

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
November 4, 2015

Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-15-254	Develop a Secondary Suite in the Basement and interior alterations to the Main Floor of an existing Single Detached House, existing without permits. 10856 - 93 Street NW Project No.: 168098031-006
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II	11:00 A.M.	SDAB-D-15-255	Construct a Semi-Detached House with front verandas, fireplaces and rear uncovered decks (4.72m x 3.05m) and to demolish an existing Single Detached House and Accessory Building (detached Garage) 9530 - 72 Avenue NW Project No.: 177382832-001
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III	2:00 P.M.	SDAB-D-15-256	Add an Automotive and Minor Recreation Vehicle Sales/Rentals use to an existing General Retail Store (U-Haul van rental - Maximum 3 cargo vans) 11429 - 107 Avenue NW Project No.: 176585012-001
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NOTE: *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-254

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

APPELLANT:

APPLICATION NO.: 168098031-006

ADDRESS OF APPELLANT: 10859 - 94 Street NW

APPLICATION TO: Develop a Secondary Suite in the Basement and interior alterations to the Main Floor of an existing Single Detached House, existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: September 23, 2015

DATE OF APPEAL: October 9, 2015

NOTIFICATION PERIOD: Sep 29, 2015 through Oct 12, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 10856 - 93 STREET NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10856 - 93 STREET NW

LEGAL DESCRIPTION: Plan 1710U Blk 23 Lot 5

ZONE: DC1 Direct Development Control Provision

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Boyle Street / McCauley Area Redevelopment Plan

Grounds for Appeal

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

- The use is a discretionary use and in approving the secondary suite the development officer did not follow the directions of City Council:
 - As expressed in the Boyle Street McCauley Area Redevelopment Plan for Area 6; and
 - As expressed in the City of Edmonton Land Use Bylaw 12800
- The development officer did not follow the direction of City Council, as expressed in the Boyle Street McCauley Area Redevelopment Plan, when he approved the relaxation of section 86.1 of the City of Edmonton Land Use Bylaw 12800.
- The development officer failed to require the applicant for a development permit to provide information regarding the security and crime prevention features that will be included in the proposed development in accordance with the direction of City Council as expressed in the Boyle Street McCauley Area Redevelopment Plan and under the authority of section 18 of the Subdivision and development Regulation; and
- Such further and other grounds as may become evident through review of this file and at the hearing.
[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:

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 September 23, 2015. The Notice of Appeal Period started on September 29, 2015 and expired on October 12, 2015. The Notice of Appeal was filed on October 9, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 710.1 states the following with respect to the **General Purpose** of the **DC1 Direct Development Control Provision**:

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.

Boyle Street McCauley ARP (“Area Redevelopment Plan” DC1 Districts – Area 6 Provisions):

The subject property is zoned DC1 (999) Direct Development Control Provision under Bylaw 17250. It is within the Boyle Street/McCauley Area ARP, Bylaw 10704, which was passed by City Council on July 18, 1994.

On June 22, 2015, City Council passed Bylaw 17249, which amended the ARP by deleting DC1 (Area 6) “McCauley Direct Development Control District Section 719, Land Use Bylaw” and replacing it with **8.4.17 DC1 (Area 6) – McCauley Direct Development Control Provision**, the entirety of which provides:

1. Area of Application

Large portions of Sub-area 5, located between 90 and 97 Streets and 107 A Avenue and 111 Avenue, designated DC1 (Area 6) in Bylaw 10705, amending the Zoning Bylaw.

This excludes the west portion of Lot 1 and the southwest portion of Lot 2, Block 35, Plan ND (9606 – 110 Avenue NW), currently occupied as Rehwinkel Parsonage and designated as a Municipal Historic Resource and Lot 34, Block 35, Plan ND (9620 110 Avenue NW), currently zoned DC1 Area 13.

2. Rationale

To provide a district which will accommodate affordable housing options designated to promote the family-oriented character of the neighbourhood in order to achieve the intent of Section 7.2.7 of this plan. This District is intended to provide the bulk of low density housing opportunities in the Boyle Street/McCauley ARP area. In order to achieve these objectives, this range of housing options may include innovative forms of housing such as Semi-detached Housing and Duplex Housing on single lots. Semi-detached Housing where the dwellings are back-to back and the two dwellings are joined in whole or in part at the rear only, and in which one dwelling faces the front of the lot and the other dwelling faces the rear of the lot. This may also include Secondary Suites as well as Garage Suites and Garden Suites under certain conditions.

3. Uses

- a. Child Care Services
- b. Duplex Housing
- c. Garage Suites
- d. Garden Suites
- e. Group Homes
- f. Limited Group Homes
- g. Major Home Based Businesses
- h. Minor Home Based Businesses
- i. Religious Assemblies
- j. Residential Sales Centre
- k. Secondary Suites
- l. Semi-detached Housing

4. Development Criteria

- a. The minimum site area shall be:

