

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
October 13, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TO BE RAISED

I 9:00 A.M. SDAB-D-21-161

Construct 2 Multi-unit Housing buildings (one has 81 Dwellings, the other has 83 Dwellings - total of 164 Dwellings), with a common underground parkade and an Accessory waste / recycling collection building

14005 - 28 Avenue SW
Project No.: 392659497-002

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

TO BE RAISED

ITEM I : 9:00 A.M.

FILE: SDAB-D-21-161

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 392659497-002

APPLICATION TO: Construct two Multi-unit Housing buildings (one has 81 Dwellings, the other has 83 Dwellings - total of 164 Dwellings), with a common underground parkade and an Accessory waste / recycling collection building

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: August 9, 2021

DATE OF APPEAL: September 3, 2021

NOTIFICATION PERIOD: August 17, 2021 through September 7, 2021

RESPONDENT: Casola Koppe Architects

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14005 - 28 Avenue SW

LEGAL DESCRIPTION: Plan 2120980 Blk 1 Lot 103

ZONE: (RA8) Medium Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: Chappelle Neighbourhood Area Structure Plan

Grounds for Appeal

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

- The Appellants’ grounds of appeal are as follows:
- The Appellants own property located immediately south of the Proposed Development, and are affected by the Development Permit within the meaning of ss. 685(2) of the *Municipal Government Act*.
- The Proposed Development does not comply with the requirements of the Zoning Bylaw.
- The Proposed Development will unduly interfere with the amenities of the neighbourhood and materially interfere with and affect the use, enjoyment and value or neighbouring parcels of lands. The test for a variance set out in s. 687(3)(d) of the *Municipal Government Act* has not been met.
- The variance of ss. 220.4.8 of the Zoning Bylaw as it relates to the location of the parking spaces (between the east building and 28 Avenue SW instead of to the rear or sides of the building) is not supported by the *Municipal Government Act* or Zoning Bylaw.
- The variance of ss. 220.4.13 and 220.7.1 of the Zoning Bylaw with respect to building entrance orientation (the main building entrance to the east building is orientated toward the onsite parking area instead of 28 Avenue SW) is not supported by the *Municipal Government Act* or Zoning Bylaw.
- The perceived massing and visual impact of the Proposed Development is inconsistent with the surrounding area.
- The Proposed Development will be dangerous to pedestrians as a result of vehicular access to, from and within the Proposed Development, site design and configuration, and increased traffic within the area as a result of the Proposed Development.
- Such further and other reasons as may be argued at the appeal.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on September 21, 2021:

“That the appeal hearing be rescheduled to October 13, 2021 [...]”

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 the decision in accordance with subsection (2.1).

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 board hearing the appeal referred to in subsection (1)

...

- (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 (a.4) and (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 220.2(8), **Multi-unit Housing** is a **Permitted Use** in the **(RA8) Medium Rise Apartment Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

development that consists of:

- a. three or more principal Dwellings arranged in any configuration and in any number of buildings;

or

- b. any number of Dwellings developed in conjunction with a Commercial Use where allowed in the Zone.

Section 220.1 states that the **General Purpose** of the **(RA8) Medium Rise Apartment Zone** is “to provide for medium rise Multi-unit Housing.”

Surface Parking

Section 220.4(8) states “Surface parking is not permitted to be located between any building and a public roadway, other than a Lane.”

Development Officer’s Determination

- 1) **Location of parking spaces - 4 onsite vehicular parking spaces are located between east building and 28 Avenue SW instead of being located to the rear or sides of the building (Section 220.4.8).**

[unedited]

Building Entrance Orientation

Section 220.4(13) states “Principal buildings adjacent to a public roadway, other than a Lane, shall have an entrance feature facing that public roadway.”

Section 220.7(1) states “Buildings shall address all street frontages, and may be configured in shapes such as an ”L” or ”U” in order to reduce the perceived massing of any particular elevation.”


Development Officer’s Determination

- 2) **Building entrance orientation - the main building entrance to the east building is oriented toward the onsite parking area instead of being oriented toward 28 Avenue SW. (Sections 220.4.13 and 220.7.1).**

[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: 392659497-002 Application Date: APR 19, 2021 Printed: August 9, 2021 at 1:26 PM Page: 1 of 6		
	<h2>Major Development Permit</h2>		
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	Property Address(es) and Legal Description(s) 14005 - 28 AVENUE SW Plan 2120980 Blk 1 Lot 103		
Scope of Permit To construct 2 Multi-unit Housing buildings (one has 81 Dwellings, the other has 83 Dwellings - total of 164 Dwellings), with a common underground parkade and an Accessory waste / recycling collection building.			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class of Permit: Class B Gross Floor Area (sq.m.): 16105.31 New Sewer Service Required: Y Site Area (sq. m.): 10095.04 </td> <td style="width: 50%;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 24 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 16105.31 New Sewer Service Required: Y Site Area (sq. m.): 10095.04	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 24 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 16105.31 New Sewer Service Required: Y Site Area (sq. m.): 10095.04	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 24 Stat. Plan Overlay/Annex Area: (none)		
Development Permit Decision Approved Issue Date: Aug 09, 2021 Development Authority: BACON, KIRK Subject to the Following Conditions CONDITIONS: <ol style="list-style-type: none"> 1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). Reference Section 17(1). 2) This Development Permit authorizes the development of 2 Multi-unit Housing buildings (one has 81 Dwellings, the other has 83 Dwellings - total of 164 Dwellings), with a common underground parkade and an Accessory waste / recycling collection building. The development shall be constructed in accordance with the stamped and approved drawings. 3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$1,680.00. 4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$204,344.00 (based on 2021 rates). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton. 5) Bicycle parking shall be provided in accordance to Section 54.5 and to the satisfaction of the Development Officer. 6) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building. Reference Section 220.4(23). 7) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer. 8) The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and 			



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Major Development Permit

maintained in accordance to Section 54.4(6).

Transportation:

9) The site access to 28 Avenue is to be constructed as part of the 28 Avenue SW (141 Street to Chappelle Drive) arterial construction and is included in a signed Arterial Roadway Servicing Agreement (SA500086). Engineering drawings have been approved for this arterial roadway construction, including the construction of the right-in/right-out site access to 28 Avenue SW. Any changes or modifications to the approved access require the review and approval of Subdivision and Development Coordination.

10) Parallel parking is NOT permitted on the internal road system as the road width (carriageway) is less than 7.5m. Both sides of the road must be signed "No Parking".

11) There are existing boulevard trees adjacent to the site that must be protected during construction. At least 4 weeks prior to construction, the owner/applicant must contact City Operations, Parks and Roads Services at citytrees@edmonton.ca to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.

12) All required landscaping for the development must be provided on-site.

13) Any shared use path or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

Epcor Water:

14) Completion of the water infrastructure under 28 Avenue SW - 141 Street SW to Chappelle Drive (LDA15-0091) is required prior to or concurrent with the proposed development to ensure availability of the essential water main feeds.

Landscaping:

15) **PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW**, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).

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


17) Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.


18) Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

19) A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed (www.edmonton.ca/landscapeinspectionrequest).

20) Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.

21) Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.

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<h2>Major Development Permit</h2>	
<p>Subject to the Following Advisements</p>	
<p>ADVISEMENTS:</p>	
<p>1) Signs require separate Development Applications.</p> <p>2) 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.</p> <p>3) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.</p>	
<p>Transportation:</p>	
<p>4) It is recommended that any proposed retaining walls bordering the underground parkade ramp not exceed a height of 0.3m for a distance of 3m from the main drive aisle to allow for adequate sight lines for vehicles exiting the parkade.</p> <p>5) With future development of the northwest portion of the site, a connection must be constructed to allow vehicles to make any required deliveries. Vehicles are not permitted to stop along 141 Street or 28 Avenue SW to make deliveries.</p> <p>6) All on-site pedestrian crossings should have pavement markings and pedestrian signage.</p> <p>7) The proposed connector sidewalk from the north property line of the subject site to tie into the City shared use path on the south side of 28 Avenue SW, is acceptable to Subdivision Planning. The proposed connector sidewalk from the west property line of the subject site to tie into the City shared use path on the east side of 141 Street is acceptable to Subdivision Planning provided that the applicant confirms there are no restrictions for locating the sidewalk within the easement area.</p> <p>8) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.</p> <p>9) There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.</p> <p>10) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include: start/finish date of project; the accommodation of pedestrians and vehicles during construction; confirmation of lay down area within legal road right of way if required; and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: https://www.edmonton.ca/business_economy/oscam-permit-request.aspx</p>	
<p>Epcor Water:</p>	
<p>11) Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested</p>	

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<h2>Major Development Permit</h2>	
<p>by contacting waterlandadmin@epcor.com.</p>	
<p>12) The site is to be serviced by a proposed 250mm PVC service located approximately 6.0m west of the east property line of Lot 103 off of a proposed 250mm water main on 28 Avenue SW all to be constructed under 28 Avenue SW - 141 Street SW to Chappelle Drive (LDA15-0091).</p>	
<p>1a. According to our records, the 28 Avenue SW - 141 Street SW to Chappelle Drive (LDA15-0091) project is currently under construction.</p>	
<p>1b. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site including demolition, excavation or grading for direction on the correct process to follow to have the service isolated and meter removed.</p>	
<p>13) EPCOR Water Services Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a professional to complete on-site water distribution design.</p>	
<p>14) For information on service abandonments and the provisioning of a new water service contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444.</p>	
<p>15) The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.</p>	
<p>16) The depth of the site means that on-street fire protection will be unable to provide coverage over the complete site area. The applicant is advised to contact Fire Rescue Services for additional on-site fire protection requirements.</p>	
<p>17) No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.</p>	
<p>Fire Rescue Services:</p>	
<p>18) Prior to the commencement of construction, alteration or demolition operations, a fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site.</p>	
<p>Construction Site Fire Safety Plan Template https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx</p>	
<p>A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time).</p>	
<p>If you have any questions please contact Technical Services at cmsfpts@edmonton.ca.</p>	
<p>Reference: NFC(2019-AE) 5.6.1.3. Fire Safety Plan</p>	
<p>19) Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction.</p>	
<p>Reference: NFC(2019-AE) 5.6.3.6. Hydrant Access</p>	
<p>1) Hydrants on construction, alteration, or demolition site shall</p>	
<p>a) be clearly marked with a sign,</p>	
<p>b) be accessible, and</p>	
<p>c) have an unobstructed clearance of not less than 2 m at all times.</p>	
<p>20) Ensure Emergency Access Routes are designed in accordance with the National Building Code -2019 Alberta Edition and the City of Edmonton's Complete Street Design and Construction Standards. Complete Streets Design and Construction Standards</p>	
<p>https://www.edmonton.ca/city_government/city_vision_and_strategic_plan/complete-streets.aspx</p>	
<p>Reference: NBC(2019-AE) 3.2.5.6. Access Route Design</p>	
<p>1) A portion of a roadway or yard provided as a required access route for fire department use shall</p>	
<p>a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory</p>	
<p>b) have a centreline radius not less than 12m,</p>	
<p>c) have an overhead clearance not less than 5 m,</p>	

Major Development Permit

- d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15m,
- e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
- f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and
- g) be connected with a public thoroughfare

21) Ensure that the building's Sprinkler Fire Department Connection is located in accordance with NBC(2019-AE) 3.2.5.15, and that the travel distance (not radius) from Fire Department Connection to fire hydrant does not exceed 45m.

Reference: NBC(2019-AE) 3.2.5.15. Fire Department Connections

2) The fire department connection for an automatic sprinkler system shall be located so that the distance from the fire department connection to a hydrant is not more than 45 m and is unobstructed.

3) The fire department connection referred to in Sentences (1) and (2) shall be located no closer than 3 m and no further than 15 m from the principal entrance to the building.

22) Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route.

Reference: NBC(2019-AE) 3.2.4.8 Annunciator and Zone Indication

1) The Fire Alarm Annunciator Panel shall be installed in close proximity to a building entrance that faces a street or an access route for fire department vehicles.

23) To meet the requirements of the National Fire Code — 2019 Alberta Edition, Sentence 5.6.1.2.(1), protection of adjacent properties during construction must be considered.

https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const

Reference: NFC(2019-AE) 5.6.1.2 Protection of Adjacent Building

1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations

Reference: Protection of Adjacent Building- STANDATA - Joint fire/building code interpretation:

Protection of Adjacent Buildings During Construction and Demolition

<https://open.alberta.ca/dataset/4ac126d2-ccb2-455d-b215-7bcb75827924/resource/27dc6f1b-2bbe-451b-8a3f-618013413608/download/ma-standata-interpretation-fire-building-19-fci-005-19-bci-016.pdf>

Waste Management:

24) This is a residential property and therefore falls under the City of Edmonton bylaw 18590, requiring the waste and recycle services are provided by the City of Edmonton.

25) This site with 164 units would receive approximately 41 cubic yards of garbage service and 20.5 cubic yards of recycle service per week for the residential units.

26) The waste storage enclosure needs to be adequately sized for the approx. five 4 cubic yard wheeled garbage bins and two 4 cubic yard wheeled recycle bins required to service the residential units. The frequency for pickup with these amounts of bins would be 2 times per week for garbage and 3 times per week for recycle.

27) Waste Services is strongly encouraging the implementation of the third stream of collection which is organics. The implementation of this stream is ongoing but it is better to plan for this at this stage rather than the need to retrofit the building.

Variations

1) Location of parking spaces - 4 onsite vehicular parking spaces are located between east building and 28 Avenue SW instead of being located to the rear or sides of the building (Section 220.4.8).

2) Building entrance orientation - the main building entrance to the east building is oriented toward the onsite parking area instead of being oriented toward 28 Avenue SW. (Sections 220.4.13 and 220.7.1).



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Major Development Permit

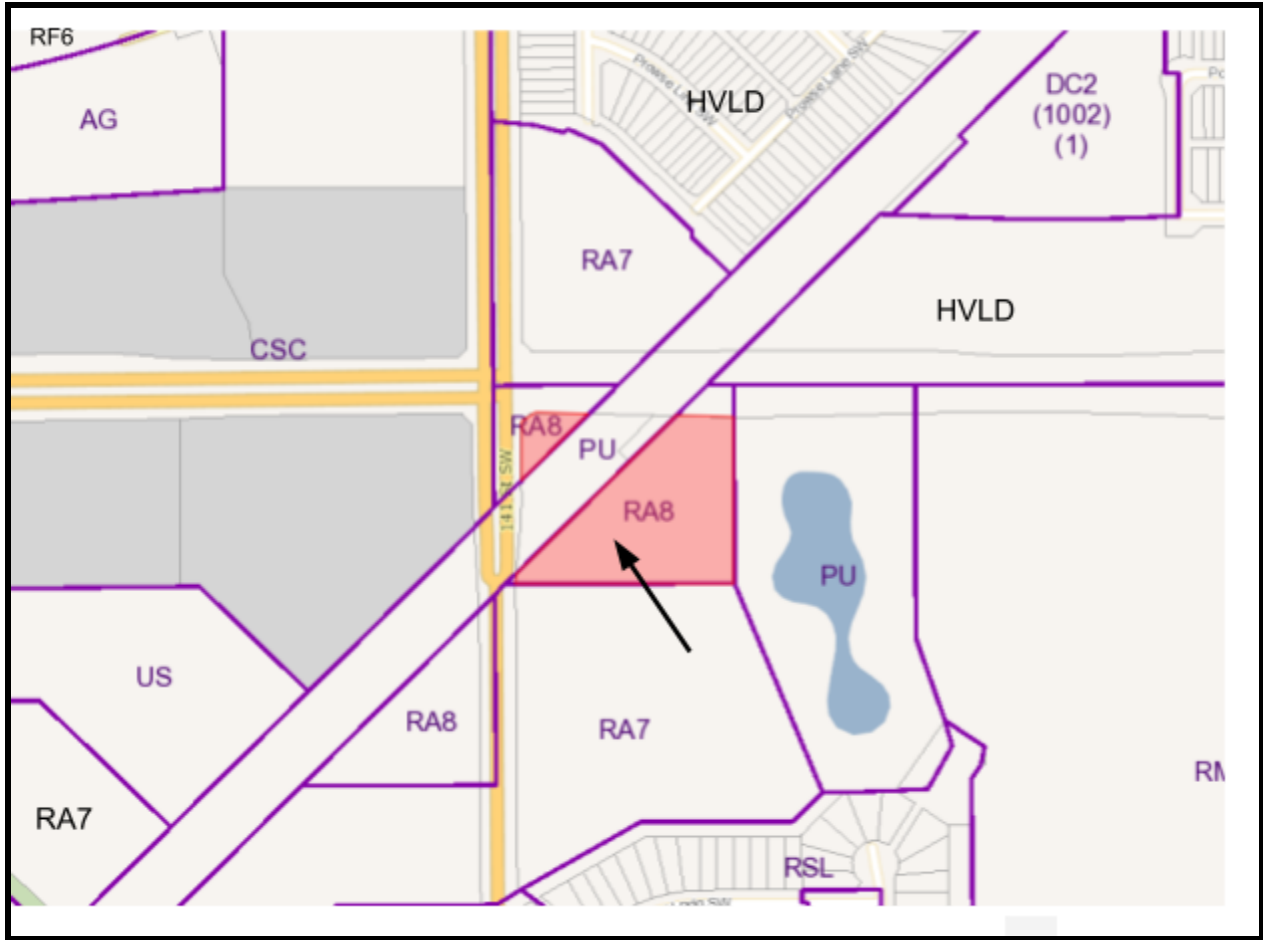
Rights of Appeal

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

Notice Period Begins: Aug 17, 2021 **Ends:** Sep 07, 2021

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$864.00	\$864.00	07005508	May 07, 2021
Dev. Application Fee # of dwelling units	\$12,320.00	\$12,320.00	07005508	May 07, 2021
Lot Grading Fee	\$1,680.00			
Development Permit Inspection Fee	\$528.00			
Sanitary Sewer Trunk Fund 2012+	\$204,344.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$219,736.00	\$13,184.00		
(\$206,552.00 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-161