

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
October 19, 2017**

**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-17-190	Install (2) Replacement Panels (west and south elevations) (MEINEKE CAR CARE) 12540 - 72 Street NW Project No.: 258025157-002
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II	10:30 A.M.	SDAB-D-17-191	Construct a Semi-detached House with balconies (2nd and 3rd Floors) and to demolish an existing Single Detached House and rear detached Garage. 10927 - 80 Avenue NW Project No.: 239376196-001
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III	1:30 P.M.	SDAB-D-17-192	Construct exterior alteration to an existing Apartment building (removing the rooftop addition and rooftop patio, 5.54 metres by 4.04 metres) 10003 - 87 Avenue NW Project No.: 258895254-001
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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-17-190

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 258025157-002

APPLICATION TO: Install (2) Replacement Panels (west and south elevations) (MEINEKE CAR CARE)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 7, 2017

DATE OF APPEAL: September 20, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12540 - 72 Street NW

LEGAL DESCRIPTION: Plan 9821533 Blk 11 Lot 1

ZONE: IM-Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

Grounds for Appeal

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

This letter is to ask for your support to retain two existing fascia signs for my new business, Meineke Car Care.

I am the new owner of this building. The signs in question have been in place for many years. When I applied for a permit to replace the faces of the sign, I was told that the existing signs don't have a permit. I made an application for them, but that application has been refused because the signs don't meet the current zoning bylaw, which states that signs must face either a road or a lane.

The signs are very important to the success of my business. This building has very little traffic flow past it on 72 Street, and the existing signs on the south and west sides of the building will be required to identify the building to

traffic going past on the service road as well as vehicles that travel on Fort Road.

I am going to be putting signage on the east side of the building along 72 Street as well, but the south- and west-facing signs have much more value for identifying the building to any traffic travelling on Fort Road and the approach overpass from Yellowhead Trail to Fort Road.

The south sign will face a new development. I am attaching a letter from Glenn Cyrankiewicz, the C.E.O. of Delnor Construction. They are the owners of the lot on the south side of my building. They have reviewed my sign proposal and they have no concerns with the existing signs staying where they are.

As I stated earlier, the existing signs have been in place for many years, and to my knowledge, there have been no complaints or adverse effects to the community.

Thank you for considering my appeal.

<i>General Matters</i>

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.

(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

...

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.

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*:

Section 420.1 states the **General Purpose** of the **(IM) Medium Industrial Zone** is to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site.

This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Section 420.2(13) states a **Fascia On-premises Sign** is a **Permitted Use** in the **(IM) Medium Industrial Zone**.

Under Section 7.9(2), **Fascia On-premises Signs** means any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. The Copy on such a Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Under Section 6.2(7), **Fascia Signs** means any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed, so that the Sign does not extend more than 40 cm out from the wall or structure nor beyond the horizontal limits of the wall. Fascia Signs may or may not be permanent. This definition includes banners or any other two dimensional medium;

Section 420.4(6) states Signs shall comply with the regulations found in Schedule 59G.

Signs Face a Public Roadway

Section 59G.2(1)(a) states Fascia On-premises Signs shall only face a public roadway other than a Lane.

Development Officer's Determination

Fascia On-premises Signs shall be subject to the following regulations: Fascia On-premises Signs shall only face a public roadway other than a Lane (Reference Section 59G.2(1)(a)).

Proposed:

Sign on south elevation of building faces the neighboring titled lot.

Sign on west elevation (back of building) faces the adjacent property.

The proposed signs do not face a public roadway, contrary to Section 59G.2(1)(a).

Scale and Architectural Character

Section 59.2(6) states for all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.


Development Officer's Determination

For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2(6))

In the opinion of the Development Officer there is no unnecessary hardship that would necessitate placement of signs in these locations. Other buildings in the surrounding area, do not have signs located at the rear of the building. The sign located on the south elevation may adversely impact development on the adjacent property.

