

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 30, 2025**

**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-25-012

To construct exterior alterations to a Residential Use building (an additional Driveway 3.1 m x 8.0 m, existing without permits)

860 - Wildwood Crescent NW
Project No.: 534371019-002

TO BE RAISED

II 10:15 A.M. SDAB-D-25-013 Zee's Carwash Inc.

To construct exterior alterations to revise the landscaping and setback to a Vehicle Support Service and Indoor Sales and Service, reference DP #001019529-001

16303 - 107 Avenue NW
Project No.: 482147358-002

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

ITEM I: 9:00 A.M.FILE: SDAB-D-25-012AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 534371019-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (an additional Driveway 3.1 m x 8.0 m, existing without permits)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 12, 2024

DATE OF APPEAL: January 4, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 860 - Wildwood Crescent NW

LEGAL DESCRIPTION: Plan 0928811 Blk 61 Lot 2

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN: The Meadows Area Structure Plan

DISTRICT PLAN: Millwoods and Meadows District Plan

Grounds for Appeal

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

I hope this message finds you well. I am writing to formally appeal the issue regarding the permit for the driveway extension at my property.

I purchased the house in December 2023 in its current condition, with no knowledge of any unresolved permit issues. The previous owners did not inform me about any permit for the driveway extension, and as such, I had no reason to believe that there were any issues related to this matter.

Since the purchase of the property, I have made no modifications to the house, including any work on the driveway. It was not until October 2024 that I became aware of the permit issue. Given that the situation was unknown to me at the time of purchase and that I have not taken any actions regarding the driveway extension, I kindly request a review of this matter and seek a fair resolution. I would also like to say that this driveway does not bother anybody and there have been no complaints from the community. Many houses in my neighbourhood have the same driveway plan/extension as well.

I would appreciate your understanding and consideration, as I was not made aware of this permit issue by the previous owners, and I have acted in good faith as a new homeowner.

Thank you for your time and attention to this matter. I look forward to your response and guidance on how we may resolve this issue appropriately.

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 the decision in accordance with subsection (2.1).

...

(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).

(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).

Appeals

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

(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 any applicable 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 Zoning Bylaw 20001:

Under section 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

Under section 8.10, a **Residential Use** means:

Means a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Single Detached Housing** means “a building that contains 1 principal Dwelling and has direct access to ground level.”

Under section 8.20, **Accessory** means “a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

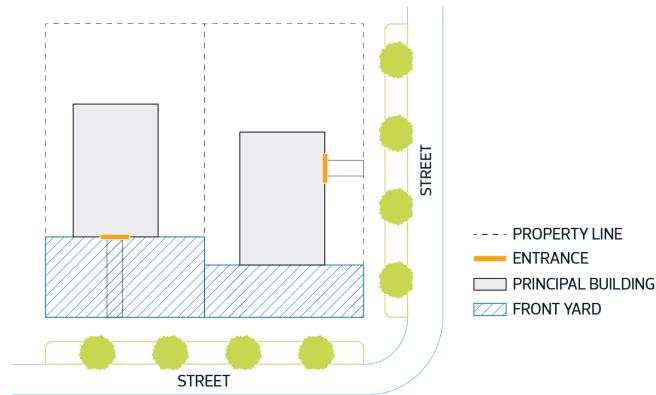
Under section 8.20, **Driveway** means:

means an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



Under section 8.20, **Front Yard** means:

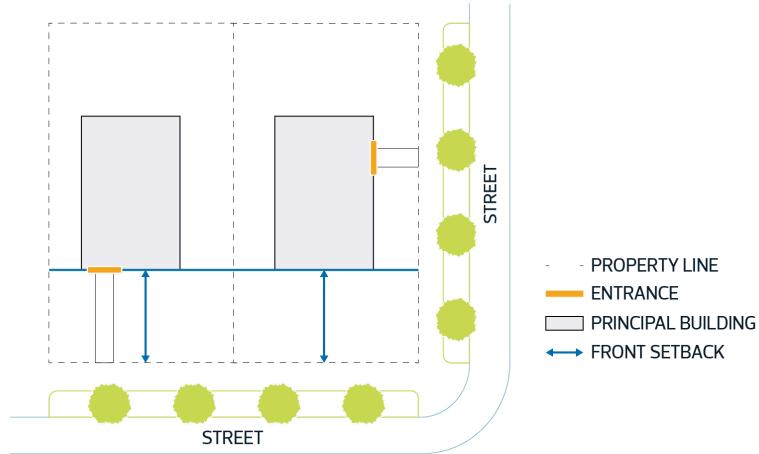
means the portion of a Site Abutting the Front Lot Line extending across the full width of the Site, between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 8.20, **Front Setback** means:

means the distance that a development or a specified portion of a development, must be from a Front Lot Line. A Front Setback is not a

Front Yard.”



Under section 8.20, **Parking Area** means “means an area that is used for vehicle parking. A Parking Area has 1 or more parking spaces and includes a parking pad, but does not include Street parking, a vehicle access, a Driveway, or a Drive Aisle.”

Under section 8.20, **Pathway** means “a Hard Surfaced path of travel that is located on private property that cannot be used for motor vehicles.”

Under section 8.20, **Surface Parking** Lot means an unenclosed area wholly at ground level that includes 1 or more Parking Areas and 1 or more Drive Aisles.

Section 2.20.1 states that the **Purpose of the RSF - Small Scale Flex Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 2.20.6.3 states Surface Parking Lots must not be located between a principal building and a Street.

Section 5.80.2.1 states:

Single Detached Housing, Duplex Housing, Semi-detached Housing, Backyard Housing, and Row Housing, and Multi-unit Housing with 8 Dwellings or less must comply with the following:

Site Circulation

2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

Driveways

2.1.2. Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.

2.1.3. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.

2.1.4 A Driveway provided from a Street must comply with the following:

2.1.4.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:

2.1.4.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m.

2.1.4.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:

2.1.4.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of

side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less.

2.1.5. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within:

- 2.1.5.1. a Front Yard;**
- 2.1.5.2. a Flanking Side Yard; or
- 2.1.5.3 a Flanking Side Setback.

2.1.6. For Zero Lot Line Development, a Parking Area must not encroach on the easement area.

Development Planner's Determination

a. Subsection 2.20.6.3: Surface Parking Lots must not be located between a principal building and a Street.

-Proposed: The additional Driveway used as a Surface Parking Lot on site is located between the principal building and the street, contrary to Subsection 2.20.6.3.

b. Subsection 5.80.2.1.2: Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.

-Proposed: The additional (2nd) Driveway with Street access for the existing Residential Use Building in the form of Single Detach House with Basement Development, contrary to Subsection 5.80.2.1.2.

c. Subsection 5.80.2.1.3: A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.

-Proposed: The additional Driveway does not lead directly from the Street to the Garage or Parking Area, contrary to Subsection 5.80.2.1.5.1.

d. Subsection 5.80.2.1.5.1: Vehicle parking spaces, other than those located on a Driveway, must not be located within a front yard.

-Proposed: The additional Driveway provides the parking spaces located within the front yard, contrary to Subsection 5.80.2.1.5.1.

Advisements:

a. The proposed additional Driveway is NOT supported by Subdivision Planning (Transportation) Team, reference below:

- Subdivision Planning (Transportation) has reviewed the development application for an approximate 3m wide private driveway to Wildwood Crescent, from the building face to the back of the city sidewalk, and OBJECTS to the proposal.

