

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
April 20, 2016**

**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-16-100	Change the Use from Single Detached Housing to a Child Care Services Use (28 Children - 4, 12-18 months/ 6, 19 months- 3 yrs/ 8, 3-4.5yrs/ 10, 4.5-7 yrs) and to development on-site outdoor play space. 1498 - Knottwood Road North NW Project No.: 188290650-001
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II	11:00 A.M.	SDAB-D-16-101	Change the Use of existing Single Detached Housing to a Child Care Services (43 children - 6, 0-11months/ 4, 12-18 months/ 10, 19 months-3yrs/ 4, 3-4.5yrs/ 4, 4.5-7yrs & 15 - school aged children) and to construct interior and exterior alterations (conversion of attached garage to in after-school-care removal of garage doors) 4004 - 76 Street NW Project No.: 180136682-001
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TO BE RAISED

III	2:30 P.M.	SDAB-D-16-062	To operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors). 9115 - 127 Avenue NW, 9035 - 127 Avenue NW Project No.: 176691253-001
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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: 9:00 A.M.

FILE: SDAB-D-16-100

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 188290650-001

ADDRESS OF APPELLANT: 1498 - Knottwood Road North NW

APPLICATION TO: Change the Use from Single Detached Housing to a Child Care Services Use (28 Children - 4, 12-18 months/ 6, 19 months- 3 yrs/ 8, 3-4.5yrs/ 10, 4.5-7 yrs) and to development on-site outdoor play space.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 24, 2016

DATE OF APPEAL: March 24, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1498 - Knottwood Road North NW

LEGAL DESCRIPTION: Plan 5261TR Blk 16 Lot 9

ZONE: RF1 Single Detached 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:

We would like to discuss the refusal for our project to open a child care service.

- Corner site - We drove around the city and we saw a few daycares that are not on a corner site.
- Parking - We have 5 parking spots available in the back.

- Outdoor space - We will provide a safe outdoor space and will make sure we set a schedule that does not bother the neighbours and will have our outdoor play time set to the school schedule.
- Bicycle parking - We will provide a bicycle rack. [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, or
 - ...

The decision of the Development Authority was dated March 24, 2016. The Notice of Appeal was filed on March 24, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 330.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.3(1), **Child Care Services** is a **Discretionary Use** in the RF1 Single Detached Residential 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).

Locational Preference

Section 80(1) states:

A Child Care Service shall comply with the following regulations:

1. in all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located:
 - a. abutting a collector or arterial road,
 - b. on a corner Site,
 - c. adjacent to or in community facilities such as a school, park, church or community centre; or
 - d. adjacent to commercial areas or multi-family development;

Development Officer's Determination

The Development Officer determined that "The Site being an interior Site and not a corner Site is not considered a preferred location for a Child Care Services Use."

Peaceful Enjoyment of the Properties of Nearby Residents

Section 80(8)(d) states:

where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:

...

- d. in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment;

Development Officer’s Determination

The Development Officer referenced Section 80(8)(d) and made the following determination:

- There is a concern the on-site outdoor play space activities will generate noise that could interfere with the peaceful enjoyment of the properties of nearby residents. [unedited]

Minimum Aisle Width for 90° Parking

Section 54.2(4)(a)(vi) states:

4. Vehicular Parking Dimensions and Configuration
 - a. All required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and shall conform to the following minimum dimensions:
 - ...
 - vi. aisles shall be a minimum of 7.0 m wide for 90° parking, 5.5 m wide for 60° parking, and 3.6 m wide for 45° parking and parallel parking;

Development Officer’s Determination

The Development Officer referenced Section 54.2(4)(a)(vi) and made the following determination:

- The proposed 3 on-site drop-off spaces are located within the required 7.0 m access aisle required to access the 2.0 vehicular parking spaces located within the garage. [unedited]

Loading Space Requirement

Section 54.4 Schedule 3 – Loading Spaces Requirement provides the following:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
2. Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and	Up to 2 800 m ² Each additional 2 800 m ² or fraction thereof	1 1 additional

Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes		
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Section 54.4(3)(a) states:

Each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload. Each required loading space shall be a minimum of 3.0 m in width, a minimum of 9.0 m in length and maintain a minimum overhead clearance of 4.0 m, unless larger dimensions are required, having regard to the type of vehicle loading and unloading without projecting into a public roadway.

Development Officer’s Determination

The Development Officer referenced Section 54.4, Schedule 3(2) and Section 54.4(3)(a), and made the following determination with respect to loading space requirements:

Required: 1
 Proposed: 0
 Deficient: 1 [unedited]

Bicycle Parking Spaces

Section 54.3 Schedule 2 – Bicycle Parking Requirements provides the following:

Use of Building or Site	Minimum Number of Bicycle Parking Spaces
1. All Residential and Residential-Related Use Classes of 20 Dwellings or more, and all Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan.	5% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.

