

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
October 1, 2015**

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

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

I	9:00 A.M.	SDAB-D-15-222	Construct exterior alterations (rear uncovered deck, 3.49m x 1.52m) and a rear addition with uncovered deck above (2.11m x 3.27 m @ 1.78m high - existing without permits), to an existing Single Detached House 10921 - 158 Street NW Project No.: 164673524-003
<hr/>			
II	10:30 A.M.	SDAB-D-15-223	Construct a Single Detached House with front veranda, side attached Garage, fireplace, rear covered deck (6.10m x 4.27m) and Basement development (Not to be used as an additional Dwelling) 8958 Windsor Road NW Project No.: 159575991-004
<hr/>			
III	1:30 P.M.	SDAB-D-15-224	Comply with an order to Apply for a Development Permit or Dismantle and Remove the Accessory Building. This order is to be complied with on or before September 4, 2015 10330 Lauder Avenue NW Project No.: 144141223-003

NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-222

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 164673524-003

ADDRESS OF APPELLANT: 10921 - 158 Street NW

APPLICATION TO: Construct exterior alterations (rear uncovered deck, 3.49m x 1.52m) and a rear addition with uncovered deck above (2.11m x 3.27 m @ 1.78m high - existing without permits), to an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused (See pages 8-9)

DECISION DATE: August 26, 2015

DATE OF APPEAL: September 3, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10921 - 158 Street NW

LEGAL DESCRIPTION: Plan 642KS Blk 6 Lot 5

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:

The permit was refused.

I provided the City on February 4, 2015 with cahgnes and plans to show that the deck now complies.

The deck projects 5 feet into the rear yard.

I did everything the City required to get a permit. [unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- a. in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Authority was dated August 26, 2015. The Notice of Appeal Period expired on September 9, 2015 and the Notice of Appeal was filed on September 3, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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

Under section 7.2(9), **Single Detached Housing** is defined as follows:

... development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 140.1 states the following with respect to the **General Purpose** of the **RF1 Single Detached Residential Zone**:

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

Maximum Site Coverage

Section 110.4(7)(a) states:

Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. a.Single Detached Housing - Site greater than 300 m2	28%	12%	40%	40%

Development Officer’s Determination:

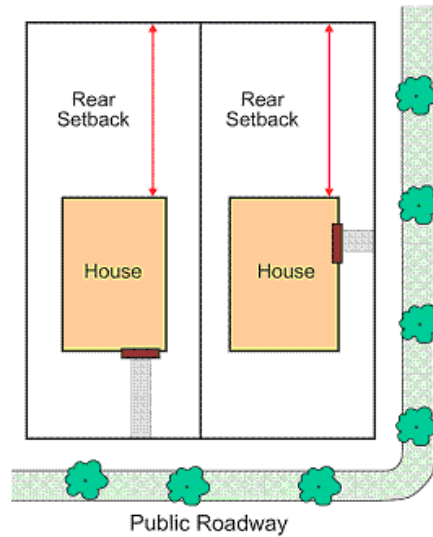
Section 110.4(7)(a): The maximum Site Coverage for a Principal building shall be 28%.
 Proposed: 29.67%
 Exceeds by: 1.67% or 9.32 sq m
 [unedited]

Mature Neighbourhood Overlay: Minimum Rear Setback

Section 814.3(5) states that “The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.”

Section 6.1(82) states:

Rear Setback means the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer’s Determination:

Section 814.3(5): The minimum Rear Setback shall be 40% of Site depth.

Required Minimum Rear Setback: 14.63 m.

Variance granted by Development Permit # 117056287-005 relaxed the Rear Setback to 13.26 m.

Proposed Rear Setback: 11.54 m.

Deficient from approved variance by 1.724 m.

[unedited]

Mature Neighbourhood Overlay: Platform Structures

Section 814.3(8) states that “Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.”

Section 6.1(74) states: “**Platform Structures** means structures projecting from the wall of a building that may be surrounded by guardrails or parapet walls. Common structures include: balconies, raised terraces and decks.”

Section 6.1(42) states: “**Grade** means a geodetic elevation from which the Height of a structure is measured, calculated in accordance with Section 52.”

Development Officer’s Determination:

Section 814.3(8): Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.



Proposed Uncovered deck: 1.784 m high, privacy screening required at side yard.

Privacy Screening not provided.

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

NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 164673524-003 Application Date: FEB 04, 2015 Printed: August 26, 2015 at 1:27 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant DUARTE, ALBERTO 	Property Address(es) and Legal Description(s) 10921 - 158 STREET NW Plan 642KS Blk 6 Lot 5 Specific Address(es) Entryway: 10921 - 158 STREET NW Building: 10921 - 158 STREET NW		
Scope of Application To construct exterior alterations (rear uncovered deck, 3.49m x 1.52m) and a rear addition with uncovered deck above (2.11m x 3.27 m @ 1.78m high - existing without permits), to an existing Single Detached House.			
Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 50%; padding: 2px;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N </td> <td style="width: 50%; padding: 2px;"> Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal The following are the reasons for refusal: Section 110.4(7)(a): The maximum Site Coverage for a Principal building shall be 28%. Proposed: 29.67% Exceeds by: 1.67% or 9.32 sq m Section 814.3(5): The minimum Rear Setback shall be 40% of Site depth. Required Minimum Rear Setback: 14.63 m. Variance granted by Development Permit # 117056287-005 relaxed the Rear Setback to 13.26 m. Proposed Rear Setback: 11.54 m. Deficient from approved variance by 1.724 m. Section 814.3(8): Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties. Proposed Uncovered deck: 1.784 m high, privacy screening required at side yard. Privacy Screening not provided. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.			
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.			
THIS IS NOT A PERMIT			



