

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-186

Postponed to January 27, 2022

Install a Minor Digital Off-Premises Freestanding Sign (6.10 m x 3.05 m facing E/W)(PATTISON OUTDOOR ADVERTISING)

10360 - 111 Street NW
Project No.: 406920771-002

II 10:30 A.M. SDAB-D-21-187

Construct exterior alterations to a Semi-detached House (increase main floor height), existing without permits

9503 - 88 Avenue NW, 9503C - 88 Avenue NW
Project No.: 404309369-002

III 1:30 P.M. SDAB-D-21-188

Construct a 4 Dwelling Multi-unit Housing building with 4 Secondary Suites in the Basement

9345 - 151 Street NW
Project No.: 402420204-002

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

Postponed to January 27, 2022

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-186

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 406920771-002

APPLICATION TO: Install a Minor Digital Off-Premises Freestanding Sign
(6.10 m x 3.05 m facing E/W)(PATTISON OUTDOOR
ADVERTISING)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 19, 2021

DATE OF APPEAL: October 25, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10360 - 111 Street NW

LEGAL DESCRIPTION: Plan 1282RS Blk 11 Lot 125A

ZONE: DC1 - Direct Development Control Provision (Bylaw
18099 - Area 2)

OVERLAY: N/A

STATUTORY PLAN: 104 Avenue Corridor Area Redevelopment Plan

<i>Grounds for Appeal</i>

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

As solicitors for the Applicants, we appeal the subject refusal on the following grounds:

Whereas the Development Officer has categorized the Development Permit Application for this Sign as one to install a Minor Digital Off-Premises Freestanding Sign, the Appellants Application was made to leave as-built 1 Minor Digital Off-Premises Sign. The within Application was for a renewal of the Development Permit granted by the Board November 18, 2016 in SDAB-D-16-237.

The within Application was refused for the sole reason that it does not comply with all development regulations of the City of Edmonton Zoning Bylaw contrary to the applicable provisions of that Bylaw.

The subject Sign is located well over 200 metres distant from the Sign at 10304 - 109 Street NW contrary to the information provided by the Development Officer and upon which she based here refusal.

Throughout, the Development Officer has failed to follow the directions of Council.

Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

Appeals

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

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

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

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

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) ...

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the DC1 (Area 2 of Bylaw 18099) ("DC1"):

Under section 16.eeee, **Minor Digital Off-premises Sign** is a **Listed Use** in the DC1.

Section 14 states that the **General Purpose** of the DC1 is:

To facilitate the development of a pedestrian friendly and transit-supportive area that is characterized by its mix of commercial and residential uses, directing the most intensive development around station areas while creating a sensitive transition to the south.

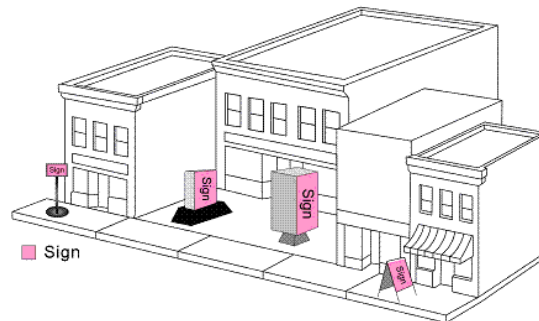
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 7.9(6), a **Minor Digital Off-premises Sign** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, a **Freestanding Sign** means:

means a Sign supported independently of a building.



Signage (Area 2 - Charter Bylaw 18099)

Section 21.j of the DC1 states “Major Digital Signs and Minor Digital Signs shall be permitted, only if affixed to a building.”

Development Officer’s Determination

1. Reference DC1(Area 2) Bylaw 18099 - Section 21(j) - Major Digital Signs and Minor Digital Signs shall be permitted, only if affixed to a building.

Proposed: Sign is not affixed to a building contrary to the DC1 Regulation.

[unedited]

<i>Schedule 59F</i>

Section 21.f of the DC1 states “Signs shall comply with the General Provisions of Section 59 and the regulations found in Schedule 59F of the Zoning Bylaw.”