Development Officer’s Determination

The Development Officer referenced Section 54.3, Schedule 2(1), and made the following determination with respect to bicycle parking space requirements:

Required: 5
 Proposed: 0
 Deficient: 5 [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: **188290650-001**
Application Date: MAR 08, 2016
Printed: April 12, 2016 at 12:04 PM
Page: 1 of 2

Application for Major Development Permit

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

Applicant 	Property Address(es) and Legal Description(s) 1498 - KNOTTWOOD ROAD NORTH NW Plan 5261TR Blk 16 Lot 9
	Specific Address(es) Suite: 1498 - KNOTTWOOD ROAD NORTH NW Entryway: 1498 - KNOTTWOOD ROAD NORTH NW Building: 1498 - KNOTTWOOD ROAD NORTH NW

Scope of Application
To change the Use from Single Detached Housing to a Child Care Services Use (28 Children - 4, 12-18 months/ 6, 19 months- 3 yrs/ 8, 3-4.5yrs/ 10, 4.5-7 yrs) and to development on-site outdoor play space.

Permit Details Class of Permit: Class B Gross Floor Area (sq.m.): 91.5 New Sewer Service Required: N/A Site Area (sq. m.): 589.69	Contact Person: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **188290650-001**
 Application Date: MAR 08, 2016
 Printed: April 12, 2016 at 12:04 PM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

1. Section 80(8)(1) - In all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located: abutting a collector or arterial road, on a corner Site, adjacent to or in community facilities such as a school, park, church or community centre; or adjacent to commercial areas or multi-family development.

- The Site being an interior Site and not a corner Site is not considered a preferred location for a Child Care Services Use.

2. Section 80(8)(d) - In a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment.

- There is a concern the on-site outdoor play space activities will generate noise that could interfere with the peaceful enjoyment of the properties of nearby residents.

3. Section 54.2(4)(a)(vi) - All required parking spaces shall be clear of any access driveways. Aisles shall be a minimum of 7.0 m wide for 90 degree parking.

- The proposed 3 on-site drop-off spaces are located within the required 7.0 m access aisle required to access the 2.0 vehicular parking spaces located within the garage.

4. Section 54.4, Schedule 3(2) & 54.4(3)(a) - Any development within the Community, Educational, Recreational and Cultural Service Use Classes up to 2 800 m² requires a minimum of 1 loading space. Each required loading space shall be a minimum of 3.0 m in width and a minimum of 9.0 m in length .

Required: 1
 Proposed: 0
 Deficient: 1

5. Section 54.3, Schedule 2(1) - All Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan require 5% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.