- i. 312 m² for each Single Detached Dwelling; and
 - ii. 180 m² for each Semi-detached or Duplex Dwelling.
- b. The minimum site width shall be 10 m for each Single Detached Dwelling and for both Duplex Dwellings and for both Semi-detached Dwellings
- c. The maximum building height shall not exceed 10 m nor 2½ storeys.
- d. The maximum total site coverage shall not exceed 40% for Single Detached Housing with a maximum of 28% for a principal building and a maximum of 12 % for accessory buildings. Where a garage is attached to or designed as an integral part of a dwelling, the maximum for the principal building is 40%. The maximum total site coverage shall not exceed 50% for Semi-detached or Duplex Housing with a maximum of 38% for a principal building and a maximum of 12% for accessory buildings. The maximum total site coverage shall not exceed 50% for Semi-detached Housing where the Dwellings are back-to-back, inclusive of any other accessory buildings, with a maximum of 12% for accessory buildings.
- e. The minimum Front Setback shall be 4.5 m which may be varied by the Development Officer to reflect the existing building Setbacks. For Semi-detached Housing where the Dwellings are back-to-back, all minimum Setback requirements shall be calculated on the basis of the location of the entire building, notwithstanding the location of individual Dwellings within the structure.
- f. The minimum Rear Setback shall be 7.5 m except in the case of a corner site for all uses except Semi-detached Back-to-Back Housing, where the minimum rear Setback shall be 5 m.
- g. Side Setbacks shall be established on the following basis:
 - i. Side Setback shall total at least 20 % of the site width, but the requirement shall not be more than 6.0 m with a minimum side Setback of 1.2 m ; and,
 - ii. on a corner site, where the building fronts on a flanking public roadway other than a lane, the minimum side Setback abutting the flanking public roadway shall be 4.5 m.
- h. Semi-detached or Duplex Housing shall not be developed on any lot which does not have a rear or flanking lane.

- i. Notwithstanding the other regulations of this Provision:
 - i. Religious Assemblies shall be developed in accordance with Section 71 of the Zoning Bylaw;
 - ii. Minor Home Based Business shall be developed in accordance with Section 74 of the Zoning Bylaw.
 - iii. Major Home Based Business shall be developed in accordance with Section 75 of the Zoning Bylaw.
 - iv. Group Homes shall be developed in accordance with Section 79 of the Zoning Bylaw.
 - v. Child Care Services shall be developed accordance with Section 80 of the Zoning Bylaw.
 - vi. Residential Sales Centres shall be developed in accordance with Section 82 of the Zoning Bylaw.
 - vii. Secondary Suites shall be developed in accordance with Section 86 of the Zoning Bylaw.
 - viii. Garage and Garden Suites shall be developed in accordance with Section 87 of the Zoning Bylaw.
- j. Notwithstanding Section 50, where the Accessory Building is a detached garage and where the vehicle doors of the detached garage face a lane abutting the site, no portion of the garage shall be less than 0.6 m from the rear property line.
- k. Notwithstanding the requirements of Section 54 of the Zoning Bylaw, the on-site parking requirements for Semi-detached Housing shall be one (1) parking space per Dwelling. Access to all parking spaces shall be from a rear or flanking lane. All parking shall be located in the Rear Setback.
- l. Development in this provision shall be evaluated with respect to compliance with the General Development Regulations and Special Land Use Provisions contained in Sections 40 to 97 inclusive, of the Zoning Bylaw.
- m. The Development Officer may grant relaxations to Sections 40 through 97 of the Zoning Bylaw and the regulations of this Provision, if in his opinion, such a variance would be in keeping with the general purpose of this district and would not adversely affect the amenities, use and enjoyment of neighbouring properties.

Variance: Minimum Site Area

Section 86(1) states:

A Secondary Suite shall comply with the following regulations:

1. the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m², except in the case of the RR Zone, where it shall be the same as the minimum Site area for the Zone.

Section 7.2(7) defines **Secondary Suite** as follows:

Secondary Suite means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Development Officer's Determination

2. Section 86.1 relaxed - The Minimum Site Area for Single Detached Dwelling containing a Secondary Suite is 360 m².

Existing Site Area: 337 m²
Required Site Area: 360 m²
Deficient by: 23 m²
[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: **168098031-006**
Application Date: JUN 08, 2015
Printed: October 27, 2015 at 10:08 AM
Page: 1 of 3

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.

Applicant M O GEORGE ARCHITECT, MOBOLANLE 	Property Address(es) and Legal Description(s) 10856 - 93 STREET NW Plan 1710U Blk 23 Lot 5 Specific Address(es) Suite: 10856 - 93 STREET NW Entryway: 10856 - 93 STREET NW Building: 10856 - 93 STREET NW
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Scope of Permit
To develop a Secondary Suite in the Basement and interior alterations to the Main Floor of an existing Single Detached House, existing without permits.

Permit Details # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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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: 168098031-006
Application Date: JUN 08, 2015
Printed: October 27, 2015 at 10:08 AM
Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

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.

The Permit is NOT VALID until an inspection is conducted by the City of Edmonton and it has been determined that the proposed Development and the Single Detached House comply with the conditions of this Permit.

This Development Permit authorizes the development of a Secondary Suite in the Basement and interior alterations to the Main Floor of an existing Single Detached House, existing without permits.

The Development shall be in accordance with the stamped, approved drawings.

A Secondary Suite shall be developed in such a manner that the exterior of the principal building containing the Secondary Suite shall appear as a single Dwelling.

Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.

Apartment House is not a listed Use so three (3) Dwellings are NOT permitted on the Site.

A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.

Secondary Suites shall not be included in the calculation of densities in this Bylaw.

The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.

Locked separation that restricts the nonconsensual movement of persons between the Basement and the Main Floor shall be installed.

