% of site depth) (Section 814.3.4)

[unedited]

Projection into Setbacks

Section 44.1(a) states:

The following features may project into a required Setback or Separation Space as provided for below:

- 1(a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks, such steps shall not exceed a Height of 1.0 m.

Development Officers Determination

3. Projection - The distance from the house eaves to the back property line (rear lot line) is 11.52m, instead of 14.82m (Section 44.1)

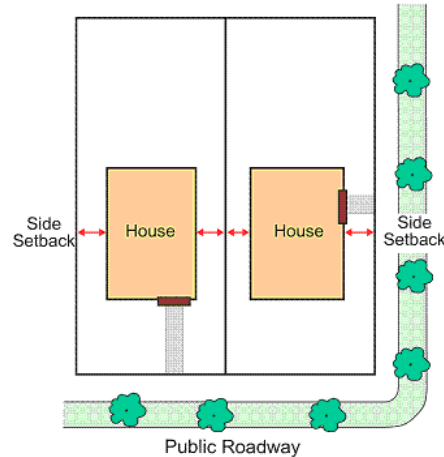
[unedited]

Cantilevers in Side Setbacks

Section 814.3(12) states “On an Interior Site, a minimum distance of 1.2 m shall be maintained from one Side Lot Line to the outside wall of all projections from the first Storey.”

Under section 6.1, **Side Setback** means:

the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Development Officers Determination

4. Obstructed Side Setback - On an Interior Site, a minimum distance of 1.2 m shall be maintained from one Side Lot Line to the outside wall of all projections from the first Storey. The proposed house has both side setbacks obstructed (Section 814.3.12).

[unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and


- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(17) - Driveway Access
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) - Rear Setback
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site of the proposed development	814.3(12) - Cantilevers in Side Setbacks

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 384557668-002 Application Date: JAN 23, 2021 Printed: April 15, 2021 at 11:07 AM Page: 1 of 2													
<h2>Application for Minor Development Permit</h2>														
This document is a Development Permit Decision for the development application described below.														
Applicant	Property Address(es) and Legal Description(s) 8412 - 118 STREET NW Plan 1822240 Blk 13 Lot 27B													
Scope of Application To construct a Single Detached House with front attached Garage, front veranda (with pergola), front balcony, rear uncovered deck (5.28m x 8.03), rear balcony with privacy wall (@ 6' in Height), fireplace, and to develop a Secondary Suite in the basement.														
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>					# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay								
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Development Application Decision Refused Issue Date: Apr 15, 2021 Development Authority: LANGILLE, BRANDON Reason for Refusal <ol style="list-style-type: none"> 1. Driveway - The driveway is located off of 118 Street NW (front) instead of the alley (Section 814.3.17). 2. Reduced Rear Setback - The distance from the house to the rear property line is 12.12m instead of 15.42m (40% of site depth) (Section 814.3.4) 3. Projection - The distance from the house eaves to the back property line (rear lot line) is 11.52m, instead of 14.82m (Section 44.1) 4. Obstructed Side Setback - On an Interior Site, a minimum distance of 1.2 m shall be maintained from one Side Lot Line to the outside wall of all projections from the first Storey. The proposed house has both side setbacks obstructed (Section 814.3.12). Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.														
Fees <table border="0" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sanitary Sewer Trunk Fund (Secondary/Garden Suite)</td> <td style="text-align: center;">\$773.00</td> <td style="text-align: center;">\$773.00</td> <td style="text-align: center;">06899099</td> <td style="text-align: center;">Feb 04, 2021</td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$773.00	\$773.00	06899099	Feb 04, 2021
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THIS IS NOT A PERMIT														



