



**Subdivision and
Development Appeal Board**

Office of the City Clerk
Main Floor, Churchill Building
10019 – 103 Avenue NW
Edmonton, AB T5J 0G9
Telephone: (780) 496-6079
Fax: (780) 496-8175

DATE: March 8, 2013
APPLICATION NO: 130612111-001
FILE NO.: SDAB-D-12-339

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This appeal dated November 22, 2012, from the decision of the Development Authority for permission to:

Construct a Single Detached House with a rear attached Garage (Underground Mechanical Room attaching Single Detached House and Detached Garage) and an uncovered deck (5.31 metres by 4.09 metres) balcony, fireplace & basement development (no Secondary Suite involved) and to demolish an existing Single Detached House

on Lot 5, Block 10, Plan 4575S, located at 9503 – 81 Avenue NW, was heard by the Subdivision and Development Appeal Board at its hearing held on December 19, 2012, February 7, 2013, and February 21, 2013. The decision of the Board was as follows:

December 19, 2012 Hearing:

SUMMARY OF HEARING:

“At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct a Single Detached House with a rear attached Garage (Underground Mechanical Room attaching Single Detached House and Detached Garage) and an uncovered deck (5.31 metres by 4.09 metres) balcony, fireplace & basement development (no

SUMMARY OF HEARING CONTINUED:

Secondary Suite involved) and to demolish an existing Single Detached House, located at 9503 – 81 Avenue NW. The subject site is zoned RF3 Low Density Development Zone and is within the Mature Neighbourhood Overlay. The development permit application was refused due to an excess in the maximum allowable Height and the maximum allowable number of Storeys, an excess in the maximum allowable Basement elevation above Grade for Structures two or more Storeys in Height, a deficiency in the minimum Rear Setback, that being 40 percent of Site Depth, a deficiency in the Site Width to permit vehicular access from the front or flanking public roadway where an abutting Lane exists, and an excess in the maximum allowable total Site Coverage.

The Board notes that two letters were received in opposition to the proposed development.

Prior to the hearing, the Appellant submitted a Plot Plan of the subject site with the Appeal submission. The Appellant also submitted documentation that contained an email from EPCOR, a copy of the letter that was used for Community Consultation, reasons for the appeal, and a copy of the Site Plan.

The Board heard from Mr. Engelman, representing Engelman Construction Ltd., who made the following points:

1. He is the developer of the proposed development and is speaking on behalf of the property owners, Mr and Mrs. Barbour.
2. He provided the Board with a copy of his presentation that contained the items that he would be discussing, and a copy of the Community Consultation, marked Exhibits A and B.
3. Throughout his presentation he referred to materials that were outlined in Exhibits A and B.
4. He reviewed the Development Authority's reasons for refusal and began a detailed rebuttal and proposed solution for the concerns of the Development Authority.
5. When discussing how the third Storey should be calculated on the proposed development, he suggested the Board use a similar calculation for Height as provided for in Section 6.1(37)(b) of the Edmonton Zoning Bylaw.
6. In short, the proposed development is more compatible with the mansard type roof pitch and that the half storey calculation is primarily a function of the most exterior wall of the roof.

SUMMARY OF HEARING CONTINUED:

7. As this is somewhat of an arbitrary placement, Mr. Engelman further suggested the Board could be somewhat lenient as to how this could be calculated.
8. He provided the Board with an overview of the existing community precedent in the neighbourhood and the reasons why the proposed development will be supported by the neighbourhood standards.
9. He provided the Board with an overview of the process in which Community Consultation was compiled and the support that was received from neighbouring property owners within the 60 metre notification radius.

