

## EDMONTON SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Citation: Sign Guru Inc. v Development Authority of the City of Edmonton, 2019 ABESDAB 10187

Date: November 14, 2019  
Project Number: 340487666-001  
File Number: SDAB-D-19-187

Between:

Sign Guru Inc.

and

The City of Edmonton, Development Authority

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### Board Members

Vincent Laberge, Presiding Officer  
Winston Tuttle  
James Wall  
Laura Delfs

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### DECISION

- [1] On October 30, 2019, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on October 4, 2019 for an application by The Sign Guru Inc. The appeal concerned the decision of the Development Authority, issued on October 3, 2019, to refuse the following development:

**Place a Temporary Sign for 90 days ending 06-JAN-2020 for THE SIGN GURU INC. (Multi: C (13635) #3)**

- [2] The subject property is on:

Plan 9926834 Blk 13A Lot 14, located at 13635 – St. Albert Trail NW  
Plan 9926834 Blk 13A Lot 15, located at 13503 – St. Albert Trail NW  
Plan 9926834 Blk 13A Lot 17, located at 13603 – St. Albert Trail NW  
Plan 9926834 Blk 13A Lot 16, located at 14231 - 137 Avenue NW

The Zone is DC2 Site Specific Development Control Provision (1014). The Major Commercial Corridors Overlay applies to the subject property.

- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plan, and the refused Development Permit;
  - The Development Officer's written submissions; and
  - The reasons for appeal and two previous decisions of the Subdivision and Development Appeal Board submitted by the Appellant.

### **Preliminary Matters**

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the "*Municipal Government Act*").
- [7] Section 685(4)(b) of the *Municipal Government Act* states:

Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

- [8] The Presiding Officer asked the Appellant to explain how the Development Authority did not follow the direction of Council in refusing this development permit application.

### **Summary of Hearing**

i) *Position of the Appellant, G. Pawlechko, representing the Appellant, Sign Guru Inc.:*

- [9] This matter was before the Board approximately one year ago.
- [10] The subject site is Christy's Corner, located at the corner of 137 Avenue and St. Albert Trail and is comprised of four separate titled lots.
- [11] This site was zoned DC5 under *Land Use Bylaw* 5996.
- [12] This is a very large site with over 350 metres of frontage. All of the businesses in this complex face inward not outward and therefore have limited exposure. The site is well

- maintained and landscaped. St. Albert Trail and 137 Avenue have large amounts of traffic and the temporary signage is used to augment the disadvantage of the businesses having limited exposure to the roadway.
- [13] Six temporary signs have been installed on this site since 2013 without any known objection or complaint. Development permits for two temporary signs were approved by the Board in 2018.
- [14] The site is approximately 23 square acres in size and is at a disadvantage because the four separate titled lots that comprise the site share entrances. If the entrances were not shared, approximately 10 temporary signs would be permitted.
- [15] Section 11.4 (sic) of the *Edmonton Zoning Bylaw* provides variance power to the Development Officer which has been exercised in the past to approve development permits for six temporary signs on this site.
- [16] Section 11.5 (sic) states that the Development Officer “may approve with or without conditions any application or development that does not comply with this Bylaw”.
- [17] It was his opinion that the Development Officer did not follow the direction of Council because the variance power provided was not exercised.
- [18] Section 79 of the *Land Use Bylaw* permits one sign for every 30 metres of store frontage. In this case there is between 650 and 700 metres of frontage which would allow even more than the five signs that are permitted under the new development regulations that were adopted in September, 2019. There could be as many as 10 temporary signs if the site did not share entrances.
- [19] This site is similar to a CSC zoned site and as such could have five signs.
- [20] Section 59 of the *Edmonton Zoning Bylaw* allows a minimum of five signs for every 30 metres of frontage. In this case there is over 300 metres of frontage and the Development Officer has the discretion to approve the proposed sixth sign. Therefore a variance should be granted.
- [21] It was his opinion that the use of discretion to grant variances should be considered on a case by case basis. This is a unique site because of its size, tenants, and frontage. There are six pylon signs on the site which cannot accommodate advertising for all of the businesses located in this complex.
- [22] There have been six temporary signs installed on this site since 2013 without any known complaint. The Board granted variances to allow two additional signs in 2018.
- [23] Given the size and location, the Development Officer should have exercised the discretion provided by City Council and approved the sixth sign at this location.

