

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
August 16, 2018**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I     9:00 A.M.     SDAB-D-18-121

Construct an Accessory building (rear detached  
Garage, 6.40 metres by 6.10 metres)

13704 - 101 Avenue NW  
Project No.: 280037115-005

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II    10:30 A.M.    SDAB-D-18-122

Relocate a Minor Alcohol Sales Store within an  
existing building, from Unit 106/107 to Unit  
101 (reference refused DP 156166562-018,  
SDAB file 156166562-022/SDAB-D-17-228,  
Liquor House); to change the Use from a Minor  
Alcohol Sales back to a General Retail Store  
(Unit 106/107)

6104 - 104 Street NW  
Project No.: 279980779-001

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III   1:00 P.M.     SDAB-D-18-123

Construct a General Industrial building with  
Accessory offices. (KJ Electrical)

21415 - 100 Avenue NW  
Project No.: 260389253-001

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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-18-121

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 280037115-005

APPLICATION TO: Construct an Accessory building (rear detached Garage, 6.40 metres by 6.10 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 19, 2018

DATE OF APPEAL: July 19, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13704 - 101 Avenue NW

LEGAL DESCRIPTION: Plan 1820172 Blk 128 Lot 20B

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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*Grounds for Appeal*

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

I am appealing for several reasons.

- 1) I have a approved development permit to construct a single dwelling home but yet the city has not given me a parking stall for the house. My understanding is, you cannot get Development permit approval without having at least one parking stall.
- 2) After phone calls with epcor power and epcor engineering, they have concluded that access from the lane is not attainable.
- 3) 4 of 25 households opposed the variance, and from my understanding from the development officer, not one complaint was actually related to the location of the driveway itself but more towards the sub division

- 4) I have already paid for the relocation of the power pole and paid for the water and sanitary services all on the assumption that this is the only alternative to grant parking access to this particular property.
- 5) I also have a response for every objection but I am currently still waiting on the development officer to send me the exact wording of each compliant

<i>General Matters</i>
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**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,

- (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, [...]

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;

- (a.3) subject to clause (d), must comply with any 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 110.2(2) states a **Single Detached House** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under Section 7.2(8), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 50.1(2) states Accessory Uses and buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-

oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Driveway Access***

Section 814.3(17) states regardless of whether a Site has existing vehicular access from a public roadway, other than a Lane, no such access shall be permitted to continue where an Abutting Lane exists.

**Development Officer's Determination**

Driveway - The driveway is located off of 137 Street NW (flanking) instead of the alley (Section 814.3.17).

***Community Consultation***

Section 814.5 states:

1. When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:
  - a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
  - b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
  - c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.


Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(17) – Driveway Access

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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.

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	Project Number: <b>280037115-005</b> Application Date: APR 24, 2018 Printed: July 20, 2018 at 8:52 AM Page: 1 of 1																														
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">Accessory Building Development and Building Permit</h1>																															
<p>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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>																															
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 13704 - 101 AVENUE NW Plan 1820172 Blk 128 Lot 20B																														
<b>Scope of Application</b> To construct an Accessory building (rear detached Garage, 6.40m x 6.10m).																															
<b>Permit Details</b>																															
Building Area (sq. ft): 420.22 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: _____																															
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Jul 19, 2018 <b>Development Authority:</b> YEUNG, KENNETH  <b>Reasons for Refusal</b> Driveway - The driveway is located off of 137 Street NW (flanking) instead of the alley (Section 814.3.17).  <b>Variances</b>  <b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																															
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<b>THIS IS NOT A PERMIT</b>																															





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-121



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 279980779-001

APPLICATION TO: Relocate a Minor Alcohol Sales Store within an existing building, from Unit 106/107 to Unit 101 (reference refused DP 156166562-018, SDAB file 156166562-022/SDAB-D-17-228, Liquor House); to change the Use from a Minor Alcohol Sales back to a General Retail Store (Unit 106/107)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 10, 2018

DATE OF APPEAL: July 20, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6104 - 104 Street NW

LEGAL DESCRIPTION: Plan 1720842 Blk 40 Lot 5

ZONE: CO-Commercial Office Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

*Grounds for Appeal*

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

We are solicitors for Qualico Commercial, owners and applicants in the above noted matter.

