

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
January 28, 2016**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

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I     9:00 A.M.     SDAB-D-16-040

Construct an Accessory Building (shed- 3.05m x 3.66m), existing without permits

10033 - 81 Avenue NW

Project No.: 180570351-001

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II    10:15 A.M.    SDAB-D-16-042

Change the use from a General Retail Store and Personal Service Shop to a General Retail Store with Accessory Creation and Production Establishment, Private Club (378.96 sq.m. public space), and Commercial School (70 seats)

10552 - 114 Street NW

Project No.: 181265183-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-040

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180570351-001

ADDRESS OF APPELLANT: 10033 - 81 Avenue NW

APPLICATION TO: Construct an Accessory Building (shed-3.05m x 3.66m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 16, 2015

DATE OF APPEAL: January 4, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10033 - 81 Avenue NW

LEGAL DESCRIPTION: Plan I17 Blk 52 Lot 8

ZONE: CB2 General Business Zone

OVERLAY: Pedestrian Commercial Shopping Street Overlay  
Whyte Avenue Commercial Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

***Grounds for Appeal***

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

General storage for barbeque, bicycles, summer tools, gazebo, swing and security for theft. [unedited]

***General Matters***

**Appeal Information:**

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

### **Grounds for Appeal**

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

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

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

### **Appeals**

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

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

The decision of the Development Officer is dated December 16, 2015. The Notice of Appeal was filed on January 4, 2015.

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

Pursuant to Section 340.1, the **General Purpose** of the **CB2 General Business Zone** is “to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.”

**Single Detached Housing** is neither a **Permitted** nor a **Discretionary** Use in the **CB2 General Business Zone**.

### ***Accessory Uses and Buildings***

Pursuant to Section 6.1(2), “**Accessory**” means, “when used to describe a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, an located on the same lot or Site.”

Section 50.1 provides as follows:

#### **50.1 Accessory Uses and Buildings: General**

1. A Use shall be Accessory to a Permitted or Discretionary Use which is a principal Use on the Site, if such Use complies with the definition of Accessory in this Bylaw. Notwithstanding the foregoing, Accessory parking may be on the same Site as the principal Use or comply with subsection 54.2(2) of this Bylaw.
2. 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.

3. Accessory Uses and buildings are discretionary in a Zone when Accessory to a principal Use which is a Discretionary Use in that same Zone and for which a Development Permit has been issued.

***Legal Non-Conforming Use***

Pursuant to Section 616(q) of the *Municipal Government Act*, “**non-conforming building**” means a building

(i) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and

(ii) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;

Pursuant to Section 11.3(3):

The Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw and the proposed development would not, in his [or her] opinion

- (a) Unduly interfere with the amenities of the neighbourhood; or
- (b) Materially interfere with or affect the use, enjoyment or value of neighbouring properties.

**Development Officer’s Determination:**

**Reasons for Refusal**

The proposed Accessory building (shed) is Accessory to the existing Single Detached House Use on this Site.

A Single Detached House is neither a Permitted nor a Discretionary Use within the General Business (CB2) Zone. Reference Sections 340.2 and 340.3. Therefore, the proposed Accessory building is also neither Permitted nor Discretionary within the CB2 Zone. [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.

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Project Number: **180570351-001**  
 Application Date: OCT 07, 2015  
 Printed: January 25, 2016 at 3:19 PM  
 Page: 1 of 1

## Application for Accessory Building Development and Building Permit

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

<b>Applicant</b>  MOYEN, OMER 	<b>Property Address(es) and Legal Description(s)</b> 10033 - 81 AVENUE NW Plan I17 Blk 52 Lot 8  <b>Location(s) of Work</b> Entryway: 10033 - 81 AVENUE NW Building: 10033 - 81 AVENUE NW
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**Scope of Application**  
 To construct an Accessory Building (shed- 3.05m x 3.66m), existing without permits.

<b>Permit Details</b>  Building Area (sq. ft.): 120 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class A Type of Accessory Building: Shed (040)
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I/We certify that the above noted details are correct.

Applicant signature: \_\_\_\_\_

**Development Application Decision**  
 Refused

**Reasons for Refusal**  
 The proposed Accessory building (shed) is Accessory to the existing Single Detached House Use on this Site.