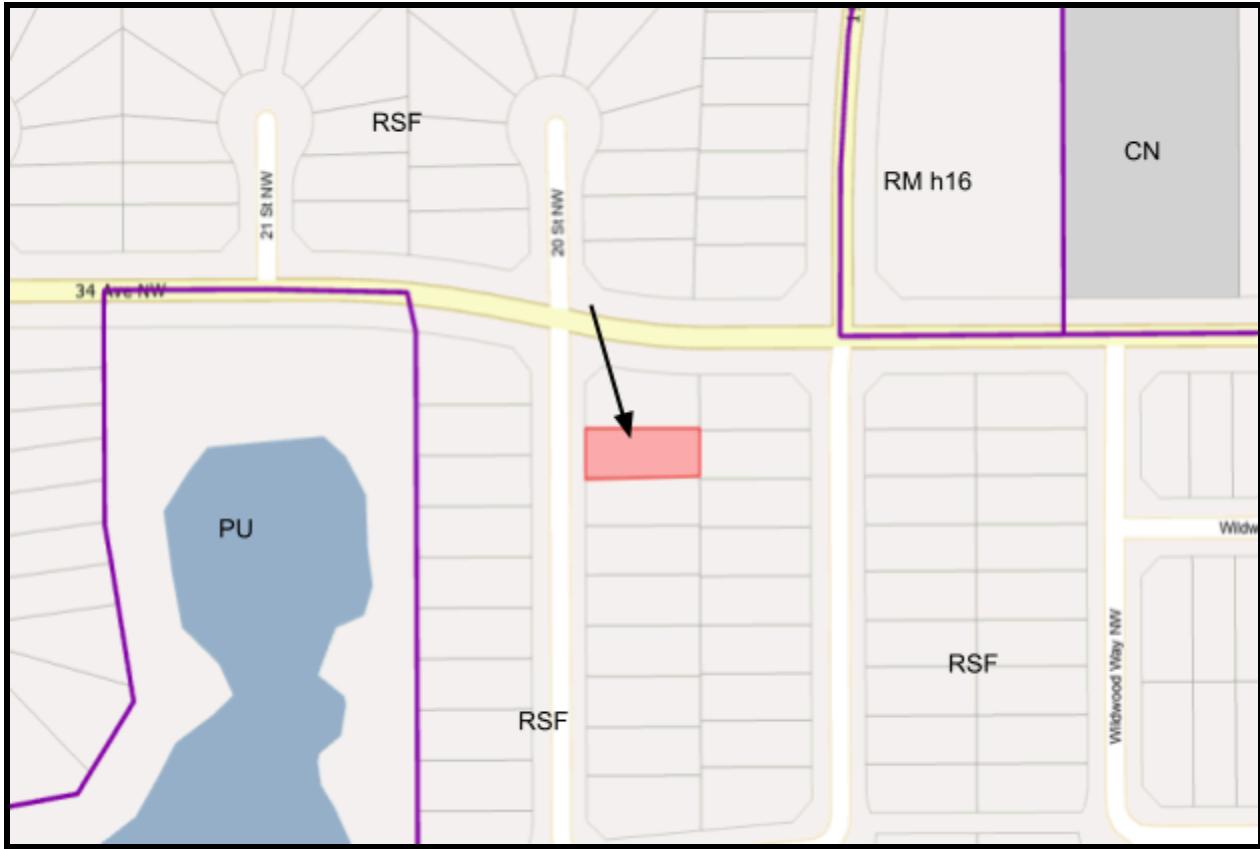
[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

Edmonton	Project Number: 534371019-002 Application Date: OCT 09, 2024 Printed: December 12, 2024 at 9:56 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Driveway Extension Permit</h3>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
Applicant	Property Address(es) and Legal Description(s) 860 - WILDWOOD CRESCENT NW Plan 0928811 Blk 61 Lot 2		
Scope of Application To construct exterior alterations to a Residential Use building (an additional Driveway 3.1 m x 8.0 m, existing without permits).			
Details <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> Development Category: Site Area (sq. m.): 510.95 </td> <td style="width: 50%; padding: 5px;"> Overlay: Statutory Plan: The Meadows ASP Consolidation </td> </tr> </table>		Development Category: Site Area (sq. m.): 510.95	Overlay: Statutory Plan: The Meadows ASP Consolidation
Development Category: Site Area (sq. m.): 510.95	Overlay: Statutory Plan: The Meadows ASP Consolidation		
Development Application Decision Refused			
Issue Date: Dec 12, 2024 Development Authority: XU, HAILEE			
Reason for Refusal <ul style="list-style-type: none"> a. Subsection 2.20.6.3: Surface Parking Lots must not be located between a principal building and a Street. -Proposed: The additional Driveway used as a Surface Parking Lot on site is located between the principal building and the street, contrary to Subsection 2.20.6.3. b. Subsection 5.80.2.1.2: Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling. -Proposed: The additional (2nd) Driveway with Street access for the existing Residential Use Building in the form of Single Detach House with Basement Development, contrary to Subsection 5.80.2.1.2. c. Subsection 5.80.2.1.3: A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. -Proposed: The additional Driveway does not lead directly from the Street to the Garage or Parking Area, contrary to Subsection 5.80.2.1.5.1. d. Subsection 5.80.2.1.5.1: Vehicle parking spaces, other than those located on a Driveway, must not be located within a front yard. -Proposed: The additional Driveway provides the parking spaces located within the front yard, contrary to Subsection 5.80.2.1.5.1. 			
Adviseements: <ul style="list-style-type: none"> a. The proposed additional Driveway is NOT supported by Subdivision Planning (Transportation) Team, reference below: -Subdivision Planning (Transportation) has reviewed the development application for an approximate 3m wide private driveway to Wildwood Crescent, from the building face to the back of the city sidewalk, and OBJECTS to the proposal. 			
Rights of Appeal 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.			
Building Permit Decision	THIS IS NOT A PERMIT		

