

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
May 31, 2017**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-17-093	Revert the building back to its approved use as a Semi-detached House. This Order is to be complied with on or before June 8, 2017. 12824 - 123A Street NW Project No.: 175066162-002
<hr/>			
II	11:00 A.M.	SDAB-D-17-094	Replace an existing Fascia On-premises Sign (Comfort Inn & Suites) 10425 - 100 Avenue NW Project No.: 242478845-001
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III	2:00 P.M.	SDAB-D-17-095	Construct a Single Detached House with front veranda, front balcony, rear uncovered deck, rear attached garage, fireplace, a Secondary Suite in the Basement and to demolish a Single Detached House and Accessory building (detached Garage) 9633 - 99A Street NW Project No.: 238169195-001

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-17-093

AN APPEAL FROM THE DECISION OF DEVELOPMENT SERVICES

APPELLANT:

APPLICATION NO.: 175066162-002

APPLICATION TO: Revert the building back to its approved use as a Semi-detached House. This will require removing the keyed lock separation between the upstairs and downstairs floors; removing all cooking facilities from the basement level, including the stoves, the 220 volt electrical outlets which connect to the stoves, and the 220 breakers from the electrical panels associated with the stoves; reducing the occupancy of the building to a single Household for each side of the Semi-detached House. This Order is to be complied with on or before June 8, 2017.

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: May 10, 2017

DATE OF APPEAL: May 9, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12824 - 123A Street NW

LEGAL DESCRIPTION: Plan 290AB Blk 22 Lot 6

ZONE: RF2 Low Density Infill Zone

OVERLAY: MNO Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

This letter is to appeal the order to remove the basement suites as income producing suites and return the property to a Duplex style property at 12824 - 123A Street, Edmonton.

The property was purchased in May of 1997 with the basement suites already in existence. No redevelopment to turn the property into a fourplex style dwelling was constructed while in our possession. The suites have separate entrances, furnaces, and were built to code by the original owner. Ample parking is available with two parking spots per unit on the property. As a result of our understanding this property was built to suit tenants as a fourplex style property with upstairs and downstairs suites, it has been rented as such for the majority of the time we have owned the property. Two years ago our taxes were raised and when we inquired to the city as to the reason for the change we were informed the increase was a result of the existence of basement suites that we were profiting from. As well, last year the fire, sanitation and City of Edmonton departments conducted an inspection of the property as a result of a complaint filed by an ex tenant. No violation of Zone RF2 was noted at that time. The evidence listed above has lead us to believe the City was fully aware of the use of the property as an RF3 zoning.

As well, enclosed is the Calder neighbourhood improvement plan prepared by the City Planning Branch on February 2016, which illustrates on page 34 this property is already classified as a duplex with basement suites. The property directly south is classified as a row housing and fourplex property. Indicative that the neighbourhood does support zoning other than RF2. Our lot has ample space for the property to be reclassified as the same.

We would also like to make a plea for our tenants who will now need to be displaced and forced to find other accommodations. The rent is very reasonable and we pay for the utilities at this property. This move will be a financial strain for our tenants. We are responsible landlords who do not wish to cause worrisome problems for our tenants. As well, this order is now affecting our business. We may not have purchased this property with the knowledge we would not be able to rent out the basement suites.

As per section 685(3) of the bylaw the provisions of the land were misinterpreted at the time of purchase. We would like to appeal and request the rezoning of this property to Zone RF3.

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.

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,

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;
- ...
- (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.

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.

(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.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 120.1 states that the **General Purpose** of the **RF2 Low Density Infill Zone** “is to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.”

Under section 1120.2(5), **Semi-detached Housing** is a **Permitted Use** in the RF2 Low Density Infill Zone.

Section 7.2(8) states:

Semi-detached Housing means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Secondary Suites or Duplexes.

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Under Section 6.1(51) of the *Edmonton Zoning Bylaw*, **Household** means:

- i. one or more persons related by blood, adoption, foster care, marriage relationship; or
- ii. a maximum of three unrelated persons;
all living together as a single social and economic housekeeping group and using cooking facilities shared in common.

For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.

<i>Approval Required for Development</i>

Section 5 of the *Edmonton Zoning Bylaw* states:

5.1 No Person:

1. shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or
2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw.

