

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
October 27, 2016**

**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-16-268	Construct exterior alterations to a Single Detached House (driveway extension), existing without permits 4304 - Westcliff Landing SW Project No.: 224784576-001
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II	10:30 A.M.	SDAB-D-16-269	Construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor, 8.69 metres by 14.94 metres) and to demolish the existing Garage with Carport 7373 - Saskatchewan Drive NW Project No.: 224117386-001
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III	1:30 P.M.	SDAB-D-16-270	Comply with an order to cease the use (General Contractor Services) and remove all related materials from the site before October 10, 2016 4604 - 119 Avenue NW Project No.: 152981405-001
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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-16-268

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 224784576-001

ADDRESS OF APPELLANT: 4304 - Westcliff Landing SW

APPLICATION TO: Construct exterior alterations to a Single Detached House (driveway extension), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 21, 2016

DATE OF APPEAL: October 3, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4304 - Westcliff Landing SW

LEGAL DESCRIPTION: Plan 1026123 Blk 11 Lot 28

ZONE: RSL-Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Windermere Area Structure Plan
Windermere Neighbourhood Structure Plan

Grounds for Appeal

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

Our driveway was poured to the exact same specs as the showhome in our area. There are also many other driveways in the area of the same design which would be considered to have "two entrances". Also, upon reading the exact bylaw (54.1(4)) I do not see how our driveway is being considered to be two separate driveways. No mention is made of entrances. They are connected and continuous with the exception of a flower bed that now has four mature shrubs. Our driveway also does not exceed the maximum allowable width at the sidewalk, but does exceed it at the property line. This is based off a three car garage, which our garage is not.

According to section 54.1(4) the maximum width of the driveway is "the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained in the garage".

Our garage is approx. 1000 square feet and has 4 parking stalls. Thank you for your consideration.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

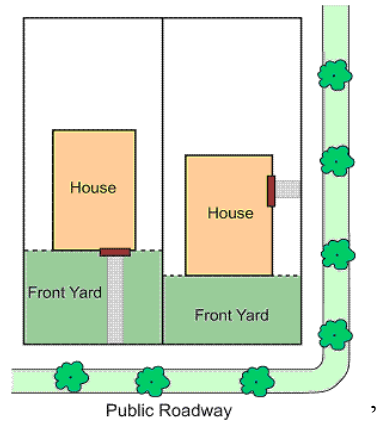
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 115.2(4), **Single Detached Housing** is a **Permitted Use** in the (RSL) Residential Small Lot Zone.

Under section 6.1(2), **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1(26), **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

Under section 6.1(41), **Front Yard** means “the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1(70), **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Section 115.1 states that the **General Purpose** of **RSL Residential Small Lot Zone** is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Off-street Parking and Loading Regulations

Section 54.1(4) states the following:

The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

- a. a minimum width of 3.1 metres; and
- b. a maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;
- c. for a Site Zoned RF1 and less than 10.4 metres wide, have a maximum width of 3.1 metres.

Section 54.1(5) states “The Driveway shall lead directly from the roadway to the required Garage or Parking Area.”

Development Officer's Determination:

The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. (Reference Section 54.1(4)).

Proposed: 2

Exceeds by: 1

The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; (Reference Section 54.1(4)(b)).


Allowed width: 9.3 metres

Proposed width: 11.3 metres

Exceeds by 2.0 metres

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: 224784576-001 Application Date: JUN 27, 2016 Printed: October 7, 2016 at 11:10 AM Page: 1 of 2										
<h2 style="margin: 0;">Application for Minor Development Permit</h2>											
This document is a Development Permit Decision for the development application described below.											
Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 4304 - WESTCLIFF LANDING SW Plan 1026123 Blk 11 Lot 28										
Scope of Application To construct exterior alterations to a Single Detached House (driveway extension), existing without permits.											
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N </td> <td style="width: 50%; border: none;"> Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)								
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I/We certify that the above noted details are correct. Applicant signature: _____											
Development Application Decision Refused Reason for Refusal The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. (Reference Section 54.1(4)). Proposed: 2 Exceeds by: 1 The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; (Reference Section 54.1(4)(b)). Allowed width: 9.3 m Proposed width: 11.3 m Exceeds by 2.0 m. 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 21, 2016 Development Authority: FOLKMAN, JEREMY Signature: _____											
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Existing Without Permit Penalty Fee</td> <td style="text-align: center;">\$159.00</td> <td style="text-align: center;">\$159.00</td> <td style="text-align: center;">03397769</td> <td style="text-align: center;">Jun 28, 2016</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Existing Without Permit Penalty Fee	\$159.00	\$159.00	03397769	Jun 28, 2016
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Existing Without Permit Penalty Fee	\$159.00	\$159.00	03397769	Jun 28, 2016							
THIS IS NOT A PERMIT											