Project Number: **164673524-003**
Application Date: FEB 04, 2015
Printed: August 26, 2015 at 1:27 PM
Page: 2 of 2

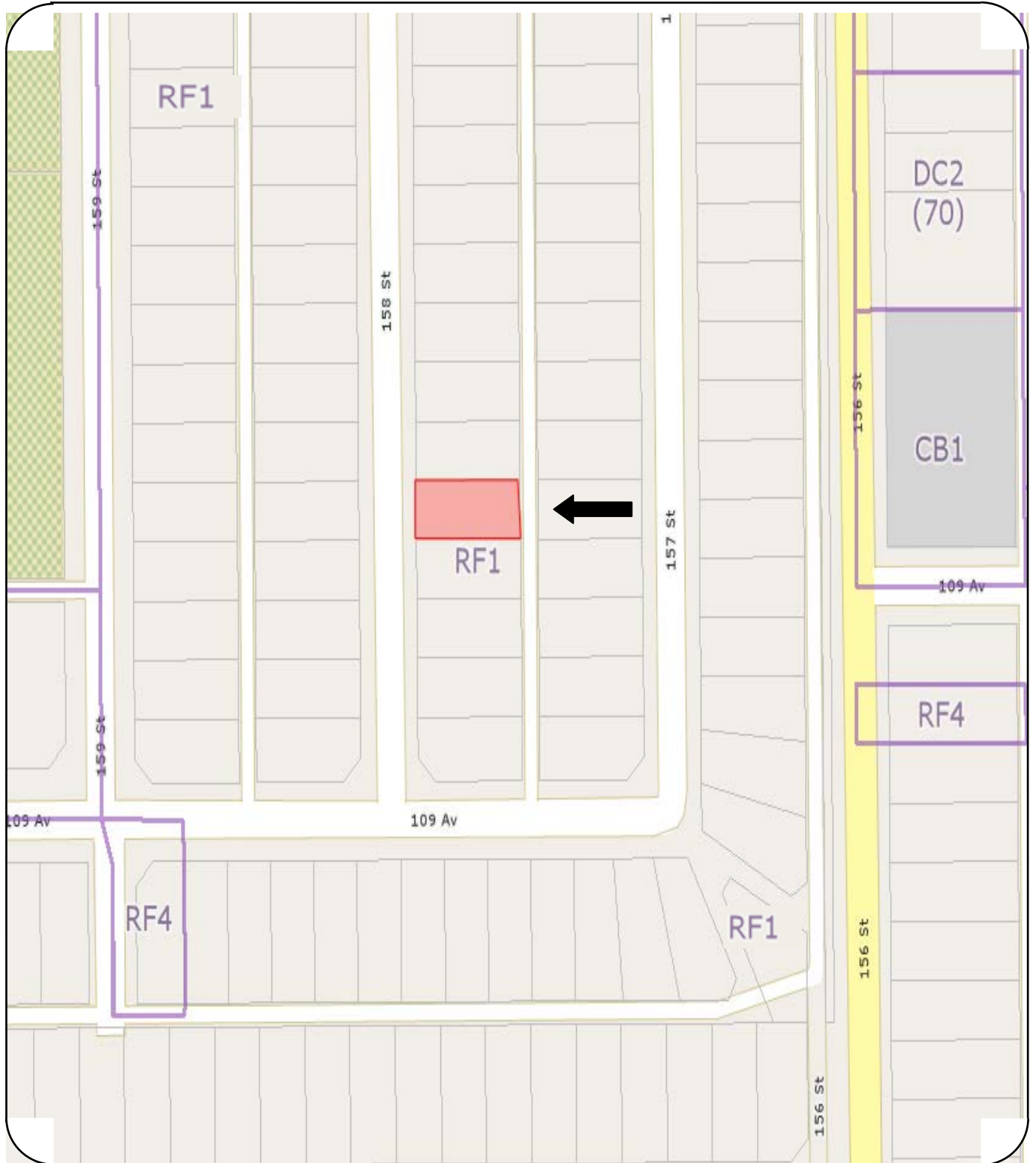
Application for Minor Development Permit

Issue Date: Aug 26, 2015 Development Authority: BOOTH, JEFF Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$310.00	\$310.00	02213458	Feb 04, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$310.00	\$310.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-222



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-223

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

APPELLANT:

APPLICATION NO.: 159575991-004

ADDRESS OF APPELLANT:

APPLICATION TO: Construct a Single Detached House with front veranda, side attached Garage, fireplace, rear covered deck (6.10m x 4.27m) and Basement development (Not to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved (See pages 25-27)

DECISION DATE: August 20, 2015

DATE OF APPEAL: September 7, 2015

NOTIFICATION PERIOD: Aug 27, 2015 through Sep 9, 2015

RESPONDENT: Plex Developments Ltd.

ADDRESS OF RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8958 - WINDSOR ROAD NW

LEGAL DESCRIPTION: Plan 1621HW Blk 5 Lot 1

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

The proposal for 8958 Windsor Road to relax the minimum rear set back fails to meet Zoning Bylaw 814.3.5 that states that the minimum rear

setback shall be 40% of the site depth. These bylaws were enacted to retain the character of Edmonton's mature neighbourhoods and the proposed variance is not in accordance with the existing bylaw.