In response to questions by the Board, Mr. Engelman provided the following information:

1. The Board asked Mr. Engelman to expand the Grade calculation that would be appropriate for the subject site.
2. He advised that a similar method in calculation should be used by recalculating the average Grade figure using the four corners of the house next to the property.
3. He advised that any other method of Grade calculation would render the existing buildings on the remainder of the block non-compliant.
4. He stated that the Plot Plan revision takes into account the four corners of the adjacent building; however, he is prepared to lower the basement and reduce the Height of the deck so that it is below 1.0 metres in Height.
5. Lowering the deck will create a Site Coverage of 39.4 percent and will be within the maximum allowable total Site Coverage.
6. With regard to the massing effect on the west side of the property, Mr. Engelman clarified that the area comprised of the slope roof will be approximately 579 square feet including any staircase or any other features within this area and the exterior deck area is 700 square feet.
7. He clarified that the second Storey cantilever is for aesthetic reasons and was used in calculating the Site Coverage as opposed to calculating the main floor dimensions.
8. He provided the Board with evidence that it will be unlikely for anyone on the sidewalk or street to see the third Storey given the recessed position that will be on top of the building.
9. With regard to the original plans submitted to the Sustainable Development Department, and what the changes are before the Board, he stated the elevation of the basement will be lowered from 1.48 metres to 1.02 metres, which is within the maximum allowable Height.

SUMMARY OF HEARING CONTINUED:

10. The Height of the deck will be reduced so that it will be less than 1.0 metres above Grade, and therefore will not be included in the Site Coverage calculation.
11. He stated that there was no hardship relating to the sloping or topography of the subject site.
12. He acknowledged that the proposed development will create some sunshading on the neighbouring properties.
13. The proposed development is consistent with the City's desire for densification and sustainable developments in Mature neighbourhoods, especially taking into consideration the concepts within "The Way We Grow".

The Board then heard from Mr. and Mrs. Barbour, the property owners, who made the following points:

1. They explained their personal situation, and gave some background on the nature of the project.
2. It was their desire to move from the suburbs into the City and be closer to work. As well, Mr. Barbour will be working from home.
3. An economical reality was underscored in that infill developments were not possible if they were to maintain similar sizes as the existing properties in the neighbourhood.
4. They were very pleased to find a development opportunity in a mature neighbourhood and wish to establish good relationships with their neighbours since they hope to be there for a long time.

The Board then heard from Mr. Patterson and Ms. Lougheed Keefe, who made the following points:

1. Ms. Lougheed Keefe provided the Board with a copy of her presentation that she read to the Board, marked Exhibit C.
2. They stated that they are representing themselves and neighbouring property owners to the south.
3. They are concerned that the proposed development is inconsistent with the planning guidelines of the neighbourhood, and is not complementary in scale with existing developments.
4. Their main concern is that the Height of the proposed development will have a negative effect on the sunlight penetration on their property.

SUMMARY OF HEARING CONTINUED:

5. They are concerned with the barrel roof style being an unusual feature and provided the Board with an example of a second Storey development with an existing barrel roof and that all developments on their street are two Storey developments.
6. They would like to see the third floor eliminated from the proposed development and would otherwise support the property owner to rebuild this lot.

In response to questions by the Board, Mr. Patterson and Ms. Lougheed Keefe provided the following information:

1. They advised that their development is approximately 1500 square feet in size and most of the new developments in this area are between 1500 square feet and 1800 square feet in size.

The Board then heard from Mr. Copus, who made the following points:

1. He has resided in this area for approximately seven years.
2. He is concerned with the cumulative effect that the variances will have on neighbouring properties.
3. His main concern is the third Storey feature and the top roof deck which is not in keeping with the characteristics of the neighbourhood.
4. He is concerned that the plans show a large wall on the west elevation with three small windows.
5. He is concerned that the third Storey is more to do with the Height than the deck itself and is concerned with the massing effect that will be felt on the property immediately west of the proposed development.
6. In the summer, he spoke briefly with neighbouring property owners regarding the proposed development.
7. He is not opposed to the modern design of the proposed development.
8. He stated that the properties at 9509 and 9015 – 81 Avenue are rental properties.
9. With so many variances, he feels that the proposed development will appear as a large monolithic structure.

In response to questions by the Board, Mr. Copus provided the following information:

SUMMARY OF HEARING CONTINUED:

1. The Board asked for clarification as to how the 3rd Storey will impact his own house and he advised that the southeast corner of his principal building contains a flat ground level deck and a slightly elevated ground level deck.
2. He is concerned that he will not be able to see the tree line in the ravine when he is using his deck.

