

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
April 7, 2016**

**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-16-090 Construct an addition to an Accessory Building (addition to a barn, 14.9m x 11.5m) and exterior alterations.
2360 - 28 Avenue SW
Project No.: 185757370-001

II 10:00 A.M. SDAB-D-16-091 Change the Use from Professional, Financial and Office Support Services to a Child Care Services and to construct interior alterations (114 children - 9, 0-11 months/ 10, 12-19 months/ 20, 19 months-3 yrs/ 19, 3-4.5 yrs/ 26, 4.5-6 yrs & 30, 6-12 yrs) and to construct exterior alterations (develop on-site outdoor play space) (Maria Montessori)
11050 - 156 Street NW
Project No.: 182946014-001

Withdrawn

TO BE RAISED

III 1:30 P.M. SDAB-D-16-048 Pattison Outdoor Advertising
Construct a Freestanding Off-Premises Sign
7026 - 109 Street NW
Project No.: 183991922-001

Withdrawn

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-16-090

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 185757370-001

ADDRESS OF APPELLANT: 2360 - 28 Avenue SW

APPLICATION TO: Construct an addition to an Accessory Building (addition to a barn, 14.9m x 11.5m) and exterior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 22, 2016

DATE OF APPEAL: March 15, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2360 - 28 Avenue SW

LEGAL DESCRIPTION: Plan 7521733 Blk 2 Lot 2

ZONE: RR-Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

The planning for this project was completed according to Edmonton Zoning Bylaw-240.4.4.
Also, a precedent was set by allowing development on 2 neighbouring properties. [unedited]

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,

The Board is advised that the decision of refusal by the Development Officer is dated February 22, 2016. The Notice of Appeal was filed on March 15, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 440.1 states that the **General Purpose** of the **RR Rural Residential Zone** is:

...to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.

Under Section 240.2(9), **Single Detached Housing** is a **Permitted Use** in the RR Rural Residential Zone.

Section 7.2(9) states:

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 Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobil homes which conform to Section 78 of this Bylaw.

Section 6.1(2) states:

Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

<i>Maximum Height</i>

Section 50.3(2) states:

2. an Accessory building or structure shall not exceed [4.3 m](#) in Height, except:
 - a. as provided in the RPLt, RF4t, RF5t, TSDR, TSLR, BRH, BLMR, and BMR Zones, where the maximum Garage Height shall not exceed 5.0 m;
 - b. in the case of a Garage containing a Garage Suite where listed as a Permitted or Discretionary Use, where the Height shall be in accordance with [Section 87](#).
 - c. in the case of a Garage containing a Blatchford Lane Suite, where the Height shall be in accordance with [Section 997](#); and
 - d. as provided in subsections 50.4, 50.5.

Development Officer's Determination

1. Section 50.3.2: an Accessory building or structure shall not exceed 4.3 m in Height.
Proposed Height: 7.1m to midpoint
Maximum Height: 4.3m
Exceeds by: 2.8m [unedited]
-

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: 185757370-001
Application Date: JAN 13, 2016
Printed: March 16, 2016 at 8:31 AM
Page: 1 of 2

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant

DAVIES, TERRY


Property Address(es) and Legal Description(s)

2360 - 28 AVENUE SW
Plan 7521733 Blk 2 Lot 2

Specific Address(es)

Suite: 2360 - 28 AVENUE SW
Entryway: 2360 - 28 AVENUE SW
Building: 2360 - 28 AVENUE SW

RR

Scope of Application

To construct an addition to an Accessory Building (addition to a barn, 14.9m x 11.5m) and exterior alterations.

Permit Details

of Dwelling Units Add/Remove: 0
Client File Reference Number:
Minor Dev. Application Fee: Accessory Buildings
Secondary Suite Included?: N

Class of Permit: (none)
Lot Grading Needed?: N
New Sewer Service Required: N
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

Section 50.3.2 - An Accessory building or structure shall not exceed 4.3m in Height.