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*.



MAILING ADDRESS:
2nd Floor, 10111 104 Avenue NW
Edmonton, Alberta T5J 0J4

REGULAR MAIL

May 4, 2017

Our File: 175066162-002

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sir/Madam:

A check with Land Titles Office discloses that you are the registered owner(s) of the property located at 12824 - 123A STREET NW in Edmonton AB, legally described as Plan 290AB Blk 22 Lot 6. This property is zoned RF2 (Low Density Infill Zone) in accordance with Section 120 of the Edmonton Zoning Bylaw. The general purpose of this zone is to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions

On May 3, 2017 Development Compliance Officer Brendan Bolstad from the City of Edmonton having Authority to exercise development powers under Section 542 of the Municipal Government Act R.S.A. 2000, conducted an interior land-use inspection of the building at the property noted above.

LAND USE INFRACTION:

Our investigation revealed that a 4 Dwelling Apartment House has been developed. The City of Edmonton has not issued a development permit for Apartment Housing at this property, which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1 and Section 23.1(2) of the Edmonton Zoning Bylaw 12800.

According to section 7.2(1) of the Edmonton Zoning Bylaw 12800:

"Apartment Housing means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use". Apartment Housing is not a listed use in the RF2 Zone, which means that a development permit may not be issued for this use at the property.

The building at the property is currently approved as a Semi-detached house. According to section 7.2(8) of the Edmonton Zoning Bylaw 12800:

"Semi-detached Housing means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Secondary Suites or Duplexes".

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO:

Revert the building back to its approved use as a Semi-detached house. This will require:

- Removing the keyed lock separation between the upstairs and downstairs floors;
- Removing all cooking facilities from basement level, including the stoves, the 220 volt electrical outlets which connect to the stoves, and the 220 breakers from the electrical panels associated with the stoves;
- Reducing the occupancy of the building to a single Household for each side of the Semi-detached house.

This Order is to be complied with on or before June 8, 2017.

The property will be inspected to determine compliance with this Order. Please contact our office at 780-944-1420 to schedule a decommissioning inspection once the required actions have been completed.

CONSEQUENCES FOR NON-COMPLIANCE:

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out and order may be added to the tax roll of the property and Section 566(1), subject to subsection (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.

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.

Regards,



Brendan Bolstad
Development and Zoning
Development Services
Phone Number: 780-442-7190
Email Address: 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 was related to the parcel;
 - (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.
- (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**

- 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.
- (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.

- (3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

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.
- (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.

