

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.

May 29, 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-25-075	To construct exterior alterations to a Residential Use building (Driveway extension, 1.20m x 7.65m) 9508 - 144 Avenue NW Project No.: 533102364-002
II	10:00 A.M.	SDAB-D-25-076	Acquire a Development Permit for the Secondary Suites and exterior alterations; OR Dismantle the Secondary Suites and exterior alterations 11511 - 114 Avenue NW Project No.: 220883141-001
III	1:30 P.M.	SDAB-D-25-077	To construct a Residential Use building in the form of a 4 Dwelling Row House with unenclosed front porches, 4 Secondary Suites and to demolish a Residential Use building (Single Detached House) and an Accessory building (detached Garage) 6921 - 97 Avenue NW Project No.: 525598048-002

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-25-075

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 533102364-002

APPLICATION TO: To construct exterior alterations to a Residential Use building (Driveway extension, 1.20m x 7.65m).

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 23, 2025

DATE OF APPEAL: May 5, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9508 - 144 Avenue NW

LEGAL DESCRIPTION: Plan 2547RS Blk 22 Lot 15

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northwest District Plan

<i>Grounds for Appeal</i>

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

A flower garden was replaced with a small sidewalk as space and direct access to the back of the house was needed. The residents are 90 y/o and 76 y/o. Mobility has become an issue. They also have a handicap tag for their car.

<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 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale 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.

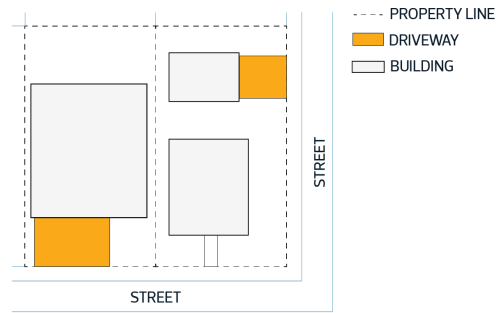
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

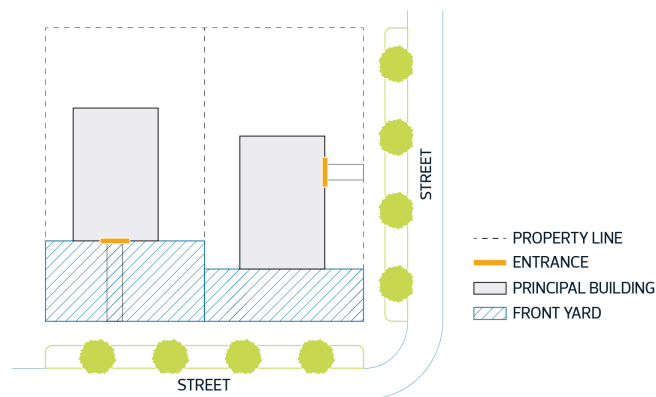
Under section 8.20, **Driveway** means:

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.



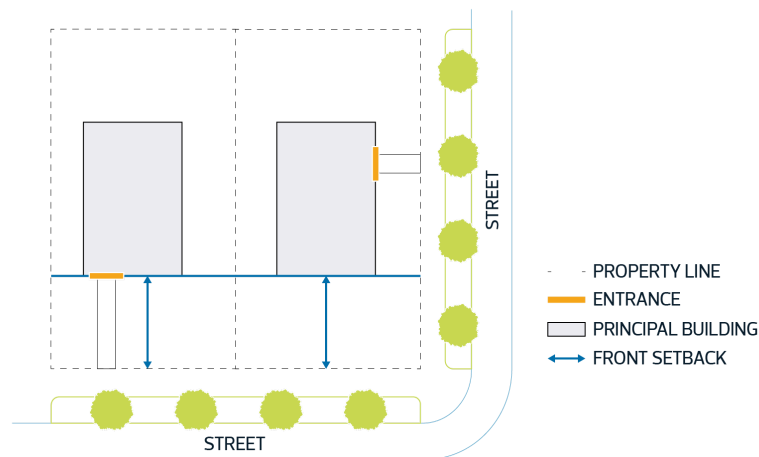
Under section 8.20, **Front Yard** means:

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:

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 “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 **RS - Small Scale 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. 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.

Development Planner's Determination

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

Proposed: Driveway extensions do not lead to a Garage.

