

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
April 27, 2016**

**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-16-106	Change the Use from a Single Detached Housing to Child Care Services (19 children - 5, 3-4.5yrs/ 6, 4.5-7yrs/ 8, school-aged-children) (Over the Rainbow)  9616 - 96 Avenue NW Project No.: 187047819-001
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II	10:30 A.M.	SDAB-D-16-107	Operate a Major Home Based Business (Administration office and storage for framing contractor - SSW CONSTRUCTION)  1508 - 30 Avenue NW Project No.: 179771257-001
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III	1:30 P.M.	SDAB-D-16-108	Construct 5 Apartment House buildings (87 Dwellings) and 3 Row House buildings (15 Dwellings). Total number of Dwellings is 102  420 - Allard Boulevard SW Project No.: 186009506-001
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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-16-106

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 187047819-001

ADDRESS OF APPELLANT: 9616 - 96 Avenue NW

APPLICATION TO: Change the Use from a Single Detached Housing to Child Care Services (19 children - 5, 3-4.5yrs/ 6, 4.5-7yrs/ 8, school-aged-children) (Over the Rainbow)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 23, 2016

DATE OF APPEAL: April 5, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9616 - 96 Avenue NW

LEGAL DESCRIPTION: Plan 1226AQ Blk 5 Lots 1-2

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay, North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: Cloverdale Area Redevelopment Plan

***Grounds for Appeal***

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

[Reasons for appeal submitted as separate document.]

***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 23, 2016. The Notice of Appeal was filed on April 5, 2016.

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

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

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

Under Section 140.3(2), **Child Care Services** is a **Discretionary Use** in the RF3 Small Scale Infill Development 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 referenced Section 80(1) and determined that “The proposed development is located on a local roadway and abuts Single Detached Housing and cannot be considered as a preferred location for a Child Care Services Use.”

***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 on-site outdoor play space needs to be described.”

***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 on-site outdoor play space needs to be securely enclosed on all sides."

***Location of Outdoor Play Space***

Section 80(8)(b) states:

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

...

- b. outdoor play space shall be located at ground level. If no reasonable opportunity exists for at Grade outdoor play space, the Development Officer may approve an above Grade outdoor play space provided that the following conditions are met:
  - i. secure perimeter fencing is provided that is at least 1.83 m in Height and is located a reasonable distance from the edge of the building;
  - ii. roof top mechanical equipment is located a reasonable distance away from the play space to avoid sources of noise and fumes unless the mechanical equipment is designed so that it does not create adverse effects related to noise and fumes and can be integrated into the play area;

**Development Officer's Determination**

The Development Officer referenced Section 80(8)(b) and determined the following:

- There is a balcony on the second storey of this building. The fencing provided may not be a minimum of 6ft in height and is located at the edge of the building. [unedited]

***Securely Enclosed Outdoor Play Space***

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 "There is a concern that noise from on-site outdoor play space activities will unduly interfere with the peaceful enjoyment of neighbouring properties."

***Tandem Parking Not Permitted***

Section 54.1(2)(f) states: "Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking."

**Development Officer's Determination**

The Development Officer referenced Section 54.1(2)(f) and determined the following:

- The proposal for 19 children and 3 staff requires 4 parking spaces (2 on-site drop-off and 2 vehicular). The garage can accommodate two spaces. Three additional spaces can be accommodated on the garage pad. The proposed arrangement for parking is considered as a tandem arrangement.

***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 [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 Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes	Up to 2 800 m <sup>2</sup>  Each additional 2 800 m <sup>2</sup> 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(3)(a), and made the following determination with respect to loading space requirements:

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

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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: **187047819-001**  
Application Date: FEB 09, 2016  
Printed: April 15, 2016 at 3:57 PM  
Page: 1 of 3

## Application for Major Development Permit

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> 9616 - 96 AVENUE NW Plan 1226AQ Blk 5 Lots 1-2
	<b>Specific Address(es)</b> Suite: 9616 - 96 AVENUE NW Entryway: 9616 - 96 AVENUE NW Building: 9616 - 96 AVENUE NW

**Scope of Application**  
To change the Use from a Single Detached Housing to Child Care Services (19 children - 5, 3-4.5yrs/ 6, 4.5-7yrs/ 8, school-aged-children) (Over the Rainbow)

<b>Permit Details</b>  Class of Permit: Class B Gross Floor Area (sq.m.): 307 New Sewer Service Required: N/A Site Area (sq. m.): 595.44	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: **187047819-001**  
 Application Date: FEB 09, 2016  
 Printed: April 15, 2016 at 3:57 PM  
 Page: 2 of 3

## Application for Major Development Permit

**Reason for Refusal**

1. Section 80(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 proposed development is located on a local roadway and abuts Single Detached Housing and cannot be considered as a preferred location for a Child Care Services Use.