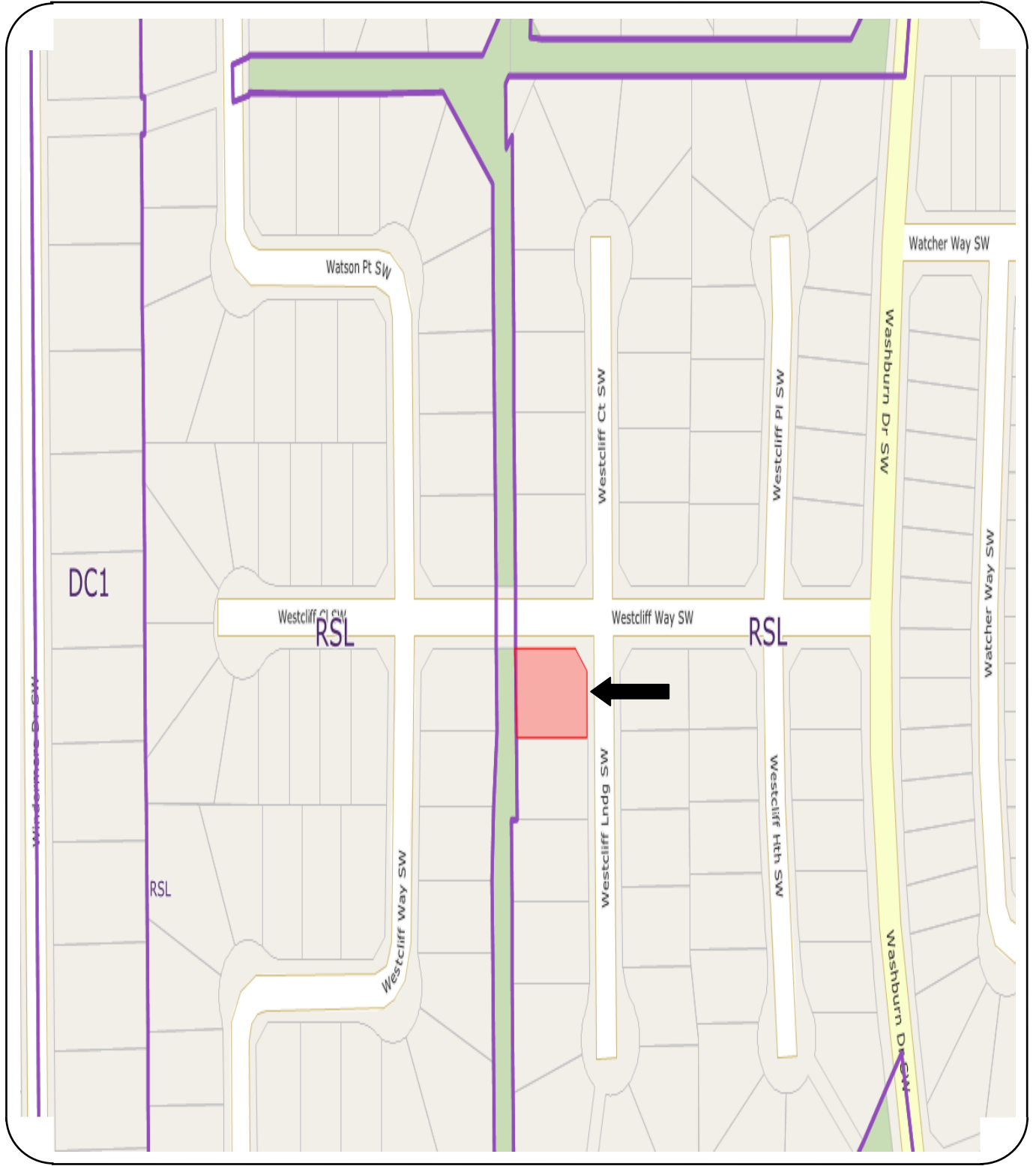
Project Number: **224784576-001**
Application Date: JUN 27, 2016
Printed: October 7, 2016 at 11:10 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$159.00	\$159.00	03397769	Jun 28, 2016
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$318.00	\$318.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-268



