

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 5, 2017**

**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-17-002	Construct a Single Detached House with a front veranda, rear uncovered deck (4.12 metres by 6.71 metres), Rooftop Terrace (2.13 metres by 4.19 metres), rear attached Garage, fireplace, and a Basement development (NOT to be used as an additional Dwelling)
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WITHDRAWN

10754 - 69 Street NW
Project No.: 219678789-004

II	12:30 P.M.	SDAB-D-17-003	Change the Use of a Restaurant to a Pawn Store, a Secondhand Store and a Professional, Financial and Office Support Service, and to construct interior alterations. (Cash Canada)
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12225 - 118 Avenue NW
Project No.: 231692613-001

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-17-002

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

APPELLANT:

APPLICATION NO.: 219678789-004

APPLICATION TO: Construct a Single Detached House with a front veranda, rear uncovered deck (4.12 metres by 6.71 metres), Rooftop Terrace (2.13 metres by 4.19 metres), rear attached Garage, fireplace, and a Basement development (NOT to be used as an Additional Dwelling)

WITHDRAWN

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 21, 2016

NOTIFICATION PERIOD: November 29, 2016 through December 13, 2016

DATE OF APPEAL: December 12, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10754 - 69 Street NW

LEGAL DESCRIPTION: Plan 1623962 Blk 52 Lot 18A

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:

To whom it may concern,

I am the property owner living at 6816 108 Ave NW, directly to the east of this property and have significant objections to two of the three proposed variances.

Of specific concern to me and my family are the requested variances regarding Reduced Rear Setback and Projection.

One of the reasons we moved to this house 6 years ago and have invested significant time and money revitalizing the property, is the views from the back of the lot. Allowing any proposed development beside us to move further back on the property than the regulations allow will significantly impact that view as well as reducing the privacy of our backyard and our ability to enjoy it.

The spirit of the Mature Neighbourhood Overlay "only" allows a variance when "following the regulation could prevent a safe or functional neighbourhood and the proposed development will not interfere with the enjoyment or value of neighbouring properties."
https://www.youtube.com/watch?v=ym_vJFcai8c&feature=youtu.be

This variance application has nothing to do with safety or functionality of our neighbourhood. The house that exists on the property has been there for almost 60 years.

I believe this variance is being asked for to improve the views from the new development and therefore increase the sale value of the property. That increase in value will come at the expense of our views, privacy and property value. Its increase will have exactly the opposite effect on my property. I am certainly not saying that is the developer's intention, but it is our reality.

The MNO also calls for consistency by "positioning buildings in specific places on their lots to create consistent front and back yards throughout the community"
<https://www.youtube.com/watch?v=PSmPIqeFqWQ&feature=youtu.be> and the MNO review determined "Edmontonians value a larger rear yard for private activity space."

We share these common values and believe there is no reason for this development to stray from the standards.

Quite simply, these variances do not meet the criteria layed out by the City of Edmonton's own rules and if they are granted, will certainly result in a loss of property value and our enjoyment of our home.

I urge you to adhere to the existing rules and prevent these variances from being approved.

Please feel free to contact me should you have any questions or require any additional information.

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.

(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, or

...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the 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*:

Under section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Under section 7.2(9), **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 Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this 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.

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.

Accessory Uses and Buildings: General

The Board is advised that on November 28, 2016 City Council amended section 50.1(4) of the *Edmonton Zoning Bylaw*, under Bylaw 17831.

As of November 28, 2016, section 50.1(4) now states:

Where any building or structure on a Site is attached to a principal building on the Site by a roof, an open or enclosed structure above Grade, a floor or a foundation greater than 1.0 m above Grade, it is part of the principal building and is not an Accessory building.

Under section 6.1(2), **Accessory** means:

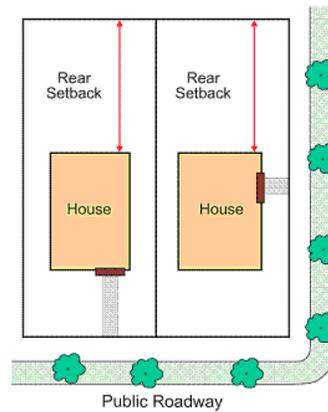
when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Mature Neighbourhood Overlay Development Regulations

Section 814.3(5) states "The minimum Rear Setback shall be 40% of Site depth. [...]."

