

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
April 18, 2018**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I	9:00 A.M.	SDAB-D-18-052	Construct a Single Detached House with Unenclosed Front Porch, Rooftop Terrace and rear uncovered deck (4.06m x 5.18m) (Lot 22A)  10211 - 89 Street NW Project No.: 264979496-001
<hr/>			
II	9:00 A.M.	SDAB-D-18-053	Construct a Single Detached House with Unenclosed Front Porch, Rooftop Terrace and rear uncovered deck (4.06m x 5.18m) (Lot 22B)  10213 - 89 Street NW Project No.: 264980762-001
<hr/>			
III	10:30 A.M.	SDAB-D-18-054	Change the Use from a Single Detached House to a Child Care Service (20 children), and to construct an addition to the second floor (17.4m <sup>2</sup> ), a deck to the North side of the building (2.1m x 3.8m), and interior and exterior alterations (new windows on the North side of the Garage loft and North and East sides of the Principal Building, a 1.8m tall railing on the existing Rooftop Terrace, a new Basement doorway and retaining wall, and a new Fence in the Front and Rear Yard).  308 - Magrath Boulevard NW Project No.: 262666743-002

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

ITEM I / II: 9:00 A.M.

FILE: SDAB-D-18-052 / 053

APPEALS FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 264979496-001 (SDAB-D-18-052)  
264980762-001 (SDAB-D-18-053)

APPLICATION TO: Construct a Single Detached House with  
Unenclosed Front Porch, Rooftop Terrace  
and rear uncovered deck (4.06m x 5.18m)  
(Lot 22A) and (Lot 22B)  
(one house on each lot)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 15, 2018

DATE OF APPEAL: March 23, 2018

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 10211 – 89 Street NW  
10213 – 89 Street NW

LEGAL DESCRIPTION: Plan 1820541 Blk 3 Lot 22A  
Plan 1820541 Blk 3 Lot 22B

ZONE: (RF2) Low Density Infill Zone

OVERLAY(S): Floodplain Protection Overlay  
Mature Neighbourhood Overlay

STATUTORY PLAN: Riverdale Area Redevelopment Plan

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***Grounds for Appeal***

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

With the narrow homes having the 1/2 Floor and Roof Top Patio allows separation for families to enjoy an entertainment room without being in the living room / dining space.

Terrace has been adjusted so that a 5-0" privacy wall will surround the deck for more outside space.

***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,

- (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*:**

Under section 120.2(7), **Single Detached Housing** is a **Permitted Use** in the (RF2) Low Density Infill Zone.

Under section 7.2(8), **Single Detached Housing** means:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Under section 6.1(81), **Platform Structures** means:

an elevated structure intended for use as outdoor Amenity Area that may project and/or be recessed from the wall of a building, may be surrounded by guardrails, parapet walls or similar features. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

Under section 6.1(94), **Rooftop Terrace** means:

an elevated structure intended for use as an outdoor Amenity Area that may be surrounded by guardrails, parapet walls or similar features, and is located above:

- a. the uppermost Habitable Room;
- b. the uppermost Commercial Floor Area intended for occupancy;  
or
- c. in the case of an Accessory building other than a Garden Suite,  
any roof.

This definition does not include a Platform Structure.

Under section 6.1(120), **Unenclosed Front Porch** means:

an entrance structure typically located at the front or sides of a residential Dwelling at the ground floor entry level, consisting of a roof and floor, where the front and sides of the structure remain open to the outside elements. This structure is commonly referred to as a veranda.

Section 120.1 states that the **General Purpose** of the **(RF2) Low Density Infill Zone** is “to retain Single Detached Housing, while allowing infill on narrow lots, and Secondary Suites and Garden Suites.”

Section 812.1 states that the **General Purpose** of the **Floodplain Protection Overlay** is:

to provide for the safe and efficient use of lands which may be within the defined floodplains of the North Saskatchewan River and its tributaries within the City of Edmonton. The Overlay regulates building Height, the location and geodetic elevation of openings into buildings, the Use in portions of buildings, the design Grade of the Site, and Landscaping, to mitigate the potential negative effects of a flood event.

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

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

<b><i>Height</i></b>
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Section 814.3(5) states “The maximum Height shall not exceed 8.9 m.”

Section 52.2(2)(c) states:

Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Under section 6.1(55), **Height** means “means a vertical distance between two points.”

