

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
October 28, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-141

Change the use from a General Retail Store Use to a Liquor Sales Use and to construct interior alterations

12820 - 97 Street NW
Project No.: 370673667-002

II 11:00 A.M. SDAB-D-20-144

Leave As Built Garden Suite

10873 - 74 Street NW
Project No.: 356478845-011

III 1:30 P.M. SDAB-D-20-142

Construct a front addition and a front uncovered deck to a Single Detached House (addition, 8.58m x 2.30m and front deck, 3.82m x 5.35m @ 0.56m in Height)

5727 - 107 Street NW
Project No.: 365168708-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-141

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 370673667-002

APPLICATION TO: Change the Use from a General Retail Store Use to a Liquor Sales Use and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 9, 2020

DATE OF APPEAL: September 28, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12820 - 97 Street NW

LEGAL DESCRIPTION: Plan 2560KS Blk 11 Lot 1

ZONE: (CSC) Shopping Centre Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We are solicitors for Beljan Development Management, whose application for a permit to operate a Liquor Store at the above captioned address was refused. We write to appeal the said refusal on the grounds that:

1. Liquor Stores on a site less than 2 hectares are a discretionary use in the CSC Shopping Centre Zone.
2. The proposed Liquor Store is appropriate at the subject location.

3. The proposed Liquor Store will not unduly interfere with the amenities of the neighbourhood, nor will it materially interfere with or affect the use, enjoyment and value of neighbouring parcels of land.
4. Such further and other grounds as may be presented at the hearing of the appeal.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 320.2(13), **Liquor Stores**, on a Site of 2 hectares or larger, is a **Permitted Use** in the **(CSC) Shopping Centre Zone**.

Under section 320.3(9), **Liquor Stores**, on a Site of less than 2 hectares, is a **Discretionary Use** in the **(CSC) Shopping Centre Zone**.

Under section 7.4(30), **Liquor Stores** means development used for the retail sale of any and all types of alcoholic beverages to the public for off-site consumption. This Use may include retail sales of related products such as soft drinks and snack foods.

Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

Section 85 Liquor Store

1. **Any Liquor Store shall not be located less than 500 m from any other Liquor Store.**
2. Notwithstanding subsection 85(1), a Liquor Store may be located less than 500 m from any other Liquor Store if located:
 - a. outside the boundary shown in Appendix 1 to Section 85, provided:
 - i. the Liquor Stores are located on separate Sites, and
 - ii. at least one Liquor Store is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3.

3. For the purposes of Section 85, the 500 m separation distance shall be measured from the closest point of the Liquor Store to the closest point of any other approved Liquor Store.
- ...
6. Notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9).
7. When the Development Officer receives an application for a Development Permit that is for the purpose of accommodating the temporary relocation of an approved Liquor Store within 500 m of its original location, a variance to subsection 85(1) or subsection 85(2) may be granted where:
 - a. the application for the Development Permit is for a Temporary Development, in order to limit the introduction of an additional Liquor Store within 500 m of the original approved Development Permit;
 - b. the temporary location for any Liquor Store is not within 500 m of any legally conforming Liquor Store; and
 - c. the application for a Development Permit will not result in a total Floor Area for a Liquor Store that is 10.0% greater than the Floor Area of the existing approved Liquor Store, to a maximum increase of 50 m².
8. When a Development Officer receives an application for a Development Permit that is for the purpose of accommodating the reversion of an existing approved Liquor Store back to its original location on a Site, a variance of subsection 85(1) or subsection 85(2) may only be granted where the application for the reversion is submitted to the Development Officer within 5 years of the date of vacating the original location and the application will not result in a total Floor Area that is greater than the original approved Liquor Store.
9. The issuance of a Development Permit which contains a variance pursuant to subsection 85(7) shall be issued as a Temporary Development for a duration of up to 5 years or less, to be determined by the Development Officer.
10. The Development Officer may require lighting, signage or screening measures that ensure the proposed development is compatible with adjacent or nearby Residential Uses or Commercial Uses.
11. Liquor Stores shall include the following to allow for natural surveillance to promote safe surroundings:
 - a. Customer access is oriented to:
 - i. a public or internal roadway, other than a Lane;

