

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
June 15, 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-16-141	Construct a Secondary Suite in the Basement 9251 - 93 Street NW Project No.: 171148573-008
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II	10:30 A.M.	SDAB-D-16-142	Construct an Accessory Building (rear detached Garage, 6.71m x 7.01m) 9249 - 93 Street NW Project No.: 175572028-009
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III	1:00 P.M.	SDAB-D-16-143	Change the use from Business Support Services to Minor Veterinary Clinics (Divine K9 Dog Services Ltd) 10529 - 116 Street NW Project No.: 170108066-003
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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-16-141

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 171148573-008

APPLICATION TO: Construct a Secondary Suite in the
Basement

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 19, 2016

DATE OF APPEAL: May 20, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9251 - 93 Street NW

LEGAL DESCRIPTION: Plan 1322042 Blk 2 Lot 4

ZONE: RF3 Small Scale Infill Development 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:

1. We feel the proposed development will not interfere with the amenities of the neighbourhood, nor will it negatively affect the use and/or value of neighbouring parcels of land.
2. The deficiency of one parking space will not be an issue as there is ample on-street parking available on either side of 93 Street. There are no on-street parking restrictions in effect.
3. Although tandem parking is permitted as per Section 54.2(1)(a), this would not be a practical parking arrangement between the homeowner(s) residing on the main floor and tenants in the lower secondary suite. If

tenants were to park on a rear driveway, this would restrict the homeowner's access to and from their two designated parking spaces in the rear detached garage. Although the driveway would be considered an acceptable parking space according to the Bylaw, we believe the tenant would be asked to use available on-street parking on 93 Street to avoid this conflict.

Furthermore, the addition of a 5.5-meter concrete driveway to facilitate tandem parking would result in a distance of 2.31 meters (7.6 feet) from the rear deck of the dwelling to the accessory building. The homeowners would have limited private outdoor amenity area. This would substantially diminish the value of the property.

4. The 9.78-meter lot width (32 feet) does not provide the required space to add a single 2.6-meter wide parking pad adjacent to a standard double garage.

From our experience, parking pads adjacent to a garage with a minimum rear setback are not used. In 2015, we constructed a semi-detached duplex in Bonnie Doon with 2.6-meter wide parking pads on either side of single-car garages. Given the rear setback of 1.20 meters and minimum width of the parking space, it is difficult for the homeowners to safely turn into and back out of the parking space. With that said, neither of the homeowners use the parking pad space, instead opting for on-street parking.

5. A neighbouring semi-detached house at 9241/9239-93 Street is used as a 4 dwelling apartment house. Parking on this site is not sufficient, and as a result, we have observed tenants use on-street parking on 93 Street. This is not uncommon in the Neighbourhood of Bonnie Doon. We are unaware of any issues as a result.

6. We comply with all other Bylaw requirements for a legal secondary suite with no variances. The property is currently zoned RF3; however, development options for this property are limited by the need for one additional parking space. As per constraints identified above, we feel an additional on-site parking space is not functional or beneficial and the Development Authority should grant approval so the property can be fully utilized as per the approved zoning.

7. As an active Builder with a primary focus on infill development, we strive to construct quality developments in established Neighbourhoods such as Bonnie Doon. In 2014, we met the Civics Chair of the Bonnie Doon Community League to present our proposed development for the four adjacent lots on 93 Street in an effort to create an understanding and awareness. Ultimately, we feel the single detached house (with secondary suite) complies with the current zoning, and should be considered an acceptable development with the one parking space deficiency. [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,

Decision

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

...

- (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.

The Board is advised that the decision of refusal by the Development Officer is dated May 19, 2016. The Notice of Appeal was filed on May 20, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.2(7), **Secondary Suites** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(7) states:

Secondary Suite means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

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.

Parking

Subsection (3) of Section 54.2 Schedule 1 states:

<p>3. Duplex Housing Mobile Homes (excluding Mobile Home Parks) Semi-detached Housing Single Detached Housing</p>	<p>2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.</p> <p>Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.</p>
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Subsection (2) of Section 54.2 Schedule 1 states:

2. Garage Suite Garden Suite Secondary Suite	1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.
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Development Officer’s Determination

Parking Requirements:

Section 54.2.3 Schedule 1: Single Detached Housing - 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.