1) We opposed the variance because the proposed expansion of the footprint is not in keeping with Edmonton Zoning Bylaw 12800 with respect to existing developments: surrounding properties are either bungalows or 1.5 stories and do not encroach on the rear set back. The proposed encroachment does not maintain the traditional character of the neighbourhood and the lot is not well suited to such an expansion of the footprint. The development will be vastly larger than surrounding properties and thus detract from the traditional character of the neighbourhood.

2) We are concerned that we will lose early morning sun from the covered deck, particularly in winter, as we are directly west of the proposed expansion. The expansion of the house's footprint will occlude sun year round.

3) We have concerns that water will not drain naturally into the soil from the property and increase the risk for flooding on our property. The increase in roof area will concentrate run-off adjacent to our property. The plans we have seen indicate a "retaining wall may be required for drainage purposes" to the east of our property and as such, this heightens our concerns as we are downslope of the proposed development. The property to the east where the retaining wall is proposed, is upslope. The covered deck and increased size of the house will result in increased run-off adjacent to our property.

4) Under zoning bylaw 12800, "a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone;" and our position is that there is no unnecessary hardship or practical difficulties peculiar to the use, character or situation of land. The lot is a rectangle and poses no restrictions to building within the bylaws. The lot is similar in size and shape to all lots in adjoining areas.

5) The decision by the applicant to enclose a garage within the house itself does not present a hardship or difficulty and the result of such a design should not be the basis for an encroachment or a variance.

6) Expansion of the house itself poses an encroachment on our privacy as an adjacent lot (i.e., noted in 814.1).

7) The applicant has proposed to build at the rear of the property an accessory building of 4.575 m x 4.267 m. This is very close to the size of a garage. A mean size of a car is ca. 4.5 - 4.8 m. The applicant is proposing to build the in house garage and a large accessory building approaching the size of a garage.

8) Process issues: under 814.3.24 b & c, “the applicant shall document opinions or concerns” and what modifications were made to address their concerns? and to date, we have not received any information from the applicant based on our concerns sent to Ms. Fiona Hamilton August 6, 2015 by e-mail.

In overview, the applicant has requested to build both the house and deck farther back on the lot than allowed. There is no reason to permit the variance.

We welcome the redevelopment of the property yet we view the proposed variance as unnecessary and detrimental to our property.
[unedited]

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

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

...

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

The decision of the Development Authority was dated August 20, 2015. The Notice of Appeal Period expired on September 9, 2015 and the Notice of Appeal was filed by an adjacent property owner on September 7, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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

Under section 7.2(9), **Single Detached Housing** is defined as follows:

... development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a

Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 140.1 states the following with respect to the **General Purpose** of the **RF1 Single Detached Residential Zone**:

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

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

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

Permit Conditions: Permit Subject to Expiry of Appeal Period

Section 17.1(1) states:

1. 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.

Section 21(1) states:

Subject to the provisions of the Municipal Government Act, any person applying for a Development Permit or affected by a decision issued by a Development Officer about a Development Permit may appeal the decision of the Development Officer to the Subdivision and Development Appeal Board by filing a written notice of appeal on the Subdivision and Development Appeal Board within 14 days after notice of the decision concerning the Development Permit was given.

Development Permit Condition:

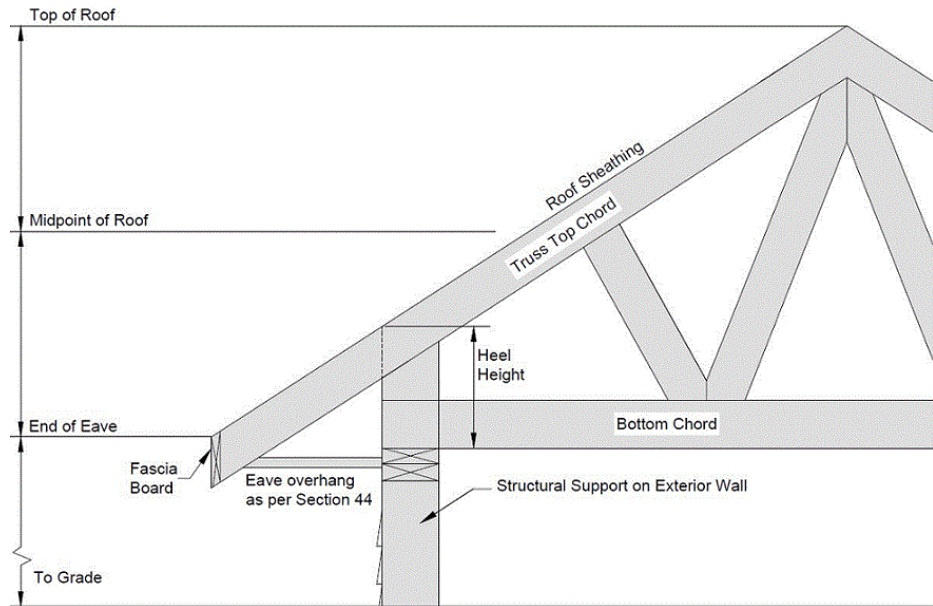
1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1) [unedited]