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-269

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 224117386-001

ADDRESS OF APPELLANT: 7373 - Saskatchewan Drive NW

APPLICATION TO: Construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor, 8.69 metres by 14.94 metres) and to demolish the existing Garage with Carport

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 23, 2016

DATE OF APPEAL: September 27, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7373 - Saskatchewan Drive NW

LEGAL DESCRIPTION: Plan 635KS Blk 16 Lot 41

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

Project Description:

- The project consists of constructing a new three stall garage suite on 7373 Saskatchewan Drive, Belgravia.
- 7373 Saskatchewan Drive is a large lot — approximately 30.3 metres (99' 4 15/16") wide by 43.3 metres (142' 4 11/16") deep.
- Currently there is a single storey 1400 square foot house along with a one bay detached garage on the property.
 - The house and garage were constructed in 1949 with upgrades in 1978.
 - The existing garage is small compared to today's standards - a modern sized car cannot fit into the garage — this garage is currently used for storage of lawn and garden equipment. This garage will be demolished once our new garage is complete.
 - We purchased this property approximately one year ago.
 - In a couple of years, after the new garage suite is complete, we will demolish the existing single storey house and construct a new two storey house. See attached photos. First priority is to construct a garage in order to get our vehicles in off the street.
- The proposed garage suite is a two storey three stall garage, in the order of 24 feet deep by 48 feet long.
 - The garage suite is located off the back lane — about 2.4 metres (8 feet) from the rear property line.
 - The garage suite is approximately 8 metres (25 feet) from both side lot lines.
 - The new garage suite will face an existing garage just across the rear lane.
 - The new garage suite is located on a corner lot with street and lane on two sides.
 - See attached site plans.
 - See attached photos.
- See Site Plan drawings attached:
 - S — 1 Site Plan
 - 100 - S — 001 Site Plan — With complete topographical survey information
 - 100 - S — 002 Site Plan - Section

Height of Garage Suite - Issue:

- If the second storey wall structure of the garage studio is considered to be dormers the garage suite, as shown, satisfies all height requirements.
- Because the Development Officer was not able to define the upper wall structures as dormers (as we did) the building height now needs to be calculated from the upper dormer roof.
- Based on the Development Officer's interpretation we have the following height issues:
 - Garage studio height is 6.62m based on the Average Grade of the lot:

- Based on the **existing single storey house** the maximum allowable height is 6.22m. The proposed garage suite is 0.4 metres (16 inches) too high.
- Based on a **future two storey house** the maximum allowable height is 6.5m. The proposed garage suite is 0.12 metres (5 inches) too high.

Height Arguments for Acceptance:

- The design is based on the implementation of large eyebrow shaped dormers. The Architects, Robinson Architects have used this design for many buildings across North America — from what we understand in most, if not all justification they have worked in, they have been able to define the eyebrows as dormers. We have used this craftsman style dormer on buildings constructed in rural Strathcona County and rural Leduc County.
 - You can visit Robinson Architects web site a www.robinsonplans.com.
 - If we could define the eyebrows as dormers we would satisfy height requirements.
- If we cannot define the eyebrows as dormers, we make the argument that once we construct the future two storey house, we are only 0.12m (5 inches) too high.
 - With the age of the existing house, it is only a matter of time before the existing house will need to be reconstructed.
 - The lot has a wonderful view of the river valley. One of the nicest views of the river valley along Saskatchewan Drive. Directly across the street there is a City of Edmonton view point (just in front of 74 avenue) - see attached photos. Because of this incredible view the future new home will most definitely be a two storey structure, to take full advantage of the million dollar view.
- If we based the height calculation on **actual grade** (around the garage) rather than Average Grade for the entire lot, the design satisfies the height requirements as follows:
 - Because the lot is so large there is a 1 metre drop across the property (from back to front). See drawing 100-5-002 Section. For this reason it is more appropriate to base the height of the garage on the grade that is around the garage and not on Average Grade of the entire lot.
 - On acreage projects we base the height on grade around the structure, rather than on average grade. This is because grade can change so much on an acreage. This is much the same for this city lot.
 - If you look at drawings 100-5-002 you will see that the grade is relatively flat around where the garage suite is to be constructed — all of the change in grade is towards the front of the property, in front of the house, away from the garage.
 - If we use grade around the garage as elevation 669.70 m rather than Average Grade for the lot as elevation 669.45 m we get the following results:

