

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
November 9, 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-16-281	Erect an overheight 2.44m (8') fence in the front yard of a Single Detached House  9235 - 118 Street NW Project No.: 227067620-003
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II	10:30 A.M.	SDAB-D-16-282	Construct an Addition (a new entrance to Basement) to an existing Single Detached House  5722 - 110 Street NW Project No.: 225226844-001
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III	1:00 P.M.	SDAB-D-16-283	Demolish an existing Automotive and Recreational Vehicle Sales/Rentals building and change the use of the site to Non-accessory Parking  10617 - 105 Street NW, 10430 - 106 Avenue NW Project No.: 024987724-006
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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-16-281

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 227067620-003

ADDRESS OF APPELLANT: 9235 - 118 Street NW

APPLICATION TO: Erect an overheight 2.44m (8') fence in the front yard of a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 6, 2016

DATE OF APPEAL: October 13, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9235 - 118 Street NW

LEGAL DESCRIPTION: Plan 1252AH Blk 34 Lot 19

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

The "over height fence" is a semi-open thin slat style privacy screen meant to blend into the landscape as a "living wall" with vines and other foliage growing from the ground and wrapping around the screen. It benefits both 9235-118 street and 9231-118 street as the screen provides each property with privacy - especially as 9231-118 Street has a front ground-level patio/chairs and 9235-118 street is often in the front yard gardening.

- The fence is installed entirely on private property and not on the property line, thus giving 9231-118 Street a few inches of added space.
- The fence does not impede any sightlines for vehicular or pedestrian traffic.

- The materials of the screen are better than the standard of surrounding development.
- The screen will not interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring parcels of land; rather, it will add to the beautification of the neighborhood.
- The screen provides 9235 interior privacy from 9231's front patio, especially in the warmer months. This can only be achieved with the proposed 2.44 m height of the screen as the trajectory into 9231's front patio changes (is higher) from the interior main floor of 9235.
- The screen at its proposed 2.44m height is able to provide 9231 with privacy each time someone enters their front door. Again, the proposed height is important as the steps leading up to 9231's front door is 3 feet higher than ground level.
- Very similar to 9231's screen at their back deck that extends approx. 3 feet from the 6 foot high fence -- providing both properties with privacy.

<i>General Matters</i>
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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

...

The decision of the Development Officer is dated October 6, 2016. The Notice of Appeal was filed on October 13, 2016.

### **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 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, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

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.

### ***Fence Height***

Section 49 sets out the development regulations for Fences, Walls, Gates, and Privacy Screening in Residential Zones.

Subsections 49(1)(d) and (f) provide as follows:

d. On an Interior Site, the Height of a Fence, wall, or gate shall not exceed:

i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard, and

ii. 1.85 m in all other Yards.

...

f. In the case where the permitted Height of a Fence, wall, or gate is 1.2 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,

### **Development Officer's Determination**



Fence Height - The fence along the side property line shared with 9231 118 Street is 2.44m high, instead of 1.2m (Section 49.1) [unedited]