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,

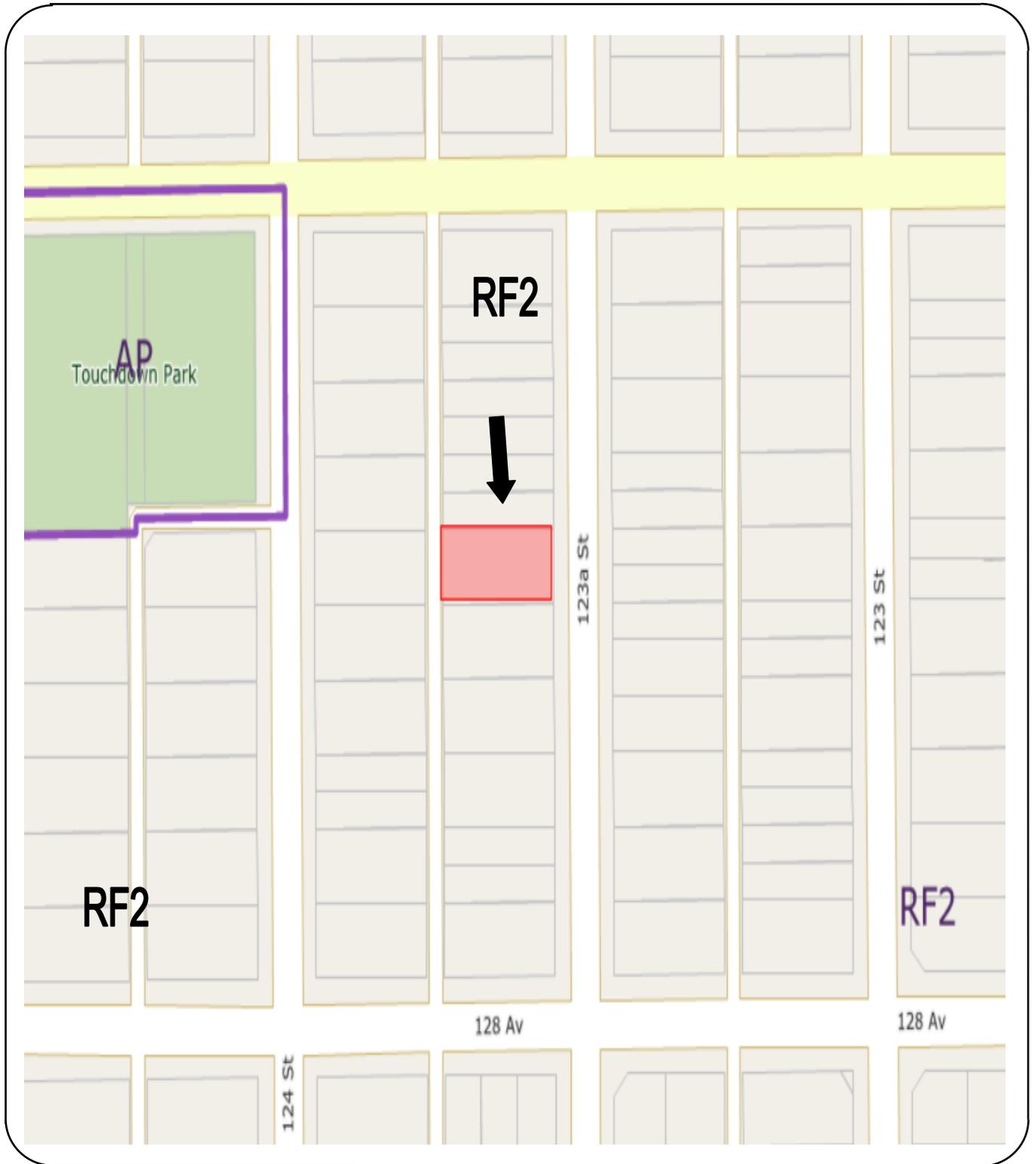
- (a) in the case of an appeal made by a person referred to in section 685(1), after

- (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,

or

- (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.

- (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.
- (5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-093



ITEM II: 11:00 A.M.

FILE: SDAB-D-17-094

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

APPELLANT:

APPLICATION NO.: 242478845-001

APPLICATION TO: Replace an existing Fascia On-premises Sign (Comfort Inn & Suites)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: April 13, 2017

DATE OF APPEAL: May 9, 2017

NOTIFICATION PERIOD: Apr 25, 2017 through May 9, 2017 (Reference page 2 of 2 of permit)

RESPONDENT:

ADDRESS OF RESPONDENT: 10425 - 100 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10425 - 100 Avenue NW

LEGAL DESCRIPTION: Plan NB Blk 4 Lots 46-48

ZONE: RMU Residential Mixed Use Zone

OVERLAY: Special Area Downtown

STATUTORY PLAN: Capital City Downtown Plan

Grounds for Appeal

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

Reasons for appeal:

- 1) The size of the proposed sign (7m2) is more than twice larger than the allowable size of 3m2 as per Section 59B.2 of Zoning Bylaw 12800.
- 2) The sign will reduce the value of my property in Melrose Manor (9938 – 104 Street, NW) because:
 - a) it can create unsightly illumination in the block, and

b) it can attract undesirable business.

The blocks along 104 Street south of Jasper Avenue are well known for their tranquility and residential focus. They attract young families, upcoming entrepreneurs and government officials. The proposed sign goes against the spirit, culture and safe neighborhood feel that has been cultivated in the area. It can therefore negatively affect the neighborhood in a substantial way.

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.

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,

...