- Garage studio height is 6.37m based on Grade around the garage:
 - Based on the **existing single storey house** the maximum allowable height is 6.22m. The proposed garage suite is 0.15 metres (6 inches) too high.
 - Based on a **future two storey house** the maximum allowable height is 6.5m. The proposed garage suite satisfies all height requirements.
- The location of the proposed garage suite on the lot:
 - The garage suite will be located approximately 8 metres (25 feet) from each side lot line.
 - The garage suite faces the back lane.
 - The garage suite faces an existing garage located just across the back lane.
 - The garage suite is located on a corner lot with a street and back lane on two sides.
 - With this in mind the shadow cast by the garage will not affect any of the neighbors.
 - Further, since none of the neighbors' homes actually face the garage suite none of the existing site lines will be impacted.
 - See attached site plans and photos.
- We feel it is reasonable request to accept this variance on the basis of using existing grade, making allowance for the future two storey house, and proximity of the garage to property lines and to viewing neighbors.

Floor Area of Suite - Issue:

- Floor area of second floor suite is 98.4 sq. metres (maximum is 60 sq. metres).

Suite Area Arguments for Acceptance:

- Because of the size of this lot (twice that of a typical lot) we have the opportunity to construct a relatively large garage.
- Since we can take advantage of using the entire second storey of the garage as the suite, the floor area of the suite currently comes out as 98.4 sq. metres. We could limit the size of the suite to just the center area of the second floor (satisfying the 60 sq. metres) leaving the area above the third parking stall as garage storage. But we would rather make the area above the third parking stall, as the bedroom, as shown on the drawings, rather than general garage storage.
- The exterior shape/look of the garage suite would remain the same — with or without making the area above the third parking stall into a bedroom.
- Even with the larger floor area the suite would still remain as a one bedroom suite — with a maximum of two people living in the suite.
- Prior to submitting the garage suite drawings for Development Permit Approval we sat down with all of neighbors (within two homes on each side of us) to:

- Walk each neighbor through our project — using full size drawings.
- Answer all their questions and concerns — at this time we knew we needed a variance for floor area — so the discussion primarily focused on this.
- We left each neighbor with a set of smaller site plan and architectural drawings.
- We requested each neighbor to sign a Letter of Consent we prepared indicating their acceptance of the larger floor area of the suited (see attached).
- Two neighbors would not sign/return the Letter of Consent as follows:
 - Our neighbor (Miss Anne King) directly across the back lane is OK with the garage suite design but feels the garage is located too close to the back lane — she would like to see the garage moved further west to be more in line with the other back alley garages along the lane. The garage wall is approximately 2.4m (8 feet) from the property line.
 - One neighbor located 2 homes away from us (a retired realtor) again was OK with the garage suite design but they do not support any kind of rental units in Belgravia. They have been living in Belgravia for 40 years and do not want to see Belgravia change and reject the proposed garage suite on this basis.
- We feel it is reasonable request to accept this variance on the basis of using the entire second floor of the garage as a one bedroom suite as it would not alter/affect the exterior shape/look of the building. Further, it allows us to make full functional use of the entire second floor. We also had full neighbor support regarding this issue.

<i>General Matters</i>

Appeal Information:

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

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

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Hearing and Decision

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

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(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

<i>Discretionary Use</i>

Under section 110.3(3), a **Garage Suite** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Under section 7.2(3), **Garage Suite** means:

an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 87.14 states where Garage Suites or Garden Suites are Discretionary within the applicable Zone, the Development Officer may exercise discretion in considering a Garage Suite having regard to:

- a. compatibility of the Use with the siting, geodetic elevations, Height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
- b. the effect on the privacy of adjacent properties;
- c. the policies and guidelines for Garage Suites and Garden Suites contained in a Statutory Plan for the area.