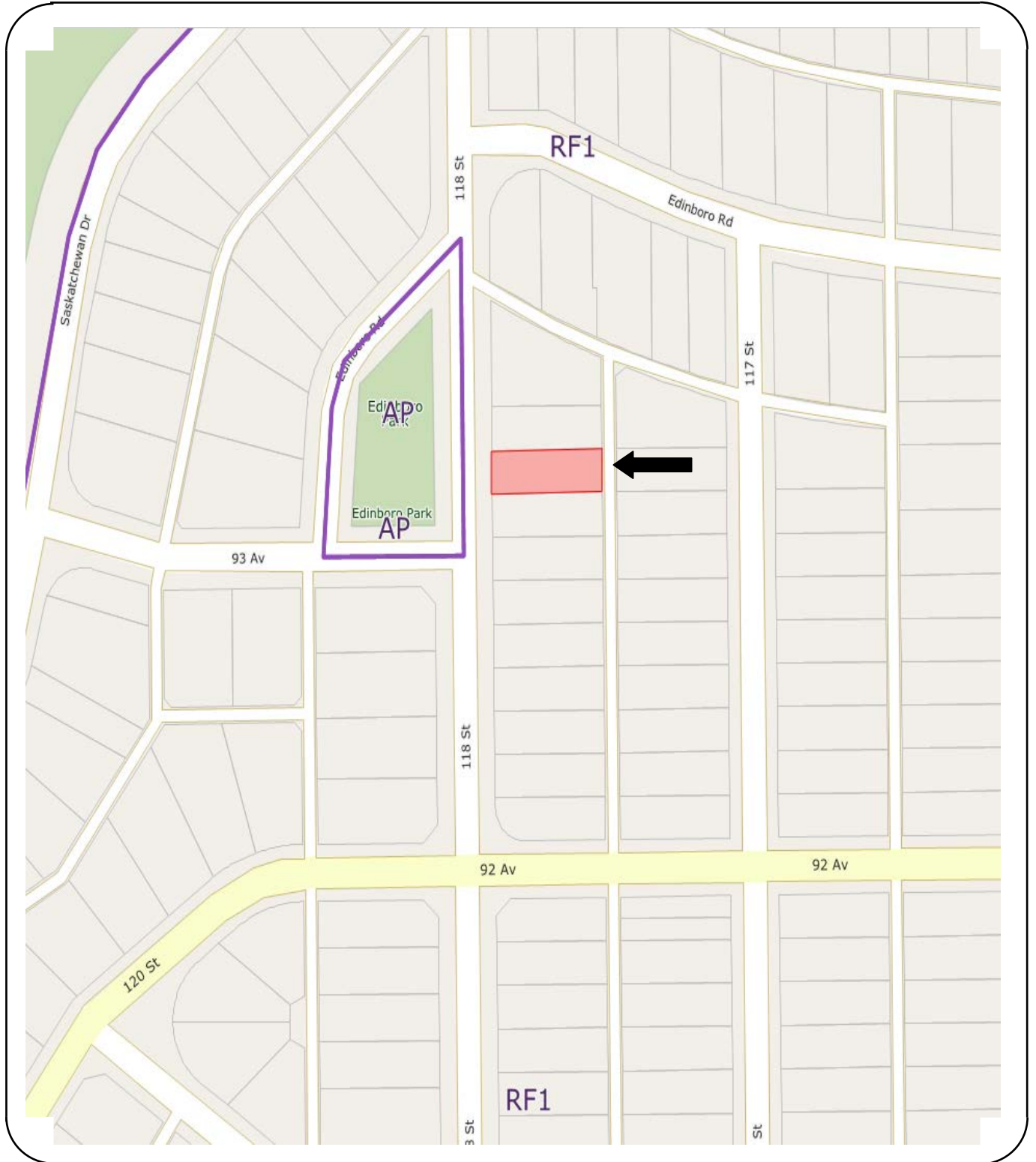
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### **Notice to Applicant/Appellant**

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>227067620-003</b> Application Date: SEP 17, 2016 Printed: October 6, 2016 at 3:29 PM Page: 1 of 1																									
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																										
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<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 9235 - 118 STREET NW Plan 1252AH Blk 34 Lot 19  <b>Specific Address(es)</b> Entryway: 9235 - 118 STREET NW Building: 9235 - 118 STREET NW																									
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<b>THIS IS NOT A PERMIT</b>																										



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-281





ITEM II: 10:30 A.M.

FILE: SDAB-D-16-282

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 225226844-001

ADDRESS OF APPELLANT: 5722 - 110 Street NW

APPLICATION TO: Construct an Addition (a new entrance to Basement) to an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 30, 2016

DATE OF APPEAL: October 13, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5722 - 110 Street NW

LEGAL DESCRIPTION: Plan 239HW Blk 13 Lot 4

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

Please be advised that I would like to appeal the decision of refusal of the development application.

Thank you so much for your time to review this application.

As requested by the development officer, I did a survey of the neighborhood and the neighbors were mostly in favor of me making improvements to the house or had no objections to the addition to the home.