**Development Officer’s Determination**

**Height - Maximum height (to midpoint) is 10.3m instead of 8.9m (Section 814.3.5).**

**Height - Maximum height (to peak) is 10.4m instead of 9.3m (Section 52.1.b).** [unedited]

***Rooftop Terrace***

Section 61.1 states the following:

On a Site Abutting a Site zoned to allow Single Detached Housing as a Permitted Use, or a Site zoned RF5 Row Housing Zone, Rooftop Terraces and Privacy Screening, excluding vegetative screening constructed on a Rooftop Terrace, shall be developed in accordance with the following Stepback regulations:

- a. On an Interior Site, the minimum Stepback shall be:
  - i. ...
  - ii. 2.0 m from any building Façade facing a Rear Lot Line;
  - iii. 1.0 m from any building Façade facing a Side Lot Line, where the Site Width is less than 10.0 m; and
  - iv. 2.0 m from any building Façade facing a Side Lot Line, where the Site Width is 10.0 m or greater.

Under section 6.1(109), **Stepback** means “the horizontal distance a building façade is stepped back, on a horizontal plane, from the building façade immediately below it.”

**Development Officer’s Determination**

**Rooftop Terrace - Stepbacks are not provided from the building facades facing the left and right side lot lines (Section 61.1.a).**

**Rooftop Terrace - Stepback from the building facade facing the rear lot line is 1.4m instead of 2.0m (Section 61.1.a).** [unedited]

***Community Consultation***

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) states:

<b>Tier #</b>	<b>Recipient Parties</b>	<b>Affected Parties</b>	<b>Regulation of this Overlay to be Varied</b>
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(5) - Height




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Notice to Applicant/Appellant

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

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	Project Number: <b>264979496-001</b> Application Date: OCT 14, 2017 Printed: March 15, 2018 at 9:13 AM Page: 1 of 2										
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>											
<p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>											
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10213 - 89 STREET NW Plan RN37 Blk 3 Lot 22 10211 - 89 STREET NW Plan 1820541 Blk 3 Lot 22A  <b>Location(s) of Work</b> Entryway: 10211 - 89 STREET NW Building: 10211 - 89 STREET NW										
<b>Scope of Application</b> To construct a Single Detached House with Unenclosed Front Porch, Rooftop Terrace and rear uncovered deck (4.06m x 5.18m) (Lot 22A).											
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Affected Floor Area (sq. ft.): 2421                      Class of Permit: Class B                      Front Yard (m): 6.96                      Rear Yard (m): 21.89                      Side Yard, left (m): 1.21                      Site Area (sq. m.): 347.88                      Site Width (m): 7.61                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Building Height to Midpoint (m): 10.3                      Dwelling Type: Single Detached House                      Home Design Type:                      Secondary Suite Included?: N                      Side Yard, right (m): 1.21                      Site Depth (m): 45.73                      Stat. Plan Overlay/Annex Area: Floodplain Protection                 </td> </tr> </table>		Affected Floor Area (sq. ft.): 2421 Class of Permit: Class B Front Yard (m): 6.96 Rear Yard (m): 21.89 Side Yard, left (m): 1.21 Site Area (sq. m.): 347.88 Site Width (m): 7.61	Building Height to Midpoint (m): 10.3 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.21 Site Depth (m): 45.73 Stat. Plan Overlay/Annex Area: Floodplain Protection								
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I/We certify that the above noted details are correct.  Applicant signature: _____											
<b>Development Application Decision</b> Refused <b>Reason for Refusal</b> Height - Maximum height (to midpoint) is 10.3m instead of 8.9m (Section 814.3.5).  Height - Maximum height (to peak) is 10.4m instead of 9.3m (Section 52.1.b).  Rooftop Terrace - Stepbacks are not provided from the building facades facing the left and right side lot lines (Section 61.1.a).  Rooftop Terrace - Stepback from the building facade facing the rear lot line is 1.4m instead of 2.0m (Section 61.1.a).  <b>Rights of Appeal</b> 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.											
<b>Issue Date:</b> Mar 15, 2018 <b>Development Authority:</b> YEUNG, KENNETH <b>Signature:</b> _____											
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Project Number: **264979496-001**  
 Application Date: OCT 14, 2017  
 Printed: March 15, 2018 at 9:13 AM  
 Page: 2 of 2

## Application for House Development and Building Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Water Usage Fee	\$60.50	\$60.50	04535579	Oct 18, 2017
Electrical Fee (Service)	\$79.00	\$79.00	04535579	Oct 18, 2017
Building Permit Fee	\$2,059.00	\$2,059.00	04535579	Oct 18, 2017
Electrical Fees (House)	\$304.00	\$304.00	04535579	Oct 18, 2017
Development Permit Inspection Fee	\$0.00	\$200.00	04535579	Oct 18, 2017
Electrical Safety Codes Fee	\$16.66	\$16.66	04535579	Oct 18, 2017
Lot Grading Fee	\$140.00	\$140.00	04535579	Oct 18, 2017
Safety Codes Fee	\$82.36	\$82.36	04535579	Oct 18, 2017
Temporary Gas Heat Fee	\$105.00	\$105.00	04535579	Oct 18, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,846.52	\$3,046.52		
(overpaid by (\$200.00))				

**THIS IS NOT A PERMIT**

	Project Number: <b>264980762-001</b> Application Date: OCT 14, 2017 Printed: March 15, 2018 at 8:58 AM Page: 1 of 2							
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Project Number: **264980762-001**  
 Application Date: OCT 14, 2017  
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## Application for House Development and Building Permit

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Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	04535578	Oct 18, 2017
Electrical Safety Codes Fee	\$16.66	\$16.66	04535578	Oct 18, 2017
Water Usage Fee	\$60.50	\$60.50	04535578	Oct 18, 2017
Temporary Gas Heat Fee	\$105.00	\$105.00	04535578	Oct 18, 2017
Electrical Fee (Service)	\$79.00	\$79.00	04535578	Oct 18, 2017
Building Permit Fee	\$2,059.00	\$2,059.00	04535578	Oct 18, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$4,412.52	\$4,612.52		
(overpaid by (\$200.00))				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-052 / 053



ITEM III: 10:30 A.M.

FILE: SDAB-D-18-054

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 262666743-002

APPLICATION TO: Change the Use from a Single Detached House to a Child Care Service (20 children), and to construct an addition to the second floor (17.4 m<sup>2</sup>), a deck to the North side of the building (2.1m x 3.8m), and interior and exterior alterations (new windows on the North side of the Garage loft and North and East sides of the Principal Building, a 1.8m tall railing on the existing Rooftop Terrace, a new Basement doorway and retaining wall, and a new Fence in the Front and Rear Yard)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 13, 2018

DATE OF APPEAL: March 27, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 308 - Magrath Boulevard NW

LEGAL DESCRIPTION: Plan 1027072 Blk 1 Lot 1

ZONE: (RPL) Planned Lot Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Magrath Heights Neighbourhood Area Structure Plan

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***Grounds for Appeal***

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

I wish to appeal the development refusal because there is an urgent need for child care in the neighbourhood and surrounding area; many of the licensed daycare centres in the area are full and have waiting lists. I believe a small 20 child daycare is not excessive since the proposed location is the largest lot on the block, is a 5 minute walk to the new Nellie Carlson Elementary/Jr High, surrounded by parks and playgrounds, able to provide 6 on-site parking stalls (required 7 stalls) and Parking Services of City Operations has reviewed the proposed parking and does not have concerns with the variance, the required 1 on-site loading space (3m x 9m) is unnecessary since there are no deliveries by a large commercial truck, all shopping will be done by a staff member. Many of the immediate neighbours are in opposition, but the vast majority of neighbours slightly further away are in support of this application. I would like the board to refer to another similar application in size and community (DP 255383984-001) for conversion of a single detached house to a child care services (33 children) in the nearby neighbourhood of Leger that went to the SDAB as well and use it as guidance / precedent in regards to how and when a development is deemed too excessive.

<i>General Matters</i>
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**Appeal Information:**

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

**Grounds for Appeal**

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- (a) fails or refuses to issue a development permit to a person,
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**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*:**

Under section 130.3(1), **Child Care Services** is a **Discretionary Use** in the (RPL) Planned Lot Residential Zone.

Under section 7.8(2), **Child Care Services** means:

a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider's residence.

Section 80 provides Special Land Use Provisions with respect to Child Care Services.

Section 130.1 states that the **General Purpose** of the **(RPL) Planned Lot Residential Zone** is:

to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.

**Development Officer's Determination**

**1. Child Care Services is a Discretionary Use in the Planned Lot Residential Zone (RPL). (Reference Section 130.3.1 & 11.1.1.g) The purpose of the Zone is to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms. (Reference Section 130.1)**

**In the opinion of the Development Officer, the conversion of a Single Detached House to a Child Care Service with 20 children is excessive, and not in keeping with the general purpose of the RPL Zone. Also, it is the opinion of the Development Officer that the proposed development will adversely impact adjacent development, materially interfere with or affect the use, enjoyment, or value of neighbouring properties in terms of noise and increased traffic generation inconsistent with development for the area. [unedited]**

***Parking***

**Vehicular Parking Requirement**

Section 54.2, Schedule 1(A)(32) states:

- a) Passenger pick-up/drop-off spaces shall be provided at the rate of 2 pick-up/drop-off spaces for the first 10 children, plus 1 additional pick-up/drop-off space for every 10 additional children.