- [24] He asked the Board to consider the test outlined in section 11.5 and 11.6 (sic) of the *Edmonton Zoning Bylaw*.
- [25] There is hardship at this site because of the layout and structural design as well as the orientation to the two public roadways. The temporary signs help businesses attract customers.
- [26] The Development Officer has the authority to grant variances to allow six signs pursuant to section 11.5 and 750.4 of the *Land Use Bylaw*. Section 720.3 states that all administrative clauses are deemed to be part of the Direct Control unless excluded.
- [27] The Development Officer should have looked at this site as a unique piece of land rather than applying a cookie cutter approach.
- [28] The previous decisions of the Board were referenced. It was noted that nothing has changed on the site since these decisions were issued and that the Board criticized the Development Authority for not using the discretion that was provided when considering the required variances.
- [29] Mr. Pawlechko provided the following information in response to questions from the Board:
- a) It was acknowledged that incorrect sections of *Land Use Bylaw* and *Edmonton Zoning Bylaw* were referenced in his summary.
  - b) Even though section 59E.2(4)(b) says that the Development Officer “may” use discretion, it was his opinion that the Development Officer should have used discretion because of the uniqueness of the site and to comply with Council’s intent to provide an opportunity for businesses to advertise and be successful.
  - c) The Development Officer is aware of the challenges that arise because the site is comprised of four separately titled lots.
  - d) He questioned how a change in zoning could impact the previous decisions of the Board. The Development Authority should have followed the previous decisions of the Board when considering this application.
- ii) *Position of the Development Officer, A. Rowan:*
- [30] Ms. Rowan did not attend the hearing but provided a written submission that was considered by the Board.

**Decision**

[31] The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS (as provided by the Development Authority)**:

1. The sign is approved starting November 14, 2019 and shall be removed on or before February 14, 2020. (Reference Section 59E)
2. Temporary On-premises Signs shall be located within the property lines of the Site. A Temporary On-premises Sign shall not interfere with access to or from the Site and shall not impair the sight lines for vehicular traffic. (Reference Section 59E.2(4)(d)) (NOTE: Portable Signs on road-right-of-way may be seized without warning.)
3. Temporary On-premises Signs may be illuminated but shall not have any flashing or running lights. (Reference Section 59E.2(4)(e)) (NOTE: Temporary signs shall not include electronic copy or animation.)
4. Temporary On-premises Freestanding Signs shall have a maximum height of 3.0 metres and a maximum Area of 5 square metres. (Reference Section 59E.2(4)(f))
5. No Sign shall be erected, operated, used or maintained that:
  - due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the Transportation Services; (Reference Section 59.2(1)(a));
  - displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles; (Reference Section 59.2(1)(b)) and
  - uses spot or reflector lights directed at on-coming traffic or displays travelling or flashing messages that create a hazard to traffic on a public roadway from which the Sign is visible (Reference Section 59.2(1)(c)).
6. All Temporary Signs shall have a development permit approval tag issued by the City of Edmonton. (Reference Section 59.2(8))
7. The maximum duration of display for each Temporary On-premises Sign shall be 365 days unless otherwise specified in the Sign Schedule. Temporary On-premises Signs shall be removed on or before the date that the Development Permit expires. (Reference Section 59.2(16))

NOTE: This permit is for an On-premises Sign for businesses which have valid development approval (or a valid business licence) to operate from the Site. Unless this permit is specifically granted for general advertising, portable signs containing 3<sup>rd</sup> party (general) advertising may be revoked and subject to fines without warning. (Reference

Section 59.2(9). Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid and may constitute an offence. (Reference Section 13.1(7).

It is an offence for any person to place a Sign on land; for which a Development Permit is required but has not been issued or is not valid under this Bylaw. It is an offence to display a Temporary Sign without a valid Development Permit. It is an offence for a Temporary Sign to not have the Sign ownership displayed in a visible location on the Sign. It is an offence to deface, obscure or otherwise render the ownership identification illegible. It is an offence to display a Temporary Sign without a development permit approval tag issued by the City of Edmonton. It is an offence to have a Sign in an abandoned state. (Reference Section 23.2)

Temporary Signs must have authorization from the landowner or the landowner's agent to place a Temporary On-premises Sign on the land that is listed as the address for the location of the Temporary On-Premises Sign. (Reference Section 13.4(1)(f) of the Edmonton Zoning Bylaw 12800)

### **Reasons for Decision**

- [32] The proposed Temporary On-premises Sign is on a parcel of land that is designated a direct control district. Pursuant to Section 685(4)(b) of the *Municipal Government Act* (the “MGA”), the appeal before this Board *is limited to whether the development authority followed the directions of council* and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority’s decision.
- [33] Temporary On-premises Signs is a Listed Use in the DC2 Site Specific Development Control Provision. Section DC2.1014.4(e) requires Signs to comply with the regulations of Schedule 59E and any other provisions of the Zoning Bylaw.
- [34] Schedule 59E.2(4)(b) states for a multiple tenant development with a Frontage of greater than 30.0 metres, one Temporary On-premises Sign shall be allowed for each 30.0 metres of Frontage with a minimum separation space of 30.0 metres between each Sign. The maximum number of Temporary On-premises Signs shall be five. Where multiple tenant Sites have a Frontage greater than 300.0 metres, the Development Officer may use discretion to increase the maximum number of Temporary On-premises Signs allowed per Site.
- [35] This is a multiple tenant site with a frontage that exceeds 300 metres. Therefore, pursuant to Schedule 59E.2(4)(b), the Development Officer had the ability to use discretion to increase the maximum number of Temporary On-premises Signs allowed per Site. The Development Officer declined to exercise her discretion finding that there was no unnecessary hardship or practical difficulties particular to this site.
- [36] The Board disagrees with that finding.