The reason for the location of the secondary door at the front of the house is that the stairway is located at that location inside the house. It is

very awkward to get things from the outside to the basement and an entrance at that location would make it so much easier.

I would like to address each of the reasons given for denying the permit.

**Reason 1: Reduced front setback**

The secondary door will not be closer to the sidewalk as the previously approved and permitted bay window which is closely to the bay window and it will not produce past the front steps.

**Reason 2: The Development Officer deemed the basement a secondary suite**

The house has a livable space on the main floor of 2200 square feet and in the basement is walkable space of 1700 square feet. The main floor has three bedrooms and the basement has three bedrooms.

There are presently three people living in the house: two roommates and myself. I believe that that is not densely populated.

Also I have a license to do massage therapy and I have a development permit to have one client a day. However I was advised if I expand my massage practice I need to get a different development permit. If I get a development permit for the basement I believe I may not receive the business permit.

**Reason 3: The addition will change the appearance of the dwelling and it will no longer appear as a single dwelling**

The professionally finished entrance will blend in with the rest of the house by using the same stucco and paint colour. The existing front door is highlighted by a peak above the door as well as a railing, stairs and landing leading to the door. This entrance is the true focal point of the house and stands out from the rest of the house. Landscaping will also lead visitors to the existing main front door.

There is precedent in the neighbourhood for houses with two front doors as my next-door neighbor also has two front doors and it appears to be a single dwelling. None of my neighbors has seen the secondary door permit as a problem and many houses built in the same era have two front entrances with one leading into the basement.

**Reason 4: Three parking spaces instead of four**

There are currently three people living in the house and there are three parking spaces according to the development officer. Two parking spaces are available in the large garage and two vehicles can be parked back to back on the large driveway. Should parking become a problem, the front yard is 25.93 meters wide and more parking spaces could be created. There is also ample street parking available.

I truly believe that this secondary entrance will not significantly change the look of the house, the feel of the neighbourhood or impact parking or

others in the neighbourhood and I hope you will consider this appeal kindly. [content unedited; formatting edited for clarity]

***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**

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- (a) in the case of an appeal made by a person referred to in section 685(1), after
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The decision of the Development Officer is dated September 30, 2016. The Notice of Appeal was filed on October 13, 2016.

**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 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, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

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

***Reduced Front Setback***

Section 814.3(1) provides as follows:

1. 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 110 Street (front lot line) is 5.78m instead of 6.74m (Section 814.3(1)).

***Proposed Development Deemed as Secondary Suite***

Section 11.2 sets out the duties of a Development Officer with respect to development applications.

Section 11.2(3) states: "The Development Officer shall receive all applications for development and... shall review each Development Application to ascertain its appropriate development class, and may require the applicant to apply for a Permit for a different class."

Section 7.1(3) provides as follows:

3. The following guidelines shall be applied in interpreting the Use Class definitions:

a. the typical Uses, which may be listed in the definitions, are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class;

b. where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may, in his discretion, deem that the use conforms to and is included in that Use Class which he considers to be the most appropriate in character and purpose. In such a case, the use shall be considered a Discretionary Use, whether or not the Use Class is listed as Permitted or Discretionary within the applicable Zone; and

c. the Use Class headings such as Residential or Commercial do not mean that the Use Classes listed under these headings are permitted only in Residential or Commercial Zones of this Bylaw. Reference must be made to the lists of Permitted and Discretionary Use Classes within each Zone.

The Development Officer has deemed the proposed development as a Secondary Suite.

Section 7.2(3) defines **Secondary Suite** as follows:

... 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 Class 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 Class 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.

**Development Officer’s Determination**

2. The Development Officer deems the Basement to be a Secondary Suite (Reference Section 7.1(3), 7.2(7), and Section 11.2).

***Appearance as a Single Dwelling***

Section 86(4) states: “A Secondary Suite shall comply with the following regulations... a Secondary Suite shall be developed in such a manner that the exterior of the principal building containing the Secondary Suite shall appear as a single Dwelling.”