There shall not be any separation between the Main Floor and the lobby that leads upto the Second Floor.

The Main Floor kitchen shall be decommissioned so that cooking and food preparation facilities are removed.

Single Detached Housing/Semi-detached housing requires 2 parking spaces per dwelling; parking may be in tandem as defined in Section 6.1(100) (Reference Schedule 1 of Section 54.2).

For the Secondary Suite, 1 parking space per 2 Sleeping Units shall be provided in addition to the parking requirements for the primary Dwelling. Tandem Parking is allowed for Secondary Suites and Garage Suites. (Reference Section 54.2(2))

Proposed sleeping units: 1

Required additional parking spaces: 1

The additional proposed off-street parking shall be constructed prior to commencing the use of the Basement as a Secondary Suite.

Notes:

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. (Reference Section 5.2)

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



Project Number: **168098031-006**
 Application Date: JUN 08, 2015
 Printed: October 27, 2015 at 10:08 AM
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Minor Development Permit

Dwelling means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Household means:

one or more persons related by blood, adoption, foster care, marriage relationship; or a maximum of three unrelated persons; all living together as a single social and economic housekeeping group and using cooking facilities shared in common. For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.

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

Variations

1. Class B Discretionary Use: Includes all developments on Sites designated Direct Control (Reference Section 12.4 of the Edmonton Zoning Bylaw 12800).
2. Section 86.1 relaxed - The Minimum Site Area for Single Detached Dwelling containing a Secondary Suite is 360 m2.

Existing Site Area: 337 m2
 Required Site Area: 360 m2
 Deficient by: 23 m2

Rights of Appeal

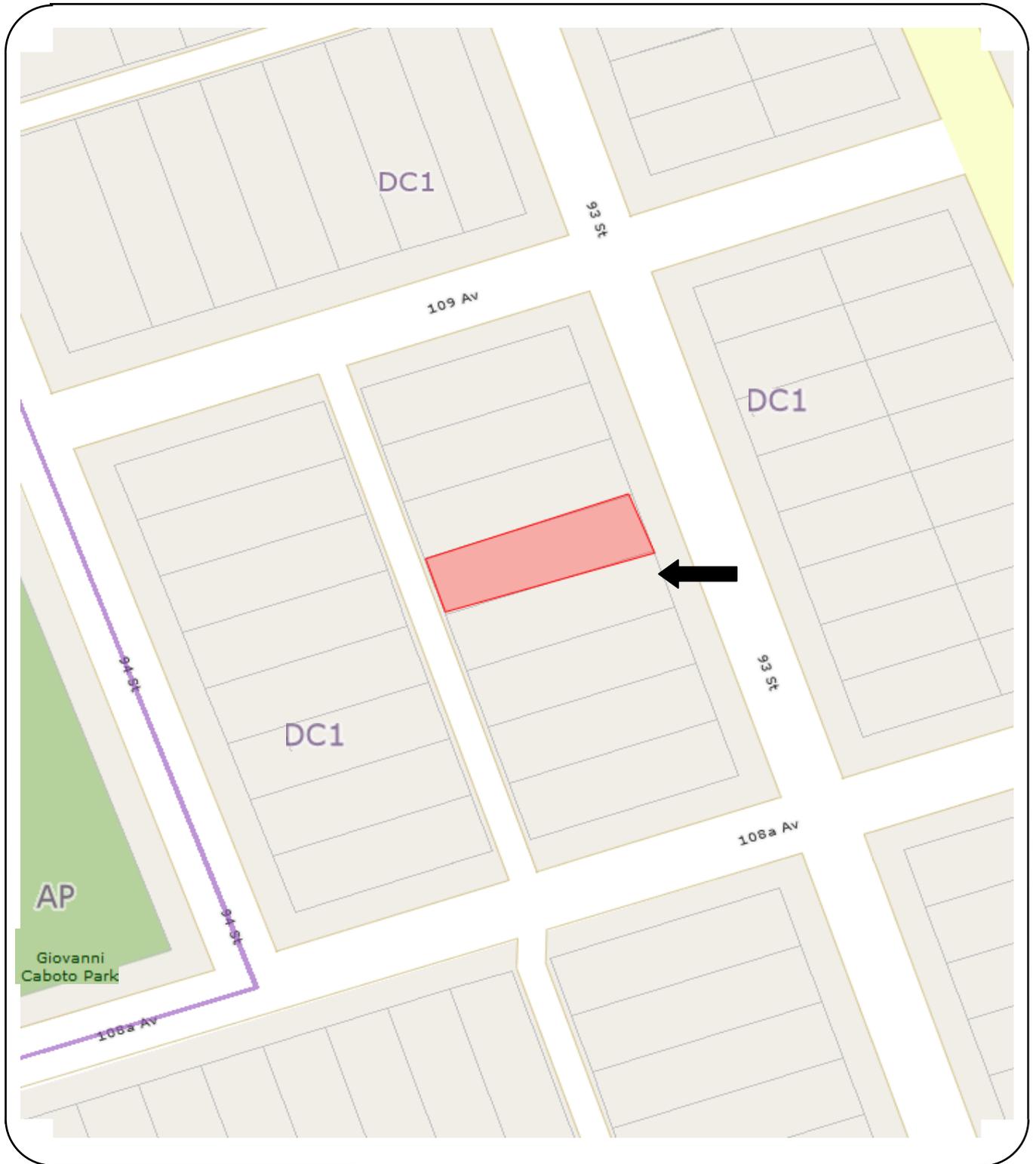
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Sep 23, 2015 **Development Authority:** XIE, JASON **Signature:** _____
Notice Period Begins: Sep 29, 2015 **Ends:** Oct 12, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$40.00	\$40.00	02800363	Oct 05, 2015
Dev. Application Fee	\$260.00	\$260.00	02497028	Jun 10, 2015
Existing Without Permit Penalty Fee	\$260.00	\$260.00	02497028	Jun 10, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$560.00	\$560.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-254



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-255

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

APPELLANT:

APPLICATION NO.: 177382832-001

ADDRESS OF APPELLANT: 9529 - 73 AVENUE NW

APPLICATION TO: Construct a Semi-Detached House with front verandas, fireplaces and rear uncovered decks (4.72m x 3.05m) and to demolish an existing Single Detached House and Accessory Building (detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: September 24, 2015

DATE OF APPEAL: October 9, 2015

NOTIFICATION PERIOD: Oct 1, 2015 through Oct 14, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 9530 - 72 AVENUE NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9530 - 72 AVENUE NW

LEGAL DESCRIPTION: Plan 426HW Blk 20 Lot T

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Ritchie Neighbourhood Improvement Plan / Area Redevelopment Plan

Grounds for Appeal

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

Section 140.4.3.b: Lot size is not adequate for a semi-detached structure. There are many lots in the area that are sized appropriately for a semi-detached build so by allowing the variance, you are adding to the existing opportunities therefore eliminate the opportunity for single family structures. This causes an imbalance between single family structures and multi-family structures within the neighbourhood. Increasing density can be achieved with single family structure by means of a garage, garden or basement suites.

Section 140.4.18: Although the relaxation of this appeal is unclear, our understanding is that the plans are identical to the adjacent property which is symmetrical with no side entrances. I appeal both. To maintain the integrity of the street and avoid diminished property value, we want and need asymmetric designs that maintain or increase property values in the neighbourhood. We appeal any design that has a side entrance as this design has created flooding or water damage to neighbouring homes - there is not enough room to put a sidewalk, an effective swale and proper timbers to prevent water run-off entering the neighbouring property. We will bring photos of the property where these exact plans with these same variances were relaxed.

[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 September 24, 2015. The Notice of Appeal Period started on October 1, 2015 and expired on October 14, 2015. The Notice of Appeal was filed on October 9, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states the following with respect to the **General Purpose** of the **RF3 Small Scale Infill Development Zone**:

The purpose of this Zone is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.2(8), **Semi-detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(8) defines **Semi-detached Housing** as follows:

... development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

Variance: Site Width

Section 140.4(3)(b) states:

140.4 Development Regulations for Permitted and Discretionary Uses

...

3. Site regulations for Semi-detached Housing:

...

- b. on a non-Corner Lot, the minimum Site Width shall be 13.4 m, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 m;

Development Officer's Determination

- 1. Reduced Site Width - The Site Width is 12.9 m instead of 13.4 m. (Section 140.4.3.b) [unedited]

Variance: Entrance Requirement

Section 140.4(18) states:

140.4 Development Regulations for Permitted and Discretionary Uses

...

18. Each Dwelling within Semi-detached Housing and Row Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the façade, porches or entrance features, building materials, or other treatments.

Development Officer's Determination

2. Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line (Section 140.4.18) [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: 177382832-001
Application Date: AUG 11, 2015
Printed: September 24, 2015 at 2:01 PM
Page: 1 of 3

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.

Applicant GRANDVIEW HOMES CO LTD 	Property Address(es) and Legal Description(s) 9530 - 72 AVENUE NW Plan 426HW Blk 20 Lot T Specific Address(es) Entryway: 9530 - 72 AVENUE NW Entryway: 9532 - 72 AVENUE NW Building: 9530 - 72 AVENUE NW
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Scope of Permit
To construct a Semi-Detached House with front verandas, firepalces and rear uncovered decks (4.72m x 3.05m) and to demolish an existing Single Detached House and Accessory Building (detached Garage).

Permit Details # of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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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: 177382832-001
Application Date: AUG 11, 2015
Printed: September 24, 2015 at 2:01 PM
Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

This Development Permit authorizes the development of a Semi-Detached House with verandas, fireplaces and rear uncovered decks (4.72m x 3.05m) and to demolish an existing Single Detached House and Accessory Building (detached Garage). The development shall be constructed in accordance with the stamped and approved drawings.

The height of the principal building shall not exceed 8.6 m nor 2 1/2 Storeys as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

Immediately upon demolition of the building, the site shall be cleared of all debris.

The upper floor bedroom windows, on side elevations only, shall have privacy screening to prevent privacy issues between neighbouring properties.

The maximum number of Dwellings per lot and applicable density regulations shall be as follows: Where Semi-detached Housing and Duplex Housing are allowed in this Zone, a maximum of two Dwellings per lot or and where Single Detached Housing is developed in this Zone, a maximum of one Dwelling per Site, and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite or Garden Suite shall be allowed. Reference Section 140.4 (17)(b)

Semi-detached Housing requires 2 on-site parking spaces per Dwelling and may be in tandem to the attached garage. (Reference Section: 54.2(3))
Except for the hardsurfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw.

Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area. (Reference Section 140.4(16))

For Single-detached Housing, Semi-detached Housing and Duplex Housing, a minimum Private Outdoor Amenity Area shall be designated on the Site plan. Neither the width nor length of the Private Outdoor Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within any Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 140.4(15))

Each Dwelling within Semi-detached Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the facade, porches or entrance features, building materials, or other treatments. (Reference Section 140.4(18))

Note: Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

NOTES:

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.

The development of a Secondary Suite(s) in a Semi Detached House is prohibited by the Edmonton Zoning Bylaw 12800. There may be an inspection in the future to ensure that no illegal suite has been developed.

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

Any future deck enclosure or cover requires a separate development and building permit approval.

FOR INFORMATION ONLY - THIS PERMIT IS NOT VALID UNLESS IT IS STAMPED AND SIGNED BY THE CITY OF EDMONTON.

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



Project Number: **177382832-001**
 Application Date: AUG 11, 2015
 Printed: September 24, 2015 at 2:01 PM
 Page: 3 of 3

Minor Development Permit

Any future basement development may require Development and Building Permit approvals.

Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.

Variations

1. Reduced Site Width - The Site Width is 12.9 m instead of 13.4 m. (Section 140.4.3.b)
2. Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line (Section 140.4.18)

Note: 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.

Rights of Appeal

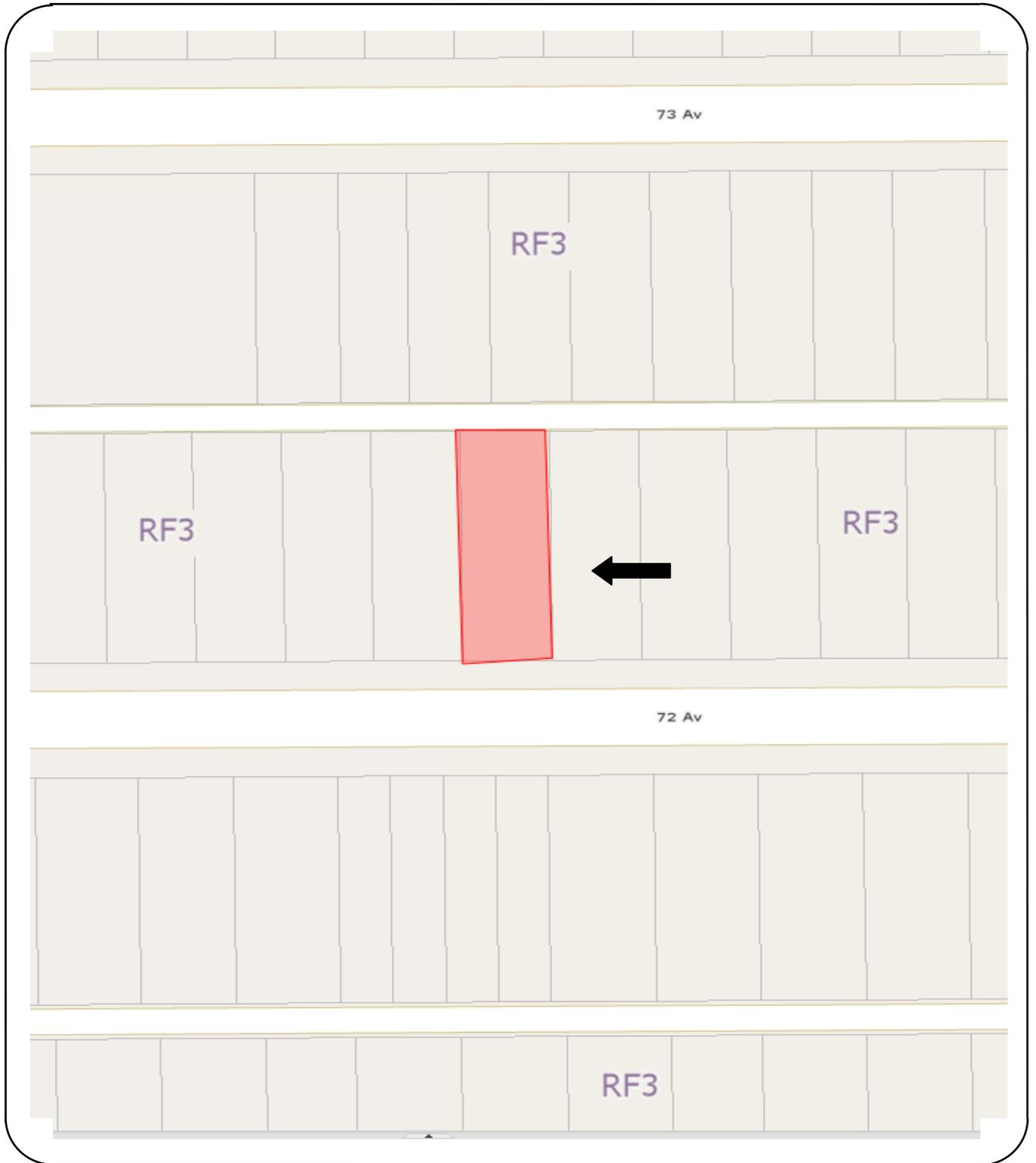
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Sep 24, 2015 **Development Authority:** HETHERINGTON, FIONA **Signature:** _____
Notice Period Begins: Oct 01, 2015 **Ends:** Oct 14, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$40.00			
Dev. Application Fee	\$447.00	\$447.00	02659521	Aug 11, 2015
Lot Grading Fee	\$270.00	\$270.00	02659521	Aug 11, 2015
Sanitary Sewer Trunk Fund	\$1,430.00	\$1,430.00	02659521	Aug 11, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,187.00	\$2,147.00		
(\$40.00 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-15-255



ITEM III: 2:00 P.M.

FILE: SDAB-D-15-256

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176585012-001

ADDRESS OF APPELLANT: 11429 - 107 AVENUE NW

APPLICATION TO: Add an Automotive and Minor Recreation Vehicle Sales/Rentals use to an existing General Retail Store (U-Haul van rental - Maximum 3 cargo vans)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 28, 2015

DATE OF APPEAL: October 7, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11429 - 107 AVENUE NW

LEGAL DESCRIPTION: Plan B4 Blk 14 Lot 169

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

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

Grounds for Appeal

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

First of all I would like to express my gratitude and honour toward the office. I am pleased to write this letter. I am writing to appeal the decision given on September 28/2015 on the application for development permit that is to Add U-HAUL CARGA VAN MOVING RENTALS to the existing General retail store. Our company; 7 heaven food store Ltd. is fully dedicated to give complete services for our community. In addition, the grocery food services we like to provide our community a complete moving package. And all our customers are happy with the services we providing. Our vans are rented to personal and commercial

users and all our customers are very happy with the convenience of our working hours and location.

Our UHAUL service is downsized to 3 Cargo vans, No drop off services to make sure No Equipment is parked in the street to obey with city rules. Since our application for the development permit our vans are never parked in the street parking. They, are absolutely parked in the spaces reserved for them in our property. So this way they are not obscuring traffic signs any more. If you need more information about Our UHAUL SERVICES PLEASE CALL THE AREA MANAGER. DARREN WILSON PHONE: 7802780348.

The Mainstreet commercial Precinct Queen Mary Area Development plan that is to promote pedestrian / street — Oriented Development will never be affected while our vans are limited to our property.

Our company, 7 Heaven food store Ltd. Is working closely with the city police in preventing crime by reporting to police any suspicious movement in the neighbourhood. Creating safe neighbourhood that could be from traffic or other related things are our company goals.

All the complaints from the parts are before we down size our equipment to 3 cargo vans and after that time they are limit to our property please do our investigation again to see the current situation and if there is any negative impact on the neighbourhood then we will not negotiate by the decision.

[unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

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

The decision of the Development Authority was dated September 28, 2015. The Notice of Appeal Period expired on October 12, 2015 and the Notice of Appeal was filed on October 7, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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

The purpose of this 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.

Under Section 330.3(3), **Automotive and Minor Recreation Vehicle Sales/Rentals** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Section 7.4(5) states:

Automotive and Minor Recreation Vehicle Sales/Rentals means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships. This Use Class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4 000 kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6 000 kg or a length of more than 6.7 m.

Discretionary Use and Objective of the ARP

The Central McDougall/Queen Mary Park ARP states the following:

Precinct A: Mainstreet Commercial

Purpose

To enhance and improve existing commercial precincts on 107 Avenue, 101 Street, 109 Street, and 116 Street (northbound), and guide the growth of these areas as pedestrian-oriented mainstreet commercial precincts.

Objectives

- . Maintain and enforce economic vibrancy;
- . Encourage work/live opportunities by permitting residential development above retail;
- . Provide for a pleasant, rich and diverse pedestrian experience;
- . Establish a positive image of safety and security through design;
- . Provide safe and attractive short and long-term parking;
- . Streetscape improvements and improved lighting need to be provided along the west side of 101 Street, and along 109 Street and 116 Street;
- . Strengthen character and identity of the area through theming; and
- . Encourage reinvestment.

PRECINCT 'A' MAINSTREET COMMERCIAL - REQUIREMENTS FOR IMPLEMENTATION

Land Uses

A range of retail and office uses are recommended with opportunities for housing above the first floor of commercial space. To maintain the street-oriented character of the area, drive-through facilities and parking areas fronting the street should not be allowed.

Central McDougall/Queen Mary Park
Area Redevelopment Plan - Office Consolidation November 2014

Development Principles

- Building fronts and signage should provide a visually stimulating shopping and entertainment environment that encourages both day and evening pedestrians.
- Building setback - none required or a maximum of 2.0 m.
- Residential or Residential-related Use Classes should not be developed in the lowest storey of any mixed-use building.
- Buildings should be built up to the property line to provide a well-defined streetwall and active streetscape.
- Shop fronts should be highly transparent and have well-defined entrances at street level.
- Parking must be provided underground or at the rear of the building.
- New surface parking lots fronting main streets should be discouraged.
- Blank walls should be animated with new windows, signs, billboards, or public art.
- Canopies, awnings, and arcades should be provided for pedestrian comfort where practical.
- Buildings on corner sites must have façades that address both the street and avenue.
- Development should have regard for Crime Prevention Through Environmental Design (CPTED) principles.
- Abrupt and excessive differences in scale and massing should be minimized by transitional building treatments.

Discussion

In order to establish general development opportunities in this Precinct, the following basic development regulations were established through the Downtown North Edge Development Study and shall apply throughout this Precinct:

- The maximum Floor Area Ratio (FAR) shall be 3.5.
- The maximum height shall be 4 storeys or 14.0 m.