Proposed Height: 7.1m to midpoint
Maximum Height: 4.3m
Exceeds by: 2.8m

Note: The proposed structure is an Accessory building to the existing Single Detached House.

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: Feb 22, 2016 Development Authority: XIE, JASON

Signature: _____

THIS IS NOT A PERMIT



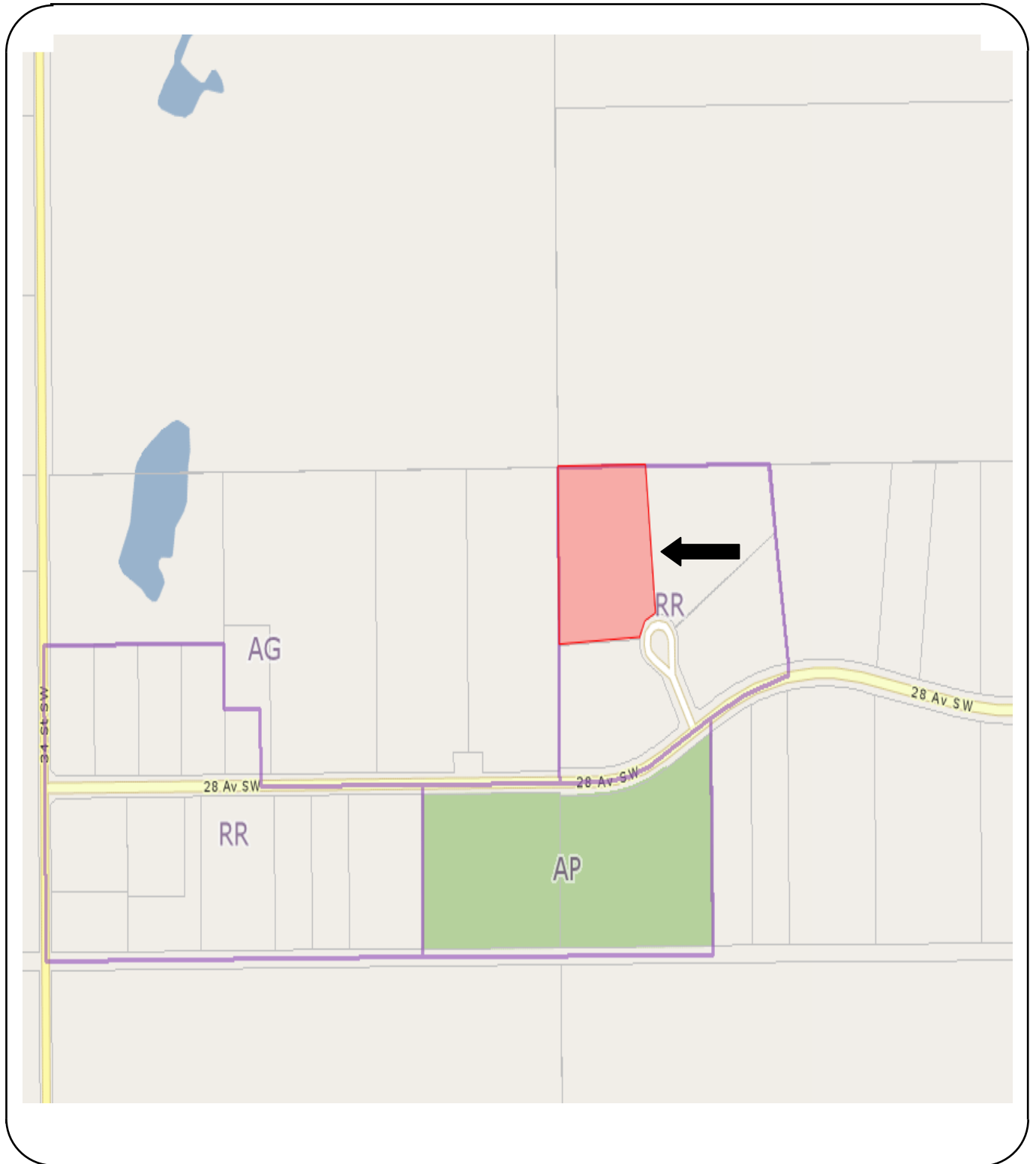
Project Number: **185757370-001**
Application Date: JAN 13, 2016
Printed: March 16, 2016 at 8:31 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$108.00	\$108.00	03013753	Jan 19, 2016
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$108.00	\$108.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-090



ITEM II: 10:00 A.M.

