

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.

May 22, 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-25-070

To construct exterior alterations (Driveway extension, 2.44 metres by 9.88 metres)

6515 - 173 Avenue NW
Project No.: 521566705-002

II 10:00 A.M. SDAB-D-25-071

To construct a Food and Drink Service building with a Drive-through Service, construct exterior alterations (revise parking lot layout, remove north and northeast vehicle accesses, and expand southeast vehicle access) and to demolish a Food and Drink Service building

11750 - 130 Street NW
Project No.: 538554173-002

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-25-070AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 521566705-002

APPLICATION TO: Construct exterior alterations (Driveway extension, 2.44 metres by 9.88 metres)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 9, 2025

DATE OF APPEAL: April 28, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 6515 - 173 Avenue NW

LEGAL DESCRIPTION: Plan 1520589 Blk 14 Lot 27

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): McConachie Neighbourhood Structure Plan
Pilot Sound Area Structure Plan

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

We are appealing the refusal of the development permit for the driveway extension at 6515 173 Avenue NW because the proposed development supports aging in place and accommodates a multi-generational family without materially impacting the amenities, use, or enjoyment of neighbouring properties. The variance requests relating to driveway width, location of parking in the front yard, and soft

landscaping are minor in nature, consistent with common practices in the surrounding McConachie neighbourhood, and do not detract from the character of the area. Furthermore, the overall amount of soft landscaping has been increased elsewhere on the site to minimize the impact of the driveway extension hard surface area. In accordance with Section 687(3)(d) of the Municipal Government Act, the proposed development conforms to the use prescribed for the land and would not unduly interfere with the amenities of the neighbourhood or the use, enjoyment, or value of neighbouring parcels.

<i>General Matters</i>

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.

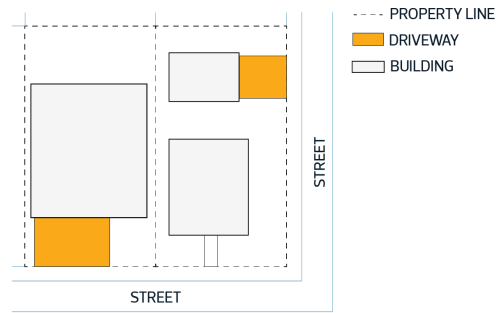
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

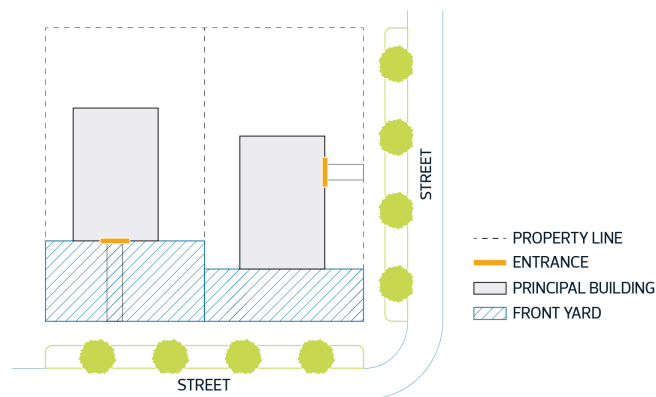
Under section 8.20, **Driveway** means:

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.



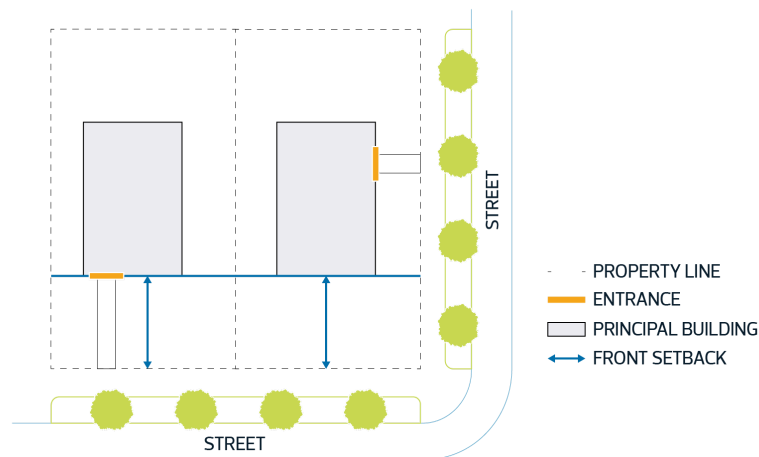
Under section 8.20, **Front Yard** means:

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.”

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 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.