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

- Exterior lighting for the on-site outdoor play space needs to be described.

3. 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 on-site outdoor play space needs to be securely enclosed on all sides.

4. Section 80(8)(b) - outdoor play space shall be located at ground level. If no reasonable opportunity exists for at Grade outdoor play space, the Development Officer may approve an above Grade outdoor play space provided that the following conditions are met: secure perimeter fencing is provided that is at least 1.83 m in Height and is located a reasonable distance from the edge of the building.

- There is a balcony on the second storey of this building. The fencing provided may not be a minimum of 6ft in height and is located at the edge of the building.

5. Section 80(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 that noise from on-site outdoor play space activities will unduly interfere with the peaceful enjoyment of neighbouring properties.

6. Section 54.1(2)(f) - Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking.

- The proposal for 19 children and 3 staff requires 4 parking spaces (2 on-site drop-off and 2 vehicular). The garage can accommodate two spaces. Three additional spaces can be accommodated on the garage pad. The proposed arrangement for parking is considered as a tandem arrangement.

7. Section 54.3, Schedule 2(1) - All Non-residential Use Classes shall provide 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

8. Sections 54.4, Schedule 3(2) & 54.4(3)(a) - Any development within the Community, Educational, Recreational and Cultural Service Use Classes up to 2800.0 m2 shall provided 1 loading space. 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

**THIS IS NOT A PERMIT**



Project Number: **187047819-001**  
Application Date: FEB 09, 2016  
Printed: April 15, 2016 at 3:57 PM  
Page: 3 of 3

## Application for Major Development Permit

**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 23, 2016    **Development Authority:** PEACOCK, ERICA    **Signature:** \_\_\_\_\_

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$323.00	\$323.00	03057660	Feb 09, 2016
DP Notification Fee	\$102.00	\$102.00	03057660	Feb 09, 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-16-106



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-107

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 179771257-001

ADDRESS OF APPELLANT:

APPLICATION TO: Operate a Major Home Based Business (Administration office and storage for framing contractor - SSW CONSTRUCTION)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: March 18, 2016

DATE OF APPEAL: April 4, 2016

RESPONDENT: Sukhwant Uppal

ADDRESS OF RESPONDENT: 1508 - 30 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1508 - 30 Avenue NW

LEGAL DESCRIPTION: Plan 1321173 Blk 1 Lot 22

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Tamarack Neighbourhood Area Structure Plan  
Meadows Area Structure Plan

***Grounds for Appeal***

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

At this time I wish to refuse the Applicant's development permit due the the Applicant running a major home based business without a development permit for the past number of months, Applicant has numerous employee vehicles parked on driveway and road in front of

house everyday, increasing the volume of traffic in an already busy neighbourhood. With the addition of these vehicles, Applicant has never been able to park the enclosed trailer on front driveway, it is always parked on the road across the street from Applicants house. As this neighbourhood has very limited on street parking, it comes as a large concern for myself to have all a large number of vehicles from this home based business taking up unnecessary valuable parking for myself or any surrounding neighbours. [unedited]

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

**685(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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) ...

(b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

The decision of the Development Authority was dated March 18, 2015. The Notice of Appeal was filed on April 4, 2016.

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

Section 115.1 states that the **General Purpose** of the **RSL Residential Small Lot Zone** is:

...to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Under Section 115.3(6), **Major Home Based Business** is a **Discretionary Use** in the RSL Residential Small Lot Zone.

