

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
November 4, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-178

Install a Freestanding Minor Digital Off-Premises Sign (2 Sided Facing N/S) (PATTISON OUTDOOR ADVERTISING)

10008 - 109 Street NW
Project No.: 401456579-002

II 10:30 A.M. SDAB-D-21-180

Construct a Multi-unit Housing (three Dwelling Row Housing with Unenclosed Front Porches, side doors) and Secondary Suites in the Basement

8021 - 87 Street NW
Project No.: 397463041-002

III 1:30 P.M. SDAB-D-21-181

Construct Additions (storage space-constructed without permits) to an existing Restaurant building, construct exterior and interior alterations to the same (doors, windows), and expand the Public Space to 71.4 square metres

11053 - 86 Avenue NW
Project No.: 390941493-002

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

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 401456579-002

APPLICATION TO: Install a Freestanding Minor Digital Off-Premises Sign (2 Sided Facing N/S) (PATTISON OUTDOOR ADVERTISING)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 7, 2021

DATE OF APPEAL: September 20, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10008 - 109 Street NW

LEGAL DESCRIPTION: Plan 0821851 Blk 9 Lot 58A

ZONE: (CMU) Commercial 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:

Sign remains appropriate at this location though some technical adjustments may be required.

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.

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*:

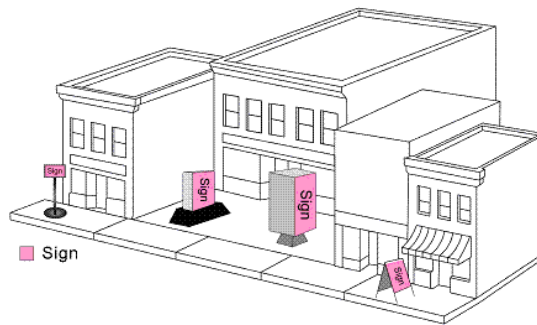
Under section 910.6(3)(cc), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **(CMU) Commercial Mixed Use Zone**.

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.



Section 910.6(4)(f) states “Signs shall comply with the regulations found in Schedule 59F.”

Section 910.6(1) states that the **General Purpose** of the **(CMU) Commercial Mixed Use Zone** is:

to provide a Zone for medium intensity development that accommodates a mix of predominantly commercial, office, institutional and business Uses as a secondary office commercial area while emphasizing retail activities, entertainment and service Uses at ground level. The intent is to accommodate the existing commercial development west of 109 Street; and to allow Conversion to residential and related Uses.

Section 910.1 states that the **General Purpose** of the **Downtown Special Area Zoning Regulations** 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 Regulations - General Provisions

Section 59.2(3) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an Abutting or adjacent Residential Use, shall not face an Abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

Development Officer's Determination


1. Section 59.2(3) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an Abutting or adjacent Residential Use, shall not face an Abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

The Proposed Sign Faces existing Residential at 10047 - 109 STREET NW, and there have been multiple Complaints for Sign brightness.

[unedited]

Notice to Applicant/Appellant

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

	<h2>Application for Sign Permit</h2>			Project Number: 401456579-002 Application Date: JUL 05, 2021 Printed: September 7, 2021 at 10:48 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) 10008 - 109 STREET NW Plan 0821851 Blk 9 Lot 58A		
Scope of Application To install a Freestanding Minor Digital Off-Premises Sign (2 Sided Facing N/S) (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				
Refused				
Issue Date: Sep 07, 2021 Development Authority: MERCIER, KELSEY				
Reason for Refusal				
1. Section 59.2(3) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an Abutting or adjacent Residential Use, shall not face an Abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.				
The Proposed Sign Faces existing Residential at 10047 - 109 STREET NW, and there have been multiple Complaints for Sign brightness.				
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				
Sign Development Application Fee - Digital Signs	Fee Amount \$1,800.00	Amount Paid \$1,800.00	Receipt # 120773037370010	Date Paid Jul 05, 2021
THIS IS NOT A PERMIT				