Section 54.2.2 Schedule 1: Secondary Suite - 1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. (2 sleeping units proposed)

Total required parking = 3 space

Proposed = 2

Deficient = 1 space

Based on the above, in the opinion of the Development Officer, the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment or value of neighbouring property owners. [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: **171148573-008**
 Application Date: APR 21, 2016
 Printed: May 24, 2016 at 8:47 AM
 Page: 1 of 2

Application for Minor Development Permit

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

Applicant GRANDE VISTA HOMES INC	Property Address(es) and Legal Description(s) 9251 - 93 STREET NW Plan 1322042 Blk 2 Lot 4 Specific Address(es) Suite: BSMT, 9251 - 93 STREET NW Entryway: 9251 - 93 STREET NW Building: 9251 - 93 STREET NW
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Scope of Application
 To construct a Secondary Suite in the Basement.

Permit Details # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal
 Parking Requirements:
 Section 54.2.3 Schedule 1: Single Detached Housing - 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.
 Section 54.2.2 Schedule 1: Secondary Suite - 1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. (2 sleeping units proposed)

Total required parking = 3 space
 Proposed = 2
 Deficient = 1 space

Based on the above, in the opinion of the Development Officer, the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment or value of neighbouring property owners.

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: May 19, 2016 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

THIS IS NOT A PERMIT



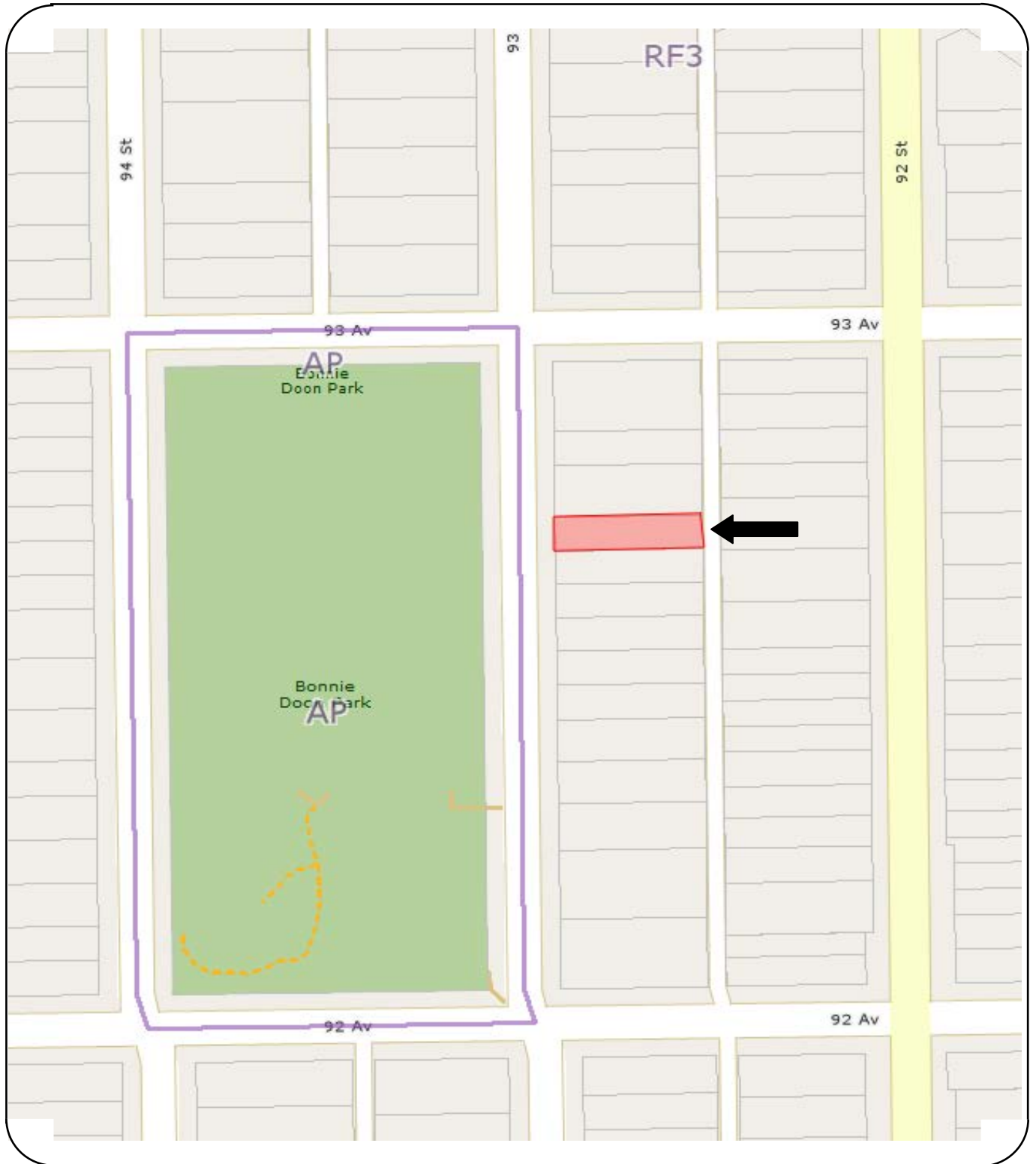
Project Number: **171148573-008**
Application Date: APR 21, 2016
Printed: May 24, 2016 at 8:47 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$266.00	\$266.00	03218967	Apr 21, 2016
Sanitary Sewer Trunk Fee for Secondary Suite	\$693.00	\$693.00	03218967	Apr 21, 2016
DP Notification Fee	\$41.00	\$41.00	03218967	Apr 21, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,000.00	\$1,000.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-141