Section 7.3(7) states:

**Major Home Based Business** means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

***Outdoor Storage***

Section 75(5) states:

A Major Home Based Business shall comply with the following regulations: ...there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;

**Development Officer's Determination**

The Development Officer noted that a Major Home Based Business is a Discretionary Use under Section 115.3(6), and allowed the following variance to Section 75(5):

Outdoor storage - Storage of a 12 foot enclosed trailer on front Driveway. (Section 75(5)) [unedited]


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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>179771257-001</b> Application Date: SEP 23, 2015 Printed: April 18, 2016 at 10:08 AM Page: 1 of 3		
<h2 style="margin: 0;">Application for Home Occupation</h2>			
This document is an application for a Development Permit for the development described below.			
<b>Applicant</b>  UPPAL, SUKHWANT S. 1508 - 30 AVENUE NW EDMONTON, ALBERTA T6T 0V6	<b>Property Address(es) and Legal Description(s)</b> 1508 - 30 AVENUE NW Plan 1321173 Blk 1 Lot 22		
<b>Scope of Permit</b> To operate a Major Home Based Business (Administration office and storage for framing contractor - SSW CONSTRUCTION)			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                             # of business related visits/day: 1                              Administration Office Only?: N                              Class of Permit: Class B                               Do you live at the property?: Y                              Outdoor storage on site?: N                         </td> <td style="width: 50%; border: none; vertical-align: top;">                             # of vehicles at one time: 1                              Business has Trailers or Equipment?: Y                              Description of Business: Administration office and storing trailer and nails for framing contractor.                               Expiry Date: 2021-03-18 00:00:00                         </td> </tr> </table>		# of business related visits/day: 1 Administration Office Only?: N Class of Permit: Class B  Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 1 Business has Trailers or Equipment?: Y Description of Business: Administration office and storing trailer and nails for framing contractor.  Expiry Date: 2021-03-18 00:00:00
# of business related visits/day: 1 Administration Office Only?: N Class of Permit: Class B  Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 1 Business has Trailers or Equipment?: Y Description of Business: Administration office and storing trailer and nails for framing contractor.  Expiry Date: 2021-03-18 00:00:00		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Permit Decision</b> Approved			
<b>THIS IS NOT A PERMIT</b>			



Project Number: **179771257-001**  
Application Date: SEP 23, 2015  
Printed: April 18, 2016 at 10:08 AM  
Page: 2 of 3

## Application for Home Occupation

### Subject to the Following Conditions

Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. The site shall not be used as a daily rendezvous for employees or business partners.
5. The site shall not be used by employees or business partners as a parking or storage location.
6. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
7. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
8. Fabrications of business related materials are prohibited.
9. All commercial and industrial equipment, including but not limited to Bobcats, are not permitted at the site. The equipment shall be stored at an approved storage facility.
10. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility. The Development Permit may be revoked if any commercial, industrial and overweight vehicles are parked or stored at the residential site.
11. One or more enclosed or empty non-enclosed trailer with less than 4500kg gross vehicle weight shall be parked at an approved storage facility, unless a variance has been granted for an enclosed or empty non-enclosed trailer for this Major Home Based Business.
12. All parking for the Dwelling and Home Based Business must be accommodated on site, unless a parking variance has been granted for this Major Home Based Business.
13. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
14. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on March 18, 2021.

### Notes:

1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

**THIS IS NOT A PERMIT**



Project Number: 179771257-001  
Application Date: SEP 23, 2015  
Printed: April 18, 2016 at 10:08 AM  
Page: 3 of 3

## Application for Home Occupation

**VariANCES**

- 1) Discretionary Use - A Major Home Based Business is approved as a Discretionary Use (Section 115.3(6)).
- 2) Outdoor storage - Storage of a 12 foot enclosed trailer on front Driveway. (Section 75(5))

