

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
July 12, 2017

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

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

| | | | |
|---|-----------|---------------|--|
| I | 9:00 A.M. | SDAB-D-17-127 | Change the use from Professional, Financial and Office Support Services to a Personal Service Shop (Body Rub Centre) and to construct interior alterations 9339 - 35 Avenue NW, 9303 - 35 Avenue NW Project No.: 251899519-001 |
|---|-----------|---------------|--|

| | | | |
|----|------------|---------------|--|
| II | 10:30 A.M. | SDAB-D-17-128 | Construct a Semi-Detached House with Unenclosed Front Porch, and to demolish an existing Single Detached House and Accessory Building (rear detached Garage) 11638 - 84 Street NW Project No.: 246994130-001 |
|----|------------|---------------|--|

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-127

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 251899519-001

APPLICATION TO: Change the use from Professional, Financial and Office Support Services to a Personal Service Shop (Body Rub Centre) and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 15, 2017

DATE OF APPEAL: June 15, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9339 - 35 Avenue NW, 9303 - 35 Avenue NW

LEGAL DESCRIPTION: Plan 0321385 Unit 9, Condo Common Area (Plan 0321385)

ZONE: IB Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: South Industrial Area OP

Grounds for Appeal

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

We believe there will not be any conflict between the proposed use & the neighboring properties.

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, or
 - ...

The decision of the Development Officer is dated June 15, 2017. The Notice of Appeal was filed on June 15, 2017.

Determining an Appeal

Hearing and decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 400.1 states that the **General Purpose** of the **IB Industrial Business Zone** is:

... to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

Under Section 400.3(23), **Personal Service Shop** is a **Discretionary Use** in the **IB Industrial Business Zone**.

Section 7.4(41) states:



Personal Service Shops 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 includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This Use does not include Health Services.

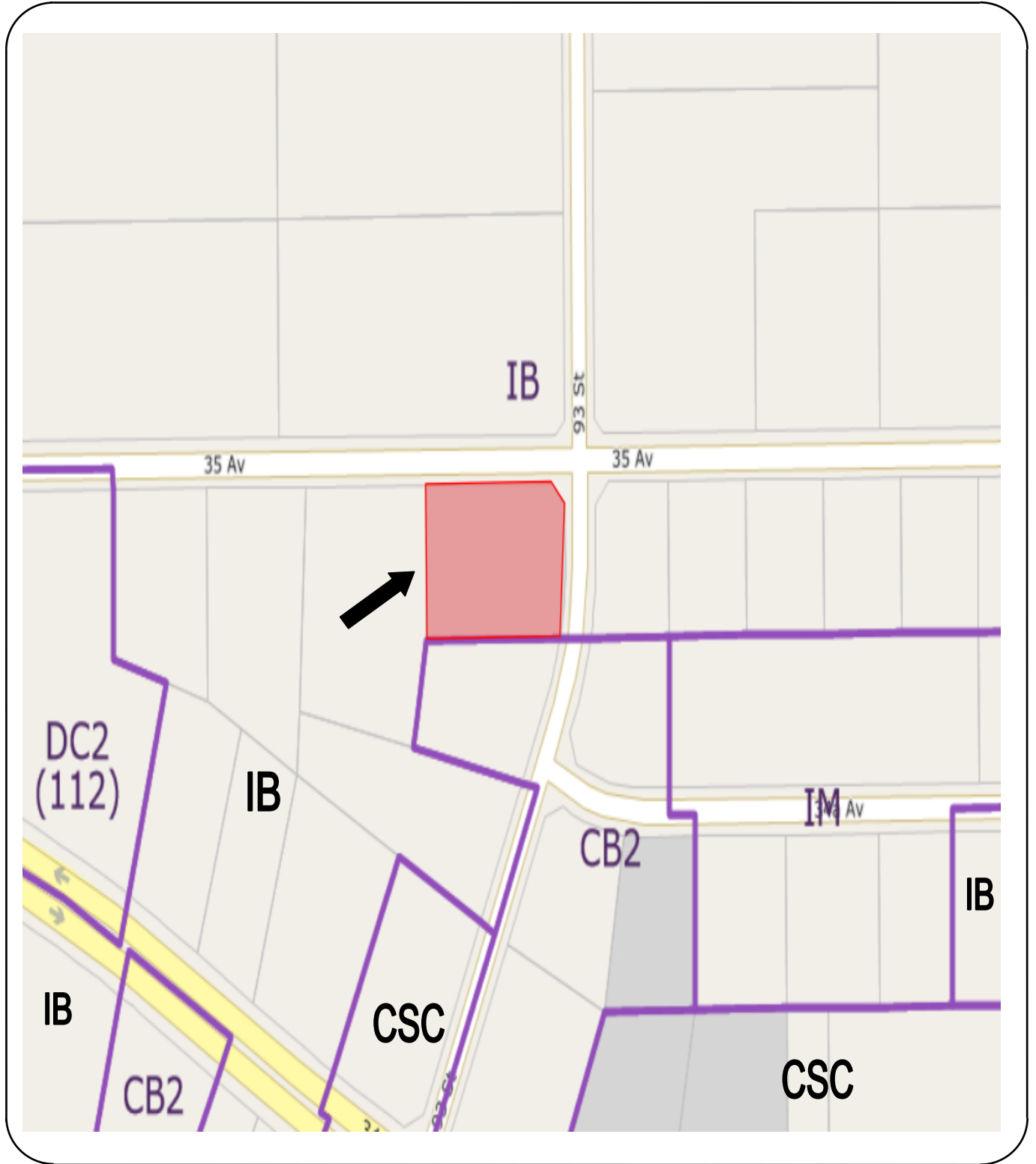
Development Officer's Reasons for Refusal