**Development Officer’s Determination**

3. The addition will change the exterior of the principal building and it will no longer appear as a single Dwelling (Section 86.4).

***Parking***

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

<b>Schedule 1(A) Areas outside of the Downtown Special Area</b>	
<b>Use of Building or Site</b>	<b>Minimum Number of Parking Spaces or Garage Spaces Required</b>
<b>Residential and Residential-Related Uses</b>	
2. 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.

**Development Officer’s Determination**

4. Parking - The site has 3 parking spaces, instead of 4 (Section 54.2 and Schedule 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: <b>225226844-001</b> Application Date: JUL 04, 2016 Printed: September 30, 2016 at 1:01 PM Page: 1 of 2										
<h2 style="margin: 0;">Application for Minor Development Permit</h2>											
This document is a Development Permit Decision for the development application described below.											
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 5722 - 110 STREET NW Plan 239HW Blk 13 Lot 4  <b>Specific Address(es)</b> Suite: 5722 - 110 STREET NW Entryway: 5722 - 110 STREET NW Building: 5722 - 110 STREET NW										
<b>Scope of Application</b> To construct an Addition (a new entrance to Basement) to an existing Single Detached House.											
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<b>THIS IS NOT A PERMIT</b>											



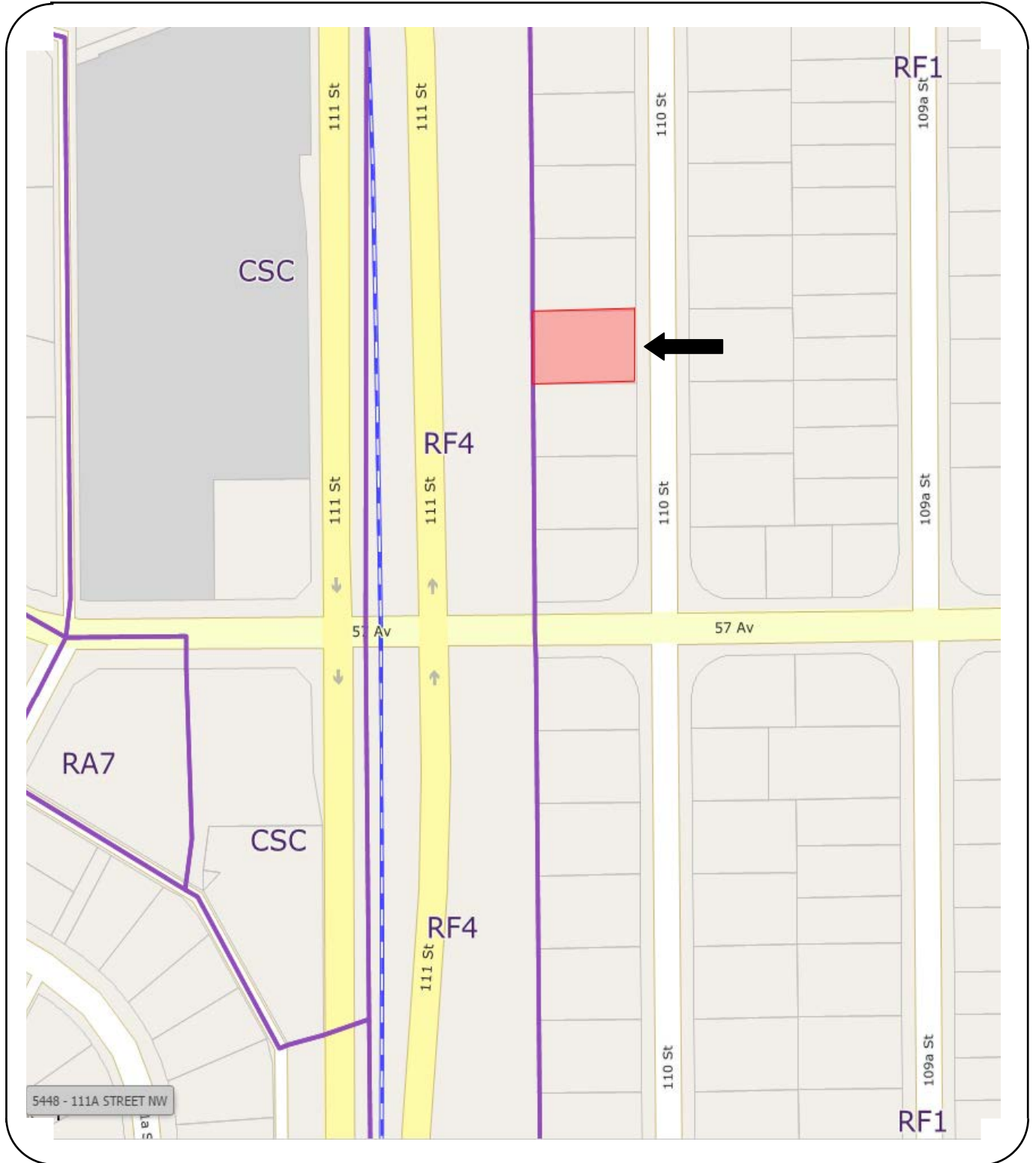
Project Number: **225226844-001**  
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Printed: September 30, 2016 at 1:01 PM  
Page: 2 of 2