- [37] Based on the evidence provided, this is a unique commercial site located at the intersection of two very busy public roadways. All of the buildings and business frontages face into the site.
- [38] The Board finds that there is unnecessary hardship in this situation because this is a unique site comprised of four lots under separate title where all of the buildings and business frontages face inward; and there is not enough space available for all of the tenants of the complex to secure advertising on the existing pylon signs.
- [39] Six Temporary On-premises Signs have been installed on the site for the last six years without any known complaint. The Board notes that there were no letters of objection received and no one attended in opposition to the proposed development.
- [40] The Board approved development permits to place two Temporary Signs on this Site on October 5, 2018.
- [41] The Board finds that the directions of Council were not followed and substitutes its decision for the development authority's decision in accordance with those directions.
- [42] The appeal is allowed and the development is granted.

Vincent Laberge, Presiding Officer  
Subdivision and Development Appeal Board

c.c: City of Edmonton, Development & Zoning Services – A. Rowan / H. Luke

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a 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.*

## EDMONTON SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Citation: Aleisha Nazir v Development Authority of the City of Edmonton, 2019 ABESDAB 10188

Date: November 14, 2019  
Project Number: 339402182-002  
File Number: SDAB-D-19-188

Between:

Aleisha Nazir

and

The City of Edmonton, Development Authority

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Board Members

Vincent Laberge  
Winston Tuttle  
James Wall  
Laura Delfs

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### DECISION

[1] On October 30, 2019, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on October 7, 2019 for an application by Montessori Discovery Daycare. The appeal concerned the decision of the Development Authority, issued on October 7, 2019, to refuse the following development:

Convert a Single Detached House to a Child Care Service (maximum 35 Children) and to construct interior alterations

[2] The subject property is on Plan 1452TR Blk 24 Lot 25, located at 4208 - 107 Street NW, within the RF1 Single Detached Residential Zone. The Mature Neighbourhood Overlay and Duggan Neighbourhood Area Structure Plan apply to the subject property.

[3] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
- The Development Officer's written submissions;
- The Appellant's written submissions including letters of support;
- The Appellant's agent's submission; and
- Three online responses in opposition to the proposed development.

### **Preliminary Matters**

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 ("the *Municipal Government Act*").

### **Summary of Hearing**

*i) Position of the Appellant, A. Nazir and her agent, B. Romanesky from Permit Masters:*

- [7] Photographs were referenced to provide the context of the subject site which is located on the corner of 42A Avenue and 107 Street. The site does not have lane access and there are only two direct neighbours located immediately to the west and the south.
- [8] The lot is larger than the majority of the other parcels on the block face in a neighbourhood that is characterized by Single Detached Housing to the west and an apartment building to the east across 107 Street. Rideau Park is located one block south of the subject site.
- [9] Public transit and the LRT station is located in close proximity.
- [10] The Single Detached House has an attached two car garage with a front access driveway and a sidewalk leading from the front door to the public sidewalk on 107 Street.
- [11] The proposed development is for a Child Care Service for a maximum of 35 children of all ages. No physical changes will be made to the existing house or lot. The Child Care Service will provide much needed care for children who attend the three schools located in the Rideau Park neighbourhood.
- [12] The proposed break down of children will be three infant spots up to 19 months of age which requires one staff; six children between 19 months and 4 ½ years which requires one staff; ten children between 4 ½ and 6 years of age which requires one staff and 15 children six years of age and over which requires one staff. Child Care Services are regulated by the Provincial government and the child to staff ratio will be dependent on the client base of the proposed facility.

- [13] It is common practice for families to use the same facility for all of their children which will reduce the number of required drop offs and pick-ups.
- [14] The proposed development was refused because it was the opinion of the Development Officer that the scale of the proposed conversion of a Single Detached House to a Child Care Service with 35 children did not meet the General Purpose of the RF1 Zone. The scale of the development will generate a negative impact, specifically noise, and increased vehicular traffic for pick up and drop off of children and is uncharacteristic of the existing low density single detached residential district, immediately to the west, south and north side of the neighbourhood.
- [15] The second reason for refusal was a deficiency in the minimum required number of employee parking spaces and passenger pick-up/drop-off spaces.
- [16] In 2016, City Council amended the land use bylaw in an effort to reduce the barrier to approvals for Child Care Services. In doing so, Council eliminated the evaluation of impacts related to noise associated to outdoor play areas. Therefore, the Development Authority should not consider noise as part of its discretion and evaluation.
- [17] The amendments also included the use of on-street parking for pick-up and drop-off of children and the Development Authority did not quantify the demand and consider the proper operation of the Child Care Service in refusing this application.
- [18] Letters of support have been provided by the neighbours who reside directly adjacent to the site. The neighbour to the west and directly adjacent to the play area has submitted a letter of support as well as the neighbour to the south.
- [19] Only the infants and toddlers will be using the outdoor play area during the day because the majority of the children will be attending school. Weather permitting, all of the children will walk over to Rideau Park to play outdoors in the playground. Children take their bags with them so that parents can pick them up directly from the park.
- [20] The Development Officer could not properly evaluate the impact on parking and traffic because they did not consider the operational plan prepared by the Applicant. A detailed summary of the daily operations was reviewed. The proposed hours of operation are Monday to Friday from 7:00 a.m. to 6:00 p.m. Children will arrive in the morning between 7:00 a.m. and 8:15 a.m. One or two staff members will walk children to school between 8:15 a.m. and 8:30 a.m. and pick them up at 3:15 p.m. to walk back to the centre.
- [21] It is common for children attending a Before and After School Program to be dropped off at the facility early in the morning and then picked up directly from school which reduces the number of pick-ups required.
- [22] Three pick-up and drop-off stalls are proposed on 107 Street and one on the driveway. Queuing is not expected because children over the age of 4 ½ years can be dropped off without assistance by their parents which will reduce the time parked on the street. A