- (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*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.2 Class B Development

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land;
 - c. the President of each Community League; and
 - d. the President of each Business Revitalization Zone.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

The decision of the Development Officer is dated April 13, 2017. Notice of the development was published in the *Edmonton Journal* on April 25, 2017. The Notice of Appeal was filed on May 9, 2017.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(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*:

Section 910.10 states that the **General Purpose** of the **RMU Residential Mixed Use Zone** is:

...to provide for primarily medium to high density residential mixed-Use developments, with limited commercial, institutional, office and service Uses distributed on-site in a manner sensitive to the street environment and adjacent residential areas; to support an urban village where amenities are focused on a local main street; and to enhance the institutional and hotel cluster along the north edge of the sub-area.

Under Section 910.2(q), **Fascia On-premises Signs** are a **Permitted Use** in the RMU Residential Mixed Use Zone.

Section 7.9(2) states:

Fascia On-premises Signs means any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two

dimensional representation may be placed. The Copy on such a Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Section 910.1 states that the **General Purpose** of the **Special Area Downtown** is “To designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.”

Sign Area

Section 59B.2(1)(b) states: “the maximum Area for any Fascia On-premises Sign shall not exceed 3 m²”.

Development Officer’s Determination

1. Sign Area - The Sign is 7.0m², instead of 3.0m² (Section 59B.2.b)

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*.

	Project Number: 242478845-001 Application Date: MAR 03, 2017 Printed: May 24, 2017 at 3:06 PM Page: 1 of 2				
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>					
This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit					
Applicant 	Property Address(es) and Legal Description(s) 10425 - 100 AVENUE NW Plan NB Blk 4 Lots 46-48 Location(s) of Work Entryway: 10425 - 100 AVENUE NW Building: 10425 - 100 AVENUE NW				
Scope of Permit To replace an existing Fascia On-premises Sign (Comfort Inn & Suites).					
Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; padding: 5px;"> ASA Sticker No./Name of Engineer: Construction Value: 10000 </td> <td style="width: 50%; padding: 5px;"> Class of Permit: Class B Expiry Date: </td> </tr> <tr> <td style="padding: 5px;"> Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0 </td> <td style="padding: 5px;"> Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0 </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 10000	Class of Permit: Class B Expiry Date:	Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
ASA Sticker No./Name of Engineer: Construction Value: 10000	Class of Permit: Class B Expiry Date:				
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0				
I/We certify that the above noted details are correct. Applicant signature: _____					
Development Permit Decision Appealed to SDAB Subject to the Following Conditions <ol style="list-style-type: none"> 1. The proposed Fascia On-premises Sign shall comply in accordance with the approved plans submitted. 2. The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens. (Reference Section 59.2(4)) 3. The applicant must enter into an Encroachment Agreement for the sign and canopy that encroaches onto the 100 Avenue Road right-of-ways. <p>ADVISEMENTS: 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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Reference Section 5.2)</p> Variances <ol style="list-style-type: none"> 1. Sign Area - The Sign is 7.0m², instead of 3.0m² (Section 59B.2.b) 					
The permit holder is advised to read the reverse for important information concerning this decision.					



Project Number: **242478845-001**
Application Date: MAR 03, 2017
Printed: May 24, 2017 at 3:06 PM
Page: 2 of 2

Application for Sign Combo Permit

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 13, 2017 **Development Authority:** ADAMS, PAUL **Signature:** _____
Notice Period Begins: Apr 25, 2017 **Ends:** May 09, 2017