- ii. a shopping centre parking lot in front of the store; or
 - iii. a mall access that allows visibility from the interior of the mall into the store.
- b. Premises located at ground level shall include:
- i. Ample transparency to maintain sight lines into and out of the premises. To ensure transparency and sight lines are maintained:
 - 1. Not more than 10% of the windows may be covered by Signs, the remainder shall be clear, untinted, and free from obstruction.
 - ii. Outdoor lighting is required to provide a well-lit environment for pedestrians entering and exiting the premises and to illuminate the property. The Development Officer shall require the applicant to provide a plan showing the location and details of perimeter lighting to ensure adequate lighting.
 - iii. Landscaping shall be located such that it does not obstruct sight lines into the premises.

Development Officer's Determination

1. Section 85(1) - Any Liquor Store shall not be located less than 500 m from any other Liquor Store. For the purposes of Section 85, the 500 m separation distance shall be measured from the closest point of the Liquor Store to the closest point of any other approved Liquor Store (ref. Section 85(3)).

Required Setback: 500m

Proposed Setback: 141m from 12912-97 Street NW, reference 042211079-001, and 326 m from 12965-97 Street NW, reference 12224525-001.

Deficient by: 359m from 12912-97 Street NW, and 174m from 12965-97 Street NW

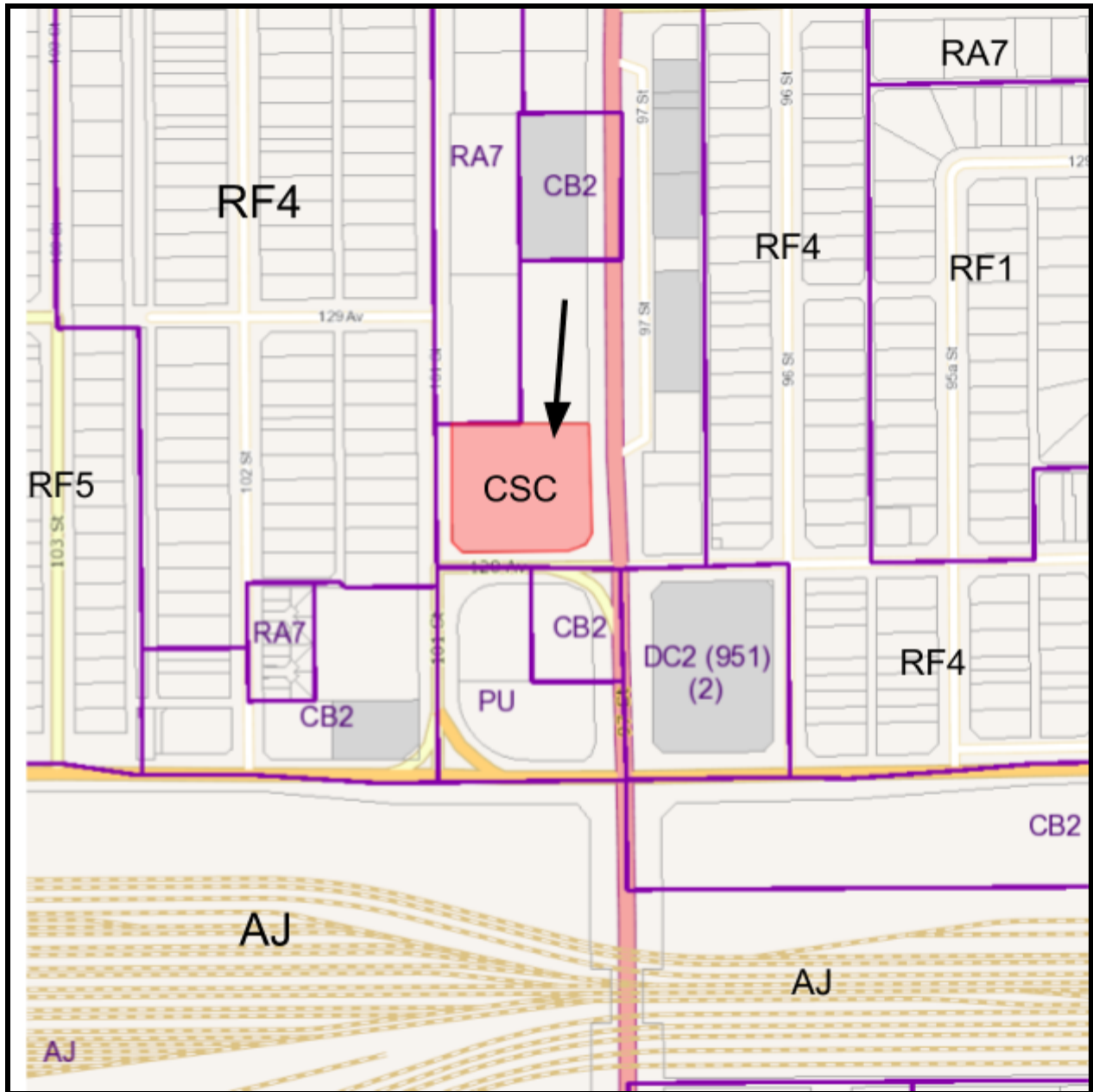
Under Sections 85.6 Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Liquor Sales use as this is not a temporary relocation, reversion of an existing Liquor Store or as a Temporary Development for 5 years or less.