number of school age children will be dropped off or picked up directly at school. The drop off can occur within a window of 1 hour and 15 minutes and pick up can occur during a window of 1 hour and 45 minutes. A number of children will be residents of the neighbourhood and adjacent multi-family developments and will have the ability to walk to the facility.

- [23] Traffic in the area will not be increased because children who live in the neighbourhood will be attending the proposed facility. The concerns expressed by several neighbours regarding the traffic that is generated because of the proximity of adjacent schools was noted. However, the proposed Child Care Service will provide ample street and onsite parking and will not exacerbate the problem.
- [24] The operator has the ability to designate the two parking spaces on the driveway for the use of parents of younger children who require assistance accessing the facility.
- [25] The operator will direct staff to use transit to commute to work. The site is well serviced and located in proximity to a bus route and the LRT Station. This would eliminate the onsite parking requirement for staff. The number of staff on site during the day will fluctuate based on the number of children in the facility. Two staff members will be present for most of the day with additional staff members available when required. Child care workers are not highly paid and often do not own their own vehicles. Parking spaces located inside the garage could be designated for staff parking if required.
- [26] The proposed Child Care Service will service three local schools. The children attending the schools are local residents and parents have the ability to walk their children to the facility. This is one of the objectives of the integration of Child Care Services into residential neighbourhoods.
- [27] A Child Care Service was recently approved on 108 Street with pick-up and drop-off spaces allowed on 108 Street. This facility does not offer Before and After School and does not have access to as much on street parking as the proposed development. This facility has been operating without any known complaints.
- [28] The proposed Child Care Service will provide a much needed service for the three schools in this neighbourhood.
- [29] Mr. Romanesky provided the following information in response to questions from the Board:
- a) It was noted that three objections were received from residents who live on 42A Avenue who stated concerns regarding an increase in traffic and parking. However, it was his opinion that they did not fully understand the operational plan. Parents will only require short term parking, will be accessing the house using the sidewalk from 107 Street and the owner/operator will direct parents not to park along 42A Avenue when dropping off or picking up their children.

- b) The recommended conditions have been reviewed and are acceptable to the Applicant.
- c) There is enough space on the lot to develop additional parking spaces but it has been his experience at other Child Care facilities that parents tend to use available on street parking instead of onsite parking.

ii) *Position of the Development Officer, H. Xu:*

[30] Ms. Xu did not attend the hearing but provided a written submission that was considered by the Board.

**Decision**

[31] The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:

1. The development shall be constructed in accordance with the stamped and approved drawings.
2. Two (2) passenger pick-up/drop-off spaces shall be designed with signs to reserve parking spaces for Child Care Services pick-up/drop-off on-site (Ref. Section 54.2 Schedule 1(A)(29)).
3. All business related Signs require separate Development Applications. More information about Signs can be found on the City of Edmonton's website: [https://www.edmonton.ca/busienss\\_economy/signs.aspx](https://www.edmonton.ca/busienss_economy/signs.aspx).
4. The outdoor play space shall be fenced on all sides and all gates shall be self-latching (Ref. Section 80.3(a)).
5. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind (ref. Section 54.1.1.c).
6. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices (Ref. Section 51).

Advisements:

- a) 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.
- b) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
  - c) 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 the 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.
  - d) 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 including, but not limited to, the *Municipal Government Act*, the *Safety Codes Act* or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2).
  - e) Unless otherwise stated, all above references to section numbers refer to the authority under the *Edmonton Zoning Bylaw* 12800 as amended.
- [32] In granting the development, the following variances to the *Edmonton Zoning Bylaw* are allowed:
- 1. The minimum required number of three employee Parking Spaces and five Passenger Pick-up/Drop-off spaces to be provided on Site as per Section 54.2, Schedule 1(A)(29) is varied to allow a deficiency of one employee Parking Space and three Passenger Pick-up/Drop-off Spaces, thereby decreasing the minimum allowable to two Employee Parking Spaces in the Garage and two Passenger Pick-up/Drop-off spaces on the Driveway.

### **Reasons for Decision**

- [33] A Child Care Service is a Discretionary Use in the (RF1) Single Detached Residential Zone, pursuant to section 110.3(1) of the *Edmonton Zoning Bylaw*.
- [34] The proposed Child Care Service was refused by the Development Officer for two reasons.
- [35] Section 110.1 of the *Edmonton Zoning Bylaw*, the General Purpose of the (RF1) Single Detached Residential Zone states that:

The purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

- [36] It was the opinion of the Development Officer that the scale of the proposed conversion of the Single Detached House to a Child Care Service with 35 children does not meet the General Purpose of the (RF1) Single Detached Residential Zone because the scale of the proposed development will generate a negative impact, specifically noise, and increased vehicular traffic for pick up and drop off of children; and is uncharacteristic of the existing low density single detached residential district, immediately to the west, south and north side of the neighbourhood.
- [37] The proposed development was also refused because of a deficiency in the minimum required number of employee parking spaces and passenger pick-up/drop-off spaces to be provided on site, pursuant to section 54.2 Schedule 1(A)(29) of the *Edmonton Zoning Bylaw*.
- [38] The Board finds that the proposed Child Care Service is reasonably compatible with surrounding land uses in this (RF1) Single Detached Residential Zone for the following reasons:
- a) The proposed Child Care Service is located on a large corner lot in close proximity to several schools and a park site.
  - b) The subject site is located in close proximity to a bus route and an LRT station.
  - c) The most affected neighbours who reside immediately south and west of the subject site have provided written support.
  - d) The proposed Child Care Service is consistent with the direction of City Council to reduce barriers to approvals as evidenced by the amendments that were made to the development regulations contained in the *Edmonton Zoning Bylaw* in 2016. The amendments included the elimination of the evaluation of impacts related to noise associated with outdoor play areas and the use of on-street parking for pick-up and drop-off of children.
  - e) It was Council's intent to allow Child Care Services in residential zones as a Discretionary Use to ensure that there are adequate facilities available in local neighbourhoods.
- [39] The Board grants the variance in the minimum required number of parking spaces for the following reasons:
- a) Based on a review of the Site Plan and photographs provided, additional on-site parking can be provided on the driveway that leads to the front attached garage. The subject site is a corner lot with ample on-street parking available on both sides of 107 Street and 42A Avenue.
  - b) The Board accepts the evidence provided that children who attend the schools in this neighbourhood must reside in the catchment area. Therefore, the proposed

- development will not generate additional traffic and parking that is not already characteristic of the neighbourhood.
- c) Many of the school age children will be dropped off directly at school by their parents in the morning and/or picked up at school in the afternoon.
  - d) Drop off and pick up times will be staggered and parents will only require short term parking.
  - e) Staff will be encouraged to use public transit to commute to work which will reduce the amount of employee parking required.
- [40] The Board concludes that the proposed development with the conditions imposed is reasonably compatible with the neighbourhood and is of the opinion that granting the required variances will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Vincent Laberge, Presiding Officer  
Subdivision and Development Appeal Board

c.c: City of Edmonton, Development & Zoning Services – H. Xu / H Luke

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
  - f) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - g) the requirements of the *Alberta Safety Codes Act*,
  - h) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - i) the requirements of any other appropriate federal, provincial or municipal legislation,
  - j) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a 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.*

## EDMONTON SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Citation: Stuart Pederson v Development Authority of the City of Edmonton, 2019 ABESDAB 10189

Date: November 14, 2019  
Project Number: 327462213-001  
File Number: SDAB-D-19-189

Between:

Stuart Pederson

**and**

The City of Edmonton, Development Authority

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Board Members

Vincent Laberge, Presiding officer  
Winston Tuttle  
Laura Delfs  
James Wall

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### DECISION

[1] On October 30, 2019, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on October 8, 2019 for an application by Hiep Tran. The appeal concerned the decision of the Development Authority, issued on September 11, 2019, to approve the following development:

Operate a Major Home Based Business (SUNRISE LAWN GARDEN & RENOVATION - Administration office and garage storage for a landscaping business). No outdoor storage. No non-resident employees or business partners. Expires September 11, 2021.

[2] The subject property is on Plan 0024535 Blk 8 Lot 17, located at 18941 - 122 Avenue NW, within the DC2 Site Specific Development Control Provision. The Kinokamau Plains Area Structure Plan applies to the subject property.

[3] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the approved Development Permit;
- The Development Officer's written submissions;
- The Appellant's written submissions;
- An email submission in opposition from an adjacent property owner;
- Two letters of support from adjacent property owners; and
- One online response in opposition to the proposed development.

### **Preliminary Matters**

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the "*Municipal Government Act*").
- [7] Section 685(4)(b) of the *Municipal Government Act* states:

Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

### **Summary of Hearing**

*i) Position of the Appellants, S. and L. Pederson:*

- [8] Mooncrest Park is a residential subdivision comprised of single family houses and one group home. Most of the properties are between one and two acres in size.
- [9] There are many families with small children who purchased in this area to enjoy the large lots.
- [10] There are no street lights or sidewalks along 122 Avenue which is a very narrow roadway. Cyclists and children share the road because there are no sidewalks.
- [11] The excess traffic created by commercial businesses located in this subdivision compromise the safety of the residents.