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

Proposed: Driveway extensions are located within the Front Yard

[unedited]

<i>RS - Small Scale Residential Zone - General Regulations</i>

Section 2.10.6.1 states "Vehicle access must be from an Alley where a Site Abuts an Alley."

Development Planner's Determination

3. Access - Vehicle access must be from an Alley where a Site Abuts an Alley (Subsection 2.10.6.1)


Proposed: The access if from the front instead of the Alley.

[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.

	Application for Driveway Extension Permit				Project Number: 533102364-002 Application Date: OCT 03, 2024 Printed: April 23, 2025 at 9:37 AM 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) 9508 - 144 AVENUE NW Plan 2547RS Blk 22 Lot 15													
	Location(s) of Work Suite: 9508 - 144 AVENUE NW Entryway: 9508 - 144 AVENUE NW Building: 9508 - 144 AVENUE NW													
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension, 1.20m x 7.65m).														
Details <table border="0" style="width: 100%;"><tr><td style="width: 50%;">Development Category: Discretionary Development Site Area (sq. m.): 612.99</td><td style="width: 50%;">Overlay: Statutory Plan:</td></tr></table>					Development Category: Discretionary Development Site Area (sq. m.): 612.99	Overlay: Statutory Plan:								
Development Category: Discretionary Development Site Area (sq. m.): 612.99	Overlay: Statutory Plan:													
Development Application Decision Refused Issue Date: Apr 23, 2025 Development Authority: SELTZ, AARON Reason for Refusal 1. Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area (Subsection 5.80.2.1.3.) Proposed: Driveway extensions do not lead to a Garage. 2. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Subsection 5.80.2.1.5.1.). Proposed: Driveway extensions are located within the Front Yard 3. Access - Vehicle access must be from an Alley where a Site Abuts an Alley (Subsection 2.10.6.1) Proposed: The access if from the front instead of the Alley. 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 <table border="0" style="width: 100%;"><thead><tr><th></th><th>Fee Amount</th><th>Amount Paid</th><th>Receipt #</th><th>Date Paid</th></tr></thead><tbody><tr><td>Development Application Fee</td><td>\$185.00</td><td>\$185.00</td><td>057914001001502</td><td>Oct 03, 2024</td></tr></tbody></table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$185.00	\$185.00	057914001001502	Oct 03, 2024
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Development Application Fee	\$185.00	\$185.00	057914001001502	Oct 03, 2024										
THIS IS NOT A PERMIT														



Project Number: **533102364-002**

Application Date: OCT 03, 2024

Printed: April 23, 2025 at 9:37 AM

Page: 2 of 2

Application for

Driveway Extension Permit

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$185.00	\$185.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-25-075

ITEM II: 10:00 A.M.

FILE: SDAB-D-25-076

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE
OFFICER

APPELLANT:

APPLICATION NO.: 220883141-001

ORDER TO: 1. Acquire a Development Permit for the Secondary
Suites and exterior alterations; OR 2. Dismantle the
Secondary Suites and exterior alterations.

DECISION OF THE
DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: April 15, 2025

DATE OF APPEAL: May 4, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11511 - 114 Avenue NW

LEGAL DESCRIPTION: Plan 3453HW Blk 15A Lot 22

ZONE: RS - Small Scale Residential 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:

Alleged bylaw infractions: The order # 220883141 requires the owner to dismantle the upstairs suite(s) and remove a door central to the stairway on

