

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
May 25, 2016**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I     9:00 A.M.     SDAB-D-16-131

Construct an addition and exterior alterations (enlarge front veranda 3.08m x 4.83m, enlarge rear covered deck 5.28m x 4.26m and enlarge rear uncovered deck 5.79m x 6.70m) to an existing Single Detached House

11 - Wedgewood Crescent NW  
Project No.: 187690328-002

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**TO BE RAISED**

II    11:00 A.M.    SDAB-D-16-501

Demolish an existing building

10415 – 96 Street NW  
Project No.: 180578101-002

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***NOTE:***            ***Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.***

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-131

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 187690328-002

ADDRESS OF APPELLANT:

APPLICATION TO: Construct an addition and exterior alterations (enlarge front veranda 3.08m x 4.83m, enlarge rear covered deck 5.28m x 4.26m and enlarge rear uncovered deck 5.79m x 6.70m) to an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: April 15, 2016

DATE OF APPEAL: May 2, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 11 - Wedgewood Crescent NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11 - Wedgewood Crescent NW

LEGAL DESCRIPTION: Plan 6483KS Blk 1 Lot 2

ZONE: RR Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN: West Jasper Place (South) Area Structure Plan

***Grounds for Appeal***

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

- Permit details - lot grading never done.
- debris from top of bank filed system (styrofoam) needs to be removed.

- existing without permits has caused undue stress and hardship.
- attached lawyers letter outlines problems in 2012 identifies issues and concerns.
- previous conditions of the SDAB not complied with.
- environmental concerns as per previous geo technical report (top of bank issues). [unedited]

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

**685(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 within 14 days,

(a) ...

(b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

The decision of the Development Authority was dated April 15, 2016. The Notice of Appeal was filed on May 2, 2016.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 240.1 states that the **General Purpose** of the **RR Rural Residential Zone** is:

...to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.

Under Section 240.2(4), **Single Detached Housing** is a **Permitted Use** in the RR Rural Residential Zone.

Section 7.2(9) states:

**Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

<i>Variance – Site Area</i>
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Section 240.4(1) states that “The minimum Site Area shall be 1.0 ha.”

**Development Officer’s Determination**

The Development Officer referenced Section 240.4(1) and made the following determination:

1. Site Area - The area of the site is 0.44ha instead of 1.0ha (Section 240.4(1)).

Note: Variance granted pursuant to Sections 11.3 and 11.4. Subject to the right of appeal. (Reference Section 21.(1).)

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**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. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.

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Project Number: **187690328-002**  
Application Date: MAR 14, 2016  
Printed: April 15, 2016 at 3:12 PM  
Page: 1 of 3

### Minor Development Permit

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**

[Redacted Applicant Information]

**Property Address(es) and Legal Description(s)**

11 - WEDGEWOOD CRESCENT NW  
Plan 6483KS Blk 1 Lot 2

**Scope of Permit**

To construct an addition and exterior alterations (enlarge front veranda 3.08m x 4.83m, enlarge rear covered deck 5.28m x 4.26m and enlarge rear uncovered deck 5.79m x 6.70m) to an existing Single Detached House.

**Permit Details**

# of Dwelling Units Add/Remove: 0  
Client File Reference Number:  
Minor Dev. Application Fee: Exterior Alterations (Res.)  
Secondary Suite Included?: N

Class of Permit: Class B  
Lot Grading Needed?:  
New Sewer Service Required: N/A  
Stat. Plan Overlay/Annex Area:

I/We certify that the above noted details are correct.

Applicant signature: \_\_\_\_\_

**Development Permit Decision**

Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: 187690328-002  
Application Date: MAR 14, 2016  
Printed: April 15, 2016 at 3:12 PM  
Page: 2 of 3

### Minor Development Permit

**Subject to the Following Conditions**

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$41.
2. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
3. This Development Permit authorizes the development of an addition and exterior alterations (enlarge front veranda 3.08m x 4.83m, enlarge rear covered deck 5.28m x 4.26m and enlarge rear uncovered deck 5.79m x 6.70m) to an existing Single Detached House. The development shall be constructed in accordance with the stamped and approved drawings.
4. Immediately upon completion of the addition, the site shall be cleared of all debris.
5. As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development.
6. Any future deck enclosure or cover requires a separate development and building permit approval.

**Advisements:**

- i. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.
- ii. 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.
- iii. Signs require separate Development Applications.
- iv. A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.
- v. This Development Permit is not a Business License. A separate application must be made for a Business Licence.

**Variations**

1. Site Area - The area of the site is 0.44ha instead of 1.0ha (Section 240.4(1)).

Note: Variance granted pursuant to Sections 11.3 and 11.4. Subject to the right of appeal. (Reference Section 21.(1).)

**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.

**Issue Date:** Apr 15, 2016    **Development Authority:** HAMILTON, FIONA    **Signature:** \_\_\_\_\_  
**Notice Period Begins:** Apr 21, 2016    **Ends:** May 04, 2016

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$41.00			
Dev. Application Fee	\$159.00	\$159.00	03127801	Mar 14, 2016

**The permit holder is advised to read the reverse for important information concerning this decision.**



Project Number: **187690328-002**  
Application Date: MAR 14, 2016  
Printed: April 15, 2016 at 3:12 PM  
Page: 3 of 3

## Minor Development Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Existing Without Permit Penalty Fee	\$159.00	\$159.00	03127801	Mar 14, 2016
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$359.00	\$318.00		
(S41.00 outstanding)				

The permit holder is advised to read the reverse for important information concerning this decision.