In rebuttal, Mr. Engelman provided the following information:

1. He clarified the Community Consultation process that was used for the proposed development. He approached the community with the anticipation that the only variance that would be required would be for the Garage Suite office. Therefore, the first Community Consultation was with regard to that variance only.
2. Revisions were made to the plans; therefore, a second Community Consultation was done with regard to the additional variances.
3. He stated that the proposed development is exceeding the parking requirements.
4. He clarified that by using the parameters allowed on the subject property with a pitch roof development as an example, the proposed development would be significantly smaller and have less of a sunshadowing and massing effect on neighbouring properties than the regulations allow.
5. With regard to the concern of the west side elevation, he stated that additional windows on that side would have been preferred; however, the neighbours' privacy concerns were a primary reason why the number of windows are smaller and above eye level.
6. With his experience developing several projects in this neighbourhood, there are no houses that are less than 2000 square feet in size.
7. With respect to the distance between his client's property and the neighbour's property, Mr. Engleman stated that there would be a difference of 2 percent in Height. He indicated that there is a distance of approximately 62 feet from the east wall of the proposed development and the front of the neighbours garage which will not have a significant sunshadowing effect on their property.

DECISION:

that the appeal be TABLED TO FEBRUARY 7, 2013, subject to the following condition:

DECISION CONTINUED:

1. The Appellant shall submit, on or before January 23, 2013, a revised Plot Plan and elevation drawings to show that the proposed development is under the maximum allowable Height, under the maximum allowable Height for a Basement elevation above Grade, and the proposed uncovered deck is under 1.0 metres in Height above Grade.

REASONS FOR DECISION:

The Board finds the following:

1. In order for the Board to make a final decision, additional information is required from the Appellant.”

February 7, 2013 Hearing:

MOTION:

“that SDAB-D-12-339 be raised from the table.”

SUMMARY OF HEARING:

At the outset of the hearing, the Presiding Officer indicated that correct notification was not provided to neighbouring property owners. To ensure proper notification, the appeal hearing is tabled to February 21, 2013.

DECISION:

that SDAB-D-12-339 be TABLED TO FEBRUARY 21, 2013 in order for proper notification to be sent to affected property owners.

REASONS FOR DECISION:

The Board finds the following:

1. Proper notification to affected parties is required in order to ensure a fair hearing in accordance with the principles of natural justice.”

February 21, 2013 Hearing:**MOTION:**

“that SDAB-D-12-339 be raised from the table.”

SUMMARY OF HEARING:

Prior to the hearing, the Appellant submitted a revised Plot Plan and elevation drawings to illustrate their submission that the proposed development is under the maximum allowable Height, under the maximum allowable Height for a Basemen elevation above Grade, and the proposed uncovered deck is under 1.0 metres in Height above Grade.

The Board heard from Mr. Engelman, representing Engelman Construction Ltd., who made the following points:

1. He is the developer of the proposed development and is speaking on behalf of the property owners, Mr and Mrs. Barbour.
2. The revised plans indicate that the main floor is reduced from 1.24 metres to 0.9 metres above Grade.
3. The Height of the deck is reduced to 0.8 metres above Grade; therefore, this area will not be included in the Total Site Coverage of the Principal Dwelling.
4. The mid-line pitch of the roof is reduced to 8.5 metres which is under the allowable 8.6 metres.
5. The allowable Height above the mid-line pitch of the roof is 1.5 metres, thereby making the total maximum allowable Height to be 10.1 metres for this development. The proposed Height is 10.0 metres.
6. Mr. Engleman reviewed the revised plans with some of the neighbouring property owners who attended in opposition to the development at the hearing on February 7, 2013.
7. He provided the Board with a copy of the invitation that was provided to the neighbouring property owners to attend a meeting on February 18, 2013 to discuss the proposed development, marked Exhibit D.
8. He provided the Board with an email from Keith Robinson indicating that he is in support of the revised plans, marked Exhibit E.

