

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 30, 2015**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-15-219	Construct 3 Dwellings of Row Housing with verandas and an Accessory Building (rear mutual detached Garage (3 at 3.45m x 6.71m) 10515 - 114 Avenue NW Project No.: 172591440-001
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II	11:00 A.M.	SDAB-D-15-220	Reduce the size of 2 approved Apartment House buildings (reducing the number of Apartment House Dwellings from 238 to 173) and to construct an additional 4 Row Housing buildings (total number of Row Housing Dwellings to be increased from 52 to 72). This is a revision to permit 141173722-001 2121 / 2129 - Casselman Link SW Project No.: 141173722-228
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III	2:00 P.M.	SDAB-D-15-221	Comply with a Stop Order to Cease the Non-Accessory Use (Second Hand Store) and remove all related materials from the Site. This Order is to be complied with before September 7, 2015 7805 - 114 Street NW Project No.: 176684761-001
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NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-219

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

APPELLANT:

APPLICATION NO.: 172591440-001

APPLICATION TO: Construct 3 Dwellings of Row Housing with verandas and an Accessory Building (rear mutual detached Garage (3 at 3.45m x 6.71m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: August 21, 2015

DATE OF APPEAL: September 4, 2015

NOTIFICATION PERIOD: August 27, 2015 through September 9, 2015

RESPONDENT: Altarose Homes (1995) Ltd.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10515 - 114 Avenue NW

LEGAL DESCRIPTION: Plan 686HW Blk 5B Lot 11

ZONE: RF3 Small Scale Infill Development 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:

This development does not fit with the pre-established visual continuity or appeal of the neighbourhood at large, it is not sensitive in scale to existing development, does not maintain the traditional character design of the streetscape, and neglects privacy on adjacent properties. [unedited].

General Matters

Appeal Information:

The decision of the Development Authority was appealed by the property at 11339 – 106 Street.

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 Board is advised that the decision of approval by the Development Officer is dated August 21, 2015. The Notice of Appeal Period began August 27, 2015 and ended September 9, 2015 and the Notice of Appeal was filed on September 4, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(5), **Row Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under section 7.2(6), **Row Housing** means:

development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade. This Use Class does not include Stacked Row Housing or Blatchford Townhousing.

Section 140.1 states the following with respect to the **General Purpose** of the **RF3 Small Scale Infill Development Zone**:

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

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

...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.

Section 6.1(27) defines **Dwelling** to mean "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."

Site regulations for Row Housing

Section 140.4(4) provides the following with respect to Site regulations for Row Housing:

...

- c. On a Corner Site the minimum Site Width shall be 14.8 m; and

...

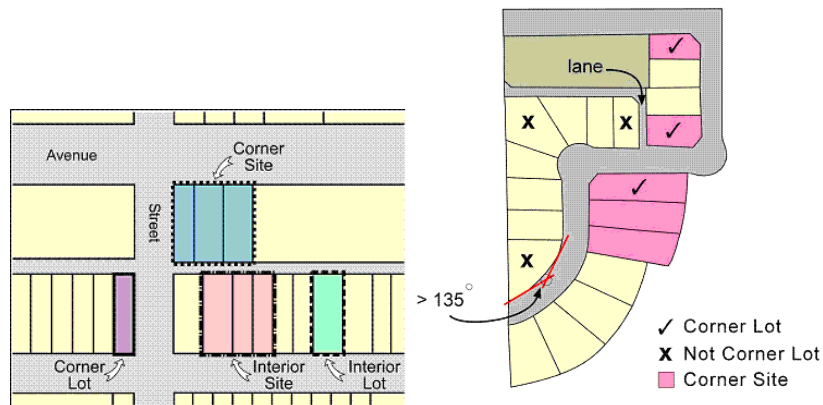
Section 6.1(19) defines **Corner Site** to mean:

an area of land consisting of one or more adjacent Lots where at least one Lot is:

- a. located at the intersection of two public roadways, other than Lanes; or
- b. abuts a public roadway, other than a Lane, which changes direction at any point where it abuts the Site;

provided that in both cases the Site shall not be considered a Corner Site where the contained angle formed by the intersection or change of

direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a Lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the Site shall be that point on the property line abutting the public roadway, provided the roadway is not a Lane, which is nearest to the point of intersection of the tangent lines.



Under Section 6.1(94) defines **Site Width** to mean “the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.”

Development Officer’s Determination:

1. To permit a reduced Site Width of 13.26 m, whereas subsection 140.4.4.c of the Zoning Bylaw requires a minimum Site Width of 14.8 m.