Permit Conditions: Height

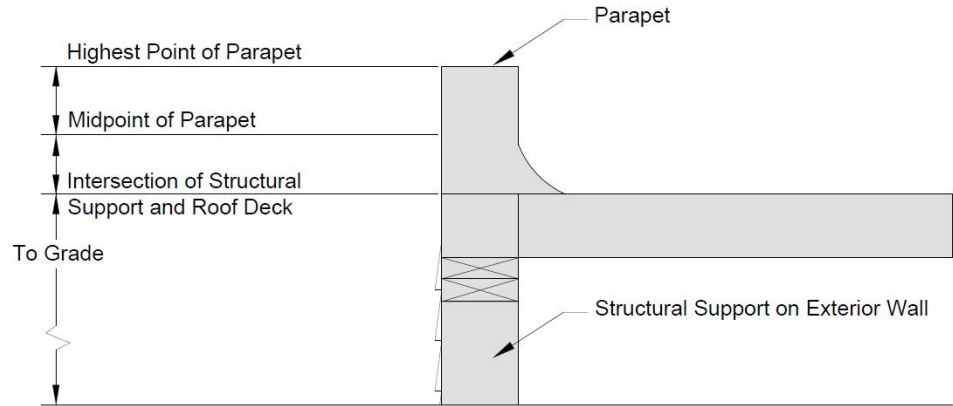
Section 6.1(49) defines **Height** as “a vertical distance between two points.”

Section 52 states the following with respect to **Height**:

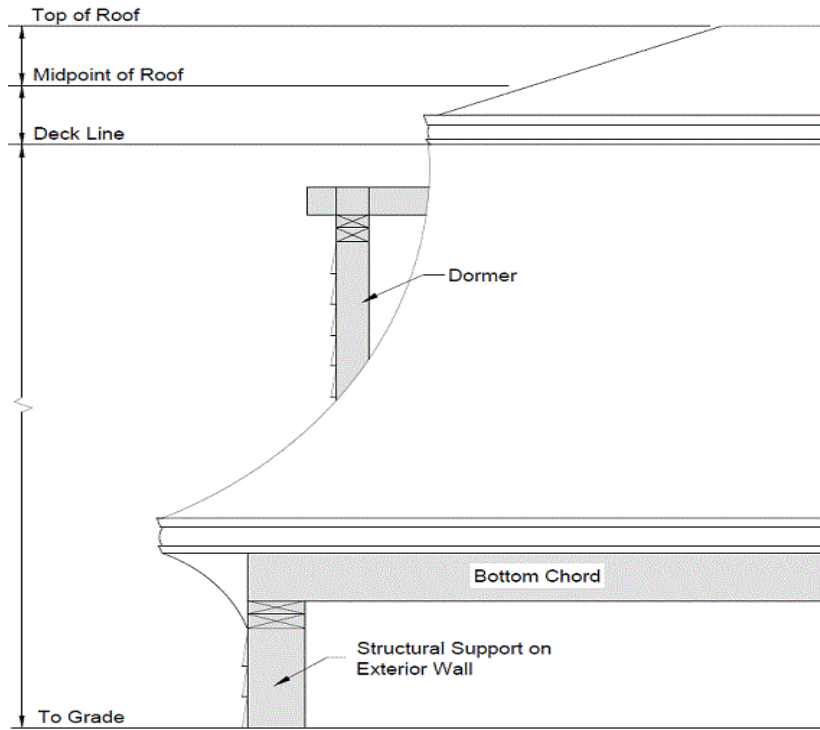
1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:
 - a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof; or