Under section 6.1(84), **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer’s Determination:

Reduced Rear Setback - The distance from the house including the rear attached Garage to the rear property line is 3.18m (9.5% of site depth) instead of 13.41m (40% of site depth). (Section 814.3.5) [unedited].

Section 814.3(18) states “Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.”

Development Officer’s Determination:

Garage location - To allow for rear attached garage on an interior lot. (Section 814.3.18) [unedited].

Community Consultation

Section 814.3(24) states:

When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and

- d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

Projection into Setbacks

The Board is advised that on November 28, 2016 City Council amended section 44.3(b) of the *Edmonton Zoning Bylaw*, under Bylaw 17831.

As of November 28, 2016, section 44.3 now states:

The following features may project into a required Setback or Separation Space as provided for below:

- b) Platform Structures provided such projections do not exceed 2.0 m into any other Setbacks or Separation Spaces with a depth of at least 4.0 m.

Under section 6.1(75), **Platform Structures** means:

a raised structure on which people can stand, that projects from the wall of a building, may be surrounded by guardrails, parapet walls or similar features, and is intended for use as an Amenity Area. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

Under section 6.1(92), **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

Development Officer’s Determination:

Projection - The distance from the rear uncovered deck to the back property line (rear lot line) is 9.28m, instead of 11.41m (Section 44.3(b)) [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: 219678789-004 Application Date: JUL 05, 2016 Printed: November 21, 2016 at 12:31 PM Page: 1 of 3		
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">House Development and Building Permit</h3>			
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	Property Address(es) and Legal Description(s) 10754 - 69 STREET NW Plan 1623962 Blk 52 Lot 18A		
Scope of Application To construct a Single Detached House with a front veranda, rear uncovered deck (4.12m x 6.71m), Rooftop Terrace (2.13m x 4.19m), rear attached Garage, fireplace, and a Basement development (NOT to be used as an additional Dwelling).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 1903 Class of Permit: Class B Front Yard (m): 8.02 Rear Yard (m): 3.18 Side Yard, left (m): 1.2 Site Area (sq. m.): 306.7 Site Width (m): 9.14 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 8.6 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.2 Site Depth (m): 33.54 Stat. Plan Overlay/Annex Area: </td> </tr> </table>		Affected Floor Area (sq. ft.): 1903 Class of Permit: Class B Front Yard (m): 8.02 Rear Yard (m): 3.18 Side Yard, left (m): 1.2 Site Area (sq. m.): 306.7 Site Width (m): 9.14	Building Height to Midpoint (m): 8.6 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.2 Site Depth (m): 33.54 Stat. Plan Overlay/Annex Area:
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I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved			
THIS IS NOT A PERMIT			



Project Number: **219678789-004**
 Application Date: JUL 05, 2016
 Printed: November 21, 2016 at 12:31 PM
 Page: 2 of 3

Application for House Development and Building Permit

Subject to the Following Conditions

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

This Development Permit authorizes the development of a Single Detached House with a front veranda, rear uncovered deck (4.12m x 6.71m), Rooftop Terrace (2.13m x 4.19m), rear attached Garage, fireplace, and a Basement development (NOT to be used as an additional Dwelling). The development shall be constructed in accordance with the stamped and approved drawings.

1. WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2)
2. The maximum Height shall not exceed 8.6m, in accordance with Section 52 of the Edmonton Zoning Bylaw 12800.
3. The driveways and outdoor parking spaces shall be hardsurfaced in accordance with Section 54.6.
4. Except for the hardsurfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw.
5. Landscaping shall be provided on a Site within 18 months of the occupancy of the Single Detached House. Trees and shrubs shall be maintained on a Site for a minimum of 42 months after the occupancy of the Single Detached House (Reference Section 55.2.1).
6. A minimum of one (1) deciduous tree with a minimum Caliper of 50 mm, one (1) coniferous tree with a minimum Height of 2.5 m and four (4) shrubs shall be provided on site. Deciduous shrubs shall have a minimum Height of 300 mm and coniferous shrubs shall have a minimum spread of 450 mm (Reference Section 55.2.1).
7. All Yards visible from a public roadway, other than a Lane, shall be seeded or sodded. Seeding or sodding may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens (Reference Section 55.2.1).
8. Existing vegetation shall be preserved and protected unless removal is demonstrated, to the satisfaction of the Development Officer, to be necessary or desirable to efficiently accommodate the proposed development. (Reference Section 55.4(8)).
9. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of the Edmonton Zoning Bylaw. (Reference Section 140.4.15)