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: 172591440-001
Application Date: MAY 15, 2015
Printed: September 8, 2015 at 10:08 AM
Page: 1 of 3

Major Development Permit

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

Applicant ALTAROSE HOMES (1995) LTD Care of: VIRGILIO LOPES 	Property Address(es) and Legal Description(s) 10515 - 114 AVENUE NW Plan 686HW Blk 5B Lot 11
	Specific Address(es) Entryway: 10515 - 114 AVENUE NW Entryway: 10517 - 114 AVENUE NW Entryway: 10519 - 114 AVENUE NW Building: 10515 - 114 AVENUE NW

Scope of Permit
 To construct 3 Dwellings of Row Housing with verandas and an Accessory Building (rear mutual detached Garage (3 @ 3.45m x 6.71m).

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): 197.83 New Sewer Service Required: N/A Site Area (sq. m.): 808.73	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 3 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
 Approved

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



Project Number: **172591440-001**
 Application Date: MAY 15, 2015
 Printed: September 8, 2015 at 10:08 AM
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Major Development Permit

Subject to the Following Conditions

1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner/applicant shall pay the Sanitary Sewer Trunk Charge (SSTC). SSTC is applicable to the property for 3 multi family dwellings at \$1,021/dwelling with credit given for one single family dwelling at the rate of \$1,430/dwelling under the current DP#172591440-001. The number of dwellings is based on the drawings submitted with the Application for Major Development Permit. The above SSTC charge is quoted at year 2015 rate. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 5th Floor cashiers, Sustainable Development, 10250 - 101 Street NW.

2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner/applicant shall pay a Notification Fee of \$100.00.

3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms: cash to a value equal to 100% of the established landscaping costs; or an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs. Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely (reference Section 55.6 of Edmonton Zoning Bylaw 12800). Please contact Jolene Brooks at 780-496-6203 to initiate this process.

4) Access to the rear alley is acceptable to Transportation Services. A permit will not be required for the construction of access to the alley, as shown on the Enclosure of Transportation Services Memorandum dated June 24, 2015.

5) The proposed sidewalk connectors from the front entrance of the proposed row housing units to 114 Avenue are acceptable to Transportation Services, as shown on the Enclosure of Transportation Services Memorandum dated June 24, 2015.

6) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

7) There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must contact Marshall Mithruth of Community Services (780-496-4953) to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.

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

9) Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

ADVISEMENTS:

1) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).

2) The applicant is advised to research the Land Title for this property and to be aware of any restrictions in the Restrictive Covenant. This approval does not imply consent for any structure that does not meet the requirements of the Restrictive Covenant.

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



Project Number: **172591440-001**
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Major Development Permit

3) 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.

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

5) 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.

Variances

1. To permit a reduced Site Width of 13.26 m, whereas subsection 140.4.4.c of the Zoning Bylaw requires a minimum Site Width of 14.8 m.

Rights of Appeal

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

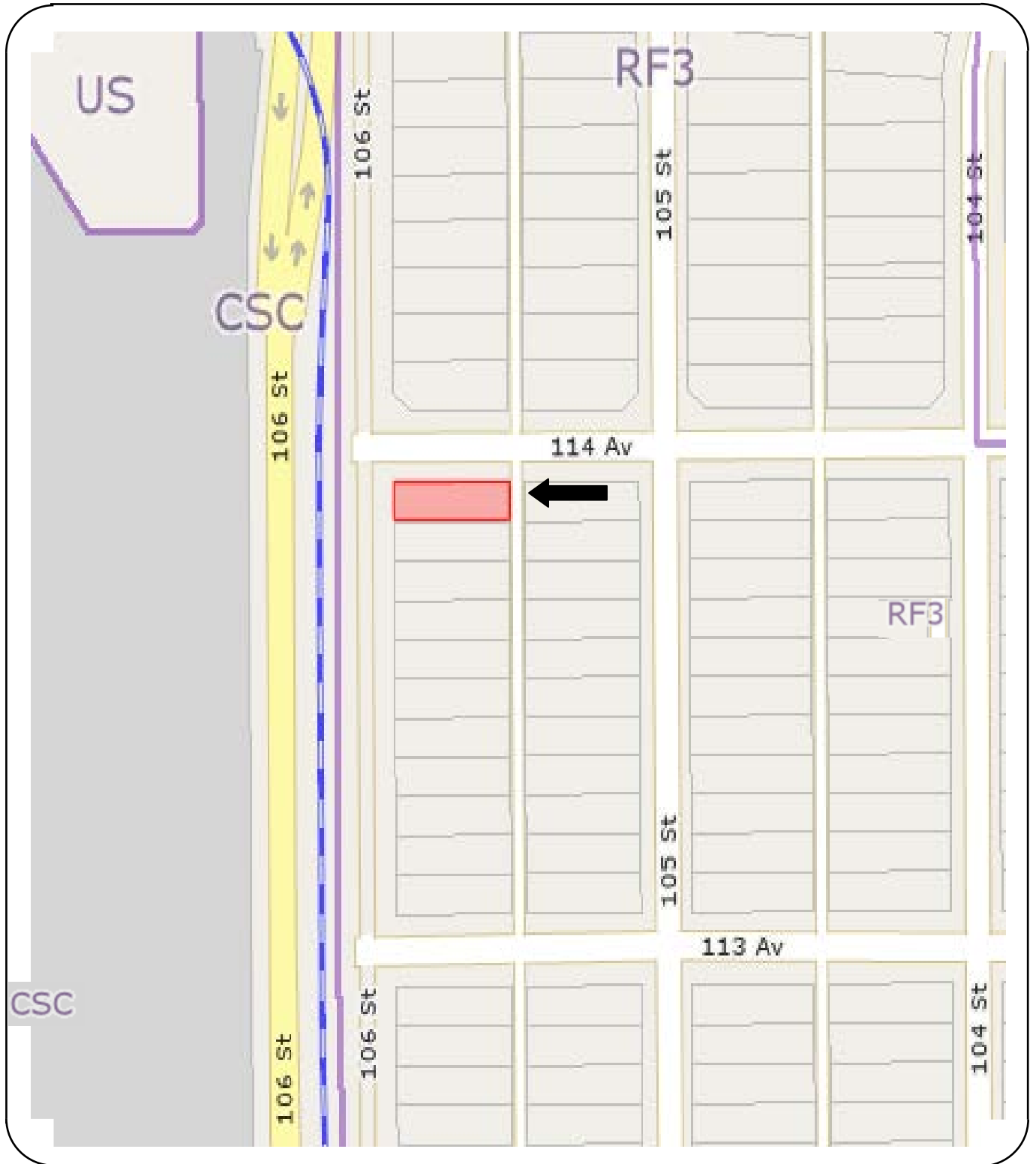
Issue Date: Aug 21, 2015 **Development Authority:** ILLINGWORTH, TREVOR **Signature:** _____