Required: 5
 Proposed: 0
 Deficient: 5

Rights of Appeal

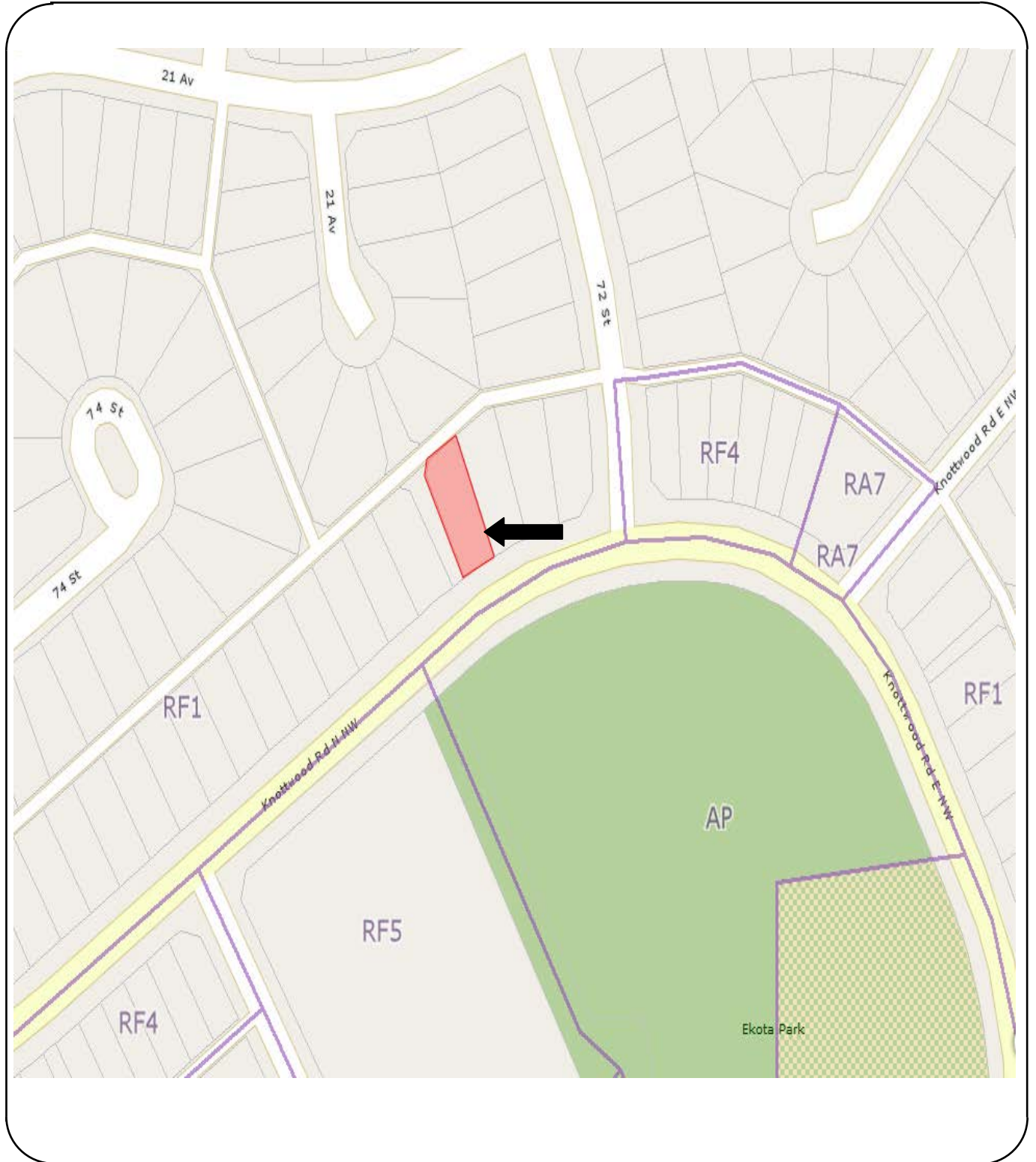
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Mar 24, 2016 **Development Authority:** PEACOCK, ERICA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$323.00	\$323.00	03113506	Mar 08, 2016
DP Notification Fee	\$102.00	\$102.00	03113506	Mar 08, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$425.00	\$425.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-100



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180136682-001

APPLICATION TO: Change the Use of existing Single Detached Housing to a Child Care Services (43 children - 6, 0-11months/ 4, 12-18 months/ 10, 19 months-3yrs/ 4, 3-4.5yrs/ 4, 4.5-7yrs & 15 - school aged children) and to construct interior and exterior alterations (conversion of attached garage to in after-school-care removal of garage doors)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 10, 2016

DATE OF APPEAL: March 23, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4004 - 76 Street NW

LEGAL DESCRIPTION: Plan 3100TR Blk 43 Lot 1

ZONE: RF1 Single Detached 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:

Reason 1) There are currently 2 parking spaces in the garage. Therefore the calculation of the maximum width at 3.1 meters is incorrect. In fact, 6.2 meters should be the maximum width.
Proposed: Maximum Width: 6.2 m Proposed Width: 7.8 m Exceeds Width: 1.6 m

Reason 2, 3 and 4) All these concerns are parking related, our proposed site layout highlights 4 parking stalls, in addition to our parking, see the below images which show the site`s close proximity to public transport. The proposed child care facility flank's a major arterial road (76 Ave). The parents, staff and children using the facility are avid users of public transport. The bus stops are merely walking distance from the property (less than 20 meters). We are also proposing a children pick-up / drop off service van for up to 14 passenger to and from the local schools. This factor will also reduce the need for additional parking. I have attached google images showing the 92 meter walk from Millgate bus terminal and the close proximity to the bus stop beside the house. In addition, millbourne mall and other stores are in close proximity (a short 2 min) walk from the child care centre. There are a lot of families who live in the multi-family condo development across the street that would benefit from a daycare right next to their development (this would drastically reduce the need of parking as they can just walk over).

Reason 5) We can easily accommodate greater exterior lighting by incorporating LED lights to the exterior of the property, we would agree to adding all the required lighting as per the City of Edmonton's requirements.

Reason 6) The site is facing an arterial road 76 Street NW, and is adjacent to multi-family directly south of the subject property.

Reason 7, 8 and 9) There is adequate buffering of the playground from adjacent disturbances through vegetation as per the site plan. Also, the neighbouring house is also buffered by vegetation to mitigate disturbances. The site plan also shows fencing that encloses the outdoor play space.

Reason 10) Rest areas and play areas are clearly marked on the drawings. Drop off spaces are part of the existing 4 stalls.

Reason 11) There are 4 proposed parking stalls and either one can be used for loading.

Reason 12) 5 bicycle parking spaces can be easily accommodated and we are willing to make this change.