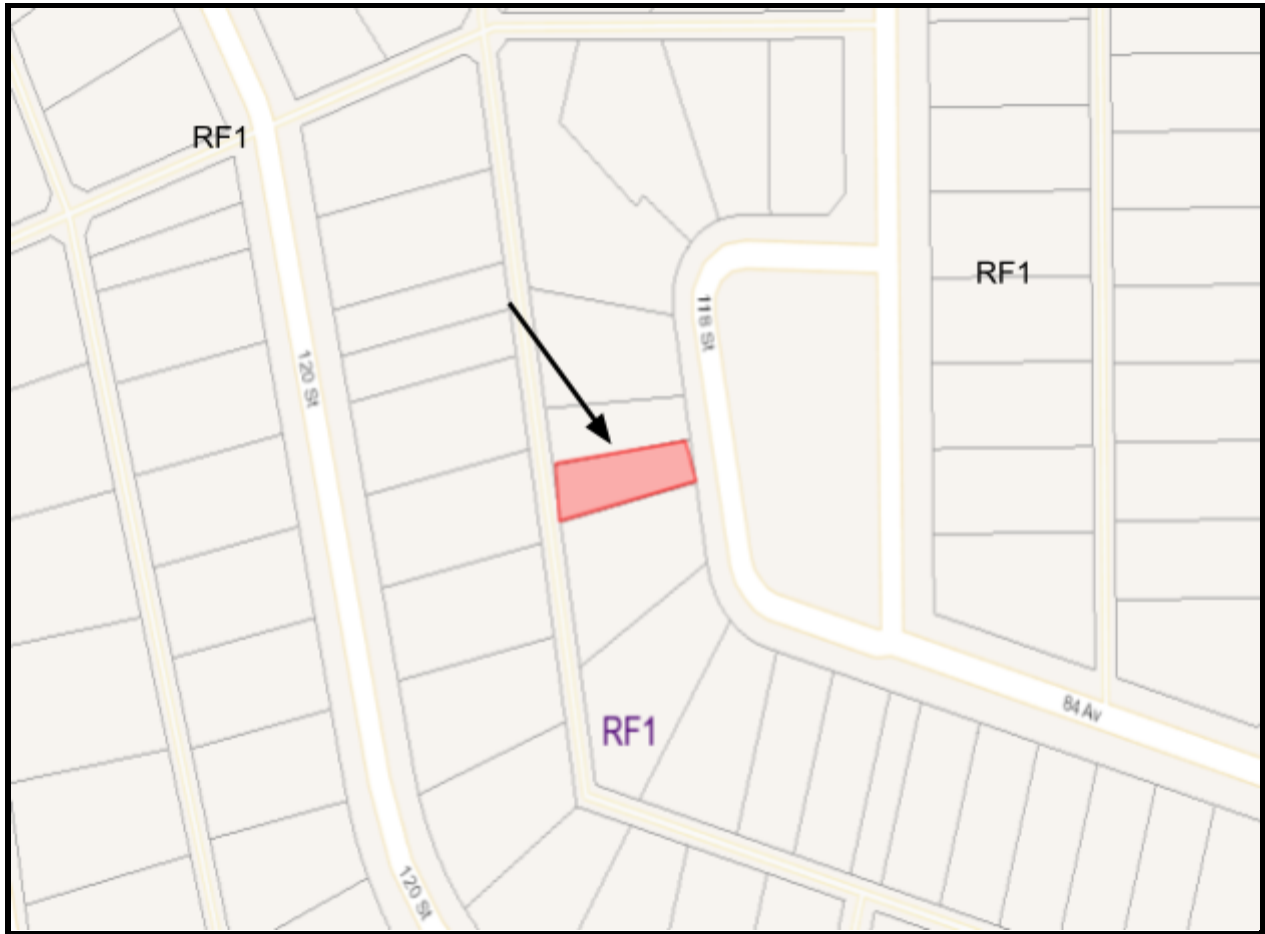
Project Number: **384557668-002**
Application Date: JAN 23, 2021
Printed: April 15, 2021 at 11:07 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$502.00	\$502.00	05203904594G001	Jan 23, 2021
Development Permit Inspection Fee	\$211.00	\$211.00	05203904594G001	Jan 23, 2021
Lot Grading Fee	\$148.00	\$148.00	05203904594G001	Jan 23, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,634.00</u>	<u>\$1,634.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-072

▲
N

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 390447510-001

ORDER TO: Comply with an order to cease the Supportive Housing operation by vacating all occupants & personal belonging from the building; and complete a follow up inspection with the Development Compliance Officer to confirm that item 1 has been completed. Items 1 & 2 must be completed before May 17, 2021

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: April 7, 2021

DATE OF APPEAL: April 13, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3945 - 118 Avenue NW

LEGAL DESCRIPTION: Plan 7242AH Blk 6 Lots 1-7,47-48

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

I wish to appeal this decision on the grounds that we were under the impression that the permit we applied for was a continuation of the

premises being used as an hotel as we are only renting rooms and not supplying supports.

