

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
July 7, 2016**

**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-16-161	Construct a Semi-Detached House with front veranda, Basement development (NOT to be used as an additional Dwelling) and demolition of an existing Single Detached House and Accessory Building.  11933 - 47 Street NW Project No.: 221419935-001
---	-----------	---------------	---

---

II	1:30 P.M.	SDAB-D-16-163	Change the use from Business Support Services to Minor Alcohol Sales and Professional, Financial and Office Support Services and to construct interior alterations  10164 - 96 Street NW Project No.: 185136522-001
----	-----------	---------------	--

---

**NOTE:**            *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-161

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 221419935-001

ADDRESS OF APPELLANT: 11933 - 47 Street NW

APPLICATION TO: Construct a Semi-Detached House with front veranda, Basement development (NOT to be used as an additional Dwelling) and demolition of an existing Single Detached House and Accessory Building.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 2, 2016

DATE OF APPEAL: June 9, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11933 - 47 Street NW

LEGAL DESCRIPTION: Plan 4347HW Blk 12 Lot 12

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

---

***Grounds for Appeal***

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

I have spoken with my neighbors and they have no objection to us building a duplex at this site. Also have noted a lot of duplexes across the street from my property and have pictures also. I feel that with all my neighbors support and the duplexes across the street that I should be allowed to build on my property also. [unedited]

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Officer is dated June 2, 2016. The Notice of Appeal was filed on June 9, 2016.

**Determining an Appeal**

**Hearing and decision**

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

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

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

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.3(10), **Semi-detached Housing** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.2(8) states:

**Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the

streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

***Locational Criteria***

Section 110.4(4) provides as follows:

4. Semi-detached Housing and Duplex Housing shall only be located:
  - a. on Corner Sites;
  - b. on Sites abutting an arterial or service road;
  - c. where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or
  - d. where a minimum of one Side Lot Line:
    - i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use, or
    - ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 m wide.

**Development Officer's Determination**

The Development Officer referenced Section 110.4(4) and made the following determination:

The property is not a corner site.  
The site abuts 47 Street NW, which is not an arterial or service road.  
The site abuts a Single Detached House on both sides.  
All sites abutting and across the street from this site are zoned RF1, where Row Housing, Apartment Housing and commercial uses are neither a Permitted nor Discretionary use.



The site does not meet any of the locational criteria for Semi-detached Housing in Section 110.4.4 of the Zoning Bylaw. [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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

---

	Project Number: <b>221419935-001</b> Application Date: MAY 10, 2016 Printed: June 23, 2016 at 10:03 AM Page: 1 of 2		
<h2>Application for Minor Development Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
<p><b>Applicant</b></p> 	<p><b>Property Address(es) and Legal Description(s)</b>          11933 - 47 STREET NW          Plan 4347HW Blk 12 Lot 12</p> <hr/> <p><b>Specific Address(es)</b>          Entryway: 11933 - 47 STREET NW          Entryway: 11935 - 47 STREET NW          Building: 11933 - 47 STREET NW</p>		
<p><b>Scope of Application</b>          To construct a Semi-Detached House with front veranda, Basement development (NOT to be used as an additional Dwelling) and demolition of an existing Single Detached House and Accessory Building.</p>			
<p><b>Permit Details</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">           # of Dwelling Units Add/Remove: 1            Client File Reference Number:            Minor Dev. Application Fee: Semi-Detached House            Secondary Suite Included?: N         </td> <td style="width: 50%; vertical-align: top;">           Class of Permit: (none)            Lot Grading Needed?: Y            New Sewer Service Required: Y            Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay         </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
<p>I/We certify that the above noted details are correct.          Applicant signature: _____</p>			
<p><b>Development Application Decision</b>          Refused</p>			
<p><b>THIS IS NOT A PERMIT</b></p>			



Project Number: **221419935-001**  
 Application Date: MAY 10, 2016  
 Printed: June 23, 2016 at 10:03 AM  
 Page: 2 of 2

## Application for Minor Development Permit

**Reason for Refusal**

Application for a Semi-detached House is refused due to the following reason:

- I. Section 110.4(4): Semi-detached Housing and Duplex Housing shall only be located:
  - a. on Corner Sites;
  - b. on Sites abutting an arterial or service road;
  - c. where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or
  - d. where a minimum of one Side Lot Line:
    - i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use; or
    - ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 m wide.