In December of 2017, in matter number SDAB-D-17-228, the Board approved the proposed use in another bay in our clients' building. For leasing reasons, our clients have elected to locate the Minor Alcohol sales facility in a different bay in their building, somewhat further distant from the defunct cold beer store whose Permit causes our clients' location to be offside the Regulation. Notwithstanding the obvious merit in a variance being granted to

accommodate this move, the Development Officer's hands are tied, and we are required once again to approach the Board for assistance. Accordingly, on behalf of our clients, we hereby appeal the referenced refusal on the following grounds:

1. It remains the case that:
  - a) The proposed development is a Permitted Use in the (CO) Commercial Office Zone.
  - b) There is no operating Major or Minor Alcohol Sales Use within 500 metres of the proposed development and there has not been for some time.
  - c) The site of the proposed development is on the immediate periphery of and is within the section 85 Non-Exemption Area; the lands to the immediate east are outside the Non-Exemption Area.
  - d) The proposed development is separated from a defunct cold beer store by at least 4 lanes of arterial level traffic.
  - e) The proposed development is to be located on the ground floor of a brand new commercial office complex.
  - f) The proposed development cannot and will not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
2. In SDAB-D-17-228, the Board has concluded that a Minor Alcohol Sales facility at approximately the same location meets the requirements for a variance under section 687(3)(d) of the Municipal Government Act.
3. The new location is located in the same building at the same face of the building and 18m only distant from the approved location.
4. Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>
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**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,

- (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, [...]

### **Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any 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 360.2(7) states a **Minor Alcohol Sales** is a **Permitted Use** in the **(CO) Commercial Office Zone**.

Under Section 7.4(34) of the *Edmonton Zoning Bylaw*, **Minor Alcohol Sales** means “development used for the retail sale of any and all types of alcoholic beverages to the public. This Use may include retail sales of related products such as soft drinks and snack foods. The maximum Floor Area for this Use shall be no more than 275 square metres per individual business premises.”

Section 360.1 states the **General Purpose** of the **(CO) Commercial Office Zone** is to provide for medium intensity office, commercial and residential development in the inner city, around Light Rail Transit station areas or other locations offering good accessibility by both private automobile and transit.

***Section 85***

Section 85 states:

1. Any Major Alcohol Sales or Minor Alcohol Sales shall not be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales.
2. Notwithstanding subsection 85(1), a Major Alcohol Sales or Minor Alcohol Sales may be located less than 500 metres from any other Major Alcohol Sales or Minor Alcohol Sales if all the following regulations are met:
  - a. the Major Alcohol Sales or Minor Alcohol Sales are located on separate Sites;
  - b. the Major Alcohol Sales or Minor Alcohol Sales are located outside the boundary shown in Appendix 1 to Section 85; and

- c. at least one of the Major Alcohol Sales or Minor Alcohol Sales is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3.
3. For the purposes of Section 85, the 500 metres separation distance shall be measured from the closest point of the Major Alcohol Sales or Minor Alcohol Sales Use to the closest point of any other approved Major Alcohol Sales or Minor Alcohol Sales Use.
- ...
6. Notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9).
7. When the Development Officer receives an application for a Development Permit that is for the purpose of accommodating the temporary relocation of an approved Major Alcohol Sales or Minor Alcohol Sales within 500 m of its original location, a variance to subsection 85(1) or subsection 85(2) may be granted where:
  - a. the application for the Development Permit is for a Temporary Development, in order to limit the introduction of an additional Major Alcohol Sales or Minor Alcohol Sales within 500 m of the original approved Development Permit;
  - b. the temporary location for any Major Alcohol Sales or Minor Alcohol Sales is not within 500 m of any legally conforming Major Alcohol Sales or Minor Alcohol Sales;
  - c. the application for a Development Permit will not result in a total Floor Area for a Major Alcohol Sales or Minor Alcohol Sales that is 10.0% greater than the Floor Area of the existing approved Major Alcohol Sales or Minor Alcohol Sales, to a maximum increase of 50 m<sup>2</sup>; and
  - d. the application for a Development Permit will not result in a change of Use from Minor Alcohol Sales to Major Alcohol Sales.
8. When a Development Officer receives an application for a Development Permit that is for the purpose of accommodating the reversion of an existing approved Major Alcohol Sales or Minor Alcohol Sales back to its original location on a Site, a variance of subsection 85(1) or subsection 85(2) may only be granted where the application for the reversion is submitted to the Development Officer within 5 years of the date of vacating the original location and the application will not result in a total Floor Area that is greater than the original approved Major Alcohol Sales or Minor Alcohol Sales. and
9. The issuance of a Development Permit which contains a variance pursuant to subsection 85(7) shall be issued as a Temporary

Development for a duration of up to 5 years or less, to be determined by the Development Officer.

...

**Development Officer’s Determination**

1) Section 85(1) - Any Major Alcohol Sales or Minor Alcohol Sales shall not be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales.

Proposed: 100.0m away from an existing Minor Alcohol Sales (6111-104 Street NW) location.

Deficient by: 400 m

***Previous Subdivision and Development Appeal Board Decision***


<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-17-228	To change the use from General Retail to Minor Alcohol Sales (Unit 106, 107) and to construct interior alterations	December 7, 2017; The Appeal is Allowed and the decision of the Development Authority is Revoked. The development is granted as applied for to the Development Authority, subject to Conditions and Variance:  - Section 85(1) is waived to allow the proposed Minor Alcohol sales to be less than 500 metres from any other Major Alcohol Sales or Minor Alcohol Sales.

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**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.

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	Project Number: <b>279980779-001</b> Application Date: APR 19, 2018 Printed: July 23, 2018 at 10:28 AM Page: 1 of 1																				
<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> 6104 - 104 STREET NW Plan 1720842 Blk 40 Lot 5  <b>Specific Address(es)</b> Suite: 101, 6104 - 104 STREET NW Suite: 106, 6104 - 104 STREET NW Suite: 107, 6104 - 104 STREET NW Building: 6104 - 104 STREET NW																				
<b>Scope of Application</b> To relocate a Minor Alcohol Sales Store within an existing building, from Unit 106/107 to Unit 101 (reference refused DP 156166562-018, SDAB file 156166562-022/SDAB-D-17-228, Liquor House); to change the Use from a Minor Alcohol Sales back to a General Retail Store (Unit 106/107).																					
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                             Class of Permit: Class B                              Gross Floor Area (sq.m.): 202.24                              New Sewer Service Required: N                              Site Area (sq. m.): 4183.7                         </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.): 202.24 New Sewer Service Required: N Site Area (sq. m.): 4183.7	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)																		
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I/We certify that the above noted details are correct.  Applicant signature: _____																					
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Jul 10, 2018 <b>Development Authority:</b> SHAH, NIKHIL  <b>Reason for Refusal</b> 1) Section 85(1) - Any Major Alcohol Sales or Minor Alcohol Sales shall not be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales.  Proposed: 100.0m away from an existing Minor Alcohol Sales (6111-104 Street NW) location. Deficient by: 400 m  <b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																					
<b>Fees</b> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$510.00</td> <td style="text-align: right;">\$510.00</td> <td style="text-align: right;">04950680</td> <td style="text-align: right;">Apr 19, 2018</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$510.00</td> <td style="text-align: right; border-top: 1px solid black;">\$510.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$510.00	\$510.00	04950680	Apr 19, 2018	Total GST Amount:	\$0.00				Totals for Permit:	\$510.00	\$510.00		
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<b>THIS IS NOT A PERMIT</b>																					





ITEM III: 1:00 P.M.

FILE: SDAB-D-18-123

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 260389253-001

APPLICATION TO: Construct a General Industrial building with Accessory offices (KJ Electrical)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: February 5, 2018

DATE OF APPEAL: July 23, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 21415 - 100 Avenue NW

LEGAL DESCRIPTION: Plan 4799TR Lot 18A

ZONE: IB-Industrial Business Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: Lewis Farms Area Structure Plan

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*Grounds for Appeal*

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

I wish to apply to have the fees I am paying for on this property \$19,418.89 for onsite sanitary and \$124,383.86 for onsite storm reviewed. We will not be using either of these onsite as we are forced now to put in our own system for water, cistern and a lift station to manage our property and at a significant cost to us. In the future we are also having .09 of a hectare annexed from us for the widening of Winterburn Road. Please consider the fees being charged here and whether or not we will benefit from such a fee?

*General Matters*

**The decision of approval by the Development Officer is dated February 5, 2018. The Notice of Appeal was filed on July 23, 2018.**

**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,

- (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,

**Permitted and discretionary uses**

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may, if the application is complete in

accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.

(4) If a development authority refuses an application for a development permit, the decision must include the reasons for the refusal.

(5) Despite subsections (1) and (2), a development authority must not issue a development permit if the proposed development does not comply with the applicable requirements of 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.

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any 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*:**

Under section 400.1, the **General Purpose** of the **(IB) Industrial Business Zone** is to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

Under section 400.2(7), a **General Industrial Use** is a **Permitted Use** in the **(IB) Industrial Business Zone**.

Under Section 7.5(3), **General Industrial Uses** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution licensed and operating pursuant to provincial or federal legislation. This Use does not include Major Impact Utility Services and Minor

Impact Utility Services or the preparation of food and beverages for direct sale to the public.

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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.

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## 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.

<p><b>Applicant</b></p> <p>HODGSON SCHILF ARCHITECTS INC.              12328 - 104 AVENUE NW              EDMONTON, ALBERTA CANADA T5N 3V0</p>	<p><b>Property Address(es) and Legal Description(s)</b></p> <p>21415 - 100 AVENUE NW              Plan 4799TR Lot 18A</p> <p><b>Specific Address(es)</b></p> <p>Entryway: 1, 21415 - 100 AVENUE NW              Entryway: 11, 21415 - 100 AVENUE NW              Entryway: 13, 21415 - 100 AVENUE NW              Entryway: 15, 21415 - 100 AVENUE NW              Entryway: 17, 21415 - 100 AVENUE NW              Entryway: 19, 21415 - 100 AVENUE NW              Entryway: 21, 21415 - 100 AVENUE NW              Entryway: 23, 21415 - 100 AVENUE NW              Entryway: 25, 21415 - 100 AVENUE NW              Entryway: 27, 21415 - 100 AVENUE NW              Entryway: 3, 21415 - 100 AVENUE NW              Entryway: 5, 21415 - 100 AVENUE NW              Entryway: 7, 21415 - 100 AVENUE NW              Entryway: 9, 21415 - 100 AVENUE NW              Building: 1, 21415 - 100 AVENUE NW</p>
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**Scope of Permit**  
 To construct a General Industrial building with Accessory offices.(KJ Electrical).

<p><b>Permit Details</b></p> <p>Class of Permit: Class B              Gross Floor Area (sq.m.): 2893              New Sewer Service Required: N              Site Area (sq. m.): 7723</p>	<p>Contact Person:              Lot Grading Needed?: Y              NumberOfMainFloorDwellings:              Stat. Plan Overlay/Annex Area: Major Commercial Corridor</p>
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I/We certify that the above noted details are correct.  
 Applicant signature: \_\_\_\_\_

**Development Permit Decision**  
 Approved  
**Issue Date:** Feb 05, 2018 **Development Authority:** KOWAL, PAUL



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## 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 Lot Grading Fee of \$227.00.

2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant/owner shall enter into a separate Servicing Agreement to pay the following applicable drainage assessments:

- Stewart Green & Normandeau Gardens Onsite Sanitary: \$25,015 /ha
- Normandeau Gardens Onsite Storm: \$158,009/ha
- Stewart Green & Normandeau Gardens Storm Outlet: \$3,564/ha
- Lewis Farm North Connecting Sewer Offsite Storm: \$21,682/ha
- Normandeau Gardens Oversized Outfall Pipe To Stewart Green: \$17,501/ha
- Master Drainage Study Cost (N.W. Annexation Study Cost): \$43/ha
- Expansion Assessment; (WESS): \$27,962 /ha

The PACs must be paid by entering into a servicing agreement, which will be prepared by the Sustainable Development. The applicant/owner should contact Dan-Christian Yeung at 780-496-4195, upon issuance of the Development Permit when he/she is ready to initiate the servicing agreement and make payment. The assessment area is 0.772 ha. The assessment area is obtained from the information received from the applicant.

The above information purposes and the rates are in year 2017. The final PAC amounts will be based on the prevailing rates at the time the applicant/owner pays and enters into a servicing agreement with the City.

There may also be PAC over-expenditure payment which can only be determined at the time the applicant/owner is ready to enter into a servicing agreement.

#### Drainage Notes:

- i) There is no servicing scheme (Sanitary and Storm) in Normandeau Gardens. If you have any question please contact Jatinder Tiwana, The Senior Development Engineer at 780-496-5696.
  - ii) The above assessment is made based on information currently available to our Department. Should such information changes in the future, a new assessment will have to be made.
  - iii) In addition to the above items, if required, the applicant/owner shall pay for the installation cost of sewer services to property line. For details, please send inquiries to wass.drainage@edmonton.ca
- More information about PAC, EA, and SSTC assessments can be found on the City of Edmonton's website: [www.edmonton.ca](http://www.edmonton.ca)

3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into a separate Servicing Agreement with the City of Edmonton for the payment of the ARA owing. This lot is within the Lewis Farms Arterial Roadway Assessment (ARA) catchment. The 2017 ARA rate for Lewis Farms is \$157,525/ ha for the assessable area of 0.772 ha. In addition, there may be over-expenditures owing on this site. The total assessment amount may be adjusted to reflect the current ARA rate at the time the Servicing Agreement is signed. The Servicing Agreement must be entered into PRIOR to the release of the drawings for Building Permit review. The owner must contact Dan Christian Yeung (780-496-4195) of Urban Form and Corporate Strategic Development for more information on the Servicing Agreement and ARA owing.

#### SUBDIVISION PLANNING ADVISEMENTS:

- i) The Stony Plain Road Concept Plan, which includes improvements to Winterburn Road, has been approved and will require property from this site with construction, as shown on Enclosures I and II. Funding for land acquisition and construction is currently unavailable for this project and therefore timing of the improvements has not been determined.
- ii) Vehicular and bicycle parking should meet the requirements of the Zoning Bylaw. With the widening of 215 Street, 14 stalls will be eliminated to allow for the required 6 m development setback (see Enclosure I). According to parking calculations provided by the applicant, the site exceeds the required number of stalls (59 parking stalls required, 86 parking stalls provided) and will still meet the Zoning Bylaw requirements.
- iii) The Lewis Farms ARA catchment is set up as a means for cost sharing the arterial roadway construction within the Lewis Farms Area. For further information regarding Arterial Roadway Assessments, please contact Dan Christian Yeung (780-496-4195) of Development Coordination.

4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into a separate Servicing Agreement with the City for the following improvements:

- i) construction of a 9 m wide culvert crossing access to 100 Avenue, located 33.14 m west of the east property line, to include hard





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## Major Development Permit

surfacing to the property line;

ii) construction of a 1.5 m wide connecting sidewalk from the existing bus stop pad to the site; and

iii) construction of a 7 m wide culvert crossing access to 213 Street, located 6.5 m north of the south property line, to include hard surfacing to the property line.

The Servicing Agreement must be signed PRIOR to the release of the drawings for Building Permit review. Please contact Esther Anderson (780-944-7773) of the Development Servicing Agreements Unit for the Agreement.

Once signed by the land owner, the Agreement must be returned to Development Servicing Agreements to the attention of Esther Anderson including an irrevocable Letter of Credit in the amount of \$65,000.00 to cover 100% of construction costs and 30% for engineering drawing approval.

Upon engineering drawing approval, security will be reduced to 100% of the construction costs of \$50,000.00. The difference of \$15,000.00 shall be returned to the land owner. Once signed, the owner is required to have a Civil Engineer submit stamped engineering drawings for approval by Development Engineering and Drawing Review.

The applicant must contact Gary Kerr (780-944-7683) 48 hours prior to removal or construction within city road right-of-way.

5) All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction. Reference Section 53(1).

6) The owner must construct a connecting 1.5 m concrete sidewalk from the existing bus stop pad to the site, as shown on Enclosure I.

7) The existing 3.5 m culvert crossing access to 213 Street must be widened to 7.0 m (see Enclosure I). The access must be relocated a minimum 6.5 m from the property line to ensure no portion of the radius for the access extends past the property line. The access must be hard surfaced with asphalt or concrete from the edge of the driving surface to the property line.

8) The proposed 9 m culvert crossing access to 100 Avenue (see Enclosure I), located 33.14 m west of the east property line is acceptable to Subdivision Planning. The access must be hard surfaced with asphalt or concrete from the edge of the driving surface to the property line.

9) 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. Alberta One-Call (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 removals shall be at the expense of the owner/applicant.

10) 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:

[http://www.edmonton.ca/transportation/on\\_your\\_streets/on-street-construction-maintenance-permit.aspx](http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx)

11) Any boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. The boulevard will be inspected by Development Inspections prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

12) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or shall be concealed by incorporating it within the building roof.

13) All on-site services for power, telephone and C.A.T.V. shall be underground. Underground power services shall also be provided for Signs requiring such services.

14) Landscaping shall be in accordance with the approved Landscape Plan, Section 55 of the Zoning Bylaw and to the satisfaction



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of the Development Officer.

15) Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

16) Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

17) A Guaranteed Landscaping Security shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.

### Landscaping Notes:

- i) 20% of the approved Guaranteed Landscape Security shall be collected on compliant Landscape Plans, after the first Development Permit Inspection, for a period of 24 months from the date of first Development Permit Inspection.
- ii) Upon the first Development Permit Inspection and determination that landscape construction has been completed in compliance with the approved Landscape Plan, 20% of the approved Guaranteed Landscape Security shall be collected and retained for a period of 24 months from the date of first Development Permit Inspection.
- iii) Sites that are not completed or are not compliant with approved Landscape Plans at the first Development Permit Inspection, shall be required to submit a Security for incomplete work, up to and including the full value of the approved Guaranteed Landscape Security value.

18) Bicycle parking (a minimum of 5 spaces) shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

19) The applicant/owner shall provide parking for People with Disabilities (a minimum of 4 spaces) in accordance to Section 54.1 (3) and to the satisfaction of the Development Officer.

20) All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

21) All activities or operations of the proposed development shall comply to the standards prescribed by the Province of Alberta pursuant to the Environmental Protection and Enhancement Act and the regulations pertaining thereto.

22) The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6.

23) The development shall comply to the performance standards for the IB District in accordance to Section 57 of the Edmonton Zoning Bylaw. (Reference Section 400.4(6)).

24) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the required 6.0 m yards. (Reference Section 400.4(4).)

25) 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.

26) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

### Notes:

- i) 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



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## Major Development Permit

as to the presence or absence of any environmental contaminants on the property.

ii) Signs require separate Development Applications.

iii) 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.

**Variations**

Reduced Setback abutting a Major Arterial Road - The distance from the surface parking area to the Lot Line abutting 100th Avenue from the 7.5 m to 3 m. and 7.5 to 2.m (a portion of the loading space). (Section 813.4.6(a), Major Commercial Corridors Overlay)

Landscaping within the required Setback abutting a Major Arterial Road - Provide landscaping within the reduced Setback area abutting 100 Avenue. (Section 813.4.6(b), Major Commercial Corridors Overlay)

Reduced Setback abutting a public roadway - The distance from the building and Lot Line abutting 213th Street is 3 m instead of 6 m. (Section 400.4.3, IB Zone)

Reduced Setback abutting Site zoned residential - The distance from the surface parking lot to the Lot Line abutting the Site to the south, that is zoned residential (RR), is 0.8 m instead of 6 m.

Parking within a Setback - Allow parking, loading and trash collection to encroach 5.2 m into the required 6.0 m Setback, that abuts the Site to the south, that is zoned residential (RR). (Section 400.4.4)

Parking within a Setback - Allow a loading space to encroach 5.5 m into the required 7.5 m Setback abutting 100 Avenue. (Section 400.4.4)

Loading Space size - The loading spaces are 3.0 m wide x 7.5 m long and 3.0 m wide x 5.5 m long instead of 3.0 m wide x 9.0 m long. (Section 54.4.3.a)

Allow loading and service for a portion of the building to be located in front of the principal building facing 100th Avenue. (Section 57.1.1.b)

**Rights of Appeal**

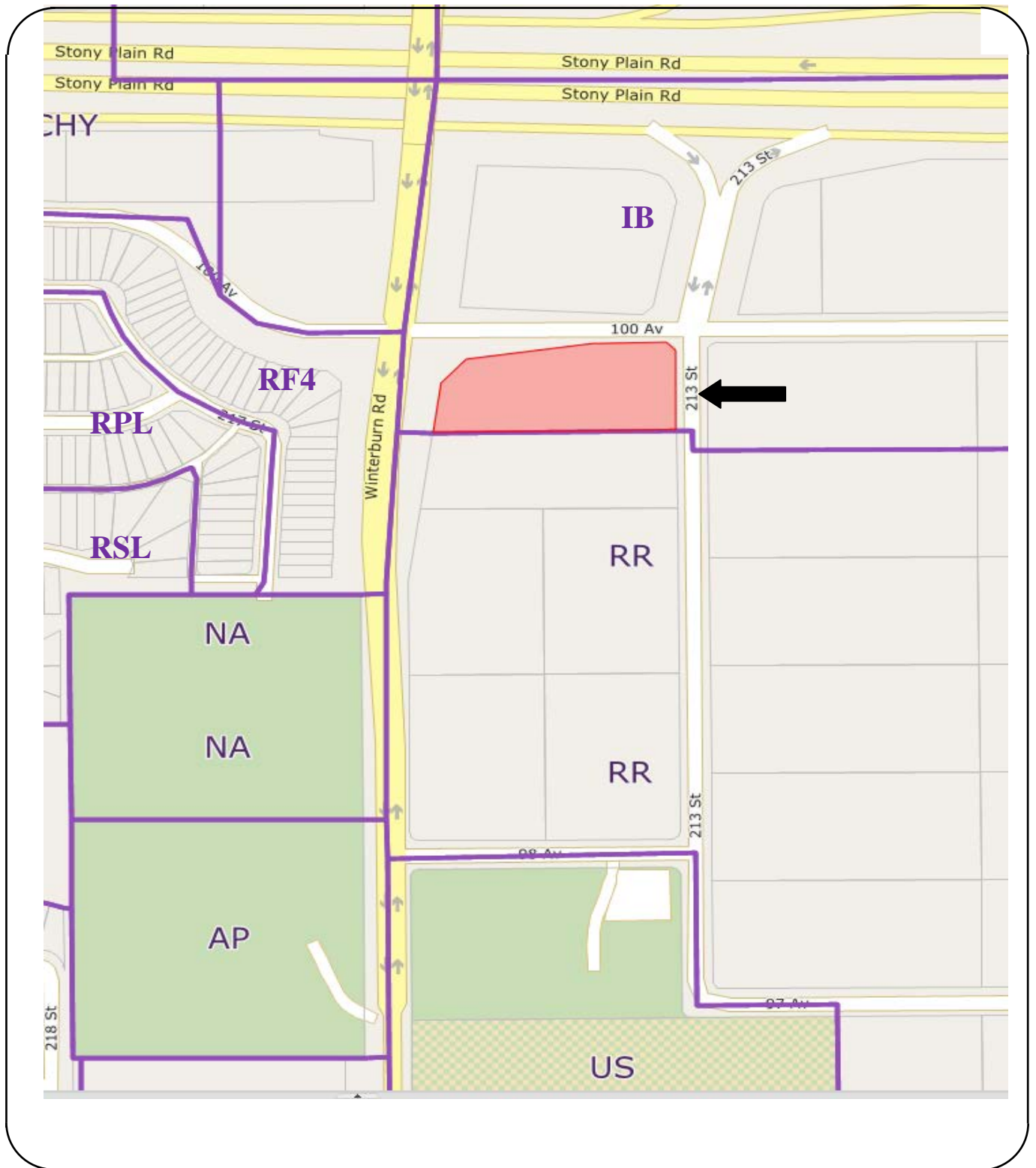
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Notice Period Begins:** Feb 13, 2018

**Ends:** Mar 06, 2018

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee for GFA	\$2,256.00	\$2,162.00	04395450	Aug 23, 2017
Major Dev. Application Fee	\$929.00	\$929.00	04395450	Aug 23, 2017
Development Permit Inspection Fee	\$500.00	\$500.00	04395450	Aug 23, 2017
Lot Grading Fee	\$227.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,912.00	\$3,591.00		
(\$321.00 outstanding)				



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-123