In response to questions by the Board, Mr. Engelman provided the following information:

1. The Principal Dwelling has been further lowered into the ground by two feet.

SUMMARY OF HEARING CONTINUED:

2. The proposed deck is under the 1.0 metres allowable Height which would preclude its inclusion into the calculation of Total Site Coverage.
3. The Grade elevation was calculated based on the four corners of the adjacent property to the west which is an acceptable method of calculation in accordance with the Edmonton Zoning Bylaw.
4. All of the houses on that street have main floors that are higher than what he is proposing.
5. The subject lot has a hump in the middle of it and using the neighbouring property to measure the Grade accommodates the basement windows which are visible only partially below Grade level.
6. A variance is required for the minimum required Rear Setback and to allow vehicular access to the garage from the street rather than the rear lane.
7. The change in the way the Grade elevation has been calculated amounts to a difference of four stair risers in Height.

The Presiding Officer indicated to Mr. Patterson and Ms. Lougheed Keefe that a Home Based Business was not part of the development permit application at this time.

The Presiding Officer clarified that the proposed garage will be attached to the Principal Dwelling by a mechanical room underneath the garage and is not considered as an Accessory Building; therefore, the garage can be the same Height as the primary dwelling.

The Presiding Officer also clarified that the Board is not dealing with a Garage Suite as it is not part of the development permit application. If the property owners intend to operate a Home Based Business or a Suite from the subject site, a separate development permit application is required.

The Board then heard from Mr. Patterson and Ms. Lougheed Keefe, who made the following points:

1. They provided the Board with a PowerPoint presentation, marked Exhibit F.
2. They were unable to attend the meeting with Mr. Engelman as they were out of town.
3. They stated that Mr. Copus, a neighbouring property owner, who attended the first hearing, is still in opposition to the proposed development.

SUMMARY OF HEARING CONTINUED:

4. They spoke to planners and did some research in the Ritchie area to support their opposition.
5. They are opposed to the Height, the massing, the development being more than 2.5 storeys, the effect on the amenities of the area, the effect on the value of neighbouring properties in the area, and the potential of a Home Based Business operating from the subject site.
6. In their opinion, the mid-point for the Height was measured incorrectly as there is not a pony wall of 0.66 metres and a slope of more than 20 degrees.
7. In their opinion, the massing of the proposed development is much greater than the majority of houses in the Ritchie area.
8. The photographs submitted to the Board illustrate other houses in the area that are two Storeys in Height, and two and a half Storeys in Height. One of those houses was approved by the Subdivision and Development Appeal Board due to a tall row of trees along that development.
9. They stated that bungalows and other houses in close proximity to the existing two and a half Storey developments in the neighbourhood sold for approximately 10 percent less.
10. With regard to the amenity space, they stated that the house is not sensitive to scale and is not compatible with the character of the neighbourhood.
11. In their opinion, the proposed development will have a sun shadowing effect, particularly on the property west of the subject site.
12. Many of the neighbours are opposed to the proposed development. The neighbouring property owners in support of the proposed development do not live in close proximity to the subject site.
13. They stated that lowering the basement reduced the total Height of the roof; however, in their opinion, the barrel style roof does not qualify for a measurement from the mid-point of the roof. In their opinion, the proposed development does not comply with the requirement of 8.6 metres in the Mature Neighbourhood Overlay.
14. In their opinion, the barrel style roof is a unique feature and is not outlined in the Edmonton Zoning Bylaw. The contractor made no changes to the roof from the original proposed plans; therefore, in their opinion, the proposed development is a three Storey not a two and a half Storey development.
15. In order to use the mid-point to measure the roof pitch, there would have to be a 0.66 metre pony wall above the top of the second floor on one side to meet the requirements. Since the other side is 7 feet high and will not meet the requirements, the upper floor is a third Storey.

SUMMARY OF HEARING CONTINUED:

16. In their opinion, if a traditional roof was used, the proposed development would be considered a two and a half Storey dwelling.
17. In their opinion, the visual impact of a barrel roof will increase the massing effect.
18. They were uncertain if the minimum required Side Setbacks were adequate as the existing house is too large for that lot.
19. The massing effect of the barrel roof may not have an effect on the neighbour to the east but will have a negative impact on the neighbour west of the subject site.
20. The proposed development is large compared to other houses in the area and the proposed development does not fit in and will change the character of the neighbourhood.
21. There are seven, two and a half Storey houses in the area.
22. They are not opposed to developments that have a standard roof such as a gambrel roof which would fit into the neighbourhood.
23. They would support this development if the roof was changed into a gambrel roof but otherwise remain the same Height as the current barrel style design.
24. They understand that with the deck being lowered, the proposed development is within the 40 percent allowable total Site Coverage. However, they are opposed to the Height of the proposed development and if the proposed development met the requirements of the Edmonton Zoning Bylaw, they would have no concerns.

