

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
November 12, 2015**

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

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

I 9:00 A.M. SDAB-D-15-263

Operate a Major Home Based Business (Cell
phone repair - FIX IT)

16120 - 61 Street NW
Project No.: 178220456-001

II 10:30 A.M. SDAB-D-15-264

To construct a front veranda (6.86 m by 1.98 m)
to existing approved Single Detached House

7707 - 143A Street NW
Project No.: 170552372-013

III 1:30 P.M. SDAB-D-15-265

To construct an Accessory building to a General
Industrial Use (Alco Inc.)

6925 - 104 Street NW, 6909 - 104 Street NW
Project No.: 163972980-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-263

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

APPELLANT:

APPLICATION NO.: 178220456-001

ADDRESS OF APPELLANT: 16119 - 61 Street NW

APPLICATION TO: Operate a Major Home Based Business (Cell phone repair - FIX IT).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 8, 2015

DATE OF APPEAL: October 20, 2015

NOTIFICATION PERIOD: October 20, 2015 through November 2, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 16120 - 61 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16120 - 61 Street NW

LEGAL DESCRIPTION: Plan 9123406 Blk 6 Lot 95

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Pilot Sound Area Structure Plan
Matt Berry Neighbourhood Structure Plan

Grounds for Appeal

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

This major home based business brings a high volume of traffic to our small crescent. Often business traffic is outside normal business hours

(9am-5pm). It is common to have 3-4 vehicles at a time waiting outside and vehicles coming in and out of the crescent to drop off and pick up. We have several families in the crescent with small children/ Grandchildren and the high volume of traffic is a safety concern. The vehicle traffic and unknown strangers consistently coming in and out of the crescent puts our children at risk. [unedited]

General Matters

Appeal Information:

The decision of the Development Authority was appealed by an adjacent property owner.

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

Grounds for Appeal

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

(a) ...

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

The decision of the Development Authority was dated October 8, 2015. The Notice of Appeal Period started on October 20, 2015 and expired on November 2, 2015. The Notice of Appeal was filed on October 20, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states the following with respect to the **General Purpose** of the **RF1 Single Detached Residential Zone**:

The purpose of this 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 110.3(7), **Major Home Based Business** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.3(7) states:

Major Home Based Business means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

“General Retail Sales” is not a defined term under the *Edmonton Zoning Bylaw*. However, Section 7.4(22) defines **General Retail Stores** as follows:

...development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use Class does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Market Gardens, Pawn Stores, Major Alcohol Sales, Minor Alcohol Sales, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

Section 7.1(3) provides the following guidelines for Use Class interpretation:

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.

Class B Discretionary Development

Section 12.4 states:

12.4 Class B Discretionary Development

This Class includes all developments for which applications are required and are for a Discretionary Use or require a variance to any of the regulations of this Bylaw. This Class of Permit also includes all applications on Sites designated Direct Control not noted in Section 12.3.

Development Officer's Determination:

There is no variance provided in this application. Reason for notification:

1. Class B Discretionary Development: Major Home Based Business is a Discretionary Use under the (RF1) Single Detached Residential Zone. (Reference Section 12.4)
[unedited]

Notice to Applicant/Appellant

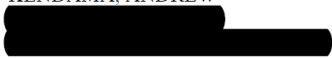
Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **178220456-001**
Application Date: AUG 26, 2015
Printed: October 29, 2015 at 10:10 AM
Page: 1 of 3

Home Occupation

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant KENDAMA, ANDREW 	Property Address(es) and Legal Description(s) 16120 - 61 STREET NW Plan 9123406 Blk 6 Lot 95 Specific Address(es) Suite: 16120 - 61 STREET NW Entryway: 16120 - 61 STREET NW Building: 16120 - 61 STREET NW
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Scope of Permit
To operate a Major Home Based Business (Cell phone repair - FIX IT).