NOTES:

1. Any future Platform Structures 0.6m or greater above Grade shall require a separate development permit and shall provide privacy screening if 1.0m or greater above Grade to prevent visual intrusion into adjacent properties. (Reference Section 814.3(8))
2. Any future deck enclosure or cover requires a separate development and building permit approval.
3. Any future additional dwelling(s) shall require a separate development permit application.
4. The driveway access must maintain a minimum clearance of 1.5m from all surface utilities.
5. Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Planning and Engineering at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.
6. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

THIS IS NOT A PERMIT



Project Number: **219678789-004**
 Application Date: JUL 05, 2016
 Printed: November 21, 2016 at 12:31 PM
 Page: 3 of 3

Application for House Development and Building Permit

7. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

Variations

Reduced Rear Setback - The distance from the house including the rear attached Garage to the rear property line is 3.18m (9.5% of site depth) instead of 13.41m (40% of site depth). (Section 814.3.5)

Garage location - To allow for rear attached garage on an interior lot. (Section 814.3.18)

Projection - The distance from the rear uncovered deck to the back property line (rear lot line) is 9.28m, instead of 11.41m (Section 44.3(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.

Issue Date: Nov 21, 2016 **Development Authority:** PIHOOJA, KATHERINE **Signature:** _____
Notice Period Begins: Nov 29, 2016 **Ends:** Dec 13, 2016

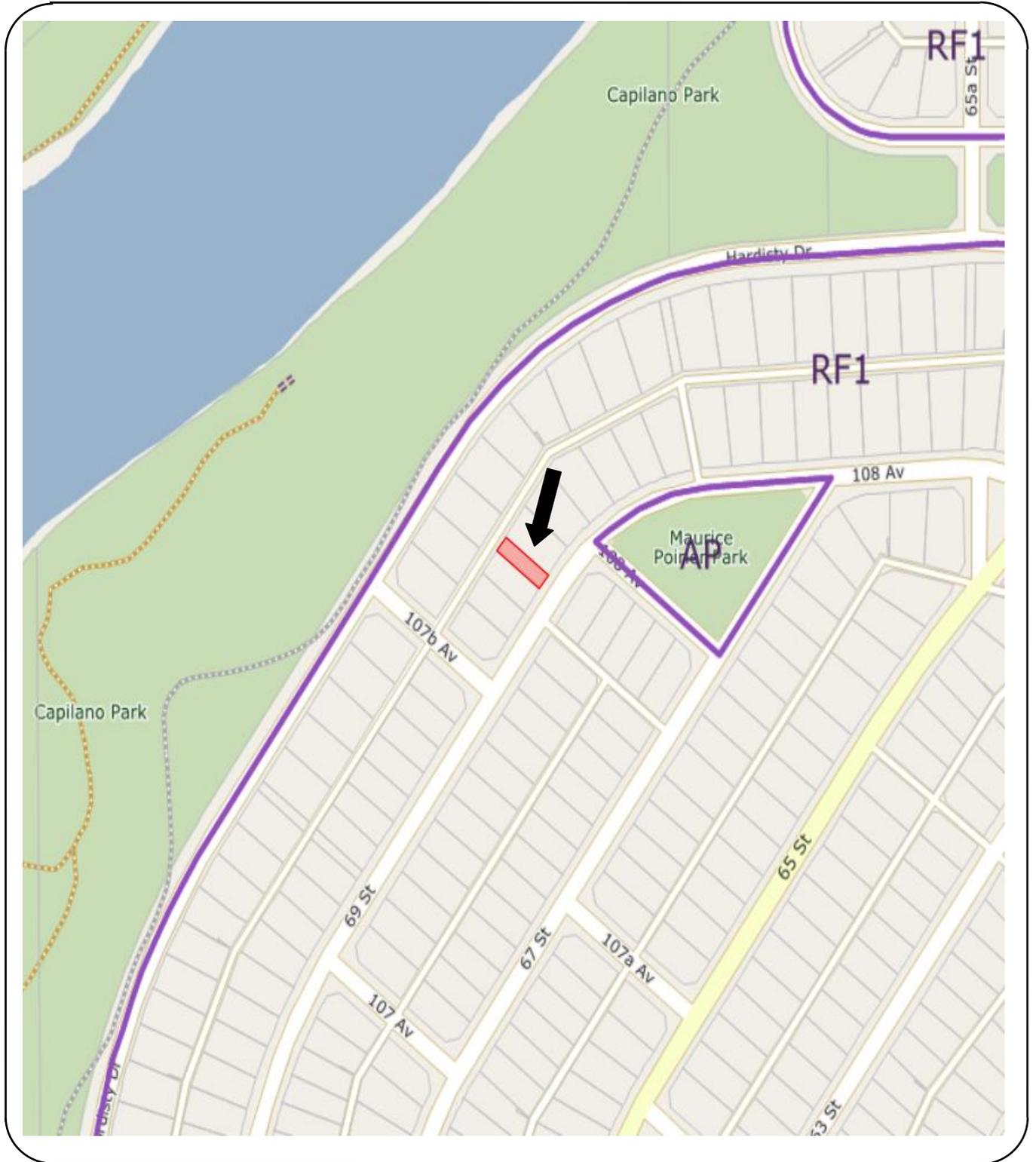
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$77.00	\$77.00	03418358	Jul 05, 2016
Lot Grading Fee	\$135.00	\$135.00	03418358	Jul 05, 2016
Safety Codes Fee	\$70.88	\$70.88	03418358	Jul 05, 2016
Electrical Safety Codes Fee	\$15.54	\$15.54	03418358	Jul 05, 2016
Water Usage Fee	\$49.61	\$49.61	03418358	Jul 05, 2016
Building Permit Fee	\$1,772.00	\$1,772.00	03418358	Jul 05, 2016
Electrical Fees (House)	\$276.00	\$276.00	03418358	Jul 05, 2016
DP Notification Fee	\$102.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,498.03	\$2,396.03		
(\$102.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-002



ITEM II: 12:30 P.M.

FILE: SDAB-D-17-003

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN
ADJACENT BUSINESS AND A BUSINESS ASSOCIATION

APPELLANT(S):

APPLICATION NO.: 231692613-001

APPLICATION TO: Change the Use of a Restaurant to a Pawn Store, a Secondhand Store and a Professional, Financial and Office Support Service, and to construct interior alterations. (Cash Canada)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: October 20, 2016

NOTIFICATION PERIOD: October 27, 2016 through November 10, 2016

DATE OF APPEAL(S): November 8, 2016 and November 10, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12225 - 118 Avenue NW

LEGAL DESCRIPTION: Plan 4128HW Blk 38 Lot 12

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

Loan Star Jewellery & Loans:

I am President of Loan Star Jewellery and Loan. On behalf of my partners and myself, I would like to appeal the decision to issue Cash Canada a development permit for the building located at 12225-118ave. Our neighborhood is already over-saturated with secondary lenders, There are currently two payday loan/cheque cashing stores, five second hand dealers, and 2 used car buyers with-in a span of 5 blocks along 118ave .Is it truly necessary to add another, when Cash Canada(the applicant) already has a store 10 blocks south of the proposed location. And as the BRZ and residents continue strive to improve there neighborhood and I am sure that this development permit does not go hand in hand with the city's vision of the new Blatchford community that is being constructed 2 blocks east of the proposed location.

Inglewood Business Association:

On behalf of the Inglewood Business Association Board of Directors, representing 79 businesses in the area, we would like to express our serious concerns over the proposed development and approval of a pawn shop, a second-hand store and Cash Canada within our community.

The proposed businesses would be immediately across the street from an existing pawn shop and in walking distance of two second-hand stores that have been, established businesses that have been in operation for over 30 years in the neighbourhood. The proximity of these new businesses will pose hardship to an existing member as well as create a hub that will negatively impact the immediate area. Having a cluster of such businesses may contribute to the growing crime rates in our area. Albeit pawn brokers and similar businesses provide a legitimate service, some may obtain merchandise from unregulated or unknown sources despite regulations. With the increased risk of becoming a "crime attractors and crime creators" in our area are very real. (McCord, Ratcliffe, Garcia, & Taylor, P. 299, 2007 and Bernasco & Block, P. 51, 2011).

We implore the board to consider the social-economic status of the population of the neighbourhoods when determining if these proposed businesses would "interfere with the amenities of the neighbourhood; or materially interfere with or affect the use, enjoyment or value of neighbouring properties". A short-term assessment might confirm that the addition of these businesses "promote diversity, uniqueness and a full range of businesses and services for all residents and visitors to the area". However, our area is not a "destination" but is home to a significant proportion of low income, single-parent and fixed income (welfare or pension) residents who rely on walking or public transportation. Our communities are challenged with many social issues, including homelessness, addictions and we are continuously curbing petty crime such as theft, graffiti and substance-abusive related offenses.

We are deeply concerned that businesses such as Cash Canada, will only attract more crime and instability in our households. These businesses do not contribute to the sustainable and healthy practices that our community leagues, our churches as well as our many health and service organizations and businesses have been working so hard to build.

The fragility of Inglewood, Prince Charles and Sherbrooke neighborhoods social ecosystem is very real and it is increasingly threatened as these neighborhoods are absorbing growing numbers of homeless and low-income families pushed to the north-west from the city centre development. Our communities cannot absorb additional "fringe banking services" which feed serious financial dysfunction for the many single-parent, immigrant families and seniors already struggling.

Our work for the past 21 years has been to create social opportunities and networks in order to build positive supports and infrastructures in both services and businesses so desperately needed by the citizens that call our district home. We need to be mindful that the businesses we promote contribute to cultivating healthy lifestyles for the members of our communities. We take our responsibility as stewards of our community seriously. Our business sector has an important responsibility in developing a business sector that ensures healthy and sustainable social, physical and financial services in walking distance for the many seniors, single parents and newcomers in our area (see statistics attached).

In the interests of the long range social benefits and the safety and well-being of the citizens that call our business district home, we urge the Appeal Board to reverse the decision of the Development Officer and not allow the discretionary use within our Business District.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board ("the SDAB") at a hearing on November 23, 2016, made and passed the following motion:

"That the hearing for Project No. 231692613-001 be scheduled for January 4 or 5, 2017."

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.

(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, or

...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the 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*:

Under section 330.2(11), **Professional, Financial and Office Support Services** is a **Permitted Use** in the CB1 Low Intensity Business Zone.

Under section 330.3(26), a **Pawn Store** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Under section 330.3(33), a **Secondhand Store** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Under section 7.4(42), **Professional, Financial and Office Support Services** means:

development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Under section 7.4(40), a **Pawn Store** means:

development used to provide secured loans in exchange for goods offered as collateral, including the sale of such goods. This Use Class may also include the minor repair of goods sold on-Site. Typical Uses include the resale of clothing, jewelry, stereos, household goods and musical instruments in pawn. This Use Class does not include the sale of used vehicles, recreation craft or construction and industrial equipment, and does not include Flea Markets or Secondhand Stores.

Under section 7.4(46), a **Secondhand Store** means:

development used for the retail or consignment sale of secondhand personal or household goods, including the minor repair of goods sold on-Site. Typical Uses include clothing, jewelry, book and antique stores. This Use Class does not include the sale of used vehicles, recreation craft or construction and industrial equipment, and does not include Flea Markets or Pawn Stores.

Section 330.1 states that the **General Purpose** of the **CB1 Low Intensity Business Zone** is:

...to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Development Officer's Determination

1. Discretionary Use - The Pawn Store is approved as a Discretionary Use (Section 330.3(26)).

2. Discretionary Use - The Secondhand Store is approved as a Discretionary Use (Section 330.3(33)). [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: 231692613-001 Application Date: SEP 29, 2016 Printed: October 20, 2016 at 5:06 PM Page: 1 of 3						
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	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Property Address(es) and Legal Description(s)</td> </tr> <tr> <td style="text-align: center;">12225 - 118 AVENUE NW Plan 4128HW Blk 38 Lot 12</td> </tr> <tr> <td style="text-align: center;">Specific Address(es)</td> </tr> <tr> <td>Suite: 12225 - 118 AVENUE NW</td> </tr> <tr> <td>Entryway: 12225 - 118 AVENUE NW</td> </tr> <tr> <td>Building: 12225 - 118 AVENUE NW</td> </tr> </table>	Property Address(es) and Legal Description(s)	12225 - 118 AVENUE NW Plan 4128HW Blk 38 Lot 12	Specific Address(es)	Suite: 12225 - 118 AVENUE NW	Entryway: 12225 - 118 AVENUE NW	Building: 12225 - 118 AVENUE NW
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Specific Address(es)							
Suite: 12225 - 118 AVENUE NW							
Entryway: 12225 - 118 AVENUE NW							
Building: 12225 - 118 AVENUE NW							
Scope of Permit To change the use of a Restaurant to a Pawn Store, a Secondhand Store and a Professional, Financial and Office Support Service, and to construct interior alterations. (Cash Canada)							
Permit Details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 1680.24 </td> <td style="width: 50%; vertical-align: top;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 1680.24	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay				
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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: 231692613-001
Application Date: SEP 29, 2016
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Major Development Permit

Subject to the Following Conditions

1. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1.1.c)

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)

ADVISEMENTS:

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

b. This Development Permit is NOT a Business Licence. A separate application must be made for a Business Licence. Please contact the 311 Call Centre (780-442-5311) for further information.

c. Signs require separate Development Applications.

d. 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 (780-442-5311) for further information.

e. 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.

f. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

g. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.

h. This property is part of an area that has been targeted for grant funding under the City's Facade Improvement and Development Incentive Programs. Please call the program manager at 780-496-6196 or e-mail facade.improvement@edmonton.ca or development.incentive@edmonton.ca to find out more about the property's eligibility for grant funding.

Variations

1. Discretionary Use - The Pawn Store is approved as a Discretionary Use (Section 330.3(26)).

2. Discretionary Use - The Secondhand Store is approved as a Discretionary Use (Section 330.3(33)).

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: Oct 20, 2016 Development Authority: ADAMS, PAUL

Signature: _____

Notice Period Begins: Oct 27, 2016

Ends: Nov 10, 2016

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



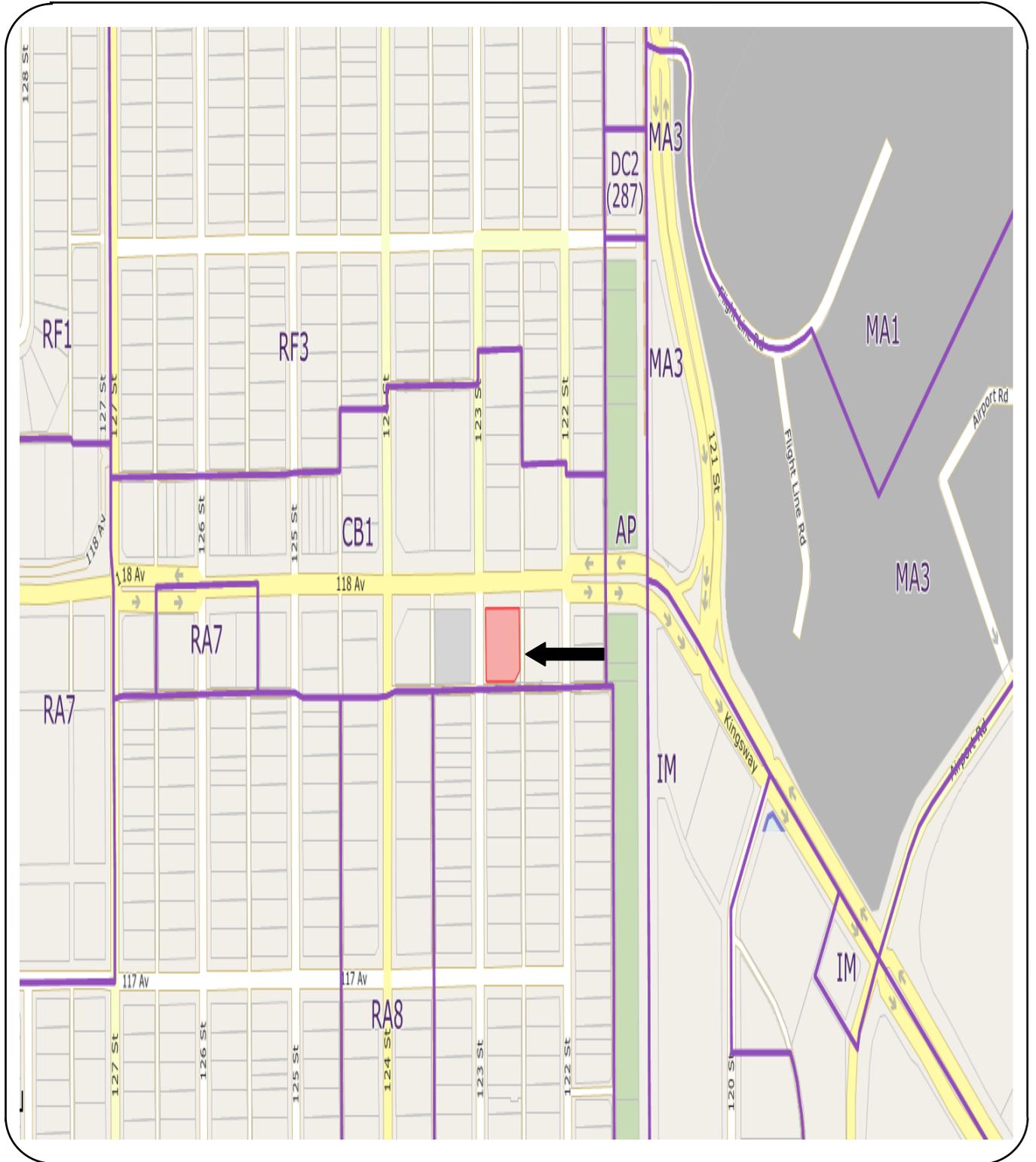
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Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$323.00	\$323.00	03642473	Sep 29, 2016
DP Notification Fee	\$102.00	\$102.00	03642473	Sep 29, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$425.00	<u>\$425.00</u>		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-003



