

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 12, 2019**

**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-19-148

Construct a Single Detached House with rear attached Garage, veranda, front and rear covered decks, front and rear balconies, fireplace, hot tub and Basement development (NOT to be used as an additional Dwelling)

9517 - 99B Street NW
Project No.: 281221025-001

II 10:30 A.M. SDAB-D-19-149

Change the Use from General Retail Stores to Cannabis Retail Sales

2341 – Maple Road NW
Project No.: 316044404-001

III 1:30 P.M. SDAB-D-19-150

Construct an Automotive and Minor Recreation Vehicle Sales/Rental and Automotive and Equipment Repair Shop addition to an existing building, change the Use of an existing building to an Automotive and Minor Recreation Vehicle Sale/Rental, and to construct interior and exterior alterations (marine dealership)

7404 – Meridian Street NW
Project No.: 309777592-001

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-19-148

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 281221025-001

APPLICATION TO: Construct a Single Detached House with rear attached Garage, veranda, front and rear covered decks, front and rear balconies, fireplace, hot tub and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 15, 2019

DATE OF APPEAL: August 19, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9517 - 99B Street NW

LEGAL DESCRIPTION: Plan 3313EO Blk 1 Lot 7

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

The lot size parameters and surrounding community necessitates the variances requested. The massing, height and setbacks are consistent with neighbouring properties that exist and those that are being proposed.

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,

- (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, [...]

Hearing and Decision

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

...

- (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 clauses (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(10), **Single Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(8), **Single Detached Housing** means “development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.”

Section 140.1 states that the **General Purpose** of **(RF3) Small Scale Infill Development Zone** is “to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four principal Dwellings under certain conditions, including Secondary Suites and Garden Suites.”

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.

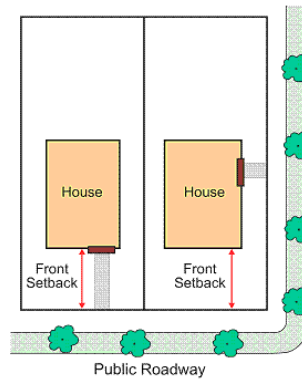
Front Setback

Section 814.3(1) states the Front Setback shall be in accordance with the following:

- a. the minimum Front Setback shall be 20% of site depth or 1.5 metres less than the average Front Setback on Abutting Lots, whichever is less. In no case shall the Front Setback be less than 3.0 metres;
- b. the maximum Front Setback shall be 1.5 metres greater than the average Front Setback on Abutting Lots; and
- c. where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot.

Under Section 6.1, **Front Setback** means:

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



Development Officer’s Determination

1. Front Setback: The maximum Front Setback shall be 8.1m (814.3(1)(b))

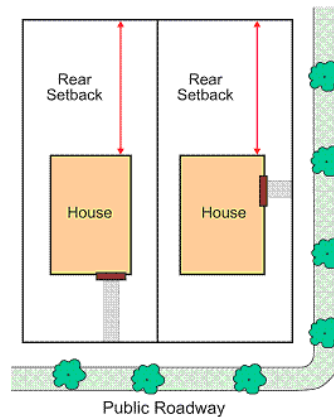
Proposed: 8.6m
Exceeds: 0.5m

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.



Under section 6.1, **Site Depth** means “the distance between the mid-points of the Front Lot Line and the mid-points of the Rear Lot Line.”

Development Officer’s Determination

2. Rear Yard: The minimum Rear Yard shall be 40% of Site Depth, 13.8m. (Reference Section 814.3(4))

Proposed: 7.3m (21.3%)
Deficient by: 6.5m

Height

Section 814.3(5) states the maximum Height shall not exceed 8.9 metres.