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: 258025157-002 Application Date: AUG 23, 2017 Printed: September 21, 2017 at 10:11 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 12540 - 72 STREET NW Plan 9821533 Blk 11 Lot 1 Location(s) of Work Entryway: 12540 - 72 STREET NW Building: 12540 - 72 STREET NW		
Scope of Application To install (2) Replacement Panels (west and south elevations) (MEINEKE CAR CARE).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> ASA Sticker No./Name of Engineer: Construction Value: 1000 </td> <td style="width: 50%; border: none;"> Class of Permit: Expiry Date: </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 1000	Class of Permit: Expiry Date:
ASA Sticker No./Name of Engineer: Construction Value: 1000	Class of Permit: Expiry Date:		
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 2 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal 1) Fascia On-premises Signs shall be subject to the following regulations: Fascia On-premises Signs shall only face a public roadway other than a Lane (Reference Section 59G.2(1)(a)). Proposed: Sign on south elevation of building faces the neighboring titled lot. Sign on west elevation (back of building) faces the adjacent property. The proposed signs do not face a public roadway, contrary to Section 59G.2(1)(a)). 2) For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2(6)) In the opinion of the Development Officer there is no unnecessary hardship that would necessitate placement of signs in these locations. Other buildings in the surrounding area, do not have signs located at the rear of the building. The sign located on the south elevation may adversely impact development on the adjacent property.			
THIS IS NOT A PERMIT			



Project Number: **258025157-002**
Application Date: AUG 23, 2017
Printed: September 21, 2017 at 10:11 AM
Page: 2 of 2

Application for Sign Combo Permit

Rights of Appeal

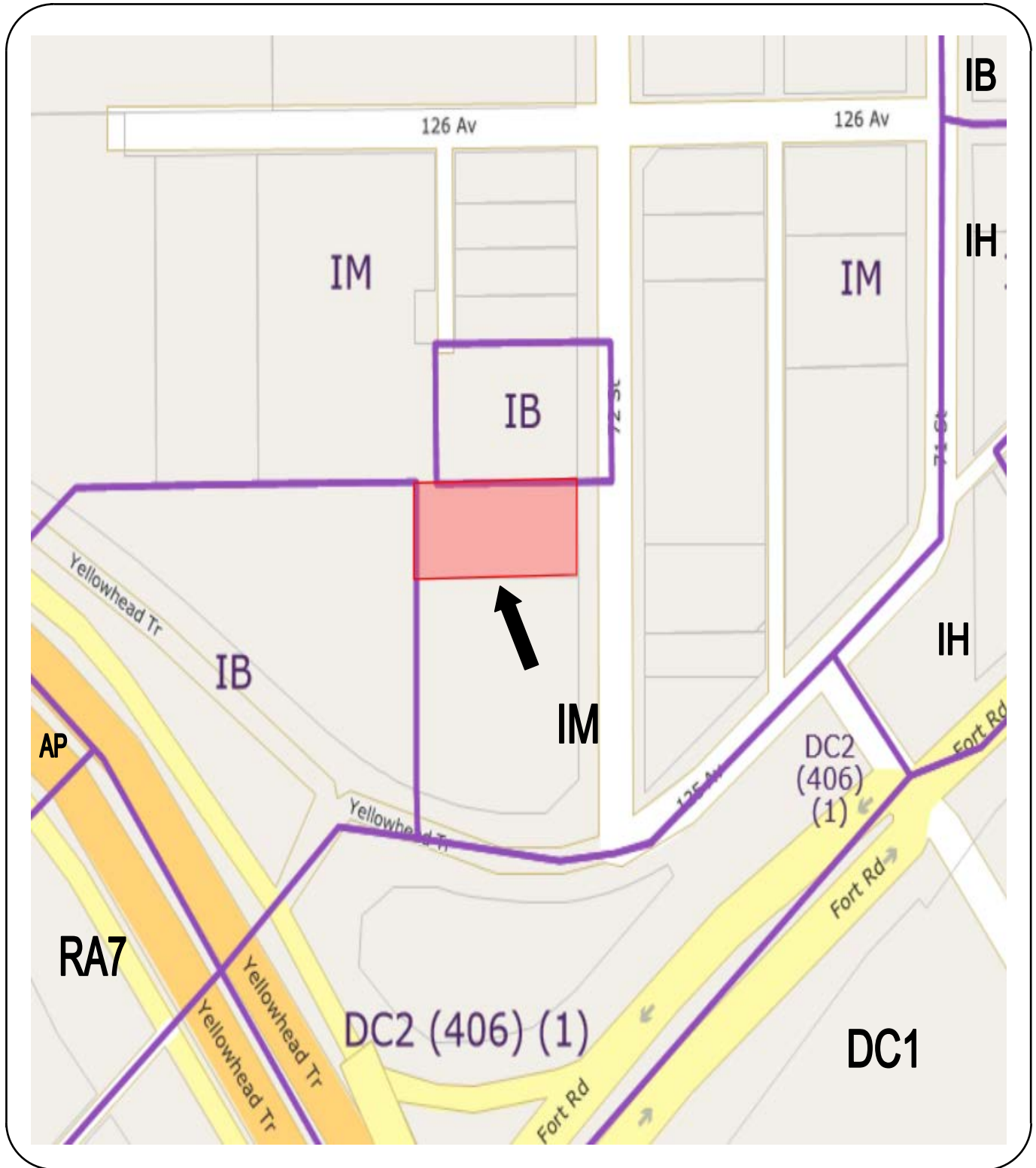
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Sep 07, 2017 **Development Authority:** NOORMAN, BRENDA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Building Permit Fee	\$0.00			
Sign Development Application Fee	\$0.00			
Safety Codes Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$0.00	\$0.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-190