BUSINESS LAID OVER

SDAB-D-16-292	An appeal by <u>Vishal Aggarwal</u> to change the Use of a General retail Store to a Major Alcohol Sales. <i>January 11, 2017</i>
SDAB-S-16-003	An appeal by <u>Stantec Consulting Ltd.</u> to create (1) additional rural residential lot <i>January 11, or 12, 2017</i>
SDAB-D-16-294	An appeal by <u>Wigalo Holdings Ltd.</u> to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18, 2017</i>
SDAB-D-16-295	An appeal by <u>Wigalo Holdings Ltd.</u> to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18, 2017</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>January 25, 2017</i>
SDAB-D-16-316	An appeal by Superior Buildings & Design Ltd. to construct an addition and exterior alterations to an existing Religious Assembly (250-seat addition to 250-seat building and parking lot expansion)(Ethiopian Church) <i>Date to be determined in January, 2017</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> 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) <i>February 2017</i>

APPEAL HEARINGS TO BE SCHEDULED

232104801-001 LDA16-0435	An appeal by <u>Franken Holdings/Hagen Surveys (1982) Ltd.</u> to create one (1) additional single detached residential lot <i>January 11, 2017</i>
226113444-003	An appeal by <u>Ryan Snyder</u> to operate a Major Home Based Business (Administration Office and Sandblasting Contractor k- Western Canadian Soda Blasting) <i>January 11 or 12, 2017</i>
232482794-001	An appeal by <u>St. Paul's United Church</u> to install (1) Freestanding On-premises Sign and remove (1) existing Freestanding On-premises Sign (ST. PAUL'S UNITED CHURCH). <i>January 12, 2017</i>

230469969-001	An appeal by <u>Pattison Outdoor Advertising / Ogilvie LLP</u> to install (1) freestanding Minor Digital Off-premises Sign (14.6m x 4.3m digital panel facing South, and static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920-101 Street, existing Freestanding Off-premises Signs on 2303 Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.) <i>January 26, 2017</i>
152674334-001	An appeal by <u>A&E Architectural & Engineering Group Inc.</u> to construct an Auctioneering Establishments building and operate an Auctioneering Establishment on the entire Site (including existing storage building and shed), and demolish an existing storage building (Osman Auction Inc.) <i>February 22, 2017</i>