



LLOYDMINSTER

SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

AGENDA

Date: Friday, June 3, 2022

Time: 10:30 am

Location: Council Chambers, City of Lloydminster

4420 50 Avenue Lloydminster, AB

1. Call to Order

2. Chair Introduction

3. Introductions

3.1. SDAB Board

3.2. SDAB Administrative Staff

4. Approval of Agenda dated June 3, 2022

Recommendation:

That the Agenda dated June 3, 2022 be approved.

5. Approval of Previous Minutes dated May 5, 2022

Recommendation:

That the Subdivision and Development Appeal Board minutes of the previous hearing dated May 5, 2022 be approved.

6. Introduction of SDAB Hearing No. SDAB-04-22-0231

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	6208 – 20th Street Close, Lloydminster, Alberta
Zoning:	R1 Single - detached Residential
Legal Description:	Lot 30, Block 6, Plan 142-3846
Permit No.	20220231
Appellant Name:	Keen Developments– Travis Tomanek

7. Introduction of Appellant

8. Objections to Board

9. Hearing Process

10. Hearing of Appeal

10.1. Presentation of Subdivision/Development Authority

10.1.1. Questions by the Board

10.1.2. Presentation of Potential Conditions of Approval



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10.2. Presentation of the Appellant

10.2.1. Questions by the Board

10.3. Presentation of Affected Parties in Favour of the Appeal

10.4. Presentation of Affected Parties Opposed to the Appeal

10.5. Rebuttal (to new evidence only) of the Appellant

10.6. Read into Record Additional Information (if required)

11. Recess

12. SDAB Reconvenes

12.1. Board questions

13. Summaries

13.1. Subdivision/Development Authority Final Comments

13.2. Appellants Final Comments

14. Close of Hearing

The Board's decision will be made within fifteen (15) days upon conclusion of the Hearing and those affected will be notified of the decision and reasons for it by mail.

15. SDAB goes In Camera

Recommendation:

That the June 3, 2022 Subdivision and Development Appeal Board hearing go into a closed session at ____ AM.

Recommendation:

That the June 3, 2022 Subdivision and Development Appeal Board hearing resume open session at ____ AM.

16. Adjournment

Recommendation:

That the June 3, 2022 Subdivision and Development Appeal Board hearing be adjourned at ____ AM.



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**SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)
MINUTES**

Thursday, May 5, 2022 10:00 AM and 1:00PM

**City of Lloydminster Council Chambers
4420 – 50 Avenue
Lloydminster, AB**

SDAB Members Present:	Bernal Ulsifer
	Joe Rooks
	Tom Schinold
	Shawn Davidson
	Dean Segberg
	Larry McConnell
SDAB Support Present:	Doug Rodwell, SDAB Clerk Samantha Shibley-Hornby, Recording Secretary
City Staff Present:	Natasha Pidkowa, Manager, Planning Marilyn Lavoie, Manager, Legislative Services
Appellant Present:	Nick Pryce - SDAB-01-22-0141
	Craig Benoit - SDAB-02-22-0175

1. Call to Order 10:00 AM

Chair, Bernal Ulsifer called the May 5, 2022, Subdivision and Development Appeal Board Hearing to order at 10:00 AM.

2. Chair Introduction

SDAB Chair, Bernal Ulsifer introduced himself to those in attendance.

3. Introductions

3.1 All members of the SDAB introduced themselves.

3.2 All members of Administration introduced themselves.

4. Approval of Agenda dated May 5, 2022

Tom Schinold moved that the SDAB Agenda dated May 5, 2022, be adopted as presented. Seconded by Joe Rooks.

CARRIED

5. Approval of Previous Minutes from November 16, 2020, Hearing

Dean Segberg moved that the SDAB minutes dated November 16, 2020, be approved as circulated. Seconded by Joe Rooks.

CARRIED

6. Introduction of SDAB Hearing No. SDAB-01-22-0141

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	4104-80 Avenue, Lloydminster, Alberta
Zoning:	C2 Highway Corridor Commercial
Legal Description:	Lot 2, Block 2, Plan 195-1665
Permit No.	20220141
Appellant Name:	V3 Companies of Canada – Nick Pryce

7. Introduction of Appellant

V3 Companies of Canada Represented by Nick Pryce.

8. Objections to Board

The Appellant had no objections to the members of the Board who were in attendance.

No objections were brought forward by audience members of the SDAB Board members who were in attendance for the hearing.

9. Hearing Process

Chair, Bernal Ulsifer provided an overview of the Hearing process. No concerns were brought forward by audience members regarding the process of the Hearing.

10. Hearing of Appeal

10.1 Presentation of Developing Authority

Natasha Pidkowa, Manager, Planning presented on behalf of the City of Lloydminster.

Presentation attached in the agenda

Questions by the Board

No questions from the board.

Presentation of Potential Conditions

No conditions.

10.2 Presentation of the Appellant

Nick Pryce presented on behalf of the V3 Companies of Canada.

Presentation attached in the agenda.

Question of the Board

Will the fence to the west be unsightly? The fence will be powder coated in black instead of plain steel colour.

Is the fence style and height consistent with other developments for Canadian Tire? Yes

Is Canadian Tire anticipating other setback variances such as landscaping? Nick was not able to confirm at this time.

10.3 Presentation of Affected Parties in favour of the appeal

None.

10.4 Presentation of Affected Parties opposed to the appeal

None.

10.5 Appellant rebuttal to respond to new evidence only

None.

11. Brief Recess

Chair Bernal Ulsifer called a brief recess at 10:21 AM.

Moved by Shawn Davidson. Seconded by Dean Segberg

CARRIED

12. SDAB Reconvenes

The SDAB Hearing reconvened at 10:25 AM.

12.1 Board Questions

The Board asked clarifying questions to the Developing Authority or the Appellant. Would the Developing Authority approve the fence if it was in the variance? Yes

13. Summaries

13.1 Developing Authority’s Final Comments

No closing comments.

13.2 Appellant’s Final comments

No closing comments.

14. Recess

Chair Bernal Ulsifer called a brief recess at 10:26 AM.

Moved by Larry McConnell. Seconded by Shawn Davidson

CARRIED

Chair, Bernal Ulsifer called the May 5, 2022 Subdivision and Development Appeal Board Hearing back to order at 1:00 PM.

15. Introduction of SDAB Hearing No. SDAB-02-22-0175

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	5008 57 Avenue, Lloydminster, Alberta
Zoning:	R1 Single - detached Residential
Legal Description:	Lot 13 – South ½ 14, Block 55, Plan 6477 KS
Permit No.	20220175
Appellant Name:	Homes to Go - Craig Benoit

16. Introduction of Appellant

Homes to Go Represented by Craig Benoit.

17. Objections to Board

The Appellant had no objections to the members of the Board who were in attendance.

No objections were brought forward by audience members of the SDAB Board members who were in attendance for the hearing.

18. Hearing Process

Chair, Bernal Ulsifer provided an overview of the Hearing process. No concerns were brought forward by audience members regarding the process of the Hearing.

19. Hearing of Appeal

19.1 Presentation of Developing Authority

Natasha Pidkowa, Manager, Planning presented on behalf of the City of Lloydminster.

Presentation attached in the agenda

Questions by the Board

No questions from the board.

Presentation of Potential Conditions

No conditions.

19.2 Presentation of the Appellant

Craig Benoit presented on behalf of Homes to Go.

Presentation attached in the agenda.

Question of the Board

Is the footprint of the house changing? The footprint of the house is not changing.

Are there any additional variances? No additional variances were needed.

The original permit for the original garage was issued, but the previous owner did not construct the garage to the permit.

19.3 Presentation of Affected Parties in favour of the appeal

None.

19.4 Presentation of Affected Parties opposed to the appeal

None.

19.5 Appellant rebuttal to respond to new evidence only

None.

20. Brief Recess

Chair Bernal Ulsifer called a brief recess at 1:10 PM.

Moved by Tom Schinold. Seconded by Shawn Davidson

CARRIED

21. SDAB Reconvenes

The SDAB Hearing reconvened at 1:17 PM.

21.1 Board Questions

The Board asked clarifying questions to the Developing Authority or the Appellant.

Is the garage variance to a neighbor's house or alley? The garage variance is to the neighbor's garage.

If the appeal is approved and the property sells, what issues could be triggered? The property sits as non-conforming, and the new purchaser will have no repercussions.

What happens if the appeal is denied? Real Property Report will reflect the garage is non-conforming and will not be able to issue a water meter, removal of the garage may be needed.

Is the neighboring garage the original? To the best of the Appellant's knowledge, it is the original garage.

22. Summaries

22.1 Developing Authority's Final Comments

No closing comments.

22.2 Appellant's Final comments

No closing comments.

23. Close of Hearing

The Chair concluded the hearing at 1:22 PM.

Chair, Bernal Ulsifer verbally confirmed that the Board had reached a decision and indicated that the written decision would be forwarded within fifteen (15) days of the Hearing. Those affected will be notified of the decision and reasons for it by mail.

24. Adjournment

Dean Segberg moved that the May 5, 2022, Subdivision and Development Appeal Board hearing be adjourned at 1:23 PM. Seconded by Larry McConnell

CARRIED

SDAB Chair

SDAB Clerk

APPEAL STATEMENT - DEVELOPMENT OFFICER

APPLICATION: Accessory Building

DECISION OF THE DEVELOPMENT OFFICER: Refused

REGISTERED OWNER: Travis & Ashley Tomanek

APPELLANT/APPLICANT: Travis Tomanek

DECISION DATE: May 11, 2022

NOTIFICATION PERIOD: May 11, 2022 – June 2, 2022

DATE OF APPEAL HEARING: **June 3, 2022**

CIVIC ADDRESS: 6208 20 Street Close

LEGAL DESCRIPTION: Lot 30, Block 6, Plan 142-3846

DISTRICT: R1 – Single-detached Residential

STATUTORY PLAN: Land Use Bylaw

DEVELOPMENT OFFICERS DECISION: Schedule “A”

Application is **REFUSED** for an existing Accessory Building to remain where is on the lot located at **6208 – 20 Street Close** as applied for on May 10, 2022, for the following reasons:

1. Application for the existing Accessory Building exceeds the regulations within Land Use Bylaw 5-2016.
 - a. Land Use Bylaw Section 4.1.6 - Accessory Building, regardless of size, shall meet the yard requirements for the district in which they are located.
 - b. Land Use Bylaw Section 4.1.7 (i) - Accessory Buildings shall be located in the Rear or Side Yard and shall have a minimum Rear or Side Yard clearance of 0.9 m provided that overhanging eaves shall not be less than 0.6 m from any Lot line.
2. Setbacks for the existing Accessory Building exceed the variance powers granted to the Development Authority within Land Use Bylaw 5-2016.

DEVELOPMENT OFFICER'S APPEAL STATEMENT

BACKGROUND:

On May 9, 2022, a Real Property Report (RPR) dated December 16, 2021 (attached as Schedule "B") was submitted to Planning to satisfy condition #6 listed on the initial Notice of Decision known as Development Permit # 20210332 for the New Dwelling issued April 29, 2021 (attached as Schedule "C").

"6. A Real Property Report is required to be submitted after the foundation stage."

This is a standard condition listed by the Development Authority on all Notice of Decisions for New Dwellings.

The RPR was reviewed by the Development Authority to ensure the dwelling under construction met setback regulations within Land Use Bylaw 5-2016. During this review it was noticed that an Accessory Building was constructed on the property without a Development Permit being issued.

Applicant was advised to submit a Development Permit application for the Accessory Building on May 9, 2022.

On May 10, 2022, Planning received the Development Permit application for the Accessory Building. Upon review of Land Use Bylaw 5-2016 it was identified that the Accessory Building did not meet Land Use Bylaw 5-2016 setback regulations and exceeded Variance Powers available to the Development Authority.

The Development Officer refused the application on May 11, 2022

LAND USE BYLAW

The following excerpt from Land Use Bylaw is attached as Schedule "D" to this Report:

- Section 4.1 – Accessory Buildings and Uses

FACTS TO THE BOARD:

A Real Property Report was submitted to the Development Authority on May 9, 2022, to satisfy condition # 6 on the Notice of Decision issued April 29, 2021, for the New Dwelling. A copy of the Real Property Report is attached as Schedule "B" and Notice of Decision for the New Dwelling is attached as Schedule "C" to this report.

Applicant was advised to submit a Development Permit Application for the Accessory Building.

Administration received the Development Permit Application on May 10, 2022.

Administration deemed the application complete on May 10, 2022.



Administration reviewed application and noted the existing Accessory Building did not meet the minimum setback regulations and exceeded Variance Powers within Land Use Bylaw 5-2016.

The application was refused on May 11, 2022, with the Notice of Decision being sent to the applicant on May 11, 2022. A copy of the Notice of Decision is attached as Schedule "A" to this Report.

BOARD'S AUTHORITY AND DEVELOPMENT OFFICER'S SUBMISSIONS

The Board's authority with respect to a development appeal is set out in s. 687(3)(c) and (d) of the *Municipal Government Act*:

- (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.

Respectfully Submitted,



Amy Moore
Development Officer, Planning
City of Lloydminster

Attachments:

- Schedule "A" – Refused Notice of Decision – Accessory Building – DP # 20220231
- Schedule "B" – Real Property Report prepared by Watt Consulting Group, dated December 16, 2021
- Schedule "C" – Notice of Decision for the New Dwelling – DP # 20210332
- Schedule "D" – Land Use Bylaw 5-2016 – Section 4.1 – Accessory Buildings and Uses



NOTICE OF DECISION LAND USE BYLAW 5-2016

You, **Travis Tomanek** located at **6208 20 Street Close, Lloydminster, AB, T9V 3R3**, hereinafter referred to as the "Applicant", are hereby notified that your application for development as follows:

Application Number:	22-2682
Permit Number:	20220231 - REFUSED
Purpose:	Accessory Building
Involving:	6208 - 20 Street Close (Lot 30, Block 6, Plan 142-3846)
Registered Owner:	Travis & Ashley Tomanek

Application is **REFUSED** for an existing Accessory Building to remain where is on the lot located at **6208 - 20 Street Close** as applied for on May 10, 2022, for the following reasons:

1. Application for the existing Accessory Building exceeds the regulations within Land Use Bylaw 5-2016.
 - i. Land Use Bylaw Section 4.1.6 - Accessory Building, regardless of size, shall meet the yard requirements for the district in which they are located.
 - ii. Land Use Bylaw Section 4.1.7 (i) - Accessory Buildings shall be located in the Rear or Side Yard and shall have a minimum Rear or Side Yard clearance of 0.9 m provided that overhanging eaves shall not be less than 0.6 m from any Lot line.
2. Setbacks for the existing Accessory Building exceed the variance powers granted to the Development Authority within Land Use Bylaw 5-2016.

This permit is subject to a twenty-one (21) day appeal period from the date of decision.

Any development commenced or undertaken during the twenty-one (21) day appeal period, or where an appeal has been filed but not finally determined, shall be solely at the risk of the developer in no event shall the City be liable for the filing or outcome of any appeal.

If you are not in agreement with this decision or conditions described herein, it may be appealed within twenty-one (21) days from the date of decision (as per Section 686 Development Permit Appeals: *Municipal Government Act*) by submitting a written notice and four hundred dollars (\$400.00) processing fee to the following:

City Hall – Office of the City Clerk
Attention - Secretary of the Subdivision and Development Appeal Board
4420 – 50 Avenue
Lloydminster, AB T9V 0W2

If you have any questions, or require any clarification, please contact the undersigned at (780) 874-3700 or by email at amoore@lloydminster.ca.

Date of Decision:	May 11, 2022
Date of Notice:	May 11, 2022

Sincerely,
City of Lloydminster

Amy Moore
Development Officer, Planning
Operations Centre

Development Permit Application

Application for Development Permit



LLOYDMINSTER

Application Submission Date: April 27, 2021

PROJECT	Is the project already constructed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OFFICE USE ONLY	
	Municipal Address <u>6208 20th street close, Lloydminster, AB</u> Tax Roll # <u>2281907000</u> Zoning District <u>R1</u> Legal Description: Lot <u>30</u> Block <u>6</u> Plan <u>1423846</u>	Application # <u>21-1893</u>	Permit # <u>20210333</u>
APPLICANT INFORMATION	Applicant Name <u>Travis Tomanek</u>	Permit Fee <u>\$150.00/mc</u>	Receipt # <u>602033</u>
	Address <u>6208 20th street close</u> City <u>Lloydminster</u>	Approved by <u>Amy Moore</u>	Refused by
	Province <u>Albera</u> Postal Code <u>T9V 3R3</u>	Valid Date <u>May 21, 2021</u>	Expiry Date <u>-</u>
	Phone # <u>3068307557</u> Alt Phone #	Are you also the property owner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>(If property owner is different from applicant Owner Authorization Form is required)</i>	
Email <u>travis@keendevolutions.ca</u>		Owner Authorization Form Attached? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
DEVELOPMENT INFORMATION	Development Class: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Institutional <input type="checkbox"/> Multi-family - # of Units		
	Proposed Development: (Select all that Apply) <input checked="" type="checkbox"/> Permitted Use <input type="checkbox"/> Discretionary Use <input type="checkbox"/> Variance Application		
	<input checked="" type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Front Deck	
	<input type="checkbox"/> Renovation	<input checked="" type="checkbox"/> Rear Deck	
	<input type="checkbox"/> Addition	Other: _____	
<input type="checkbox"/> Foundation	<input type="checkbox"/> Income Suite: <input type="checkbox"/> Secondary to Home <input type="checkbox"/> Garage Suite <input type="checkbox"/> Garden Suite		
<input type="checkbox"/> Superstructure	<input type="checkbox"/> Business License Use Approval for (type of business): _____		
<input checked="" type="checkbox"/> New Dwelling	<input type="checkbox"/> Home Based Business: <input type="checkbox"/> Minor <input type="checkbox"/> Major		
<input type="checkbox"/> Accessory Building	Description of Home Business _____		
<input checked="" type="checkbox"/> Attached Garage			
<input type="checkbox"/> Detached Garage			
DECLARATION	I hereby declare <input checked="" type="checkbox"/> I am <input type="checkbox"/> I represent the owner of the property on which the work identified in this application will be conducted in accordance to the plans submitted, and upon approval will adhere to the conditions/terms of Land Use Bylaw 5-2016. I/We will notify the Development Authority of any proposed changes to the plans submitted with this application.		
	Note: By typing your name into the signature box below (or by signing a printed version of this application), you agree that all information submitted on this form is true and accurate.		
	<u>[Signature]</u>	<u>April 26th 2021</u>	
	Signature of Registered Owner / Agent	Date of Application	
DECISION OFFICE USE ONLY	<u>Approved as per the conditions in the attached Notice of Decision dated April 29, 2021</u>		
	<u>[Signature]</u>	<u>April 29, 2021</u>	
	Development Officer	Issued Date	

Collection and Use of Personal Information: The personal information being collected on this form is for the purposes of processing and acting upon this application in accordance with the Municipal Government Act, and is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP). The City will not share your personal information for purposes outside of those stated without your permission in writing, unless there is a specific exemption stated in the Municipal Government Act.

IMPORTANT NOTICE: THIS APPLICATION DOES NOT PERMIT YOU TO COMMENCE CONSTRUCTION UNTIL SUCH TIME A DEVELOPMENT PERMIT HAS BEEN ISSUED BY THE DEVELOPMENT AUTHORITY AND ALL OTHER PERMITS (IF REQUIRED) ARE APPROVED. IF A DECISION HAS NOT BEEN ISSUED WITHIN 40 DAYS OF THE DATE THE APPLICATION IS DEEMED COMPLETE, YOU HAVE THE RIGHT TO FILE AN APPEAL TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD. APPEALS TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD CAN ALSO BE FILED IN REGARDS TO PERMIT REFUSALS AND/OR CONDITIONS WITHIN 21 DAYS OF A DECISION.

NOTICE OF DECISION LAND USE BYLAW 5-2016

You, **Travis Tomanek of 6208 20 Street Close, Lloydminster, Alberta, T9V 3R3** hereinafter referred to as the "Applicant", are hereby notified that your application for development as follows:

Application Number:	21-1893
Permit Number:	20210332
Purpose:	New Dwelling with Attached Garage, Partial Basement Development, Covered Rear Deck
Involving:	6208 20 Street Close
Registered Owner:	Travis & Ashley Tomanek

Is **APPROVED** for a New Dwelling to be located at **6208 20 Street Close (Lot 30, Block 6, Plan 142-3846)** as applied for on **April 27, 2021**, subject to the following conditions:

1. The weeping tile/foundation drain shall be connected to the storm sewer lateral as per attached drawings 7-302 & 7-303.
2. See attached regulations for water meter installation. Lateral Services are to be inspected by City of Lloydminster Engineering Services PRIOR to backfill.
3. Contractor/Applicant is responsible to confirm all slopes and elevations prior to construction.
4. Dwelling shall not exceed 10.5 metres in height.
5. A tree is required in the front yard as per Section 4.12.12iv of Land Use Bylaw 5-2016.
6. A Real Property Report is required to be submitted after the foundation stage.
7. Covered rear deck is included on permit as submitted on site plan.
8. Construction shall conform to Land Use Bylaw 5-2016 and all Federal, Provincial and Municipal regulations, bylaws, standard and policies that apply.
9. Any changes to this development/site plan including but not limited to altering the proposed location/setbacks, altering construction design or the addition of a separate dwelling unit (ex. Secondary Suite or Garage Suite, Duplex) may result in needing new or additional Development and/or Building permits. Please contact the City to discuss any proposed modifications to the project PRIOR to implementation to ensure conformance to Land Use Bylaw 5-2016.
10. In accordance with Section 4.7 of the Land Use Bylaw, any required grading of the lot as a part of the Development must not result in one site draining to the next and must be maintained as to continue to provide effective site drainage.
11. Office/Showroom on plans is indicative of a Home-Based Business. Prior to any business operations commencing a Business License and Development Approval for the Home-Based Business is required.
12. The Contractor/Applicant ensures the continuous cleanup of construction debris tracked onto the public roadway where access is provided to the property.
13. A Building Permit is required for this project. Building Permit Applications can be obtained by contacting the City of Lloydminster Operations Centre at 780-874-3700.

Although this permit is approved, it is subject to a twenty-one (21) day appeal period from the date of decision.

Any development commenced or undertaken during the twenty-one (21) day appeal period, or where an appeal has been filed but not finally determined, shall be solely at the risk of the developer in no event shall the City be liable for the filing or outcome of any appeal.

If you are not in agreement with this decision or conditions described herein, it may be appealed within twenty-one (21) days from the date of decision (as per Section 686 Development Permit Appeals; *Modern Municipal Government Act*) by submitting a written notice and four hundred dollars (\$400.00) processing fee to the following:

City Hall – Office of the City Clerk
Attention - Secretary of the Subdivision and Development Appeal Board
4420 – 50 Avenue
Lloydminster, AB T9V 0W2

If you have any questions, or require any clarification, please contact the undersigned at (780) 874-3700 or by email at amoore@lloydminster.ca.

Date of Decision:	April 29, 2021
Date of Notice:	April 29, 2021

Sincerely,
City of Lloydminster



Amy Moore
Development Officer, Planning
Operations Centre

Schedule "D"

Part II Development Regulations

4. General Regulations

The General Development Regulations shall apply to all developments on all Sites, and shall take precedence, except in the case of the Airport Protection Overlay or where the regulations of a District, Overlay or Development Control Provision specifically exclude or modify these provisions with respect to any Use.

4.1 Accessory Buildings and Uses

4.1.1 No Sign may be approved as an Accessory Use. Signs may only be approved as a Use if they are listed as a Sign allowable in a District.

4.1.2 Where a Building is attached to the Principal Building on a Site by a roof, an open or enclosed Structure and/or a floor or a foundation it is to be considered a part of the Principal Building and not as an Accessory Building and shall adhere to the Yard or Setback requirements for Principal Buildings as specified in the applicable District regulations.

4.1.3 Accessory Buildings shall not be used as a Dwelling, except where the Accessory Building contains a Garage Suite or Garden Suite in accordance with Section 5.13.

4.1.4 Accessory Buildings shall be constructed with similar exterior finish materials that complement those of the Principal Building.

4.1.5 Accessory Buildings shall not be located on an easement or utility right-of-way.

4.1.6 Accessory Buildings, regardless of size, shall meet the Yard requirements for the District in which they are located.

4.1.7 Accessory Buildings within a Residential District may include, but are not limited to, Garages, Sheds, storage buildings, gazebos, decks, pergolas, sundecks, Swimming Pools, Greenhouses, or other similar Buildings provided the following requirements are met:

i. Accessory Buildings shall be located in the Rear or Side Yard and shall have a minimum Rear or Side Yard clearance of 0.9 m provided that overhanging eaves shall not be less than 0.6 m from any Lot line;

ii. The distance from Garage doors or front of carport to the property line shall not be less than the required Front Yard of the Principal Building;

4.1.8 Accessory Buildings shall not exceed 4.3 m in Height except;

Schedule "D"

- i. In the case of a Garage Suite, where the Height of the Garage and Garage Suite shall conform to Section 5.13 of this Bylaw.

4.2 Amenity Areas

4.2.1 Where required in any District, a Development shall provide an Amenity Area in accordance with the requirements of the District.

4.2.2 Amenity Area may include, but is not limited to:

- i. With respect to Residential Uses Classes, balconies or patios with a minimum depth of 2.0 m, or verandahs with a minimum depth of 1.2 m, or roof terraces, communal lounges and recreational facilities, such as, but not limited to, meeting rooms, playgrounds, sleeping facilities for guests, sport courts; and
- ii. With respect to Non-residential Use Classes, courtyards, interior landscaped open spaces, arcades, plazas, atriums, public seating areas and other similar areas within the Site.

4.2.3 Required Amenity Area may be located:

- i. With respect to Residential Use Classes, within any Yard, other than a Front Yard; and
- ii. With respect to Non-residential Use Classes, within any Yard.

4.3 Assessment of Risk for Commercial and Industrial Activities

4.3.1 At the discretion of the Development Officer, the applicant shall provide an approved Site plan from the appropriate Provincial agencies prior to a development permit being issued.

4.3.2 Prior to the submission of a permit application for an explosives manufacturing and/or storage use, the applicant must: submit an environmental assessment to Natural Resource Canada's Explosives Regulatory Division (ERD), and provide the required license from Natural Resource Canada's ERD.

4.3.3 Notwithstanding other regulations in this Bylaw, commercial and industrial uses which manufacture, store, handle, distribute or dispose of explosives and chemical materials or products shall not be located on Sites which, in the opinion of the Development Officer, would be considered unsafe or may unduly interfere with, or affect the use, enjoyment or value of neighbouring properties, by reason of the storage or containment of the product, or the potential release of the product.



FOR RESIDENTIAL AND COMMERCIAL PR
Kulak Group, PHILIP BSA
CIBC Inc. 18,675 8 Shearling Mar
CIBC No. 13174 8 de Rome