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-191

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

APPELLANT:

ADDRESS OF APPELLANT: 10925 - 80 Avenue NW

APPLICATION NO.: 239376196-001

APPLICATION TO: Construct a Semi-detached House with balconies (2nd and 3rd Floors) and to demolish an existing Single Detached House and rear detached Garage.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with variance

DECISION DATE: August 30, 2017

DATE OF APPEAL: September 21, 2017

NOTIFICATION PERIOD: Sept. 7, 2017 through Sept. 21, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10927 - 80 Avenue NW

LEGAL DESCRIPTION: Plan I23 Blk 140 Lot 28

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

Grounds for Appeal

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

We are writing to appeal the recent decision with respect to the development permit for the lot located at 10927 80th AVE NW (file: 239376196-001). We own the adjacent lot and house to the east at 10925 80 Ave.

Although we understand that this proposal has been revised from the original plans, the variance requested (and seemingly allowed by the development office) is, quite frankly, MAJOR. Indeed, the present plan violates the site area requirement for a semi-detached construction since the lot size is too small (existing lot size is 404 m² as opposed to the required 442.2 m²). Obviously, we oppose this development for the same rationale underlying the existing regulations for infill: it is on too big a scale for the immediate and extended neighbourhood. This development, if allowed to proceed, will cause us (and our neighbours) undue hardship in terms of our financial investment in our property(ies), our enjoyment of said property(ies), and our style of community and life in our own neighbourhood. Our choice to live and re-invest in our home reflects our commitment to our neighbourhood and lifestyle and also reflects a life's-time worth of savings and sacrifices for our family. The apparent lack of recognition of this fact by the owner/developer seems to suggest an ignorant and perhaps even arrogant approach to development in our community. This is unacceptable and we trust that our appeal will ensure that the scope of any future development will be more recognisant.

We have owned our property for more than 15 years and have already invested more than \$150k in order to update and upkeep the our home, including a substantial cost to improve its energy efficiency. All through these improvements we preserved the unique character of the house itself to ensure that it continues to fit in with the neighborhood. We have also recently invested in our backyard with a >\$20k composite deck that allows us to enjoy our extensive garden in the sunshine of the beautiful Edmonton summers (especially late afternoons). We have just finished renovating our back-facing kitchen as well (at an estimated cost of >\$50k). It should be obvious that having an out-of scale development directly next door that mars our view and access to sunlight as well as impinging on our privacy will negatively impact both our enjoyment and our financial stake in our own property.

Infill development is a recognized reality in our neighbourhood, especially for neglected rental properties like the existing one at 10927 80 ave. However, we need to point out that of all the recent re-development (infill) projects in our community that have occurred on single lots (with sizes equivalent or even larger than at 10927 80 ave), the vast majority (over 80%) are single family constructions. What this means is that there is recognized value in this limited style of development and more importantly, a viable market for these single-family homes in our region. Indeed, as a direct result, we have seen substantial citizen renewal in our community, in the fact that families (once conspicuously absent) are now increasingly common. We fail to understand why the owner/developer in this case fails to realize this important fact regarding the immediate community, instead seemingly to treat this property as a potential only for large-scale high-density rental.

Related to the above, the owner/developer presumably knows that the single family design in our neighbourhood does not preclude an additional rental suite.

Given this fact, we find it difficult to understand why the semi-detached (and not-permitted) version continues to be proposed for this lot. Our inspection of the original plans revealed that there was an extra side entrance that went directly to the basements of each half of the proposed duplex. What was obvious to all who viewed these plans is that the semi-detached design could later be “adapted” to a much higher density design (i.e. a four-plex). We would like to note that the same design appears to be in use in the present application. This suggests to us that the present proposal is motivated purely by greed and not by need. To this we simply say: “*Shameful*”.

Please be aware - we are not opposed to re-development in our neighbourhood. Indeed, we welcome it. What we are opposed to is the obvious and wanton disregard for the character, nature, and resources of our community. Although medium density has always been a factor in neighbourhoods adjacent to the University of Alberta, the present times call for restraint in terms of mass density, especially given the excellent opportunities that are available due to accessible mass transit for university students. Our choice to invest in Garneau as a family neighbourhood has been welcomed by the majority of re-developments in our neighbourhood in recent years. We are adamantly opposed to the past idea of our neighbourhood as a “U of A ghetto”, replete with undesirable undergraduate student residences. Indeed the University of Alberta has been very forthright in maintaining that they can accommodate their student population within its borders.

If the owner/developer continues to argue that the semi-detached design is the only option they will consider, we can repeat our previous offer – WE WILL PURCHASE THE PROPERTY AND DEVELOP IT PROPERLY. We urge them to consider our resolve.

<i>General Matters</i>

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.

(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

...

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.

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*:

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is:

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

Under Section 140.2(9), **Semi-detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Section 7.2(7) states:

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

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.

<i>Site Area</i>


Section 140.4(3)(a) states the minimum Site area for Semi-detaching Housing is 442.2 square metres.

Development Officer's Determination

Site Area - The area of the site is 404 square metres instead of 442.2 square metres. (Section 140.4)

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: 239376196-001 Application Date: JAN 17, 2017 Printed: September 21, 2017 at 9:28 AM Page: 1 of 3		
Minor Development Permit			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
Applicant <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 10927 - 80 AVENUE NW Plan I23 Blk 140 Lot 28 Specific Address(es) Entryway: 1, 10927 - 80 AVENUE NW Entryway: 2, 10927 - 80 AVENUE NW Building: 1, 10927 - 80 AVENUE NW		
Scope of Permit To construct a Semi-detached House with balconies (2nd and 3rd Floors) and to demolish an existing Single Detached House and rear detached Garage.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved			
The permit holder is advised to read the reverse for important information concerning this decision.			



Project Number: **239376196-001**
 Application Date: JAN 17, 2017
 Printed: September 21, 2017 at 9:28 AM
 Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

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

1. This Development Permit authorizes the development of a Semi-detached House with balconies (2nd and 3rd Floors) and to demolish an existing Single Detached House and rear detached Garage. The development shall be constructed in accordance with the approved drawings and is subject to the following conditions:
2. The Height of the principal building shall not exceed 8.6m as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.
3. Any future basement development may require development and building permit approvals. A Secondary Suite shall require a new development permit application.
4. The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.
5. Platform Structures greater than 1.0 m above Grade shall provide privacy screening to the satisfaction of the Development Officer to prevent visual intrusion into adjacent properties.
6. Landscaping shall be developed in accordance with Section 55 and Section 140.4(16) of the Edmonton Zoning Bylaw 12800 and the landscaping plan.
7. Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area.
8. Immediately upon demolition of the building, the site shall be cleared of all debris.
9. A. Landscaping shall be provided on a Site within 18 months of the occupancy of the Single Detached House. Trees and shrubs shall be maintained on a Site for a minimum of 42 months after the occupancy of the Single Detached House (Reference Section 55.2.1).
 B. Two deciduous trees with a minimum Caliper of 50 mm and eight shrubs shall be provided on the property. Deciduous shrubs shall have a minimum Height of 300 mm and coniferous shrubs shall have a minimum spread of 450 mm (Reference Section 55.2.1).
 C. All Yards visible from a public roadway, other than a Lane, shall be seeded or sodded. Seeding or sodding may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens (Reference Section 55.2.1).
10. Unenclosed steps shall not exceed 0.60m in the case of Setbacks or Separation Spaces of 1.2m or greater (Reference Section 44.1(a))

ADVISEMENTS:

- i.) Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.
- ii.) Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals
- iii.) Any future deck enclosure or cover requires a separate development and building permit approval.
- iv.) The driveway access must maintain a minimum clearance of 1.5m from any service pedestal and all other surface utilities.

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



Project Number: **239376196-001**
 Application Date: JAN 17, 2017
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 Page: 3 of 3

Minor Development Permit

v.) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx

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

vii.) 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 Bvlaw or any caveats, covenants or

Variations

Site Area - The area of the site is 404m2 instead of 442.2m2 (Section 140.4)

Rights of Appeal

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

Issue Date: Aug 30, 2017 **Development Authority:** LANGILLE, BRANDON

Signature: _____

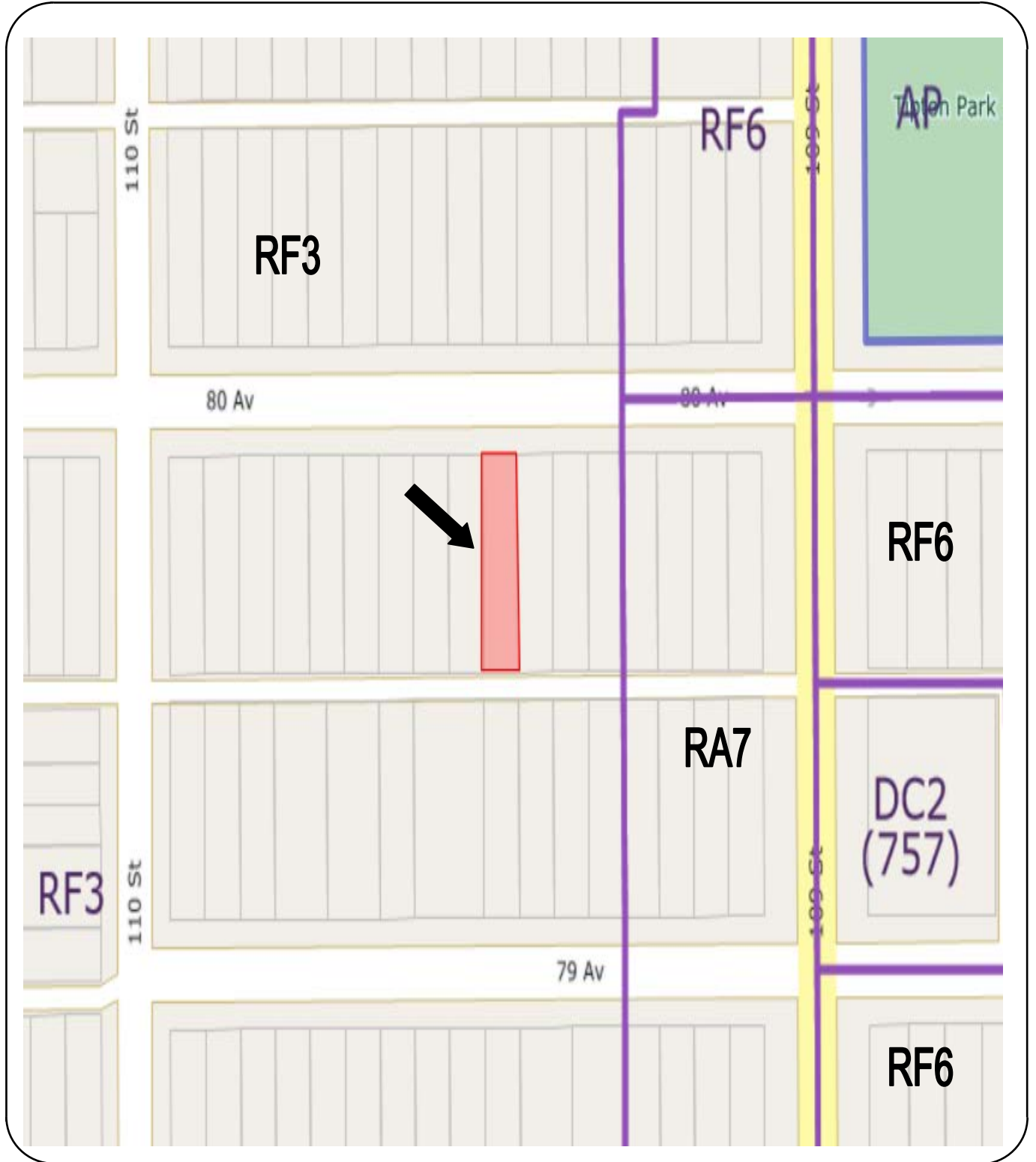
Notice Period Begins: Sep 07, 2017

Ends: Sep 21, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03867014	Jan 17, 2017
Dev. Application Fee	\$475.00	\$354.00	03867014	Jan 17, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,041.00	\$1,920.00		
(\$121.00 outstanding)				