Permit Details # of business related visits/day: 3 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 1 Business has Trailers or Equipment?: N Description of Business: Repair cellphones. Expiry Date: 2020-10-08 00:00:00
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I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

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



Project Number: **178220456-001**
Application Date: AUG 26, 2015
Printed: October 29, 2015 at 10:10 AM
Page: 2 of 3

Home Occupation

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. The number of non-resident employees or business partners working on-site shall not exceed two at any one time (Section 75.4).
5. The site shall not be used as a daily rendezvous for employees or business partners.
6. The site shall not be used by employees or business partners as a parking or storage location.
7. Maximum business associated visits shall not exceed 5 per day.
8. Client visit must be by-appointment only and appointments shall not overlap.
9. Hours of operations must be between 12:00PM to 7:30PM on weekdays and 9:30AM to 7:30PM on weekends.
10. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
11. No person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, of a maximum gross vehicle weight (G.V.W.) exceeding 4 500 kg. (Reference Section 45.1(a))
12. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
13. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighbourhood.
14. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
15. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
16. This approval is for a 5 year period from the date of this decision. This Development Permit expires on October 12, 2020. Should the business continue to locate at this location, an extension of Development Permit must be approved prior to October 12, 2020.

NOTES:

1. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.
2. This Development Permit is not a Business License.

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



Project Number: **178220456-001**
 Application Date: AUG 26, 2015
 Printed: October 29, 2015 at 10:10 AM
 Page: 3 of 3

Home Occupation

3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in **Variations**)

There is no variance provided in this application. Reason for notification:

1. Class B Discretionary Development: Major Home Based Business is a Discretionary Use under the (RF1) Single Detached Residential Zone. (Reference Section 12.4)

NOTE:

1. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

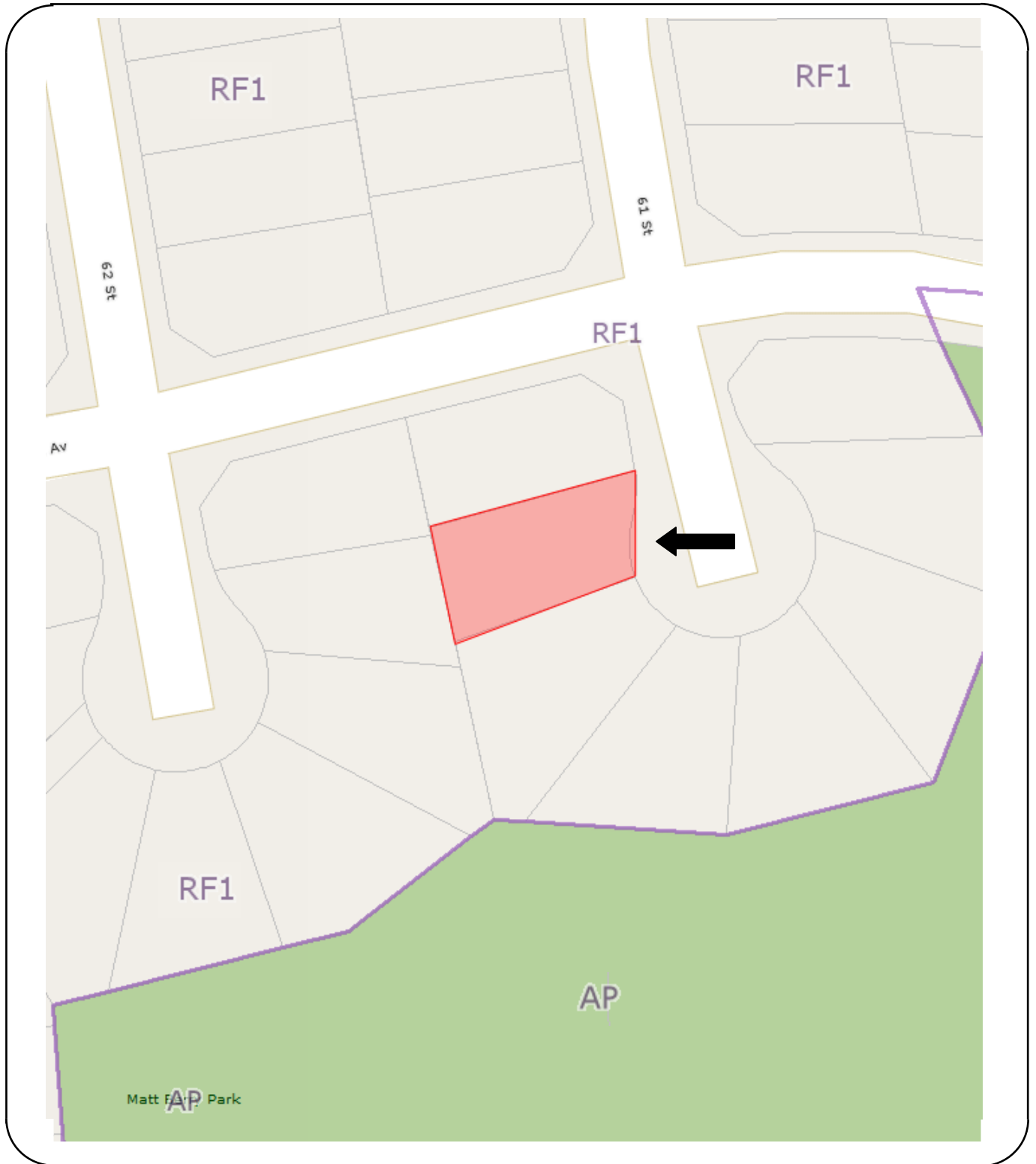
Issue Date: Oct 08, 2015 **Development Authority:** YEUNG, KENNETH **Signature:** _____