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-142

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 175572028-009

APPLICATION TO: Construct an Accessory Building (rear detached Garage, 6.71m x 7.01m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 19, 2016

DATE OF APPEAL: May 25, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9249 - 93 Street NW

LEGAL DESCRIPTION: Plan 1322042 Blk 2 Lot 3

ZONE: RF3 Small Scale Infill Development 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:

1. We feel the proposed development will not interfere with the amenities of the neighbourhood, nor will it negatively affect the use and/or value of neighbouring parcels of land.
2. The deficiency of one parking space will not be an issue as there is ample on-street parking available on either side of 93 Street. There are no on-street parking restrictions in effect.
3. Although tandem parking is permitted as per Section 54.2(1)(a), this would not be a practical parking arrangement between the homeowner(s) residing on the main floor and tenants in the lower secondary suite. If tenants were to park on a rear driveway, this would restrict the homeowner's access to and from their two designated parking spaces in

the rear detached garage. Although the driveway would be considered an acceptable parking space according to the Bylaw, we believe the tenant would be asked to use available on-street parking on 93 Street to avoid this conflict.

Furthermore, the addition of a 5.5-meter concrete driveway to facilitate tandem parking would result in a distance of 5.36 meters (17.6 feet) from the rear elevation of the dwelling to the accessory building. The homeowners would have limited private outdoor amenity area. This would substantially diminish the value of the property.

4. The 9.78-meter lot width (32 feet) does not provide enough space to add a single 2.6-meter wide parking pad adjacent to a standard double garage.

From our experience, parking pads adjacent to a garage with a minimum rear setback are not used. In 2015, we constructed a semi-detached duplex in Bonnie Doon with 2.6-meter wide parking pads on either side of single-car garages. Given the rear setback of 1.20 meters and minimum width of the parking space, it is difficult for the homeowners to safely turn into and back out of the parking space. With that said, neither of the homeowners use the parking pad space, instead opting for on-street parking.

5. A neighbouring semi-detached house at 9241/9239-93 Street is used as a 4 dwelling apartment house. Parking on this site is not sufficient, and as a result, we have observed tenants use on-street parking on 93 Street. This is not uncommon in the Neighbourhood of Bonnie Doon. We are unaware of any issues as a result.