FILE: SDAB-D-16-091

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 182946014-001

ADDRESS OF APPELLANT: 11050 - 156 Street NW

APPLICATION TO: Change the Use from Professional, Financial and Office Support Services to a Child Care Services and to construct interior alterations (114 children - 9, 0-11 months/ 10, 12-19 months/ 20, 19 months- 3 yrs/ 19, 3-4.5 yrs/ 26, 4.5-6 yrs & 30, 6-12 yrs) and to construct exterior alterations (develop on-site outdoor play space) (Maria Montessori)

Withdrawn

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 7, 2016

DATE OF APPEAL: March 9, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11050 - 156 Street NW

LEGAL DESCRIPTION: Plan 6197HW Lot A

ZONE: CSC-Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

The officer is considering that night club is there which will create noise. It is night club and our timing is in the morning.
About parking - we did the survey which we submitted to the transport department.

Body Rub is not near to our project. Most of activity of child care is in rear that keep us away from patio. [unedited]

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,

The Board is advised that the decision of refusal by the Development Officer is dated March 7, 2016. The Notice of Appeal was filed on March 9, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 320.1 states that the **General Purpose** of the **CSC Commercial Shopping Centre Zone** is to “provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.”

Under Section 320.2(3), **Child Care Services** is a **Permitted Use** in the CSC Commercial Shopping Centre Zone.

Section 7.8(2) states:

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 Class typically includes daycare centres; out-of-school care centres; preschools; and dayhomes (providing child care within the care provider's residence).

Location

Section 80(4) states:

4. the Development Officer shall, when deciding whether to approve or refuse a Child Care Service in a Commercial Zone, take into account, among other matters, traffic, noise and proximity to hazardous uses to ensure the proposed Child Care Service is in a safe location;

Development Officer's Determination

- The Development Officer does not consider the proposed Child Care Services to be in a safe location. Noise from the Nightclubs Use (O2's) with outdoor patio in the abutting tenant space at 11050-156 Street and a Personal Service Shops Use operating as a Body Rub Centre (Extreme Body Care) in the adjacent tenant space at 11050-156 Street could result in the children being exposed to excessive noise and inappropriate images from associated signage. The Development Officer considers them, while not being hazardous uses, to be other matters that need to be address when considering a safe location for a Child Care Services Use. [unedited]

Parking & Drop-off

Section 54.2, Schedule 1(A)(33) describes parking requirements for Child Care Services as follows:

1 parking space for the first 2 employees, plus 0.5 spaces per additional employee

Except:

a. Dayhomes (providing care to 7 or more children within the residence of the child care provider):

1 parking space per non-resident employee, in addition to parking required for 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 second car parking space that is in tandem.

Section 80.6(a) states:

- a. a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;

Development Officer's Determination

2. Section 54.2, Schedule 1 & 80(6) – Vehicular parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition to this, on-site drop-off shall be provided in accordance with Section 80(6).



Required: 12 on-site drop-off and 243

Proposed: 12 on-site drop-off and 158

Deficient: 85 [unedited]