- [12] Mr. Tran purchased the property in November 2016. In April 2017, the activity on the site increased. Noise, traffic, dust, smoke from fires in the yard continued through the summer. Complaints were lodged with Bylaw Enforcement and Site inspections were conducted, but the activities continued.
- [13] In July 2017, they received notice that a development permit for a Major Home Based Business had been approved. That approval was appealed to the Board and the decision of the Board overturned the approval as outlined in SDAB-D-17-157 that was issued on August 30, 2017. However, the business continued to operate through the summer without a development permit.
- [14] When a complaint was filed with Bylaw Enforcement after the hearing, they were surprised and disappointed to learn that Bylaw Enforcement had not been notified that the Board refused the development.
- [15] They and many of their neighbours have filed complaints with 311 over the course of the last three years but the business has continued to operate without a development permit.
- [16] The Development Officer was contacted after they received notice of this approval and were advised that a site inspection had been conducted by a Bylaw Enforcement Officer who acknowledged that they had visited the site on five previous occasions to deal with various infractions.
- [17] The Fire Department attended the site after a call from a resident because black smoke filled the air. The City of Edmonton was under a fire ban at that time. They were never informed of the outcome of that visit.
- [18] Mr. Tran's track record demonstrates that he has no intention of operating within the rules.
- [19] Their quality of life has been impacted because of excessive noise that is result of the Respondents loading their trucks before 7:00 a.m. Neighbours should not be impacted by a Major Home Based Business.
- [20] Trucks and trailers are parked and unloaded on the subject site even though the conditions of the development permit do not allow outdoor storage of any of the trucks or equipment.
- [21] A satellite image was submitted from Google maps to illustrate that the distance between the detached garage and the house is only 9 metres. One of the trucks is a one tonne truck and the trailer is more than 20 feet long. It would be impossible to ever store that equipment inside the garage and therefore the condition imposed on the approved permit cannot be met. Three pickup trucks and a trailer cannot be stored inside the garage because it is not large enough.
- [22] The fire pit is used to burn debris that is brought by loaded trucks from their job sites as evidenced in the photographs that have been submitted.

- [23] Photographs have been submitted to illustrate that non-resident employees come and go from the subject site on a daily basis. It was also noted that one of the trucks exceeds the maximum allowable weight as outlined in the Bylaw regulations.
- [24] The development permit also includes a condition that one or more of the trailers must be stored off site. However, the address of the site to be used for storage was researched and it was his opinion that the site is not suitable for storage.
- [25] The bobcats are used to push snow from their site onto the other side of 122 Avenue in front of their property.
- [26] The Development Officer was aware of the number of previous Bylaw infractions and that is why the development permit was only approved for two years.
- [27] The intensity of the use will increase if the development permit is approved.
- [28] There is a negative impact on the neighbourhood because the business owner has not and will not follow the conditions that have been imposed on this development permit approval.
- [29] The commercial nature of this business exceeds what should be allowed in a residential neighbourhood. The Applicant has no intention of complying with the conditions imposed on the permit because the trucks and heavy equipment cannot be stored inside the garage because it is not large enough and there is not enough space between the house and the garage to maneuver the equipment.
- [30] The Development Officer erred by approving the permit because he was aware of all of the previous complaints and appeals regarding the operation of this business at this location.
- [31] They are disappointed in the City's ability or will to control the operation of unpermitted businesses in this neighbourhood.
- [32] They are retired and never dreamed that they would be before the Board three times over the past several years to deal with the situation.
- [33] They have no objection to the property owners but are opposed to the operation of the business from this site because it impacts the use and enjoyment of their property.
- [34] Mr. and Mrs. Pederson provided the following information in response to questions from the Board:
- a) Not everyone in the subdivision is loading trailers early in the morning or bringing debris home to burn in their fire pits.
  - b) A lot of noise is generated when heavy equipment is being loaded into the back of a truck or onto a trailer. They are not able to leave their bedroom window open

- because of the excess noise. Lawnmowers and other lawn maintenance equipment, bobcats and smaller tools like shovels and rakes are loaded on a daily basis.
- c) All of their equipment is serviced on site.
  - d) It was their opinion that even though Council has allowed home based businesses in this Direct Control Zone, the heavy equipment being used and stored outside and the fact that debris is being brought to the site to be burned is not in keeping with the intent of Council.
  - e) They are not opposed to the operation of the business if the conditions imposed on the development permit are followed. This business has been operating at this location for three years without a development permit.

ii) *Position of Affected Property Owners in Support of the Appellant:*

B. Jones

- [35] Mr. Jones has lived in Mooncrest for 43 years. The subdivision was zoned Acreage Residential when the area was part of the County of Parkland. When the subdivision was rezoned to a Direct Control Zone in the 1990's, it was his recollection that it was the intent of Council to retain residential uses in this area.
- [36] Mr. Tran was operating his business before this property was purchased. He speculated that the property was purchased in order to operate his business with less expense and live in a nice house. The first loser in this situation is the city of Edmonton because of a loss in tax revenue. The second loser is competitors because even with conditions, he has the ability to operate legally from a site that is zoned residential when his competitors work in a commercial building or yard and pay the appropriate taxes. They are disadvantaged when bidding on jobs. The next loser is the Appellants, who have the same tax assessment as the Applicant which is not fair. The same assessment rate is paid by both parties. Their house value goes down because of the activities on the adjacent site. The Bylaw Officer made five inspections last year trying to enforce regulations. Many hours of city time and taxpayer dollars to pay for Bylaw Enforcement to come to the subdivision.
- [37] At the hearing that was held in September 2017, Mr. Tran provided evidence that his business had expanded and the Board refused the development based on the finding that the business would continue to grow. Bylaw Enforcement is not able to keep up with the enforcement of conditions.
- [38] This situation has resulted in a lot of anxiety and grief for him and the other neighbours. He asked the Board to help control what happens in this subdivision because there are many other commercial and industrial sites located in close proximity to the subject site that would be more appropriate for this type of business.
- [39] The operation of this business has impacted their quality of life on a residential acreage.

D. Knutson

- [40] The Board revoked a development permit in 2017 because of the same activities that continue to occur on this site.
- [41] The trucks, trailers and heavy equipment that drive by her residence on a daily basis create a safety hazard because of the narrow roadways.
- [42] Photographs have been submitted to illustrate that the site is poorly maintained and the business related vehicles, specifically pick-up trucks pulling trailers, lawnmowers and bobcats, that pass by her property on a regular basis
- [43] Photographs of equipment that is parked outside were referenced. It was her opinion that the Applicant has no intention of complying with the conditions that have been imposed on the development permit because they have been operating their business from this location since 2017 without any repercussions.
- [44] She has many fruit trees on her property and is concerned that the landscaping debris that is brought to the site may be diseased and infect her trees and landscaping. This debris is burned in the fire pit on a regular basis even when fire bans have been imposed by the City of Edmonton.
- [45] Mr. Tran does not respect the neighbours or the neighbourhood and the operation of the business is negatively affecting their quality of life.

*iii) Position of the Development Officer, R. Zhou:*

- [46] Mr. Zhou did not attend the hearing but provided a written submission that was considered by the Board.

*iv) Position of the Respondent, H. Tran and B. Ho:*

- [47] The business has been downsized and one trailer has been sold to comply with the development permit conditions. The lot is one acre in size.
- [48] The Development Officer advised them that a development permit application could be made to construct a detached garage to provide inside storage for the bobcat.
- [49] This subdivision experiences increased noise because it is located in close proximity to Anthony Hendy Drive, Yellowhead Trail and numerous industrial sites.
- [50] The business only services residential properties. They do not have any commercial customers. The lawnmowers are small. The bobcat is the largest piece of equipment used for their business but it is also used to clear snow from their property during the winter.
- [51] The Bylaw Enforcement Officer who visited the site advised them that they were in compliance. Some of the equipment and debris stored outside is the result of ongoing

renovations on their house. However, the neighbours automatically assume that this is business related material.

- [52] The Fire Department did come to the site but that was the result of a smoking barbeque and camp fire.
- [53] The bobcat is used to clear snow from the road because the city is slow to clear it.
- [54] It was their opinion that the photographs submitted by the Appellant fit their narrative and do not provide an accurate reflection of the situation.
- [55] Debris that is brought to their site is taken to the dump the next day. Anything burned on their site is their own personal material.
- [56] Mr. Tran and Mr. Ho provided the following information in response to questions from the Board:
- a) It was acknowledged that employees did come to the site during the summer months but their employees will now be told to meet at a job site in order to comply with the condition imposed on the development permit.
  - b) Some individuals who reside in the house are employed by their business.
  - c) They own one 350 pickup truck and two 150 pickup trucks.
  - d) The trailer will be stored offsite for the winter.
  - e) The water system is located on an incline and a trailer is required to bring water to the site. Bylaw Enforcement advised them they could use the trailer for this purpose.
  - f) It was acknowledged that one of the conditions imposed on the development permit require the bobcat to be stored off site at an approved storage facility.
  - g) He disputed the evidence provided by the Appellant that the one tonne pickup truck exceeds the maximum allowable vehicle weight.
  - h) The water tank needs to be filled three times per week.
- v) *Position of Affected Property Owners in Support of the Respondent*

K. Dzweinka:

- [57] She owns the three acre parcel of land adjacent to the subject site and has lived in this subdivision for 25 years. This subdivision is a small community that is surrounded by commercial and industrial uses as well as Yellowhead Trail and Anthony Henday Drive which results in a lot of traffic and noise.

- [58] Over the last ten years, there has been an influx of commercial uses. Some of the older residents have sold their properties and they have been purchased by people who want to operate their business in this location because of the surrounding land uses.
- [59] It was her estimation that only 12 residents who reside in the subdivision do not operate businesses. A window company receives deliveries before 7:00 a.m. and after 7:00 p.m. The Nursing Home operates 24 hours, 7 days per week with shift changes and family visiting days. There are often vehicles parked along the street and delivery and garbage trucks visit the site on a regular basis.
- [60] There are three trucking companies operating in the subdivision with, commercial trucks that exceed the maximum GVW. They are legally allowed to operate from the subdivision.
- [61] It was acknowledged that there are some businesses operating without valid development permits.
- [62] Mr. Tran is trying to obtain a development permit in order to operate his business legally. There is a language barrier and he is doing his best to work with the Development Authority to abide by the rules.
- [63] Development Permit applications for two more group homes are currently outstanding.