the front of the house as well as remove and decommission the basement suite. We appeal these apparent bylaw infractions as it is incongruent that the suites and doors were not part and parcel of original building and basement development permits. 1. There is strong evidence that the two front doors¹ have existed since the home was built and were an integral part of the home design and construction. This would have been listed on the existing blueprints and details however they are no longer available so we have to rely on the existing on-site evidence. a. Both the front doors and trims are identical and match the rest of the home², which is constructed from ribbon Philippine mahogany, typical of 1950s period. All have been stained the same exact color matching the rest of the interior. This wood was phased out in the early 60s and replaced with oak and more available woods. Any mahogany used after the 1950s was largely from African countries and was much harder and darker. The interior door trim is atypical and likely unique to one supplier. It would be extremely difficult if not impossible to match the doors, trims, and stain color if the second door on the front of the house was added at a later date. Even if the exact species of wood, trims, and stain color was applied the varnish used in the 1950s yellows with age so the color of the doors would not match. b. The exterior stairs, sidewalk and landing is centered between the two exterior doors and obviously designed and built for two exterior doors.¹ c. The brick surrounding the two doors is typical of the 1950s³ and when examining the way the brick was applied it is obvious that the brick was applied first surrounding both doors and then the stucco was applied and joined to the brick afterwards⁴ in a typical construction method. Adding a second door after the stucco would require cutting the stucco and then fitting the brick to the stucco which would create a caulked or filled joint between the two finishes, which is not the case here. Given the preceding evidence it has to be concluded that the two doors were part of the original home design and would have been inspected and approved before the initial occupancy permit was issued. To now remove one of the two doors would be unreasonable, and unsightly. From looking at the home and these details it is obvious that the studio suite above the garage was designed and built as a separate suite from conception through construction. To force us to reapply for another development permit for something that was approved in 1957 is also unreasonable. 1Reference Picture 1 of picture attachments 2Reference Pictures 2,3,4,5 of picture attachments 3Reference Picture 7 of picture attachments 4Reference Picture 6 of picture attachments 2. The initial basement development was permitted in 1958 and although it is now impossible to tell if the initial basement layout was not renovated and reconfigured at a later date, the home was purchased over 30 years ago from the previous owner with the basement suite in place. The home was operated with multiple units under the City of Edmonton Safe Housing Program and is classed as "Other Residential" for tax purposes indicating it has multiple dwelling units on a single title. The house was also designed and built with a separate entrance to the basement as well as larger windows to accommodate a separate suite. At this time it is uncertain as to what the intent of these requested changes are: If the

reason for this Order is that the home was not ever approved for multiple units, then we would ask why was it originally designed, built, and inspected as a multiple unit home in the first place and why are we now being asked to change the design of a home that was initially inspected and approved over 67 years ago? If the reason for the Order is the home breaches safety codes laid out both when the home was built, as well as incremental updates to codes not eligible to be grandfathered, then we are in full agreement with this intent of the order and we would ask to see a list of safety violations so we can correct them. It is my understanding that the intent of building codes, bylaws, along with permits and inspections is to provide safe housing, and any orders to comply with the act needs to be done fairly and reasonably. We therefore request that this order be re-examined and revised to show a list of safety infractions so we can work collaboratively with the City to provide safe accommodations within this home.

<p><i>General Matters</i></p>

Appeal Information:

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

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

(3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.

Permit

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

Grounds for Appeal

685(1) If a development authority

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

the person applying for the permit or affected by the order under section 645 may appeal 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.

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

General Provisions from the Zoning Bylaw 20001:

Under section 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

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

a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

Section 2.10.1 states that the **Purpose** of the **RS - Small Scale 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. Limited opportunities for community and commercial development are permitted to provide services to local residents.

7.110 Approvals Required and Development Categories

Section 7.110.1 states:

1. Approval Required for Development

1.1. No person may:

1.1.1. undertake, or cause or allow to be undertaken, a development; or

1.1.2. carry on, or cause or allow to be carried on, a development,

without a Development Permit issued under this Section.

7.200 Inspections, Enforcement and Penalties

Section 7.200.2.2 states:

2. General Offences

2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:

2.2.1. construct a building or structure;

2.2.2. make an addition or alteration to a building or structure;

2.2.3. commence or undertake a Use or change of intensity of Use; or

2.2.4. place a Sign on land, or on a building or structure.

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.



10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



April 15, 2025

Our File: 220883141-001

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir / Madam:

An Alberta Land Titles search identifies Marlene SKALEY as the registered owner of the property located at 11511 - 114 AVENUE NW in Edmonton, Alberta, legally described as Plan 3453HW Blk 15A Lot 22. This property is zoned RS - Small Scale Residential Zone in accordance with Section 2.10 of Edmonton Zoning Bylaw 20001.

This Property was inspected by Development Compliance Officer Brendan Bolstad on April 8, 2025. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

Our investigation revealed that the following Developments have been constructed without Development Permits, contrary to Subsections 7.110.1 and 7.200.2.2 of Edmonton Zoning Bylaw 20001, and Section 683 of the Municipal Government Act:

1. **Exterior alterations** - second entrance at the front of the house facing 114 Avenue.
2. **Secondary suites** - one suite is developed on the second floor and the other is in the basement.

(continued on the following pages)



City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance & Inquiries Unit

10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



Subsection 7.110.1 of Edmonton Zoning Bylaw 20001 states:

Approval Required for Development

1.1. No person may:

- 1.1.1. undertake, or cause or allow to be undertaken, a development; OR
- 1.1.2. carry on, or cause or allow to be carried on, a development, without a Development Permit issued under this Section.

Subsection 7.200.2.2 of Edmonton Zoning Bylaw 20001 states:

2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:

- 2.2.1. construct a building or structure;
- 2.2.2. make an addition or alteration to a building or structure;
- 2.2.3. commence or undertake a Use or change of intensity of Use; or
- 2.2.4. place a Sign on land, or on a building or structure.

Secondary Suite means:

Secondary Suite means a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing or Row Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete one of the following options by **July 2, 2025**:

1. Acquire a Development Permit for the Secondary Suites and exterior alterations;
- OR
2. Dismantle the Secondary Suites and exterior alterations. The following actions must be completed:
 - A. Remove one of the front entrance doors facing 114 Avenue on the north side of the house. Replace the exterior wall and use finishing materials similar to, or better than, the standard of surrounding developments.



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- B. Remove any physical separation between the upper and lower living areas to create free flow access between floors. Specifically:
 - i. Remove the door, hinges and jamb separating the main floor from the stairs to the second floor.
 - ii. Remove both doors, hinges & jambs from the basement secondary suite entrance.
 - iii. Remove the locks from the door at the back of the kitchen leading to the basement stairs.
- C. Remove all cooking facilities from the basement and second floor, including stoves and any other small cooking appliances.
- D. Disconnect and remove the 220 volt electrical outlet in the basement kitchen area; disconnect and remove the associated breaker from the electrical panel.
- E. Complete a decommission inspection. You may schedule a decommission inspection by contacting Development Compliance by phone at 780-405-6284 or email at brendan.bolstad@edmonton.ca.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after **July 2, 2025** to determine compliance with this Order.

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

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within **21 calendar days** to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, RSA 2000, c M-26, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.



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PERMIT APPLICATIONS:

Secondary suite permit application information can be found online at:

https://www.edmonton.ca/residential_neighbourhoods/secondary-suites

https://www.edmonton.ca/residential_neighbourhoods/residential-construction

You can make a permit application online at selfserve.edmonton.ca.

For more information related to obtaining a Development Permit, we suggest you consult a technical advisor at:

Email: developmentpermits@edmonton.ca

Phone: 780-442-5054

If you have any questions in regards to this matter, please contact the writer.

Regards,

Brendan Bolstad
Development Compliance Officer
780-405-6284
brendan.bolstad@edmonton.ca



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Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35; (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.
- (2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount
 - (a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and
 - (b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).



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(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

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

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

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Permit

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

Grounds for appeal

685(1) If a development authority

(a) fails or refuses to issue a development permit to a person,

(b) issues a development permit subject to conditions, or

(c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.



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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).

(2.1) An appeal referred to in subsection (1) or (2) may be made

(a) to the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii), or

(b) in all other cases, to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Appeals

686(1) A development appeal 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



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(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.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or (b)

the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



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Subdivision and Development Appeal Board

File your appeal online at:

<https://sdab.edmonton.ca>

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by a decision of the Development Authority under the Zoning Bylaw and the Subdivision Authority under the Subdivision Authority Bylaw. The board is appointed by City Council and consists of citizens living in the city of Edmonton.

The SDAB normally meets every Wednesday and Thursday. If required, the Board may set additional dates for hearings.

Once you have met requirements and filed a proper appeal, this Board presides over your hearing.

The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

Agendas listing appeals and hearing times scheduled for that day are posted in the hearing waiting area. Hearings do not start before the time listed on the schedule.