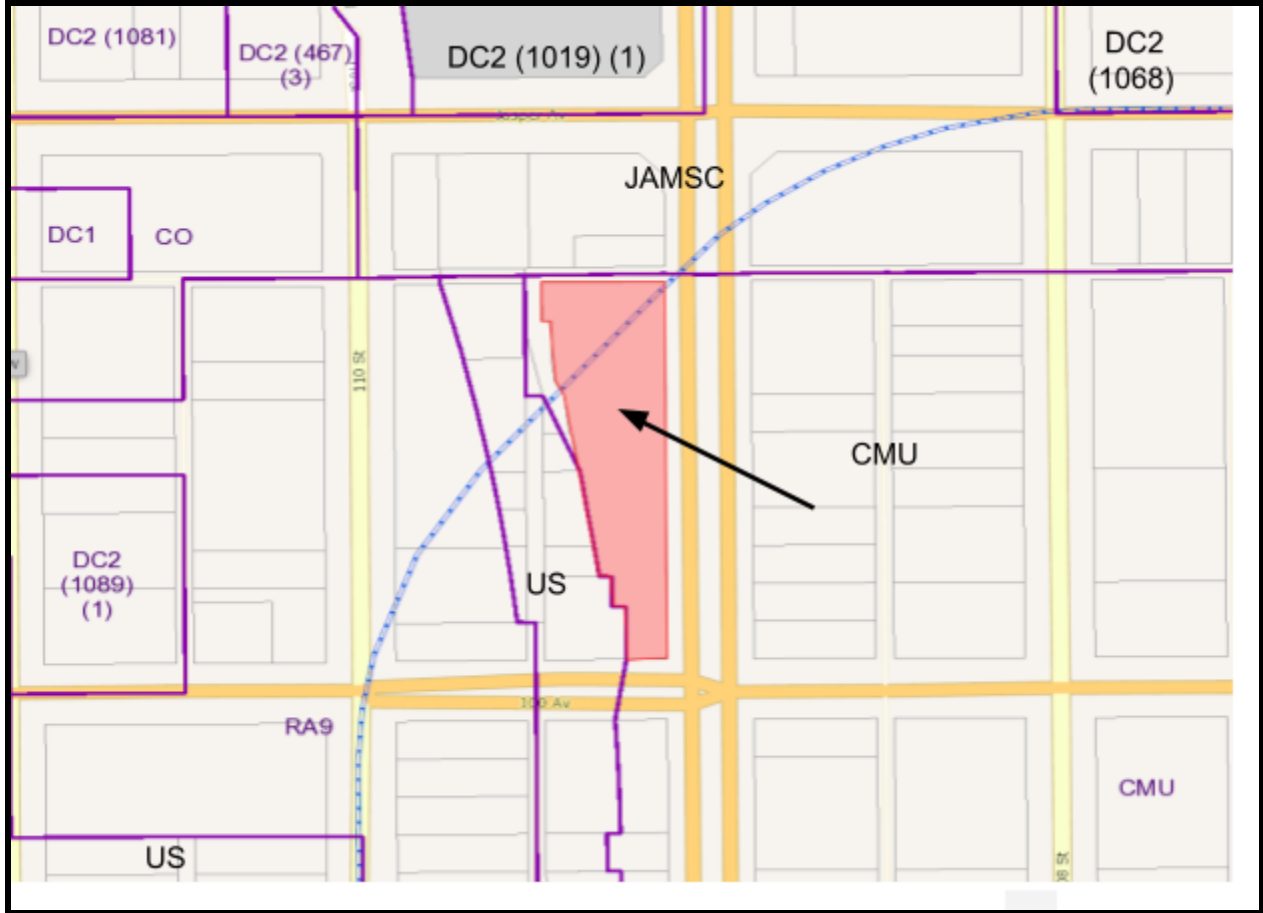
Application for Sign Permit

Project Number: **401456579-002**
Application Date: JUL 05, 2021
Printed: September 7, 2021 at 10:48 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,800.00	\$1,800.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-178

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-180

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 397463041-002

APPLICATION TO: Construct a Multi-unit Housing (three Dwelling Row Housing with Unenclosed Front Porches, side doors) and Secondary Suites in the Basement.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 8, 2021

DATE OF APPEAL: October 9, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8021 - 87 Street NW

LEGAL DESCRIPTION: Plan 1270HW Blk 19 Lot 28

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:

Our proposed development is designed to align with the City of Edmontons goals of increasing density and building affordable housing inside Edmontons core mature neighborhoods.

The corner lot sitting on 8021 87 Street NW (formerly, 8555 81 Ave NW) is a prime lot for development of infill row house in mature neighborhood as it falls within citys Transit oriented development plan (Within 160m of

major transit road - 82 Ave and within 600m of Bonnie Doon LRT station) to increase affordable housing density near major transit hubs. Furthermore, the adjacent lot right across 87 Street NW is also planned for future Multi-family development which aligns with our development plan.

Currently, our proposed development plan adheres to all requirements set out in Edmonton Zoning Bylaw 12800 (RF3) pursuant to Multi-unit housing development, barring the request for variance for the reduced rear setback. The proposed Multi-unit Housing sits 12.21m (30.53%) from the rear property line instead of 15.88m (40%), which is deficiency of 3.67m.

Development of row house in mature neighborhood is very difficult to achieve without these variance as seen throughout the city of Edmonton. There are many precedent of row house development occurring in RF3 Zoning with variance in either front or rear setback to accommodate the infill development. For instance, hearing held at March 27, 2019 (Project# 177755353/ File# SDAB-D-19-026) granted permit for development of 4 unit row house with rear setback deficiency of 10.8m, which was significantly greater than 3.67m.

In addition, great efforts were taken to make sure that the design mitigates any negatives that may arise from granting DP (Development Permit) with the variance. The following are the measures we have taken to mitigate possible concerns:

- Orienting the front of the row houses to 87 Street to create an active frontage along the street and increase the curb appeal of the development
- Forgo accessory building (Garage) development in order to provide open space and increase visibility to the neighborhood.

Ultimately, we request the approval of DP with variance for the proposed development as it will allow development of triplex that will provide affordable housing to multiple families in the city. This development will allow us to better meet the City's development roadmap and we believe it will be an overall positive to the neighborhood and the city.

<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,
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- (c) issues an order under section 645,

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

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- (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 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.

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:

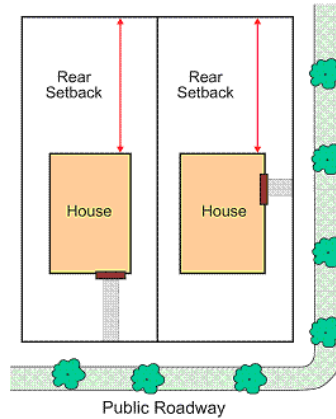
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the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

<i>Rear Setback</i>

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

Reduced Rear Setback - The distance from the Multi-unit Housing (Row Housing) to the rear property line is 12.12 m (30.53% of site depth) instead of 15.88 m (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.

	<h2>Application for Minor Development Permit</h2>		Project Number: 397463041-002 Application Date: MAY 27, 2021 Printed: October 8, 2021 at 6:07 PM Page: 1 of 2											
This document is a Development Permit Decision for the development application described below.														
Applicant 	<table border="1"> <tr> <td colspan="4" data-bbox="816 426 1364 520"> Property Address(es) and Legal Description(s) 8021 - 87 STREET NW Plan 1270HW Blk 19 Lot 28 </td> </tr> <tr> <td colspan="4" data-bbox="816 520 1364 877"> Specific Address(es) Suite: 8021 - 87 STREET NW Suite: 8023 - 87 STREET NW Suite: 8025 - 87 STREET NW Suite: BSMT, 8021 - 87 STREET NW Suite: BSMT, 8023 - 87 STREET NW Suite: BSMT, 8025 - 87 STREET NW Entryway: 8021 - 87 STREET NW Entryway: 8023 - 87 STREET NW Entryway: 8025 - 87 STREET NW Building: 8021 - 87 STREET NW </td> </tr> </table>				Property Address(es) and Legal Description(s) 8021 - 87 STREET NW Plan 1270HW Blk 19 Lot 28				Specific Address(es) Suite: 8021 - 87 STREET NW Suite: 8023 - 87 STREET NW Suite: 8025 - 87 STREET NW Suite: BSMT, 8021 - 87 STREET NW Suite: BSMT, 8023 - 87 STREET NW Suite: BSMT, 8025 - 87 STREET NW Entryway: 8021 - 87 STREET NW Entryway: 8023 - 87 STREET NW Entryway: 8025 - 87 STREET NW Building: 8021 - 87 STREET NW					
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Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="302 1035 808 1192"> # of Dwelling Units Add/Remove: 5 # of Secondary Suite Dwelling Units To Construct: 3 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y </td> <td data-bbox="816 1035 1364 1213"> # of Primary Dwelling Units To Construct: 3 Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>					# of Dwelling Units Add/Remove: 5 # of Secondary Suite Dwelling Units To Construct: 3 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y	# of Primary Dwelling Units To Construct: 3 Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay								
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Development Application Decision Refused Issue Date: Oct 08, 2021 Development Authority: ANGELES, JOSELITO Reason for Refusal Reduced Rear Setback - The distance from the Multi-unit Housing (Row Housing) to the rear property line is 12.12 m (30.53% of site depth) instead of 15.88 m (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 <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th></th> <th>Fee Amount</th> <th>Amount Paid</th> <th>Receipt #</th> <th>Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td>\$864.00</td> <td>\$864.00</td> <td>07063920</td> <td>Jun 02, 2021</td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$864.00	\$864.00	07063920	Jun 02, 2021
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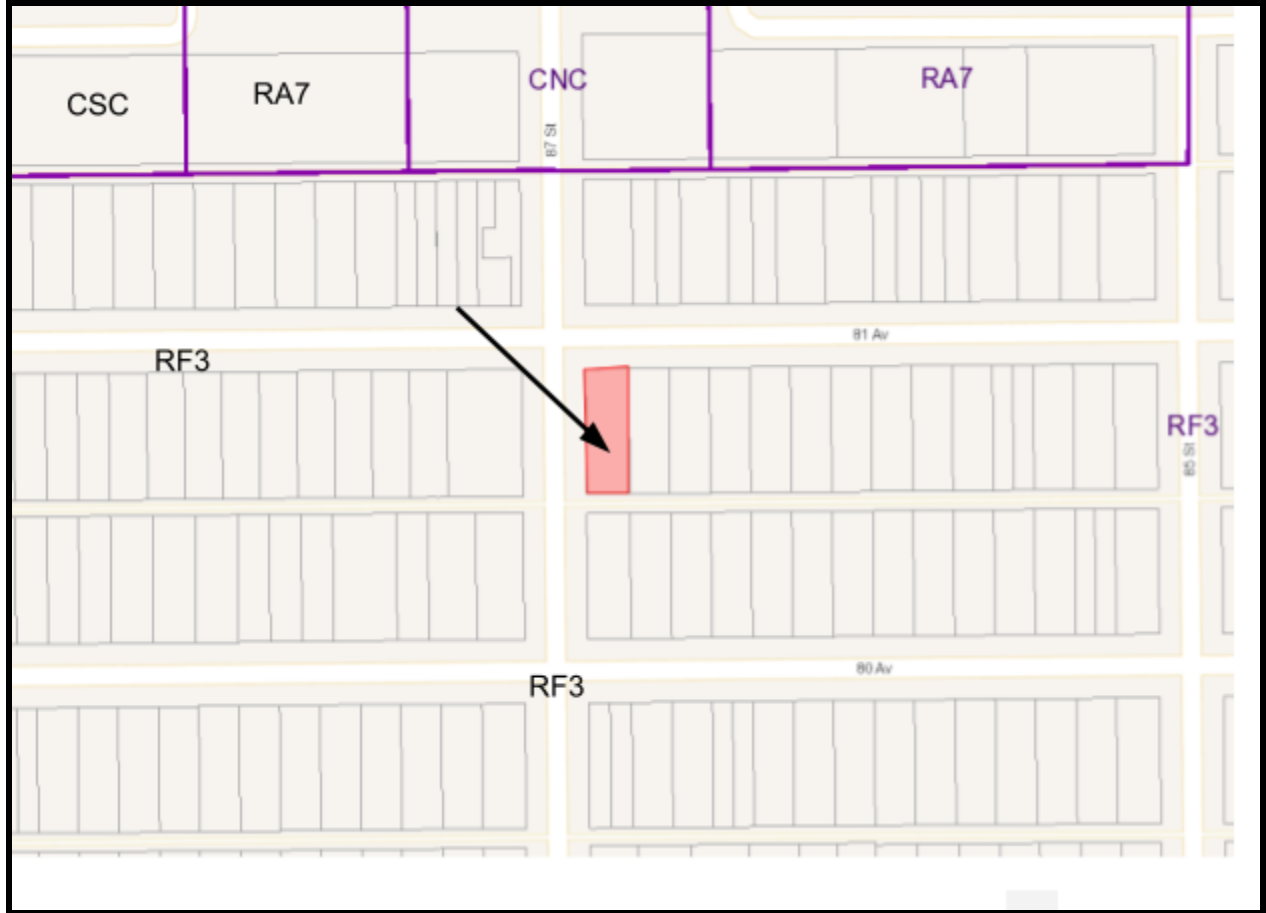
Project Number: **397463041-002**
Application Date: MAY 27, 2021
Printed: October 8, 2021 at 6:07 PM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$420.00	\$420.00	07063920	Jun 02, 2021
Sanitary Sewer Trunk Fund	\$1,992.00	\$1,992.00	07063920	Jun 02, 2021
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$2,319.00	\$2,319.00	07063920	Jun 02, 2021
Development Permit Inspection Fee	\$528.00	\$528.00	07063920	Jun 02, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$6,123.00</u>	<u>\$6,123.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-180

ITEM III: 1:30 P.M.FILE: SDAB-D-21-181AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 390941493-002

APPLICATION TO: Construct Additions (storage space-constructed without permits) to an existing Restaurant building, construct exterior and interior alterations to the same (doors, windows), and expand the Public Space to 71.4 square metres

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 22, 2021

DATE OF APPEAL: October 12, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11053 - 86 Avenue NW

LEGAL DESCRIPTION: Plan I23A Blk 164 Lot 17

ZONE: (CNC) Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: Garneau Area Redevelopment Plan

Grounds for Appeal

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

I am writing the board to be granted approval for an existing addition to an existing building located at 11053-86 Avenue in Edmonton. The original decision to refuse this development occurred in March 2014. The Development Officer on file has noted that given the two properties had CNC historical zoning - they felt that the subject property development

could be grandfathered in and/or a relaxation/variance at the discretion of the Development Officer (Principal Development Planner). Through emails and telephone discussions, they verbally approved the development which led us to move to construction thinking the approval was simply a formality. This all stemmed from the adjacent property still showing a CNC designation in the system.

Its important to note that since we moved the development forward prematurely, and erected the structure that is now non-compliant we have had absolutely no opposition or complaints from the community with respect to the structure. Particularly, we have had absolutely no complaints from the adjacent neighbours at 10049 -86 Avenue.

PLEASE REFER TO ATTACHED SUPPORTING DOCUMENTATION FOR FURTHER INFORMATION

<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,
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- (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 310.3(21), a **Restaurants, for less than 100 occupants and 120 m2 of Public Space**, is a **Discretionary Use** in the **(CNC) Neighbourhood Convenience Commercial Zone**.

Under section 7.4(45), **Restaurants** mean:

development where the primary purpose of the facility is the sale of prepared foods and beverages to the public, for consumption within the premises or off the Site. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. This Use typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

Under section 6.1, **Public Space** means:

space that is part of an establishment, which is open to the public and not restricted to only employees. Public Space includes any private non-sale hospitality area where products manufactured within the premises are provided to private groups for tasting and sampling. This definition does not include kitchens, administration offices, food or drink preparation areas.

Section 340.1 states that the **General Purpose** of the **(CNC) Neighbourhood Convenience Commercial Zone** is:

to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.

Setback

Section 310.4(6) states “A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site Abuts the lot line of a Site in a Residential Zone.”

Under section 6.1, **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

Development Officer's Determination

1) A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site Abuts the lot line of a Site in a Residential Zone. (Ref.: S. 310.4(6))

Required: 3.0m

Proposed: 0.02m

Deficient by: 2.98m

[unedited]

Landscaped Buffer

Section 54.4(3) states When Abutting a Residential Zone, a 1.5m Landscaped buffer must be provided to screen the Parking Area from adjacent Residential properties.

Development Officer's Determination

2) When Abutting a Residential Zone, a 1.5m Landscaped buffer must be provided to screen the Parking Area from adjacent Residential properties. (Ref.: S. 54.4(3))

PROPOSED: No landscaped buffer is proposed.

[unedited]

Bicycle Parking

Section 54.5(1)(d) states For all other Uses the minimum number of Bicycle Parking spaces shall be one Bicycle Parking space per 140 m2 of Floor Area.

Development Officer's Determination

3) Bicycle parking is required under Section 54.5(1)

Required: 2 bicycle parking spaces

Proposed: none

Deficient by: 2 bicycle parking spaces

[unedited]

Surface Parking Lot

Section 54.8(2)(a)(ii) states the design of the Surface Parking Lot shall: provide landscaping that both shades and screens the Parking Area.