*vi) Rebuttal of the Appellant*

- [64] The noise that they are experiencing is not coming from Yellowhead Trail or Anthony Henday Drive. The noise is being generated by the loading of equipment and the truck and trailer leaving the subject site.
- [65] A 350 GMC dually is a heavy truck that weighs approximately 5900 GVW according to information provided on the website.
- [66] The snow is being cleared from their site onto the road. The city has to maintain the road because of the school buses.
- [67] Most residents have and enjoy recreational fire pits. However, they are not bringing landscaping debris from a job site to burn in their fire pits as evidenced in the photographs that have been submitted.
- [68] They have lived in the subdivision for over 23 years and their quality of life should not be negatively impacted because of additional businesses moving into the subdivision. Each business has an impact on their quality of life. They are currently working with their Councilor to address the problem with businesses operating in this subdivision.
- [69] It is in their interest to help the City control the operation of businesses in this subdivision.

- [70] The site cannot be used as an employee rendezvous point as stated in the conditions.
- [71] The bobcat has been stored on their site on an ongoing basis.
- [72] Three trucks leave with trailers every morning and return every evening which is not in keeping with the spirit of a home based business.
- [73] They questioned the evidence provided that the business is being downsized.

### **Decision**

- [74] The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **GRANTED** as approved by the Development Authority subject to the following **CONDITIONS**:
1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7));
  2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Land Use Bylaw Section 85.1 and Zoning Bylaw Section 75.1);
  3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Land Use Bylaw Section 85.3 and Zoning Bylaw Section 75.3);
  4. There shall be no non-resident employees or business partners working on-site;
  5. There shall be no client visits associated with the business;
  6. The site shall not be used as a daily rendezvous for employees or business partners;
  7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Land Use Bylaw Section 85.5 and Zoning Bylaw Section 75.5). All business related equipment shall be stored in the principal dwelling or the accessory building;
  8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced;
  9. Fabrications of business related materials are prohibited;
  10. Any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceed 4600 kg is prohibited in a Residential Zone (Section 45.1.a.).

- 11 All commercial and industrial equipment, including but not limited to Bobcats, are not permitted at the site. The equipment shall be stored at an approved storage facility;
12. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility. The Development Permit may be revoked if any commercial, industrial and overweight vehicles are parked or stored at the residential site;
13. One or more business related trailer shall be parked at 4514 - 101 Street or another approved storage facility;
14. All parking for the Dwelling and Home Based Business must be accommodated on site, unless a parking variance has been granted for this Major Home Based Business;
15. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2);
16. This approval is for a 2 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on November 14, 2021.

Notes:

1. 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 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).
4. This Development Permit is for an Administration Office and storage of business related equipment in the accessory building only.

**Reasons for Decision**

- [75] A Major Home Occupation is a Listed Use in the DC2 Site Specific Development Control Provision pursuant to DC2.369.3.d of the *Edmonton Zoning Bylaw*.
- [76] Pursuant to section 3.2(c) of the *Edmonton Zoning Bylaw*, a Major Home Occupation or Homecraft is deemed to be a Major Home Based Business.
- [77] Section DC2.369.5.b states that:

Major Home Occupations shall be in accordance with section 85 of the Land Use Bylaw.

- [78] Section 685(4)(b) of the *Municipal Government Act* dictates the authority of the Board in hearing this appeal. Pursuant to Section 685(4)(b) of the *Municipal Government Act*, the appeal before this Board is limited to whether the development authority followed the directions of council and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.
- [79] The Board finds that the Development Officer did follow the direction of Council for the following reasons:
- a) A Major Home Occupation is a listed use in this Site Specific Development Control Provision.
  - b) The proposed development complies with all development regulations contained in the *Land Use Bylaw/Edmonton Zoning Bylaw*.
  - c) There are no exterior or interior changes proposed to the existing Single Detached House or Accessory Buildings.
  - d) Based on a review of the inspection photographs that were taken on September 16, 2019, there was no outdoor storage of business related materials. One business related trailer is currently being stored off-site and a smaller trailer is stored inside the Accessory Building.
  - e) Very strict conditions have been imposed on the development permit specifically that the outdoor storage of business related materials, client visits and non-resident employees are not permitted and that one or more business related trailer must be parked offsite at an approved storage facility.
  - f) The Development Permit was only approved for a two year period instead of the typical five year approval in order to allow the City to monitor the business for any non-compliance to the Development Permit conditions.
  - g) Given the semi-rural setting and with the busy Yellowhead Highway and Anthony Henday ring-road in the vicinity, the business is reasonably compatible with surrounding developments.
- [80] While the Board acknowledges the concerns of the Appellants and other neighbours, the power of the Board in this appeal is limited to determining whether or not the development authority followed the directions of Council.

[81] For the foregoing reasons, the Board finds that the Development Authority did follow the directions of Council. Therefore, the appeal is denied and the development is granted.

Vincent Laberge, Presiding Officer  
Subdivision and Development Appeal Board

c.c.: City of Edmonton, Development & Zoning Services – R. Zhou / A. Wen

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
  - k) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - l) the requirements of the *Alberta Safety Codes Act*,
  - m) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - n) the requirements of any other appropriate federal, provincial or municipal legislation,
  - o) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

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