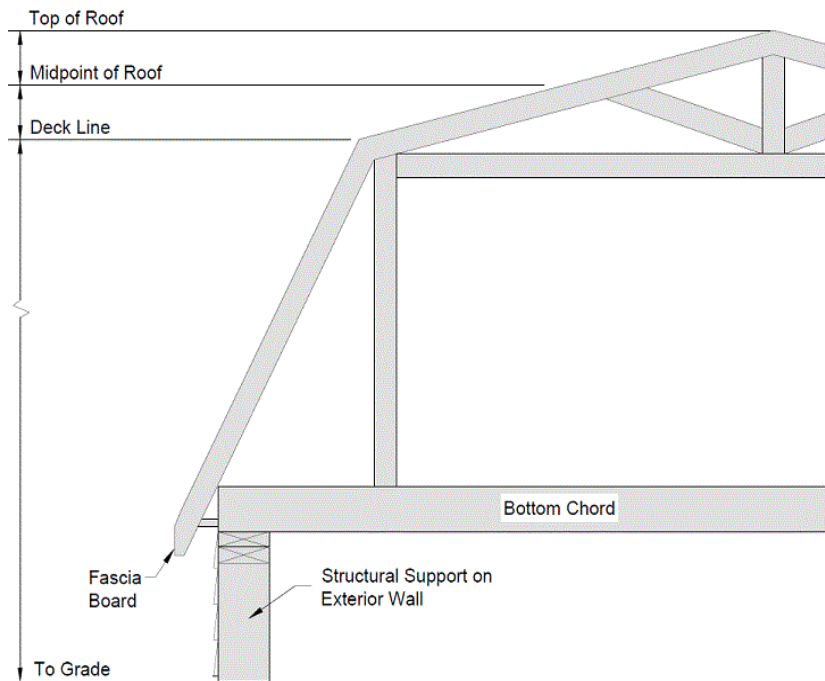
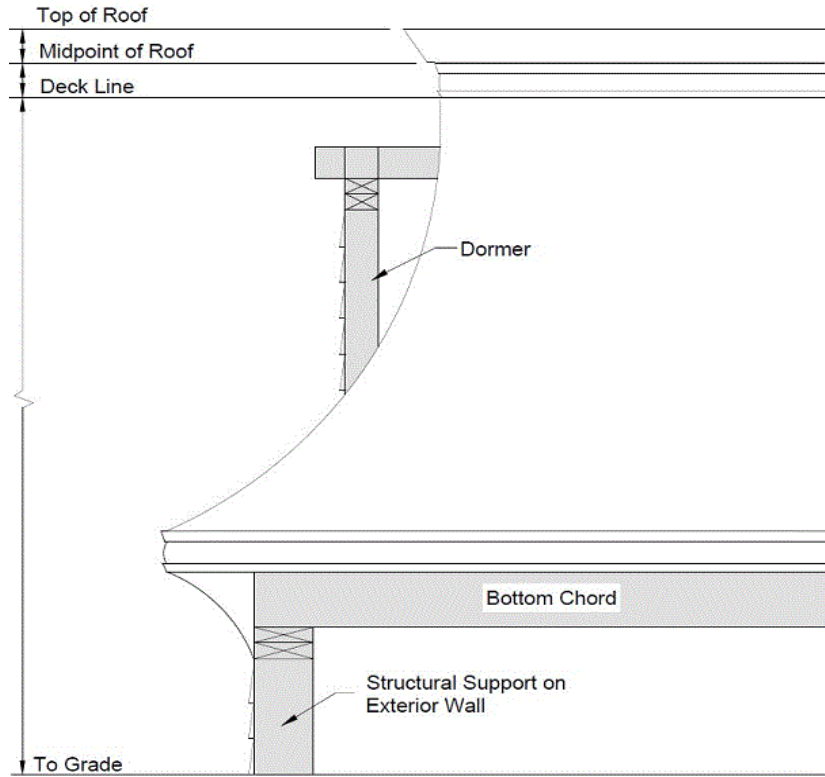


- b. For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay; or



- c. For mansard and gambrel roof types, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the deck line and the top of the roof; or





- d. For all other roof types, including saddle, dome, dual-pitch, shed, butterfly or combination roofs, the Development Officer shall determine Height by applying one of the previous three types that is most appropriate for balancing the development rights and the land use impact on adjacent properties.

2. In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:
 - a. in any Zone other than a Residential Zone, the following features shall not be considered for the purpose of Height determination: chimney stacks, either free-standing or roof mounted, steeples, belfries, domes, or spires, monuments, elevator housings, roof stairways, entrances, water or other tanks, ventilating equipment, skylights, fire walls, plumbing stacks, receiving or transmitting structures, masts, flag poles, clearance markers or other similar erections;
 - b. in any Residential Zone, those features specified in subsection 52.2(a) shall not be considered for the purpose of Height determination, except that the maximum Height of receiving or transmitting structures, where these are Satellite Signal Receiving Antennae or Amateur Radio Antennae and Support Structures, shall be calculated in accordance with the regulations of subsections 50.5 and 50.6, respectively, of this Bylaw. The maximum Height for all other receiving or transmitting structures, other than those which may normally be required for adequate local television reception, shall be the maximum Height in the Zone, and not the maximum Height for Accessory buildings in Residential Zones specified in subsection 50.3(2);
 - c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.
3. An applicant shall submit, for any Development Permit to construct, rebuild or increase the Height of a structure, a grading plan that shows the elevation of the Site at each corner of the Site before and after construction;
- ...

Development Permit Conditions:

2. This Development Permit authorizes the development of a Single Detached House with front veranda, side attached Garage, fireplace, rear covered deck (6.10m x 4.27m) and Basement development (Not to be used as an additional Dwelling). The development shall be constructed in accordance with the approved drawings and is subject to the following conditions:
 3. 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.
- [unedited]

Permit Conditions: Basement Elevation

Section 814.3(16) states: “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.”

Section 6.1(42) defines **Grade** as “a geodetic elevation from which the Height of a structure is measured, calculated in accordance with Section 52.”

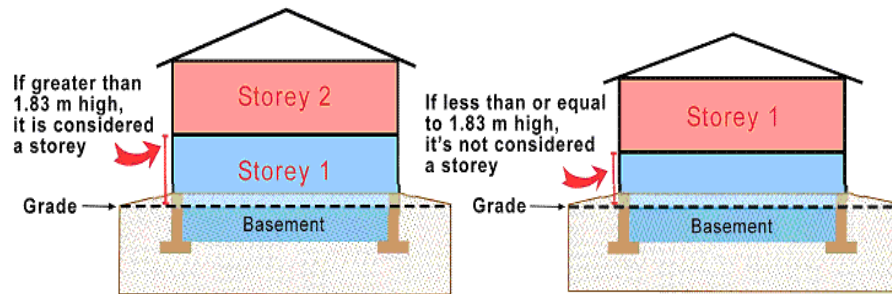
Section 52 states the following with respect to **Grade**:

...

4. The Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:
 - a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
 - b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan;
 - c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane;
 - d. for a Site where the highest geodetic elevation at a corner of the front property line is greater than the lowest geodetic elevation at a corner of the rear property line by 2.0 m or more, the Development Officer may determine Grade by calculating the average elevation of the front corners of the Lot, and along the side property lines a distance equal to the minimum front Setback in the underlying Zone from the front property line. This method is intended for small scale development with a single Principal building and is not intended to be used for Multi-unit Project Developments; or
 - e. the Development Officer may use his variance power to determine Grade by a method other than the ones described in subsection 52.4. If so, this shall be a Class B Discretionary Development.
5. The applicant shall submit all information the Development Officer requires to determine Grade by the method the Development Officer chooses.

Section 6.1(98) states:

Storey means that portion of a building, which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the Storey is the portion of the building, which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a Basement is more than 1.83 m above Grade, such Basement shall be considered a Storey for the purpose of this Bylaw;



Development Permit Condition:

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.

Permit Conditions: Platform Structures

Section 814.3(8) states: “Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.”

Development Permit Condition:

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.

Permit Conditions: Landscaping

With respect to the **General Purpose** of Landscaping, Section 55.1 states:

The intent of these Landscaping regulations is to contribute to a reasonable standard of liveability and appearance for developments, from the initial placement of the Landscaping through to its mature state, to provide a positive overall image for Edmonton and to encourage good environmental stewardship.

Section 55.2(4)(b) states:

[E]xcept in the case that Dwellings are part of a Multi-unit Project Development, *all Yards, visible from a public roadway, other than a Lane*, on a Site developed with Single Detached, Semi-detached, Duplex or Secondary Suite or, in the RF5 or UCRH Zone, Row Housing or Stacked Row Housing, *shall be seeded or sodded within 18 consecutive months of the occupancy of the development. Alternate forms of Landscaping, including hard decorative pavers, washed gravel, shale or similar treatments, flower beds or cultivated gardens, may be substituted for seeding or sodding*, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens; [emphasis added]

Development Permit Conditions:

6. Landscaping shall be developed in accordance with Section 55 of the Edmonton Zoning Bylaw 12800.

7. All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).

Permit Conditions: Additional Dwelling Not Authorized

Section 6.1(27) states:

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

The *Edmonton Zoning Bylaw* defines **Household** as follows:

50. **Household** means:

- i. one or more persons related by blood, adoption, foster care, marriage relationship; or
- ii. a maximum of three unrelated persons;

all living together as a single social and economic housekeeping group and using cooking facilities shared in common.

For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an

adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.

Development Permit Condition:

8.The proposed Basement development(s) shall NOT be used as an additional Dwelling. An additional Dwelling shall require a new Development Permit application.

Dwelling means:

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

Household means:

one or more persons related by blood, adoption, foster care, marriage relationship; or a maximum of three unrelated persons;all living together as a single social and economic housekeeping group and using cooking facilities shared in common.

For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.

[unedited]

Permit Conditions: Secondary Suite Not Authorized

Section 7.2(7) states:

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

Development Permit Condition:

9. A Secondary Suite is not authorized under this Development Permit. Therefore, cooking facilities shall not be developed in the basement unless a separate Development Permit has been approved to authorize a Secondary Suite.

Permit Conditions: Driveway

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

Section 54.6 addresses **Hardsurfacing and Curbing of Parking and Loading Spaces**.

Development Permit Condition:

10. The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.

Permit Conditions: Variance to Rear Setback of Proposed Covered Deck

Section 814.3(5) states: “The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.”

The *Edmonton Zoning Bylaw* states the following:

11.3 Variance to Regulations

The Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where:

1. 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.
2. the proposed development would, in his opinion, conform with the use prescribed for that land or building in this Bylaw; and
3. 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 that 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.

11.4 Limitation of Variance

In approving an application for a Development Permit pursuant to Section 11.3, the Development Officer shall adhere to the following:

1. a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone;
2. except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations, and
3. the General Purpose of the appropriate Zone.

Development Officer's Determination

1. Section 814.3(5) - Relaxed the rear setback to the proposed covered deck from 40% to 29.24%

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

[unedited]

NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **159575991-004**
Application Date: MAY 14, 2015
Printed: August 20, 2015 at 4:32 PM
Page: 1 of 3

Application for House Development and Building Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant PLEX DEVELOPMENTS LTD. 	Property Address(es) and Legal Description(s) 8958 - WINDSOR ROAD NW Plan 1621HW Blk 5 Lot 1 Location(s) of Work Suite: 8958 - WINDSOR ROAD NW Entryway: 8958 - WINDSOR ROAD NW Building: 8958 - WINDSOR ROAD NW
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Scope of Application
To construct a Single Detached House with front veranda, side attached Garage, fireplace, rear covered deck (6.10m x 4.27m) and Basement development (Not to be used as an additional Dwelling)

Permit Details Affected Floor Area (sq. ft.): 4099 Class of Permit: Class B Front Yard (m): 9.03 Rear Yard (m): 13.37 Side Yard, left (m): 1.68 Site Area (sq. m.): 761.8 Site Width (m): 16.76	Building Height to Midpoint (m): 8.35 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.68 Site Depth (m): 45.72 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
Approved

THIS IS NOT A PERMIT



Project Number: **159575991-004**
 Application Date: MAY 14, 2015
 Printed: August 20, 2015 at 4:32 PM
 Page: 2 of 3

Application for House Development and Building Permit

Subject to the Following Conditions

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 a Single Detached House with front veranda, side attached Garage, fireplace, rear covered deck (6.10m x 4.27m) and Basement development (Not to be used as an additional Dwelling). The development shall be constructed in accordance with the approved drawings and is subject to the following conditions:
3. 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.
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 of the Edmonton Zoning Bylaw 12800.
7. All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).
8. The proposed Basement development(s) shall NOT be used as an additional Dwelling. An additional Dwelling shall require a new Development Permit application.

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

 Household means:
 one or more persons related by blood, adoption, foster care, marriage relationship; or a maximum of three unrelated persons; all living together as a single social and economic housekeeping group and using cooking facilities shared in common.

 For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.
9. A Secondary Suite is not authorized under this Development Permit. Therefore, cooking facilities shall not be developed in the basement unless a separate Development Permit has been approved to authorize a Secondary Suite.
10. The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.

Notes:

- i. Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals.
- ii. Any future deck enclosure or cover requires a separate development and building permit approval.
- iii. Any future basement development may require development and building permit approvals. A Secondary Suite shall require a new development permit application.

THIS IS NOT A PERMIT



Project Number: **159575991-004**
 Application Date: MAY 14, 2015
 Printed: August 20, 2015 at 4:32 PM
 Page: 3 of 3

Application for House Development and Building Permit

iv. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site. (Reference Section 5.2)

Variances

1. Section 814.3(5) - Relaxed the rear setback to the proposed covered deck from 40% to 29.24%

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

Rights of Appeal

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

Issue Date: Aug 20, 2015 **Development Authority:** HAMILTON, FIONA

Signature: _____

Notice Period Begins: Aug 27, 2015

Ends: Sep 09, 2015

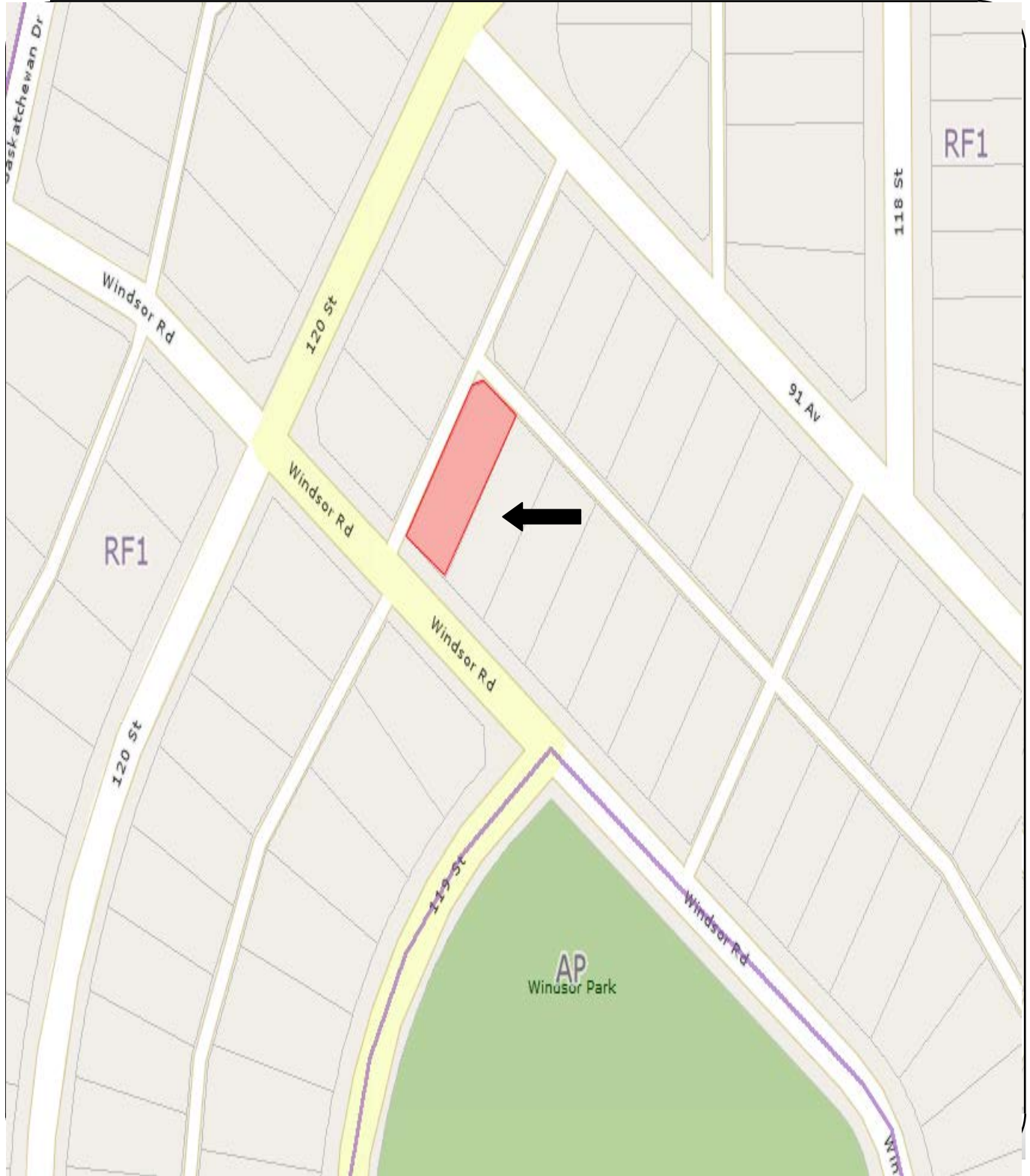
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$75.00	\$75.00	02428636	May 14, 2015
Lot Grading Fee	\$135.00	\$135.00	02428636	May 14, 2015
Safety Codes Fee	\$146.64	\$146.64	02428636	May 14, 2015
Electrical Safety Codes Fee	\$18.14	\$18.14	02428636	May 14, 2015
Water Usage Fee	\$108.90	\$108.90	02428636	May 14, 2015
Building Permit Fee	\$3,866.00	\$3,866.00	02428636	May 14, 2015
Electrical Fees (House)	\$341.00	\$341.00	02428636	May 14, 2015
DP Notification Fee	\$100.00	\$100.00		
Total GST Amount:	\$0.00			
Totals for Permit:	\$4,590.68	\$4,590.68		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-223