Reason 13) I clearly notified the development officer in an email that the hard surfacing of the parking surface was comprised of a concrete driveway.

Reason 14) We are willing to supply the City of Edmonton with elevation drawings for their approval. [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, or
 - ...

The decision of the Development Authority was dated March 10, 2016. The Notice of Appeal was filed on March 23, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 330.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.3(1), **Child Care Services** is a **Discretionary Use** in the RF1 Single Detached Residential 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).

Driveway Width

Section 54.1(4)(b) states:

The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

...

- b. a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;

Development Officer's Determination

The Development Officer referenced Section 54.1(4)(b) and made the following determination:

Proposed:
Maximum Width: 3.1 m
Proposed Width: 7.8 m
Exceeds Width: 4.7 m [unedited]

The Development Officer also noted that "There is an existing two car garage which is proposed to be converted into the after school care area for fifteen children."

Location of Parking Space in Front Yard

Section 54.2(2)(e)(i) states:

Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard;

Development Officer's Determination

The Development Officer referenced Section 54.2(2)(e)(i) and determined that "Parking spaces are proposed within the front yard, not including the driveway."

Required On-Site Drop-Off Spaces

Section 80(6) states:

parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, drop-off parking shall be provided as follows:

- 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;
- b. each drop-off space shall be a minimum of 2.6 m in width and a minimum of 5.5 m in length; and
- c. the drop-off area shall be located within 60.0 m from the main entrance of the Child Care Service facility;

Development Officer’s Determination

The Development Officer referenced Section 80(6) and made the following determination:

Required on-site drop-off spaces: 5
 Proposed on-site drop-off spaces: 0
 Deficient on-site drop-off spaces: 5

Note: Transportation Services OBJECTS to this development. [unedited]

Vehicular Parking Requirement

Section 54.2 Schedule 1 – Vehicular Parking Requirement provides the following:

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Community, Educational, Recreational and Cultural Service Use Classes	

33. Child Care Services	1 parking space for the first 2 employees, plus 0.5 spaces per additional employee
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Development Officer’s Determination

The Development Officer made the following determination with respect to vehicular parking requirement:

Required: 4
Proposed: 3
Deficient: 1

Note: the application proposes four parking spaces to the front of the building. Transportation Services indicated that parking stall 1 conflicts with an existing utility pedestal and cannot be considered. Transportation Services OBJECTS to this development. [unedited]

Exterior Lighting

Section 80(7) states that “exterior lighting of the facility shall provide for a well lit environment”.

Development Officer’s Determination

The Development Officer referenced Section 80(7) and determined that “Exterior lighting for the facility needs to be described.”

Locational Preference

Section 80(1) states:

A Child Care Service shall comply with the following regulations:

1. in all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located:
 - a. abutting a collector or arterial road,
 - b. on a corner Site,
 - c. adjacent to or in community facilities such as a school, park, church or community centre; or
 - d. adjacent to commercial areas or multi-family development;

Development Officer's Determination

The Development Officer determined that "The proposed development abuts Single Detached Housing."

Garbage Collection Area

Section 80(8)(a) states:

where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:

- a. noisy, noxious or hazardous adjacent Uses such as, but not limited to, loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, Light Rail Transit lines or stormwater lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means;

Development Officer's Determination

The Development Officer referenced Section 80(8)(a) and determined that "The application does not show the garbage collection area."

Securely Enclosed Outdoor Play Space

Section 80(8)(c) states:

where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:

...

- c. outdoor play space shall be securely enclosed on all sides with the exception of developments proposed on zoned Sites US [Urban Services Zone] and AP [Public Parks Zone] where existing play fields are proposed as outdoor play space;

Development Officer's Determination

The Development Officer referenced Section 80(8)(c) and determined that "The proposed Site Plan shows no fencing. The use of vegetation (trees and shrubs) as a barrier to the surrounding roadways is not sufficient. There is a concern that children could exit the property at multiple locations."

Noise Generated from Outdoor Play Activities

Section 80(8)(d) states:

where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:

...

- d. in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment;

Development Officer's Determination

The Development Officer referenced Section 80(8)(d) and determined that "The proposed on-site outdoor play area is not clearly designated. There is concern that noise generated from the outdoor play activities may affect the neighbours in the single detached houses to the west and north.

Required Plans

Section 80(9) states:

all Development Permit applications for Child Care Services shall include: plans that show all elevations; floor plans that show indoor play and rest areas, including the location of windows; a Site plan that shows the required on-site parking, drop-off facilities, and, where provided, on-site outdoor play areas, including the location and type of fixed play equipment, as well as fencing, landscaping and any buffering to be provided.

Development Officer's Determination

The Development Officer referenced Section 80(9) and determined that "Play and rest areas have not been designated on the floor plans and the drop-off parking has not been shown on the Site Plan."