Section 52.1(b) states “for the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay”

Development Officer’s Determination

3. A Building shall not exceed 8.9m in Height (Reference Section 814.3(5)).

Proposed Height: 13.3m
Exceeds by: 4.4m

4. The Building parapet shall not extend more than 0.4m above the permitted building

Height of 8.9m (Reference Section 52.2(c)).
Maximum parapet Height: 9.3m (0.4m + 8.9m)
Proposed exceeds by: 4.0m (13.3m)

Side Yard Projection

Eaves

Section 44.1(a) states:

The following features may project into a required Setback or Separation Space as provided for below:

verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 metres in the case of Setbacks or Separation Spaces of 1.2 metres or greater. Where unenclosed steps extend into Side Setbacks, such steps shall not exceed a Height of 1.0 metres;

Platform Structures

Section 44.3(c) states:

The following features may project into a required Setback or Separation Space as provided for below:

Platform Structures provided such projections do not exceed 0.6 metres into any other Setbacks or Separation Spaces with a depth of less than 4.0 metres.

Under section 6.1, **Platform Structures** means:

an elevated structure intended for use as outdoor Amenity Area that may project and/or be recessed from the wall of a building, may be surrounded by guardrails, parapet walls or similar features. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

Development Officer's Determination

5. Side yard projection – The maximum projection for a platform structure and unenclosed steps are 0.6m (Section 44.1 and 44.3(c)).

Proposed: 1.1m projection of south landing and stairs

Exceeds by: 0.5m

Rear Attached Garage

Section 814.3(19) states Rear attached Garages shall not be allowed.

Development Officer’s Determination

6. Rear attached Garages shall not be allowed (814.3(19))

Proposed: rear attached Garage

Site Coverage

Section 140.4(10) states **Maximum Site Coverage** for Single Detached and Duplex Housing - Site area 300 square metres or greater shall be as follows:

Principal Dwelling / building	Accessory Building	Principal building with attached Garage	Total Site Coverage
28 percent	12 percent	40 percent	40 percent

Under Section 6.1, **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above Grade.

Development Officer’s Determination

7. Site Coverage - The house with rear garage covers 41.3% of the site, instead of 40.0%. (Section 140.4.10(a)).

Note retaining walls shown on sheets 1/13 and 2/13 shall NOT to be constructed over Road Right of Way.

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
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(1) – Front Setback 814.3(5) – Height
Tier 2	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 814.3(19) – Rear Attached Garage

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.



Application for Minor Development Permit

Project Number: **281221025-001**
Application Date: MAY 02, 2018
Printed: August 15, 2019 at 1:31 PM
Page: 1 of 2

This document is a Development Permit Decision for the development application described below.

Applicant



Property Address(es) and Legal Description(s)

9517 - 99B STREET NW
Plan 3313EO Blk 1 Lot 7

Scope of Application

To construct a Single Detached House with rear attached Garage, veranda, front and rear covered decks, front and rear balconies, fireplace, hot tub and Basement development (NOT to be used as an additional Dwelling).

Permit Details

of Dwelling Units Add/Remove: 1
of Secondary Suite Dwelling Units To Construct:
Client File Reference Number:
Minor Dev. Application Fee: Single Detached House
Secondary Suite Included?: N

of Primary Dwelling Units To Construct:
Class of Permit: Class B
Lot Grading Needed?: Y
New Sewer Service Required: Y
Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

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

Applicant signature: _____

Development Application Decision

Refused

Issue Date: Aug 15, 2019 **Development Authority:**BAUER, KERRY

THIS IS NOT A PERMIT



Application for Minor Development Permit

Project Number: **281221025-001**
 Application Date: MAY 02, 2018
 Printed: August 15, 2019 at 1:31 PM
 Page: 2 of 2

Reason for Refusal

1. Front Setback: The maximum Front Setback shall be 8.1m (814.3(1)(b))
 Proposed: 8.6m
 Exceeds: 0.5m

 2. Rear Yard: The minimum Rear Yard shall be 40% of Site Depth, 13.8m. (Reference Section 814.3(4))
 Proposed: 7.3m (21.3%)
 Deficient by: 6.5m

 3. A Building shall not exceed 8.9m in Height (Reference Section 814.3(5)).
 Proposed Height: 13.3m
 Exceeds by: 4.4m

 4. The Building parapet shall not extend more than 0.4m above the permitted building Height of 8.9m (Reference Section 52.2(c)).
 Maximum parapet Height: 9.3m (0.4m + 8.9m)
 Proposed exceeds by: 4.0m (13.3m)

 5. Side yard projection – The maximum projection for a platform structure and unenclosed steps are 0.6m (Section 44.1 and 44.3(c)).
 Proposed: 1.1m projection of south landing and stairs
 Exceeds by: 0.5m

 6. Rear attached Garages shall not be allowed (814.3(19))
 Proposed: rear attached Garage

 7. Site Coverage - The house with rear garage covers 41.3% of the site, instead of 40.0%. (Section 140.4.10(a)).
- Note retaining walls shown on sheets 1/13 and 2/13 shall NOT to be constructed over Road Right of Way.

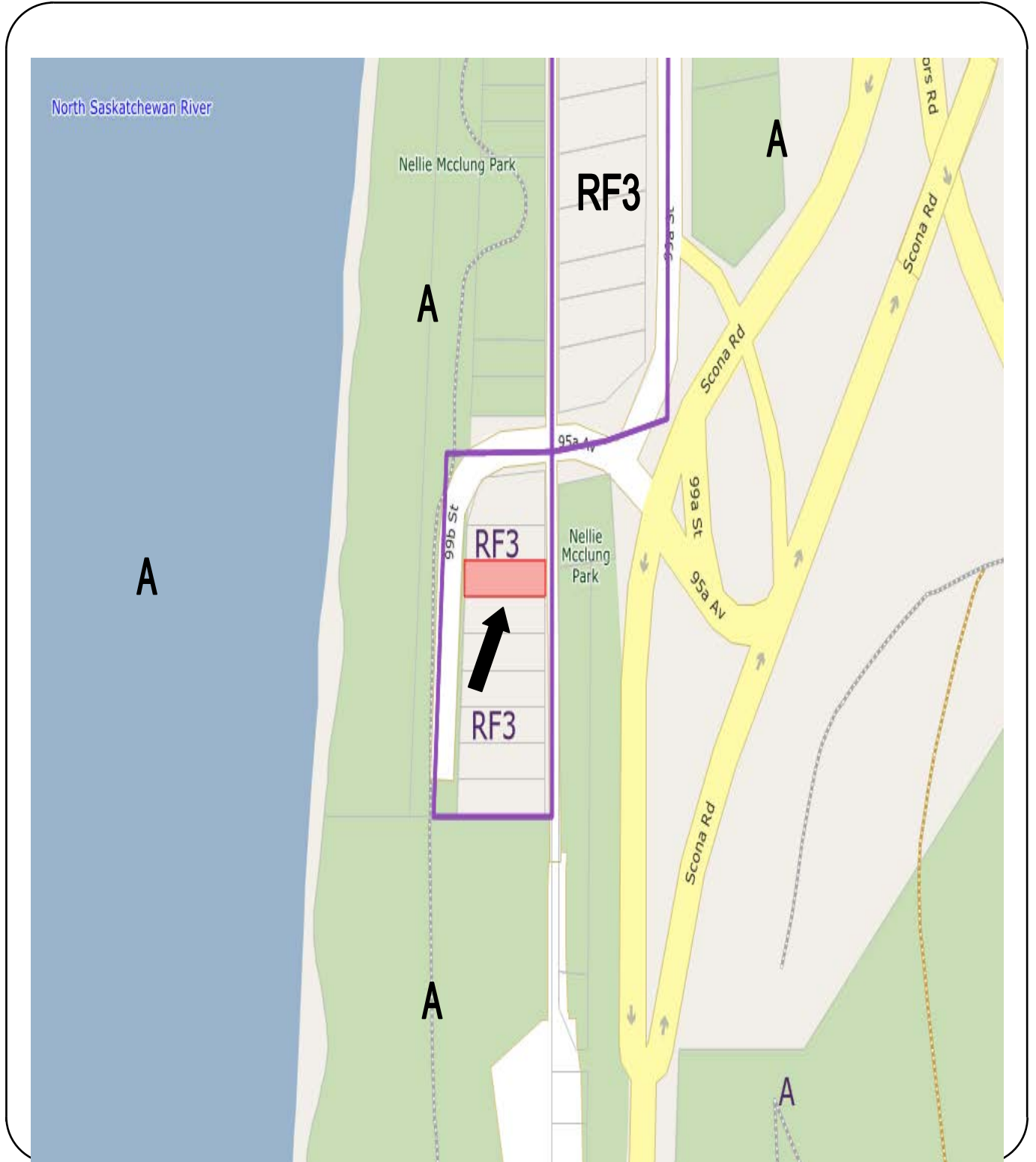
Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,629.00	\$1,629.00	04991127	May 03, 2018
Development Permit Inspection Fee	\$204.00	\$204.00	04991127	May 03, 2018
Dev. Application Fee	\$485.00	\$485.00	04991127	May 03, 2018
Lot Grading Fee	\$143.00	\$143.00	04991127	May 03, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,461.00	\$2,461.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-148



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-149

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 316044404-001

APPLICATION TO: Change the Use from General Retail Stores to Cannabis Retail Sales

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 26, 2019

DATE OF APPEAL: July 12, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2341 – Maple Road NW

LEGAL DESCRIPTION: Plan 1420502 Blk 13 Lot 3

ZONE: DC1 Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN(S): Tamarack Neighbourhood Structure Plan
The Meadows Area Structure Plan

Grounds for Appeal

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

We are solicitors for CC Growth Corp., whose application for a development permit (made through their architects, Planworks Design and Planning Inc.) for a Cannabis Retail Sales Use at the above captioned address was refused by the Development Authority. We hereby appeal the refusal of our client's development permit application on the grounds that:

- Cannabis Retail Sales is a Permitted Use within the "Pedestrian Friendly Commercial Node" of the Tamarack DC1 District;

- The proposed Cannabis Retail Sales Use is appropriate at the subject location;
 - The proposed Cannabis Retail Sales Use will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - Such further and other grounds as may be presented at the hearing of the within appeal.
-

<i>General Matters</i>

In response to a written request received from the Appellant, this hearing was scheduled on September 12, 2019.

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 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,

- (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.

685(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) ...

(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.

General Provisions from the DCI (Bylaw 18989 – Area B) Direct Development Control Provision (“DCI”):

Under Section 3 **Uses:**

3.2 Area B – Pedestrian Friendly Commercial Nodes

d. Cannabis Retail Sales

Under section 7.4(9), **Cannabis Retail Sales** means:

development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under section 6.1, **Cannabis** means:

a cannabis plant and anything referred to in subsection (a) of this definition but does not include anything referred to in subsection (b) of this definition:

- a. Cannabis includes:
 - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection (b) of this definition.
 - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
 - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- b. Notwithstanding subsection (a) of this definition, Cannabis does not include:
 - i. a non-viable seed of a cannabis plant;
 - ii. a mature stalk, without any leaf, flower, seed or branch, of such plant;
 - iii. fibre derived from a stalk referred in subsection (b)(ii) of this definition; and
 - iv. the root or any part of the root of such a plant.

The **General Purpose** of the **DC1** is:

“The purpose of this (DC1) Direct Development Control Provision is to facilitate the development of a pedestrian oriented and transit-supportive mixed use area that may accommodate a range of commercial, residential, and office uses.”

<i>Section 70 – Cannabis Retail Sales</i>
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1. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:
 - a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;

- b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and
 - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)(b) shall be issued as a Class B Discretionary Development.
 2. Any Site containing Cannabis Retail Sales shall not be located less than:
 - a. 200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and
 - b. 100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.
 3. For the purposes of subsection 2:
 - a. separation distances 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 “public library” is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.
 - c. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
 - d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
 4. Subsection 105(3) of the Gaming, Liquor and Cannabis Regulation, is expressly varied by the following:
 - a. any Site containing a Cannabis Retail Sales shall not be located less than:

Public or private education
 - i. 200 m from a Site being used for public or private education, at the time of the application for the Development Permit for the Cannabis Retail Sales;

Provincial health care facility

- ii. 100 m from a Site being used for a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales; and

School reserve or municipal and school reserve

- iii. 100 m from a Site designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales.

Measurement of Separation Distances

- b. For the purposes of this subsection, separation distances 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.

Sites Greater than Two Hectares

- c. For Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, that do not contain a public library at the time of application for the Development Permit for the Cannabis Retail Sales:
 - i. Subsection 70(2), and 70(4)(a) shall not apply; and
 - ii. the distances referred to in Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation* shall be expressly varied to 0 m.
 - d. For the purposes of subsection 70(4)(a)(i), the term "public or private education" means a school as defined in subsection (1)(y)(i) and (1)(y)(ii) of the *School Act (as amended from time to time)*.
5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2), 70(3)(a) or 70(4).

Design Requirements

- 6. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the Development Officer, including the following requirements:
 - a. customer access to the store is limited to a storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or mall access that allows visibility from the interior of the mall into the store;

- b. the exterior of all stores shall have ample transparency from the street;
- c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
- d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.

Development Officer's Determination

The proposed Cannabis Retail Sales does not comply with the minimum setback requirement from an approved General Retail Store (Section 70.1):

Required Setback: 200 m

Proposed Setback: 128 m

Deficient by 72 m

Under Sections 70.1(b) of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.

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.



Application for Major Development Permit

Project Number: **316044404-001**
 Application Date: JUN 07, 2019
 Printed: July 12, 2019 at 2:15 PM
 Page: 1 of 2

This document is a Development Permit Decision for the development application described below.

Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 2341 - MAPLE ROAD NW Plan 1420502 Blk 13 Lot 3 Specific Address(es) Suite: 2423 - MAPLE ROAD NW Entryway: 2423 - MAPLE ROAD NW Building: 2419 - MAPLE ROAD NW
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Scope of Application
 To change the use from General Retail Stores to Cannabis Retail Sales.

Permit Details Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

Issue Date: Jun 26, 2019 **Development Authority:** WELCH, IMAI

Reason for Refusal
 The proposed Cannabis Retail Sales does not comply with the minimum setback requirement from an approved General Retail Store (Section 70.1):

Required Setback: 200 m
 Proposed Setback: 128 m
 Deficient by 72 m

Under Sections 70.1(b) of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.

Rights of Appeal
 The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$5,600.00	\$5,600.00	05906706	Jun 07, 2019

THIS IS NOT A PERMIT



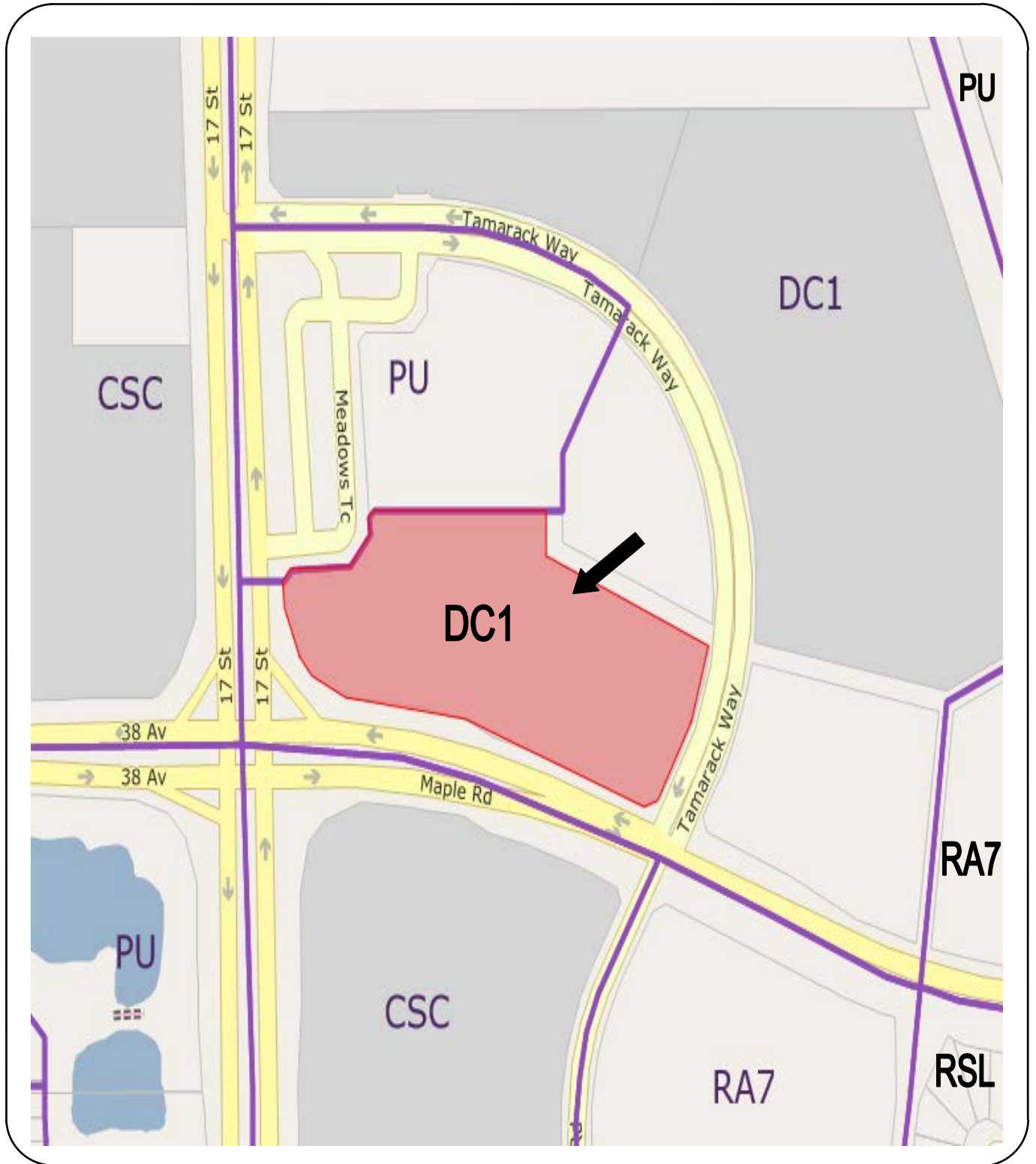
Application for Major Development Permit

Project Number: **316044404-001**
Application Date: JUN 07, 2019
Printed: July 12, 2019 at 2:15 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$5,600.00</u>	<u>\$5,600.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-149



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-150

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 309777592-001

APPLICATION TO: Construct an Automotive and Minor Recreation Vehicle Sales/Rental and Automotive and Equipment Repair Shop addition to an existing building, change the Use of an existing building to an Automotive and Minor Recreation Vehicle Sale/Rental, and to construct interior and exterior alterations (marine dealership)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 9, 2019

DATE OF APPEAL: July 27, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7404 – Meridian Street NW

LEGAL DESCRIPTION: Plan 4241MC Lot D

ZONE: (IB) Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: Maple Ridge Industrial Area Structure Plan

Grounds for Appeal

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

The sanitary trunk lines are no where near my site and it is impractical to ever hook up to them until such time as they are closer. The City has denied me use of the traditional drainage access to the "Nature Area" directly south of me. Instead I have been directed to make arrangements to drain with the Province to drain storm water from this site into the

Provincial drainage system along Anthony Henday. I will never be able to make use of the City's storm water drainage system for this area.

As such I request that the levies associated with Sanitary and Storm water be greatly reduced and delayed until such time as they are practically available to this site.

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,

- (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, [...]

Hearing and Decision

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

...

- (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 clauses (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 400.3(3), **Automotive and Equipment Repair Shops** is a Discretionary Use in the **(IB) Industrial Business Zone**.

Under section 400.3(4), **Automotive and Minor Recreation Vehicle Sales/Rentals** is a **Discretionary Use** in the **(IB) Industrial Business Zone**.

Under section 7.4(4), **Automotive and Equipment Repair Shops** means:

development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use does not include body repair and paint shops.

Under section 7.4(5), **Automotive and Minor Recreation Vehicle Sales/Rentals** means:


development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships. This Use does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4 000 kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6 000 kg or a length of more than 6.7 m.

Section 400.1 states that the **General Purpose** of **(IB) Industrial Business Zone** is:

to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

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.