<p><i>Site Circulation and Parking Regulations for Small Scale Residential Development</i></p>

Section 5.60.3.2 states: A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided for:

- 3.2.1. all development within the RS and RSF Zones;**
- 3.2.2. any Single Detached Housing, Duplex Housing, or Semi-detached Housing development; and**
- 3.2.3. any Row Housing, Multi-unit Housing or Cluster Housing development up to 8 Dwellings in a residential Zone with a maximum Height of 12.0 m or less.**

Development Planner's Determination

- 1. Subsection 5.80.2.1.3 Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.**

Proposed: Driveway extension does not lead to Garage.

- 2. Subsection 5.80.2.1.4.2.1 Driveway Width - 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.**

Proposed: Driveway width is 8.5 m instead of 6.10 m. Driveway width exceeds by 2.4 m

- 3. Subsection 5.80.2.1.5.1 Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard.**

Proposed: Driveway extensions are within the Front Yard.

- 4. Subsection 5.60.3.2 A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided for all development within the**

RS and RSF Zones; and any Single Detached Housing, Duplex Housing, or Semi-detached Housing development.

Proposed: Soft Landscaping provided is 27% instead of 30%.


[unedited]


<i>Previous Subdivision and Development Appeal Board Decision</i>
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Application Number	Description	Decision
SDAB-D-23-187	To construct exterior alterations to a Single Detached House (Driveway extension - 8.0m x 2.44m)	December 21, 2023; “The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is REFUSED.”

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 Driveway Extension Permit		Project Number: 521566705-002 Application Date: SEP 03, 2024 Printed: April 9, 2025 at 3:18 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) 6515 - 173 AVENUE NW Plan 1520589 Blk 14 Lot 27				
Scope of Application To construct exterior alterations (Driveway extension, 2.44 m x 9.88 m).					
Details <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Site Area (sq. m.): 383.89 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Site Area (sq. m.): 383.89	Overlay: Statutory Plan:
Development Category: Site Area (sq. m.): 383.89	Overlay: Statutory Plan:				
Development Application Decision Refused Issue Date: Apr 09, 2025 Development Authority: HETHERINGTON, FIONA Reason for Refusal <ol style="list-style-type: none"> 1. Subsection 5.80.2.1.3 Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. Proposed: Driveway extension does not lead to Garage. 2. Subsection 5.80.2.1.4.2.1 Driveway Width - 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. Proposed: Driveway width is 8.5 m instead of 6.10 m. Driveway width exceeds by 2.4 m 3. Subsection 5.80.2.1.5.1 Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard. Proposed: Driveway extensions are within the Front Yard. 4. Subsection 5.60.3.2 A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided for all development within the RS and RSF Zones; and any Single Detached Housing, Duplex Housing, or Semi-detached Housing development. Proposed: Soft Landscaping provided is 27% instead of 30%. 					
THIS IS NOT A PERMIT					



Project Number: **521566705-002**

Application Date: SEP 03, 2024

Printed: April 9, 2025 at 3:18 PM

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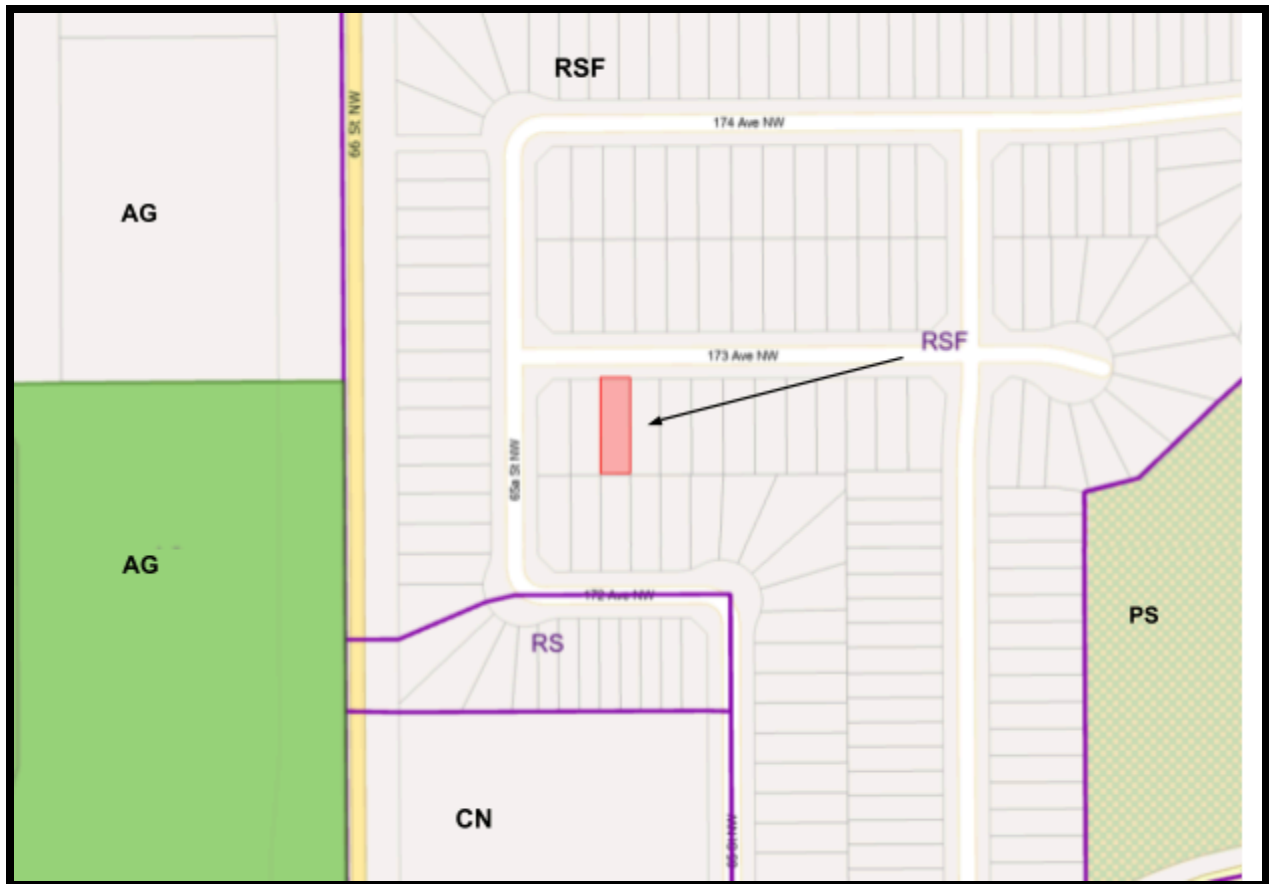
**Application for
Driveway Extension Permit**

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
No decision has yet been made.

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Permit Dev	\$185.00	\$185.00	060481001001331	Sep 04, 2024
Application Penalty Fee				
Development Application Fee	\$185.00	\$185.00	060481001001331	Sep 04, 2024
Total GST Amount:	\$0.00			
Totals for Permit:	\$370.00	\$370.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-070



ITEM II: 10:00 A.M.

FILE: SDAB-D-25-071

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 538554173-002

APPLICATION TO: To construct a Food and Drink Service building with a Drive-through Service, construct exterior alterations (revise parking lot layout, remove north and northeast vehicle accesses, and expand southeast vehicle access) and to demolish a Food and Drink Service building

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: March 25, 2025

DATE OF APPEAL: April 22, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11750 - 130 Street NW

LEGAL DESCRIPTION: Plan 1044KS Blk 7 Lot 4A

ZONE: CN - Neighbourhood Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

Grounds for Appeal

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

I am filing on behalf of all the residents affected

1. THE PROPERTY IN QUESTION IS NOT ZONED TO HAVE A REDUCED 3 METERS INSTEAD OF THE STANDARD 7.5 METERS

- My building is about 3 to 4 feet from the property line. My tenants could hear the noise from the engines of some vehicles and breathe in the fumes from the exhaust if the windows are open. Tenants in the back yard would also be subject to breathing in the fumes. That would only increase the new development.

2. The proximity of the exit lane along the property line to our building and the proximity of the entrance/exit to/from Tim Horton at our front step would:

a. Seriously reduce the value of our property and affect the quality of tenants that would rent our building thus reducing our income during our retirement years.

b. You would be eradicating all the effort and hard work my wife, and I have put in for the past 56 years to secure an affordable retirement.

c. You would also affect the quality of our life during our retirement years.

d. Like most people we would like to leave something for our children.

e. WHEN A NON-ESSENTIAL SERVICE NEGATIVELY IMPINGES ON AN EMERGENCY AND/OR AN ESSENTIAL SERVICE THEN THE CITY HAS TO MAKE SURE THAT DOES NOT HAPPEN. The homes within the affected are all essential service because people need homes.

f. The traffic situation on 130 St is at best unsafe. Many vehicles from 118 Ave speed down 130 street to avoid the traffic circle just west of the Tim Horton Store.

g. At present, residents and some Tim Horton customers park along the 130 St in front of our building and along the other side of 130 St leaving a single lane between the parked vehicles.

h. The residents on 130 St, 117A Ave and 117 Ave are seriously affected by the speeding traffic coming from 118 Ave.

i. Vehicles heading north on 130 St must park aside and wait for the vehicles going south and vice versa.

j. At present, if a vehicle pulls behind a vehicle legally parked in front of our building, that vehicle would block the access/egress to/from the Tim Horton store. That situation would be even worse with the new development because there would be more vehicles going north to turn left to access Tim Horton.

3. Safety Issues: At present it is not safe to cross 130 street with all the speeding vehicles in both directions. With the increased traffic matters will only get worse. Remember this is a residential street with older people and moms with young children. The additional traffic generated by the drive thru facility, will only make the situation more unsafe.

5. Noise Pollution: All the vehicles waiting to enter Tim Horton do not turn off their engines while waiting and some vehicles are very noisy.

6. Air pollution: Vehicles in the line up for Tim Horton and other similar drive thru keep their vehicles idling while waiting. Breathing the exhaust from all those vehicles will in not be a healthy situation.

<i>General Matters</i>

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 2.90.2.5, a **Food and Drink Service** is a **Permitted Use** in the **CN - Neighbourhood Commercial Zone**.

Under section 8.10, **Food and Drink Service** means:

a development where the primary purpose is to sell prepared food and drinks to the public for consumption on or off-Site. This Use does not include Grocery Stores.

Typical examples include: cafes, juice bars, and restaurants.

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

Under section 8.20, **Drive-through Services** means:

an activity associated with a Use that requires 1 or more inbound or outbound queuing spaces, and provides rapid customer service to people within a motor vehicle.

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.

Vehicle Support Services and Uses with Drive-through Services

Section 6.110.9 states:

Where Vehicle Support Services and Uses with Drive-through Services are Abutting, or directly across an Alley from, a residential Zone or a Site with a valid Development Permit for a Residential Use, the development must:

- 9.1. including queuing spaces, canopies, pump islands, Drive Aisles and other similar features, provide a minimum 7.5 m Setback from the Lot line that is facing the residential Zone or Residential Use;
- 9.2. provide a solid wood screen Fence or equivalent, with a minimum height of 1.8 m to screen the view of vehicular traffic from the residential Zone or Residential Use; and
- 9.3. provide a Landscape Buffer within the minimum 7.5 m Setback area described in Subsection 9.1, to screen and enhance the visual appearance of the development, and to minimize Nuisances.

Under section 8.20, **Drive Aisle** means:

the area that provides circulation for vehicles within Parkades or Surface Parking Lots, and does not include a Street, Pathway, or vehicle access.

Under section, 8.20, **Landscape Buffer** means:

a Landscaped area where additional planting is required to provide screening or minimize building massing, privacy impacts, or a Nuisance.

Under section 8.20, **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.

Development Planner's Determination


Drive Aisle Landscaped Setback - A 3.0m landscaped setback is provided between the drive-through drive aisle and the south property line instead of a 7.5m landscaped setback (Subsection 6.110.9.1 and 6.110.9.3).

[unedited]

Application Number	Description	Decision
SDAB-D-02-134	Develop a Drive-In Food Service window to a Restaurant (Tim Hortons)	August 2, 2002; “that the appeal be DENIED and the DEVELOPMENT REFUSED,”

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: 538554173-002 Application Date: NOV 06, 2024 Printed: March 25, 2025 at 12:12 PM Page: 1 of 8	
		<h2>Major Development Permit</h2>	
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 Zoning Bylaw as amended.			
Applicant		Property Address(es) and Legal Description(s) 11750 - 130 STREET NW Plan 1044KS Blk 7 Lot 4A	
		Specific Address(es) Suite: 11750 - 130 STREET NW Entryway: 11750 - 130 STREET NW Building: 11750 - 130 STREET NW	
Scope of Permit To construct a Food and Drink Service building with a Drive-through Service, construct exterior alterations (revise parking lot layout, remove north and northeast vehicle accesses, and expand southeast vehicle access) and to demolish a Food and Drink Service building.			
Details			
Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: Site Area (sq. m.): 1647		Gross Floor Area (sq m.): 94 New Sewer Service Required: N Overlay: Statutory Plan:	
Development Permit Decision Approved Issue Date: Mar 25, 2025 Development Authority: TODD, ADAM			
Subject to the Following Conditions Zoning Conditions: 1. This Development Permit authorizes the construction of a Food and Drink Service building with a Drive-through Service, construct exterior alterations (revise parking lot layout, remove north and northeast vehicle accesses, and expand southeast vehicle access) and to demolish a Food and Drink Service building. 2. This Development Permit is NOT valid until the notification period expires (Subsection 7.160.1.3 and Section 7.170). 3. The development must be constructed in accordance with the approved plans. Any revisions to the approved plans require a separate Development Permit application. 4. The Development Permit is not valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled (Subsection 7.190.2.1.1). 5. A Building Permit (for demolition) is required prior to demolition of the existing building. 6. Immediately upon demolition of the building, the Site must be cleared of all debris. 7. A maximum of 10% of Ground Floor windows along Facades with a main entrance facing Streets or Parking Areas interior to the Site may be covered by non-transparent material. The remainder must be clear, untinted and free from obstruction (Subsection 2.90.6.1.2). 8. Landscaping must be arranged to ensure clear sightlines into Ground Floor storefronts that are visible from a Street (Subsection 2.90.6.1.3).			

Major Development Permit

9. Surface Parking Lots and loading, waste collection, storage, service, and display areas must not be located within a required Setback (Subsection 2.90.6.2).

10. Bike parking must be provided in accordance with Subsection 5.80.8.

11. All mechanical equipment, except for Solar Collectors, must be concealed by screening in a manner compatible with the architectural character of the building or by incorporating it within the building (Subsection 5.120.1.1.2).

12. Outdoor lighting must: be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance; generally be directed downwards, except where directed towards the Site or architectural features located on the Site; be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways; and not interfere with the function of traffic control devices (Subsection 5.120.3).

Transportation Conditions:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into an Agreement with the City for the following improvements:

- a) Removal of the existing approximate 9.4 m wide curb return access to 118 Avenue, located near the west property line, construction monolithic sidewalk, and restoration of the boulevard to grass;
- b) Removal of the existing approximate 7.9 m wide commercial crossing access to 130 Street, located near the north property line, and construction of sidewalk, curb and gutter, and restoration of the boulevard to grass;
- c) Removal of the existing approximate 6.1 m wide commercial crossing access to 130 Street, located near the south property line, and construction of a 9.1 m wide commercial crossing access located approximately 3 m from the south property line, including construction of sidewalk, curb and gutter, and restoration of the boulevard outside of the new access;
- d) Removal/relocation/replacement of one (1) streetlight and street light infrastructure on 130 Street; and
- e) Removal of 1 boulevard tree on the west side of 130 Street and payment of tree compensation.

Please email development.coordination@edmonton.ca to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to Adil Virani (780-496-6037) of the Development Servicing Agreements Unit.

-This Agreement will require a deposit to act as security on this Agreement. The City requires a Security Deposit in the amount of \$117,000.00 to cover 100% of construction costs and 30 % for Engineering Drawing approval. However, based on the City's "GUIDELINES FOR ESTABLISHING SECURITY IN SERVICING AGREEMENT" the amount may be adjusted based upon the owner's previous development history with the City.

-Engineering Drawings are required for the Agreement. The owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the City of Edmonton.

-The applicant must contact Trevor Singbeil of Development Inspections at 780-496-7019 72 hours prior to removal or construction within City road right-of-way.

2. All costs associated with permanent street light installations, relocations, removals or any other related work on street light infrastructure, including street light infrastructure on wood poles, is the responsibility of the developer. An independent lighting submission is required for review and approval in eplan, and post construction documentation is required for review and approval in eplan. To Initiate the Engineering Drawing review process and Servicing Agreement process, please contact Development.Coordination@Edmonton.ca. Refer to the City of Edmonton Road and Walkway Lighting Design Manual for plan submission requirements and post construction documentation requirements.

3. Prior to construction the project must apply for a Public Tree Permit for all trees on City of Edmonton property within 5m of the

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construction site or active haul route. These trees will require tree protection and possibly anti-compaction methods prior to construction as per Public Tree Bylaw 18825. For more information on City of Edmonton Tree Protection, please visit <https://www.edmonton.ca/treep permit> If tree damage occurs, remediation or removal will be enforced and shall be covered by the proponent as per the Corporate Tree Management Policy (C456C) and Public Tree Bylaw 18825. This includes compensation for tree value on full or partial tree loss as well as operational and administrative fees.

If the proponent is requesting tree removal, Forestry may approve the removal with the condition that the tree value is paid by the proponent as compensation for the loss of canopy and that the proponent provides proof that the Community League has been notified of the tree removal request. All costs associated with the removal, replacement or transplanting of trees shall be covered by the Proponent as per the Corporate Tree Management Policy (C456C). Forestry will schedule and carry out all required tree work involved with this project. Please contact 311 to be connected with Urban Forestry to arrange a meeting. This meeting must be scheduled a minimum 4 weeks in advance of the construction start date or use of the lay-down area. All trees must be protected until removal plans are approved and being actively coordinated by the project with Urban Forestry.

The estimated cost for removal of the single Elm along 130 Street as per Corporate Tree Management Policy C456C is \$3,300.00. This includes removal, stump grinding, asset value, provisional hydrovacating fees and administrative fees. This cost is included in the Servicing Agreement.

4. Permanent objects including on-site signage, pavement markings, private curbing etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property and only grass is permitted to be planted within the boulevard.

5. There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <https://utility safety.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.

6. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right of way if required;
- and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

https://www.edmonton.ca/business_economy/osc am-permit-request.aspx

7. Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

EPCOR Conditions:

1. Prior to the release of drawings for Building Permit review (except for Building Permits for demolition, excavation, or shoring), an Infill Fire Protection Assessment (IFPA) conducted by Edmonton Fire Rescue, Fire Protection Engineer, must be completed.

The proposed development must comply with any requirements identified in the IFPA.

Should the IFPA determine that upgrades to the municipal fire protection infrastructure are required, the owner must enter into a Servicing Agreement with the City for construction of those improvements or alternatively the owner can contact EPCOR to explore the option of having EPCOR complete the work at the owner's expense. The Servicing Agreement with the City or EPCOR



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must be entered into prior to the release of drawings for Building Permit review.

2. There is an existing 250mm PVC water main located in the boulevard approximately 0.6m north of the north property line of the subject site. This water main must be protected during construction. Excavation cannot occur closer than 1.8m from the water main to prevent compromising the water main. Contact EPCOR Water Asset Protection at waterdtassetprotection@epcor.com prior to commencing excavation and set up an on-site meeting to confirm the requirements to protect both the water infrastructure and the integrity of the excavation.

3. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 19626 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.

Landscaping Conditions:

1. Landscaping must be installed in accordance with the approved Landscape Plan, and Section 5.60 of Zoning Bylaw 20001, to the satisfaction of the Development Planner.

2. Any change to an approved Landscape Plan requires the approval of the Development Planner prior to the Landscaping being installed.

3. Landscaping must be installed within 12 months of receiving the Final Occupancy Permit. Landscaping must be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Planner.

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

5. 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 Planner must be collected. The Landscape Security must be retained for a period of 24 months from the date of the initial Landscape Inspection.

6. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection must, 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 Planner.

Applicants MUST adhere to the following:

7. All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit. All new installations, above and below ground, within 5m of a City tree require forestry consultation.

8. In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.

The City of Edmonton Public Tree Bylaw: <https://www.edmonton.ca/sites/default/files/public-files/assets/Bylaws/BL18825.pdf?cb=1634287158>

Apply for the Public Tree Permit : <https://www.edmonton.ca/treepermit>



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Drainage Services Conditions:

This advice identifies the development assessments applicable to the property at 13015 - 118 Avenue NW (Plan 1044KS Blk 7 Lot 4A; Inglewood).

Applicable Assessments:

1. Permanent Area Contribution (PAC): Storm and sanitary PACs are not applicable since the property is not in active PAC basins.
2. Expansion Assessment (EA): Expansion Assessment is not applicable since the property is outside the current Expansion Assessment area.
3. Arterial Roadway Assessment (ARA): Arterial Roadway Assessment is not applicable since the property is outside the current ARA Catchment Area.
4. Sanitary Sewer Trunk Charge (SSTC): SSTC applies to the lot in question; however, SSTC charges are being paused until December 31, 2024; therefore SSTC is deferred for this development permit application DP#538554173-002. SSTC may apply at the time of the future application of subdivision, development permit, or servicing connection application. For information purposes, the following SSTC rates are for the year 2024. SSTC rate depends on the type of development (Industrial / Commercial / Institution: \$8,818 per hectare) The SSTC charge should be paid when the development permit or sanitary services connection application is made. Any sewer main extensions required to service the site and any onsite servicing requirements are in addition to the above-noted PAC and SSTC assessments and will be at the developer's cost. Please note that the SSTC rates are subject to adjustment at the end of the year. The final SSTC is based on the prevailing rate when the applicant/owner makes a payment.

Additional Notes:

The above assessment is based on information currently available to our Department. If such information changes, a new assessment may be made. In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage. More information about the above charges can be found on the City of Edmonton's website:

Permanent Area Contributions: https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx

Sanitary Servicing Strategy Expansion Assessment: https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx

Arterial Roadway Assessment: https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadway-assessments.aspx

Sanitary Sewer Trunk Charge: https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx

Subject to the Following Advisements

Zoning Advisements:

1. This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
2. A Building Permit may be required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.
3. Unless otherwise stated, all above references to "section numbers" or "subsection numbers" refer to the authority under the Zoning Bylaw.
4. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

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5. An issued Development Permit means that the proposed development has been reviewed against the provisions of the Zoning 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, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

6. Any proposed change from the original issued Development Permit is subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

7. Signs require separate Development Permit application(s).

8. City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage. A site mechanical plan stamped by a professional engineer showing water and sewer services, stormwater management calculations and the proposed lot grading design must be submitted to EPCOR Infill Water and Sewer Servicing for review. Following EPCOR's review, the grading plan is forwarded to Development Services for final review and approval. New plan submissions can be made via EPCOR's Builder and Developer web portal in My Account. Visit epcor.com/newconnection and click 'ONLINE APPLICATION' for instructions on the plan submission process. The lot must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to lot.grading@edmonton.ca for review and approval.

EPCOR Advisements:

1. The site is currently serviced by 20mm copper service (N35556), located approximately 36.3m west of the west property line of 130 Street in the lane west of 130 street south of 118 Avenue. If this service will not be utilized for the planned development, it must be abandoned back to the water main prior to any on-site excavation. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site including demolition, excavation or grading for direction on the correct process to follow to have the service isolated and meter removed.

1b. The existing service may not be of sufficient size for the proposed development. The owner/applicant must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water supply to the proposed development.

2. EPCOR Water Services Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a professional to complete on-site water distribution design and to ensure the supply will meet plumbing code and supply requirements.

3. A new water service may be constructed for this lot directly off EPCOR's 200 mm water main along the lane west of 130 street or directly off EPCOR's 250 mm water main along 130 Street and 118 Avenue adjacent to the subject site.

4. For information on water and/or sewer servicing requirements, please contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444. EPCOR Strongly encourages all applicants to contact IWASS early in development planning to learn about site specific minimum requirements for onsite water and/or sewer servicing.

4a. For information and to apply for a new water service please go to www.epcor.com/ca/en/ab/edmonton/operations/service-connections.html.

5. For information on service abandonments contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444.

6. For information on metering and inquiries regarding meter settings please contact EPCOR's Water Meter Inspector at EWSinspections@epcor.com or 780-412-3850.

7. The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water



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Dispatch can provide information on the tie-in and commissioning procedure.

8. Hydrant spacing adjacent to the site is 163 m. Hydrant spacing does not meet the requirements based on Volume 4 of the City of Edmonton Design and Construction Standards. Edmonton Fire Rescue Services Engineering must be contacted to assess if Fire Protection of this site is adequate via Infill Fire Protection Assessment (IFPA).

9. Development engineering drawings including landscaping and hardscaping must meet Volume 1 (Table of Minimum Offsets) and Volume 4 (April 2021) of the City of Edmonton Design and Construction Standards.

10. Dimensions must be provided as part of the engineering drawing submission package where a tree or shrub bed is installed within 5.0m of a valve, hydrant or curb cock, as per 1.6.1.3 of City of Edmonton Design and Construction Standards Volume 4 (April 2021).

11. The applicant/owner will be responsible for all costs related to any modifications or additions to the existing municipal water infrastructure required by this application.

12. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

13. The advisements and conditions provided in this response are firm and cannot be altered.

Should you require any additional information, please contact Mackenzie Reeves at MReeves@epcor.com.

Fire Rescue Services Advisements:

Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advisements for your implementation and information.

The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be accepted in writing by the fire department and the authority having jurisdiction. Edmonton Fire Rescue Services will review your plan at the initial construction site safety inspection upon commencement of construction.

Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan

Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).

A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).

You can locate a copy of the FSP guide for your reference here:

<https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771>

Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction.


Reference: NFC(2019-AE) 5.6.3.6. Hydrant Access

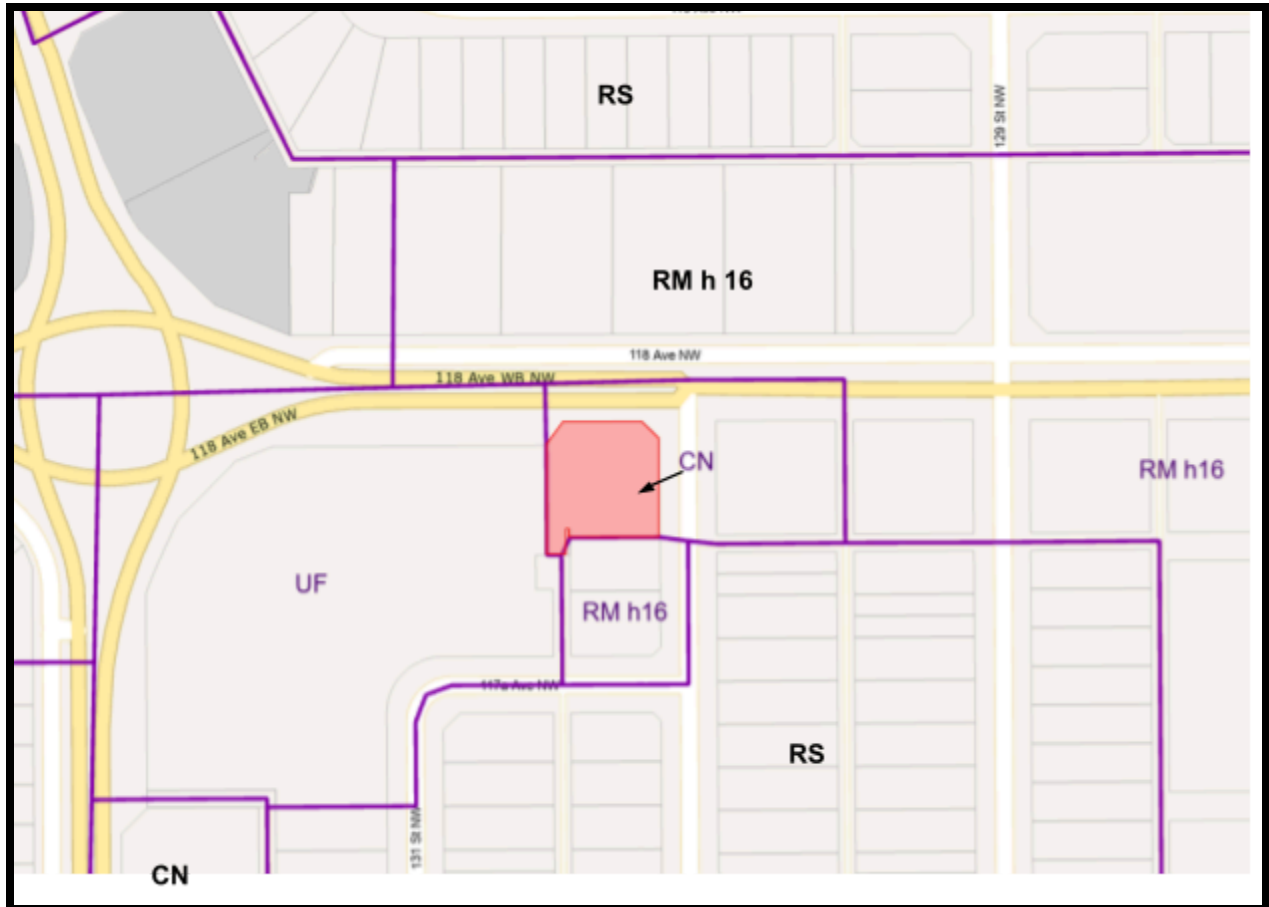
- 1) Hydrants on construction, alteration, or demolition site shall
 - a) be clearly marked with a sign,
 - b) be accessible, and
 - c) have an unobstructed clearance of not less than 2 m at all times.

Ensure that emergency access route/fire lane signage is posted as per the NFC(2019-AE) 2.5.1.5 (2)

Reference: 2.5.1.5. Maintenance of Fire Department Access

- 2) Vehicles shall not be parked to obstruct access by fire department vehicles and signs shall be posted prohibiting such parking.

	<div style="text-align: right;"> Project Number: 538554173-002 Application Date: NOV 06, 2024 Printed: March 25, 2025 at 12:12 PM Page: 8 of 8 </div> <div style="text-align: center; margin-top: 20px;"> <h2 style="margin: 0;">Major Development Permit</h2> </div>																																			
<p>Kind regards, William Heng FSCO Group B, Level II</p> <p>Please send ALL FRS DP review inquiries to cmsfpts@edmonton.ca</p> <p>Variances Drive Aisle Landscaped Setback - A 3.0m landscaped setback is provided between the drive-though drive aisle and the south property line instead of a 7.5m landscaped setback (Subsection 6.110.9.1 and 6.110.9.3).</p> <p>Rights of Appeal This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p> <p>Notice Period Begins: Apr 01, 2025 Ends: Apr 22, 2025</p>																																				
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 20%; text-align: left;">Receipt #</th> <th style="width: 15%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$480.00</td> <td style="text-align: right;">\$480.00</td> <td>09407586</td> <td>Feb 07, 2025</td> </tr> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$1,170.00</td> <td style="text-align: right;">\$1,170.00</td> <td>027081001001509</td> <td>Dec 09, 2024</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$550.00</td> <td style="text-align: right;">\$550.00</td> <td>09407586</td> <td>Feb 07, 2025</td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: right;">\$292.50</td> <td style="text-align: right;">\$292.50</td> <td>09407586</td> <td>Feb 07, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$2,492.50</td> <td style="text-align: right; border-top: 1px solid black;">\$2,492.50</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Lot Grading Fee	\$480.00	\$480.00	09407586	Feb 07, 2025	Major Dev. Application Fee	\$1,170.00	\$1,170.00	027081001001509	Dec 09, 2024	Development Permit Inspection Fee	\$550.00	\$550.00	09407586	Feb 07, 2025	Variance Fee	\$292.50	\$292.50	09407586	Feb 07, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$2,492.50	\$2,492.50		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-071

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