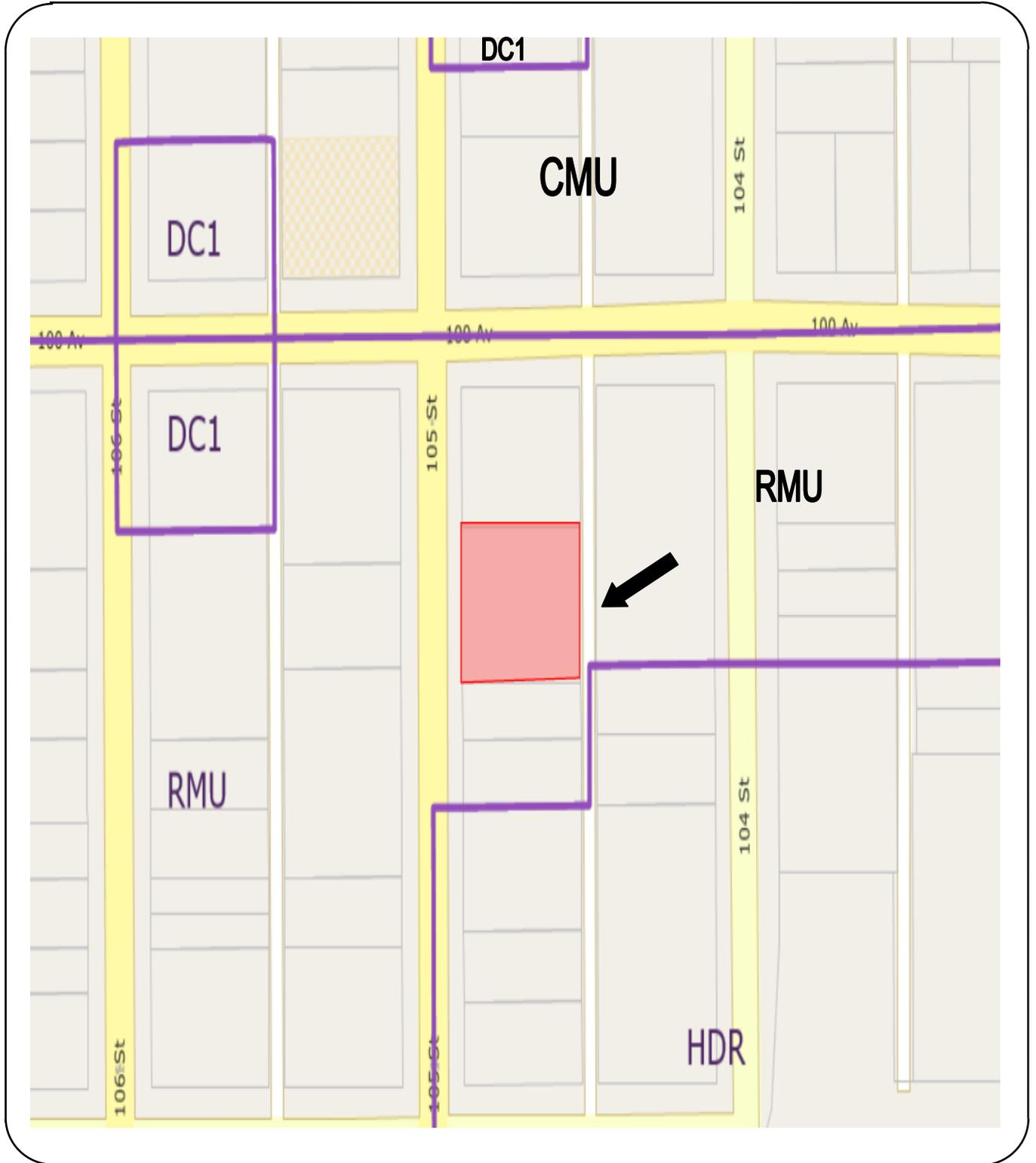
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$6.08	\$6.08	03991956	Mar 21, 2017
Sign Building Permit Fee	\$152.00	\$152.00	03991956	Mar 21, 2017
Sign Development Application Fee	\$91.00	\$91.00	03991956	Mar 21, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$249.08	\$249.08		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-094



ITEM III: 2:00 P.M.

FILE: SDAB-D-17-095

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 238169195-001

APPLICATION TO: Construct a Single Detached House with front veranda, front balcony, rear uncovered deck, rear attached garage, fireplace, a Secondary Suite in the Basement and to demolish a Single Detached House and Accessory building (detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 9, 2017

DATE OF APPEAL: May 9, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9633 - 99A Street NW

LEGAL DESCRIPTION: Plan 4798EO Blk 1 Lot 28

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

I would like to appeal the decision of the development officer based on the accepted, granted and expected variances to the mature neighborhood. The requested variances are to alleviate hardships and offset Staggering land-costs in this unique neighborhood. All hardships and explanations for requested variances have been addressed and explained in our appeal to be put forward to the board. Im sure you get lots of these so I wouldn't want to take up to much of your time.

Thank you..Feel free to contact me [REDACTED]

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.

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
 - ...

The decision of the Development Officer is dated May 9, 2017. The Notice of Appeal was filed on May 9, 2017.

Determining an Appeal

Hearing and decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under sections 140.2(7) and 140.2(9), **Secondary Suites** and **Single Detached Housing** are **Permitted Uses** in the RF3 Small Scale Infill Development Zone.

Section 7.2(7) states:

Secondary Suite means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Use is Single Detached 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 the side or rear of the structure. This Use includes the development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

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 in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Mature Neighbourhood Overlay Community Consultation

Section 814.3(24) of the Mature Neighbourhood Overlay provides as follows:

24. When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
- d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

Front Setback

Section 814.3(1) states:

The Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. On a Corner Site, in the (RF3) Small Scale Infill Development Zone, where Row Housing, Stacked Row Housing or Apartment Housing faces the flanking Side Lot Line, the following regulations shall apply:

- a. For Lots where the Front Setback of the Abutting Lot is 9.0 m or less, the Front Setback shall be a maximum of 6.0 m.
- b. For Lots where the Front Setback of the Abutting Lot is greater than 9.0 m and less than 11.0 m, the Front Setback shall be consistent within 3.0 m of the Front Setback of the Abutting Lot, to a maximum of 7.0 m.
- c. For Lots where the Front Setback of the Abutting Lot is 11.0 m or greater, the Front Setback shall be within 4.0 m of the Front Setback of the Abutting Lot.

Development Officer's Determination

1. Reduced Front Setback - The distance from the Single Detached House to the property line along 99A Street (front lot line) is 4.34m instead of within 4.63m (Section 814.3.1)

Window Location

Section 814.3(4) states:

Where a structure is two or more Storeys and an interior Side Setback is less than 2.0 m, the applicant shall provide information regarding the location of windows and Amenity Areas on Abutting properties, and the windows of the proposed development shall be located to minimize overlook into Abutting properties or the development shall incorporate design techniques such as, but not limited to, incorporating vegetative Privacy Screening, translucent window treatment or raised windows to minimize overlook into Abutting properties, to the satisfaction of the Development Officer.”

Development Officer's Determination

2. Window Location - Third storey bedroom windows on Right Elevation overlook Abutting property (Section 814.3(4))

Rear Setback

Section 814.3(5) states: “The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.”

Development Officer’s Determination

3. Reduced Rear Setback - The distance from the Single Detached House to the rear property line is 7.24m (24% of site depth) instead of 12.19m (40% of site depth). (Section 814.3.5)

Projection

Section 44(3) states:

44. Projection into Setbacks and Separation Spaces

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

3. a) Platform Structures provided such projections do not exceed 2.5 m into a Front Setback;
- b) Platform Structures provided such projections do not exceed 2.0 m into any other Setbacks or Separation Spaces with a depth of at least 4.0 m;
- c) Platform Structures provided such projections do not exceed 0.6 m into any other Setbacks or Separation Spaces with a depth of less than 4.0 m; and
- d) Notwithstanding subsection 44(3)(b) and subsection 44(3)(c), Platform Structures 0.6 m or less in Height may be constructed to the Lot lines Abutting an interior Side Yard and Rear Yard;

Development Officer’s Determination

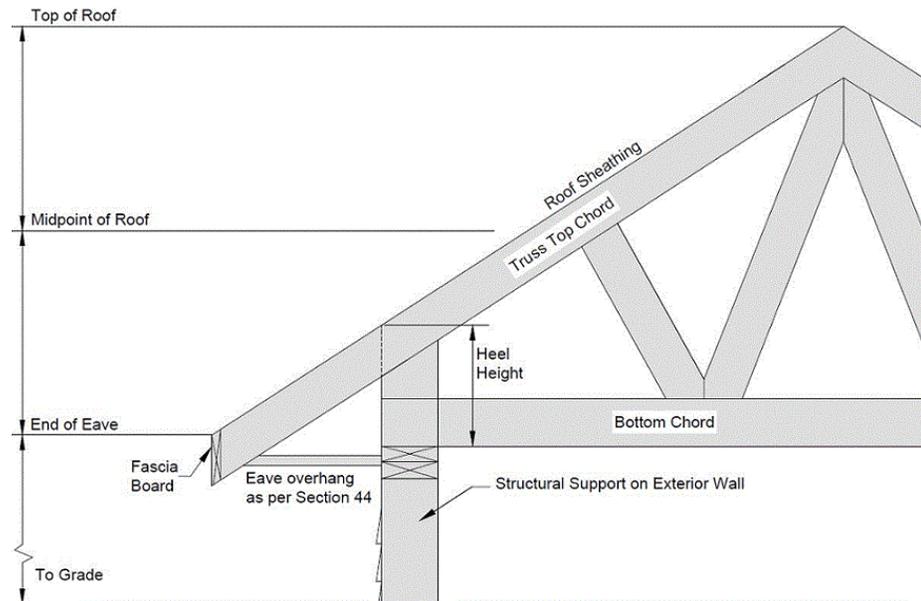
4. Projection - The distance from the rear uncovered deck to the back property line (rear lot line) is 6.63m, instead of 10.19m (Section 44.3)

Height

Section 52.1(a) provides as follows:

The Development Officer shall calculate building Height by determining the roof type, and applying the following:

- a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof...



Section 814.3(13) states: “The maximum Height shall not exceed 8.6 m, in accordance with Section 52.”

Development Officer’s Determination

5. Height - The overall Height of the Single Detached House is 11.59m to the midpoint of the roof, instead of 8.6m and the Height to the peak of the roof is 11.74m instead of 10.1m (Reference Section 814.3(13) & 52.1(a))

Attached Garage

Section 814.3(18) states: “Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.”

Development Officer’s Determination

6. Attached Garage - A rear attached garage is proposed on an interior lot, instead of a corner lot (Section 814.3.18)

Site Coverage

Section 140.4(10)(a) states:

Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached and Duplex Housing - Site area 300 m ² or greater	28%	12%	40%	40%

Development Officer’s Determination

7. Site Coverage - The Single Detached House with attached Garage covers 48% of the site, instead of 40% (Section 140.4(10)(a)).

Secondary Suite - Front Area

Section 86(1) states: “A Secondary Suite shall comply with the following regulations: the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m², except in the case of the RR [Rural Residential] Zone, where it shall be the same as the minimum Site area for the Zone.”

Development Officer’s Determination

8. Site Area - The area of the site containing a Secondary Suite is 306.58m² instead of 360m² (Section 86.1)

Parking

Section 54.2 Schedule 1 – Vehicular Parking Requirement provides as follows:

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required

Residential and Residential-Related Uses	
2. Garage Suite Garden Suite Secondary Suite	1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.
3. Duplex Housing Mobile Homes (excluding Mobile Home Parks) Semi-detached Housing Single Detached Housing	2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space. Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.

Development Officer’s Determination

9. Parking - The site has 2 parking spaces, instead of 3 (Section 54.2 and Schedule 1)

Rooftop Terrace and Privacy Screening

Section 61(1)(a)(iv) states:

On a Site Abutting a Site zoned to allow Single Detached Housing as a Permitted Use, or a Site zoned RF5 Row Housing Zone, Rooftop Terraces and Privacy Screening, excluding vegetative screening constructed on a Rooftop Terrace, shall be developed in accordance with the following Stepback regulations:

- a. On an Interior Site, the minimum Stepback shall be:
 - ...
 - iv. 2.0 m from any building Façade facing a Side Lot Line, where the Site Width is 10.0 m or greater.

Development Officer’s Determination

10. Rooftop Terrace - The Rooftop Terrace Stepback facing the Side Lot Line is 1m instead of 2m (Reference Section 61.1(a)(iv)).

11. Privacy Screening - The 1.5m high privacy screen on the Rooftop Terrace has a 0.46m Stepback instead of 2.0m (Section 61.1(a)(iv))

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*.