Notice Period Begins: Oct 20, 2015 **Ends:** Nov 02, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02698849	Aug 26, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$291.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-263



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-264

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

APPELLANT:

APPLICATION NO.: 170552372-013

ADDRESS OF APPELLANT: 7615 – 143A Street NW

APPLICATION TO: Construct a front veranda (6.86 m by 1.98 m) to existing approved Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 1, 2015

DATE OF APPEAL: October 15, 2015

NOTIFICATION PERIOD: October 8, 2015 through October 21, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 7707 - 143A Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7707 - 143A Street NW

LEGAL DESCRIPTION: Plan 2600KS Blk 17 Lot 16

ZONE: RF1 Single Detached Residential 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:

See – details attached for #1-7

1. 7707 - 143A Street does not comply with Edmonton Zoning Bylaws. This does not allow for the required distance in front.

2. No neighbours were asked for approval – as was done for other such buildings in this area.
3. Compatability – this insertion takes away from the value of surrounding homes.
4. Sun – Shadow effect – blocks out sun from flowers and gardens.
5. Compatability.
6. Safety of others – especially very young children. There is a “Day Home” 2 doors away - “Visibility”
7. Concerns of community that Bylaws are not being enforced with the same rules for all residents.
8. Conclusion.

Attachments are a separate document
[unedited]

<i>General Matters</i>

Appeal Information:

The decision of the Development Authority was appealed by an adjacent property owner.

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

Grounds for Appeal

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

(a) ...

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

The decision of the Development Authority was dated October 8, 2015. The Notice of Appeal Period started on October 20, 2015 and expired on November 2, 2015. The Notice of Appeal was filed on October 20, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states the following with respect to the **General Purpose** of **RF1 Single Detached Residential Zone**:

The purpose of this 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 7.2(9) states:

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

Variance: Projection into Front Setback

The *Edmonton Zoning Bylaw* states:

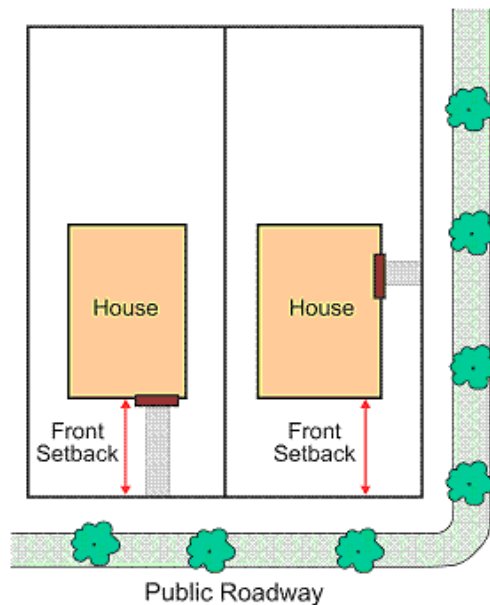
44. *Projection into Setbacks and Separation Spaces*

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

1. a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 m above Grade; and
- b) the Development Officer may exercise variance power to allow projections of eaves or similar architectural features on Accessory buildings provided that such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater, and 0.46 m for Setbacks or Separation Spaces of less than 1.2 m.

Section 6.1(39) states:

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



Development Officer's Determination

Varied Section 44(1)(a) to permit a veranda to project 1.49 m into the minimum required front setback, instead of the maximum permitted 0.6 m projection. [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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **170552372-013**
 Application Date: SEP 30, 2015
 Printed: October 1, 2015 at 3:32 PM
 Page: 1 of 2

Minor Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

<p>Applicant</p> <p>DK 888 DEVELOPMENT INC, CHERIE VU </p>	<p>Property Address(es) and Legal Description(s)</p> <p>7707 - 143A STREET NW Plan 2600KS Blk 17 Lot 16</p> <hr/> <p>Specific Address(es)</p> <p>Entryway: 7707 - 143A STREET NW Building: 7707 - 143A STREET NW</p>
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Scope of Permit
 To construct a front veranda (6.86 m by 1.98 m) to existing approved Single Detached House.

<p>Permit Details</p> <p># of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Class A Occupancy Secondary Suite Included?: N</p>	<p>Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p>
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved

Subject to the Following Conditions
 This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

The development shall be constructed in accordance with the stamped and approved drawings under DP 170552372-001.

Variations
 Varied Section 44(1)(a) to permit a veranda to project 1.49 m into the minimum required front setback, instead of the maximum permitted 0.6 m projection.

NOTES:

In the opinion of the Development Officer, the variations granted in this application and noted above will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring properties. (Section 11.3)

A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4.

Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

Rights of Appeal
 This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

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



Project Number: **170552372-013**
Application Date: SEP 30, 2015
Printed: October 1, 2015 at 3:32 PM
Page: 2 of 2

Minor Development Permit

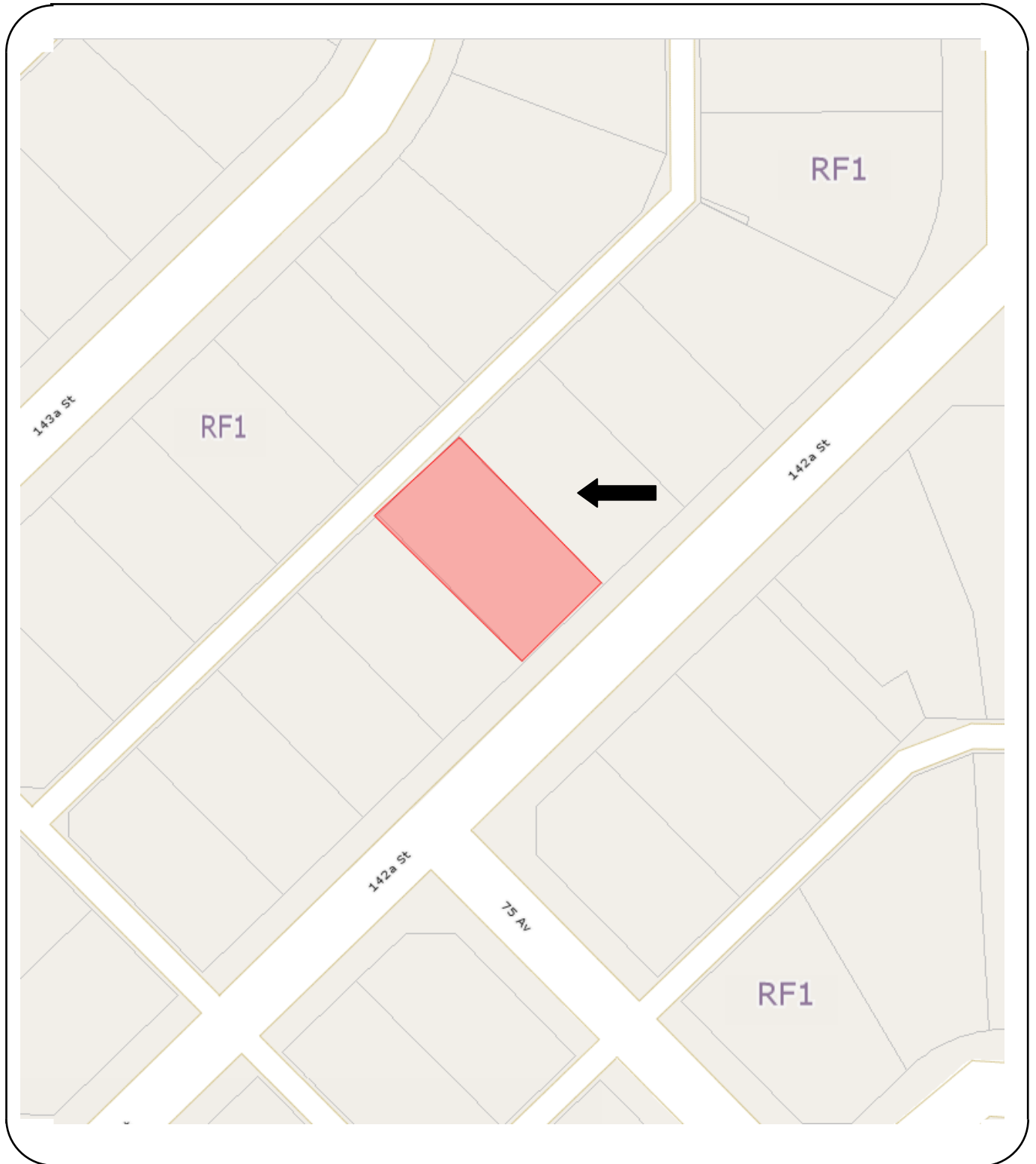
Issue Date: Oct 01, 2015 **Development Authority:** LIANG, BENNY
Notice Period Begins: Oct 08, 2015 **Ends:** Oct 21, 2015

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$0.00			
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$0.00	\$0.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-264



ITEM III: 1:30 P.M.

FILE: SDAB-D-15-265

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

APPELLANT:

APPLICATION NO.: 163972980-001

ADDRESS OF APPELLANT: 7019 - 104 Street NW

APPLICATION TO: Construct an Accessory building to a General Industrial Use (Alco Inc.)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 1, 2015

DATE OF APPEAL: October 19, 2015

NOTIFICATION PERIOD: October 8, 2015 through October 21, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6925 - 104 Street NW
6909 - 104 Street NW

LEGAL DESCRIPTION: Plan 7621517 Blk 38 Lot 33A
Plan 4451S Blk 38 Lots 13-19

ZONE: DC1 Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Strathcona Junction Area Redevelopment Plan

Grounds for Appeal

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

We would like to appeal the relaxation of variances for an accessory building for Alco Inc. The Strathcona Junction Area Redevelopment Plan was approved by city council and passed as a bylaw in 2011.

The development concept according to the plan is to "create urban-style buildings featuring good architecture" and to "improve the image" of the Strathcona Junction Area. We support this redevelopment plan and the city's vision for this area. We agree with the concept of minimal setback for uniformity of the building fronts, esthetic building facades to support street-level pedestrian activity and landscaping to improve the appearance of the area. Alco's request contradicts the essence of the Strathcona Junction Area Redevelopment Plan. This is evident in the request to relax three different variances as stated in the proposed development permit.

Guiding principles and bylaws were designed to be followed. When designing our site we spent extra effort, time and significant resources to follow the redevelopment plan. We selected materials and design concepts that would achieve a higher standard of architecture. We devoted resources to making a presentation to the Edmonton Design Committee to ensure that our ideas match the city's vision for this area. We take pride in the contribution that we will be making along Calgary Trail to beautify the area and to beautify our city. Our desire is for Alco to do the same.
[unedited]

General Matters

Appeal Information:

The decision of the Development Authority was appealed by an adjacent property owner.

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

Designation of direct control districts

641(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (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.

Grounds for Appeal

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

The decision of the Development Authority was dated October 1, 2015. The Notice of Appeal Period started on October 21, 2015 and expired on October 21, 2015. The Notice of Appeal was filed on October 19, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 710.1 states that the **General Purpose** of the **DC1 Direct Development Control Provision** is as follows:

710.1 General Purpose

The purpose of this Provision is to provide for detailed, sensitive control of the use, development, siting and design of buildings and disturbance of land where this is necessary to establish, preserve or enhance:

- a. areas of unique character or special environmental concern, as identified and specified in an Area Structure Plan or Area Redevelopment Plan; or
- b. areas or Sites of special historical, cultural, paleontological, archaeological, prehistorical, natural, scientific or aesthetic interest, as designated under the Historical Resources Act.

On June 18, 2012, Council passed Bylaw 16136, which amended the *Edmonton Zoning Bylaw* by rezoning lands located between 63 Avenue and 79 Avenue between the lane west of 104 Street and the CPR rail line to the east to DC1 Direct Development Control Provision and RF3 Low Density Development Zone.

Schedule “C” of Bylaw 16136 (hereinafter referred to as “DC1(16136)”) states:

1. Purpose

The purpose of this Provision is to provide transition for the area to become a pedestrian- oriented, urban style commercial mixed Use area, while respecting the character of 104 Street and Gateway Boulevard. This Provision enhances the pedestrian environment by incorporating pedestrian scaled architecture, amenities and landscaping. It allows for industrial, commercial and limited residential Uses.

Variance: Setback Requirements

DC1(16136) states:

8. Additional Development and Design Regulations – Area 1

- a. Buildings shall be built to the front and side property lines. The Development Officer may allow building Setbacks up to 2.5 m to accommodate street related activities such as sidewalk cafes, architectural features and Landscaping that contribute to the pedestrian-oriented character of the area.

Development Officer’s Determination

1) Variance of setback requirements from S. DC1(16136) ("Additional Development and Design Regulations - Area 1")(a):

- From a maximum of 2.5m to 13.77m, from the front (69 Avenue) yard.
[unedited]

Variance: Façade Design Regulations

DC1(16136) states:

7. General Development and Design Regulations

- ...
 - i. Façade treatments of new or substantially renovated buildings shall incorporate canopies, awnings or arcades, entrance features or other features to enhance pedestrian comfort and visual interest along the street

8. Additional Development and Design Regulations – Area 1

- ...
 - c. A minimum of 50% of the width of the ground floor level portion of the front Façade shall be comprised of clear, non-reflective glazing.

Development Officer’s Determination

2) Variance of design regulations from S. DC1(16136), SS. 7(i) and ("Additional Development and Design Regulations – Area 1")(c):

- The requirement for glazing on the new building is waived.
- The requirement for additional facade treatments is waived.
[unedited]

Variance: Façade Design Regulations

The *Edmonton Zoning Bylaw* states the following:

54.2 Required Off-street Vehicular Accessory Parking

...

3. Landscaped Islands Within Parking Areas

- a. Every off-street parking or loading area required by this Bylaw 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 this Bylaw.

55. Landscaping

...

55.4 General Requirements

...

- 7. For development consisting of Non-residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:
 - a. one tree for each 25 m² and one shrub for each 15 m² of Setback at Grade; and
 - b. one tree for each 20 m² and one shrub for each 10 m² of required parking area islands. In no case shall there be less than one tree per required parking area island

DC1(16136) states:

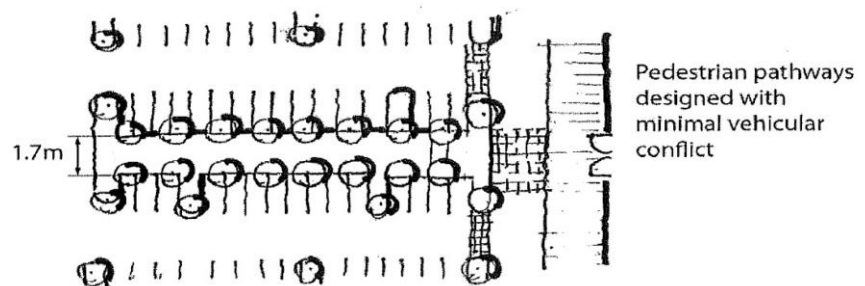
7. General Development and Design Regulations

...

- o. The following development regulations shall apply to parking:
 - i. the minimum vehicular parking requirements of Section 54.2, Schedule 1 of the Zoning Bylaw shall not be exceeded by more than 10% for surface parking lots to the satisfaction of the Development Officer and Transportation Services.
 - ii. development will locate and organize vehicular parking to improve the safety and attractiveness of adjacent streets and any open spaces by:

- A. integrating any above-ground parking structures with building design, and having commercial or other active Uses at grade facing adjacent streets, parks and open spaces;
- B. designing pedestrian routes within surface parking lots of over 30 stalls to connect building entrances, open spaces, parking spaces, public sidewalks, future transit stops and any other pedestrian destinations as illustrated in Figure 2, this shall include:
 - I. a barrier-free pathway with a minimum clear width of 1.7m;
 - II. landscaping along both sides of the pathway;
 - III. pedestrian-scale lighting to illuminate and define the route;
 - IV. orientation of parking spaces to minimize the number of traffic aisles that pedestrians must cross;
 - V. wheel stops or other barriers to ensure vehicles do not overhang into the pedestrian pathway; and
 - VI. a clear division from vehicular areas.

Figure 2



- iii. *in addition to the requirements of subsection 55.4 of this Bylaw, landscaping shall be used to separate public pathways (including sidewalks) from the parking lot and to separate the parking lot from a public or internal private roadway; and [emphasis added]*

- iv. on Sites where surface parking is proposed and comprises an area of 1500 m² or greater, a concept plan shall be provided for new development applications demonstrating how a minimum Floor Area Ratio of 0.8 could be achieved through future phases of development. Such concept plans are intended to illustrate how future densification could be accommodated without prejudicing future development, and shall not imply a commitment or obligation to such future development.

Development Officer's Determination

3) Variance of landscaping requirements from SS 54.2(3)(a), 55.4(7), and DC1(16136)(7)(o):

- From 4 trees to 0 trees.
 - All proposed landscaping may be deciduous plant material.
 - The requirement from landscaping to separate public throughfares from off-street parking lots is waived.
- [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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **163972980-001**
Application Date: NOV 14, 2014
Printed: October 19, 2015 at 10:25 AM
Page: 1 of 3

Major Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant

ALCO INC

Property Address(es) and Legal Description(s)

6925 - 104 STREET NW
Plan 7621517 Blk 38 Lot 33A
6909 - 104 STREET NW
Plan 4451S Blk 38 Lots 13-19

Scope of Permit

To construct an Accessory building to a General Industrial Use (Alco Inc).

Permit Details

Class of Permit: Class B
Gross Floor Area (sq.m.): 58.85
New Sewer Service Required: Y
Site Area (sq. m.): 4136.83

Contact Person:
Lot Grading Needed?: Y
NumberOfMainFloorDwellings:
Stat. Plan Overlay/Annex Area: (none)

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

Applicant signature: _____

Development Permit Decision

Approved

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



Project Number: 163972980-001
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Major Development Permit

Subject to the Following Conditions

1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$200.00.

3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay the Sanitary Sewer Trunk Charge (SSTC) fee. SSTC is applicable to the proposed development area of 0.4137 ha at the rate of \$7152/ha. For information purposes, the year 2015 rate is \$7152/ha. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 5th Floor cashiers, Planning and Development Department, 10250 - 101 Street NW.

4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms: cash to a value equal to 100% of the established landscaping costs;

or

an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. (Reference Section 55.6).

5) No parking, loading, storage, trash collection, outdoor service or display areas shall be permitted within a required Yard and loading, storage, parking and trash collection areas shall be screened from view from any adjacent site and public roadway in accordance with Section 54 of the Zoning Bylaw.

6) Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

7) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices (Reference Section 51).

8) All mechanical equipment, including roof mechanical units, shall be concealed by screening so that the equipment is not visible from the viewpoint of a pedestrian viewing the building from any public or private roadway, in a manner compatible with the architectural character of the building or concealed by incorporating it within the building.

NOTES:

1) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

2) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).

3) Signs require separate Development Applications.

4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing

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



Project Number: **163972980-001**
 Application Date: NOV 14, 2014
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Major Development Permit

This Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

5) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

Variations

1) Variance of setback requirements from S. DC1(16136) ("Additional Development and Design Regulations - Area 1")(a):

- From a maximum of 2.5m to 13.77m, from the front (69 Avenue) yard.

2) Variance of design regulations from S. DC1(16136), SS. 7(i) and ("Additional Development and Design Regulations - Area 1")(c):

- The requirement for glazing on the new building is waived.
- The requirement for additional facade treatments is waived.

3) Variance of landscaping requirements from SS 54.2(3)(a), 55.4(7), and DC1(16136)(7)(o):

- From 4 trees to 0 trees.
- All proposed landscaping may be deciduous plant material.
- The requirement from landscaping to separate public thoroughfares from off-street parking lots is waived.

Rights of Appeal

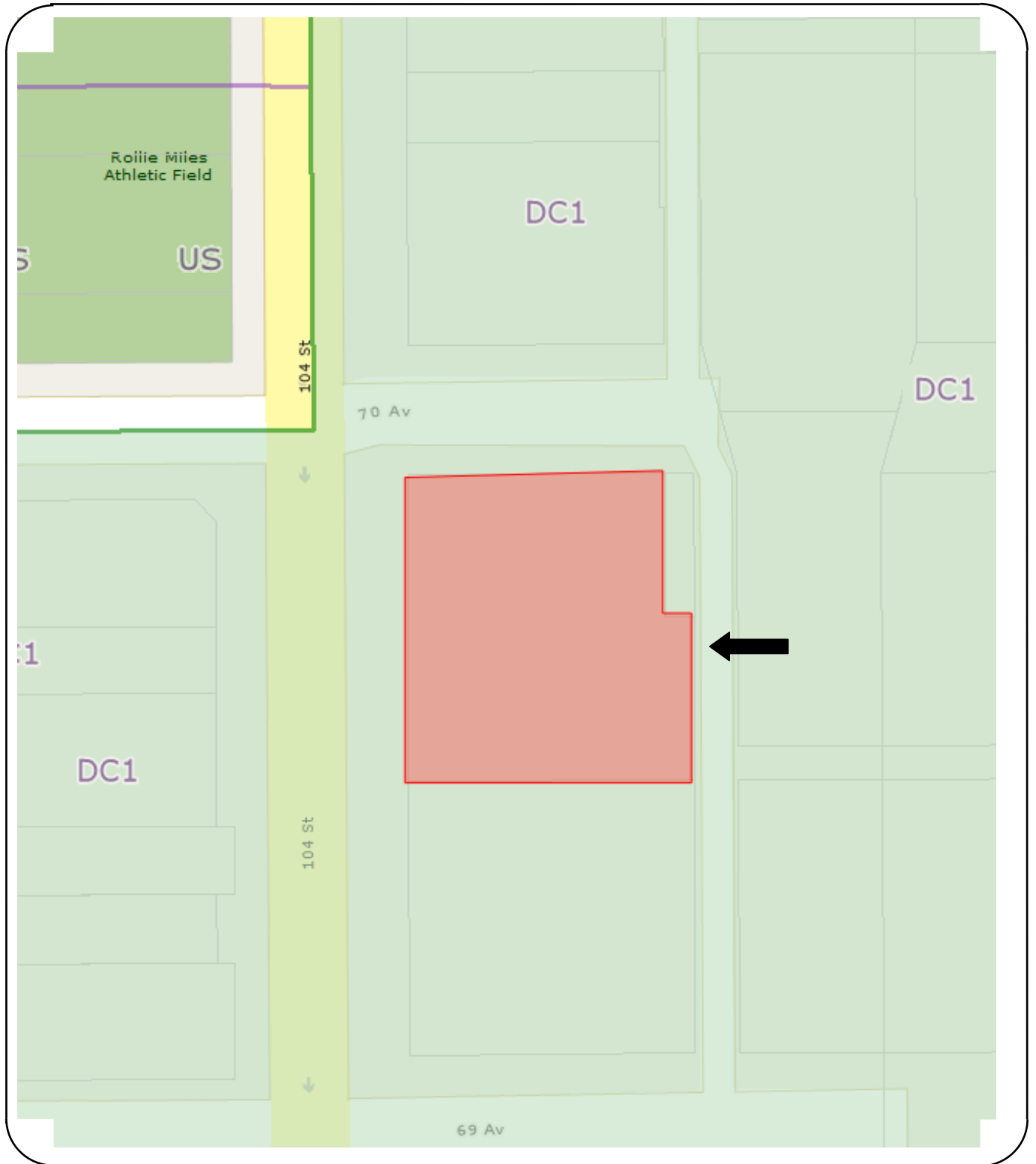
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Oct 01, 2015 **Development Authority:** WELCH, IMAI **Signature:** _____
Notice Period Begins: Oct 08, 2015 **Ends:** Oct 21, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$811.00	\$811.00	02071661	Nov 14, 2014
DP Notification Fee	\$100.00	\$100.00	02786394	Sep 30, 2015
Sanitary Sewer Trunk Fund 2012+	\$2,600.93			
Lot Grading Fee	\$220.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,731.93	\$911.00		
(\$2,820.93 outstanding)				

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



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-265



BUSINESS LAID OVER

SDAB-D-15-236 to 241	An appeal to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>November 19, 2015</i>
SDAB-D-15-251	An appeal to construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor; 10.06m x 9.14m) <i>November 26, 2015</i>
SDAB-D-15-252	An appeal to change the Use from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre) <i>November 25 or 26, 2015</i>
SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

145348619-005	An appeal to construct exterior alterations (Driveway extension, irregular shaped, 8.5m x 7m) to an existing Single Detached House. <i>November 26, 2015</i>
176994655-002	An appeal to install a Freestanding On-premises Sign/Minor Digital On-premises Sign (LaZboy) <i>December 3, 2015</i>
174864823-001	An appeal to convert a Single Detached House into a Limited Group Home (6 Residents). <i>December 10, 2015</i>
159269966-003	An appeal to construct an exterior alteration to an existing Single Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <i>January 21, 2016</i>