ITEM III: 1:30 P.M.

FILE: SDAB-D-15-224

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 144141223-003

ADDRESS OF APPELLANT: 10330 LAUDER AVENUE NW

APPLICATION TO: Comply with an order to Apply for a Development Permit or Dismantle and Remove the Accessory Building.

This order is to be complied with on or before September 4, 2015

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued (See pages 34-37)

DECISION DATE: August 14, 2015

DATE OF APPEAL: September 4, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10330 LAUDER AVENUE NW

LEGAL DESCRIPTION: Plan 2465MC Blk 9A Lot 75

ZONE: RF5 Row Housing 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:

File : 144141223-003 I wish to appeal an order as the requirements for compliance has not been clearly stated and I feel that I am within compliance of city bylaws as stated in City of Edmonton broacher of Guide to Building a Shed dated October 2012. I will produce pictures as required to indicate compliance. The property in question has 2 sheds on it of which one is 96square feet and the other is 104 square feet which is with in the acceptable limit of 107 square feet. The 2 sheds in question are placed close together but not attached in anyway except for the ground they are on. [unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- a. in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - ...

The Board is advised that the Order by the Development Authority is dated August 14, 2015. Pursuant to section 686(1)(a)(i) of the *Municipal Government Act*, the appeal period expired on August 31, 2015. The Notice of Appeal was filed on September 4, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 5 provides the following with respect to **Approval Required for Development:**

5.1 No Person:

- 1. shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or
- 2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw.

5.2 An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

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

Section 160.1 states that the **General Purpose** of the RF5 Row Housing Zone “is to provide for relatively low to medium density housing, generally referred to as Row Housing.”

<i>The Stop Order</i>

The *Municipal Government Act* states:

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

...

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Decision of the Development Compliance Inspector

ISSUED - A Stop Order has been issued for this development.

This property is zoned RF5 (Row Housing Zone) in accordance with Section 160 of the Edmonton Zoning Bylaw. Our investigation revealed that an Accessory Building has been built. The City of Edmonton has not issued a development permit to construct an Accessory Building, which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO: Apply for a Development Permit OR DISMANTLE and REMOVE the Accessory Building.

This order is to be complied with on or before September 4, 2015.
[unedited]

Authority of the Subdivision and Development Appeal Board

Hearing and decision

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

...

- (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.

NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



MAILING ADDRESS:
5th Floor, 10250 - 101 Street NW
Edmonton, AB T5J 3P4

August 14, 2015

Our File: 144141223-003

FE FERNANDEZ


Dear Sir/Madam:

A check with Land Titles Office discloses that you are the registered owner(s) of the property located at 10330 - LAUDER AVENUE NW, legally described as Plan 2465MC Blk 9A Lot 75.

LAND USE INFRACTION:

This property is zoned RF5 (Row Housing Zone) in accordance with Section 160 of the Edmonton Zoning Bylaw. Our investigation revealed that a Accessory Building has been built. The City of Edmonton has not issued a development permit to construct an Accessory Building, which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO: Apply for a Development Permit OR DISMANTLE and REMOVE the Accessory Building.

This order is to be complied with on or before September 4, 2015.

CONSEQUENCES FOR NON-COMPLIANCE:

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected on or after September 7, 2015 to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED that if a Development Permit has not been applied for OR the Accessory Building has not been dismantled / removed by the deadline, the City will carry out

the Order pursuant to Section 646 by entering on the land and taking any action necessary to carry out the Order, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-496-6220.

Regards,

Justin Hogberg
Development and Zoning
Current Planning
Phone Number: 780-496-6220
Fax Number: 780-496-6054
Email Address: Justin.Hogberg@edmonton.ca

**Adding
Amounts
Owing to tax
roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
 - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
 - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
 - (d), (e) repealed 1999 c.11 s.35;
 - (f) costs associated with tax recovery proceedings related to the parcel;
 - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
 - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
 - (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board was related to the parcel;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.

Stop order

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

**Enforcement of
stop order**

- 646(1)** If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- (2)** A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for appeal

685(1) If a development authority

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

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

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

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

or

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

(2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing

- (a) to the appellant,
- (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
- (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

- (a) the application for the development permit, the decision and the notice of appeal, or
- (b) the order under section 645.

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-224



BUSINESS LAID OVER

SDAB-D-15-211	An appeal by <u>Bigstone Health Commisson</u> to change the Use from Professional, Financial, and Office Support Services to General Retail Stores (main floor) and Health Services (2 nd floor), and construct additions, interior alterations, and exterior alterations <i>October 29, 2015</i>
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