The proposed Personal Service Shop (Body Rub Centre) is a Discretionary Use in the IB-Industrial Business Zone. There is an existing Religious Assembly on the subject property and also on the west abutting property, at 9353-35 Avenue. It is the Development Officer's opinion that the proximity of the two uses is likely to have an undue and negative effect and impact on neighbouring properties.

Notice to Applicant/Appellant

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

|  | Project Number: 251899519-001 Application Date: MAY 15, 2017 Printed: June 30, 2017 at 3:38 PM Page: 1 of 1 | | | | | | | | | | | | | | | | | | | | |
|--|--|---|---|--------------|-----------|-----------|----------------------------|----------|----------|----------|--------------|-------------------|--------|-------|--|--|--------------------|----------|----------|--|--|
| <h2 style="margin: 0;">Application for Major Development Permit</h2> | | | | | | | | | | | | | | | | | | | | | |
| This document is a Development Permit Decision for the development application described below. | | | | | | | | | | | | | | | | | | | | | |
| Applicant  | Property Address(es) and Legal Description(s) 9303 - 35 AVENUE NW Condo Common Area (Plan 0321385) 9339 - 35 AVENUE NW Plan 0321385 Unit 9 Specific Address(es) Suite: 9339 - 35 AVENUE NW Entryway: 9339 - 35 AVENUE NW Building: 9311 - 35 AVENUE NW | | | | | | | | | | | | | | | | | | | | |
| Scope of Application To change the use from Professional, Financial and Office Support Services to a Personal Service Shop (Body Rub Centre) and to construct interior alterations. | | | | | | | | | | | | | | | | | | | | | |
| Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 5870.47 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table> | | Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 5870.47 | Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none) | | | | | | | | | | | | | | | | | | |
| Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 5870.47 | Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none) | | | | | | | | | | | | | | | | | | | | |
| I/We certify that the above noted details are correct. Applicant signature: _____ | | | | | | | | | | | | | | | | | | | | | |
| Development Application Decision Refused Reason for Refusal The proposed Personal Service Shop (Body Rub Centre) is a Discretionary Use in the IB-Industrial Business Zone. There is an existing Religious Assembly on the subject property and also on the west abutting property, at 9353-35 Avenue. It is the Development Officer's opinion that the proximity of the two uses is likely to have an undue and negative effect and impact on neighbouring properties. 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: Jun 15, 2017 Development Authority: WELCH, IMAI Signature: _____ | | | | | | | | | | | | | | | | | | | | | |
| Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$500.00</td> <td style="text-align: right;">\$500.00</td> <td style="text-align: right;">04126066</td> <td style="text-align: right;">May 15, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">_____</td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$500.00</td> <td style="text-align: right;">\$500.00</td> <td></td> <td></td> </tr> </tbody> </table> | | | Fee Amount | Amount Paid | Receipt # | Date Paid | Major Dev. Application Fee | \$500.00 | \$500.00 | 04126066 | May 15, 2017 | Total GST Amount: | \$0.00 | _____ | | | Totals for Permit: | \$500.00 | \$500.00 | | |
| | Fee Amount | Amount Paid | Receipt # | Date Paid | | | | | | | | | | | | | | | | | |
| Major Dev. Application Fee | \$500.00 | \$500.00 | 04126066 | May 15, 2017 | | | | | | | | | | | | | | | | | |
| Total GST Amount: | \$0.00 | _____ | | | | | | | | | | | | | | | | | | | |
| Totals for Permit: | \$500.00 | \$500.00 | | | | | | | | | | | | | | | | | | | |
| <p>THIS IS NOT A PERMIT</p> | | | | | | | | | | | | | | | | | | | | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-127