Loading Space

Section 54.4 Schedule 3 – Loading Spaces Requirement provides the following:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
2. 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 2 800 m ² Each additional 2 800 m ² or fraction thereof	1 1 additional

Section 54.4(3)(a) states:

Each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload. Each required loading space shall be a minimum of 3.0 m in width, a minimum of 9.0 m in length and maintain a minimum overhead clearance of 4.0 m, unless larger dimensions are required, having regard to the type of vehicle loading and unloading without projecting into a public roadway.

Development Officer’s Determination

The Development Officer referenced Section 54.4, Schedule 3(2) and Section 54.4, and made the following determination with respect to loading space requirements:

Required: 1
Proposed: 0
Deficient: 1

Bicycle Parking Requirement

Section 54.3 Schedule 2 – Bicycle Parking Requirements provides the following:

Use of Building or Site	Minimum Number of Bicycle Parking Spaces
1. All Residential and Residential-Related Use Classes of 20 Dwellings or more, and all Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan.	5% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.

Development Officer’s Determination

The Development Officer referenced Section 54.3, Schedule 2(1) and determined the following with respect to parking space requirements:

Required: 5
 Proposed: 0
 Deficient: 5

Hardsurfacing

Section 54.6(2)(a) states:

Every Driveway, off-street parking or loading space, and access provided or required in any Residential Zone, including the area contained within City-owned land from which access or egress is obtained, shall be Hardsurfaced if access is from a public roadway which is Hardsurfaced or gravelled.

Development Officer’s Determination

The Development Officer referenced Section 54.6(2)(a) and determined that “Hardsurfacing of the proposed parking spaces has not been indicated on the Site Plan.”

Elevation Drawings

Section 13.2(9)(d) states that “if required by the Development Officer, a Site plan, at a minimum scale of 1:500, showing the following: ...elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100”.

Development Officer's Determination

The Development Officer referenced Section 13.2(9)(d) and determined that "The proposed Floor Plan indicate that the existing garage will be redeveloped into an out-of-school care area. The overhead doors have been removed. No elevation drawings have been provided for this."

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: **180136682-001**
Application Date: SEP 30, 2015
Printed: March 29, 2016 at 10:56 AM
Page: 1 of 4

Application for Major Development Permit

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

Applicant 	Property Address(es) and Legal Description(s) 4004 - 76 STREET NW Plan 3100TR Blk 43 Lot 1 Specific Address(es) Entryway: 4004 - 76 STREET NW Building: 4004 - 76 STREET NW
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Scope of Application
To change the Use of existing Single Detached Housing to a Child Care Services (43 children - 6, 0-11months/ 4, 12-18 months/ 10, 19 months-3yrs/ 4, 3-4.5yrs/ 4, 4.5-7yrs & 15 - school aged children) and to construct interior and exterior alterations (conversion of attached garage to in after-school-care removal of garage doors)

Permit Details	
Class of Permit: Gross Floor Area (sq.m.): 239.71 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: 180136682-001
Application Date: SEP 30, 2015
Printed: March 29, 2016 at 10:56 AM
Page: 2 of 4

Application for Major Development Permit

Reason for Refusal

1. Section 54.1(4)(b) - The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

Note: There is an existing two car garage which is proposed to be converted into the after school care area for fifteen children.

Proposed:
Maximum Width: 3.1 m
Proposed Width: 7.8 m
Exceeds Width: 4.7 m

2. Section 54.2(2)(e)(i) - Parking spaces shall not be located within a Front Yard.

- Parking spaces are proposed within the front yard, not including the driveway.

3. Section 80(6) - Parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, drop-off parking shall be provided as follows: 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; each drop-off space shall be a minimum of 2.6 m in width and a minimum of 5.5 m in length; and the drop-off area shall be located within 60.0 m from the main entrance of the Child Care Service facility;

Required on-site drop-off spaces: 5
Proposed on-site drop-off spaces: 0
Deficient on-site drop-off spaces: 5

Note: Transportation Services OBJECTS to this development.

4. Section 54.2, Schedule 1(31) - Child Care Services require 1 parking space for the first 2 employees, plus 0.5 spaces per additional employee.

Required: 4
Proposed: 3
Deficient: 1

Note: the application proposes four parking spaces to the front of the building. Transportation Services indicated that parking stall 1 conflicts with an existing utility pedestal and cannot be considered. Transportation Services OBJECTS to this development.

5. Section 80(7) - Exterior lighting of the facility shall provide for a well lit environment.

- Exterior lighting for the facility needs to be described.

6. Section 8(a) - in all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located: abutting a collector or arterial road, on a corner Site, adjacent to or in community facilities such as a school, park, church or community centre; or adjacent to commercial areas or multi-family development;

- The proposed development abuts Single Detached Housing.