Development Officer's Determination

1) The proposed Use, an Automotive and Minor Recreation Vehicle Sales, is a Discretionary Use within the CB1 (Low Intensity Business) Zone (reference Section 330.3.(3)). The site is also located within the Mainstreet Commercial Precinct (Precinct A) of the Central McDougall / Queen Mary Area Development Plan. The purpose of the Mainstreet Commercial Precinct is to promote pedestrian/ street-oriented development.

The Automotive and Minor Recreation Vehicle Sales Use is contrary to the objectives of Precinct A: Mainstreet Commercial of the Central McDougall / Queen Mary Area Development Plan which is to enhance and improve existing commercial precincts on 107 Avenue, 101 Street, 109 Street, and 116 Street (northbound), and guide the growth of these areas as pedestrian-oriented mainstreet commercial precincts.
[unedited]

Impact Upon Adjacent Uses

Development Officer's Determination

2) In the opinion of the Development Officer, the proposed development will have a negative impact on the adjacent and surrounding residential uses.

Advisements:

a) A site inspection conducted indicates that there have been more than the proposed 3 vehicles stored on Site occupying off-street parking spaces required for the overall development.

b) Bylaw Complaints and the applicant's website indicate that the activity is extending into the adjacent and surrounding residential uses.

c) Required parking was calculated using Uses approved at the time of the development permit submission.
[unedited]

Screening

Section 330.5(2) states the following:

330.5 Additional Development Regulations for Discretionary Uses

...

2. The following regulations shall apply to Automotive and Minor Recreational Vehicle Sales/Rentals and Convenience Vehicle Rentals developments:
 - a. the maximum Site Area for a business shall be 2 000 m²;
 - b. servicing and repair operations shall be permitted only as Accessory Uses;
 - c. all storage, display or parking areas shall be hardsurfaced in accordance with subsection 54.6(1) of this Bylaw;
 - d. all outdoor display areas that abut a Residential Zone or a Lane serving a Residential Zone shall be obscured from direct view by providing a visual screen at least 1.8 m in height, in accordance with the provisions of subsection 55.4(4) of this Bylaw; and

Section 55.4(4) states the following:

55.4 General Requirements

...

4. Any trash collection area, open storage area, or outdoor service area, including any loading, unloading or vehicular service area that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have screen planting. The location, length, thickness and height of such screen planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to block the view from any adjoining Residential or Commercial Zone, or from the public roadway or Light Rail Transit line. Such screen planting shall be maintained to provide effective screening from the ground to a height of 1.85 m. If, in the opinion of the Development Officer, screen planting cannot reasonably be expected to survive, earth berming, masonry walls, wood fencing or other man-made features may be permitted as a substitution.

Development Officer's Determination

- 3) All outdoor display areas that abut a Residential Zone or a Lane serving a Residential Zone shall be obscured from direct view by

providing a visual screen at least 1.8 m in height, in accordance with the provisions of subsection 55.4(4) of this Bylaw. (Reference Section 330.5(2)(d)).

There is no proposed screening of the display vehicles from the adjacent residential development to the south and to the west.

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: **176585012-001**
Application Date: JUL 28, 2015
Printed: October 27, 2015 at 2:21 PM
Page: 1 of 2

Application for Major Development Permit

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

Applicant 7 HEAVEN FOOD STORE LTD 	Property Address(es) and Legal Description(s) 11429 - 107 AVENUE NW Plan B4 Blk 14 Lot 169
	Specific Address(es) Suite: 11429 - 107 AVENUE NW Entryway: 11429 - 107 AVENUE NW Building: 11435 - 107 AVENUE NW

Scope of Application

To add an Automotive and Minor Recreation Vehicle Sales/Rentals use to an existing General Retail Store (U-Haul van rental - Maximum 3 cargo vans).

Permit Details

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

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

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

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **176585012-001**
 Application Date: JUL 28, 2015
 Printed: October 27, 2015 at 2:21 PM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

1) The proposed Use, an Automotive and Minor Recreation Vehicle Sales, is a Discretionary Use within the CB1 (Low Intensity Business) Zone (reference Section 330.3.(3)). The site is also located within the Mainstreet Commercial Precinct (Precinct A) of the Central McDougall / Queen Mary Area Development Plan. The purpose of the Mainstreet Commercial Precinct is to promote pedestrian/ street-oriented development.

The Automotive and Minor Recreation Vehicle Sales Use is contrary to the objectives of Precinct A: Mainstreet Commercial of the Central McDougall / Queen Mary Area Development Plan which is to enhance and improve existing commercial precincts on 107 Avenue, 101 Street, 109 Street, and 116 Street (northbound), and guide the growth of these areas as pedestrian-oriented mainstreet commercial precincts.

2) In the opinion of the Development Officer, the proposed development will have a negative impact on the adjacent and surrounding residential uses.

Advisements:

a) A site inspection conducted indicates that there have been more than the proposed 3 vehicles stored on Site occupying off-street parking spaces required for the overall development.

b) Bylaw Complaints and the applicant's website indicate that the activity is extending into the adjacent and surrounding residential uses.

c) Required parking was calculated using Uses approved at the time of the development permit submission.