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-128

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 246994130-001

APPLICATION TO: Construct a Semi-Detached House with Unenclosed Front Porch, and to demolish an existing Single Detached House and Accessory Building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 15, 2017

DATE OF APPEAL: June 15, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11638 - 84 Street NW

LEGAL DESCRIPTION: Plan RN50 Blk 102 Lot 19

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: MNO Mature Neighbourhood Overlay

STATUTORY PLAN: Parkdale Area Redevelopment Plan

Grounds for Appeal

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

Site Coverage of 367m is accurate with all other property variances and amenity yard of 3.2m can also be used on sides.

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.

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 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - ...

The decision of the Development Officer is dated June 15, 2017. The Notice of Appeal was filed on June 15, 2017.

Determining an Appeal

Hearing and decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

... to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.2(8), **Semi-detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(8) states:

Semi-detached Housing means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Secondary Suites or Duplexes.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Site Area

Section 140.4(3)(a) states that for Semi-detached Housing, “the minimum Site area shall be 442.2 m²”.

Development Officer’s Determination

1. Site Area - Minimum site area is 367.89m² instead of 442.20m²

Private Outdoor Amenity Area



Section 47(5) states: “Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.”

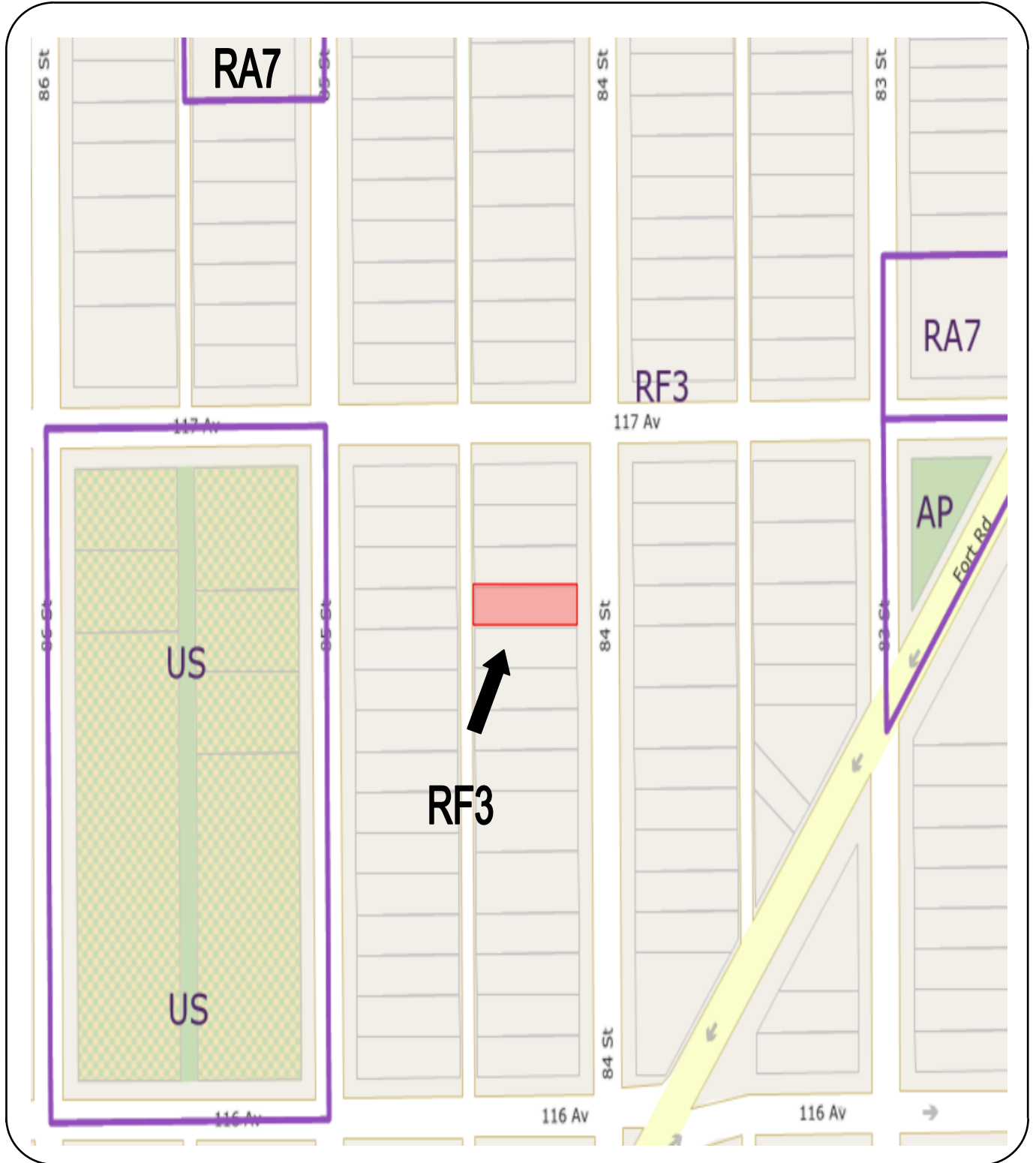
Development Officer’s Determination

2. Private Outdoor Amenity Area - The length of the private outdoor amenity area is 3.2m instead of 4.0m

Notice to Applicant/Appellant

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

|  | Project Number: 246994130-001 Application Date: MAY 03, 2017 Printed: June 30, 2017 at 3:54 PM Page: 1 of 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--|--------------|-----------|-----------|----------------------|----------|----------|----------|--------------|---------------------------|------------|------------|----------|--------------|-----------------|----------|----------|----------|--------------|-------------------|--------|--|--|--|--------------------|------------|------------|--|--|
| <h2 style="margin: 0;">Application for Minor Development Permit</h2> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| This document is a Development Permit Decision for the development application described below. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Applicant  | Property Address(es) and Legal Description(s) 11638 - 84 STREET NW Plan RN50 Blk 102 Lot 19 Specific Address(es) Suite: 11638 - 84 STREET NW Entryway: 11638 - 84 STREET NW Building: 11638 - 84 STREET NW | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Scope of Application To construct a Semi-Detached House with Unenclosed Front Porch, and to demolish an existing Single Detached House and Accessory Building (rear detached Garage). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none;"> Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table> | | # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N | Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N | Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I/We certify that the above noted details are correct. Applicant signature: _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Development Application Decision Refused Reason for Refusal Proposed Semi-detached House is refused for the following reasons: 1. Site Area - Minimum site area is 367.89m ² instead of 442.20m ² (Section 140.2.8). 2. Private Outdoor Amenity Area - The length of the private outdoor amenity area is 3.2m instead of 4.0m (Section 47.5). 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: Jun 15, 2017 Development Authority: YEUNG, KENNETH Signature: _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$475.00</td> <td style="text-align: right;">\$475.00</td> <td>04094409</td> <td>May 03, 2017</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$1,566.00</td> <td style="text-align: right;">\$1,566.00</td> <td>04094409</td> <td>May 03, 2017</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$140.00</td> <td style="text-align: right;">\$140.00</td> <td>04094409</td> <td>May 03, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$2,181.00</td> <td style="text-align: right; border-top: 1px solid black;">\$2,181.00</td> <td></td> <td></td> </tr> </tbody> </table> | | | Fee Amount | Amount Paid | Receipt # | Date Paid | Dev. Application Fee | \$475.00 | \$475.00 | 04094409 | May 03, 2017 | Sanitary Sewer Trunk Fund | \$1,566.00 | \$1,566.00 | 04094409 | May 03, 2017 | Lot Grading Fee | \$140.00 | \$140.00 | 04094409 | May 03, 2017 | Total GST Amount: | \$0.00 | | | | Totals for Permit: | \$2,181.00 | \$2,181.00 | | |
| | Fee Amount | Amount Paid | Receipt # | Date Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dev. Application Fee | \$475.00 | \$475.00 | 04094409 | May 03, 2017 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sanitary Sewer Trunk Fund | \$1,566.00 | \$1,566.00 | 04094409 | May 03, 2017 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lot Grading Fee | \$140.00 | \$140.00 | 04094409 | May 03, 2017 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total GST Amount: | \$0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Totals for Permit: | \$2,181.00 | \$2,181.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| THIS IS NOT A PERMIT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-128