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-191



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-192

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

APPELLANT:

ADDRESS OF APPELLANT: 10003 - 87 Avenue NW

APPLICATION NO.: 258895254-001

APPLICATION TO: Construct exterior alteration to an existing Apartment building (removing the rooftop addition and rooftop patio, 5.54 metres by 4.04 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved

DECISION DATE: August 21, 2017

DATE OF APPEAL: September 11, 2017

NOTIFICATION PERIOD: Aug. 29, 2017 through Sept. 12, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10003 - 87 Avenue NW

LEGAL DESCRIPTION: Condo Common Area (Plan 0626935)

ZONE: RA7-Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

General Matters

The Board is advised that all Parties agreed to the Hearing Date.

Appeal Information:

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

Non-conforming use and non-conforming buildings

- 643(1)** If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.
- (2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.
 - (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
 - (4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
 - (5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
 - (a) to make it a conforming building,
 - (b) for routine maintenance of the building, if the development authority considers it necessary, or
 - (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

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 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

...

(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.

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 210.2(1), **Apartment Housing** is a **Permitted Use** in the **(RA7) Low Rise Apartment Zone**.

Under Section 7.2(1), **Apartment Housing** means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Section 210.1 states the **General Purpose** of the **(RA7) Low Rise Apartment Zone** is to provide a Zone for Low Rise Apartments.

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

<i>Non-Conformity</i>

Section 11.2(2) states that the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for the land in this Bylaw and the proposed development would not, in his opinion:

- a) unduly interfere with the amenities of the neighbourhood; or
- b) materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Development Officer's Determination:

Non-Conforming Building - The Apartment Housing which may have changed since it was originally constructed, no longer conforms to current zoning rules. (Section 11.3.3).

Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision
SDAB-D-09-074	To construct an addition to an Apartment building (4.88 metres by 5.49 metres access to a roof top deck)	June 5, 2009; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the excess of one storey in maximum allowable number of Storeys be permitted
SDAB-D-07-126	To construct an addition to an Apartment building (fourth floor addition)	June 29, 2007; that the appeal be DENIED and the DEVELOPMENT REFUSED

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: 258895254-001
Application Date: AUG 02, 2017
Printed: September 12, 2017 at 7:26 AM
Page: 1 of 3

Major Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant <div style="border: 1px solid black; width: 280px; height: 45px;"></div>	Property Address(es) and Legal Description(s) 10003 - 87 AVENUE NW Condo Common Area (Plan 0626935)
	Specific Address(es) Entryway: 10003 - 87 AVENUE NW Entryway: 10007 - 87 AVENUE NW Building: 10003 - 87 AVENUE NW

Scope of Permit
To construct exterior alteration to an existing Apartment building (removing the rooftop addition and rooftop patio, 5.54m x 4.04m).

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

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



Project Number: 258895254-001
Application Date: AUG 02, 2017
Printed: September 12, 2017 at 7:26 AM
Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

This Development Permit authorizes the proposed development to construct exterior alteration to an existing Apartment building (removing the rooftop addition and rooftop patio, 5.54m x 4.04m).

When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until:

- a. any conditions of approval, except those of a continuing nature, have been fulfilled; and
- b. the time for filing a notice of appeal to the Subdivision and Development Appeal Board as specified in subsection 21.1 of this Bylaw and the Municipal Government Act has passed.

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). (Reference Section 17(1))

Immediately upon demolition of the rooftop addition and rooftop patio, the site shall be cleared of all debris.

ADVISEMENTS:

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

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.

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.

Signs require separate Development Applications.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

Variiances

Non-Conforming Building - The Apartment Housing which may have changed since it was originally constructed, no longer conforms to current zoning rules. (Section 11.3.3).