For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079

Fax 780-577-3537

Email sdab@edmonton.ca



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Site photographs



Interior door, hinges & jamb must be removed



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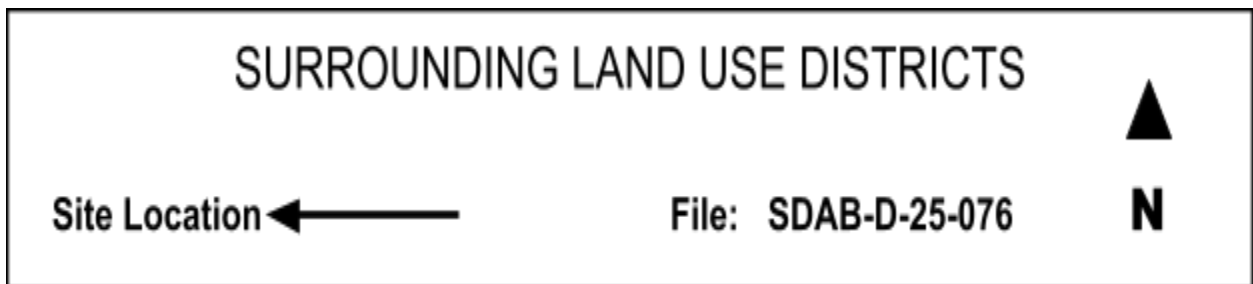
Site photographs continued:



**Remove
both doors,
hinges &
jambs**



**Cooking facilities
must be removed**



ITEM III: 1:30 P.M.

FILE: SDAB-D-25-077

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 525598048-002

APPLICATION TO: To construct a Residential Use building in the form of a 4 Dwelling Row House with unenclosed front porches, 4 Secondary Suites and to demolish a Residential Use building (Single Detached House) and an Accessory building (detached Garage).

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: November 20, 2024

DATE OF APPEAL: May 1, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 6921 - 97 Avenue NW

LEGAL DESCRIPTION: Plan 6083KS Blk 15 Lot 1

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Southeast District Plan

<i>Grounds for Appeal</i>

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

The 8 suite unit is going to negatively impact the parking in the neighbourhood as there will be no supplied parking on site for the development. there could be upwards of 16 vehicles associated with the unit. there will be 16 more garbage bins in the area, again with no on site storage for them which could result in garbage being strewn in the area,. the height of the building (3story) does not fit well in a neighbourhood with mainly one storey homes, it will detract from the beauty of the area. It will be also add extra stress on a 60 year old sewer, water and electrical system.

<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 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

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

a building that contains 3 or more principal Dwellings joined in whole or in part at the side, the rear, or the side and the rear, with none of the principal Dwellings being placed over another. Each principal Dwelling has separate, individual, and direct access to ground level.

Under section 8.20, **Secondary Suite** means:

a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside

the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.20, **Dwelling** means:


a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.


Section 2.10.1 states that the **Purpose** of the **RS - Small Scale 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. Limited opportunities for community and commercial development are permitted to provide services to local residents.

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: 525598048-002 Application Date: AUG 08, 2024 Printed: November 20, 2024 at 4:03 PM Page: 1 of 9	
		<h2>Minor 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) 6921 - 97 AVENUE NW Plan 6083KS Blk 15 Lot 1	
		Specific Address(es) Suite: 6921 - 97 AVENUE NW Suite: 6923 - 97 AVENUE NW Suite: 6925 - 97 AVENUE NW Suite: 6927 - 97 AVENUE NW Suite: MNFL, 6921 - 97 AVENUE NW Suite: MNFL, 6923 - 97 AVENUE NW Suite: MNFL, 6925 - 97 AVENUE NW Suite: MNFL, 6927 - 97 AVENUE NW Entryway: 6921 - 97 AVENUE NW Entryway: 6923 - 97 AVENUE NW Entryway: 6925 - 97 AVENUE NW Entryway: 6927 - 97 AVENUE NW Building: 6921 - 97 AVENUE NW	
Scope of Permit To construct a Residential Use building in the form of a 4 Dwelling Row House with unenclosed front porches, 4 Secondary Suites and to demolish a Residential Use building (Single Detached House) and an Accessory building (detached Garage).			
Details			
1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping		2. Number of Principal Dwelling Units To Construct: 4 4. Number of Secondary Suite Dwelling Units to Construct: 4 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Permitted Development	
Development Permit Decision Approved Issue Date: Nov 20, 2024 Development Authority: ZENG, KATHY Subject to the Following Conditions: ZONING A) ZONING CONDITIONS: 1. This Development Permit authorizes the construction of a Residential Use building in the form of a 4 Dwelling Row House with unenclosed front porches, 4 Secondary Suites and to demolish a Residential Use building (Single Detached House) and an Accessory building (detached Garage). 2. The development must be demolished and constructed in accordance with the approved drawings.			

	<div>Project Number: 525598048-002 Application Date: AUG 08, 2024 Printed: November 20, 2024 at 4:02 PM Page: 2 of 9</div>
<div>Minor Development Permit</div>	
<div><div><div><div>3. WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a Development Permit Notification Sign (Subsection 7.160.2.2).</div><div>4. Landscaping must be installed and maintained in accordance with Section 5.60.</div><div>5. A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided (Subsection 5.60.3.2).</div><div>6. Pathway(s) connecting the main entrance of the principal Dwelling directly to an Abutting sidewalk or to a Driveway must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).</div><div>7. The Secondary Suite must have a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building (Section 8.20).</div><div>8. The Secondary Suite must have less Floor Area than the principal Dwelling (Section 8.20).</div><div>9. The Secondary Suite must not be separated from the principal Dwelling by a condominium conversion or subdivision (Section 8.20).</div><div>10. Screening must be provided for the waste collection area, to the satisfaction of the Development Planner (Subsection 5.120.4.1.5)</div><div>11. 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).</div><div>12. A Building Permit (for demolition) is required prior to demolition of the existing building.</div><div>13. Immediately upon demolition of the building, the Site must be cleared of all debris.</div></div><div>B) TRANSPORTATION CONDITIONS:</div><div><div>1. The existing approximate 3.20 m wide private driveway access to 97 Avenue located approximately 2.3 m from the west property line, must be removed with reconstruction of the curb, gutter, sidewalk and restoration of the grassed boulevard to the north property line within the road right-of-way to the City of Edmonton Complete Streets Design and Construction Standards. The owner/applicant must obtain a Permit to remove and fill in the access, available from Development Services, developmentpermits@edmonton.ca.</div><div>2. The existing sidewalk connection and concrete steps to the City sidewalk on 97 Avenue must be removed from the back of the City sidewalk.</div><div>3. Access is proposed to the alley and does not require a crossing permit. The area between the west property line and the alley driving surface must be hard surfaced to the satisfaction of Subdivision and Development Coordination.</div><div>4. A Public Tree Permit will be required for any boulevard trees within 5 meters of the site; trees must be protected during construction as per the Public Tree Bylaw 18825. If tree damage occurs, all tree related costs will be covered by the proponent as per the Corporate Tree Management Policy (C456C). This includes compensation for tree value on full or partial tree loss as well as all operational and administrative fees. The owner/applicant must contact City Operations, Parks and Roads Services at citytrees@edmonton.ca to arrange any clearance pruning or root cutting prior to construction.</div></div></div></div>	

Minor Development Permit

5. Permanent objects including retaining walls, concrete steps, railings, planters, 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.

6. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <https://utilitiesafety.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.

7. Any alley, sidewalk and 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. The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction of the access.

8. 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/oscam-permit-request.aspx

C) LANDSCAPING CONDITIONS:

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.

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

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.

D) EPCOR WATER CONDITIONS:

1. Edmonton Fire Rescue Services (EFRS) has reviewed the existing on-street firefighting water supply features and building details for the titled lot(s) under the subject application. The following assessment is provided.

In accordance with City of Edmonton Design and Construction Standard Volume 4: Water, municipal hydrants serving the subject site are required to be spaced at a maximum distance of 150 m from one another, the intent of which is to ensure sufficient resources for firefighting. EPCOR Water has identified a hydrant spacing exceeding 150 m adjacent to the site.

Applying the Fire Underwriters Survey Methodology, EFRS has calculated a required fire flow of 100 L/s for the development on site. Hydraulic modeling information provided by EPCOR Water has indicated that the nearest hydrants (H3699 and H3700) have sufficient residual pressure to supply the required fire flow to fire apparatus staged in proximity to the site. As a result, the existing water infrastructure provides sufficient capacity and availability such that new hydrants or water mains would not provide any additional operational benefit to EFRS for this site.

In conclusion, the subject site is functionally compliant with the municipal standards for hydrant spacing. Therefore, upgrades to

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existing municipal on-street fire protection infrastructure are not required to support this Development Permit application.

Please note that the scope of this assessment is limited to the on-street fire protection requirements within the municipal water standard (Volume 4) and does not directly address any regulatory requirements under the National Building Code - Alberta Edition.

2. 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.

ADVISEMENTS:

A) ZONING ADVISEMENTS:

Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw.

An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

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.

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.

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.

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.

Signs require separate Development Permit application(s).

B) EPCOR WATER ADVISEMENTS:

1. The site is currently serviced by a 20 mm copper water service (S23026) located 8.8 m south of the south property line of 97

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Avenue off of 69A Street. 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.

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.

3. A new water service may be constructed for this lot directly off EPCOR's 200 mm water main along 69A Street adjacent to the subject site.

4. For information and to apply for a new water service please go to epcor.com/newconnections.

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

8. If the intent is to develop separate lots, we require that water servicing to the property be provided such that each lot is serviced with individual and separate water services provided directly to the lots from EPCOR's water main. In reference to our Terms of Service, water services cannot extend from one property to another. A Detailed Servicing Plan is will be required by EPCOR Infill Water and Sewer Servicing (IWASS) at service Application.

8a. Refer to the City of Edmonton Design and Construction Standards, Volume 4, Water Service Requirements drawings WA-005-11a and WA005-11b for permitted water service configurations.

9. Hydrant spacing adjacent to the site is 105 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).

10. In 2022 the Infill Fire Protection Program was initiated to fund water infrastructure upgrades required to meet municipal fire protection standards within core, mature and established neighbourhoods. The program will consider "missing middle" housing forms, mixed use and smaller scale commercial-only developments. EPCOR Water encourages interested applicants to go to the program website for more information and updates (<https://www.epcor.com/products-services/water/water-service-new-developments/Pages/infill-cost-share-progam.aspx>).

10a. Please note that being accepted for consideration in the program does not guarantee funding will be granted, as each application will be weighed against a set of criteria.

10b. The next cutoff date for the 2025 construction season September 27, 2024.

10c. An Infill Fire Protection Assessment (IFPA) is required to be considered for funding.

11. 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.

12. 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).



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13. 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.

14. 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.

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

Should you require any additional information, please contact Sarah Chileen at schileen@epcor.com.

C) WASTE SERVICES ADVISEMENT:

1. Waste Services has reviewed the proposed plan (PLOT PLAN and dated 07/08/24) and has no concerns to identify during this review.

2. This review is based on Waste Services' current standards and practices and expires with the expiry of the Development Permit.

3. Development standards are being updated to reflect coming changes to the Apartment and Condo collection program: By 2027, all properties (new and existing) that receive Communal Collection will be required to have equally accessible disposal locations for food scraps, recycling and garbage. It is required to plan for a waste disposal and service location that can accommodate three streams of waste. Waste Services can help with this planning process.

4. Please visit edmonton.ca/apartmentandcondocollection for detailed information for developers.

5. Additional information about waste service at your proposed development:

Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.

To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:

Access to containers and removal of obstructions.

Container set out, and

The responsibility for wear and tear or damages.

This property with 8 units would receive Curbside Collection. The City will provide each unit with two carts, for a total of 16 carts; one for garbage and one for food scraps. Residents would use blue bags for recycling. An exemption has been granted to reduce the required spacing to 0.5 m between carts while maintaining 1.0 m spacing between carts and any other objects such as vehicles, fences, etc. for this development.

Secondary suites have the opportunity to join the cart sharing program. If desired, account holders can submit an application on edmonton.ca. This could reduce the total number of carts for the property from 16 to 8.

Commercial units must have their own waste containers, separate storage area, and must be serviced by a private waste collection company.


For developments with rear lanes, waste will only be collected from the rear lane for all units in the development. It is the responsibility of the applicant or owner to ensure residents have access to the rear lane for waste set out.

If you require any further clarifications, please contact us.

D) FIRE RESCUE SERVICES ADVISEMENTS:

1. 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.