[unedited]

Notice to Applicant/Appellant

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

	Project Number: 370673667-002 Application Date: AUG 19, 2020 Printed: September 30, 2020 at 2:00 PM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Major Development Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
Applicant 	Property Address(es) and Legal Description(s) 12820 - 97 STREET NW Plan 2560KS Blk 11 Lot 1 Specific Address(es) Entryway: 12832 - 97 STREET NW Building: 12820 - 97 STREET NW																				
Scope of Application To change the use from a General Retail store use to a Liquor Sales use and to construct interior alterations.																					
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)																		
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Development Application Decision Refused Issue Date: Development Authority: CHOW, STEPHEN Reason for Refusal 1. Section 85(1) - Any Liquor Store shall not be located less than 500 m from any other Liquor Store. For the purposes of Section 85, the 500 m separation distance shall be measured from the closest point of the Liquor Store to the closest point of any other approved Liquor Store (ref. Section 85(3)). Required Setback: 500m Proposed Setback: 141m from 12912-97 Street NW, reference 042211079-001, and 326 m from 12965-97 Street NW, reference 12224525-001. Deficient by: 359m from 12912-97 Street NW, and 174m from 12965-97 Street NW Under Sections 85.6 Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Liquor Sales use as this is not a temporary relocation, reversion of an existing Liquor Store or as a Temporary Development for 5 years or less. Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																					
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: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$528.00</td> <td style="text-align: right;">\$528.00</td> <td>99814804649F001</td> <td>Sep 08, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$528.00</td> <td style="text-align: right; border-top: 1px solid black;">\$528.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$528.00	\$528.00	99814804649F001	Sep 08, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$528.00	\$528.00		
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THIS IS NOT A PERMIT																					



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-20-141 ▲
N

ITEM II: 11:00 A.M.

FILE: SDAB-D-20-144

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 356478845-011

APPLICATION TO: Leave As Built Garden Suite

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 29, 2020

DATE OF APPEAL: September 30, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10873 - 74 Street NW

LEGAL DESCRIPTION: Plan 1273EO Blk 1 Lots 6-7

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Cromdale/Virginia Park Area Redevelopment Plan

Grounds for Appeal

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

This is an "as built application that was rejected" the two elements are listed below with comments on each.

1. Height - The height of the garden suite from average grade to the midpoint is 6.7m, instead of 6.2m. (Section 87.2(b)) this was a confusion from our plans. originally they had 10.5 height of a wall on cross section but then a different measurement on a different portion of the plan. the

builder followed the wrong figure. and built it too high in error and no one noticed until it was completed and framing inspection was done.

2. Platform Structure Location - The balcony is fully contained within the rear 7.5m of the site instead of 6m. (Section 87.13) this was missed on our original permit to build and was allowed because the permit officer missed it. BUT not that we had to resubmit for an "asbuilt" due to height this is being pulled in because it is too far back.

3. Structure is built. the height issue #1 would not have changed the size or location of any windows it is just the roof that is a bit high. the platform issue #2 was an oversight thru the entire process and was stamped acceptable initially but now has to be presented for appeal.

We can arrange an on site inspection if you need it.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

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

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

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

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.2(2) states that a **Garden Suite** is a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

Garden Suite means an Accessory building containing a Dwelling, which is located separate from the principal Use which is Single Detached Housing, and which may contain a Parking Area. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use includes Mobile Homes that conform to Section 78 of this Bylaw. This Use does not include Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites (Section 7.2(2)).

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, Garden Suites, Semi-detached Housing and Duplex Housing.

Section 814.1 states that the **General Purpose** of the **Mature Neighborhood Overlay** is to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Height - Garden Suite

Section 87.2(b) states the maximum Height shall be 6.2 m where the Garden Suite has a roof slope of less than 4/12 (18.4°).

Development Officer's Determination

Height - The height of the garden suite from average grade to the midpoint is 6.7m, instead of 6.2m. (Section 87.2(b))

[unedited]

Platform Structure - Garden Suite

Section 87.13 states Platform Structures greater than 1.0 m above Grade shall be fully contained within the rear 6.0 m of the Site, except that they may extend along the full length of a façade facing the Side Lot Line Abutting a flanking public roadway.



Development Officer's Determination

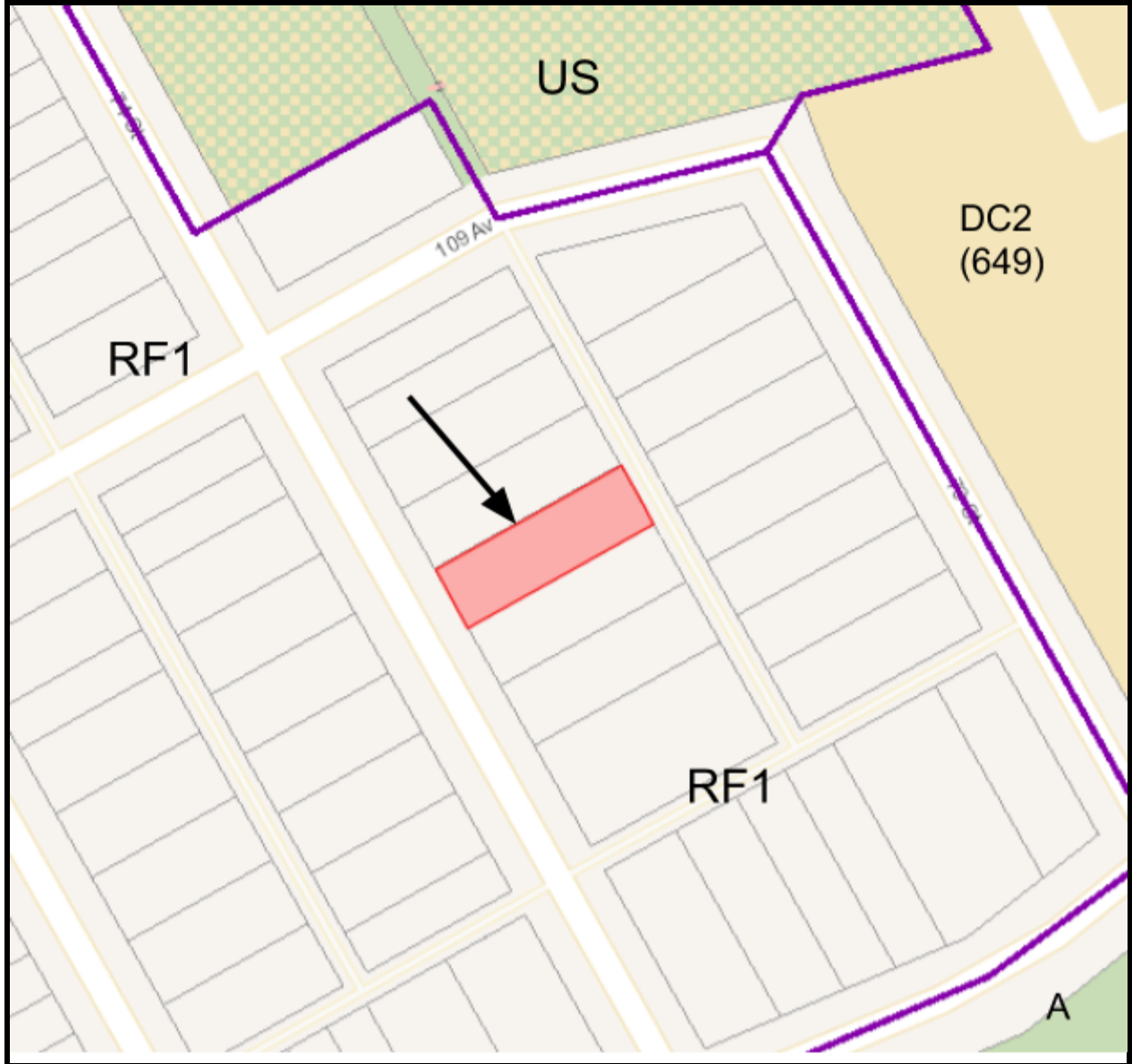
Platform Structure Location - The balcony is fully contained within the rear 7.5m of the site instead of 6m. (Section 87.13)

[unedited]

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 356478845-011 Application Date: SEP 08, 2020 Printed: September 29, 2020 at 12:07 PM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
Applicant 	Property Address(es) and Legal Description(s) 10873 - 74 STREET NW Plan 1273EO Blk 1 Lots 6-7 Specific Address(es) Suite: 10873G - 74 STREET NW Entryway: 10873 - 74 STREET NW Entryway: 10873G - 74 STREET NW Building: 10873 - 74 STREET NW Building: 10873G - 74 STREET NW																					
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-144

▲
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-20-142

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 365168708-002

APPLICATION TO: Construct a front addition and a front uncovered deck to a Single Detached House (addition, 8.58m x 2.30m and front deck, 3.82m x 5.35m @ 0.56m in Height)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 29, 2020

DATE OF APPEAL: September 29, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5727 - 107 Street NW

LEGAL DESCRIPTION: Plan 6681MC Blk 7 Lot 11

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:

My clients would like to build a small front addition to increase the size of their two bedrooms that are presently small with limited closet space. The addition would project 2.239 meters into the existing front yard with a small front deck that would be less than 2 feet above grade.

This application before the SDAB was filed as a deemed refusal in that the development officer failed to render a decision within the prescribed time limits. He emailed me and stated he was going to refuse the application because of the variances stated in Sections 814.3.1 and 814.3.10 of the Mature Neighbourhood Overlay.

Section 814.3.1.b of the Edmonton Zoning Bylaw states that the maximum front set back shall be 1.5 m greater than the average front setback on abutting lots. 5727 – 107 Street has only one abutting lot according to the definition of Abutting in the Edmonton Zoning Bylaw. They have a lane next to them on one side.

This restricts their development rights in comparison to the other properties on the block. For example the front yard setbacks for a portion of the block are:

5727- 107 Street The existing front yard setback is 7.57 m subject property

5803 -107 Street The existing front yard setback is 10.499 m the abutting property

5807-107 Street The existing front yard setback is 5.798 m

5811-107 Street The existing front yard setback is 7.369 m

5813-107 Street The existing front yard setback is 7.042 m

5815-107 street The existing front yard setback is 7.399 m

5806-107 Street The front of the house is setback 4.497 m

The measurements were calculated by shooting the distance at a level line from the edge of the sidewalk 3 times and averaging the distance. I then subtracted the known front yard setback on 5727 – 107 Street to determine the distance from the edge of the sidewalk to the property line is 1.78 m. It is assumed that this distance would be consistent on the block.

The Bylaw states that the front yard setback for the subject lot is to be the average of 5727 at 7.57 m and 5803 10.499 m or 9.0345 m with a front yard setback of 7.57 m this would mean my clients house is now non-conforming.

Looking at the neighboring property or abutting property 5803-107 Street; an original house on the block a front yard setback averaging the two abutting lots 5727-107 St. at 7.57 m and 5807-107 St. at 5.798 m, the front yard setback would be 6.684 m a difference of 2.305 m. If you add the maximum projection of 1.5 m the front yard setback for 5803-107 St. would be 5.184 m. In line with the 5.271 m we are requesting.

When you look at 5811-107 St. also an original house on the block the front yard setback for that property would be the average of 5807-107 St. at 5.798 m and 5813-107 St. at 7.042 m. the front yard setback would be 6.42 m and allowing a 1.5 m projection the front yard set for that lot would be 4.92 m

Referring back to 5803-107 St. and possibly 5811-107 St., the existing houses are original and are on 60 to 50 foot wide lots. When they are sold undoubtedly they will be redeveloped and possibly subdivided into skinny lots which is a trend in Pleasantview. The majority of redevelopment in Pleasantview are 2 story and have a much greater impact on neighbouring properties than the single story addition we are proposing.

Referring back to Section 814.3.10 the front porch will only project 1.535 m beyond the proposed front addition, which is the width of the stairs (5').

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

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

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

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

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this 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, Garden Suites, Semi-detached Housing and Duplex Housing.”

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

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

Front Setback

Section 814.3(1) states the Front Setback shall be in accordance with the following:

- a. the minimum Front Setback shall be 20% of site depth or 1.5 m less than the average Front Setback on Abutting Lots, whichever is less. In no case shall the Front Setback be less than 3.0 m;
- b. the maximum Front Setback shall be 1.5 m greater than the average Front Setback on Abutting Lots; and
- c. where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot.

Development Officers Determination

1. Reduced Front Setback - The distance from the Single Detached House to the property line along 107 Street NW (front lot line) is 5.27m, instead of the minimum of 9m (Section 814.3.1)

[unedited]

Rear Setback

Section 814.3(10) states Platform Structures or single Storey Unenclosed Front Porches may project from the first Storey of a Dwelling a maximum of 2.5 m into a required Front Setback, provided that a minimum of 3.0 m is maintained between the Front Lot Line and the Platform Structure or Unenclosed Front Porch.

Development Officers Determination

2. Projection - The distance from the unenclosed front porch to the property line along 107 Street NW (front lot line) is 3.74m, instead of 6.5m (Section 814.3.10)

[unedited]

Mature Neighbourhood Overlay - Community Consultation

Section 814.5(1) states:

When the Development Officer receives a Development Permit Application for a new principal building or new Garden Suite that does not comply with any regulation contained within this

Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

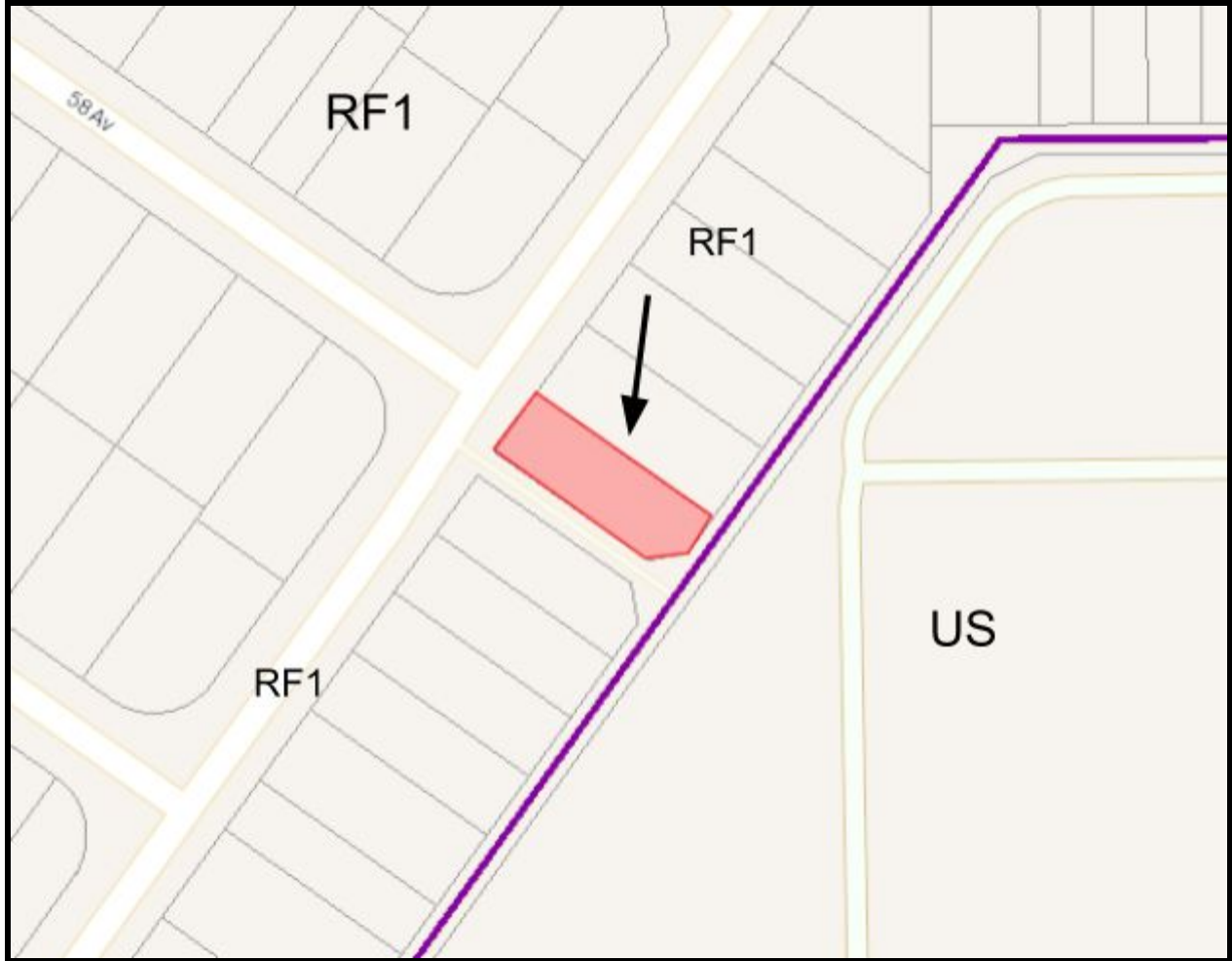
Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(1) – Front Setback
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site of the proposed development	814.3(10) – Platform Structures (Front Yard)

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Addition Permit</h2>	Project Number: 365168708-002 Application Date: JUN 16, 2020 Printed: September 29, 2020 at 9:24 AM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
Applicant <div style="background-color: black; width: 100%; height: 60px;"></div>	Property Address(es) and Legal Description(s) 5727 - 107 STREET NW Plan 6681MC Blk 7 Lot 11 Location(s) of Work Suite: 5727 - 107 STREET NW Entryway: 5727 - 107 STREET NW Building: 5727 - 107 STREET NW																					
Scope of Application To construct a front addition and a front uncovered deck to a Single Detached House (addition, 8.58m x 2.30m and front deck, 3.82m x 5.35m @ 0.56m in Height).																						
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class Of Permit: Class A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%; border: none;"> Site Area (sq. m.): 677.33 </td> </tr> </table>			Class Of Permit: Class A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 677.33																		
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Development Application Decision Refused Issue Date: Sep 29, 2020 Development Authority: LANGILLE, BRANDON Reason for Refusal 1. Reduced Front Setback - The distance from the Single Detached House to the property line along 107 Street NW (front lot line) is 5.27m, instead of the minimum of 9m (Section 814.3.1) 2. Projection - The distance from the unenclosed front porch to the property line along 107 Street NW (front lot line) is 3.74m, instead of 6.5m (Section 814.3.10) Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																						
Building Permit Decision Refused																						
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right; font-weight: normal;">Fee Amount</th> <th style="text-align: right; font-weight: normal;">Amount Paid</th> <th style="text-align: right; font-weight: normal;">Receipt #</th> <th style="text-align: right; font-weight: normal;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$433.00</td> <td style="text-align: right;">\$433.00</td> <td style="text-align: right;">967659220288001</td> <td style="text-align: right;">Jun 16, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$433.00</td> <td style="text-align: right; border-top: 1px solid black;">\$433.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$433.00	\$433.00	967659220288001	Jun 16, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$433.00	\$433.00		
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THIS IS NOT A PERMIT																						



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-20-142