- i) Passenger pick-up/drop-off spaces shall be designated with signs to reserve the parking spaces for Child Care Service pick-up/drop-off, to the satisfaction of the Development Officer.
  - ii) Passenger pick-up/drop-off spaces shall be located as close as possible to the main entrance used by the Child Care Service, and shall not be located further than 100 m from the main entrance used by the Child Care Service. The distance between the farthest parking space in the pickup/drop-off area and the main entrance of the Child Care Service shall be measured along the shortest publically accessible pedestrian route.
  - iii) An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied with the proposal.
- b) employee parking shall be provided at the rate of:
- i) 1 parking space per 100.0 m<sup>2</sup> of Floor Area; or
  - ii) 1 parking space per 360.0 m<sup>2</sup> of Floor Area where the Child Care Service is proposed within 400 m of an LRT Station, Transit Centre, Transit Avenue, or all Lots within the boundaries of the Oliver Area Redevelopment Plan, as adopted by Bylaw 11618, as amended, or all Lots within the boundaries of the Strathcona Area Redevelopment Plan, as adopted by Bylaw 11890, as amended; or
  - iii) Where the Child Care Service is for a dayhome/group family care providing care to 7 or more children within the residence of the child care provider, 1 parking space for each non-resident employee, in addition to the parking required for the primary Dwelling. Where a Front Yard Driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this Driveway as the provision of a parking space that is in tandem.

**Development Officer's Determination**

**2. On site parking shall comply with Section 54.2, Schedule 1(A) of the Zoning Bylaw.**

**Required: 7 spaces**  
**Proposed: 6 spaces**  
**Deficient by: 1 space**  
[unedited]

**Loading Spaces Requirement**

Section 54.4, Schedule 3(2) states:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes	Up to <u>2 800 m<sup>2</sup></u>  Each additional <u>2 800 m<sup>2</sup></u> or fraction thereof	1  1 additional

**Development Officer’s Determination**

**3. On site loading shall comply with Section 54.4 Schedule 3 of the Edmonton Zoning Bylaw.**

**Required: 1 space**  
**Proposed: 0 space**  
**Deficient by: 1 space**  
 [unedited]

***Previous Subdivision and Development Appeal Board Decision***


<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-12-001	To Leave as Built an Accessory Building.	January 20, 2012; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the excess of 1.33 metres in the maximum allowable Height and the excess of one Storey in the maximum allowable number of Storeys for an Accessory Building or Structure be permitted.

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Notice to Applicant/Appellant

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

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	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: <b>262666743-002</b> Application Date: NOV 10, 2017 Printed: March 13, 2018 at 3:31 PM 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> 308 - MAGRATH BOULEVARD NW Plan 1027072 Blk 1 Lot 1	
	<b>Specific Address(es)</b> Entryway: 308 - MAGRATH BOULEVARD NW Building: 308 - MAGRATH BOULEVARD NW	
<b>Scope of Application</b> To change the Use from Single Detached House to a Child Care Service (20 children), and to construct an addition to the second floor (17.4m <sup>2</sup> ), a deck to the North side of the building (2.1m x 3.8m), and interior and exterior alterations (new windows on the North side of the garage loft and North and East sides of the principal building, a 1.8m tall railing on the existing rooftop terrace, a new basement doorway and retaining wall, and a new fence in the front and rear yard).		
<b>Permit Details</b>		
Class of Permit: Class B Gross Floor Area (sq.m.): 376.81 New Sewer Service Required: Y Site Area (sq. m.): 811.78	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 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>THIS IS NOT A PERMIT</b>		



Project Number: **262666743-002**  
 Application Date: NOV 10, 2017  
 Printed: March 13, 2018 at 3:31 PM  
 Page: 2 of 2

## Application for Major Development Permit

**Reason for Refusal**

1. Child Care Services is a Discretionary Use in the Planned Lot Residential Zone (RPL). (Reference Section 130.3.1 & 11.1.1.g)  
 The purpose of the Zone is to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms. (Reference Section 130.1)

In the opinion of the Development Officer, the conversion of a Single Detached House to a Child Care Service with 20 children is excessive, and not in keeping with the general purpose of the RPL Zone. Also, it is the opinion of the Development Officer that the proposed development will adversely impact adjacent development, materially interfere with or affect the use, enjoyment, or value of neighbouring properties in terms of noise and increased traffic generation inconsistent with development for the area.

2. On site parking shall comply with Section 54.2, Schedule 1(A) of the Zoning Bylaw.

Required: 7 spaces  
 Proposed: 6 spaces  
 Deficient by: 1 space

3. On site loading shall comply with Section 54.4 Schedule 3 of the Edmonton Zoning Bylaw.

Required: 1 space  
 Proposed: 0 space  
 Deficient by: 1 space

**Advisements:**

a. Obtaining a Development Permit does not relieve the Land Owner from responsibility for complying with the conditions of any caveat, covenant, easement, or other instrument affecting a building or land.

**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:** Mar 13, 2018    **Development Authority:** ADAMS, PAUL    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$319.00	\$319.00	04617169	Nov 10, 2017
Sanitary Sewer Trunk Fund 2012+	\$635.96			
Lot Grading Fee	\$227.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,181.96	\$319.00		
(\$862.96 outstanding)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-054