## Application for Minor Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
DP Notification Fee	\$41.00			
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$434.00	\$393.00		
( \$41.00 outstanding )				

**THIS IS NOT A PERMIT**



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-282



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-283

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 024987724-006

ADDRESS OF APPELLANT: 10617 - 105 Street NW  
10430 - 106 Avenue NW

APPLICATION TO: Demolish an existing Automotive and  
Recreational Vehicle Sales/Rentals  
building and change the use of the site to  
Non-accessory Parking

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 7, 2016

DATE OF APPEAL: October 12, 2016

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 10617 - 105 Street NW  
10430 - 106 Avenue NW

LEGAL DESCRIPTION: Plan B3 Blk 4 Lot 211  
Plan B3 Blk 4 Lots 209-210

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: Central McDougall/Queen Mary Park  
Area Redevelopment Plan

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***Grounds for Appeal***

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

The permit was denied based on landscaping requirements. We have cleaned up the site a whole lot and have paved the site giving it a fresh and new look to the neighbourhood. We will have it fully lit up with five led lights and five video monitored cameras will also be installed. We are asking the city to grant us permit for the time being so we can try and secure financing to turn this in to a hotel/residential development in the

future. We will upload renderings of the site as soon as they come available. [unedited]

***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 October 7, 2016. The Notice of Appeal was filed on October 12, 2016.

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

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 330.3(25), **Non-accessory Parking** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Section 7.4(39) defines **Non-accessory Parking** as “development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below Grade.”

*Discretionary Use*

**Development Officer’s Determination**

1. Section 330.3(25) Non-Accessory Parking is a Discretionary Use.

In the opinion of the development officer, a non-accessory parking lot is not a suitable use adjacent to existing apartment housing. The subject site is located in an area that is designated medium-rise apartments.

***Minimum Setback***

Section 330.4(3) states:

3. A minimum Setback of 3.0 m shall be required where a Site abuts a public roadway, other than a Lane except:
  - a. where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, buildings shall be built at the property line of the Site;

**Development Officer's Determination**

The Development Officer referenced section 330.4(3) and made the following determination:

Required: 3.0 m  
Proposed: 2.7 m

***Parking Prohibited in Setback, and Inadequate Screening***

Section 330.4(5) states:

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Vehicular parking, loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or a LRT line in accordance with the provisions of Section 55.5 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service or display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw.

**Development Officer's Determination**

The applicant proposes to have surface parking within the required setback. The property lines abutting two public roadways and an LRT line are not adequately screened.

***Landscaped Open Space Within the Parking Area***

Section 54.2(3)(a) states:

3. Landscaped Islands Within Parking Areas
  - a. Every off-street parking or loading area designed to accommodate 30 or more vehicles at Grade, shall incorporate landscaped open space

within the parking area, calculated on the basis of 2.0 m2 of landscaped island area per required parking and loading space. This shall be Landscaped in accordance with Section 55.3 of this Bylaw.