In rebuttal, Mr. Engelman made the following points:

1. There are two issues raised by Mr. Patterson and Ms. Lougheed Keefe with regard to the massing effect and the barrel style roof.
2. Mr. Engelman stated that there are other buildings with a barrel style roof in the neighbourhood, one at the fire station, one on a four Storey apartment building, and a house that is in close proximity to Mr. Patterson and Ms. Lougheed Keefe's property.
3. There is a four row housing development directly south of the subject site that is in excess of 10.0 metres in Height.
4. Several neighbouring property owners are in support of the proposed development.
5. At the scheduled meeting with Mr. Engelman, neighbouring property owners were happy to hear that a Single Family Dwelling will be developed rather than a Row Housing Development which would have a greater massing effect on neighbouring properties.
6. The property owners are making a significant investment with the purchase and development in the neighbourhood.

SUMMARY OF HEARING CONTINUED:

7. There would be a hardship on the property owners if they were not allowed to develop their dream house on the subject site.
8. The proposed development is within the required Height and they are requesting a variance in the minimum required Rear Setback, and access to the garage from the street rather than the rear lane.
9. Lowering the deck will bring the proposed development within the required 40 percent allowable total Site Coverage.
10. He reiterated that a gambrel or mansard roof will seem much larger and that a barrel style roof should be allowed to use the mid-point when measuring the Height.
11. The one side of the barrel style roof has a similar type of wall at 0.66 metres; the wall on the north side exceeds 0.66 metres. Only half of a barrel style roof was used and covers half of the second floor.
12. When they spoke to neighbouring property owners within the 60 metre notification radius it was indicated that they would rather see revitalization in the neighbourhood and are pleased that a young family was moving into a Single Family Dwelling.
13. The diversity and design will have a positive effect on the neighbourhood.

DECISION:

that the appeal be ALLOWED and the DEVELOPMENT GRANTED, and the deficiency of 10.95 metres in the minimum required Rear Setback, that being 40 percent of the Site Depth, be permitted, and that vehicular access from the front or flanking public roadway where an abutting Lane exists, and a Treed Landscaped Boulevard is present along the roadway adjacent to the property line; or the Site Width is less than 15.5 metres, be waived, subject to the following conditions:

1. this approval is based on the revised plans submitted by the Appellant, date January 22, 2013.
2. eaves, including eavestroughing may project a maximum of 0.46 metres (1.5 feet) into required yards or separation spaces of less than 1.2 metres (four feet);
3. eavestroughing shall be installed and drainage must take place entirely on subject property;
4. the Applicant shall install a remote control garage door opener;

DECISION CONTINUED:

5. the access to the garage shall be hardsurfaced. Hardsurfacing shall mean the provision of a durable, dust-free material constructed of concrete, asphalt or similar pavement capable of withstanding expected vehicle loads;
6. all yards, visible from a public roadway, other than a Lane, on a Site developed with Single Detached, Semi-detached, Duplex or Secondary Suite, shall be seeded or sodded within 18 consecutive months of the occupancy of the development. Alternate forms of Landscaping, including hard decorative pavers, washed gravel, shale or similar treatments, flower beds or cultivated gardens, may be substituted for seeding or sodding, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens; as specified in Section 55.2(4)(b);
7. lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 496-5454 for lot grading inspection inquiries;
8. the proposed basement development shall not be used as an additional dwelling unit;
9. the applicant should be advised that there may be complications in obtaining a Development Permit for future house additions because of the deficient Rear Setback.

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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site. (Reference Section 5.2)

REASONS FOR DECISION:

The Board finds the following:

1. The proposed development is a Permitted Use in the RF3 Low Density Development Zone.
2. The Board is satisfied that the revised plans submitted by the Appellant, dated January 22, 2013, showing the Height of the uncovered deck to be less than 1.0 metres above Grade, now allows the proposed development to be within the maximum allowable 40 percent total Site Coverage.