7. Section 80(8)(a) - Where on-site outdoor play space is provided, pursuant to the Provincial Child Care Licensing Regulation, noisy, noxious or hazardous adjacent Uses such as, but not limited to, loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, Light Rail Transit lines or stormwater lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means.

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Project Number: 180136682-001
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Application for Major Development Permit

- The application does not show the garbage collection area.

8. Section 80(8)(c) - Outdoor play space shall be securely enclosed on all sides with the exception of developments proposed on zoned Sites US and AP where existing play fields are proposed as outdoor play space.

- The proposed Site Plan shows no fencing. The use of vegetation (trees and shrubs) as a barrier to the surrounding roadways is not sufficient. There is a concern that children could exit the property at multiple locations.

9. Section 80(8)(d) - in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment.

- The proposed on-site outdoor play area is not clearly designated. There is concern that noise generated from the outdoor play activities may affect the neighbours in the single detached houses to the west and north.

10. Section 80(9) - all Development Permit applications for Child Care Services shall include: plans that show all elevations; floor plans that show indoor play and rest areas, including the location of windows; a Site plan that shows the required on-site parking, drop-off facilities, and, where provided, on-site outdoor play areas, including the location and type of fixed play equipment, as well as fencing, landscaping and any buffering to be provided.

- Play and rest areas have not been designated on the floor plans and the drop-off parking has not been shown on the Site Plan.

11. Section 54.4, Schedule 3(2) & 54.4 - Any development within the Community, Educational, Recreational and Cultural Service Use Classes up to 2800 m2 shall provide a minimum of 1 loading spaces. Each required loading space shall be a minimum of 3.0 m in width, a minimum of 9.0 m in length.

Required: 1
Proposed: 0
Deficient: 1

12. Section 54.3, Schedule 2(1) - All Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan require 5% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.

Required: 5
Proposed: 0
Deficient: 5

13. Section 54.6(2)(a) - Every Driveway, off-street parking or loading space, and access provided or required in any Residential Zone, including the area contained within City-owned land from which access or egress is obtained, shall be Hardsurfaced if access is from a public roadway which is Hardsurfaced or gravelled.

- Hardsurfacing of the proposed parking spaces has not been indicated on the Site Plan.

14. Section 13.2(9)(d) - Elevation drawings are required for this development.

- The proposed Floor Plan indicate that the existing garage will be redeveloped into an out-of-school care area. The overhead doors have been removed. No elevation drawings have been provided for this.

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



Project Number: **180136682-001**
Application Date: SEP 30, 2015
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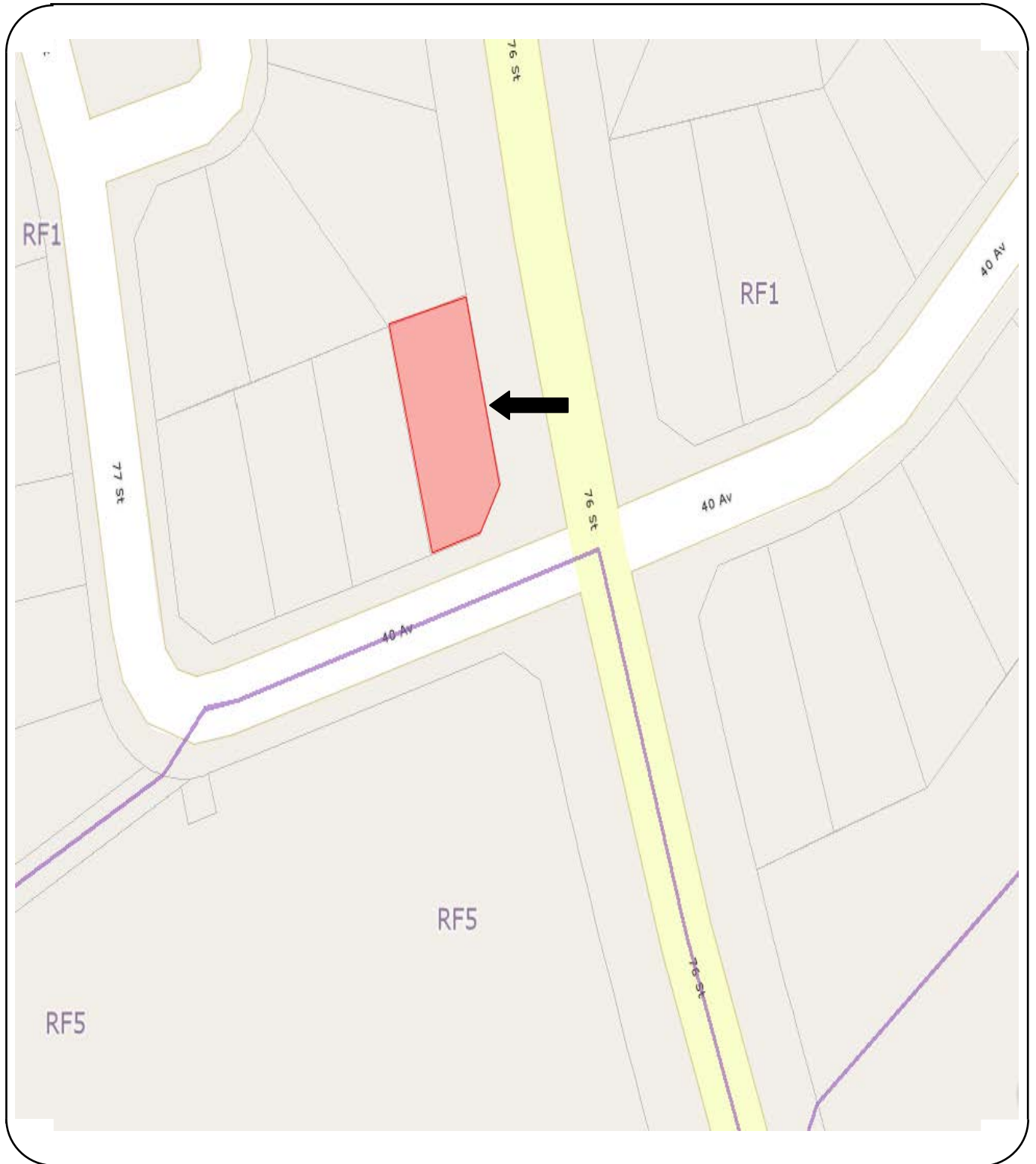
Application for Major Development Permit