**Rights of Appeal**

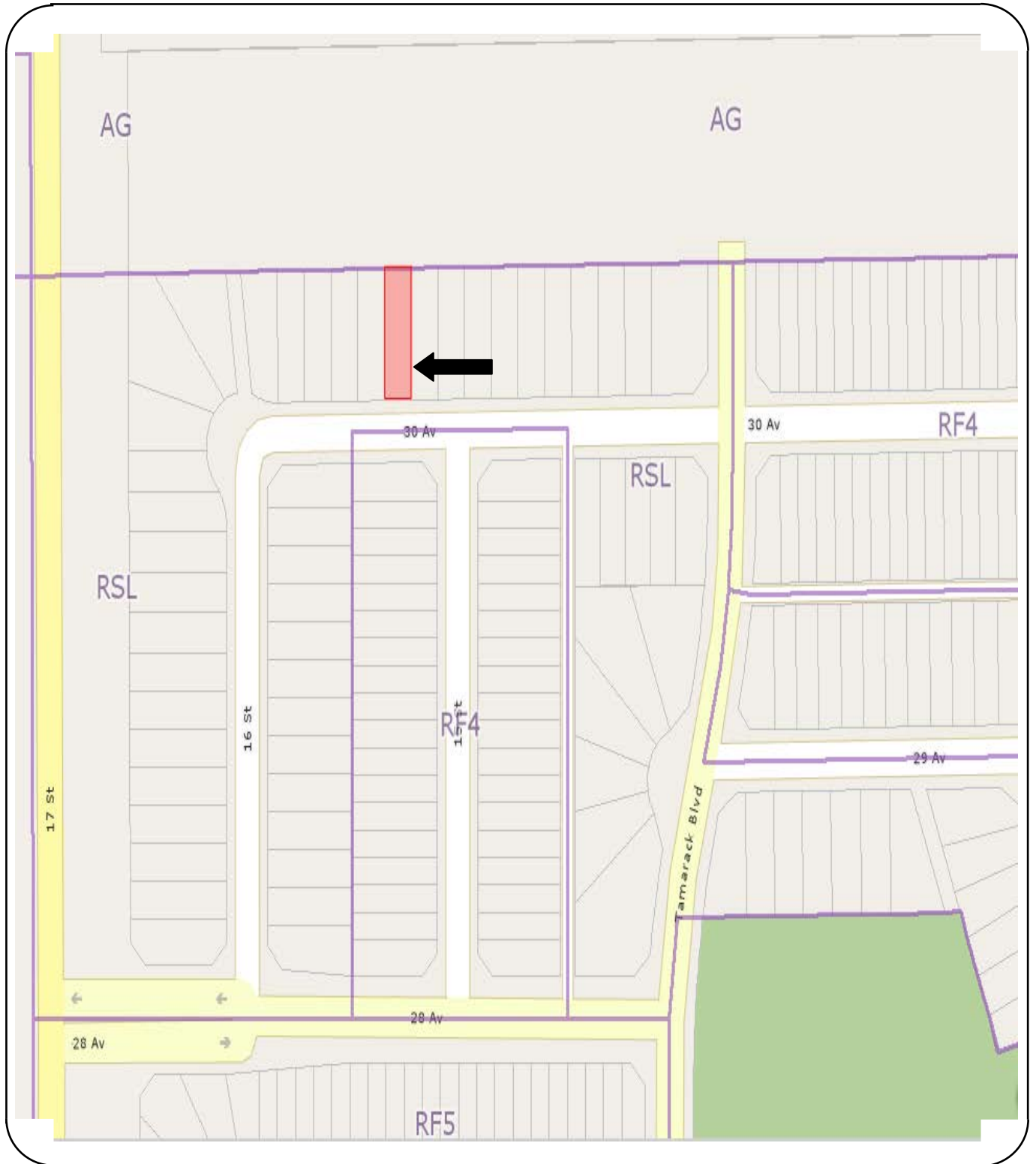
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Mar 18, 2016    **Development Authority:** HETHERINGTON, FIONA    **Signature:** \_\_\_\_\_  
**Notice Period Begins:** Mar 24, 2016    **Ends:** Apr 06, 2016

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$291.00	\$291.00	12768770,03139373	Mar 18, 2016
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$291.00	\$291.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-107



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-108

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 186009506-001

APPLICATION TO: Construct 5 Apartment House buildings (87 Dwellings) and 3 Row House buildings (15 Dwellings). Total number of Dwellings is 102

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: March 16, 2016

DATE OF APPEAL: April 4, 2016

RESPONDENT: Rohit Communities Inc.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 420 - Allard Boulevard SW

LEGAL DESCRIPTION: Plan 1424127 Blk 5 Lot 102

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: Allard 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:

constructing multi story building near by park and single family homes will create negative impact to this area. it will over crowded this area as well negative impact on property value to the single family homes.  
[unedited]

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

**685(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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) ...

(b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

The decision of the Development Authority was dated March 16, 2015. The Notice of Appeal was filed on April 4, 2016.

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

Section 210.1 states that the **General Purpose** of the **RA7 Low Rise Apartment Zone** is “To provide a Zone for Low Rise Apartments.”

Under Section 210.2(1), **Apartment Housing** is a **Permitted Use** in the RA7 Low Rise Apartment Zone.

Section 7.2(1) states:

**Apartment Housing** means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

Under Section 210.2(6), **Row Housing** is a **Permitted Use** in the RA7 Low Rise Apartment Zone.

Section 7.2(6) states:

**Row Housing** means development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only

with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade. This Use Class does not include Stacked Row Housing or Blatchford Townhousing.