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: 182946014-001 Application Date: NOV 24, 2015 Printed: March 9, 2016 at 10:49 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant PRO CONSULTING DESIGN & BUILD 	Property Address(es) and Legal Description(s) 11050 - 156 STREET NW Plan 6197HW Lot A Specific Address(es) Suite: 11082 - 156 STREET NW Entryway: 11082 - 156 STREET NW Building: 11050 - 156 STREET NW		
Scope of Application To change the Use from Professional, Financial and Office Support Services to a Child Care Services and to construct interior alterations (114 children - 9, 0-11 months/ 10, 12-19 months/ 20, 19 months-3 yrs/ 19, 3-4.5 yrs/ 26, 4.5-6 yrs & 30, 6-12 yrs) and to construct exterior alterations (develop on-site outdoor play space) (Maria Montessori)			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Gross Floor Area (sq.m.): 516.26 New Sewer Service Required: N Site Area (sq. m.): </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: Gross Floor Area (sq.m.): 516.26 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Gross Floor Area (sq.m.): 516.26 New Sewer Service Required: N Site Area (sq. m.):	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 1. Section 80(4) - The Development Officer shall, when deciding whether to approve or refuse a Child Care Service in a Commercial Zone, take into account, among other matters, traffic, noise and proximity to hazardous uses to ensure the proposed Child Care Service is in a safe location. - The Development Officer does not consider the proposed Child Care Services to be in a safe location. Noise from the Nightclubs Use (O2's) with outdoor patio in the abutting tenant space at 11066-156 Street and a Personal Service Shops Use operating as a Body Rub Centre (Extreme Body Care) in the adjacent tenant space at 11050-156 Street could result in the children being exposed to excessive noise and inappropriate images from associated signage. The Development Officer considers these two uses to be incompatible with the Child Care Services Use and considers them, while not being hazardous uses, to be other matters that need to be address when considering a safe location for a Child Care Services Use. 2. Section 54.2, Schedule 1 & 80(6) - Vehicular parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition to this, on-site drop-off shall be provided in accordance with Section 80(6). Required: 12 on-site drop-off and 243 Proposed: 12 on-site drop-off and 158 Deficient: 85			
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.			
THIS IS NOT A PERMIT			



Application for Major Development Permit

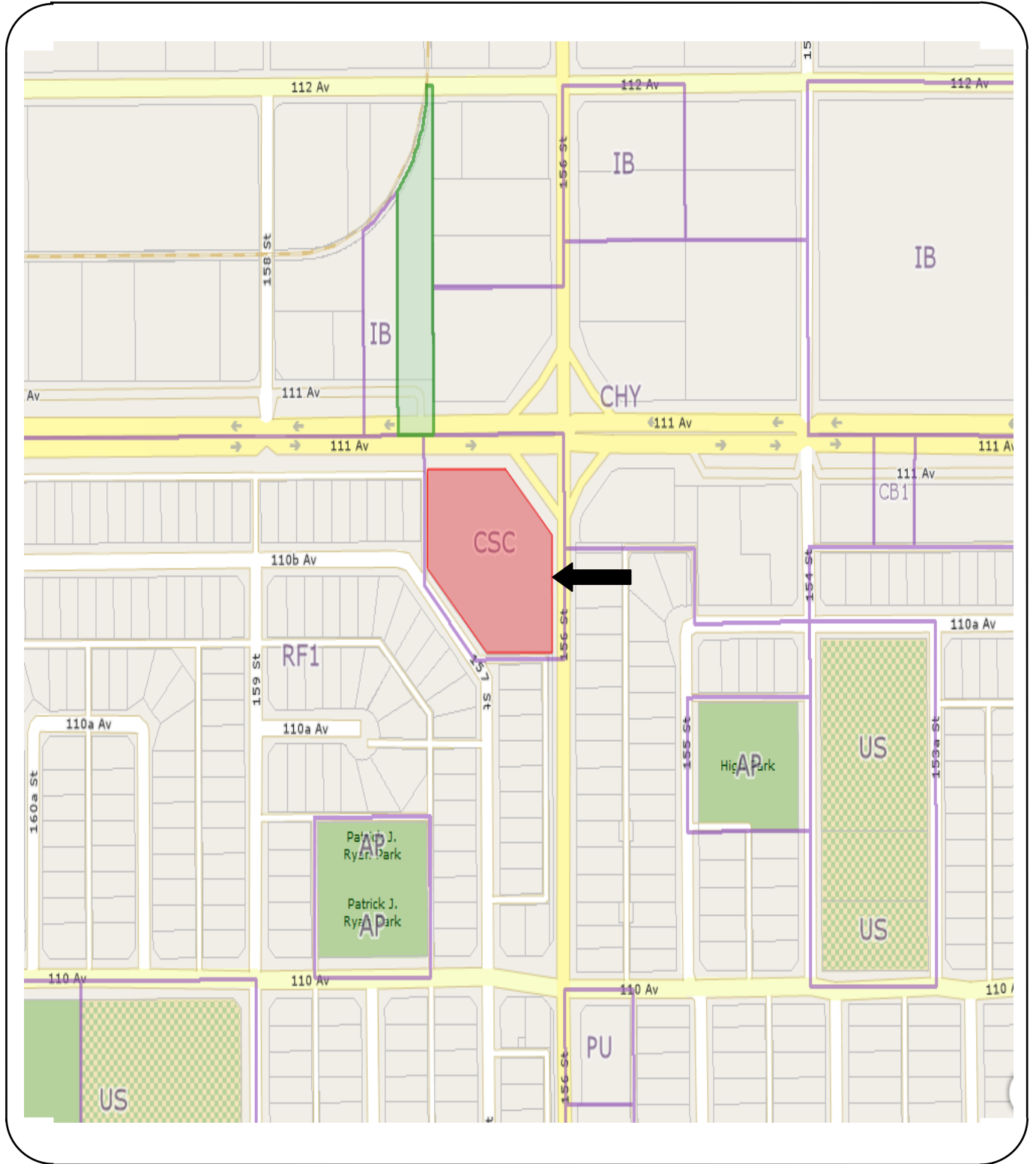
Project Number: **182946014-001**
Application Date: NOV 24, 2015
Printed: March 9, 2016 at 10:49 AM
Page: 2 of 2