Edmonton	Project Number: 534371019-002 Application Date: OCT 09, 2024 Printed: December 12, 2024 at 9:56 AM Page: 2 of 2																				
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No decision has yet been made.																					
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="text-align: left; padding: 5px;">Fees</th><th style="text-align: left; padding: 5px;">Fee Amount</th><th style="text-align: left; padding: 5px;">Amount Paid</th><th style="text-align: left; padding: 5px;">Receipt #</th><th style="text-align: left; padding: 5px;">Date Paid</th></tr></thead><tbody><tr><td style="padding: 5px;">Development Application Fee</td><td style="padding: 5px;">\$185.00</td><td style="padding: 5px;">\$185.00</td><td style="padding: 5px;">02705E001001173</td><td style="padding: 5px;">Oct 09, 2024</td></tr><tr><td style="padding: 5px;">Total GST Amount:</td><td style="padding: 5px;">\$0.00</td><td></td><td></td><td></td></tr><tr><td style="padding: 5px;">Totals for Permit:</td><td style="padding: 5px;"><hr style="border: 0; border-top: 1px solid black; margin-bottom: 2px;"/> \$185.00</td><td style="padding: 5px;"><hr style="border: 0; border-top: 1px solid black; margin-bottom: 2px;"/> \$185.00</td><td></td><td></td></tr></tbody></table>		Fees	Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$185.00	\$185.00	02705E001001173	Oct 09, 2024	Total GST Amount:	\$0.00				Totals for Permit:	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 2px;"/> \$185.00	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 2px;"/> \$185.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-012

▲ N

TO BE RAISEDITEM II: 10:15 A.M.FILE: SDAB-D-25-013**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER**

APPELLANT:

APPLICATION NO.: 482147358-002

APPLICATION TO: Construct exterior alterations to revise the landscaping and setback to a Vehicle Support Service and Indoor Sales and Service, reference DP #001019529-001

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 7, 2024

DATE OF APPEAL: November 21, 2024

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 16303 - 107 Avenue NW

LEGAL DESCRIPTION: Plan 4746KS Blk 1 Lot 36

ZONE: CN - Neighbourhood Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

Grounds for Appeal

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

I am writing you today in respect to the development permit # 482147358-002. I was asked to apply for this development permit after the fact due to my contractor not submitting one, unbeknownst to me. On or

around the summer of 2023, I received a compliance order from Jordana Hoblak with the City of Edmonton due to an anonymous complainant that the parking lot wasn't up to current required abutments from the property line; Ms.Hoblak stated that a fine would occur almost 10 years after the improvements were done, due to non-compliance. These were issues that I had discussed with them previously and thought resolved. This non-compliance order was a surprise to me, as I was under the impression the project had no disputes.

I've asked my contractor Bernard Farnholtz with Bernard's Concrete Finishing to apply for proper permissions on or around 2015 as required for his quotes, to put in curbing and update landscaping in my parking lot. Mr.Farnholtz presented himself with professional business cards and lawn displays and then started work once I secured a loan. After completing his work, I offered him a project at my home which ended up going all wrong and raised my suspicions to further investigate him. It was brought to my attention he had no business license to operate in the City of Edmonton nor the province of Alberta. An extensive investigation followed with the RCMP in St. Albert which I was a witness for. Subsequently he was fined and charged for operating a business without a license. This fact was no surprise to the City of Edmonton, as I'd asked them if the work was done to their satisfaction, the only response I ever got from the city was to Bernard's whereabouts in order to fine him for operating without a license.

When first doing business with Mr. Farnholtz, he showed me that the current landscaping was never done correctly by the previous owners of the business, though compliance was granted as complete in 2007 by Leo with the City of Edmonton. There is soil cement below the asphalt that is edge to edge that meets up to the city sidewalks underneath washed rocks that were simply dumped on top. He further explained this was why the trees were dying/dead, which were planted through cut outs in the asphalt and then covered with washed rocks around them as landscaping on the north side of the property. They could not be replaced due to the fact soil cement was used as fill after the prior Wild Rose and Shell Gas Stations soil abatement. Disturbing what was underneath was highly discouraged as it may interfere with previous abatement procedures. In addition to this there was an issue with vehicle congestion, flow, and customer safety in the parking lot when carwash and store are busy simultaneously. As a solution he suggested was we scale back the rocks which were just sitting on asphalt to create a wider lane for wash clients and to replace that square footage lost to the west side of the parking lot for new trees as nothing could grow on the north side anyhow which was agreeable to myself and the work was completed. Later on with the help of my employees we spread 24 yards of topsoil on top of the remaining rocks and planted many bushes and a lawn as the neighbors were not happy with the rocks. To this day, it has proven to be a successful solution.

I kindly ask all honorable members within this court to please consider accepting all the improvements that have been made, keeping in mind all that has transpired to date. I feel it is unreasonable after almost 10 years to be asked to revert the parking lot back to how it was previously all because of an anonymous complaint, thereby hindering all the positive improvements that were added, which improved the drivability and safety of the parking lot and also improved the appearance of the property.

General Matters

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on November 27, 2024:

“That the appeal hearing be rescheduled to a date to be determined following the conclusion of the Canada Post strike.”

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 the decision in accordance with subsection (2.1).

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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).

(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).

Appeals

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(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,

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(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 any applicable 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;

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- (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 Zoning Bylaw 20001:

Under section 2.90.2.14, a **Vehicle Support Service** is a **Permitted Use** in the **CN - Neighbourhood Commercial Zone**.

Under section 8.10, **Vehicle Support Service** means:

A development where the primary activity is vehicle servicing operations for the repair, maintenance, or fuelling of automobiles and other vehicles with a gross vehicle weight rating (GVWR) of less than 4,600 kg.

Typical examples include: fuel stations, car washes, and vehicle repair shops, such as transmission, muffler, tire, automotive glass, and upholstery shops. This Use does not include auto body repair and paint shops.

Section 2.90.3.11 states “Vehicle Support Services and Uses with Drive-through Services must comply with Section 6.110.”

Under section 2.90.28, **Indoor Sales and Service** is a **Permitted Use** in the **CN - Neighbourhood Commercial Zone**.

Under section 8.10, **Indoor Sales and Service** means:

A development where a business offers sales and services such as retail, personal service, or commercial school activities inside a building.

Typical examples include: animal clinics, art studios, commercial schools, hair salons, indoor markets, pharmacies, retail stores, tailor shops, and tattoo parlours.

Section 2.90(1) states that the **Purpose** of the CN - Neighbourhood Commercial Zone is:

To allow for small scale activity centres to support Local Nodes, as directed by statutory plans, that become community focal points for commercial businesses, services, social gathering and limited Residential Uses that are integrated with the neighbourhood. These activity centres can accommodate both vehicle-oriented and pedestrian oriented developments.

Surface Parking Lot Design

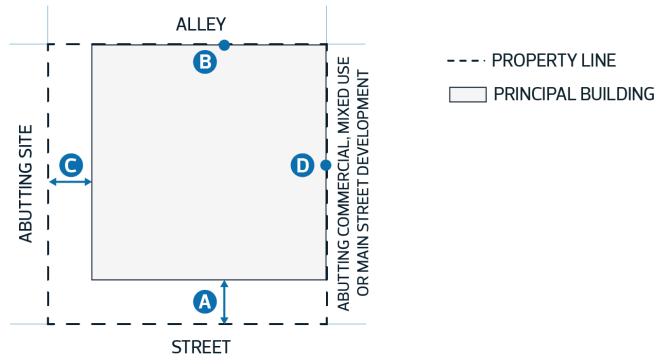
Section 5.80.4.4 states “a Surface Parking Lot must be located a minimum of 3.0 m from a Lot line Abutting a Street, or the minimum required Setback Abutting a Street in the underlying Zone, whichever is greater.”

Section 5.80.4.3 states “unless otherwise specified, a Surface Parking Lot must be located a minimum of 2.0 m from the Lot line of an Abutting Site, or the minimum required Setback in the underlying Zone, whichever is greater, except that...”

Section 2.90.4.1 states Development must comply with Table 4.1:

Table 4.1. Site and Building Regulations

Subsection	Regulation	Value	Symbol
Setbacks Abutting Streets			
4.14	Minimum Setback	3.0 m	A
Unless 1 or more of the following applies:			
4.17	Minimum Setback	0.0 m	B
Setbacks Abutting Sites			
4.19	Minimum Setback	3.0 m	C



Under section 8.10, **Setback** means “the distance that a development, or a specified portion of a development, must be from a Lot line. A Setback is not a Yard. A Setback only applies to development on or above ground level.”

Under section 8.10, **Surface Parking Lot** means “an unenclosed area wholly at ground level that includes 1 or more Parking Areas and 1 or more Drive Aisles.”

Development Planner's Determination

1. **Subsection 5.80.4.4 - A Surface Parking Lot must be located a minimum of 3.0 m from a Lot line Abutting a Street, or the minimum required Setback Abutting a Street in the underlying Zone, whichever is greater.**

Required: 3.0m

Proposed: The setbacks along 107 avenue vary from 0.8m (2'8") to 1.2m (4').

Deficient by: 1.8m to 2.2m. **Note:** A setback of 4.5m was proposed and approved (by the Subdivision and Development Appeal Board), reference DP #001019529-001, SDAB #001019529-003, SDAB-D-01-295 from the original Development Permit, based on the previous CNC Zoning.

2. **Subsection 5.80.4.3 - Unless otherwise specified, a Surface Parking Lot must be located a minimum of 2.0 m from the Lot line of an Abutting Site, or the minimum required Setback in the underlying Zone.**

Required: The minimum required Setback in the CN Zone is 3.0m

Proposed: 1.5m - 1.2m

Deficient by: 1.7m Note: The setback on the drawing provided by the applicant is inaccurate, based on the comparison of the City's current aerial photograph of the site. A setback of 3.0m was proposed and approved (by the Subdivision and Development Appeal Board), reference DP #001019529-001, SDAB #001019529-003, SDAB-D-01-295 from the original Development Permit, based on the previous CNC Zoning.

[unedited]

Authority and Responsibility of the Development Planner

Section 7.100.5, Test for Granting a Variance, states

- 5.1. Before the Development Planner considers a variance, the applicant must submit written justification specifying:
 - 5.1.1. the reasons for the variance request; and
 - 5.1.2. any other justification as requested by the Development Planner to determine compliance with Subsections 5.2 to 5.4.

Development Planner's Determination

3. Subsection 7.100.5 - Before the Development Planner considers a variance, the applicant must submit written justification specifying:

5.1.1. the reasons for the variance request; and

5.1.2. any other justification as requested by the Development Planner to determine compliance with Subsections 5.2 to 5.4.

Proposed: No written justification for variances has been submitted by the applicant.

[unedited]

Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision
SDAB-D-16-113	To construct (1) Freestanding On-premises Sign (Zee's Car Wash).	May 19, 2016; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The Development is granted,

		<p>subject to the following condition:</p> <p>i) The Applicant shall first reach an encroachment agreement with the City of Edmonton.</p> <p>In granting the development, the following variance to the Zoning Bylaw is allowed:</p> <p>i) The requirements of section 59.2(12) are waived. This variance is subject to the Applicant reaching the above mentioned encroachment agreement with the City of Edmonton.</p>
SDAB-D-01-295	To construct and operate a Rapid Drive-Through Vehicle Services Building with accessory retail	<p>October 5, 2001; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the requirements relating to the number of wash bays and queuing spaces be waived, subject to the following conditions:</p> <p>1. A minimum of 22 trees and 36 shrubs be provided in accordance to Section 55.</p> <p>2. A minimum of 5 bicycle parking spaces shall be provided in accordance to Section 54.3, Schedule 2.</p> <p>3. All lighting on the site be directed toward the proposed development and away from neighbouring residences. No surface mounted exterior lighting allowed to be used for site lighting.</p>

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.

		Project Number: 482147358-002 Application Date: AUG 23, 2023 Printed: November 7, 2024 at 12:52 PM Page: 1 of 2
<h2>Application for Major Development Permit</h2>		
<p>This document is a Development Permit Decision for the development application described below.</p>		
Applicant	Property Address(es) and Legal Description(s) 16303 - 107 AVENUE NW Plan 4746KS Blk 1 Lot 36	
	Specific Address(es) Suite: 16303 - 107 AVENUE NW Entryway: 16303 - 107 AVENUE NW Building: 16303 - 107 AVENUE NW	
Scope of Application To construct exterior alterations to revise the landscaping and setback to a Vehicle Support Service and Indoor Sales and Service, reference DP #001019529-001.		
Details	Development Category: Lot Grading Needed: N NumberOfMainFloorDwellings: Site Area (sq. m.):	
	Gross Floor Area (sq. m.): New Sewer Service Required: Overlay: Statutory Plan:	
Development Application Decision Refused	Issue Date: Nov 07, 2024 Development Authority: PIORKOWSKI, THERESA	
Reason for Refusal 1. Subsection 5.80.4.4 - A Surface Parking Lot must be located a minimum of 3.0 m from a Lot line Abutting a Street, or the minimum required Setback Abutting a Street in the underlying Zone, whichever is greater. Required: 3.0m Proposed: The setbacks along 107 avenue vary from 0.8m (2'8") to 1.2m (4'). Deficient by: 1.8m to 2.2m. Note: A setback of 4.5m was proposed and approved (by the Subdivision and Development Appeal Board), reference DP #001019529-001, SDAB #001019529-003, SDAB-D-01-295 from the original Development Permit, based on the previous CNC Zoning.		
	2. Subsection 5.80.4.3 - Unless otherwise specified, a Surface Parking Lot must be located a minimum of 2.0 m from the Lot line of an Abutting Site, or the minimum required Setback in the underlying Zone. Required: The minimum required Setback in the CN Zone is 3.0m Proposed: 1.5m - 1.2m Deficient by: 1.7m Note: The setback on the drawing provided by the applicant is inaccurate, based on the comparison of the City's current aerial photograph of the site. A setback of 3.0m was proposed and approved (by the Subdivision and Development Appeal Board), reference DP #001019529-001, SDAB #001019529-003, SDAB-D-01-295 from the original Development Permit, based on the previous CNC Zoning.	
	3. Subsection 7.100.5 - Before the Development Planner considers a variance, the applicant must submit written justification	
THIS IS NOT A PERMIT		

Edmonton

Project Number: **482147358-002**
Application Date: AUG 23, 2023
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Application for Major Development Permit

specifying:

- 5.1.1. the reasons for the variance request; and
- 5.1.2. any other justification as requested by the Development Planner to determine compliance with Subsections 5.2 to 5.4.

Proposed: No written justification for variances has been submitted by the applicant.

Rights of Appeal

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.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$385.00	\$385.00	08444287	Sep 05, 2023
Total GST Amount:	\$0.00			
Totals for Permit:	\$385.00	\$385.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-013



N