Notice Period Begins: Aug 27, 2015 **Ends:** Sep 09, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$385.00	\$385.00	02430995	May 15, 2015
Major Dev. Application Fee	\$770.00	\$770.00	02430995	May 15, 2015
DP Notification Fee	\$100.00	\$100.00	02712824	Aug 31, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,255.00	\$1,255.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-219



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-220

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

APPELLANT:

APPLICATION NO.: 141173722-228

APPLICATION TO: Reduce the size of 2 approved Apartment House buildings (reducing the number of Apartment House Dwellings from 238 to 173) and to construct an additional 4 Row Housing buildings (total number of Row Housing Dwellings to be increased from 52 to 72). This is a revision to permit 141173722-001

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: August 10, 2015

DATE OF APPEAL: September 2, 2015

NOTIFICATION PERIOD: August 18, 2015 through August 31, 2015

RESPONDENT: GMH Architects

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2121 / 2129 - Casselman Link SW

LEGAL DESCRIPTION: Plan 1422087 Blk 10 Lot 62, Plan 1422087 Blk 10 Lot 63

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: Callaghan Neighbourhood Area Structure Plan

Grounds for Appeal

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

We would like to disagree the decision of this permit approval because the population is too high according to the space of land we have now.

The builder was originally sale the property but now change to rental. It already affect people around and parking including surrounding environmental developed. We would heard that there would be a park next to our property and we would totally support and have no problem to it. However, this permit is allowing additional housing next to us which against what we had before in mind.

Even there is reducing units of the apartment housing, we already suffer from facing rental neighbors just right next to us. We already have a builder changed their property from condo to rental apartment so we already have some rental property within 500 meters.

this is a very serious decision we have against this permit to be approved. Thank you! [unedited].

General Matters

Appeal Information:

The decision of the Development Authority was appealed by the property at 2111 – Casselman Link SW

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 Board is advised that the decision of approval by the Development Officer is dated August 10, 2015. The Notice of Appeal Period began August 18, 2015 and ended August 31, 2015 and the Notice of Appeal was filed on September 2, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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

Under section 210.2(6), **Row Housing** is a **Permitted Use** in the RA7 Low Rise Apartment Zone.

Under section 7.2(1), **Apartment Housing** means:

development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

Under section 7.2(6), **Row Housing** means:

development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade. This Use Class does not include Stacked Row Housing or Blatchford Townhousing.

Section 210.1 states the following with respect to the **General Purpose** of the **RA7 Low Rise Apartment Zone**: “to provide a Zone for Low Rise Apartments.”

Section 6.1(27) defines **Dwelling** to mean “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.”

<i>Separation Space</i>

Section 210.4 provides the following with respect to **Development Regulations for Permitted and Discretionary Uses**:

...

9. Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required where side walls of abutting buildings face each other and habitable windows are not located directly opposite each other, such that privacy is not impacted and:
 - a. in the case of buildings on separate Sites, each development complies with the Setback requirements for the building;
 - b. in the case of buildings on the same Site, the separation distance between buildings is at least equal to the total of the minimum Side Setback requirements for both buildings.

...

Section 48.2 provides the following with respect to **Principal Living Room Window Separation Space**:

...

2. The following facilities or activity areas may be located within a required Separation Space adjacent to a Principal Living Room Window where a Privacy Zone of at least 4.5 m is provided between the window and facility/activity area:
 - a. local public roadway including a Lane;
 - b. walkway;
 - c. on-site roadway;
 - d. on-site parking area;
 - e. on-site Amenity Area; and
 - f. Accessory buildings.

This Privacy Zone shall be measured from the window to the nearest edge of the specified activity area. For local public roadways, the Privacy Zone shall be measured from the Window to the edge of the sidewalk or to the space reserved for a future sidewalk.

...

Section 48.3 provides the following with respect to **Habitable Room Window Separation Space**:

...

2. Where a Habitable Room Window on a building of two Storeys or less directly faces a Blank Wall of an adjacent building also of two Storeys or less, the minimum separating distance may be reduced to 3.0 m.
3. The following facilities or activity areas may be located within a required Separation Space adjacent to a Habitable Room Window where a Privacy Zone of at least 4.5 m is provided between the window and facility/activity area:
 - a. local public roadway including a Lane;
 - b. walkway;
 - c. on-site roadway;
 - d. on-site parking area;
 - e. on-site Amenity Area; and
 - f. Accessory buildings.

This Privacy Zone shall be measured from the window to the nearest edge of the specified activity area. For local public roadways, the Privacy Zone shall be measured from the Window to the edge of the sidewalk or to the space reserved for a future sidewalk.

...

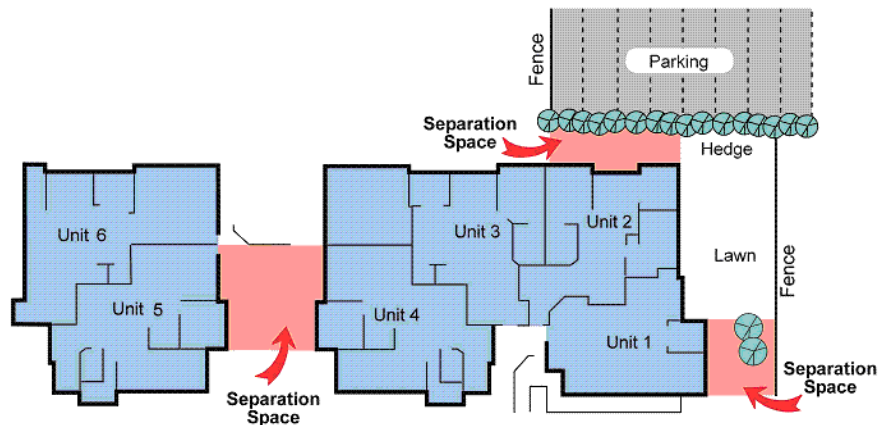
Section 48.4 provides the following with respect to **Non-habitable Room Windows, Non-required Habitable Room Windows, Entries and Blank Walls:**

1. In front of a Non-habitable Room Window, a Non-required Habitable Room Window, an Entry or a Blank Wall, a Separation Space with a minimum depth of 1.2 m plus 0.3 m for each additional Storey above the first Storey to a maximum of 3.0 m shall be provided.

...

Section 6.1(87) defines **Separation Space** to mean:

...open space around Dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation Space is not a Yard;



Section 6.1(46) defines **Habitable Room** to mean “any room in a Dwelling other than a Non-habitable Room.”

Section 6.1(64) defines **Non-habitable Room** to mean “a space in a Dwelling providing a service function and not intended primarily for human occupancy, including bathrooms, entry ways, corridors, or storage areas.”

Section 6.1(65) states “**Non-required Habitable Room Windows** includes any windows, in any Habitable Room, not required to meet the ventilation and natural light requirements of the regulations of the Safety Codes Act.”

Section 6.1(76) defines **Principal Living Room Windows** to mean “the main or largest glazed area of a Living Room.”

Section 6.1(77) defines **Privacy Zone** to mean “an area within the minimum Separation Space which shall be free of buildings, public roadways, walkways, on-site roadways, communal parking areas and communal Amenity Areas.”

Development Officer’s Determination:

Section 48.3(2) and 48.4(1) relaxed - the minimum required Separation Space between the proposed Apartment House building 1 and the proposed Row Housing building 7 is reduced from 6.8m to 4.7m, and the minimum required Separation Space between the proposed Apartment House building 2 and the proposed Row House building 9 is reduced from 6.8m to 4.5m.