	Project Number: 238169195-001 Application Date: DEC 23, 2016 Printed: May 24, 2017 at 4:39 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>			
This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit			
Applicant 	Property Address(es) and Legal Description(s) 9633 - 99A STREET NW Plan 4798EO Blk 1 Lot 28 Location(s) of Work Suite: BSMT, 9633 - 99A STREET NW Entryway: 9633 - 99A STREET NW Building: 9633 - 99A STREET NW		
Scope of Application To construct a Single Detached House with front veranda, front balcony, rear uncovered deck, rear attached garage, fireplace, a Secondary Suite in the Basement and to demolish a Single Detached House and Accessory building (detached Garage).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 3316 Class of Permit: Class B Front Yard (m): 4.34 Rear Yard (m): 7.24 Side Yard, left (m): 1.22 Site Area (sq. m.): 306.58 Site Width (m): 10.06 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 11.59 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: Y Side Yard, right (m): 1.22 Site Depth (m): 30.48 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 3316 Class of Permit: Class B Front Yard (m): 4.34 Rear Yard (m): 7.24 Side Yard, left (m): 1.22 Site Area (sq. m.): 306.58 Site Width (m): 10.06	Building Height to Midpoint (m): 11.59 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: Y Side Yard, right (m): 1.22 Site Depth (m): 30.48 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
Affected Floor Area (sq. ft.): 3316 Class of Permit: Class B Front Yard (m): 4.34 Rear Yard (m): 7.24 Side Yard, left (m): 1.22 Site Area (sq. m.): 306.58 Site Width (m): 10.06	Building Height to Midpoint (m): 11.59 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: Y Side Yard, right (m): 1.22 Site Depth (m): 30.48 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused			
THIS IS NOT A PERMIT			



Project Number: **238169195-001**
 Application Date: DEC 23, 2016
 Printed: May 24, 2017 at 4:39 PM
 Page: 2 of 2

Application for House Development and Building Permit

Reason for Refusal

1. Reduced Front Setback - The distance from the Single Detached House to the property line along 99A Street (front lot line) is 4.34m instead of within 4.63m (Section 814.3.1)
2. Window Location - Third storey bedroom windows on Right Elevation overlook Abutting property (Section 814.3(4))
3. Reduced Rear Setback - The distance from the Single Detached House to the rear property line is 7.24m (24% of site depth) instead of 12.19m (40% of site depth). (Section 814.3.5)
4. Projection - The distance from the rear uncovered deck to the back property line (rear lot line) is 6.63m, instead of 10.19m (Section 44.3)
5. Height - The overall Height of the Single Detached House is 11.59m to the midpoint of the roof, instead of 8.6m and the Height to the peak of the roof is 11.74m instead of 10.1m (Reference Section 814.3(13) & 52.1(a))
6. Attached Garage - A rear attached garage is proposed on an interior lot, instead of a corner lot (Section 814.3.18)
7. Site Coverage - The Single Detached House with attached Garage covers 48% of the site, instead of 40% (Section 140.4(10)(a))
8. Site Area - The area of the site containing a Secondary Suite is 306.58m² instead of 360m² (Section 86.1)
9. Parking - The site has 2 parking spaces, instead of 3 (Section 54.2 and Schedule 1)
10. Rooftop Terrace - The Rooftop Terrace Stepback facing the Side Lot Line is 1m instead of 2m (Reference Section 61.1(a)(iv)).
11. Privacy Screening - The 1.5m high privacy screen on the Rooftop Terrace has a 0.46m Stepback instead of 2.0m (Section 61.1(a)(iv))

Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: May 09, 2017 **Development Authority:** McARTHUR, JORDAN **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$135.00	\$135.00	03827155	Dec 23, 2016
Sec Suite SSTC Fee	\$0.00	\$693.00	03831465	Dec 28, 2016
Electrical Safety Codes Fee	\$17.42	\$17.42	03827155	Dec 23, 2016
DP Notification Fee	\$102.00	\$102.00	04127064	May 15, 2017
Building Permit Fee	\$2,598.00	\$2,598.00	03827155	Dec 23, 2016
Electrical Fees (House)	\$323.00	\$323.00	03827155	Dec 23, 2016
Electrical Fee (Service)	\$77.00	\$77.00	03827155	Dec 23, 2016
Safety Codes Fee	\$103.92	\$103.92	03827155	Dec 23, 2016
Water Usage Fee	\$84.70	\$84.70	03827155	Dec 23, 2016
Sanitary Sewer Trunk Fund	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,441.04	\$4,134.04		
(overpaid by \$693.00)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-095

