

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**September 16, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-21-151

To change the Use from a portion of Restaurant, Bar and Neighborhood Pub, and Major Amusement Establishment to a Liquor Store and to construct interior alterations

5515 - 137 Avenue NW  
Project No.: 400565090-002

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II 11:00 A.M. SDAB-D-21-152

To construct a three Dwelling unit Row House with unenclosed front porches and side doors.

11503 - 101 Street NW  
Project No.: 390670139-002

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III 2:00 P.M. SDAB-D-21-153

Acquire a Development Permit for the Accessory building (seacan) OR remove the Accessory building (seacan) from the property before August 24, 2021

13304 - 96 Street NW  
Project No.: 376087572-001

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

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 400565090-002

APPLICATION TO: Change the Use from a portion of Restaurant, Bar and Neighborhood Pub, and Major Amusement Establishment to a Liquor Store and to construct interior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 5, 2021

DATE OF APPEAL: August 20, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5515 - 137 Avenue NW

LEGAL DESCRIPTION: Plan 8120356 Blk B Lot 3A

ZONE: (CB2) General Business Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

We are solicitors for C Liquor Inc., whose application to change a portion of a building to a Liquor Store use (the "Development") was refused on August 5, 2021. We hereby give notice of our client's appeal of the refusal on the following grounds:

- the Development is appropriate at the subject location;
- the Development is a discretionary use in the CB2 General Business Zone;
- variances required for the Development would not have any negative impact on the use, enjoyment and value of neighbouring properties or the amenities of the neighbourhood; and
- such further and other grounds as may be presented at the hearing of this appeal.

<b><i>General Matters</i></b>
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**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.

...

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

### **Hearing and Decision**

**687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 340.3(11), a **Liquor Store** is a **Discretionary Use** in the **(CB2) General Business Zone**.

Under section 7.4(30) **Liquor Stores** means “development used for the retail sale of any and all types of alcoholic beverages to the public for off-site consumption. This Use may include retail sales of related products such as soft drinks and snack foods.”

Section 340.1 states that the **General Purpose** of the **(CB2) General Business Zone** is:

to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways. This zone also accommodates limited Residential-related uses

Section 813.1 states that the **General Purpose** of the **Major Commercial Corridors Overlay** is “to ensure that development along Major Commercial Corridors is visually attractive and that due consideration is given to pedestrian and traffic safety.

<b><i>Section 85 - Liquor Stores</i></b>
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1. **Any Liquor Store shall not be located less than 500 m from any other Liquor Store.**
2. Notwithstanding subsection 85(1), a Liquor Store may be located less than 500 m from any other Liquor Store if located:
  - a. outside the boundary shown in Appendix 1 to Section 85, provided:
    - i. the Liquor Stores are located on separate Sites, and

- ii. at least one Liquor Store is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3.
3. For the purposes of Section 85, the 500 m separation distance shall be measured from the closest point of the Liquor Store to the closest point of any other approved Liquor Store.
4. Any Site containing a Liquor Store shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the Liquor Store. Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, are exempt from this restriction. For the purposes of this subsection only:
  - a. the 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
  - b. the term "community or recreation activities" is limited to Community Recreation Services, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits, or Religious Assembly;
  - c. the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools; and
  - d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 85(4).
6. Notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9).
7. When the Development Officer receives an application for a Development Permit that is for the purpose of accommodating the temporary relocation of an approved Liquor Store within 500 m of its original location, a variance to subsection 85(1) or subsection 85(2) may be granted where:
  - a. the application for the Development Permit is for a Temporary Development, in order to limit the introduction of an additional Liquor Store within 500 m of the original approved Development Permit;

- b. the temporary location for any Liquor Store is not within 500 m of any legally conforming Liquor Store; and
    - c. the application for a Development Permit will not result in a total Floor Area for a Liquor Store that is 10.0% greater than the Floor Area of the existing approved Liquor Store, to a maximum increase of 50 m<sup>2</sup>.
8. When a Development Officer receives an application for a Development Permit that is for the purpose of accommodating the reversion of an existing approved Liquor Store back to its original location on a Site, a variance of subsection 85(1) or subsection 85(2) may only be granted where the application for the reversion is submitted to the Development Officer within 5 years of the date of vacating the original location and the application will not result in a total Floor Area that is greater than the original approved Liquor Store.
9. The issuance of a Development Permit which contains a variance pursuant to subsection 85(7) shall be issued as a Temporary Development for a duration of up to 5 years or less, to be determined by the Development Officer.
10. The Development Officer may require lighting, signage or screening measures that ensure the proposed development is compatible with adjacent or nearby Residential Uses or Commercial Uses.
11. Liquor Stores shall include the following to allow for natural surveillance to promote safe surroundings:
  - a. Customer access is oriented to:
    - i. a public or internal roadway, other than a Lane;
    - ii. a shopping centre parking lot in front of the store; or
    - iii. a mall access that allows visibility from the interior of the mall into the store.
  - b. Premises located at ground level shall include:
    - i. Ample transparency to maintain sight lines into and out of the premises. To ensure transparency and sight lines are maintained:
      1. Not more than 10% of the windows may be covered by Signs, the remainder shall be clear, untinted, and free from obstruction.
    - ii. Outdoor lighting is required to provide a well-lit environment for pedestrians entering and exiting the premises and to illuminate the property. The Development Officer shall require the applicant to provide a plan showing the location and details of perimeter lighting to ensure adequate lighting.



- iii. Landscaping shall be located such that it does not obstruct sight lines into the premises.

**Development Officer's Determination**

**1. Section 85.1: Any Liquor Store shall not be located less than 500 m from any other Liquor Store.**

**Proposed: There are two (2) existing Liquor Stores (Minor Alcohol Sales) within 500 m to the proposed Liquor Store, contrary to Section 85.1.**

**(Section 85.2 states that a Liquor Store may be located less than 500 m from any other Liquor Store, however, the proposed development does not meet the Site Criteria of Section 85.2.a)**

**Required separation distance: 500 m**

**Proposed separation distance to the existing Liquor Store at 252 - Manning Crossing NW: 311 m  
Deficient by: 189 m**

**Proposed separation distance to the existing Liquor Store at 13443 - Fort Road: 340 m  
Deficient by: 160 m**


[unedited]

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**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.

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	<p>Project Number: <b>400565090-002</b>                  Application Date: JUN 24, 2021                  Printed: August 5, 2021 at 3:59 PM                  Page: 1 of 2</p> <h2 style="text-align: center;">Application for Major Development Permit</h2>													
<p>This document is a Development Permit Decision for the development application described below.</p>														
<p><b>Applicant</b></p>	<p><b>Property Address(es) and Legal Description(s)</b>                  5515 - 137 AVENUE NW                  Plan 8120356 Blk B Lot 3A</p> <p><b>Specific Address(es)</b>                  Suite: 5517 - 137 AVENUE NW                  Entryway: 5517 - 137 AVENUE NW                  Building: 5515 - 137 AVENUE NW</p>													
<p><b>Scope of Application</b>                  To change the Use from a portion of Restaurant, Bar and Neighborhood Pub, and Major Amusement Establishment to a Liquor Store and to construct interior alterations.</p>														
<p><b>Permit Details</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">                 Class of Permit: Class B                  Gross Floor Area (sq.m.): 110.93                  New Sewer Service Required:                  Site Area (sq. m.): 6424.74             </td> <td style="width: 50%;">                 Contact Person:                  Lot Grading Needed?: N                  NumberOfMainFloorDwellings:                  Stat. Plan Overlay/Annex Area: (none)             </td> </tr> </table>					Class of Permit: Class B Gross Floor Area (sq.m.): 110.93 New Sewer Service Required: Site Area (sq. m.): 6424.74	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)								
Class of Permit: Class B Gross Floor Area (sq.m.): 110.93 New Sewer Service Required: Site Area (sq. m.): 6424.74	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)													
<p><b>Development Application Decision</b>                  Refused  <b>Issue Date:</b> Aug 05, 2021 <b>Development Authority:</b> XU, HAILEE</p> <p><b>Reason for Refusal</b></p> <p>1. Section 85.1: Any Liquor Store shall not be located less than 500 m from any other Liquor Store.</p> <p>Proposed: There are two (2) existing Liquor Stores (Minor Alcohol Sales) within 500 m to the proposed Liquor Store, contrary to Section 85.1.                  (Section 85.2 states that a Liquor Store may be located less than 500 m from any other Liquor Store, however, the proposed development does not meet the Site Criteria of Section 85.2.a)</p> <p>Required separation distance: 500 m</p> <p>Proposed separation distance to the existing Liquor Store at 252 - Manning Crossing NW: 311 m                  Deficient by: 189 m</p> <p>Proposed separation distance to the existing Liquor Store at 13443 - Fort Road: 340 m                  Deficient by: 160 m</p> <p><b>Rights of Appeal</b>                  The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p>														
<p><b>Fees</b></p> <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: center;">\$528.00</td> <td style="text-align: center;">\$528.00</td> <td style="text-align: center;">11793401570G001</td> <td style="text-align: center;">Jun 28, 2021</td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$528.00	\$528.00	11793401570G001	Jun 28, 2021
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<p><b>THIS IS NOT A PERMIT</b></p>														



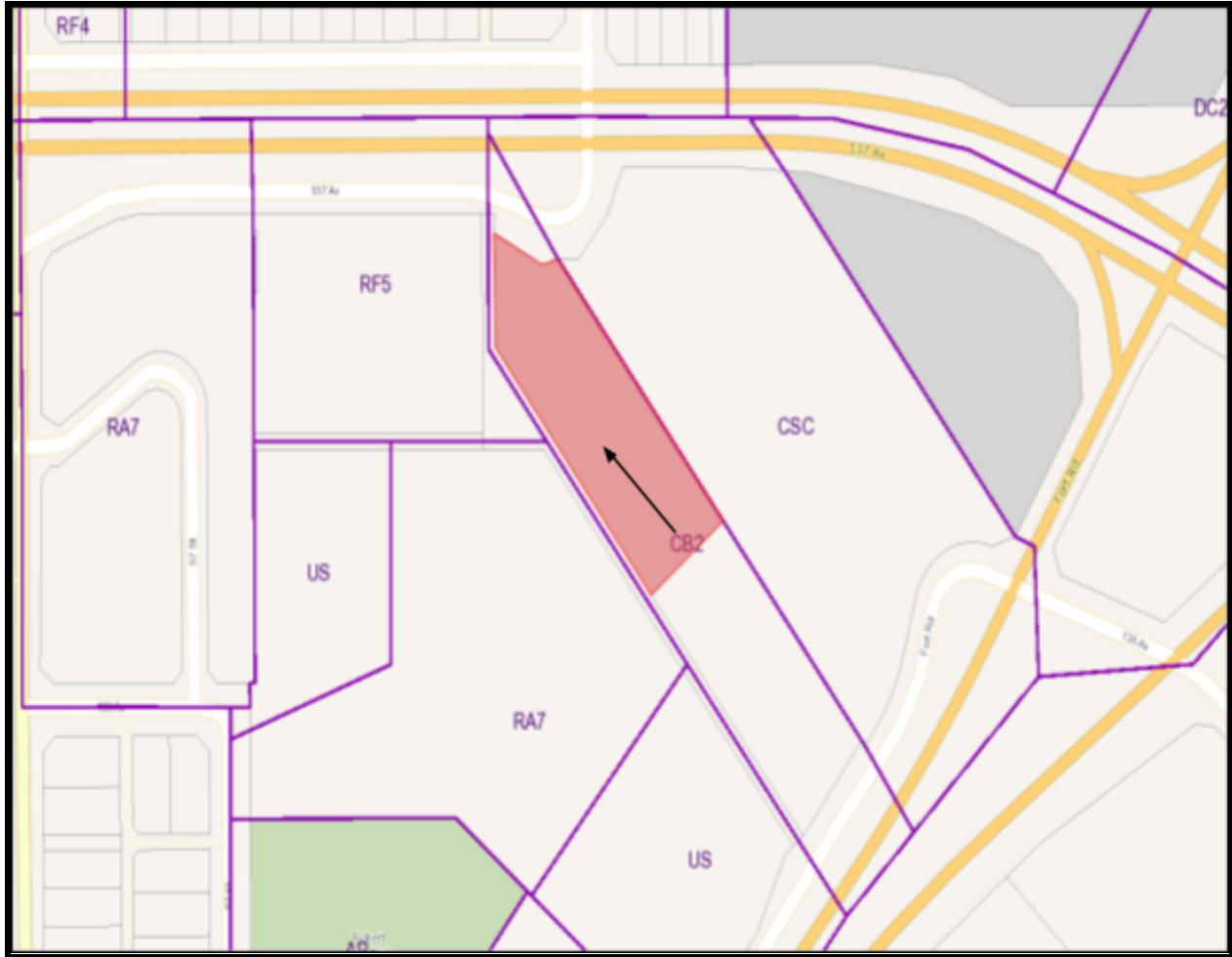
## Application for Major Development Permit

Project Number: **400565090-002**  
Application Date: JUN 24, 2021  
Printed: August 5, 2021 at 3:59 PM  
Page: 2 of 2

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$528.00	\$528.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-21-151

▲  
**N**

ITEM II: 11:00 A.M.

FILE: SDAB-D-21-152

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT: .

APPLICATION NO.: 390670139-002

APPLICATION TO: Construct a three Dwelling unit Row House with unenclosed front porches and side doors

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 13, 2021

DATE OF APPEAL: August 20, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11503 - 101 Street NW

LEGAL DESCRIPTION: Plan RN43 Blk 5 Lot 1

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

I wish to appeal the decision of the Development Authority for the reasons outlined below:

- by building a 3 unit rowhouse, I am keeping the proposed development consistent with other corner lots in the Spruce Avenue neighborhood

- the variance I have is consistent with other rowhouse developments on corner lots in this neighborhood and other neighborhoods around the area
- the RF3 zoning supports the density I am proposing
- I have kept south facing windows to a minimum to respect the privacy of neighbor to the south

***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.

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**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of

that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

### **Hearing and Decision**

**687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

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

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

that consists of:

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

or

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

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

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

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

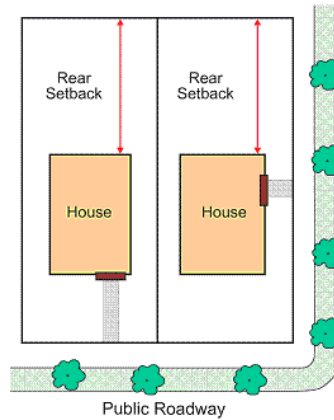
***Rear Setback***

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:



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



**Development Officer’s Determination**

**Reduced Rear Setback - The proposed distance from the rowhouse to the rear property line is 14.06m, instead of 18.09m (Section 814.3.4).**

[unedited]

***Community Consultation***

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback

from the specified affected parties in accordance with Table 814.5(2); and

- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:


Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
<b>Tier 2</b>	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) - Rear Setback

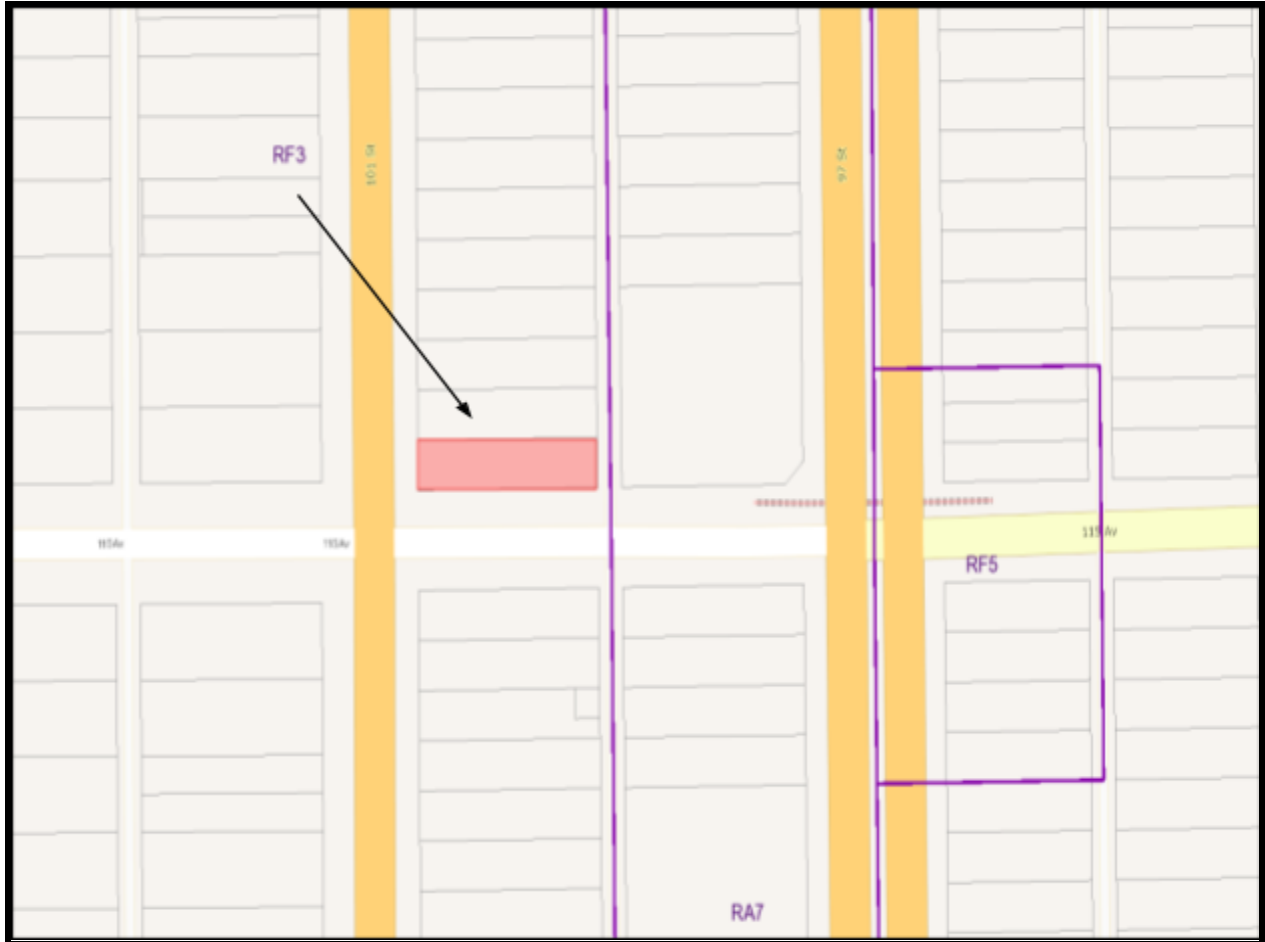
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Notice to Applicant/Appellant

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.

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	Project Number: <b>390670139-002</b> Application Date: MAR 29, 2021 Printed: August 13, 2021 at 3:06 PM Page: 1 of 1																																			
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																																				
This document is a Development Permit Decision for the development application described below.																																				
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 11503 - 101 STREET NW Plan RN43 Blk 5 Lot 1  <b>Specific Address(es)</b> Entryway: 11503 - 101 STREET NW Building: 11503 - 101 STREET NW																																			
<b>Scope of Application</b> To construct a 3 Dwelling unit Row House with unenclosed front porches and side doors.																																				
<b>Permit Details</b>																																				
# of Dwelling Units Add/Remove: 2 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 3 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:																																			
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Aug 13, 2021 <b>Development Authority:</b> LANGILLE, BRANDON  <b>Reason for Refusal</b> Reduced Rear Setback - The proposed distance from the rowhouse to the rear property line is 14.06m, instead of 18.09m (Section 814.3.4).  <b>Rights of Appeal</b> The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																																				
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<b>THIS IS NOT A PERMIT</b>																																				



**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←

▲  
**N**

File: SDAB-D-21-152

ITEM III: 2:00 P.M.

FILE: SDAB-D-21-153

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 376087572-001

ORDER TO: Acquire a Development Permit for the Accessory building (seacan) OR remove the Accessory building (seacan) from the property before August 24, 2021

ORDER ISSUED: August 10, 2021

DATE OF APPEAL: August 23, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13304 - 96 Street NW

LEGAL DESCRIPTION: Plan 4594MC Blk 25 Lot 33

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

Due to staffing changes at the City of Edmonton, technical issues uploading my application on the city of Edmonton website and my tenants testing positive for COVID-19 I have not had adequate time to complete my application. I am requesting an extension to Sept 24th.

<b><i>General Matters</i></b>
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**Appeal Information:**

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

**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.

**(2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

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

**Permit**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

...

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
  - or
  - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**Hearing and Decision**

**687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”



Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential 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.”

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

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Requirement for a Development Permit***

Section 5.1 states:

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

***Offences***

Section 23.1(6) states “Notwithstanding subsection 23.1(2), it is an offence to undertake development of, or addition to, an Accessory building, other than a Garden Suite, without a valid and approved Development Permit when a Development Permit is required.”

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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.

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City of Edmonton  
Development Services  
Development Compliance & Inquiries

10111 - 104 Ave NW  
Edmonton, AB T5J 0J4  
Canada  
[edmonton.ca/developmentcompliance](http://edmonton.ca/developmentcompliance)



August 10, 2021

Our File: 376087572-001

**MUNICIPAL GOVERNMENT ACT ORDER**

Dear property owner:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 13304 - 96 STREET NW in Edmonton, Alberta, legally described as Plan 4594MC Block 25 Lot 33.

This Property was inspected by Development Compliance Officer Cody Gretzinger on July 28, 2021. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

**ZONING BYLAW INFRACTION:**

This property is zoned RF1 (Single Detached Residential Zone) in accordance with Section 110 of Edmonton Zoning Bylaw 12800. Our investigation revealed an Accessory building (seacan) is on site.

The City of Edmonton has not issued a Development Permit for the Accessory Building (seacan), which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act.

Section 5.1 of Edmonton Zoning Bylaw 12800 states:  
Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.



Furthermore, Section 23.1(6) of Edmonton Zoning Bylaw 12800 states: "Notwithstanding subsection 23.1(2), it is an offence to undertake development of, or addition to, an Accessory building, other than a Garden Suite, without a valid and approved Development Permit when a Development Permit is required."

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;

**ORDER:**

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, **you are hereby ordered to complete the following before August 24, 2021:**

1. Acquire a Development Permit for the Accessory building (seacan)

OR

2. Remove the Accessory building (seacan) from the property.

**CONSEQUENCES FOR NON-COMPLIANCE:**

Under section 542(1) of the Municipal Government Act, you are notified that Bylaw Enforcement Officer(s) from the City of Edmonton will be entering the land between 9:00 AM to 4:00 PM on August 25, 2021 to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government 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 566(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.

Affected persons may appeal this Order by filing within the prescribed time to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

City of Edmonton  
Development Services  
Development Compliance & Inquiries

10111 - 104 Ave NW  
Edmonton, AB T5J 0J4  
Canada  
[edmonton.ca/developmentcompliance](http://edmonton.ca/developmentcompliance)



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.

You can apply for a Development Permit at [selfserve.edmonton.ca](http://selfserve.edmonton.ca).

Further information about permits is available at [https://www.edmonton.ca/residential\\_neighbourhoods/service-detached-garage-carport-permit](https://www.edmonton.ca/residential_neighbourhoods/service-detached-garage-carport-permit).

If you have questions about the application process, then you can consult a technical advisor by emailing [developmentpermits@edmonton.ca](mailto:developmentpermits@edmonton.ca) or phoning 780-442-5054.

If you have any questions in regards to this Order, please contact the writer at 780-720-3110.

Regards,

A handwritten signature in black ink, appearing to read "Cody Gretzinger".

Cody Gretzinger  
Development Compliance Officer  
[cody.gretzinger@edmonton.ca](mailto:cody.gretzinger@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;
  - (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.

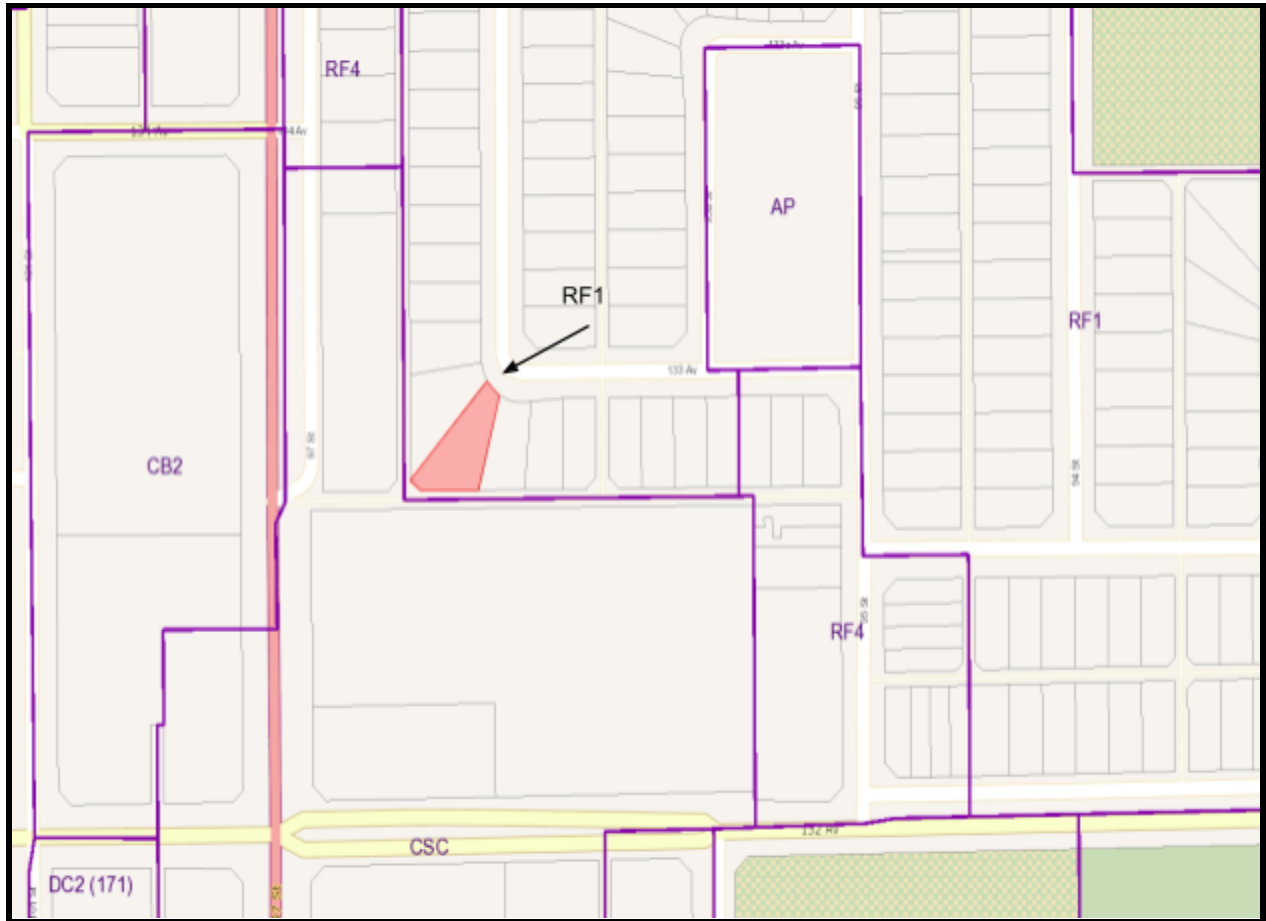
**Stop order**

- 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.
- (2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.
- (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 or the application for the development permit was deemed to be refused under section 683.1(8).
- (4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district
- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) 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.
- Appeals**
- 686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board
- (a) in the case of an appeal made by a person referred to in section 685(1)
- (i) with respect to an application for a development permit,
- (A) within 21 days after the date on which the written decision is given under section 642, or
- (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
- or
- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (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.
- (4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (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-21-153      N ▲