Issue Date: Mar 10, 2016 Development Authority: PEACOCK, ERICA Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$379.00	\$379.00	02788912	Sep 30, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$379.00	<u>\$379.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-101



TO BE RAISED
ITEM III: 2:30 P.M.

FILE: SDAB-D-16-062

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176691253-001

APPLICATION TO: Operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 13, 2016

DATE OF APPEAL: January 27, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9115 - 127 Avenue NW, 9035 - 127 Avenue NW

LEGAL DESCRIPTION: Plan 0520041 Blk 60A Lot 8, Plan 0520041 Blk 60A Lot 9

ZONE: DC2.864

OVERLAY: N/A

STATUTORY PLAN: CN Intermodal Facility and Area ARP

Grounds for Appeal

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

[No reasons were provided at the time that the appeal was filed.]

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 Authority is dated January 13, 2016. The Notice of Appeal was filed on January 27, 2016.

At a hearing on February 24, 2016, the Subdivision and Development Appeal Board (“SDAB”) tabled the matter to March 22 or 23, 2016.

At a hearing on March 23, 2016, the SDAB tabled the matter to April 20 or 21, 2016.

Direct Control Districts

The *Municipal Government Act* states:

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 2.7 of the *Edmonton Zoning Bylaw* states:

Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

Automotive/Minor Recreation Vehicle Sales/Rentals is a listed Use under DC2.864.3(c).

Section 7.4(5) states:

Automotive and Minor Recreation Vehicle Sales/Rentals means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships. This Use Class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4 000 kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6 000 kg or a length of more than 6.7 m.

Development in Accordance with Site Plan

DC2.864.4(a) states: "Development of the Site shall be in general accordance with the Site Plan attached to this provision, as Appendix I."

Development Officer's Determination

The Development Officer referenced DC2.864.4(a) and made the following determination:

The proposed location and orientation of the mobile trailer is not in general accordance with the Site Plan of Appendix I. [unedited]

Materials Used

DC2.864.4(l) states:

All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the Site be improved where such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.

Section 57.2(1) of the *Edmonton Zoning Bylaw* states:

In all non-industrial developments, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, that materials shall be used that ensure that the standard of the proposed buildings and structures shall be similar to, or better than, the standard of surrounding development.

Development Officer's Determination

The Development Officer referenced DC2.864.4(l) and Section 57.2 of the *Edmonton Zoning Bylaw*, and made the following determination:

Based on site visit, the proposed building, identified as a modular unit on the site plan, is existing and is not in good repair, and is not finished with durable materials to maintain a high level of appearance of the development throughout the life of the project. [unedited]

Hardsurfacing and Curbing of Parking and Loading Spaces

Section 54.6(3) states:

3. Commercial and Industrial Zones
 - a. Every off-street parking or loading space provided or required in any Commercial Zone, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing

permit applies, shall be Hardsurfaced if the access is from a public roadway which is Hardsurfaced.