	<p>Project Number: 309777592-001 Application Date: APR 01, 2019 Printed: July 29, 2019 at 7:57 AM Page: 1 of 4</p>		
<h2 style="margin: 0;">Major Development Permit</h2>			
<p>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>			
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 7404 - MERIDIAN STREET NW Plan 4241MC Lot D</p> <hr/> <p>Specific Address(es) Suite: 7406 - MERIDIAN STREET NW Entryway: 7406 - MERIDIAN STREET NW Building: 7406 - MERIDIAN STREET NW</p>		
<p>Scope of Permit To construct an Automotive and Minor Recreation Vehicle Sales/Rental and Automotive and Equipment Repair Shop addition to an existing building, change the Use of an existing building to an Automotive and Minor Recreation Vehicle Sale/Rental, and to construct interior and exterior alterations. (marine dealership)</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 1773.41 New Sewer Service Required: Y Site Area (sq. m.): 36940.93 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 1773.41 New Sewer Service Required: Y Site Area (sq. m.): 36940.93	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
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<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>			
<p>Development Permit Decision Approved Issue Date: Jul 09, 2019 Development Authority: ADAMS, PAUL</p>			



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Major Development Permit

Subject to the Following Conditions

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant/owner must enter into a servicing agreement to pay the development assessments listed in the Drainage Assessment response e-mailed to you on June 12, 2019. The applicant/owner should contact Steve Jensen at 780-944-7673, upon issuance of the Development Permit, and when he/she is ready to initiate the servicing agreement and make payment. The information on this servicing agreement can be found in the Drainage Assessment response e-mailed to you on June 12, 2019. The final payment amounts will be based on the prevailing rates at the time the applicant/owner pays and enters into a servicing agreement.

The assessment area is 1.6451 ha. The assessment area is obtained from information received from the applicant.

Please see the Drainage Services response of June 12, 2019 for more information.

2. Access from the site to Meridian Street exists, as shown on Enclosure I of the Subdivision Planning response. Any modification to the existing access requires the review and approval of Subdivision Planning.

A. Any proposed gates must not swing out over road right-of-way. Gates must either swing into the property or slide along the fence. No objects are permitted to encroach onto, over or under road right-of-way.

B. Any boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

C. All access locations and curb crossings shall have the approval of Subdivision Planning. Reference Section 53(1):

3. Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.

B. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

C. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

D. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed (www.edmonton.ca/landscapeinspectionrequest).

E. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.

F. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.

4. All storage, loading, display or parking areas shall be hardsurfaced in accordance with subsection 54.6 of this Bylaw (Reference Section 400.5(1)(a))

5. The asphalt grindings used in the display area shall be of a maximum size of 2 inches to ensure that there is no dust coming from this surface material and will provide a hardsurface which can be penetrated by rain.

6. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair



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work, display, sale or storage of goods of any kind. (Reference Section 54.1.1.c)

7. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the required 6.0m yards and loading, storage, parking and trash collection areas shall be screened from view from any adjacent site and public roadway in accordance with Section 54 of the Zoning Bylaw. (Reference Section 400.4(4).)

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

9. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)

10. Lighting for the display areas shall be mounted on lamp standards and no exposed bulbs or strings of lights shall be used. (Reference Section 400.5(1)(c))

ADVISEMENTS:

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

b. This Development Permit is NOT a Business Licence. A separate application must be made for a Business Licence. Please contact the 311 Call Centre (780-442-5311) for further information.

c. Signs require separate Development Applications.

d. 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 (780-442-5311) for further information.

e. 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.

f. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

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

h. Upon future development of the subject property, a pedestrian walkway connection may be required along the west edge of the property to provide a connection to the natural area to the south, as shown on Enclosure I of the Subdivision Planning Response.

Variations

1. Parking - The site has 24 parking spaces, instead of 88. (Section 54.1 and Schedule 1(A))

2. Landscaping: Tree Size - 58% of the Coniferous trees are shorter than required, and 51% of the Deciduous trees are smaller in caliper than required. (Section 55.8.3)