6. We comply with all other Bylaw requirements for a legal secondary suite with no variances. The property is currently zoned RF3; however, development options for this property are limited by the need for one additional parking space. As per constraints identified above, we feel an additional on-site parking space is not functional or beneficial and the Development Authority should grant approval so the property can be fully utilized as per the approved zoning.

7. As an active Builder with a primary focus on infill development, we strive to construct quality developments in established Neighbourhoods such as Bonnie Doon. In 2014, we met the Civics Chair of the Bonnie Doon Community League to present our proposed development for the four adjacent lots on 93 Street in an effort to create an understanding and awareness. Ultimately, we feel the single detached house (with secondary suite) complies with the current zoning, and should be considered an acceptable development with the one parking space deficiency. [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.

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

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

Decision

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

...

- (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.

The Board is advised that the decision of refusal by the Development Officer is dated May 19, 2016. The Notice of Appeal was filed on May 25, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 6.1(2) states:

Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site;

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.

Parking Requirements

Subsection (3) of Section 54.2 Schedule 1 states:

<p>3. Duplex Housing Mobile Homes (excluding Mobile Home Parks) Semi-detached Housing Single Detached Housing</p>	<p>2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.</p> <p>Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.</p>
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Subsection (2) of Section 54.2 Schedule 1 states:

2. Garage Suite Garden Suite Secondary Suite	1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.
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Development Officer’s Determination

Parking Requirements (Creates a deficiency to comply with the parking requirements for the previously approved Secondary Suite):

Section 54.2.3 Schedule 1: Single Detached Housing - 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.

Section 54.2.2 Schedule 1: Secondary Suite - 1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. (2 sleeping units proposed)

Total required parking = 3 space

Proposed = 2

Deficient = 1 space

Based on the above, in the opinion of the Development Officer, the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment or value of neighbouring property owners. [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: **175572028-009**
 Application Date: APR 22, 2016
 Printed: June 3, 2016 at 1:41 PM
 Page: 1 of 2

Application for Accessory Building Development and Building Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant GRANDE VISTA HOMES INC	Property Address(es) and Legal Description(s) 9249 - 93 STREET NW Plan 1322042 Blk 2 Lot 3 Location(s) of Work Entryway: 9249 - 93 STREET NW Building: 9249 - 93 STREET NW
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Scope of Application
 To construct an Accessory Building (rear detached Garage, 6.71m x 7.01m).

Permit Details	
Building Area (sq. ft.): 505.9 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class A Type of Accessory Building: Detached Garage (010)

I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Application Decision
 Refused

Reasons for Refusal
 Parking Requirements (Creates a deficiency to comply with the parking requirements for the previously approved Secondary Suite) :
 Section 54.2.3 Schedule 1: Single Detached Housing - 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.
 Section 54.2.2 Schedule 1: Secondary Suite - 1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. (2 sleeping units)

Total required parking = 3 space
 Proposed = 2
 Deficient = 1 space

Based on the above, in the opinion of the Development Officer, the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment or value of neighbouring property owners.

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: May 19, 2016 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	03222087	Apr 22, 2016
Dev. Application Fee	\$108.00	\$108.00	03222087	Apr 22, 2016

