

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
May 23, 2018**

**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-18-074	Construct a Public Education Services Use building (Larkspur 7-9 School) 2845 - 43A Avenue NW Project No.: 278798859-001
---	-----------	---------------	---

---

***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-18-074

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 278798859-001

APPLICATION TO: Construct a Public Education Services Use building (Larkspur 7-9 School)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 27, 2018

DATE OF APPEAL: May 2, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2845 - 43A Avenue NW

LEGAL DESCRIPTION: Plan 9022833 Blk 8 Lot 8

ZONE: CS3 Community Services 3 Zone

OVERLAY: N/A

STATUTORY PLAN: Larkspur Neighbourhood Structure Plan  
The Meadows Area Structure Plan

---

*Grounds for Appeal*

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

Under the CS3 Zone, the maximum building height is 10 metres (572.4.1(2)), measured to the midpoint of the highest parapet on the flat roof (52.1.b)

With Schools, the gymnasium is built to achieve regulation game line layouts, including Basketball, Volleyball and Badminton. In order to allow the gymnasium to be utilized for Provincial Tournament use, there are a number of entities that provide requirements, including FIBA, Basketball Alberta, and Canada Games for Basketball; FIVB, Volleyball Canada, Volleyball Alberta, and Canada Games for Volleyball. Volleyball Canada and FIVB (Federation Internationale De Volleyball) ask for a Vertical Clearance over the play area of 12.5 metres, this has historically been deemed by School Boards and Alberta Infrastructure as not an achievable requirement.

Volleyball Alberta and Canada Games have previously indicated that the Vertical Clearance Requirement to hold Provincial and Canada Games events is 8 metres clear above the game area. Given that there are folding basketball nets that fold up above the Volleyball game area, we are allocating 600 mm for the backstops when in the folded position. The appropriate effective depth for the roof structure is a 1400 mm deep open web steel joist with a 200 mm centre peak. In order to limit the building height, we have set an underside of roof deck elevation of 10,000 mm at bearing locations; this allows us to achieve a clear height that meets Provincial Volleyball tournament requirements while utilizing an effective and efficient structure, reducing the material usage required. In order to achieve energy efficiency targets, roof insulation is also getting thicker, resulting in a roof thickness from underside of deck at bearing location to top of parapet framing to achieve the ARCA (Alberta Roofing Contractors Association) slope and parapet height warranty requirements of 750 mm.

As such, we are proposing a top of parapet framing elevation of 10,750 for the Gymnasium for Larkspur School. This equates to 10,600 measured to the centre of parapet at highest membrane location.

<b><i>General Matters</i></b>
-------------------------------

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,

- (A) within 21 days after the date on which the decision is made under section 642, [...]

**Hearing and Decision**

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

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

Section 572.1 states that the **General Purpose** of the **(CS3) Community Services 3 Zone** is to allow for agricultural and rural Uses and a limited range of other Uses, that do not prejudice the future use of these lands for urban use, and to provide for relatively low to medium density housing generally referred to as row housing on lands that have become surplus to public education needs.

Section 572.2 states the Uses listed under Sections 572.2.1 and 572.2.2 are only applicable to those lands owned by either the City of Edmonton or by a School Authority.

Under section 572.2.2(8), **Public Education Services, where the Site is designated as a school/park site by the Neighbourhood Structure Plan**, are a **Discretionary Use** in the **(CS3) Community Services 3 Zone**.

Under section 7.8(11), **Public Education Services** means development which is publicly supported or subsidized involving public assembly for educational, training or instruction purposes, and includes the administration offices required for the provision of such services on the same Site. This Use includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This Use does not include Private Education Services and Commercial Schools.

### ***Height***

Section 572.3(1)(5) states Height is not restricted for buildings or structures for Agricultural and Natural Resource Development Uses. Excluding buildings or structures for Agricultural and Natural Resource Development Uses, the maximum building Height shall not exceed 10.0 metres, in accordance with Section 52.

### **Development Officer's Determination**

1) Building Height - Section 572.3(1)(5): Height is not restricted for buildings or structures for Agricultural and Natural Resource Development Uses. Excluding buildings or structures for Agricultural and Natural Resource Development Uses, the maximum building Height shall not exceed 10.0 m, in accordance with Section 52.

Proposed building height: 11.60 m (from finish floor to the midpoint of the highest roof)  
Exceed by 1.60 m

### ***Landscaping***

Section 55.3(1)(b) states for new development consisting of Residential-Related Use Classes, Commercial Use Classes, Industrial Use Classes, Basic Services Use Classes, and Community, Educational, Recreational and Cultural Service Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

- i. one tree for each 25 square metres and one shrub for each 15 square metres of Setback;
- ii. one tree for each 20 square metres and one shrub for each 10 square metres of parking area islands, as determined by subsection 54.2(3); and
- iii. in no case shall there be less than one tree per parking area island.

Section 54.2(3) Landscaped Islands Within Parking Areas

- a. Every off-street parking or loading area designed to accommodate 30 or more vehicles at Grade, shall incorporate landscaped open space within the parking area, calculated on the basis of 2.0 square metres of landscaped island area per required parking and loading space. This shall be Landscaped in accordance with Section 55.3 of this Bylaw.
- b. For parking areas containing parking for 40 or more vehicles, a minimum of two landscaped islands shall be required. These islands shall be placed to provide visual relief, to assist vehicular circulation and to organize large areas of parking into smaller cells. The number of islands provided shall be to the satisfaction of the Development Officer.

**Development Officer's Determination**

2) Landscape - Section 55.3(1)(b) and Section 54.2(3):

Total number of required trees: 176 trees

Total number of provided trees: 32 existing trees + 63 new trees= 95 trees

Deficient by 81 trees

Total number of required shrubs: 294 shrubs

Total number of provided shrubs: 238 new shrubs

Deficient by 56 shrubs


Notes: Development Officer calculated the Landscape Requirement based on the development boundary, instead of property lines.

---


**Notice to Applicant/Appellant**

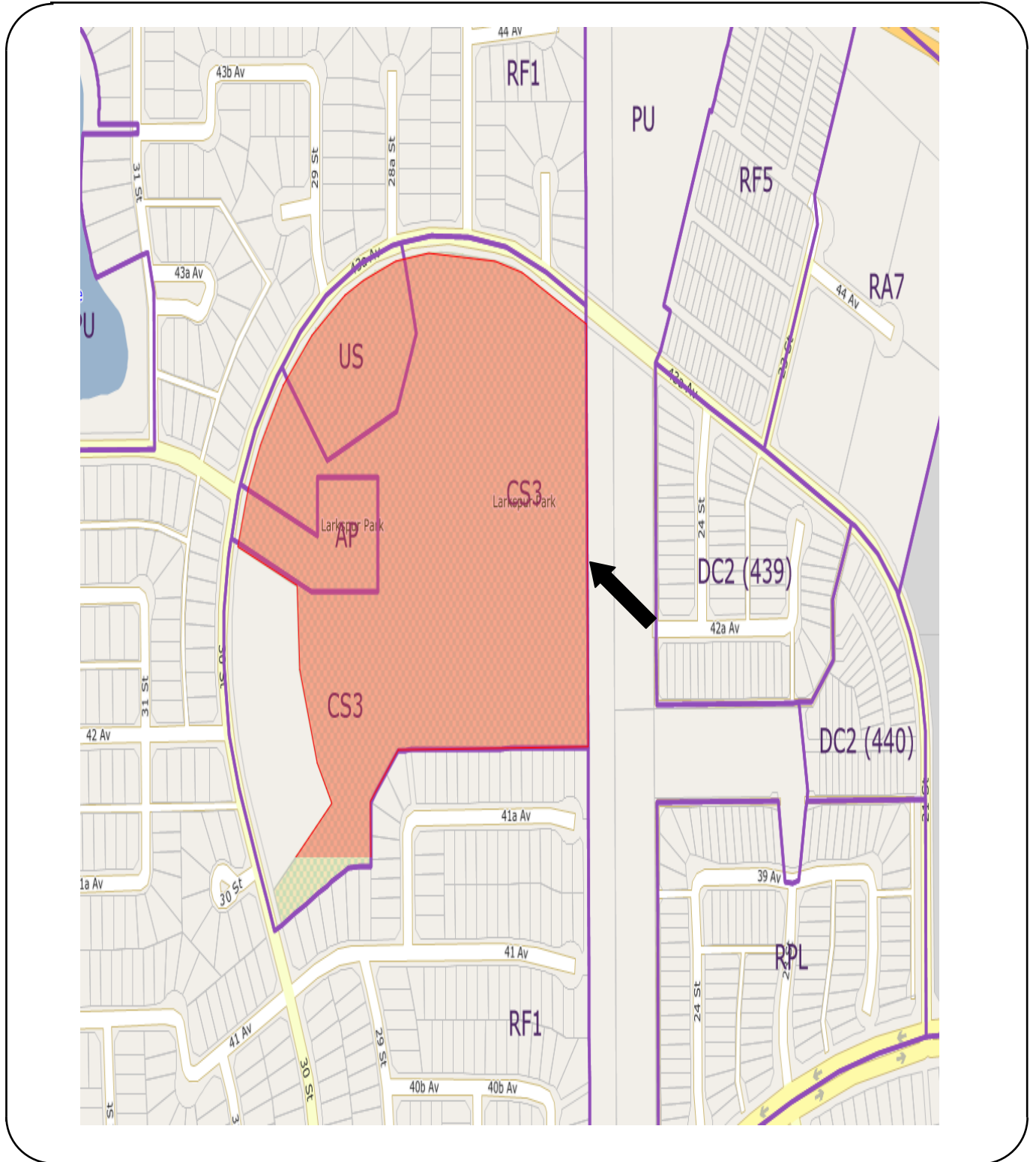
Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

---

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: <b>278798859-001</b> Application Date: APR 05, 2018 Printed: May 2, 2018 at 9:03 AM Page: 1 of 2		
This document is a Development Permit Decision for the development application described below.				
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 2845 - 43A AVENUE NW Plan 9022833 Blk 8 Lot 8			
	<b>Specific Address(es)</b> Entryway: 2780 - 43A AVENUE NW Building: 2780 - 43A AVENUE NW			
<b>Scope of Application</b> To construct a Public Education Services Use building (Larkspur 7-9 School).				
<b>Permit Details</b>				
Class of Permit: Gross Floor Area (sq.m.): 8235 New Sewer Service Required: Y Site Area (sq. m.): 19299	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)			
I/We certify that the above noted details are correct.  Applicant signature: _____				
<b>Development Application Decision</b> Refused <b>Reason for Refusal</b> 1) Building Height - Section 572.3(1)(5): Height is not restricted for buildings or structures for Agricultural and Natural Resource Development Uses. Excluding buildings or structures for Agricultural and Natural Resource Development Uses, the maximum building Height shall not exceed 10.0 m, in accordance with Section 52. Proposed building height: 11.60 m (from finish floor to the midpoint of the highest roof) Exceed by 1.60 m  2) Landscape - Section 55.3(1)(b) and Section 54.2(3): Total number of required trees: 176 trees Total number of provided trees: 32 existing trees + 63 new trees= 95 trees Deficient by 81 trees  Total number of required shrubs: 294 shrubs Total number of provided shrubs: 238 new shrubs Deficient by 56 shrubs  Notes: Development Officer calculated the Landscape Requirement based on the development boundary, instead of property lines.  <b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
Issue Date: Apr 27, 2018      Development Authority: LI, CINDY      Signature: _____				
<b>Fees</b>				
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee for GFA	\$7,488.00	\$7,488.00	04921512	Apr 05, 2018
<b>THIS IS NOT A PERMIT</b>				



	<b>Application for Major Development Permit</b>				Project Number: <b>278798859-001</b>
					Application Date: APR 05, 2018
					Printed: May 2, 2018 at 9:03 AM
					Page: 2 of 2
<b>Fees</b>					
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>	
Lot Grading Fee	\$436.58	\$436.58	04921512	Apr 05, 2018	
Major Dev. Application Fee	\$948.00	\$948.00	04921512	Apr 05, 2018	
Development Permit Inspection Fee	\$510.00				
Sanitary Sewer Trunk Fund 2012+	\$15,724.83				
Total GST Amount:	\$0.00				
Totals for Permit:	<u>\$25,107.41</u>	<u>\$8,872.58</u>			
(\$16,234.83 outstanding)					
<b>THIS IS NOT A PERMIT</b>					



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-074



N