Sections 48.2(2) and 48.3(3) relaxed - there are onsite walkways within the minimum required 4.5m Privacy Zones of 9 onsite main floor Dwellings. [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: **141173722-228**
 Application Date: MAY 28, 2015
 Printed: September 2, 2015 at 1:26 PM
 Page: 1 of 4

Major Development Permit

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

<p>Applicant</p> <p style="text-align: center;">GMH ARCHITECTS, KARNAIL SINGH</p> <div style="background-color: black; width: 100px; height: 15px; margin: 5px auto;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p>2121 - CASSELMAN LINK SW Plan 1422087 Blk 10 Lot 62</p> <p>2129 - CASSELMAN LINK SW Plan 1422087 Blk 10 Lot 63</p> <hr/> <p>Specific Address(es)</p> <p>Entryway: 2121 - CASSELMAN LINK SW Entryway: 2129 - CASSELMAN LINK SW Building: 1, 2125 - CASSELMAN LINK SW Building: 11, 2125 - CASSELMAN LINK SW Building: 2121 - CASSELMAN LINK SW Building: 2129 - CASSELMAN LINK SW Building: 23, 2125 - CASSELMAN LINK SW Building: 7, 2125 - CASSELMAN LINK SW</p>
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Scope of Permit

To reduce the size of 2 approved Apartment House buildings (reducing the number of Apartment House Dwellings from 238 to 173) and to construct an additional 4 Row Housing buildings (total number of Row Housing Dwellings to be increased from 52 to 72). This is a revision to permit 141173722-001.

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

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision

Approved

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



Project Number: **141173722-228**
 Application Date: MAY 28, 2015
 Printed: September 2, 2015 at 1:26 PM
 Page: 2 of 4

Major Development Permit

Subject to the Following Conditions

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

All access locations and curb crossings shall have the approval of the City Transportation Department prior to the start of construction. Reference Section 53(1).

- 1) The proposed 16.5m commercial crossing access from the site to Casselman Link SW located 70.3m from the north property line of Lot 62 was approved with DA 141173722-001, and the owner has entered into a Municipal Improvement Agreement (MIA) for the construction of the access. Any modification to the access requires the review and approval of Transportation Services.
- 2) The owner is required to remove the existing northbound bus stop and amenities pad located on the east side of Casselman Link SW, and construct a bus stop and amenities pad on the eastside of Casselman Link SW with the head of the bus stop located 52.5m from the north property line of Lot 62, and the owner has entered into an MIA for the removal and construction of the bus stop.
- 3) The owner is required to remove the existing curb ramp located at the southeast corner of the intersection of Casselman Crescent SW & Casselman Link SW, and construct a curb ramp located at the northeast corner of the intersection, and the owner has entered into an MIA for the removal and construction of the curb ramp.
- 4) Existing boulevard trees along Casselman Link SW are a requirement of the associated subdivision (LDA 06-0176/Callaghan Stage 5); however, the Final Acceptance Certificate (where the City takes ownership) has not been issued. These existing trees will conflict with the proposed access and required curb ramp for the subject site (Lots 62 & 63). The applicant must contact David Price with Stantec Consulting (780-917-7000) to amend (red-line) the approved landscape drawings for the subdivision to remove/relocate the trees.

However, should the Final Acceptance Certificate be issued prior to the development of the site, all costs associated with the potential removal/relocation of existing boulevard trees, as stated in the Corporate Tree Management Policy C456A, will be borne by the owner/applicant. The owner will be required to contact Marshall Mithruth of Community Services (780-496-4953), prior to construction, to remove and relocate the trees or to arrange for hoarding and/or root cutting at the discretion and direction of Community Services.

- 5) Mutual access easements are required for the shared access to Casselman Link SW and the east/west internal drive aisle, and must be registered on Certificate of Title and the agreement must be registered on Lot 62 and Lot 63 PRIOR to the release of the drawings for Building Permit review. The Law Branch has prepared the easement agreement which is attached for the land owners to complete. The document stipulates that neither land owner can discharge the easement without the express written consent of the City of Edmonton. Any questions associated with the easement document should be directed to Michelle Bohn at 780-442-4537 of Corporate Services for further information.
- 6) The applicant/owner will be required to construct a 1.8m double board/no gap solid uniform screen fence (density of 20 kg/m3) within private property along 30 Avenue SW.
- 7) The proposed connector sidewalks (16 total) from the west property line of the subject site to tie into the City sidewalk on the east side of Casselman Link SW, are acceptable to Transportation Services.
- 8) Parallel parking is NOT permitted on the internal road system as the road width (carriageway) is less than 7.5m. Both sides of the road must be signed 'No Parking'. A road width of less than 7.5m will not accommodate parking and still allow emergency vehicle access.
- 9) The owner/applicant must enter into an Encroachment Agreement with the City for any pilings, shoring & tie-backs to remain within road right-of-way. The owner/applicant must contact Sajid Sifat (780-496-8487) of Sustainable Development Services for information on the agreement. The applicant is responsible to provide Sustainable Development with a plan identifying all existing utilities on road right-of-way within the affected area of the encroachment.
- 10) There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must contact Marshall Mithruth of Community Services (780-496-4953) to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.
- 11) Any sidewalk, shared use path or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks, shared use path and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