- b. Every off-street parking or loading space provided or required in an Industrial Zone, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing permit applied, shall be Hardsurfaced if such area lies in front of the principal building. Any area at the rear or the side of the principal building provided or required for off-street parking or loading space need not be Hardsurfaced, but shall be of such a surface that shall minimize the carrying of dirt or foreign matter upon the highway.

Development Officer’s Determination

The Development Officer referenced Section 54.6(3) and made the following determination:

The proposed parking lot is a gravel parking lot and not is hardsurfaced, contrary to Section 54.6.a and b. [unedited]

Landscaping

Section 55.4(3) states:

Any parking lot having eight or more parking spaces that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have perimeter planting. The location, length, thickness and Height of such perimeter planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking area from any adjoining Residential or Commercial Zone, and enhance the view of the parking area from any adjacent public roadway or Light Rail Transit line.

Development Officer’s Determination

The Development Officer referenced Section 55.4(3) and made the following determination:

The proposed Site has more than eight parking spaces visible from a public roadway. The proposed Landscaping Plan along 127 Ave. does not provide substantial interruption of the view of the parking area from the Residential Zone. [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: **176691253-001**
Application Date: JUL 29, 2015
Printed: February 11, 2016 at 1:14 PM
Page: 1 of 3

Application for Major Development Permit

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

Applicant

1101731 ALBERTA LTD

Property Address(es) and Legal Description(s)

9115 - 127 AVENUE NW
Plan 0520041 Blk 60A Lot 8
9035 - 127 AVENUE NW
Plan 0520041 Blk 60A Lot 9

Scope of Application

To operate a Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors).

Permit Details

Class of Permit: Class B
Gross Floor Area (sq.m.): 73.37
New Sewer Service Required: N/A
Site Area (sq. m.): 6059.68

Contact Person:
Lot Grading Needed?: N/A
NumberOfMainFloorDwellings:
Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **176691253-001**
 Application Date: JUL 29, 2015
 Printed: February 11, 2016 at 1:14 PM
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Application for Major Development Permit

Reason for Refusal

1) Development of the Site shall be in general accordance with the Site Plan attached to this provision, in accordance to Appendix I (Reference DC2.864(4)(a)):

The proposed location and orientation of the mobile trailer is not in general accordance with the Site Plan of Appendix I.

2) All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the Site be improved where such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development (Reference DC2.864(4)(l))

In all non-industrial developments, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, that materials shall be used that ensure that the standard of the proposed buildings and structures shall be similar to, or better than, the standard of surrounding development. (Section 57.2)

Based on site visit, the proposed building, identified as a modular unit on the site plan, is existing and is not in good repair, and is not finished with durable materials to maintain a high level of appearance of the development throughout the life of the project.

3) Every off-street parking or loading space provided or required in any Commercial Zone, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing permit applies, shall be Hardsurfaced if the access is from a public roadway which is Hardsurfaced.

Every off-street parking or loading space provided or required in an Industrial Zone, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing permit applied, shall be Hardsurfaced if such area lies in front of the principal building. Any area at the rear or the side of the principal building provided or required for off-street parking or loading space need not be Hardsurfaced, but shall be of such a surface that shall minimize the carrying of dirt or foreign matter upon the highway. (Reference Section 54.6.3.a and b):

The proposed parking lot is a gravel parking lot and not is hardsurfaced, contrary to Section 54.6.a and b.

4) Any parking lot having eight or more parking spaces that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have perimeter planting. The location, length, thickness and height of such perimeter planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking area from any adjoining Residential or Commercial Zone, and enhance the view of the parking area from any adjacent public roadway or Light Rail Transit line (Reference Section 55.4.3):

The proposed Site has more than eight parking spaces visible from a public roadway. The proposed Landscaping Plan along 127 Ave. does not provide substantial interruption of the view of the parking area from the Residential Zone.

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: Jan 13, 2016 **Development Authority:** BUCCINO, SAMANTHA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$316.00	\$316.00	02625568	Jul 29, 2015

THIS IS NOT A PERMIT



Project Number: **176691253-001**
Application Date: JUL 29, 2015
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Application for Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00	\$100.00	02625568	Jul 29, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$416.00	\$416.00		

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-062



BUSINESS LAID OVER

SDAB-D-16-094	An appeal 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 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 to demolish an existing building <i>May 25 or 26, 2016</i>
SDAB-D-16-093	An appeal by <u>Pro Consulting Design & Build</u> to construct and operate a Child Care Services Use Building (95 children – 12, 0-11 months/15, 12-19 months/14, 19 months – 3 years/22, 3 – 4.5 years/15, 4.5 – 6 years/ 17, 6-12 years) and to construct exterior alterations (developing on-site outdoor play spaces and revisions to approved landscaping) <i>May 13, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

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>