**Development Officer’s Determination**

Required: 122 sq.m

Proposed: 0

***Two Landscaped Islands Required***

Section 54.2(3)(b) states:

3. Landscaped Islands Within Parking Areas

...

b. For parking areas containing parking for 40 or more vehicles, a minimum of two landscaped islands shall be required. These islands shall be placed to provide visual relief, to assist vehicular circulation and to organize large areas of parking into smaller cells. The number of islands provided shall be to the satisfaction of the Development Officer.

**Development Officer’s Determination**

Required: 2 or more

Proposed: 0

***Landscaping Requirements for Commercial Development***

Section 55.3(1)(b)(i) states:

1. Unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following:

...

b. for new development consisting of Residential-Related Use Classes, Commercial Use Classes, Industrial Use Classes, Basic Services Use Classes, and Community, Educational, Recreational and Cultural Service Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

i. one tree for each 25 m2 and one shrub for each 15 m2 of Setback;

**Development Officer’s Determination**

Required Setback: 355.0 sq.m

Proposed Setback: 339.6 sq.m



***Perimeter Planting***

Section 55.5(5) states:

Any parking lot having eight or more parking spaces that is visible from an Abutting Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a LRT line, shall have perimeter planting. The location, length, thickness and Height of such perimeter planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking lot.

**Development Officer's Determination**

The proposed perimeter planting is not sufficient to provide substantial interruption of the view of the parking lot from the LRT line.

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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: **24987724-006**  
Application Date: JUN 29, 2016  
Printed: October 17, 2016 at 11:38 AM  
Page: 1 of 3

## Application for Major Development Permit

This document is a Development Permit Decision for the development application described below.

<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 10617 - 105 STREET NW Plan B3 Blk 4 Lot 211  10430 - 106 AVENUE NW Plan B3 Blk 4 Lots 209-210
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**Scope of Application**  
To demolish an existing Automotive and Recreational Vehicle Sales/Rentals building and change the use of the site to Non-accessory Parking.

<b>Permit Details</b>  Class of Permit: Class B Gross Floor Area (sq.m.): 0 New Sewer Service Required: N Site Area (sq. m.): 2090.83	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.  
Applicant signature: \_\_\_\_\_

**Development Application Decision**  
Refused

**THIS IS NOT A PERMIT**



Project Number: **24987724-006**  
 Application Date: JUN 29, 2016  
 Printed: October 17, 2016 at 11:38 AM  
 Page: 2 of 3

## Application for Major Development Permit

### Reason for Refusal

1. Section 330.3(25) Non-Accessory Parking is a Discretionary Use.

In the opinion of the development officer, a non-accessory parking lot is not a suitable use adjacent to existing apartment housing. The subject site is located in an area that is designated medium-rise apartments.

2. Section 330.4(3) A minimum Setback of 3.0 m shall be required where a Site abuts a public roadway, other than a Lane except where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, buildings shall be built at the property line of the Site.

Required: 3.0 m  
 Proposed: 2.7 m

3. Section 330.4(5) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Vehicular parking, loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or a LRT line in accordance with the provisions of Section 55.5 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service or display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw.

The applicant proposes to have surface parking within the required setback. The property lines abutting two public roadways and an LRT line are not adequately screened.

4. Section 54.2(3)(a) Every off-street parking or loading area designed to accommodate 30 or more vehicles at Grade, shall incorporate landscaped open space within the parking area, calculated on the basis of 2.0 m<sup>2</sup> of landscaped island area per required parking and loading space. This shall be Landscaped in accordance with Section 55.3 of this Bylaw.

Required: 122 sq.m  
 Proposed: 0

5. Section 54.2(3)(a) For parking areas containing parking for 40 or more vehicles, a minimum of two landscaped islands shall be required. These islands shall be placed to provide visual relief, to assist vehicular circulation and to organize large areas of parking into smaller cells. The number of islands provided shall be to the satisfaction of the Development Officer.