REASONS FOR DECISION CONTINUED:

3. The Board finds that the calculation of Grade using the four corners of the west adjacent property is appropriate based on the current development of the streetscape and the fact that the subject lot is sloped and not flat. This calculation will ensure that the method of calculating Grade will be compatible with the surrounding developments as outlined in Section 52.5(c) of the Edmonton Zoning Bylaw.
4. The Board is satisfied that the Applicant has lowered the basement elevation by 0.60 metres and that the Height does not exceed the allowable 1.20 metres above Grade.
5. The Board finds that the top floor is appropriately categorized as a Half Storey as outlined in Section 6.1(46), which means a Storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 metres above the floor of such Storey. As one of the walls is not more than 0.66 metres high, and due to the unique feature of the barrel roof having only one wall, it is more appropriate to classify the development as a Half Storey rather than a Full Storey. As well, the development complies with Section 814.3(10) of the Mature Neighbourhood Overlay which states that “the Floor Area of the upper half Storey of a 2 ½ Storey building shall not exceed 50 percent of the structure’s second Storey Floor area”.
6. The Board finds that the Height calculation as detailed in the revised plans submitted January 22, 2013, is appropriate using a mid-point calculation since the Edmonton Zoning Bylaw does not have a specific Height reference for a barrel style roof. The Board is satisfied that the slope is more than 20 degrees and the mid-point calculation is appropriate.
7. Based on the evidence submitted, there was no opposition to the minimum required Rear Setback variance. The Board is satisfied that there is sufficient Amenity Space in the Rear Yard.
8. Based on the evidence submitted, the variance granted for vehicular access from a flanking roadway, is due to the hardship created by a utility anchor as indicated in a letter from EPCOR. The existing access is currently from the flanking roadway and there was no opposition to this variance from neighbouring property owners.

REASONS FOR DECISION CONTINUED:

9. Due to the nature of this neighbourhood, it contains a wide variety of ages of homes as well as a variety of sizes and architectural styles of development. The Board accepts the Appellant's submission that an influx of property value on this particular site naturally benefits the communities overall property value as it creates an attractive value adding feature to the community. The Board is not convinced of any negative impact of value on neighbouring properties since value is subject to many factors including size, style, condition, age, and market.
10. The Appellant has made efforts to eliminate the massing mansard style of roofing by reducing the roof in half. The barrel style roof design serves to soften the massing and sun shadowing effect on the neighbouring property to the west.
11. Based on the evidence submitted, neighbouring property owners raised numerous architectural concerns about the unique design, which they believe is not compatible in the neighbourhood. Architectural constraints on the proposed development are not applicable and unique architectural designs, including barrel roofs, are not uncharacteristic of the neighbourhood.
12. In accordance with Section 50.1(4) of the Edmonton Zoning Bylaw, the Garage is determined to be part of the Principal Dwelling; therefore, Accessory building regulations do not apply.
13. The Board notes that the concerns with regard to Garage Suites and Home Based Businesses are not part of this application.
14. The Board notes the efforts of the Appellant in conducting Community Consultation and obtaining support for the development.
15. The proposed development is consistent with the goals of the Municipal Development Plan to increase infill housing.
16. Based on the above, it is the opinion of the Board, that the proposed development would not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.”

IMPORTANT INFORMATION FOR APPLICANT/APPELLANT

1. **THIS IS NOT A BUILDING PERMIT.** A Building Permit must be obtained separately from the Planning and Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

2. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
3. A Development Permit shall expire and shall no longer be valid after one year from the date of approval of the Permit, if no construction has been initiated. However, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed. For further information, refer to Section 22 of the Edmonton Zoning Bylaw, 12800.
4. Notwithstanding clause (3) above, if a Building Permit is issued for the development within the twelve month period, the Development Permit issued therefore shall not lapse unless and until the Building Permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Planning and Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

NOTE: Citizens can call 311, 24-hours a day, every day of the year for access to City of Edmonton information, programs and services.

Ms. D. Poon Phillips, Presiding Officer
SUBDIVISION AND DEVELOPMENT
APPEAL BOARD

cc: