

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
November 19, 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-15-276	Construct a Commercial Use building (General Retail, Personal Service, Health Service and a Restaurant with 61.8 sq.m. of Public Space) 11045 - 127 Street NW Project No.: 158117141-001
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II	1:00 P.M.	SDAB-D-15-236 SDAB-D-15-237 SDAB-D-15-238 SDAB-D-15-239 SDAB-D-15-240 SDAB-D-15-241	Comply with Orders to acquire a valid development permit by September 25, 2015, or cease the use and demolish and remove all materials by September 25, 2015 Comply with all conditions of development permit No. 14904566-001 13004 - 33 Street NE Project No.: 159957147- 001, 159957147- 005, 159957147- 007, 159957147- 008, 159957147- 009, 159957147- 010

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-15-276

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

APPELLANT 1:

APPELLANT 2:

ADDRESS OF APPELLANT 1: 11038 126 Street NW
Edmonton, AB T5M 0P7

ADDRESS OF APPELLANT 2: 19 - 25012 Sturgeon Road
Sturgeon County, AB T8T 0C3

APPLICATION TO: Construct a Commercial Use building
(General Retail, Personal Service, Health Service and a Restaurant with 61.8 sq.m. of Public Space)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved With Notices

DECISION DATE: October 9, 2015

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

DATE OF APPEALS: October 25, 2015 and October 29, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11045 - 127 Street NW

LEGAL DESCRIPTION: Plan RN39B Blk 48 Lots 11-12

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

Appellant 1:

I am writing to appeal one aspect of the permit for 11045 - 127 Street, also described as 12625 - 111 Avenue.

There has been a relaxation of Section 54.2 Schedule 1. Normal guidelines require 28 parking spaces for this lot. The City has issued a variance granting that this be reduced from 28 to 11 spaces.

It is my belief that the City has not taken into consideration the limitations of parking in the area. This is to be a commercial building with "General Retail, Personal Service, Health Service and a Restaurant with 61.8 sq.m. of Public Space." With so many businesses on site, the staff that run these businesses must find adequate parking. The high volume of staff/customers for the restaurant should also be considered. There are limitations in this area.

The development is on the corner of 127 Street and 111 Avenue. There is no parking on 111 Avenue. 127 Street only allows parking on one side of the street because the south bound side is a bicycle lane. East side parking is in front of high density housing; several businesses line the opposite side of the street. Further, on the east side and adjacent to the proposed development site there is an active church with large congregations/events throughout the week. The empty lot is currently used for parking. Today (Oct. 25) I did a vehicle count: the lot was full with 29 vehicles, which will now have to find on-street parking in the neighbourhood and compete with vehicles visiting the new businesses.

It is my belief that this development and the variance is woefully underestimating the needs of parking in the area. The City may wish to refer to the numerous problems that have already occurred on 126 Street, for which there should be bylaw and law enforcement records. Both have been called out on numerous occasions to deal with issues of harassment because of the high density of parking already in the area. This situation will doubtless worsen with more complaints being filed, and more work for bylaw enforcement.

I am not opposing the idea of a business development for this site, but I am very much opposed to the variance granted. This shortsightedness will only become a headache for the residents of the area, and the City.

Further, given the exact location of the area, it is unlikely that many appeals will be filed. Both properties north of and adjacent to me on 126 Street are now vacant and subject to development, and both lots are zoned for multifamily. Both old houses are teardowns and higher density housing is the most likely outcome for those lots. This will add even more pressure to the limited on-street parking in the area. In addition, more high density housing is going in on 125 Street which has only 100 feet of on-street parking by lot area. The residents of this street have already expressed major concern to me about the future of parking problems. Across 111 Avenue any notifications of a development permit

are also likely to be ignored since it is mostly high density rental units with renters that are likely not going to have a vested interest in filing an appeal when there is a charge for doing so, an issue that I will bring up with councillor Scott McKeen.

I can only imagine that the eventual outcome will be that we have to initiate residential permits for those in the immediate area. This will be a headache for the residents, for the businesses, and ultimately a big job for the City to have to monitor and enforce.

I therefore conclude and ask that the City seriously reconsider the variances granted to this development proposal, and that they insist the developers find some way of securing adequate lots on site for the businesses in question.

[unedited]

Appellant 2

We strongly object to the Relaxation of Section 54.2 Schedule 1 - to change the proposed buildings parking requirement to change from 28 to 11.

The business leasing our property at 11024 - 127 Street is Northern Alberta Prosthetic and Orthotic Services. As 127 Street is a one-way north they have no parking for their disabled patients in front of the building. The parking is at the St. Albert Trail elbow and 127 Street right across from the proposed site. So the overflow from this building will affect their limited parking.

Please come out to look at this site. I will be happy to meet with you and explain the parking problem.

[unedited]

<i>General Matters</i>

Appeal Information:

The decision of the Development Authority was appealed by two adjacent property owners.

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 9, 2015. The Notice of Appeal Period started on October 20, 2015 and expired on November 2, 2015. On October 25 and 29, 2015, Notices of Appeal were filed by Appellant 1 and 2, respectively.

General Provisions from the *Edmonton Zoning Bylaw*:

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

... to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

The Development Permit Decision states that the gross Floor Area of the subject Site is 544.9 m², and that the development contemplates a Restaurant with 61.8 m² of Public Space.

The following are **Permitted Uses** in the **CB1 Low Intensity Business Zone**:

- Pursuant to Section 330.2(6), **General Retail Stores**, up to a maximum Floor Area of 1 000 m²;
- Pursuant to Section 330.2(10), **Personal Service Shops**;
- Pursuant to Section 330.2(7), **Health Services**; and
- Pursuant to Section 330.2(13), **Restaurants**, for less than 200 occupants and 240 m² of Public Space.

Section 7.4(22) states:

General Retail Stores means 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 7.4(41) states:

Personal Service Shops means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This Use Class does not include Health Services.

Section 7.4(24) states:

Health Services means development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical Uses include medical and dental offices, health clinics and counseling services.

Section 7.4(45) states:

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 Class typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

Parking Requirement

Section 54.2 Schedule 1 – Vehicular Parking Requirement provides the following:

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Commercial Use Classes	
12. Any development within a Commercial Use Class not listed separately in this table, with a Floor Area of:	

a. less than 4 500 m ²	1 parking space per 40.0 m ² of Floor Area
b. 4 500m ² - 9 000m ²	1 parking space per 33.3 m ² of Floor Area
c. 9 000 m ² - 28 000 m ²	1 parking space per 28.5 m ² of Floor Area
d. greater than 28 000 m ²	1 parking space per 25.0 m ² of Floor Area
19. Health Services	1 parking space per 22.2 m ² of Floor Area
24. Restaurants	1 parking space per 3.6 m ² of Public Space

Development Officer’s Determination

Section 54.2, Schedule 1 relaxed - The minimum number of required parking spaces from 28 to 11. [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: **158117141-001**
 Application Date: JUL 25, 2014
 Printed: November 13, 2015 at 9:52 AM
 Page: 1 of 4

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.

<p>Applicant</p> <p>SCOTT BUILDERS INC. </p>	<p>Property Address(es) and Legal Description(s)</p> <p>11045 - 127 STREET NW Plan RN39B Blk 48 Lots 11-12</p> <hr/> <p>Specific Address(es)</p> <p>Entryway: 11045 - 127 STREET NW Entryway: 11049 - 127 STREET NW Entryway: 12625 - 111 AVENUE NW Entryway: 12629 - 111 AVENUE NW Entryway: 12633 - 111 AVENUE NW Entryway: 12637 - 111 AVENUE NW Building: 11045 - 127 STREET NW</p>
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Scope of Permit
 To construct a Commercial Use building (General Retail, Personal Service, Health Service and a Restaurant with 61.8 sq.m. of Public Space).

<p>Permit Details</p> <p>Class of Permit: Class B Gross Floor Area (sq.m.): 544.9 New Sewer Service Required: Y Site Area (sq. m.): 1258.84</p>	<p>Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)</p>
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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: **158117141-001**
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Major Development Permit

Subject to the Following Conditions

- 1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a DP Notification Fee of \$100.00.
- 2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$220.00.
- 3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$791.53. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.
- 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:
 - a) cash to a value equal to 100% of the established landscaping costs;
 - or
 - b) 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) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
 - filling-in of the existing accesses to 127 Street and to 111 Avenue; and
 - reconstruction of the 111 Avenue commercial access, located approximately 8 m west of the east property line.
 Engineering Drawings are not required for this Agreement. However, construction must meet the City of Edmonton Design and Construction Standards. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Loli Fernandez (780-944-7683) including an irrevocable Letter of Credit in the amount of \$26,000 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature.
- 6) All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction. Reference Section 53(1).
- 7) The existing commercial accesses to 127 Street must be removed, and the curb & gutter and sidewalk constructed and the boulevard restored, as shown on the Enclosure.
- 8) The existing commercial access to 111 Avenue must be removed, and the curb & gutter and sidewalk constructed and the boulevard restored, as shown on the Enclosure.
- 9) The owner must reconstruct the existing commercial access on 111 Avenue, located approximately 8 m west of the east property line, as shown on the Enclosure.
- 10) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. The owner or Prime Contractor must apply for an OSCAM online at:
http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx
- 11) Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.
- 12) There may be utilities within road right-of-way not specified that must be considered during construction. The

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



Project Number: **158117141-001**
 Application Date: JUL 25, 2014
 Printed: November 13, 2015 at 9:52 AM
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Major Development Permit

owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

Transportation Advisements:

- i) Transportation Services does not object to the proposed parking deficiency of 17 stalls (provided 11 stalls; required 28 stalls). We recognize that there are additional stalls provided within road right-of-way in the vicinity of the building which may accommodate the development.
- ii) As part of the Westmount Neighbourhood Renewal, the 127 Street corridor from Villa Avenue to 111 Avenue is scheduled for reconstruction in 2017. For more information, please contact Felix Lam at 780-944-7695.

13) Bicycle parking (a minimum of 5 spaces) shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

14) There shall be no parking, loading, storage, trash collection, outdoor service or display area permitted within the required 3.0m (9.8 ft) yards. (Reference Section 330.4(3) and 330.4(5).)

15) The applicant/owner shall provide parking for People with Disabilities (a minimum of one space) in accordance to Section 54.1(3) and to the satisfaction of the Development Officer.

16) All activities or operations of the proposed development shall comply to the standards prescribed by the Province of Alberta pursuant to the Environmental Protection and Enhancement Act and the regulations pertaining thereto.

17) All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

18) The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6.

19) Landscaping shall be in accordance to the approved Landscape Plan, Section 55 and to the satisfaction of the Development Officer.

20) 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.

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

Notes:

- i) Signs require separate Development Applications.
- ii) 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.
- iii) 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 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.

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



Project Number: **158117141-001**
 Application Date: JUL 25, 2014
 Printed: November 13, 2015 at 9:52 AM
 Page: 4 of 4

Major Development Permit

Variations

Section 54.2, Schedule 1 relaxed - The minimum number of required parking spaces from 28 to 11.

Notes:

- 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 in accordance with Sections 21.1 and 17.1.

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.

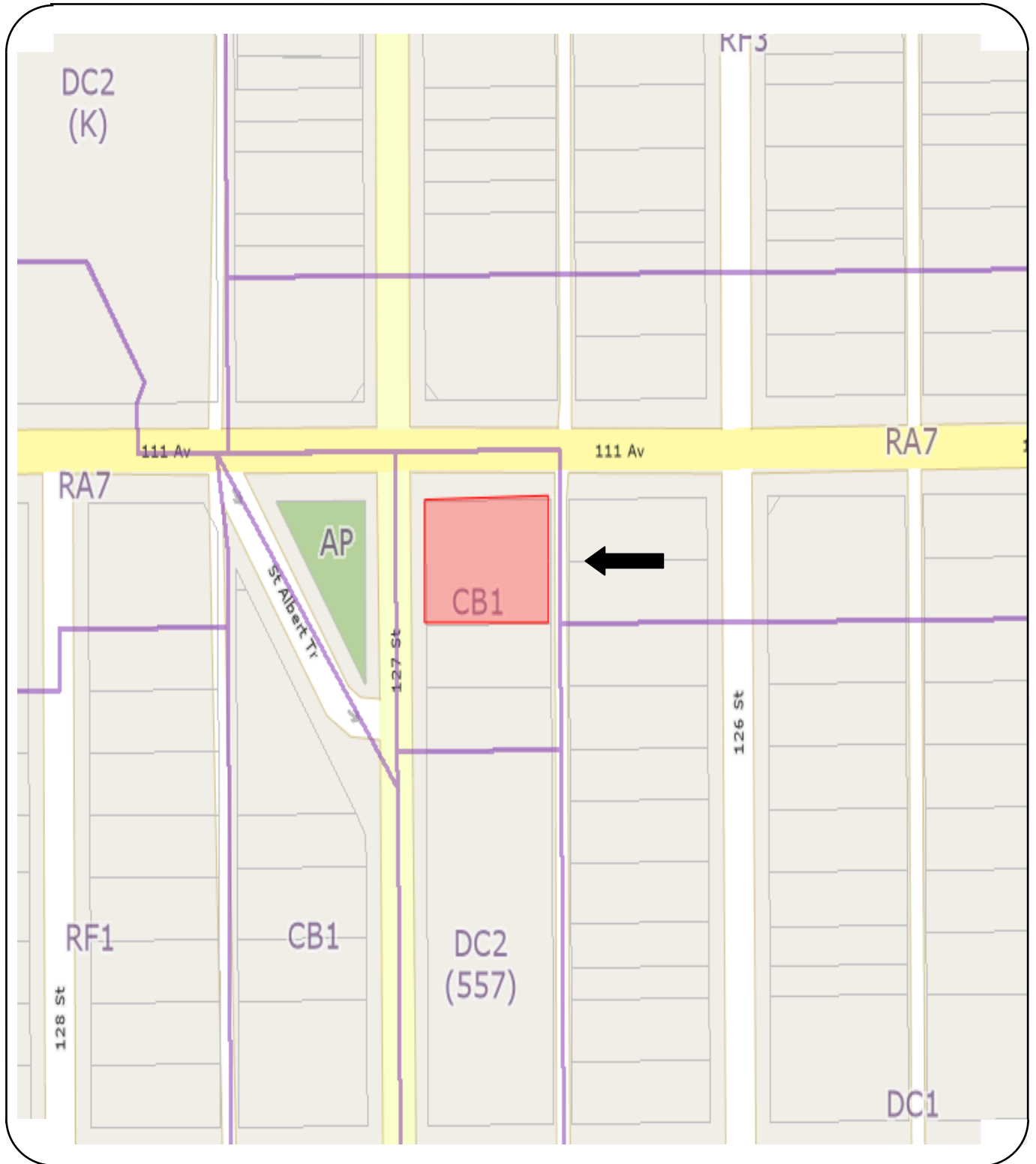
Issue Date: Oct 09, 2015 **Development Authority:** KOWAL, PAUL **Signature:** _____

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

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$811.00	\$811.00	01824929	Jul 25, 2014
Dev. Application Fee for GFA	\$88.00	\$88.00	01824929	Jul 25, 2014
Lot Grading Fee	\$220.00			
Sanitary Sewer Trunk Fund 2012+	\$791.53			
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,010.53	\$899.00		
(\$1,111.53 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-15-276



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-236 to 241

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 159957147-001 (Pages 24-25)
 159957147-005 (Pages 26-27)
 159957147-007 (Pages 28-29)
 159957147-008 (Pages 30-31)
 159957147-009 (Pages 32-33)
 159957147-010 (Pages 34-35)

ADDRESS OF APPELLANT: 7823 – 34 Street NW

ORDERS ISSUED TO: Comply with an Order to cease the Use (General Industrial) and remove all materials from the site until such time as a valid development permit has been issued. The Use (General Industrial) must cease and all materials must be removed before September 25, 2015 (159957147-001).

Comply with all conditions of Development Permit 149045660-001 or cease the Use and demolish all materials by September 25, 2015 (159957147-005).

Acquire a valid development permit by September 25, 2015, or cease the use and demolish and remove all materials by September 25, 2015 (159957147-007, 159957147-008, 159957147-009, 159957147-010).

DECISION OF CURRENT PLANNING: Orders Issued

DECISION DATE: August 14, 2015
 (159957147-001, 159957147-007, 159957147-008, 159957147-009, 159957147-010)

August 26, 2015
 (159957147-005)

DATE OF APPEAL: September 16, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13004 - 33 Street NE

LEGAL DESCRIPTION:	Plan 8920191 Blk 3
ZONE:	IH Heavy Industrial Zone IM Medium Industrial Zone
OVERLAY:	Edmonton-Strathcona County Joint Planning Study Area Secondary, Garage and Garden Suites Overlay
STATUTORY PLAN:	Aurum Industrial Business Park Area Structure Plan Yellowhead Corridor Area Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority with respect to all six Stop Orders:

The Stop Order was wrongfully issued as there is already a development permit for all developments on the subject site that require development permits. [unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

- (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
- ...

Appeal History of the Six Stop Orders:

159957147-001, 159957147-007, 159957147-008, 159957147-009, 159957147-010

The Order by the Development Authority is dated August 13, 2015, and was printed/mailed on August 14, 2015. The Notice of Appeal was filed on September 16, 2015.

159957147-005

The Order by the Development Authority is dated August 25, 2015, and was printed/mailed on August 26, 2015. The Notice of Appeal was filed on September 16, 2015.

Authority of the Subdivision and Development Appeal Board

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

Hearing and decision

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

...

- (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.

Six Stop Orders

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

The *Edmonton Zoning Bylaw* states:

5. Approval Required for Development:

5.1 No Person:

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

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

Under Section 420.1(5), **General Industrial Uses** is a **Permitted Use** in the IM Medium Industrial Zone.

Under Section 430.2(1), the following is a **Permitted Use** in the IH Heavy Industrial Zone:

General Industrial Uses that are characterized by one or more of the following features:

- a. large land requirements for storage, outdoor service, assembly, processing or fabricating operations;
- b. the creation of nuisances that extend beyond the boundaries of the Site and that may have a deleterious effect on other Zones due to their appearance, noise, or odour; and
- c. the use of materials or processing operations that requires separation from other developments, due to risk of toxic emissions or fire and explosion hazards.

Section 7.5(2) defines:

General Industrial Uses means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Development Authority's Determination

The following provides a summary of the six infractions and their related Orders:

159957147-001

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of Edmonton Zoning Bylaw 12800. Our investigation on July 15, 2015 revealed that a Use (General Industrial) has been developed. Indicia on the property that this is a General Industrial Use are as follows: Several signs indicating construction operations on site, large amounts of construction materials and equipment, several employees, fabrication operations.

General Industrial is a Permitted Use under Edmonton Zoning Bylaw 12800. However, our records indicate that *no Development Permit has been granted by the City of Edmonton for this Use*, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1. [emphasis added]

ORDER:

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

CEASE THE USE (GENERAL INDUSTRIAL) AND REMOVE ALL MATERIALS FROM THE SITE UNTIL SUCH TIME AS A VALID DEVELOPMENT PERMIT HAS BEEN ISSUED.

THE USE (GENERAL INDUSTRIAL) MUST CEASE AND ALL MATERIALS MUST BE REMOVED BEFORE SEPTEMBER 25, 2015.

[unedited]

159957147-005

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton Zoning Bylaw. Our investigation on July 15, 2015 revealed that *the developed area in the North West corner of the site, has not been developed in accordance with Development Permit Number 149045660-001* issued on July 4, 2014. [emphasis added] This is in contravention of Section 15 of Edmonton Zoning Bylaw 12800 and Section 650 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

Please see the conditions of Development Permit 149045660-001 attached.

ORDER:

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

- 1) COMPLY WITH ALL CONDITIONS OF DEVELOPMENT PERMIT 149045660-001

OR,

- 2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

[unedited]

159957147-007

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton Zoning Bylaw. Our investigation on July 15, 2015 revealed that a series of office trailers have been developed centrally on the site, as indicated on the attached APPENDIX A. *The City of Edmonton has not issued a development permit to develop a series of office trailers*, which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1. [emphasis added]

ORDER:

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

- 1) ACQUIRE A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

- 2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

[unedited]

159957147-008

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton

Zoning Bylaw. Our investigation on July 15, 2015 revealed that an industrial building has been developed centrally on the site, as indicated on the attached APPENDIX A. *The City of Edmonton has not issued a development permit to develop an industrial building centrally on the site,* which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1. [emphasis added]

ORDER:

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

- 1) ACQUIRE A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

- 2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

[unedited]

159957147-009

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton Zoning Bylaw. Our investigation on July 15, 2015 revealed that an industrial building has been developed centrally on the site, as indicated on the attached APPENDIX A. *The City of Edmonton has not issued a development permit to develop an industrial building centrally on the site,* which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1. [emphasis added]

ORDER:

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

- 1) ACQUIRE A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

- 2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

[unedited]

159957147-010

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton Zoning Bylaw. Our investigation on July 15, 2015 revealed that a series of office trailers have been developed on the East side of the site, as indicated on the attached APPENDIX A. *The City of Edmonton has not issued a development permit to develop a series of office trailers on the East side of the site*, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1. [emphasis added]

ORDER:

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

- 1) ACQUIRE A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

- 2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

[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*.



MAILING ADDRESS:
5th Floor, 10250 - 101 Street NW
Edmonton, AB T5J 3P4

August 13, 2015

Our File: 159957147-001

JOVNIC LTD
7823 - 34 STREET NW
EDMONTON AB T6B 2V5

KELLOG BROWN & ROOT SERVICES LIMITED
3700, 400 - 3RD AVENUE SW
CALGARY, ALBERTA T2P 4H2

PCL CONSTRUCTION GROUP INC.
9915 - 56 AVENUE NW
EDMONTON, ALBERTA T6E 5L7

Dear Sir/Madam:

A check with Land Titles Office discloses that Jovnic LTD. is the registered owner of the property located at 13004 - 33 STREET NE, legally described as Plan 8920191 Blk 3.

Our investigation on July 15, 2015 revealed that Kellogg Brown & Root Services Limited and PCL Construction Group INC. occupy the property located at 13004 33 Street NE, legally described as Plan 8920191 Blk 3.

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of Edmonton Zoning Bylaw 12800. Our investigation on July 15, 2015 revealed that a Use (General Industrial) has been developed. Indicia on the property that this is a General Industrial Use are as follows: Several signs indicating construction operations on site, large amounts of construction materials and equipment, several employees, fabrication operations.

General Industrial is a Permitted Use under Edmonton Zoning Bylaw 12800. However, our records indicate that no Development Permit has been granted by the City of Edmonton for this Use, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

ORDER:

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

CEASE THE USE (GENERAL INDUSTRIAL) AND REMOVE ALL MATERIALS FROM THE SITE UNTIL SUCH TIME AS A VALID DEVELOPMENT PERMIT HAS BEEN ISSUED.

THE USE (GENERAL INDUSTRIAL) MUST CEASE AND ALL MATERIALS MUST BE REMOVED BEFORE SEPTEMBER 25, 2015.

CONSEQUENCES FOR NON-COMPLIANCE:

This serves as a Violation Notice in accordance with Section 23.3 of Edmonton Zoning Bylaw 12800.

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected on September 28, 2015 to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT CEASE THE USE (GENERAL INDUSTRIAL) AND REMOVE ALL MATERIALS FROM THE SITE BY SEPTEMBER 25, 2015, the City may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-496-2687.

Regards,

Justin Young
Development and Zoning
Current Planning
Phone Number: 780-496-2687
Fax Number: 780-496-6054
Email Address: Justin.Young@edmonton.ca



MAILING ADDRESS:
5th Floor, 10250 - 101 Street NW
Edmonton, AB T5J 3P4

August 25, 2015

Our File: 159957147-005

JOVNIC LTD
7823 - 34 STREET NW
EDMONTON AB T6B 2V5

PCL CONSTRUCTION GROUP INC.
9915 - 56 AVENUE NW
EDMONTON, ALBERTA T6E 5L7

Dear Sir/Madam:

A check with Land Titles Office discloses that Jovnic LTD. is the registered owner of the property located at 13004 - 33 STREET NE, legally described as Plan 8920191 Blk 3.

Our investigation on July 15, 2015 revealed that PCL Construction Group INC. occupy the property located at 13004 33 Street NE, legally described as Plan 8920191 Blk 3.

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton Zoning Bylaw. Our investigation on July 15, 2015 revealed that the developed area in the North West corner of the site, has not been developed in accordance with Development Permit Number 149045660-001 issued on July 4, 2014. This is in contravention of Section 15 of Edmonton Zoning Bylaw 12800 and Section 650 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

Please see the conditions of Development Permit 149045660-001 attached.

ORDER:

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

1) COMPLY WITH ALL CONDITIONS OF DEVELOPMENT PERMIT 149045660-001

OR,

2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

CONSEQUENCES FOR NON-COMPLIANCE:

This serves as a Violation Notice in accordance with Section 23.3 of Edmonton Zoning Bylaw 12800.

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected on September 28, 2015 to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED THAT IF YOU HAVE NOT:

1) COMPLIED WITH ALL CONDITIONS OF DEVELOPMENT PERMIT 149045660-001

OR,

2) CEASED THE USE AND DEMOLISHED AND REMOVED ALL MATERIALS BY SEPTEMBER 25, 2015.

the City may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-496-2687.

Regards,

Justin Young
Development and Zoning
Current Planning
Phone Number: 780-496-2687
Fax Number: 780-496-6054
Email Address: Justin.Young@edmonton.ca



MAILING ADDRESS:
5th Floor, 10250 - 101 Street NW
Edmonton, AB T5J 3P4

August 13, 2015

Our File: 159957147-007

JOVNIC LTD
7823 - 34 STREET NW
EDMONTON AB T6B 2V5

KELLOGG BROWN & ROOT SERVICES LIMITED
3700, 400 - 3RD AVENUE SW
EDMONTON, ALBERTA T2P4H2

Dear Sir/Madam:

A check with Land Titles Office discloses that Jovnic LTD. is the registered owner of the property located at 13004 - 33 STREET NE, legally described as Plan 8920191 Blk 3.

Our investigation on July 15, 2015 revealed that Kellogg Brown & Root Services Limited occupy the property located at 13004 33 Street NE, legally described as Plan 8920191 Blk 3.

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton Zoning Bylaw. Our investigation on July 15, 2015 revealed that a series of office trailers have been developed centrally on the site, as indicated on the attached APPENDIX A. The City of Edmonton has not issued a development permit to develop a series of office trailers, which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

ORDER:

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

1) ACQUIRE A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

CONSEQUENCES FOR NON-COMPLIANCE:

This serves as a Violation Notice in accordance with Section 23.3 of Edmonton Zoning Bylaw 12800.

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected on September 28, 2015 to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED THAT IF YOU HAVE NOT:

1) ACQUIRED A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

2) CEASED THE USE AND DEMOLISHED AND REMOVED ALL MATERIALS BY SEPTEMBER 25, 2015.

the City may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-496-2687.

Regards,

Justin Young
Development and Zoning
Current Planning
Phone Number: 780-496-2687
Fax Number: 780-496-6054
Email Address: Justin.Young@edmonton.ca



MAILING ADDRESS:
5th Floor, 10250 - 101 Street NW
Edmonton, AB T5J 3P4

August 13, 2015

Our File: 159957147-008

JOVNIC LTD
7823 - 34 STREET NW
EDMONTON AB T6B 2V5

KELLOGG BROWN & ROOT SERVICES LIMITED
3700, 400 - 3RD AVENUE SW
EDMONTON, ALBERTA T2P4H2

Dear Sir/Madam:

A check with Land Titles Office discloses that Jovnic LTD. is the registered owner of the property located at 13004 - 33 STREET NE, legally described as Plan 8920191 Blk 3.

Our investigation on July 15, 2015 revealed that Kellogg Brown & Root Services Limited occupy the property located at 13004 33 Street NE, legally described as Plan 8920191 Blk 3.

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton Zoning Bylaw. Our investigation on July 15, 2015 revealed that an industrial building has been developed centrally on the site, as indicated on the attached APPENDIX A. The City of Edmonton has not issued a development permit to develop an industrial building centrally on the site, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

ORDER:

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

1) ACQUIRE A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

CONSEQUENCES FOR NON-COMPLIANCE:

This serves as a Violation Notice in accordance with Section 23.3 of Edmonton Zoning Bylaw 12800.

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected on September 28, 2015 to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED THAT IF YOU HAVE NOT:

1) ACQUIRED A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

2) CEASED THE USE AND DEMOLISHED AND REMOVED ALL MATERIALS BY SEPTEMBER 25, 2015.

the City may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-496-2687.

Regards,

Justin Young
Development and Zoning
Current Planning
Phone Number: 780-496-2687
Fax Number: 780-496-6054
Email Address: Justin.Young@edmonton.ca



MAILING ADDRESS:
5th Floor, 10250 - 101 Street NW
Edmonton, AB T5J 3P4

August 13, 2015

Our File: 159957147-009

JOVNIC LTD
7823 - 34 STREET NW
EDMONTON AB T6B 2V5

KELLOGG BROWN & ROOT SERVICES LIMITED
3700, 400 - 3RD AVENUE SW
EDMONTON, ALBERTA T2P4H2

Dear Sir/Madam:

A check with Land Titles Office discloses that Jovnic LTD. is the registered owner of the property located at 13004 - 33 STREET NE, legally described as Plan 8920191 Blk 3.

Our investigation on July 15, 2015 revealed that Kellogg Brown & Root Services Limited occupy the property located at 13004 33 Street NE, legally described as Plan 8920191 Blk 3.

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton Zoning Bylaw. Our investigation on July 15, 2015 revealed that an industrial building has been developed centrally on the site, as indicated on the attached APPENDIX A. The City of Edmonton has not issued a development permit to develop an industrial building centrally on the site, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

ORDER:

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

1) ACQUIRE A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

CONSEQUENCES FOR NON-COMPLIANCE:

This serves as a Violation Notice in accordance with Section 23.3 of Edmonton Zoning Bylaw 12800.

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected on September 28, 2015 to determine compliance with this Order. Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED THAT IF YOU HAVE NOT:

1) ACQUIRED A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

2) CEASED THE USE AND DEMOLISHED AND REMOVED ALL MATERIALS BY SEPTEMBER 25, 2015.

the City may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-496-2687.

Regards,

Justin Young
Development and Zoning
Current Planning
Phone Number: 780-496-2687
Fax Number: 780-496-6054
Email Address: Justin.Young@edmonton.ca



MAILING ADDRESS:
5th Floor, 10250 - 101 Street NW
Edmonton, AB T5J 3P4

August 13, 2015

Our File: 159957147-010

JOVNIC LTD
7823 - 34 STREET NW
EDMONTON AB T6B 2V5

KELLOGG BROWN & ROOT SERVICES LIMITED
3700, 400 - 3RD AVENUE SW
EDMONTON, ALBERTA T2P4H2

Dear Sir/Madam:

A check with Land Titles Office discloses that Jovnic LTD. is the registered owner of the property located at 13004 - 33 STREET NE, legally described as Plan 8920191 Blk 3.

Our investigation on July 15, 2015 revealed that Kellogg Brown & Root Services Limited occupy the property located at 13004 33 Street NE, legally described as Plan 8920191 Blk 3.

LAND USE INFRACTION:

This property is zoned IM (Medium Industrial Zone) and IH (Heavy Industrial Zone) in accordance with Sections 420 and 430 of the Edmonton Zoning Bylaw. Our investigation on July 15, 2015 revealed that a series of office trailers have been developed on the East side of the site, as indicated on the attached APPENDIX A. The City of Edmonton has not issued a development permit to develop a series of office trailers on the East side of the site, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

ORDER:

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

1) ACQUIRE A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

2) CEASE THE USE AND DEMOLISH AND REMOVE ALL MATERIALS BY SEPTEMBER 25, 2015.

CONSEQUENCES FOR NON-COMPLIANCE:

This serves as a Violation Notice in accordance with Section 23.3 of Edmonton Zoning Bylaw 12800.

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected on September 28, 2015 to determine compliance with this Order. Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED THAT IF YOU HAVE NOT:

1) ACQUIRED A VALID DEVELOPMENT PERMIT BY SEPTEMBER 25, 2015.

OR,

2) CEASED THE USE AND DEMOLISHED AND REMOVED ALL MATERIALS BY SEPTEMBER 25, 2015.

the City may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-496-2687.

Regards,

Justin Young
Development and Zoning
Current Planning
Phone Number: 780-496-2687
Fax Number: 780-496-6054
Email Address: Justin.Young@edmonton.ca

**Adding
Amounts
Owing to tax
roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
 - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
 - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
 - (d), (e) repealed 1999 c11 s35;
 - (f) costs associated with tax recovery proceedings related to the parcel;
 - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
 - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
 - (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board was related to the parcel;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.

Stop order

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

**Enforcement of
stop order**

- 646(1)** If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- (2)** A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

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

Permit

- 683** Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for appeal

- 685(1)** If a development authority
 - (a) fails or refuses to issue a development permit to a person,
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under section 645,

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

- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

Appeals

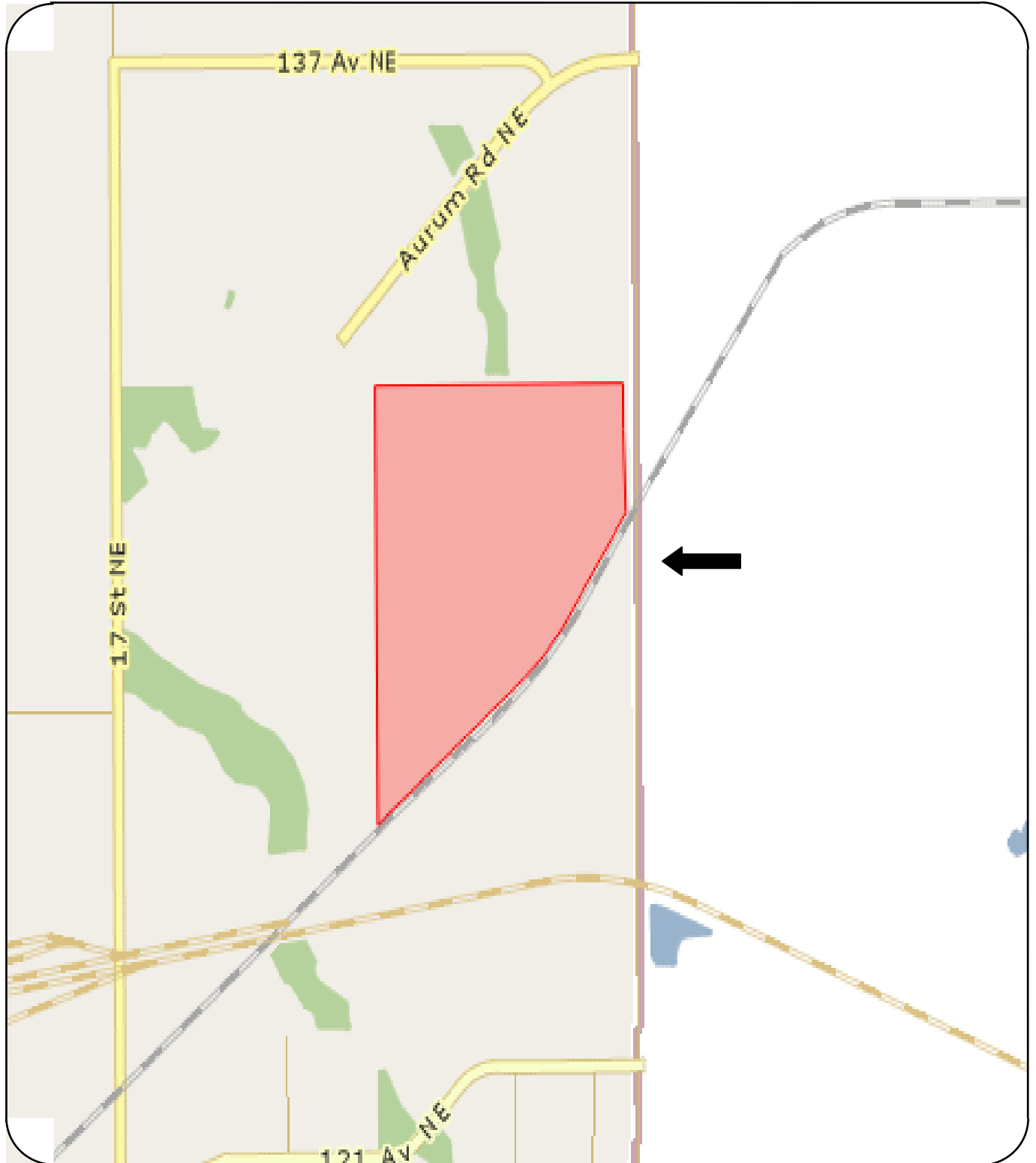
- 686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,
 - (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing
 - (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
 - (a) the application for the development permit, the decision and the notice of appeal, or
 - (b) the order under section 645.
- (5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

APPENDIX A





SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-237 to 241



BUSINESS LAID OVER

SDAB-D-15-236 to 241	An appeal by <u>Ogilvie LLP</u> 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 by <u>Lain & Janet Birchall; Roger/Denele Walsh; Karen Bilinske VS Homes By Anthony Developments</u> 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 by Southwest Muslim Community Centre 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 by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> 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 by <u>Derek Potts</u> to construct an 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 by <u>Permit Masters</u> to install a Freestanding On-premises Sign/Minor Digital On-premises Sign (LaZboy) <i>December 3, 2015</i>
174864823-001	An appeal by <u>Dean and Jade Gronemeyer VS Imelda Calapre</u> to convert a Single Detached House into a Limited Group Home (6 Residents). <i>December 10, 2015</i>
159269966-003	An appeal by <u>Anh Padmore</u> 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>