However, I understand now that we should have waited to receive the permit before commencing operation; the failure to be patient was an innocent one as when I enquired about the business license I was told that it is happening. Therefore I went ahead and started renting out rooms, as there was a demand from people who were without anywhere to live.

We are willing to have the permit changed to supportive housing if that would help, but since most of our tenants would find themselves homeless we would like an extension to get the permit without shutting down. Thankyou for considering this.

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 340.2(18), **Supportive Housing** is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.3(8), **Supportive Housing** means “a residential Use with on site or off site supports to ensure the residents’ day-to-day needs are met. This does not include Extended Medical Treatment Services.”

Section 330.1 states that the **General Purpose** of **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses, and limited Residential-related Uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

Section 5.1 states:

5.1 Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

Section 23.1(2) states:

If a Development Permit is required but has not been issued, or is not valid under this Bylaw, it is an offence for any person;

- a. to construct a building or structure;
- b. to make an addition or alteration thereto;
- c. to commence a Use or change of intensity of Use; or
- d. to place a Sign on land.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.



March 30, 2021

Our File: 390447510-001

RE: Municipal Address: 3945 - 118 AVENUE NW
Legal Description: Plan 7242AH Blk 6 Lots 1-7,47-48
Low Intensity Business Zone - CB1
(hereinafter referred to as "the property")

MUNICIPAL GOVERNMENT ACT ORDER

The property was inspected by Development Compliance Officer Brendan Bolstad on March 25, 2021. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

Our investigation revealed that a **Supportive Housing** operation has commenced without a Development Permit, which is contrary to Section 5.1 & 23.1(2) of Edmonton Zoning Bylaw 12800, and Section 683 of the Municipal Government Act.

Section 5.1 of Edmonton Zoning Bylaw states:
Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

Section 23.1(2) of the Edmonton Zoning Bylaw 12800 states:

2. If a Development Permit is required but has not been issued, or is not valid under this Bylaw, it is an offence for any person;
 - a. to construct a building or structure;
 - b. to make an addition or alteration thereto;
 - c. **to commence a Use or change of intensity of Use;** or
 - d. to place a Sign on land.



Supportive Housing means a residential Use with on site or off site supports to ensure the residents' day-to-day needs are met. This does not include Extended Medical Treatment Services.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, you are hereby ordered to:

1. Cease the Supportive Housing operation by vacating all occupants & personal belongings from the building;

AND

2. Complete a follow up inspection with our Department to confirm that item 1 has been completed.

Items 1 & 2 must be completed before **May 17, 2021**.

CONSEQUENCES FOR NON-COMPLIANCE:

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within **21 calendar days** to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-442-7190.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



Regards,

A handwritten signature in blue ink that reads "B. Bolstad".

Brendan Bolstad
Development Compliance Officer
780-442-7190
brendan.bolstad@edmonton.ca

**Adding Amounts
Owing to tax roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
 - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
 - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
 - (d), (e) repealed 1999 c11 s35;
 - (f) costs associated with tax recovery proceedings related to the parcel;
 - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
 - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
 - (h) Unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.

Stop order

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,
- within the time set out in the notice.
- (2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order	<p>646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.</p> <p>(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.</p> <p>(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.</p>
Permit	<p>683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.</p>
Grounds for appeal	<p>685(1) If a development authority</p> <ul style="list-style-type: none"> (a) fails or refuses to issue a development permit to a person, (b) issues a development permit subject to conditions, or (c) issues an order under section 645, <p>the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.</p> <p>(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.</p> <p>(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).</p> <p>(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district</p> <ul style="list-style-type: none"> (a) is made by a council, there is no appeal to the subdivision and development appeal board, or (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.
Appeals	<p>686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board</p> <ul style="list-style-type: none"> (a) in the case of an appeal made by a person referred to in section 685(1) <ul style="list-style-type: none"> (i) with respect to an application for a development permit, <ul style="list-style-type: none"> (A) within 21 days after the date on which the written decision is given under section 642, or (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires, <p>or</p> <ul style="list-style-type: none"> (ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2)** The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3)** The subdivision and development appeal board must give at least 5 days notice in writing of the hearing
 - (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4)** The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
 - (a) the application for the development permit, the decision and the notice of appeal, or
 - (b) the order under section 645.
- (4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

Subdivision and Development Appeal Board

File your appeal online at:

<https://sdab.edmonton.ca>

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by a decision of the Development Authority under the Zoning Bylaw and the Subdivision Authority under the Subdivision Authority Bylaw. The board is appointed by City Council and consists of citizens living in the city of Edmonton.