Development Officer's Determination:

Discretionary Use - the proposed Garage Suite is a Discretionary Use (Section 110.3.3).

<i>Height</i>

Section 87.2(a) states the maximum Height shall be as follows: Garage containing a Garage Suite (above Grade):

- i. 6.5 metres or up to 1.5 metres greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4 degree) or greater.
- ii. 5.5 metres or up to 1.5 metres greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4 degree).

Development Officer's Determination:

Height - the proposed Garage Suite is 6.62 metres where only 6.22 metres is permitted (Section 87.2(a)).

<i>Floor Area</i>

Section 87.3 states the following:

the maximum Floor Area shall be:

- a. 60 square metres for a Garage Suite (above Grade).

- b. ...
- c. notwithstanding (a) and (b) above, the maximum Floor Area may be increased by up to 7.5 square metres, only where this additional floor area comprises the area of a Platform Structure associated with the Garage Suite or Garden Suite.


Under section 6.1(35), **Floor Area** means “the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.”

Development Officer’s Determination:

Floor Area - the proposed Garage Suite has a Floor Area of 98.4 square metres where only 60 square metres is permitted (Section 87.3(a)).

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: 224117386-001 Application Date: JUN 17, 2016 Printed: September 28, 2016 at 8:15 AM Page: 1 of 2																				
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>																					
This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit																					
Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 7373 - SASKATCHEWAN DRIVE NW Plan 635KS Blk 16 Lot 41 Location(s) of Work Entryway: 7373A - SASKATCHEWAN DRIVE NW Building: 7373A - SASKATCHEWAN DRIVE NW																				
Scope of Application To construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor, 8.69m x 14.94m) and to demolish the existing Garage with Carport.																					
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 1036 Class of Permit: (none) Front Yard (m): Rear Yard (m): 1.2 Side Yard, left (m): 6.63 Site Area (sq. m.): 1253.36 Site Width (m): 30.21 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 6.62 Dwelling Type: Garden Suite Home Design Type: Secondary Suite Included?: Y Side Yard, right (m): 7.84 Site Depth (m): 43.4 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 1036 Class of Permit: (none) Front Yard (m): Rear Yard (m): 1.2 Side Yard, left (m): 6.63 Site Area (sq. m.): 1253.36 Site Width (m): 30.21	Building Height to Midpoint (m): 6.62 Dwelling Type: Garden Suite Home Design Type: Secondary Suite Included?: Y Side Yard, right (m): 7.84 Site Depth (m): 43.4 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 Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1. Height - the proposed Garage Suite is 6.62m where only 6.22m is permitted (Section 87.2(a)). 2. Floor Area - the proposed Garage Suite has a Floor Area of 98.4m² where only 60m² is permitted (Section 87.3(a)). 3. Discretionary Use - the proposed Garage Suite is a Discretionary Use (Section 110.3.3). 																					