Rights of Appeal

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

Issue Date: Aug 21, 2017 Development Authority: ANGELES, JOSELITO

Signature: _____

Notice Period Begins: Aug 29, 2017

Ends: Sep 12, 2017

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



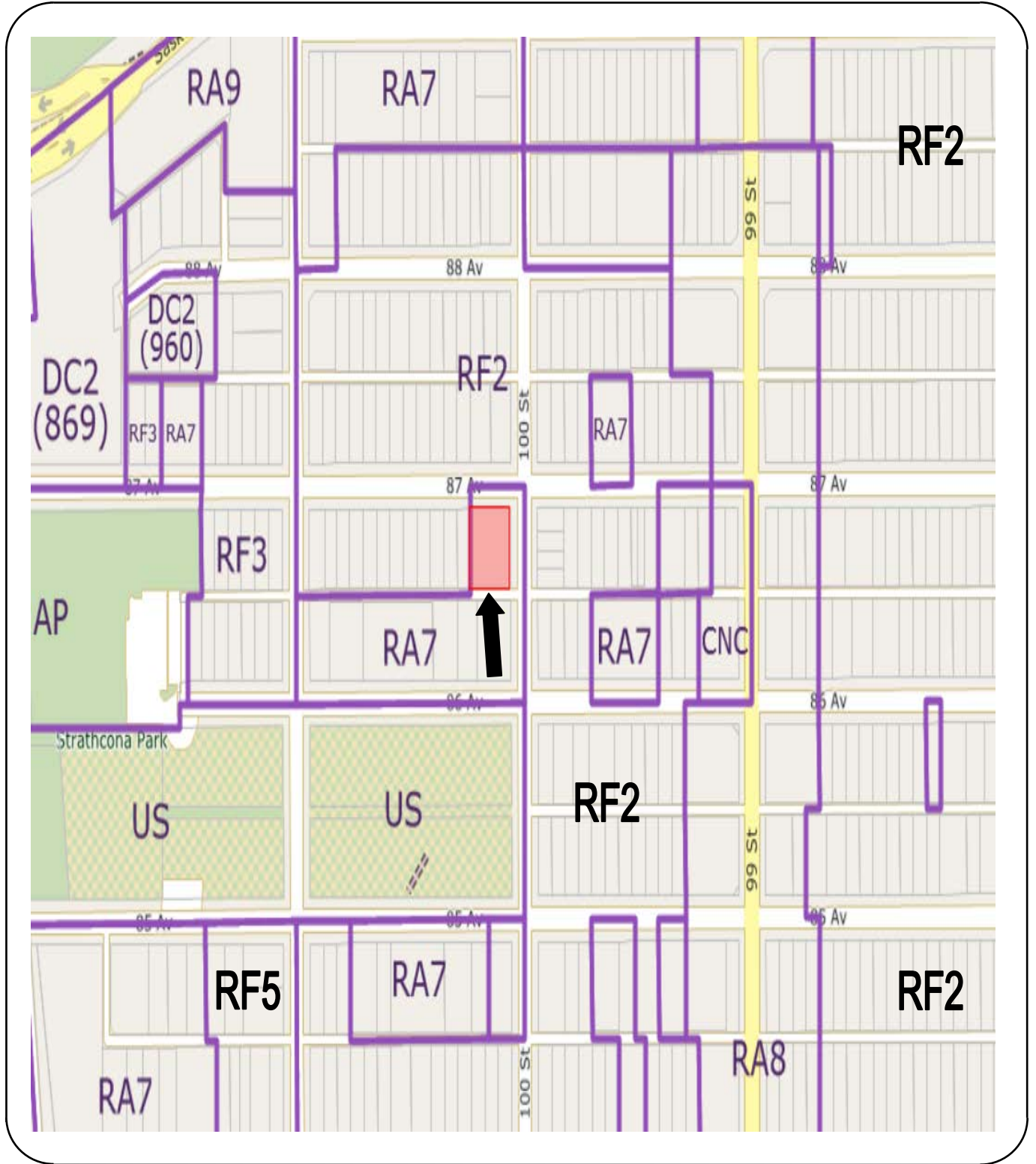
Project Number: **258895254-001**
Application Date: AUG 02, 2017
Printed: September 12, 2017 at 7:26 AM
Page: 3 of 3

Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$84.00	\$84.00	04342985	Aug 02, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$84.00	\$84.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-192