Issue Date: Mar 07, 2016 Development Authority: PEACOCK, ERICA Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$379.00	\$379.00	02912533	Nov 24, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$379.00	\$379.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-091



TO BE RAISED
ITEM III: 1:30 P.M.

FILE: SDAB-D-16-048

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 183991922-001

ADDRESS OF APPELLANT: 7026 - 109 Street NW

APPLICATION TO: Construct a Freestanding Off-Premises Sign

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 13, 2016

DATE OF APPEAL: January 19, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7026 - 109 Street NW

LEGAL DESCRIPTION: Plan 5718AE Blk 27 Lots 27-28

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

Withdrawn

BUSINESS LAID OVER

SDAB-D-16-062	An appeal by <u>1101731 Alberta Ltd.</u> to operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors) <i>April 20 or 21, 2016</i>
SDAB-D-16-094	An appeal by <u>Bill & Marlene Rich Vs Jagdeep Kahlon</u> to operate a Major Home Based Business (Auction to Auction – SAIHAJ Enterprises Ltd.) <i>April 27 or 28, 2016</i>
SDAB-D-16-084	An appeal by <u>Red Hammer Construction</u> to construct an addition and exterior alterations, and a rear covered deck (3.05 m by 6.25 m) to a Single Detached House <i>April 28, 2016</i>
SDAB-D-16-501	An appeal by Darren Crocker to demolish an existing building May 25 or 26, 2016

APPEAL HEARINGS TO BE SCHEDULED

160474324-006	An appeal by <u>1319416 Alberta Ltd. / Kennedy Agrios LLP</u> to replace a Roof Off-premises Sign with (1) Freestanding Minor Digital Off-premises Sign (6.1m x 3m). <i>April 14, 2016</i>
172854843-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to comply with a Stop Order to comply with all conditions of Development Permit No. 139511609-001 before April 1, 2016 or Cease the Use (Operation of Automotive and Minor Recreation Vehicle Sales/Rentals Use and any subsequent Use) before April 1, 2016 and remove all stored material and equipment associated with the Use; including vehicles, tires, and vehicle parts before April 1, 2016 <i>May 25, 2016</i>
175846220-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to remove all advertising signs located on the building before April 2, 2016 or submit a complete Development Permit Application which reflects the current sign(s) installed on the building before April 1, 2016 <i>May 25, 2016</i>