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 23, 2016 Development Authority: ROBINSON, GEORGE Signature: _____																					
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$41.72</td> <td style="text-align: right;">\$41.72</td> <td style="text-align: right;">03367412</td> <td style="text-align: right;">Jun 17, 2016</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$135.00</td> <td style="text-align: right;">\$135.00</td> <td style="text-align: right;">03367412</td> <td style="text-align: right;">Jun 17, 2016</td> </tr> <tr> <td>Electrical Fees (House)</td> <td style="text-align: right;">\$218.00</td> <td style="text-align: right;">\$218.00</td> <td style="text-align: right;">03367412</td> <td style="text-align: right;">Jun 17, 2016</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$41.72	\$41.72	03367412	Jun 17, 2016	Lot Grading Fee	\$135.00	\$135.00	03367412	Jun 17, 2016	Electrical Fees (House)	\$218.00	\$218.00	03367412	Jun 17, 2016
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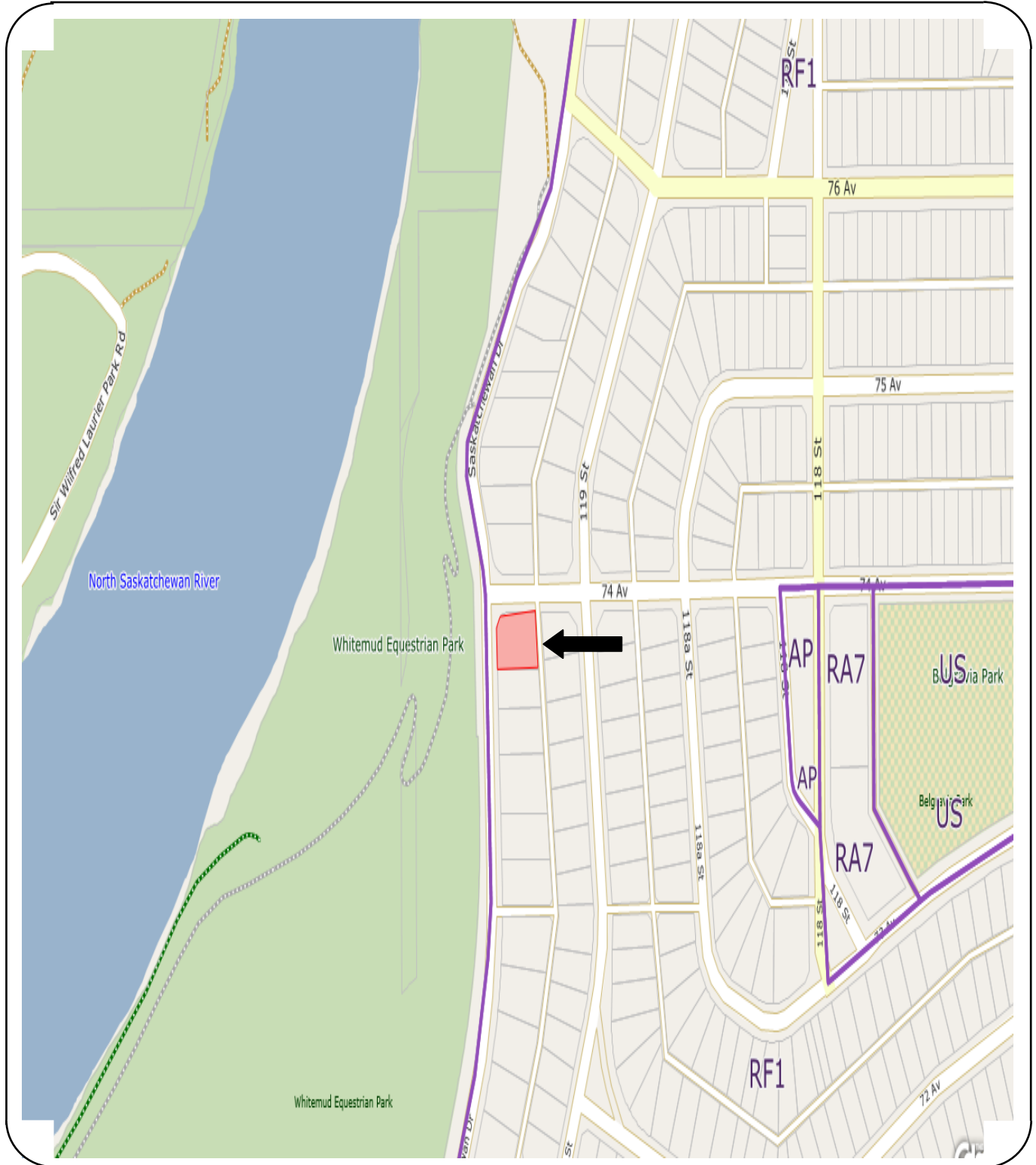
Project Number: **224117386-001**
Application Date: JUN 17, 2016
Printed: September 28, 2016 at 8:15 AM
Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sec Sulte SSTC Fee	\$693.00	\$693.00	03367412	Jun 17, 2016
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03367412	Jun 17, 2016
Water Usage Fee	\$25.41	\$25.41	03367412	Jun 17, 2016
Building Permit Fee	\$1,043.00	\$1,043.00	03367412	Jun 17, 2016
Electrical Fee (Service)	\$77.00	\$77.00	03367412	Jun 17, 2016
Electrical Safety Codes Fee	\$13.22	\$13.22	03367412	Jun 17, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,939.35	\$2,939.35		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-269



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-270

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 152981405-001

ADDRESS OF APPELLANT: 4604 - 119 Avenue NW

APPLICATION TO: Comply with an order to cease the use (General Contractor Services) and remove all related materials from the site before October 10, 2016

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: September 19, 2016

DATE OF APPEAL: October 3, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4604 - 119 Avenue NW

LEGAL DESCRIPTION: Plan 4347HW Blk 12 Lot 1

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I contend that there is not a development on the property as alleged vehicles in question are not commercial as they are well below weight status. They are no different than other residents parking extra vehicles and/or holiday trailers on street/driveway.

General Matters

Appeal Information:

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.

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.

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

...

Hearing and Decision

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

General Contractor Services is neither a Permitted nor Discretionary Use in the **RF1 Single Detached Residential Zone**.

Under Section 7.4(21), **General Contractor Services** means development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be Accessory to the principal General Contractor Services Use only. This Use Class does not include Professional, Financial and Office Support Services.

Section 110.1 states that the **General Purpose** of the RF1 Single Detached Residential Zone is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

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

September 19, 2016

Our File: 152981405-001



Dear Sir/Madam:

A check with Land Titles Office discloses that you are the registered owner(s) of the property located at 4604 - 119 AVENUE NW, legally described as Plan 4347HW Blk 12 Lot 1.

The property was visited by Development Compliance Officer, James Bailey, on August 18, 2016 as authorised by the City of Edmonton having the authority to exercise development powers under Section 624 of the Municipal Government Act, R.S.A. 2000.

LAND USE INFRACTION:

This property is zoned RF1 (Single Detached Residential Zone) in accordance with Section 110 of Edmonton Zoning Bylaw 12800. Our investigation revealed that a Use (General Contractor Services) has been developed. The City of Edmonton has not issued a development permit to develop an Use, which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

Section 5.1 of Edmonton Zoning Bylaw 12800 states 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.

ORDER:

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

1. CEASE THE USE (GENERAL CONTRACTOR SERVICES) AND REMOVE ALL RELATED MATERIALS FROM THE SITE, BEFORE OCTOBER 10, 2016.

CONSEQUENCES FOR NON-COMPLIANCE:

CONSEQUENCES FOR NON-COMPLIANCE

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 October 11, 2016, 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:

1. CEASE THE USE (GENERAL CONTRACTOR SERVICES) AND REMOVE ALL MATERIALS FROM THE SITE BEFORE OCTOBER 10, 2016.

The City may carry out the Order pursuant to Section 646 by entering on the land and taking any action necessary to carry out the Order 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 780-508-9237.

Regards,

James Bailey
Development and Zoning
Development Services
Phone Number: 780-508-9237
Email Address: james.bailey@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 c.11 s.35;
 - (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.