The SDAB normally meets every Wednesday and Thursday in the Churchill Building. If required, the Board may set additional dates for hearings.

Once you have met requirements and filed a proper appeal, this Board presides over your hearing.

The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

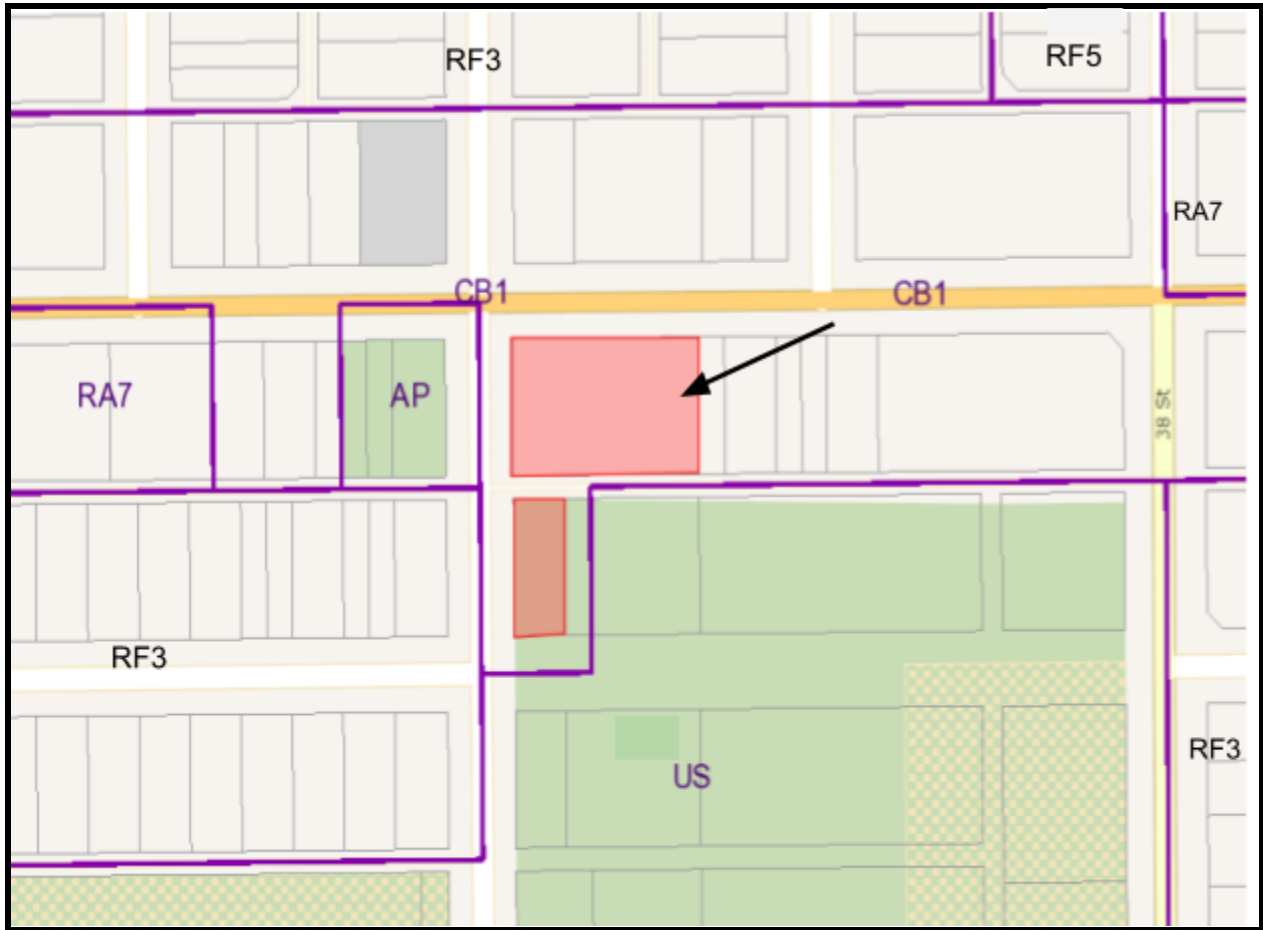
Agendas listing appeals and hearing times scheduled for that day are posted in the hearing waiting area. Hearings do not start before the time listed on the schedule.