THIS IS NOT A PERMIT



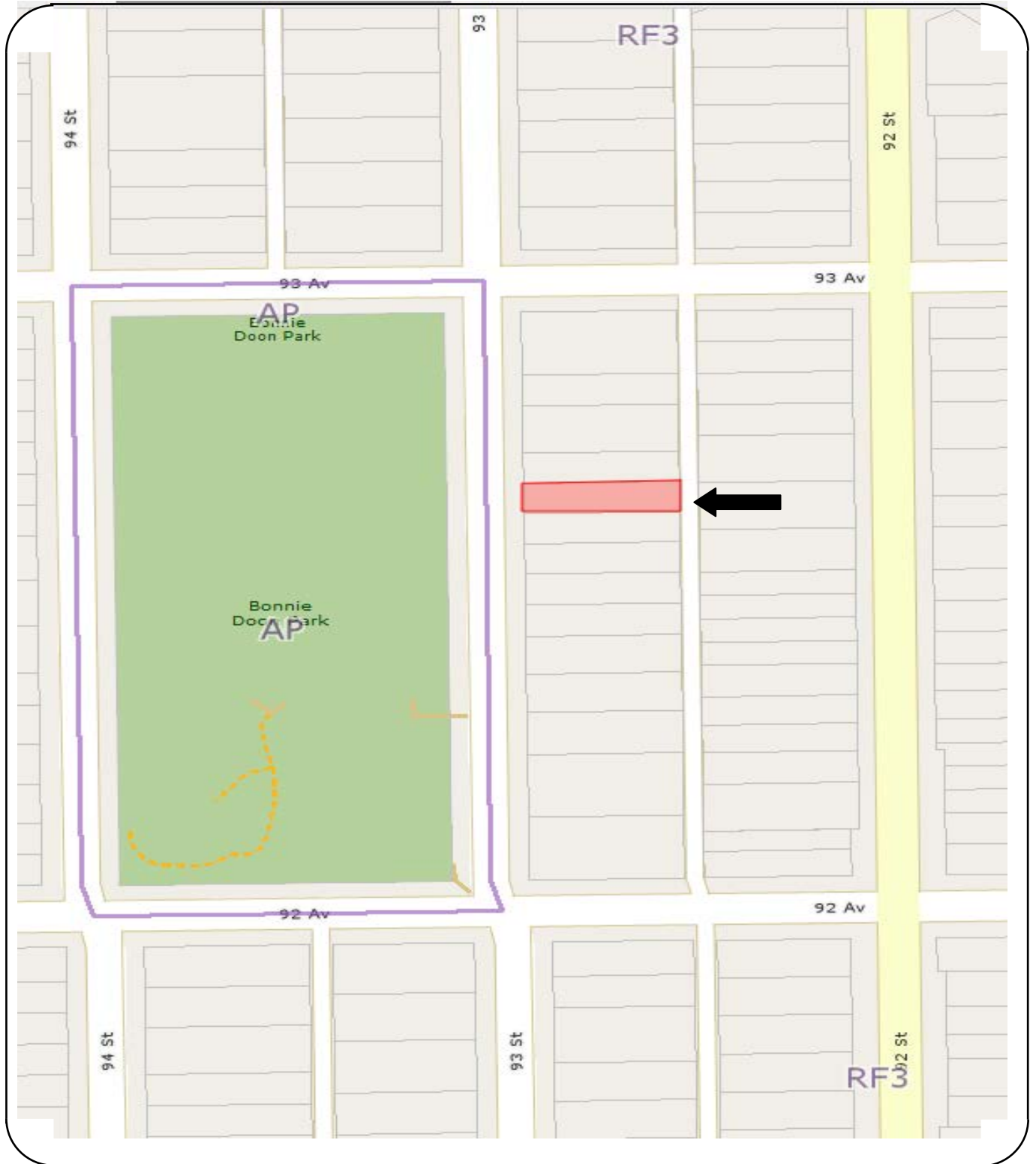
Project Number: **175572028-009**
Application Date: APR 22, 2016
Printed: June 3, 2016 at 1:41 PM
Page: 2 of 2

Application for Accessory Building Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee	\$102.00	\$102.00	03222087	Apr 22, 2016
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$214.50	\$214.50		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-142



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-143

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 170108066-003

APPLICATION TO: Change the use from Business Support Services to Minor Veterinary Clinics (Divine K9 Dog Services Ltd)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: April 29, 2016

DATE OF APPEAL: May 18, 2016

NOTIFICATION PERIOD: May 5, 2016 through May 18, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 10529 - 116 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10529 - 116 Street NW

LEGAL DESCRIPTION: Plan B4 Blk 15 Lot 151

ZONE: DC2 Site Specific Development Control Provision (DC2(671))

OVERLAY: N/A

STATUTORY PLAN: Central McDougall/Queen May Park ARP

Grounds for Appeal

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

The property only has total of 5 parking stall in the front of the business and had no parking space at the back of the business. The property report provided from the business is not current / true. There were fences put up at the back of the business. No parking area provide for customers. Due to the way of the business located, only 4 vehicles could

park in the front in reality. For the type of business they are running at the location City required 12 parking spaces, with less than 5 parking spaces provided it has been affecting the pedestrians and our neighbors around. [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.

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

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

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.

The Board is advised that the decision of approval by the Development Officer is dated April 29, 2016. The Notice of Appeal was filed on May 18, 2016.

Direct Control Districts

The *Municipal Government Act* states:

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Despite section 685, 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.

General Provisions from the *Edmonton Zoning Bylaw*:

Section DC2.671.1 states that the **General Purpose** of the **DC2(671) Site Specific Development Control Provision** is:

...to establish a district that will allow for the continuation and upgrading of general industrial uses while allowing for conversion and redevelopment of obsolete industrial uses to commercial office and general business uses.

Under Section DC2.671.3(u), **Minor Veterinary Clinics** is a listed use in the DC2(671) Direct Control District.

Section 7.4(50) states:

Veterinary Services means development used for the care and treatment of small animals where the veterinary services primarily involve out-patient care and minor medical procedures involving hospitalization for fewer than four days. All animals shall be kept within an enclosed building. This Use Class includes pet clinics, small animal veterinary clinics and veterinary offices. This Use Class does not include Animal Hospitals and Shelters.

Parking Variance

Subsection (12) of Section 54.2 Schedule 1 states:

12. Any development within a Commercial Use Class not listed separately in this table, with a Floor Area of:	
a. less than <u>4 500 m²</u>	1 parking space per <u>40.0 m²</u> of Floor Area
b. <u>4 500m²</u> - <u>9 000m²</u>	1 parking space per <u>33.3 m²</u> of Floor Area
c. <u>9 000 m²</u> <u>28 000 m²</u>	1 parking space per <u>28.5 m²</u> of Floor Area
d. greater than <u>28 000 m²</u>	1 parking space per <u>25.0 m²</u> of Floor Area


Development Officer’s Determination

Variances

Parking - The site has 7 parking spaces, instead of 12 (Section 54.2 and Schedule 1) [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: 170108066-003 Application Date: DEC 10, 2015 Printed: May 30, 2016 at 9:01 AM Page: 1 of 2		
Major Development Permit			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
Applicant DIVINE K9 DOG CARE SERVICE LTD	Property Address(es) and Legal Description(s) 10529 - 116 STREET NW Plan B4 Blk 15 Lot 151 Specific Address(es) Suite: 10529 - 116 STREET NW Entryway: 10529 - 116 STREET NW Building: 10529 - 116 STREET NW		
Scope of Permit To change the use from Business Support Services to Minor Veterinary Clinics (Divine K9 Dog Services Ltd)			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 464 New Sewer Service Required: N Site Area (sq. m.): </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 464 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: Class B Gross Floor Area (sq.m.): 464 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: _____			
Development Permit Decision Approved			
The permit holder is advised to read the reverse for important information concerning this decision.			



Project Number: **170108066-003**
 Application Date: DEC 10, 2015
 Printed: May 30, 2016 at 9:01 AM
 Page: 2 of 2

Major Development Permit

Subject to the Following Conditions

1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$100.00.

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

NOTES :

- 1) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 2) Signs require separate Development Applications.
- 3) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 5) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site
- 6) Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1)

Variations

Parking - The site has 7 parking spaces, instead of 12 (Section 54.2 and Schedule 1)