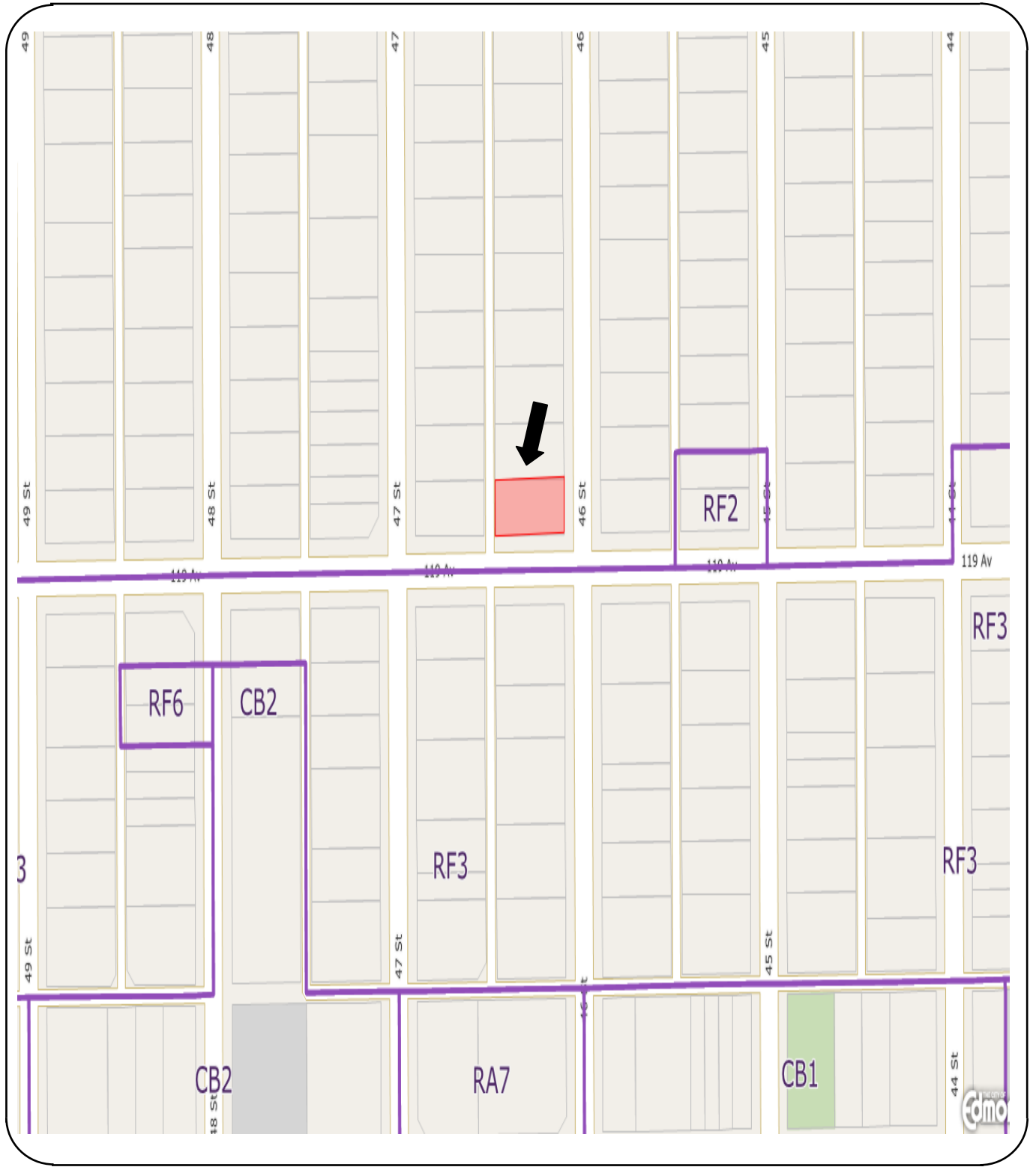
- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance 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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-270



BUSINESS LAID OVER

SDAB-D-16-237	An appeal by <u>Pattison Outdoor Advertising</u> to install (1) Freestanding Minor Digital Off-premises Sign (6.1 m x 3 m facing E/W) November 3, 2016
SDAB-D-16-252	An appeal by <u>Tahir Jutt</u> t to operate a Major Home Based Business (Filling Sandbags – Sandbags.ca) November 23 or 24, 2016
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) November 30 or December 1, 2016
SDAB-S-14-001	An appeal by Stantec Consulting Ltd. to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 January 25, 2017

APPEAL HEARINGS TO BE SCHEDULED

188282372-001	An appeal by <u>Kennedy Agrios</u> to change the use from general Retail to a Bar and Neighbourhood Pub (maximum of 400 occupants and 691 square metres of Public Space) November 2 or 3, 2016
000413016-003	An appeal by <u>Wigalo Holding Ltd. / Kennedy Agrios</u> to Comply with a Stop Order to Cease the Non-Accessory Parking, REMOVE all meters, signage and material related to parking and REFRAIN from allowing Non-Accessory Parking. November 17, 2016
000413016-004	An appeal by <u>Wigalo Holding Ltd. / Kennedy Agrios</u> to Comply with a Stop Order to Cease the Non-Accessory Parking, REMOVE all meters, signage and material related to parking and REFRAIN from allowing Non-Accessory Parking. November 17, 2016
188283359-001	An appeal by <u>Kennedy Agrios</u> to change the use from a Flea Market Use to a Night Club and Major Amusement Establishment (1757 square metres of Public space) November 23 or 24, 2016
182548244-007	An appeal by <u>Stephanie Chan VS Deborah & Terence Nikolaichuk</u> to construct an Accessory Building (Shed, 3.20 metres by 3.12 metres), existing without permits December 7 or 8, 2016
128010578-001	An appeal by <u>Jeffrey Jirsch VS Anna Bashir</u> to erect a Privacy Screen 8ft in height along the Southwest portion of the property, along a Required Side Yard December 7 or 8, 2016