For more information:

Subdivision and Development Appeal Board

Office of the City Clerk
Churchill Building
10019 - 103 Avenue
Edmonton, AB T5J 0G9

Telephone	780-498-8079
Fax	780-577-3537
Email	sdab@edmonton.ca



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-073

ITEM III: 2:00 P.M.

FILE: SDAB-D-21-074

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 389324194-002

APPLICATION TO: Change the Use from General Industrial Use to Religious Assembly and construct exterior and interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: March 23, 2021

DATE OF APPEAL: April 13, 2021

NOTIFICATION PERIOD: March 30, 2021 through April 20, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2808 / 2832 / 2836 - Ellwood Drive SW

LEGAL DESCRIPTION: Plan 0826382 Unit 1, Plan 0826382 Unit 2, Condo Common Area (Plan 0826382)

ZONE: (EIB) Ellerslie Industrial Business Zone

OVERLAY: Special Area Ellerslie Industrial

STATUTORY PLAN: Ellerslie Area Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

1. Our building is an industrial use building with all occupants involved in heavy industrial manufacturing. Large number of semi-trucks and heavy equipment

onsite at all times would make this an unsafe environment for a religious assemble.

2. Companies currently operating are a door manufacture, Oil industry value manufacture, Security pole manufacture.
3. There is not enough parking for a church, there is already a church directly across the street that uses all our parking illegally already
4. It is against our condo bylaws to have any business that does not conform to the current zoning.
5. The unit in question is already in violation of the current zoning with percentage of office space to manufacturing

I request that this development permit be denied

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 930.4(3)(24), a **Religious Assembly**, excluding rectories, manses, convents, monasteries and other residential buildings, is a **Discretionary Use** in the **(EIB) Ellerslie Industrial Business Zone**.

Under section 7.8(14), **Religious Assembly** means:

development used for worship and related religious, philanthropic or social activities and includes Accessory rectories, manses, meeting rooms, food preparation and service facilities, classrooms, dormitories and other buildings. Typical Uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This Use does not include Private Education Services, Public Education Services, and Commercial Schools, even as Accessory Uses.

Section 930.4(1) states that the **General Purpose** of the **(EIB) Ellerslie Industrial Business Zone** is:

to provide for light industrial businesses and high technology development that carries out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent Non-industrial Zone.

Section 930.1 states that the **General Purpose** of the **Ellerslie Industrial Special Area** is:

to designate a portion of the Ellerslie Area Structure Plan as shown on Appendix I to this Section, as a Special Area and to adopt appropriate

land use regulations for this Special Area in order to achieve the objectives of the Ellerslie Area Structure Plan, as adopted under Bylaw 11870, as amended.

Discretionary Use


Development Officer's Determination

1. A Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 389324194-002 Application Date: MAR 15, 2021 Printed: March 23, 2021 at 1:06 PM Page: 1 of 3		
	<h2>Major Development Permit</h2>		
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
Applicant	Property Address(es) and Legal Description(s) 2808 - ELLWOOD DRIVE SW Condo Common Area (Plan 0826382) 2836 - ELLWOOD DRIVE SW Plan 0826382 Unit 1 2832 - ELLWOOD DRIVE SW Plan 0826382 Unit 2		
	Specific Address(es) Suite: 2832 - ELLWOOD DRIVE SW Suite: 2836 - ELLWOOD DRIVE SW Entryway: 2832 - ELLWOOD DRIVE SW Entryway: 2836 - ELLWOOD DRIVE SW Building: 2808 - ELLWOOD DRIVE SW		
Scope of Permit To change the Use from General Industrial Use to Religious Assembly and construct exterior and interior alterations.			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): </td> <td style="width: 50%;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
Development Permit Decision Approved Issue Date: Mar 23, 2021 Development Authority: XU, HAILEE			

Major Development Permit

Subject to the Following Conditions

NOTE: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

Zoning Conditions:

1. The development shall be constructed in accordance with the stamped and approved drawings.
2. The approved Religious Assembly excludes rectories, manses, dormitories, convents, monasteries and other residential components. (Reference Section 930.4.3.24)
3. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. (Reference Section 930.4.4.5)
4. All provided Vehicle Parking and Loading Spaces shall be clear of any obstructions, and not be used for Driveways, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1.5)
5. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)
6. Signs require separate Development Applications. More information about Signs can be found on the City of Edmonton's website: https://www.edmonton.ca/business_economy/signs.aspx

Subject to the Following Advisements

Zoning Advisements:

1. A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
2. This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
3. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
4. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)
5. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.