3. You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.



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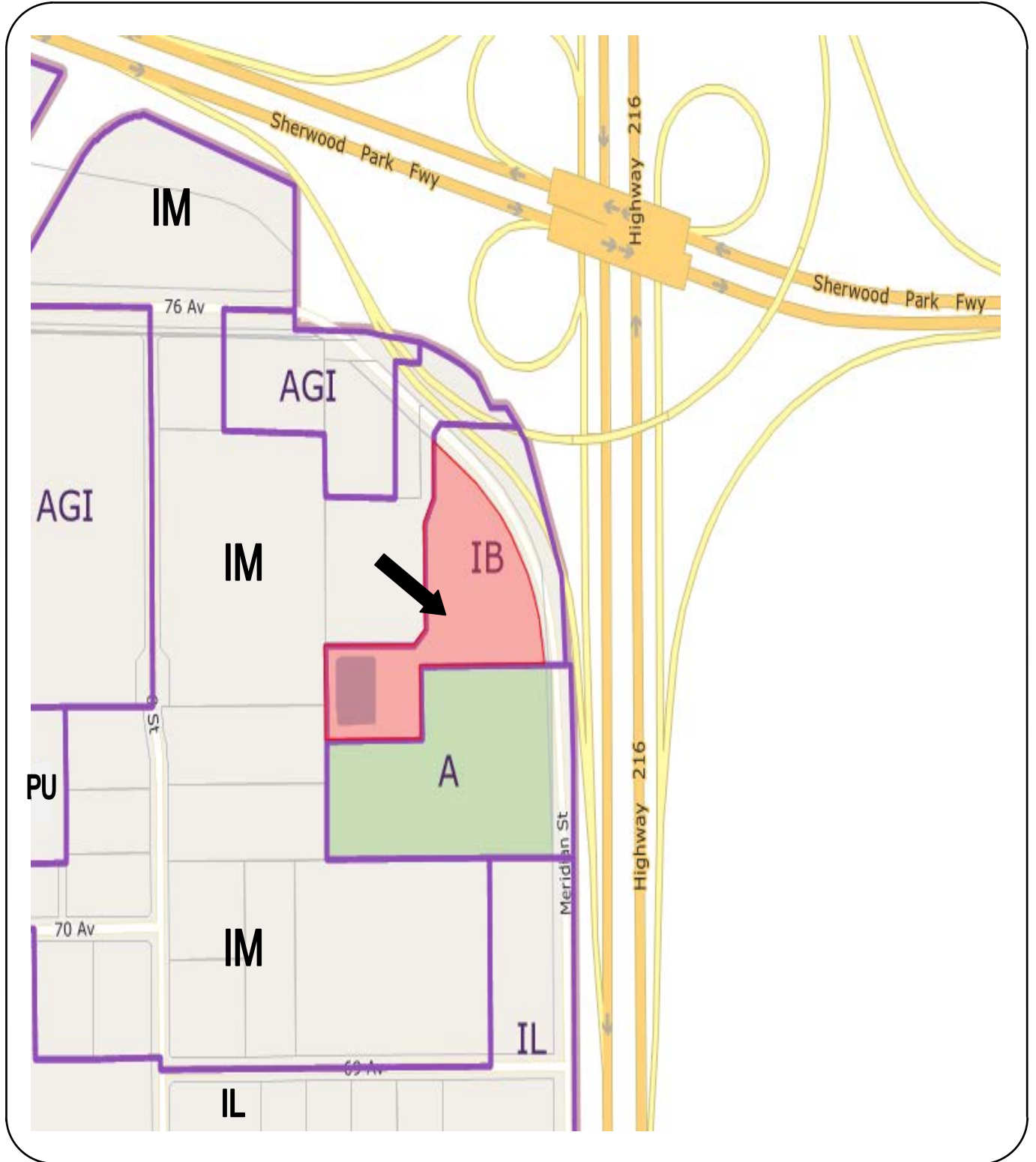
Rights of Appeal

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

Notice Period Begins: Jul 16, 2019 **Ends:** Aug 06, 2019

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee for GFA	\$1,274.00	\$1,274.00	05774340	Apr 10, 2019
Lot Grading Fee	\$871.81	\$828.70	05774340	Apr 10, 2019
Development Permit Inspection Fee	\$518.00	\$518.00	05774340	Apr 10, 2019
Major Dev. Application Fee	\$963.00	\$963.00	05774340	Apr 10, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,626.81	\$3,583.70		
(\$43.11 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-150