Rights of Appeal

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

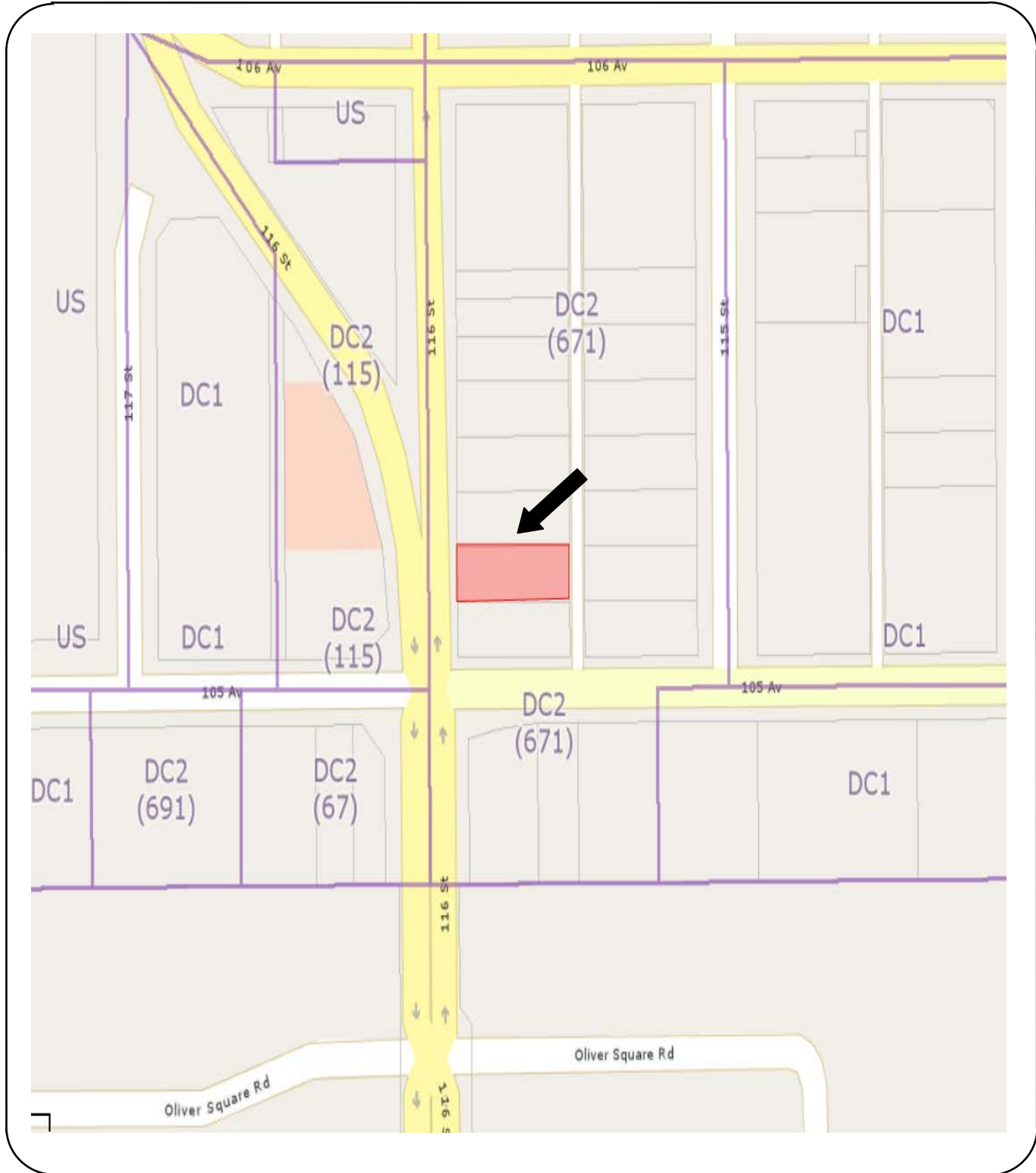
Issue Date: Apr 29, 2016 **Development Authority:** CHAN, CALVIN **Signature:** _____

Notice Period Begins: May 05, 2016 **Ends:** May 18, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$254.00	\$254.00	02948281	Dec 10, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$354.00	\$254.00		
(\$100.00 outstanding)				

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-143



BUSINESS LAID OVER

SDAB-D-16-133	An appeal by <u>Permit Masters</u> to change the use of a Single Detached House to a Child Care Service and to construct interior alterations. June 22, 2016
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) August 17 or 18, 2016
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) November 30 or December 1, 2016

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. July 13, 2016
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