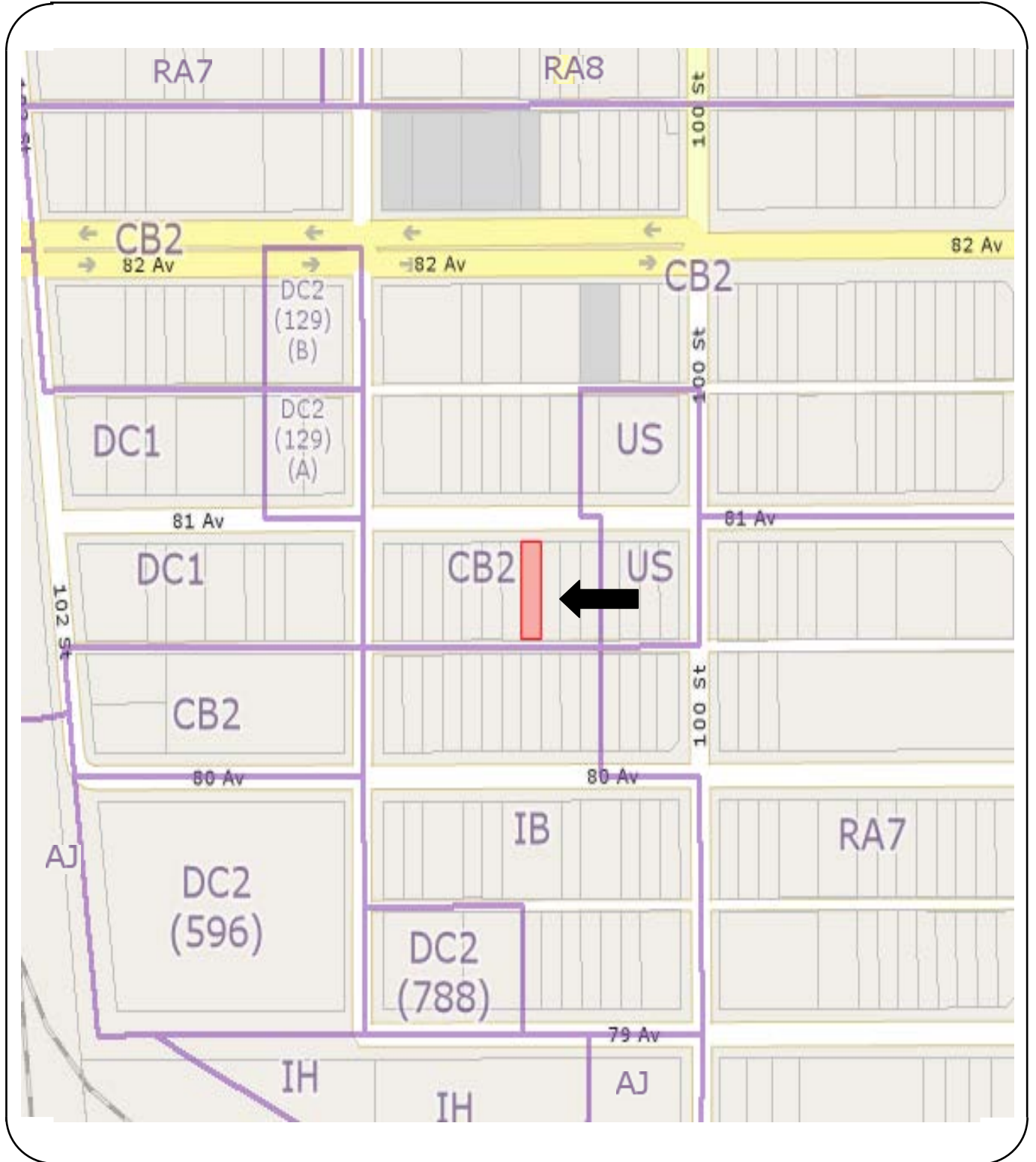
A Single Detached House is neither a Permitted nor a Discretionary Use within the General Business (CB2) Zone. Reference Sections 340.2 and 340.3. Therefore, the proposed Accessory building is also neither Permitted nor Discretionary within the CB2 Zone.