3) All outdoor display areas that abut a Residential Zone or a Lane serving a Residential Zone shall be obscured from direct view by providing a visual screen at least 1.8 m in height, in accordance with the provisions of subsection 55.4(4) of this Bylaw. (Reference Section 330.5(2)(d)).

There is no proposed screening of the display vehicles from the adjacent residential development to the south and to the west.

Rights of Appeal

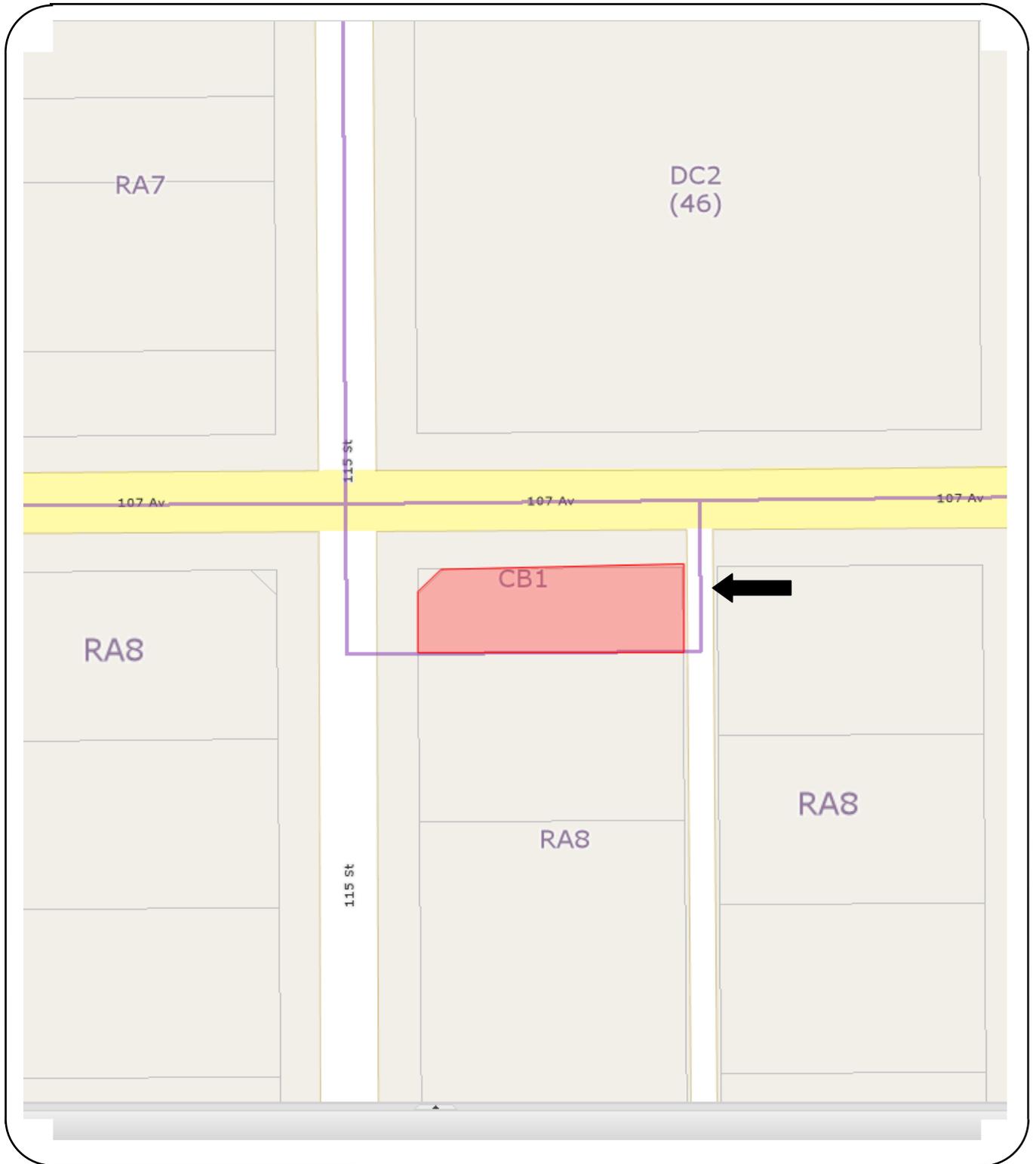
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Sep 28, 2015 **Development Authority:** LABONTE, SAMANTHA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$316.00	\$316.00	02620708	Jul 28, 2015
DP Notification Fee	\$100.00	\$100.00	02620708	Jul 28, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$416.00	\$416.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-256



BUSINESS LAID OVER

SDAB-D-15-242	An appeal by <u>Go Outdoor Advertising Ltd.</u> to install (1) Freestanding Off-premises Sign <i>November 12, 2015</i>
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-15-246	An appeal by <u>Walton Development & Management LP VS Jason & Sarah McPeak</u> to construct exterior alterations (driveway extension, 9.0m x 1.52 m) to an existing Single Detached House. <i>November 18 or 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

175784462-002	An appeal by <u>Jarnail Dhaliwal</u> to construct exterior alterations (front yard concrete extension, 1.20m x 5.30m) to a Single Detached House, existing without permits. <i>November 12, 2015</i>
178546662-001	An appeal by <u>Gagan Garg / Miller Thomson LLP</u> to change the Use of a General Retail Store to Minor Alcohol Sales (LIQUOR SHOPPE) <i>November 18 or 19, 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>November 19, 2015</i>

.....continued

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>
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>