Required: 2 or more  
 Proposed: 0

6. Section 55.3 Landscaping shall be provided on the basis of one tree for each 25 m<sup>2</sup> and one shrub for each 15 m<sup>2</sup> of Setback

Required Setback: 355.0 sq.m  
 Proposed Setback: 339.6 sq.m

7. Section 55.5(5) Any parking lot having eight or more parking spaces that is visible from an Abutting Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a LRT line, shall have perimeter planting. The location, length, thickness and Height of such perimeter planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking lot.

The proposed perimeter planting is not sufficient to provide substantial interruption of the view of the parking lot from the LRT line.

### 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.

**THIS IS NOT A PERMIT**



Project Number: **24987724-006**  
Application Date: JUN 29, 2016  
Printed: October 17, 2016 at 11:38 AM  
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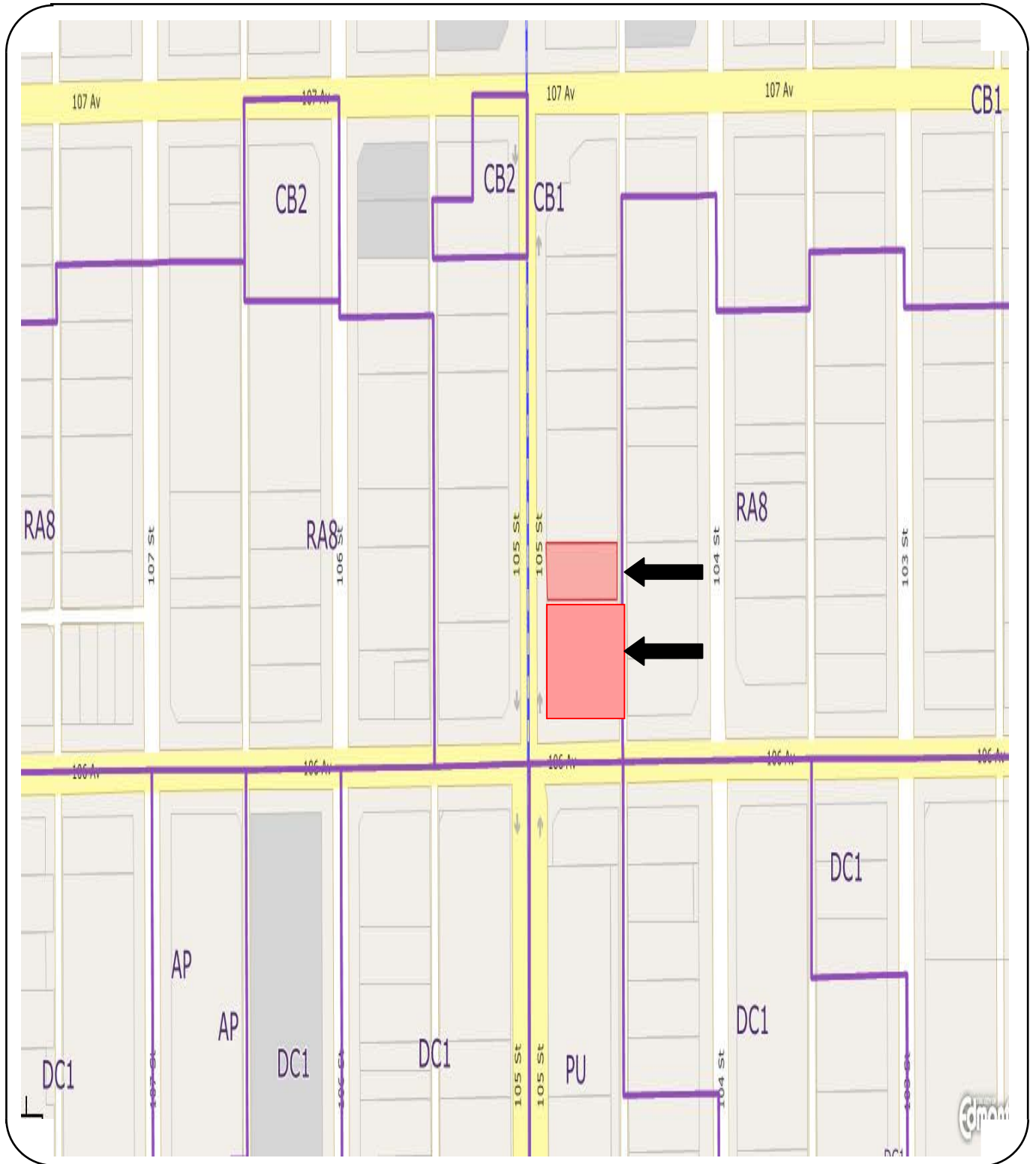
## Application for Major Development Permit