Schedule 59F.3(6)(e) states proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than 8.0 m ² or Off-premises Signs
20 m ² to 40 m ²	200 m

The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

Development Officer’s Determination

2. Section 59F.3(6)(e) - proposed Sign locations shall be separated from Signs with Digital Copy greater than 20.0 m² by 200 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

Area of Existing PATTISON Sign (DP 408363438-002): 32.68 m²
Location: 10304 - 109 STREET NW
Required Separation Distance: 200 m
Proposed Separation Distance: 125 m
Deficient by: 75 m

[unedited]

Schedule 59F.3(6)(j) states “proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.”

Section 17.t of the DC1 states “Building setbacks shall be as follows:

- i. a minimum 3.0 m and maximum 4.5 m from property lines Abutting a public roadway, other than a Lane.

...

Development Officer’s Determination

3. Section 59F.3(6)(j) - proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback; (a minimum 3.0 m and maximum 4.5 m from property lines Abutting a public roadway, other than a Lane.)

**PROPOSED: 2.59 m From East property line
Deficient by: 0.41 m**

**PROPOSED: 2.16 m From SouthEast property line
Deficient by: 0.84 m**


[unedited]


<i>Previous Subdivision and Development Appeal Board Decision</i>

Application Number	Description	Decision
SDAB-D-16-237	Install (1) Freestanding Minor Digital Off-premises Sign (6.1 metres by 3 metres facing east / west)	November 18, 2016; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to CONDITIONS.

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.

	<h2>Application for Sign Permit</h2>		Project Number: 406920771-002 Application Date: AUG 30, 2021 Printed: October 19, 2021 at 8:26 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 10360 - 111 STREET NW Plan 1282RS Blk 11 Lot 125A		
Scope of Application To install a Minor Digital Off-Premises Freestanding Sign (6.10 m x 3.05 m facing E/W)(PATTISON OUTDOOR ADVERTISING)			
Permit Details			
ASA Sticker No./Name of Engineer: Construction Value: 100000	Class of Permit: Expiry Date:		
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 2 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		
Development Application Decision Refined Issue Date: Oct 19, 2021 Development Authority: MERCIER, KELSEY			
THIS IS NOT A PERMIT			

	<h2 style="margin: 0;">Application for Sign Permit</h2>	Project Number: 406920771-002 Application Date: AUG 30, 2021 Printed: October 19, 2021 at 8:26 AM Page: 2 of 2																				
<p>Reason for Refusal</p> <p>1. Reference DC1(Area 2) Bylaw 18099 - Section 21(j) - Major Digital Signs and Minor Digital Signs shall be permitted, only if affixed to a building.</p> <p>Proposed: Sign is not affixed to a building contrary to the DC1 Regulation.</p> <p>2. Section 59F.3(6)(e) - proposed Sign locations shall be separated from Signs with Digital Copy greater than 20.0 m² by 200 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.</p> <p>Area of Existing PATTISON Sign (DP 408363438-002): 32.68 m² Location: 10304 - 109 STREET NW Required Separation Distance: 200 m Proposed Separation Distance: 125 m Deficient by: 75 m</p> <p>3. Section 59F.3(6)(j) - proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback; (a minimum 3.0 m and maximum 4.5 m from property lines Abutting a public roadway, other than a Lane.)</p> <p>PROPOSED: 2.59 m From East property line Deficient by: 0.41 m</p> <p>PROPOSED: 2.16 m From SouthEast property line Deficient by: 0.84 m</p> <p>Rights of Appeal THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.</p>																						
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Development Application Fee - Digital Signs</td> <td style="text-align: right;">\$1,800.00</td> <td style="text-align: right;">\$1,800.00</td> <td>14411000750J001</td> <td>Aug 30, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$1,800.00</td> <td style="text-align: right; border-top: 1px solid black;">\$1,800.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Development Application Fee - Digital Signs	\$1,800.00	\$1,800.00	14411000750J001	Aug 30, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$1,800.00	\$1,800.00		
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<p>THIS IS NOT A PERMIT</p>																						

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-187

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 404309369-002

APPLICATION TO: Construct exterior alterations to a Semi-detached House
(increase main floor height), existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 21, 2021

DATE OF APPEAL: October 21, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9503 - 88 Avenue NW, 9503C - 88 Avenue NW

LEGAL DESCRIPTION: Plan 3737AI Blk 3 Lot 1, Condo Common Area (Plan
2121838)

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Development officer has no authority to vary maximum height.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

Appeals

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

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

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

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

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

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

...

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(7), **Semi-detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(7), **Semi-detached Housing** means:

development consisting of a building that contains two principal Dwellings joined in whole or in part at the side or rear with neither of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This Use does not include Duplex Housing.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

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

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Height

Section 814.3(5) states “The maximum Height shall not exceed 10.0 m in the RF5 Zone and 8.9 m in all other Zones.”

Under section 6.1, **Height** means “a vertical distance between two points.”

Development Officer’s Determination

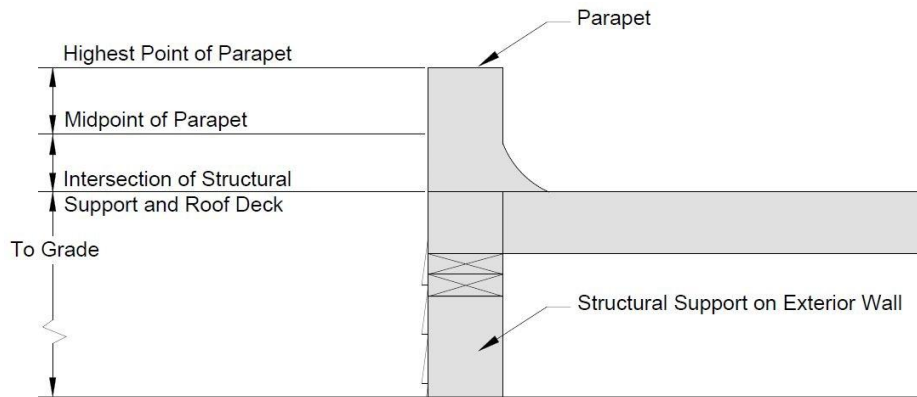
- 1. Midpoint Height - The house shall not exceed a Height of 8.9m (Section 814.3.5).**
Maximum: 8.9m
Proposed: 9.5m
Exceeds by: 0.6m

[unedited]

Height and Grade

Section 52.1(b) states:

For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay;



Development Officer’s Determination

2. Parapet Height - The top of the parapet shall be no more than 0.4m above the maximum Height of 8.9m (Section 814.3.5 and Section 52.1.b).

Maximum parapet Height: 9.3m (8.9m + 0.4m)

Proposed parapet Height: 9.6m

Exceeds by: 0.3m

[unedited]

Community Consultation

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

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

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested

variances to the Overlay and solicit comments directly related to the proposed variance;


- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(5) - Height

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.

	<h2>Application for Alterations Permit</h2>			Project Number: 404309369-002 Application Date: AUG 16, 2021 Printed: October 22, 2021 at 7:41 AM Page: 1 of 2															
This document is a Development Permit Decision for the development application described below.																			
Applicant		Property Address(es) and Legal Description(s) 9503 - 88 AVENUE NW Plan 3737AJ Blk 3 Lot 1 9503C - 88 AVENUE NW Condo Common Area (Plan 2121838)																	
		Location(s) of Work Suite: 9503 - 88 AVENUE NW Entryway: 9503 - 88 AVENUE NW Building: 9503 - 88 AVENUE NW																	
Scope of Application To construct exterior alterations to a Semi-detached House (increase main floor height), existing without permits.																			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%;"> Site Area (sq. m.): 479.78 </td> </tr> </table>					Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 479.78													
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 479.78																		
Development Application Decision Refused Issue Date: Oct 21, 2021 Development Authority: FLYNN, CATHAL Reason for Refusal 1. Midpoint Height - The house shall not exceed a Height of 8.9m (Section 814.3.5). Maximum: 8.9m Proposed: 9.5m Exceeds by: 0.6m 2. Parapet Height - The top of the parapet shall be no more than 0.4m above the maximum Height of 8.9m (Section 814.3.5 and Section 52.1.b). Maximum parapet Height: 9.3m (8.9m + 0.4m) Proposed parapet Height: 9.6m Exceeds by: 0.3m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																			
Building Permit Decision No decision has yet been made.																			
Fees <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td>13839609140J001</td> <td style="text-align: right;">Aug 16, 2021</td> </tr> <tr> <td>Building Permit Fee (Construction Value)</td> <td style="text-align: right;">\$112.00</td> <td style="text-align: right;">\$112.00</td> <td>13839609140J001</td> <td style="text-align: right;">Aug 16, 2021</td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$4.50	\$4.50	13839609140J001	Aug 16, 2021	Building Permit Fee (Construction Value)	\$112.00	\$112.00	13839609140J001	Aug 16, 2021
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THIS IS NOT A PERMIT																			



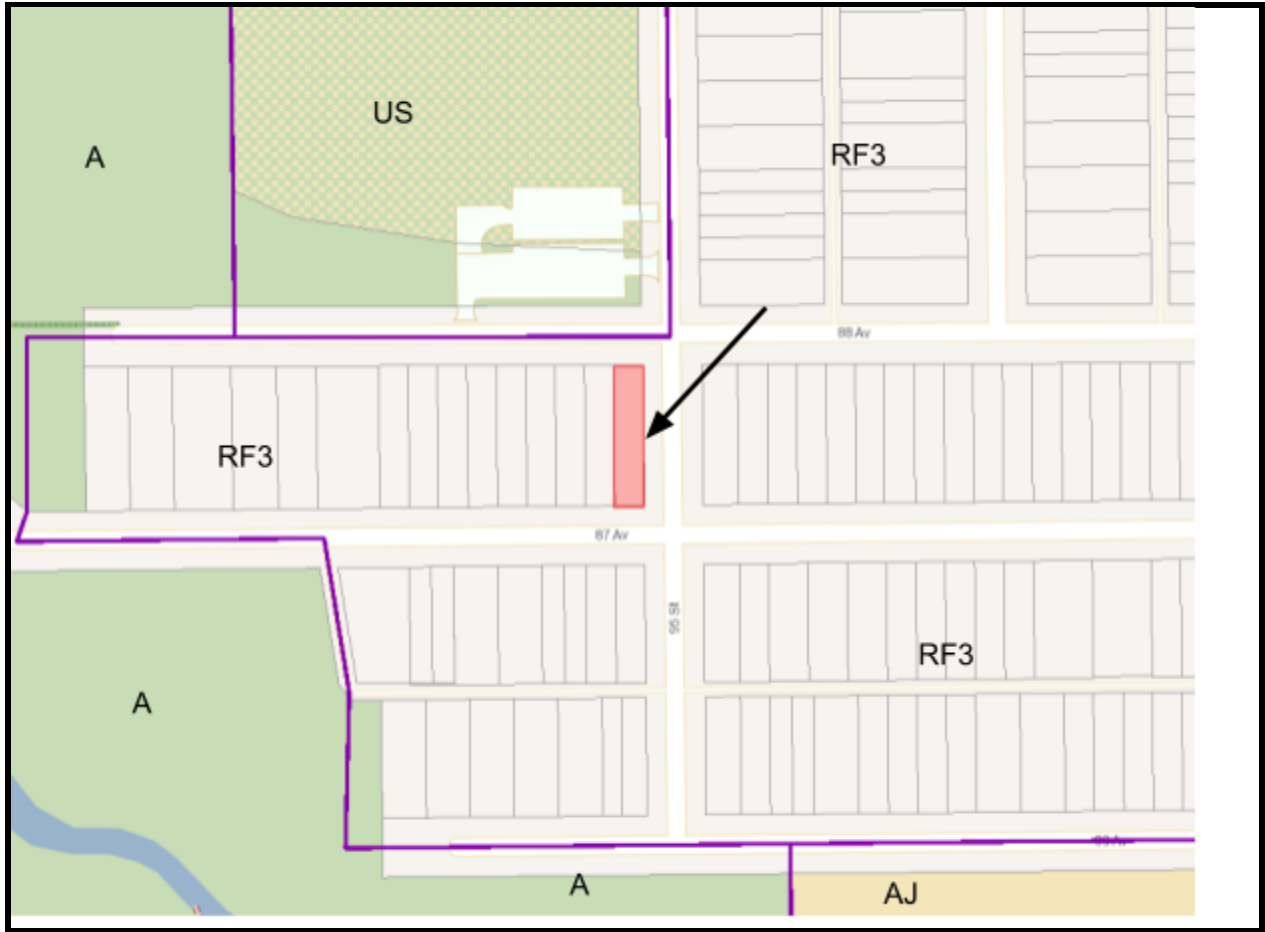
Project Number: **404309369-002**
Application Date: AUG 16, 2021
Printed: October 22, 2021 at 7:41 AM
Page: 2 of 2

Application for Alterations Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$176.00	\$176.00	13839609140J001	Aug 16, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$292.50</u>	<u>\$292.50</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-187 ▲
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-188

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 402420204-002

APPLICATION TO: Construct a 4 Dwelling Multi-unit Housing building with
4 Secondary Suites in the Basement

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 25, 2021

DATE OF APPEAL: October 26, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9345 - 151 Street NW

LEGAL DESCRIPTION: Plan 1834KS Blk 52 Lot 1

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

The proposed development i) conforms with the uses prescribed in the applicable zone and ii) will not interfere with the amenities, use, enjoyment or value of neighbouring parcels of land, in accordance with Section 687(3) of the Municipal Government Act.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

Appeals

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

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

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

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

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

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

...

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(5), **Multi-unit Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 140.2(6), **Secondary Suite** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(4), **Multi-unit Housing** means development:

that consists of:

- a. three or more principal Dwellings arranged in any configuration and in any number of buildings;
- or
- b. any number of Dwellings developed in conjunction with a Commercial Use where allowed in the Zone.

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

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

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

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

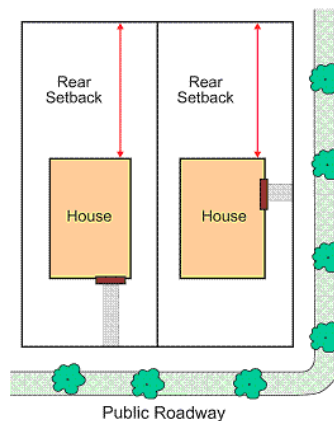
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Rear Setback

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

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

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



Development Officer’s Determination

1. Reduced Rear Setback - The distance from the Row House to the rear property line is 16.8 m (37.3% of site depth) instead of 18.0m (40% of site depth). (Section 814.3.4)

[unedited]

Community Consultation

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

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


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) - Rear Setback

Notice to Applicant/Appellant

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

	Project Number: 402420204-002 Application Date: JUL 14, 2021 Printed: October 25, 2021 at 3:58 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.			
Applicant	Property Address(es) and Legal Description(s) 9345 - 151 STREET NW Plan 1834KS Blk 52 Lot 1 Specific Address(es) Suite: 15041 - 94 AVENUE NW Suite: 15043 - 94 AVENUE NW Suite: 15045 - 94 AVENUE NW Suite: 9345 - 151 STREET NW Suite: BSMT, 15041 - 94 AVENUE NW Suite: BSMT, 15043 - 94 AVENUE NW Suite: BSMT, 15045 - 94 AVENUE NW Suite: BSMT, 9345 - 151 STREET NW Entryway: 15041 - 94 AVENUE NW Entryway: 15043 - 94 AVENUE NW Entryway: 15045 - 94 AVENUE NW Entryway: 9345 - 151 STREET NW Building: 9345 - 151 STREET NW		
Scope of Application To construct a 4 Dwelling Multi-unit Housing building with 4 Secondary Suites in the Basement.			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 7 # of Secondary Suite Dwelling Units To Construct: 4 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 7 # of Secondary Suite Dwelling Units To Construct: 4 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:
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Development Application Decision Refused Issue Date: Oct 25, 2021 Development Authority: BAUER, KERRY Reason for Refusal 1. Reduced Rear Setback - The distance from the Row House to the rear property line is 16.8 m (37.3% of site depth) instead of 18.0m (40% of site depth). (Section 814.3.4) Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.			
Fees			
THIS IS NOT A PERMIT			



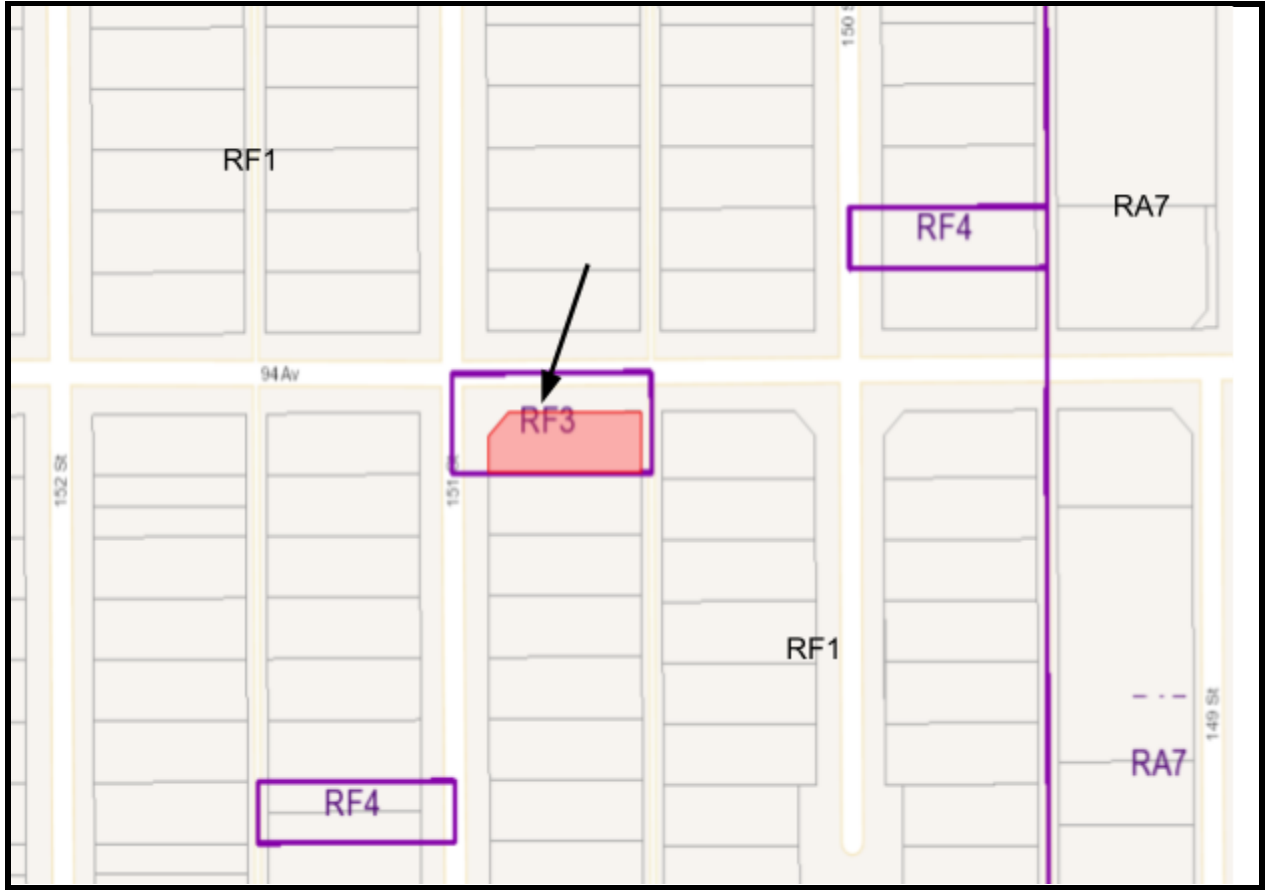
Application for Minor Development Permit

Project Number: **402420204-002**
Application Date: JUL 14, 2021
Printed: October 25, 2021 at 3:58 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$480.00	\$480.00	12634205193G001	Jul 16, 2021
Development Permit Inspection Fee	\$528.00	\$528.00	12634205193G001	Jul 16, 2021
Sanitary Sewer Trunk Fund	\$3,238.00	\$3,238.00	071520210806000	Aug 06, 2021
Dev. Application Fee	\$864.00	\$864.00	12634205193G001	Jul 16, 2021
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$3,092.00	\$3,092.00	071520210806000	Aug 06, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$8,202.00	\$8,202.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-21-188** ▲
N