2. The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be

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<p>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</p> <p>3. 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).</p> <p>4. 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).</p> <p>5. 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</p> <p>6. Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction. Reference: NFC(2023-AE) 5.6.3.6. Hydrant Access</p> <p>1) Hydrants on construction, alteration, or demolition site shall</p> <ol style="list-style-type: none"> be clearly marked with a sign, be accessible, and have an unobstructed clearance of not less than 2 m at all times. <p>7. Edmonton Fire Rescue Services Access Guidelines specify that the unobstructed travel path (measured from a fire department vehicle to the entry of the building/unit) must be a minimum 0.9m of clear width (gates must be non-locking) and no greater than 45m. in distance. https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/B19-04_Small_Building_Access_Policy.pdf?cb=1632115800</p> <p>8. The path must be of a hard surface such as a sidewalk that is accessible in all climate conditions. Soft surfaces such as grass or landscaped areas will not be considered.</p> <p>9. During Construction To meet the requirements of the National Fire Code — 2019 Alberta Edition, Sentence 5.6.1.2.(1), protection of adjacent properties during construction must be considered. https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const Reference: NFC(2019-AE) 5.6.1.2 Protection of Adjacent Building</p> <p>1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations.</p> <p>10. Reference: Protection of Adjacent Building- STANDATA - Joint fire/building code interpretation: Protection of Adjacent Buildings During Construction and Demolition https://open.alberta.ca/dataset/4ac126d2-ccb2-455d-b215-7bcb75827924/resource/27dc6f1b-2bbe-451b-8a3f-618013413608/download/ma-standata-interpretation-fire-building-19-fci-005-19-bci-016.pdf</p>	
<p>E) DRAINAGE ADVISEMENTS:</p>	
<p>1. The Development Servicing Agreements unit of City Planning has no objection to the captioned Development Permit for the property located at 6907 - 97 AVENUE NW(Plan 6083KS Blk 15 Lot 1;Ottewell), subject to the following conditions:</p>	
<p>APPLICABLE ASSESSMENTS</p>	
<p>CONDITIONS</p>	

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Development Assessments

APPLICABLE ASSESSMENTS

Permanent Area Contribution (PAC)

Storm and Sanitary PACs are not applicable since the property is not within any active PAC basin.

Expansion Assessment (EA)

Expansion Assessment is not applicable since the property is outside the current Expansion Assessment Area.

Arterial Roadway Assessment (ARA)

Arterial Roadway Assessment is not applicable since the property is outside the current ARA Catchment Area.

Sanitary Sewer Trunk Charge (SSTC)

SSTC is applicable to the lot in question; however SSTC charges are being paused until December 31, 2024; therefore SSTC is deferred for this development permit application.

SSTC may apply at the time of the future application of subdivision, development permit or servicing connection application.

2. For information purposes, the following SSTC rates are for the year 2024. SSTC rate depends on the type of development:

- 1 – Industrial / Commercial / Institution: \$8,818 per hectare
- 2 – One or two Dwelling Residential (no secondary, garden or garage suite): \$1,764 per dwelling
- 3 – Two Dwellings Residential (one secondary, garden or garage suite): \$1,764 per dwelling
for secondary garden or garage suite \$781
- 4 – Multi-Family Residential: \$1,259 per dwelling

The SSTC charge should be paid when the development permit application is made or when a sanitary services connection is applied.

3. 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.

4. 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 at the time the applicant/owner makes payment.

5. Additional Notes

The above assessment is made based on information currently available to our Department. Should such information change in the future, 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.

There may also be additional payments required in the form of overexpenditures (which would be recoverable), boundary conditions, Boundary assessment and oversizing payments which can only be determined at the time the applicant/owner is ready to enter into a servicing agreement and make payment.

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

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https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx				
F) TRANSPORTATION ADVISEMENTS:				
1. Building Great Neighbourhoods is conducting neighbourhood renewal in Ottewell for the 2025 construction season. Removal of the existing access to 97 Avenue should be coordinated with the renewal project. Subdivision Planning recommends that the owner/applicant contact Andrew Trinidad of Building Great Neighbourhoods at Andrew.Trinidad@edmonton.ca or 780-496-4055 to coordinate this work on road right-of-way.				
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.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$1,000.00	\$1,000.00	040108001001797	Aug 09, 2024
Lot Grading Fee	\$480.00	\$480.00	040108001001797	Aug 09, 2024
Development Permit Inspection Fee	\$550.00	\$550.00	040108001001797	Aug 09, 2024
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,030.00</u>	<u>\$2,030.00</u>		