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

Issue Date: Dec 16, 2015      Development Authority: BACON, KIRK      Signature: \_\_\_\_\_

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	02805384	Oct 07, 2015
Dev. Application Fee	\$105.00	\$105.00	02805384	Oct 07, 2015
Building Permit Fee	\$100.00	\$100.00	02805384	Oct 07, 2015
Existing Without Building Permit Penalty Fee	\$100.00	\$100.00	02805384	Oct 07, 2015
Existing Without Development Permit Penalty Fee	\$105.00	\$105.00	02805384	Oct 07, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$414.50	\$414.50		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-040





ITEM II: 10:15 A.M.

FILE: SDAB-D-16-042

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

APPELLANT:

APPLICATION NO.: 181265183-002

ADDRESS OF APPELLANT: 10515 - 114 Street NW

APPLICATION TO: Change the use from a General Retail Store and Personal Service Shop to a General Retail Store with Accessory Creation and Production Establishment, Private Club (378.96 sq.m. public space), and Commercial School (70 seats)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 18, 2015

DATE OF APPEAL: January 4, 2016

RESPONDENT: Ware's & Wear Ventures Inc.

ADDRESS OF RESPONDENT: 10552 - 114 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10552 - 114 Street NW

LEGAL DESCRIPTION: Plan B4 Blk 14 Lot 205

ZONE: DC1 Direct Development Control Provision

OVERLAY: None

STATUTORY PLAN: Central McDougall/Queen Mary

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***Grounds for Appeal***

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

Hello

We received the attached notice regarding potential development permit for 10552-114 Street.  
City File # 181265183-002

I want to be very clear that Soper's Supply (Waymor Holdings) strongly opposes the proposed development, due to the extreme parking conflict.

We are currently experiencing parking problems in this area as it is. A short fall of almost 60 parking stalls is unimaginable and unmanageable.  
Our ability to conduct business would be substantially compromised. To be honest, I am very surprised the City would even entertain such a request.

I have visited the site mentioned on the notice, however I am not certain if the attached Development Appeal Form is to be filled out at this time.

I have tried both phone numbers on the notice, to date, I have not been able to make contact.

If further steps are required for Soper's to voice our concern, or file an appeal, please advise

[Redacted]  
Phone [Redacted]

Thanks

Doug Myers  
General Manager  
Soper's Supply Ltd.

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

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

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

**Designation of Direct Control Districts**

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

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

The decision of the Development Officer is dated December 18, 2015. The Notice of Appeal was filed on January 4, 2016.

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

Pursuant to Section 710.1 of the *Edmonton Zoning Bylaw*, the **General Purpose** of the **(DC1) Direct Development Control Provision** is

- ...to provide for detailed, sensitive control of the use, development, siting and design of buildings and disturbance of land where this is necessary to establish, preserve or enhance:
- a) areas of unique character or special environmental concern, as identified and specified in an Area Structure Plan or Area Redevelopment Plan; or
  - b) areas or Sites of special historical, cultural, paleontological, archaeological, prehistorical, natural, scientific or aesthetic interest, as designated under the Historical Resources Act.

The subject Site falls within **Area 2 Precinct 'D' of the (DC1) Direct Development Control Provision for Queen Mary Park**. The Rationale is as follows:

To accommodate a business residential mixed use node that creates a compatible and diverse mixture of residential, office, and commercial land uses at a human scale with a built form that has a strong relationship to the street and accommodates pedestrian activity along the 105 Avenue Multi-use Trail Corridor.

Pursuant to Section 3 of the **(DC1) Direct Development Control Provision, General Retail Stores** are **Permitted Uses**.

Pursuant to Section 7.4(22), **“General Retail Store”** means:

development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use Class does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Market Gardens, Pawn Stores, Major Alcohol Sales, Minor Alcohol Sales, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

Pursuant to Section 7.4(41), **“Personal Service Shop”** means:

development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This Use Class does not include Health Services.

Pursuant to Section 7.4(13), **“Creation and Production Establishments”** means:

development used for the custom creation or small-scale fabrication of goods produced in limited quantity, or for the creation, training and rehearsal of performance arts. Accessory Uses may include the retail sale of goods produced on Site. Typical uses include literary, visual, craft, design, and interdisciplinary and performance arts studios.

Pursuant to Section 7.8(8), **“Private Clubs”** means:

Development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.

Pursuant to Section 7.4(10), **“Commercial School”** means:

development used for training and instruction in a specific trade, skill, service or artistic endeavour. This Use Class does not include schools defined as Public Education Services or Private Education Services. Typical Uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.

***Parking***

Pursuant to Subsection 12 of Section 54.2 Schedule 1 of the *Edmonton Zoning Bylaw*, parking for non-listed Commercial Use Classes is as follows:

<b>Commercial Use Classes</b>	
12. Any development within a Commercial Use Class not listed separately in this table, with a Floor Area of:	
a. less than <u>4 500 m<sup>2</sup></u>	1 parking space per <u>40.0 m<sup>2</sup></u> of Floor Area
b. <u>4 500m<sup>2</sup></u> - <u>9 000m<sup>2</sup></u>	1 parking space per <u>33.3 m<sup>2</sup></u> of Floor Area
c. <u>9 000 m<sup>2</sup></u> <u>28 000 m<sup>2</sup></u>	1 parking space per <u>28.5 m<sup>2</sup></u> of Floor Area
d. greater than <u>28 000 m<sup>2</sup></u>	1 parking space per <u>25.0 m<sup>2</sup></u> of Floor Area

**Development Officer’s Determination:**

Parking - The site has 6 parking stalls, instead of 63 (Section 54.2, Schedule 1). [unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.


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Project Number: 181265183-002  
Application Date: NOV 20, 2015  
Printed: January 25, 2016 at 4:01 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.

<b>Applicant</b>  WARE'S & WEAR VENTURES INC. 	<b>Property Address(es) and Legal Description(s)</b> 10552 - 114 STREET NW Plan B4 Blk 14 Lot 205  <b>Specific Address(es)</b> Suite: 10552 - 114 STREET NW Entryway: 10552 - 114 STREET NW Building: 10552 - 114 STREET NW
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**Scope of Permit**

To change the use from a General Retail Store and Personal Service Shop to a General Retail Store with Accessory Creation and Production Establishment, Private Club (378.96 sq.m. public space), and Commercial School (70 seats).

**Permit Details**

Class of Permit: Class B Gross Floor Area (sq.m.): 689.81 New Sewer Service Required: N Site Area (sq. m.): 696.59	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)
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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: **181265183-002**  
 Application Date: NOV 20, 2015  
 Printed: January 25, 2016 at 4:01 PM  
 Page: 2 of 3

## Major Development Permit

**Subject to the Following Conditions**

- 1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1).
- 2) The applicant or landowner shall implement the recommendations from the CPTED report by TRL Consulting dated 7 December 2014.
- 3) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.
- 4) 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 of the Edmonton Zoning Bylaw 12800).

**NOTES:**

- 1) 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.
- 2) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 3) Signs require separate Development Applications.
- 4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 5) 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.
- 6) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

**Variations**

Parking - The site has 6 parking stalls, instead of 63 (Section 54.2, Schedule 1).

**Rights of Appeal**

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

Issue Date: Dec 18, 2015    Development Authority: WELCH, IMAI    Signature: \_\_\_\_\_  
 Notice Period Begins: Dec 29, 2015    Ends: Jan 11, 2016

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00	\$100.00	02953725	Dec 14, 2015

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



Project Number: **181265183-002**  
Application Date: NOV 20, 2015  
Printed: January 25, 2016 at 4:01 PM  
Page: 3 of 3

## Major Development Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$254.00	\$254.00	02906656	Nov 20, 2015
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$354.00	\$354.00		

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





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-042



**BUSINESS LAID OVER**

SDAB-D-16-001	An appeal to develop a Secondary Suite in the Basement of a Single Detached House, existing without permits. <b><i>February 4, 2016</i></b>
SDAB-D-15-252	An appeal to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <b><i>February 10 or 11, 2016</i></b>
SDAB-D-15-238	An appeal to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <b><i>February 17 or 18, 2016</i></b>
SDAB-D-16-022	An appeal to operate a Minor Alcohol Sales Use and to construct interior alterations. <b><i>February 19, 2016</i></b>
SDAB-D-15-285	An appeal to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <b><i>March 2 or 3, 2016</i></b>
SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <b><i>March 9 or 10, 2016</i></b>