Development Officer's Determination

4) A Surface Parking Lot shall provide landscaping that both shades and screens the Parking Area (Ref. S. 54.8(2)).

PROPOSED: No landscaping is proposed for the Surface Parking Lot.

[unedited]

Landscaping

Section 55.3(1) states:

- 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. a minimum of one tree for each 25 m2 and one shrub for each 15 m2 of Setback;
 - ii. a minimum of one deciduous tree that is well-suited to survive in a high traffic environment for each 20 m2 and one shrub for each 10 m2 of

Parking Area island, in addition to the general planting requirements; and

- iii. in no case shall there be less than one deciduous tree that is well-suited to survive in a high traffic environment per Parking Area island, in addition to the general planting requirements;

Development Officer's Determination

5) Landscaping shall be provided in accordance with S. 55.3:

Required: 13 trees and 23 shrubs

Proposed: Nil

Deficient by: 13 trees and 23 shrubs

[unedited]

Discretionary Use

6) The proposed development is a Discretionary Use in the CNC Zone, and abuts and is adjacent to residentially-zoned properties. It is the Development Officer's opinion that, given the lack of mitigation measures proposed and the lack of landscaped buffer, the proposed development will unduly and negatively impact adjacent or surrounding properties and development.

[unedited]


Advisement

1) As a consequence of this refusal, the subject development, which has been constructed without a Development Permit, must be removed if the refusal is not overturned by the Subdivision and Development Appeal Board.

[unedited]

Notice to Applicant/Appellant

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

	Project Number: 390941493-002 Application Date: MAR 31, 2021 Printed: October 7, 2021 at 1:45 PM Page: 1 of 2		
<h2>Application for Major Development Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
Applicant 	Property Address(es) and Legal Description(s) 11053 - 86 AVENUE NW Plan I23A Blk 164 Lot 17 <hr/> Specific Address(es) Suite: 11053 - 86 AVENUE NW Entryway: 11053 - 86 AVENUE NW Building: 11053 - 86 AVENUE NW		
Scope of Application To construct Additions (storage space-constructed without permits) to an existing Restaurant building, construct exterior and interior alterations to the same (doors, windows), and expand the Public Space to 71.4 sq m.			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): </td> <td style="width: 50%; vertical-align: top;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
Development Application Decision Refused Issue Date: Sep 22, 2021 Development Authority: WELCH, IMAI			
THIS IS NOT A PERMIT			



Project Number: **390941493-002**
 Application Date: MAR 31, 2021
 Printed: October 7, 2021 at 1:45 PM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

- 1) A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site Abuts the lot line of a Site in a Residential Zone. (Ref.: S. 310.4(6))
 Required: 3.0m
 Proposed: 0.02m
 Deficient by: 2.98m

- 2) When Abutting a Residential Zone, a 1.5m Landscaped buffer must be provided to screen the Parking Area from adjacent Residential properties. (Ref.: S. 54.4(3))
 PROPOSED: No landscaped buffer is proposed.

- 3) Bicycle parking is required under Section 54.5(1)
 Required: 2 bicycle parking spaces
 Proposed: none
 Deficient by: 2 bicycle parking spaces

- 4) A Surface Parking Lot shall provide landscaping that both shades and screens the Parking Area (Ref. S. 54.8(2)).
 PROPOSED: No landscaping is proposed for the Surface Parking Lot.

- 5) Landscaping shall be provided in accordance with S. 55.3:
 Required: 13 trees and 23 shrubs
 Proposed: Nil
 Deficient by: 13 trees and 23 shrubs

- 6) The proposed development is a Discretionary Use in the CNC Zone, and abuts and is adjacent to residentially-zoned properties. It is the Development Officer's opinion that, given the lack of mitigation measures proposed and the lack of landscaped buffer, the proposed development will unduly and negatively impact adjacent or surrounding properties and development.

ADVISEMENT:

- 1) As a consequence of this refusal, the subject development, which has been constructed without a Development Permit, must be removed if the refusal is not overturned by the Subdivision and Development Appeal Board.

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

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$2,160.00	\$2,160.00	08971308749G001	Jun 21, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,160.00	\$2,160.00		

THIS IS NOT A PERMIT