**Issue Date:** Oct 07, 2016    **Development Authority:** BELZILE, PAUL    **Signature:** \_\_\_\_\_

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$323.00	\$323.00	03401794	Jun 29, 2016
DP Notification Fee	\$102.00	\$102.00	03401794	Jun 29, 2016
Lot Grading Fee	\$220.00			
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$645.00	\$425.00		
(\$220.00 outstanding)				

**THIS IS NOT A PERMIT**



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-283



**BUSINESS LAID OVER**

SDAB-D-16-252	An appeal by <u>Tahir Jutt</u> to operate a Major Home Based Business (Filling Sandbags – Sandbags.ca) <b>November 23 or 24, 2016</b>
SDAB-D-16-264	An appeal by <u>413140 Alberta Ltd.</u> to construct exterior alterations to an approved Accessory Building (rear detached garage, 7.3 m x 6.1 m). <b>November 23 or 24, 2016</b>
SDAB-D-16-267	An appeal by <u>Gordon Foster VS Eden Tesfastian</u> to change the Use from Warehouse Sales to Restaurants (170 seats) and to construct interior alterations <b>November 23 or 24, 2016</b>
SDAB-D-16-273	An appeal by <u>Olga Hagodnik</u> to construct an addition (3.33m x 7.39m carport) to a Single Detached House, existing without permits. <b>November 30 or December 1, 2016</b>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <b>November 30 or December 1, 2016</b>
SDAB-D-16-263	An appeal by <u>Alexander Tilley</u> to erect a fence higher than 1.2 m in a Side Yard abutting a public roadway other than a lane. <b>December 7 or 8, 2016</b>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <b>January 25, 2017</b>

**APPEAL HEARINGS TO BE SCHEDULED**

000413016-003	An appeal by <u>Wigalo Holding Ltd. / Kennedy Agrios</u> to Comply with a Stop Order to Cease the Non-Accessory Parking, REMOVE all meters, signage and material related to parking and REFRAIN from allowing Non-Accessory Parking. <b>November 17, 2016</b>
000413016-004	An appeal by <u>Wigalo Holding Ltd. / Kennedy Agrios</u> to Comply with a Stop Order to Cease the Non-Accessory Parking, REMOVE all meters, signage and material related to parking and REFRAIN from allowing Non-Accessory Parking. <b>November 17, 2016</b>
188283359-001	An appeal by <u>Kennedy Agrios</u> to change the use from a Flea Market Use to a Night Club and Major Amusement Establishment (1757 square metres of Public space) <b>November 23 or 24, 2016</b>

**BUSINESS LAID OVER CONTINUED**

116341262-007	An appeal by <u>Meekon Hui / Permit Masters</u> to construct a 2 Storey Accessory Building (Garage Suite on second floor, Garage on main floor, 10.36m x 6.81m), existing without permits <b><i>November 23 or 24, 2016</i></b>
182548244-007	An appeal by <u>Stephanie Chan VS Deborah &amp; Terence Nikolaichuk</u> to construct an Accessory Building (Shed, 3.20 metres by 3.12 metres), existing without permits <b><i>December 7 or 8, 2016</i></b>
128010578-001	An appeal by <u>Jeffrey Jirsch VS Anna Bashir</u> to erect a Privacy Screen 8ft in height along the Southwest portion of the property, along a Required Side Yard <b><i>December 7 or 8, 2016</i></b>