Transportation Department Advisements:

- 1) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances

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



Project Number: **141173722-228**
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Major Development Permit

as specified by the utility companies. Alberta One-Call (1-800-242-5447) and Shaw Cable (1-866-544-7429; www.digsnaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

2) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx

3) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.

4) A Servicing Agreement has been executed for the payment of the Arterial Roadway Assessment.

5) Transportation Services strongly recommends that the sidewalk connections from Casselman Link SW be extended further into the site to provide connectivity for the occupants of the Row Housing units.

Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer. The applicant shall submit a revised landscape plan to the satisfaction of the Development Officer. The revised landscape plan shall be consistent with the approved Site Plan and will show the sidewalks added in front of buildings 3 and 4.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

a) cash to a value equal to 100% of the established landscaping costs;

or

b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55(6).

NOTE: A landscape security has been collected for the portion of the Site with the 4 existing Row Housing buildings. An additional landscape security is required for the balance of the Site.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$197,053.00 (based on 2015 rate of \$1,021.00 per Dwelling). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

NOTE: The Sanitary Sewer Trunk Fund fee for the 4 existing Row Housing buildings has been paid. The above fee is for the 2 Apartment Housing buildings and the 4 new Row Housing buildings (total of 193 Dwellings).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification fee of \$100.00.

The proposed short parking stalls shall be clearly signed as such to the satisfaction of the Development Officer. Reference Section 54.2.4.a(iii).

Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

The developer shall provide a minimum of 35 visitor parking spaces readily available to an entrance of the building to be served, and clearly identified as visitor parking to the satisfaction of the Development Officer. Reference Section 54.2, Schedule 1A(1).

The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54(6).

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



Project Number: **141173722-228**
 Application Date: MAY 28, 2015
 Printed: September 2, 2015 at 1:26 PM
 Page: 4 of 4

Major Development Permit

All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

NOTES:

- 1) Signs require separate Development Applications.
- 2) 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.
- 3) This approval 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.

Variations

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).

Section 48.3(2) and 48.4(1) relaxed - the minimum require Separation Space between the proposed Apartment House building 1 and the proposed Row Housing building 7 is reduced from 6.8m to 4.7m, and the minimum required Separation Space between the proposed Apartment House building 2 and the proposed Row House building 9 is reduced from 6.8m to 4.5m.

Sections 48.2(2) and 48.3(3) relaxed - there are onsite walkways within the minimum required 4.5m Privacy Zones of 9 onsite main floor Dwellings.

Rights of Appeal

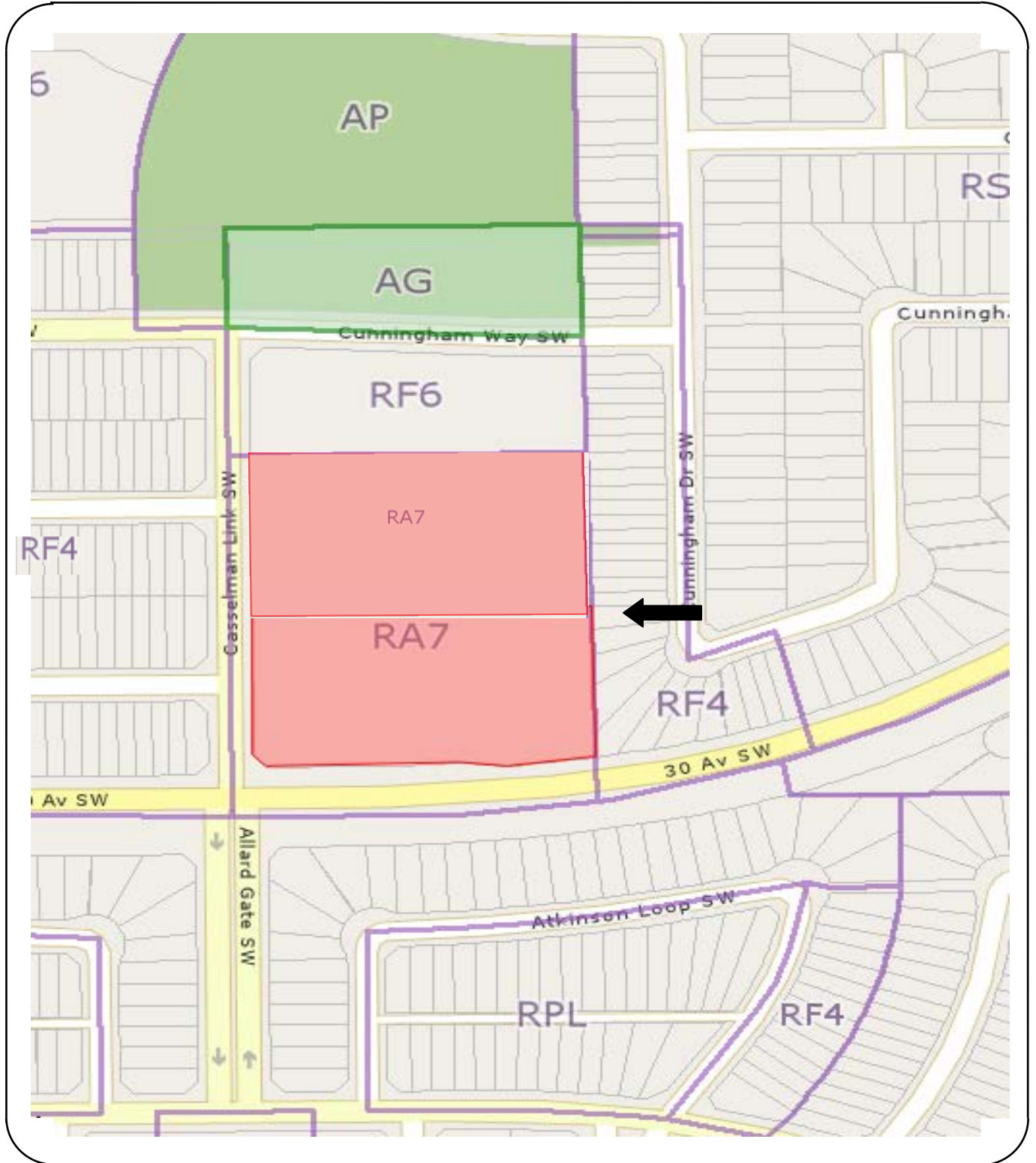
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Aug 10, 2015 **Development Authority:** BACON, KIRK **Signature:** _____
Notice Period Begins: Aug 18, 2015 **Ends:** Aug 31, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00			
Sanitary Sewer Trunk Fund 2012+	\$197,053.00			
Dev. Application Fee # of dwelling units	\$0.00			
Major Dev. Application Fee	\$770.00	\$770.00	02464155	May 29, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$197,923.00	\$770.00		
(\$197,153.00 outstanding)				

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-220



ITEM III: 2:00 P.M.

FILE: SDAB-D-15-221

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176684761-001

APPLICATION TO: Comply with a Stop Order to Cease the Non-Accessory Use (Second Hand Store) and remove all related materials from the Site. This Order is to be complied with before September 7, 2015

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: August 14, 2015

DATE OF APPEAL: September 3, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7805 - 114 Street NW

LEGAL DESCRIPTION: Plan 244HW Blk 7 Lot 1

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

There is no second hand store on this property. It is simply a yard sale. A yard sale does not even need a permit in the City of Edmonton. There is also currently no restrictions in any legislation with regard to the length of time a yard sale can operate. [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. Fourteen days from the Order date is August 28, 2015 and the Notice of Appeal was filed on September 3, 2015.

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.

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.

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.

A **Secondhand Store** is neither a Permitted nor a Discretionary Use in the RF3 Small Scale Infill Development Zone, sections 140.2 and 140.3 respectively.

Section 7.4(46) defines **Secondhand Store** to mean:

development used for the retail or consignment sale of secondhand personal or household goods, including the minor repair of goods sold on-Site. Typical Uses include clothing, jewelry, book and antique stores. This Use Class does not include the sale of used vehicles, recreation craft or construction and industrial equipment, and does not include Flea Markets or Pawn Stores.

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.”

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: 176684761-001

MATTHEW PETER


Dear Sir/Madam:

A check with Land Titles Office discloses that you are the registered owner(s) of the property located at 7805 - 114 STREET NW, legally described as Plan 244HW Blk 7 Lot 1.

LAND USE INFRACTION:

This property is zoned RF3 (Small Scale Infill Development Zone) in accordance with Section 140 of the Edmonton Zoning Bylaw. Our investigation on August 7, 2015 revealed that a Non-Accessory Use (Second Hand Store) has been developed.

Second Hand Store is not a Permitted Use within the RF3 (Small Scale Infill Development Zone). Our records indicate that no Development Permit has been granted by the City of Edmonton for this Use, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and 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:

CEASE THE NON-ACCESSORY USE (SECOND HAND STORE) AND REMOVE ALL RELATED MATERIALS FROM THE SITE.