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-131



**TO BE RAISED**

ITEM II: 11:00 A.M.

FILE: SDAB-D-16-501

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180578101-002

ADDRESS OF APPELLANT: 10415 – 96 Street NW

APPLICATION TO: Demolish an existing building

DECISION OF THE DEVELOPMENT AUTHORITY: N/A

DECISION DATE: N/A

DATE OF APPEAL: December 10, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10415 – 96 Street NW

LEGAL DESCRIPTION: Plan ND Blk 13, Lots 17-28, OT

ZONE: CB2 General Business Zone

OVERLAY: Pedestrian Commercial Shopping Street Overlay

STATUTORY PLAN: Boyle Street McCauley Area Redevelopment Plan

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***Grounds for Appeal***

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

1. The Applicant made an application to the development authority for a development permit for demolition of the building located at 10415 – 96 Street and at 10419 – 96 Street and for subsequent reclamation of the lands legally described as Plan 5784HW, Block 13, Lots 17-28 and 31. The development permit application was submitted on October 14, 2015 and was completed on October 22, 2015 when the Applicant submitted the required development permit application fee. A copy of the development permit application is enclosed.

2. The development authority has not provided any indication that the development permit application is in any way incomplete or otherwise deficient. Pursuant to section 684 of the *Municipal Government Act*, RSA 2000, c. M-26 (the “MGA”) and to section 16(1) of the Edmonton Zoning Bylaw 12800 (the “Zoning Bylaw”), an application is deemed to have been refused if the development officer fails to make a decision within 40 days of receipt of a development permit application. The development authority has not made a decision with respect to the development permit application.
3. As the development authority failed to make a decision regarding the development permit application within 40 days of receiving the completed application, or at all, the application is therefore deemed refused.
4. Pursuant to section 685(1) of the MGA, an applicant may appeal to the subdivision and development appeal board where the development authority “fails or refuses to issue a development permit...”.
5. The Applicant believes that the development permit application complies with the MGA and the City’s Zoning Bylaw and believes that the requested development permit should be issued.

<p><i>General Matters</i></p>
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**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.

**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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

- (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

The Development Authority did not issue a decision, and the Notice of Appeal was filed on December 10, 2015.

**Appeal History**

On January 27, 2016, the Subdivision and Development Appeal Board passed the following motion:

That the hearing for SDAB-D-16-501 be tabled to March 30 or 31, 2016, at the written request of Legal Counsel for the Appellant and with the consent of the Development Authority and other City Representatives.

On March 30, 2016, the Subdivision and Development Appeal Board passed the following motion:

That the hearing for SDAB-D-16-501 be tabled to May 25 or 26, at both the written and verbal request of Legal Counsel for the Appellant and with the consent of the City of Edmonton Law Branch.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 115.1 states that the **General Purpose** of the **CB2 General Business Zone** is to “provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.”

Section 819.1 states that the **General Purpose** of the **Pedestrian Commercial Shopping Street Overlay** is “to maintain the pedestrian-oriented character of commercial areas, comprised of shopping streets in close proximity to residential areas of the City.”

<b><i>Deemed Refusal if no Decision Made</i></b>
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Section 16(1) of the *Edmonton Zoning Bylaw* states:

An application shall, at the option of the applicant, be deemed to be refused if a decision of the Development Officer has not been made within 40 days of the receipt of the application.

Section 686(1)(a)(ii) of the *Municipal Government Act* states:

**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 within 14 days,

...


- (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

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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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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	Project Number: <b>180578101-002</b> Application Date: OCT 21, 2015 Printed: October 21, 2015 at 10:39 AM Page: 1 of 1																									
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																										
This document is an application for a Development Permit for the development described below.																										
	<b>Property Address(es) and Legal Description(s)</b> 10415 - 96 STREET NW Plan ND Blk 13 Lots 17-28,OT																									
	<b>Specific Address(es)</b> Entryway: 10419 - 96 STREET NW Entryway: 10423 - 96 STREET NW Building: 10419 - 96 STREET NW																									
<b>Scope of Application</b> Demolition of building (proposed).																										
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     # of Dwelling Units Add/Remove: 0                      Client File Reference Number:                      Minor Dev. Application Fee: Demolish Building                      Secondary Suite Included?: N                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class A                      Lot Grading Needed?: N                      New Sewer Service Required: N                      Stat. Plan Overlay/Annex Area:                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Demolish Building Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area:																							
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I/We certify that the above noted details are correct. Applicant signature: _____																										
<b>Development Application Decision</b> No decision has yet been made.																										
<b>Fees</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: right;">Receipt #</th> <th style="width: 10%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$78.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$78.00</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> </tr> <tr> <td colspan="5">(\$78.00 outstanding)</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$78.00				Total GST Amount:	\$0.00				Totals for Permit:	\$78.00	\$0.00			(\$78.00 outstanding)				
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(\$78.00 outstanding)																										
<b>THIS IS NOT A PERMIT</b>																										



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-501



**BUSINESS LAID OVER**

SDAB-D-16-114	An appeal by <u>Spasation Spa &amp; Salon</u> to install 3 Fascia On-Premises Signs (Spasation), existing without permits. <b><i>June 1 or 2, 2016</i></b>
SDAB-D-16-120	An appeal by <u>The House Company</u> to construct a Single Detached House with attached Garage, veranda, fireplace, rear balcony (irregular shape, 4.25 m by 2.22 m) and basement development (NOT to be used as an additional Dwelling) <b><i>June 9, 2016</i></b>