The property is not a corner site.  
 The site abuts 47 Street NW, which is not an arterial or service road.  
 The site abuts a Single Detached House on both sides.  
 All sites abutting and across the street from this site are zoned RF1, where Row Housing, Apartment Housing and commercial uses are neither a Permitted nor Discretionary use.

The site does not meet any of the locational criteria for Semi-detached Housing in Section 110.4.4 of the Zoning Bylaw.

**Rights of Appeal**

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

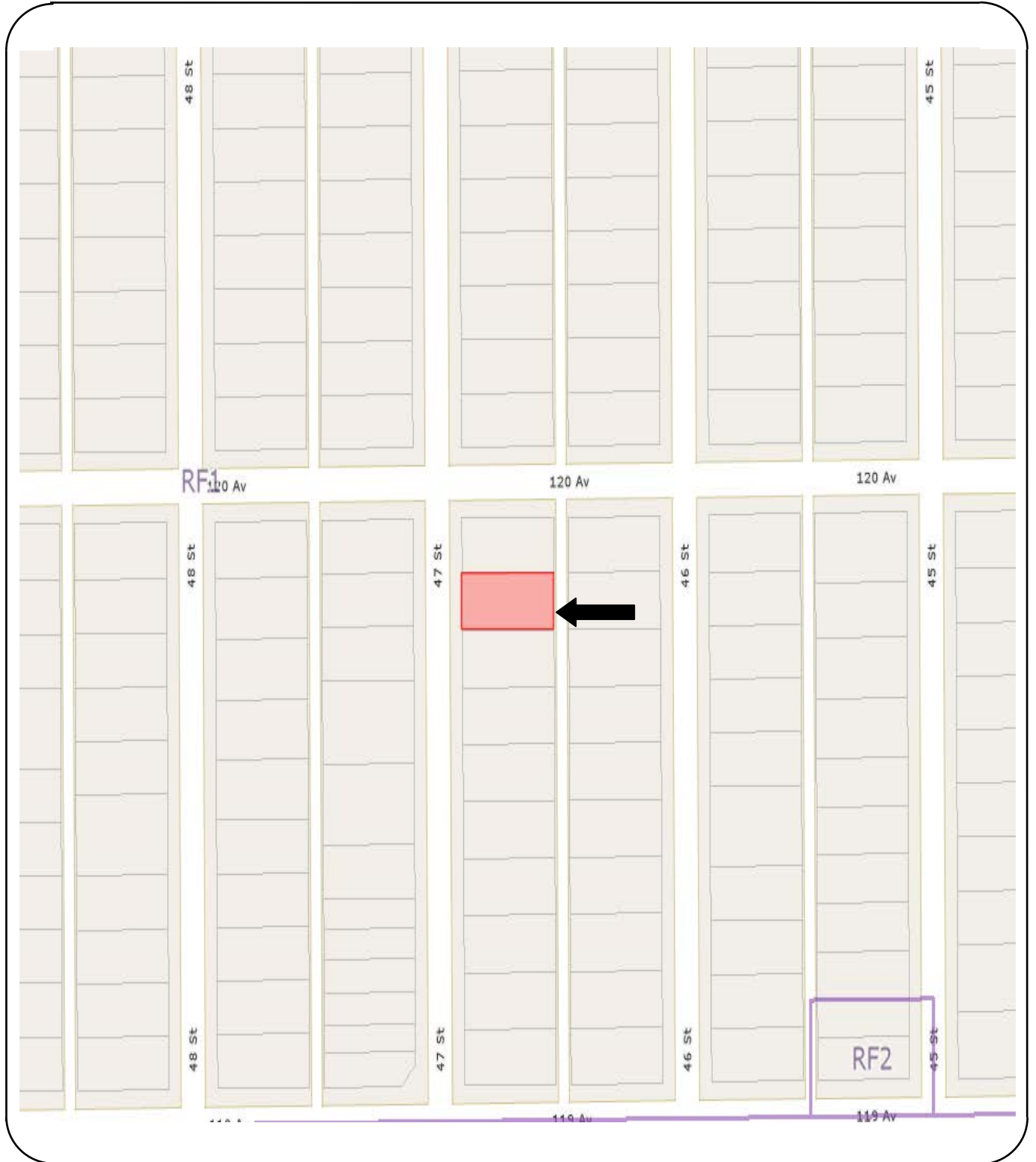
**Issue Date:** Jun 02, 2016      **Development Authority:** YEUNG, KENNETH      **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$135.00	\$135.00	03268559	May 10, 2016
Dev. Application Fee	\$456.00	\$456.00	03268559	May 10, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03268559	May 10, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,157.00	\$2,157.00		

**THIS IS NOT A PERMIT**





### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-161



ITEM II: 1:30 P.M.

FILE: SDAB-D-16-163

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 185136522-001

ADDRESS OF APPELLANT: 10164 - 96 Street NW

APPLICATION TO: Change the use from Business Support Services to Minor Alcohol Sales and Professional, Financial and Office Support Services and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 2, 2016

DATE OF APPEAL: June 9, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10164 - 96 Street NW

LEGAL DESCRIPTION: Plan ND Blk 3 Lots 7-8

ZONE: DC1 (16849) – The Armature Area 3

OVERLAY: N/A

STATUTORY PLAN: The Quarters Downtown Area Redevelopment Plan

***Grounds for Appeal***

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

I act on behalf of Liquors on Jasper ("Appellant"), which wishes to appeal the above development permit refusal. The grounds of appeal are as follows:

1. The application is to facilitate relocation of an existing Minor Alcohol Sales.

2. The only liquor store within 500 metres of the location of the proposed liquor store is the Appellant's existing liquor store. The Appellant wishes to cancel the development permit for his existing liquor store; however, the landowner will not agree to cancel the development permit for the existing liquor store. The landowner is the City of Edmonton (the "City").
3. The City originally acquired the building in which the Appellant's existing liquor store is located for LRT expansion purposes. The City apparently no longer needs the building for the LRT expansion. The Appellant's lease at its existing building is expiring and therefore the Appellant has to relocate his liquor store. If the City would agree to cancel the development permit for the Appellant's existing liquor store, then there would be no other liquor stores within 500 metres of the proposed liquor store. As set out above, however, the City is not prepared to agree to cancel the development permit for the Appellant's existing liquor store.
4. The result is that the City has put the Appellant in an impossible situation. On the one hand, due to expiration of its lease the Appellant cannot continue to operate from its existing liquor store. On the other hand, the Appellant cannot obtain a development permit for the proposed liquor store as the City will not agree to cancel the development permit at the Appellant's existing liquor store.
5. The Appellant has operated a liquor store in the downtown area for 20 years. The Appellant has not been able to locate any other sites for relocation in the downtown area that are not within 500 metres of an existing liquor store.
6. The reduction in separation distance will not unduly affect the amenities of the neighbourhood or the use, value and enjoyment of the neighbouring properties.
7. Such further and other grounds as may be raised at the hearing of the appeal.

<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 to the subdivision and development appeal board.

### **Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

(a) in the case of an appeal made by a person referred to in section 685(1), after

(i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Officer is dated June 2, 2016. The Notice of Appeal was filed on June 9, 2016.

### **Direct Control Districts**

**641(4)** Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

...

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

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

Section 1 of DC1(16849) states that the **General Purpose** of this DC1 Direct Development Control Provision is:

... to accommodate mid- and high-rise mixed-use (but predominately residential) development with active retail and residential street frontages that is pedestrian friendly and compatible in scale, function, built form and design with surrounding developments and open space and/or accessible public assembly space for passive and active use, all in accordance with Section 860 of the Zoning Bylaw, The Quarters Downtown Area Redevelopment Plan and the Quarters Downtown Urban Design Plan.

Under Section 3(s) of DC1(16849), **Minor Alcohol Sales** is a listed Use within this Provision.

Section 7.4(32) of the *Edmonton Zoning Bylaw* states:

**Minor Alcohol Sales**, means development used for the retail sale of any and all types of alcoholic beverages to the public. This Use Class may include retail sales of related products such as soft drinks and snack foods. The maximum Floor Area for this Use Class shall be no more than 275 m<sup>2</sup> per individual business premises.

***Separation Distance***

Section 85(3) states:

3. any Major or Minor Alcohol Sales Use shall not be located closer than 500.0 m from any other Major or Minor Alcohol Sales Use. For the purposes of this subsection only:
  - a. the 500.0 m separation distance shall be measured from the closest point of the Major or Minor Alcohol Sales Use to the closest point of any other existing or approved Major or Minor Alcohol Sales Use; and
  - b. if there are two or more Major or Minor Alcohol Sales Uses lawfully operating within 500 m of each other as of the date of the enactment of this Section they shall be considered legal non-conforming uses.

**Development Officer's Determination**

The Development Officer referenced Section 85(3)(a) and made the following determination:

Required Separation Distance: 500m  
- Proposed Minor Alcohol Sales is 164m away from an approved Minor Alcohol Sales (DP: 000998044-001) [unedited]

***Crime Prevention Through Environmental Design Criteria***

Section 85(7) states:

7. the Development Officer may consider Crime Prevention Through Environmental Design Criteria by ensuring:
  - a. the exterior of all stores have ample glazing from the street to allow natural surveillance;

- b. exterior lighting should be in accordance with the minimum safety standards prescribed by the Illuminating Engineers Society;
- c. any landscaping around the facilities be low-growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance;
- d. no customer parking is in behind a facility and that all parking areas in front of the building be well-lighted; and
- e. customer access to the store is limited to a store front that is visible from the street, shopping centre parking lot or a mall access that allows visibility from the interior.

**Development Officer's Determination**

The Development Officer referenced Section 85(7) and made the following determination:

Crime Prevention Through Environmental Design (CPTED) has not been met (Section 85.7).

Requires:



- the exterior of all stores have ample glazing from the street to allow natural surveillance;
- exterior lighting should be in accordance with the minimum safety standards prescribed by the Illuminating Engineers Society;
- any landscaping around the facilities be low-growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance;
- no customer parking is in behind a facility and that all parking areas in front of the building be well-lighted; [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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

---

	Project Number: <b>185136522-001</b> Application Date: DEC 30, 2015 Printed: June 13, 2016 at 2:53 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 10164 - 96 STREET NW Plan ND Blk 3 Lots 7-8  <b>Specific Address(es)</b> Entryway: 10164 - 96 STREET NW Entryway: 10168 - 96 STREET NW Building: 10164 - 96 STREET NW		
<b>Scope of Application</b> To change the use from Business Support Services to Minor Alcohol Sales and Professional, Financial and Office Support Services and to construct interior alterations.			
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                             Class of Permit:                              Gross Floor Area (sq.m.): 350.68                              New Sewer Service Required: N                              Site Area (sq. m.):                         </td> <td style="width: 50%; border: none; vertical-align: top;">                             Contact Person:                              Lot Grading Needed?: N                              NumberOfMainFloorDwellings:                              Stat. Plan Overlay/Annex Area: (none)                         </td> </tr> </table>		Class of Permit: Gross Floor Area (sq.m.): 350.68 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Gross Floor Area (sq.m.): 350.68 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1) Any Major or Minor Alcohol Sales Use shall not be located closer than 500.0 m from any other Major or Minor Alcohol Sales Use. For the purposes of this subsection only: the 500.0 m separation distance shall be measured from the closest point of the Major or Minor Alcohol Sales Use to the closest point of any other existing or approved Major or Minor Alcohol Sales Use  Required Separation Distance: 500m - Proposed Minor Alcohol Sales is 164m away from an approved Minor Alcohol Sales (DP: 000998044-001)  2) Crime Prevention Through Environmental Design (CPTED) has not been met (Section 85.7).  Requires: - the exterior of all stores have ample glazing from the street to allow natural surveillance; - exterior lighting should be in accordance with the minimum safety standards prescribed by the Illuminating Engineers Society; - any landscaping around the facilities be low-growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance; - no customer parking is in behind a facility and that all parking areas in front of the building be well-lighted;			
<b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.			
<b>Issue Date:</b> Jun 02, 2016 <b>Development Authority:</b> CHAN, CALVIN <b>Signature:</b> _____			
<b>THIS IS NOT A PERMIT</b>			



Project Number: **185136522-001**  
Application Date: DEC 30, 2015  
Printed: June 13, 2016 at 2:53 PM  
Page: 2 of 2

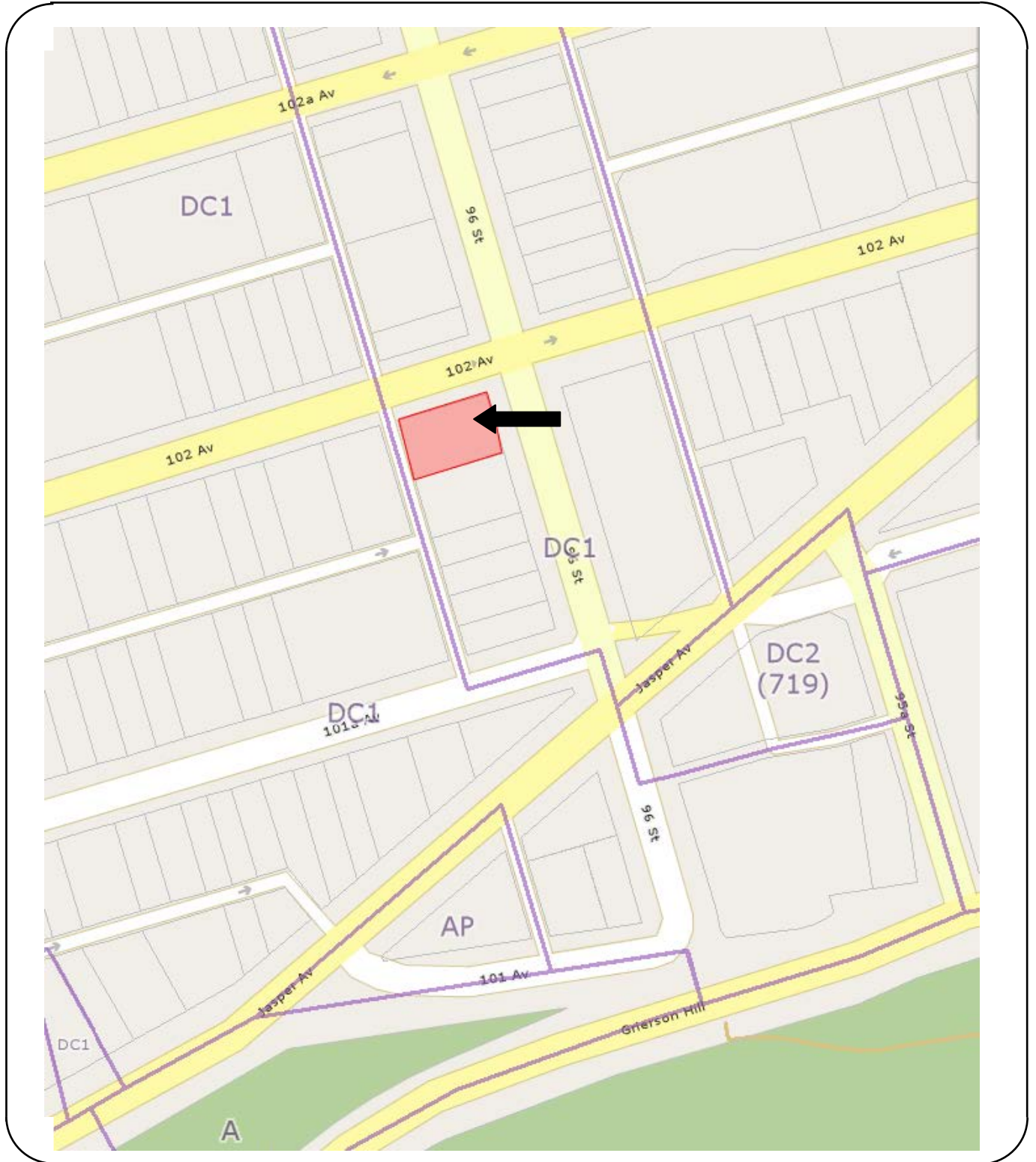
## Application for Major Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$254.00	\$254.00	02978339	Dec 30, 2015
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$254.00	\$254.00		

THIS IS NOT A PERMIT





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-163



N

***BUSINESS LAID OVER***

SDAB-D-16-162	An appeal by <u>A. Cotton</u> vs. <u>Y. Noel</u> and <u>A. Hurtarte</u> to develop a Secondary Suite in the Basement and to construct exterior alterations (install a side entrance on the main floor) to an existing Single Detached House <b><i>July 13, 2016</i></b>
SDAB-D-16-120	An appeal by <u>The House Company</u> to construct a Single Detached House with attached Garage, veranda, fireplace, rear balcony (irregular shape, 4.25 metres by 2.22 metres) and Basement development (NOT to be used as an additional Dwelling) <b><i>August 3, 2016</i></b>
SDAB-D-16-136	An appeal by <u>Bill Co. Incorporated</u> to extend the duration of a Freestanding Minor Digital Off-premises Sign (3.05m x 10.37m Single Sided Facing South) <b><i>August 17 or 18, 2016</i></b>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <b><i>November 30 or December 1, 2016</i></b>

***APPEAL HEARINGS TO BE SCHEDULED***

99312099-004	An appeal by <u>1043389 Alta. Ltd.</u> regarding a Stop Order issued for the property located at 6520 – 8 Street NW. <b><i>July 13, 2016</i></b>
--------------	---