This order is to be complied with before September 7, 2015.

CONSEQUENCES FOR NON-COMPLIANCE:

This serves as a Violation Notice in accordance with Section 23.3 of Edmonton Zoning Bylaw 12800.

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 September 8, 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 YOU HAVE NOT CEASED THE NON-ACCESSORY USE (SECOND HAND STORE) AND REMOVED ALL RELATED MATERIALS FROM THE SITE by the September 7, 2015, the City may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, 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 780-496-2687.

Regards,

Justin Young
Development and Zoning
Current Planning
Phone Number: 780-496-2687
Fax Number: 780-496-6054
Email Address: Justin.Young@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 c11 s35;
 - (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.

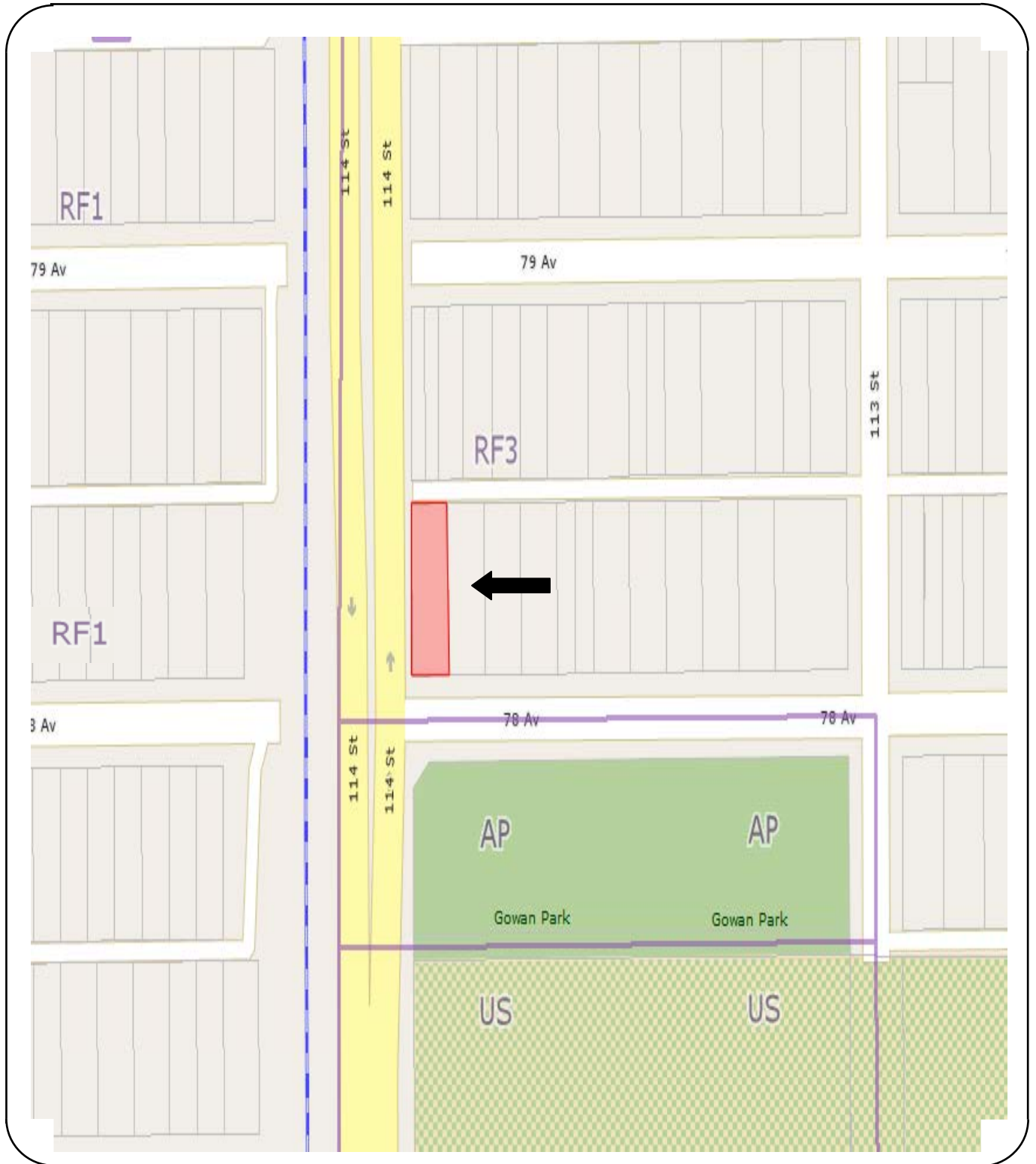
Stop order

- 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-15-221



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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