Variations

1. A Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.



Project Number: **389324194-002**
Application Date: MAR 15, 2021
Printed: March 23, 2021 at 1:06 PM
Page: 3 of 3

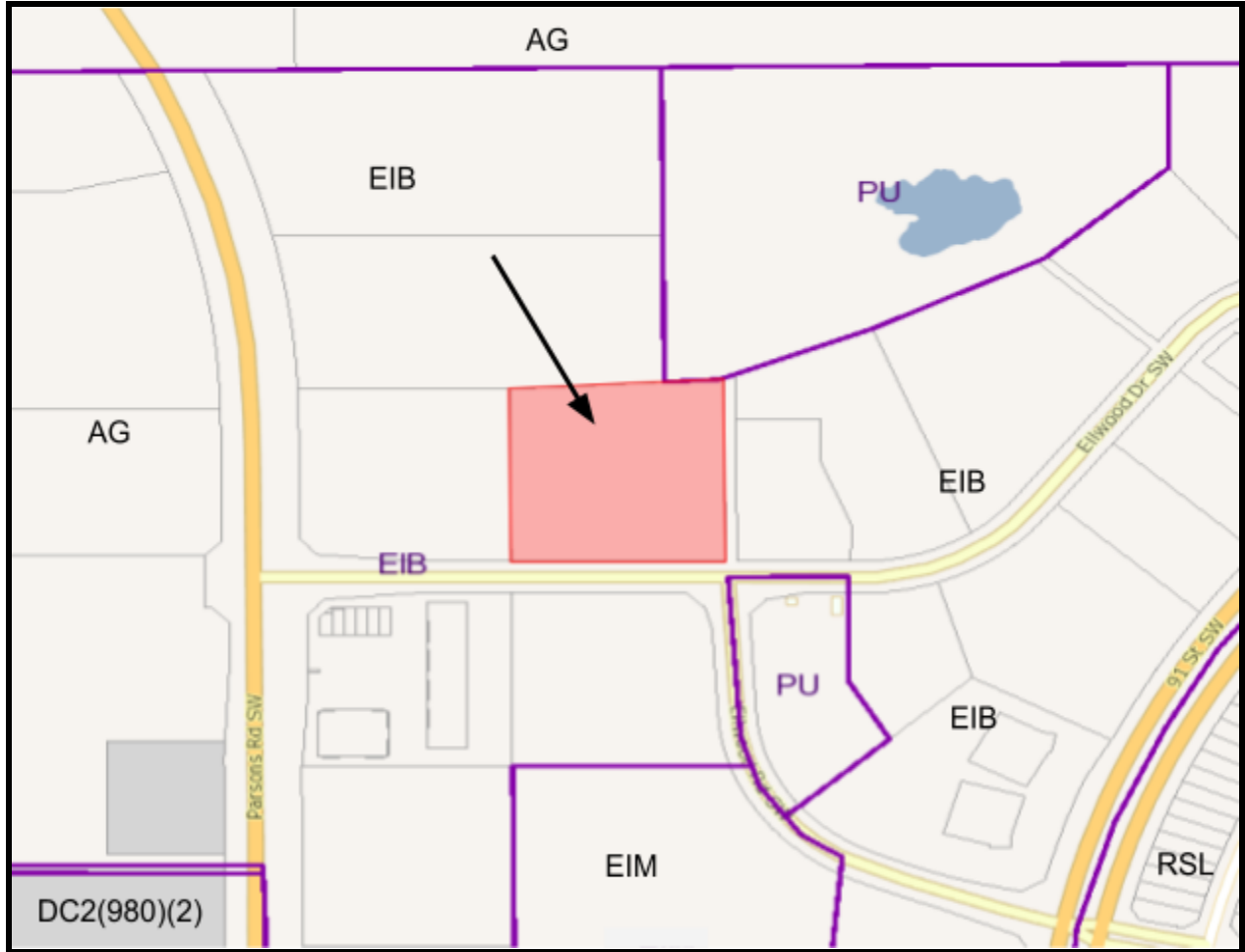
Major Development Permit

Notice Period Begins: Mar 30, 2021

Ends: Apr 20, 2021

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$528.00	\$528.00	074935097210001	Mar 19, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$528.00	\$528.00		



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-21-074** ▲
N