***Landscaping***

Section 55.8(3) states:

All planting shall conform to the following:

- a. the proportion of deciduous to coniferous trees and shrubs shall be approximately 50:50; and
- b. the following mix of tree sizes shall be used:
  - i. 50% of required deciduous trees shall be a minimum 50 mm Calliper and 50% shall be a minimum 75 mm Calliper; and
  - ii. 75% of required coniferous trees shall be a minimum of 2.5 m in Height and 25% shall be a minimum 3.5 m in Height.

**Development Officer's Determination**


The Development Officer referenced Section 55.8(3), and allowed the following variance to subsection 55.8(3)(a): "There are 70% deciduous trees and 30% coniferous trees, instead of an even number of each".

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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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	<p>Project Number: <b>186009506-001</b>                  Application Date: JAN 19, 2016                  Printed: April 18, 2016 at 2:34 PM                  Page: 1 of 4</p>		
<h2 style="margin: 0;">Major Development Permit</h2>			
<p>This document is a record of a Development 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.</p>			
<p><b>Applicant</b></p> <div style="background-color: black; width: 100%; height: 40px; margin-top: 10px;"></div>	<p><b>Property Address(es) and Legal Description(s)</b>                  420 - ALLARD BOULEVARD SW                  Plan 1424127 Blk 5 Lot 102</p> <hr/> <p><b>Specific Address(es)</b></p> <p>Building: 25, 446 - ALLARD BOULEVARD SW                  Building: 30, 446 - ALLARD BOULEVARD SW                  Building: 35, 446 - ALLARD BOULEVARD SW                  Building: 40, 446 - ALLARD BOULEVARD SW                  Building: 420 - ALLARD BOULEVARD SW                  Building: 432 - ALLARD BOULEVARD SW                  Building: 450 - ALLARD BOULEVARD SW                  Building: 58, 446 - ALLARD BOULEVARD SW</p>		
<p><b>Scope of Permit</b>                  To construct 5 Apartment House buildings (87 Dwellings) and 3 Row House buildings (15 Dwellings). Total number of Dwellings is 102.</p>			
<p><b>Permit Details</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                 Class of Permit: Class B                  Gross Floor Area (sq.m.): 8558.6                  New Sewer Service Required: Y                  Site Area (sq. m.): 136000             </td> <td style="width: 50%; border: none; vertical-align: top;">                 Contact Person:                  Lot Grading Needed?: Y                  NumberOfMainFloorDwellings: 44                  Stat. Plan Overlay/Annex Area: (none)             </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 8558.6 New Sewer Service Required: Y Site Area (sq. m.): 136000	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 44 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 8558.6 New Sewer Service Required: Y Site Area (sq. m.): 136000	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 44 Stat. Plan Overlay/Annex Area: (none)		
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>			
<p><b>Development Permit Decision</b>                  Approved</p>			
<p><b>The permit holder is advised to read the reverse for important information concerning this decision.</b></p>			





Project Number: **186009506-001**  
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## Major Development Permit

**Subject to the Following Conditions**

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). Reference Section 17(1).

A solid screen fence, 1.83m in Height, shall be installed, except along common flanking Front Yard boundaries along the west property line where this Site abuts the Residential Mixed Dwelling (RMD) Zone to the west. Reference Section 210.4.11(d).

All access locations and curb crossings shall have the approval of the City Transportation Department prior to the start of construction. Reference Section 53(1).

- 1) The centerline of the proposed 9m access to Allard Boulevard SW located 55.3m from the north property line must line up with the centerline of Amerongen Crescent SW, and must be constructed as a curb return access including curb ramps.
- 2) There is an existing curb ramp located on the south side of the proposed access to Allard Boulevard SW that will require removal with the construction of the 9m curb return access.
- 3) Existing boulevard trees along Allard Boulevard are a requirement of the associated subdivision (LDA/13-0040 & LDA/13-0041/Ambleside Stage 14); however, the Final Acceptance Certificate (where the City takes ownership) has not been issued. These existing trees will conflict with the proposed access for the subject site (Lot 102). The applicant must contact Dawn Brockington with Stantec (780-917-7000) to amend (red-line) the approved landscape drawings for the subdivision to remove/relocate the trees.

However, should the Final Acceptance Certificate be issued prior to the development of the site, all costs associated with the potential removal/relocation of existing boulevard trees, as stated in the Corporate Tree Management Policy C456A, will be borne by the owner/applicant. The owner will be required to contact Bonnie Fermanuik of Community Services (780-496-4960), prior to construction, to remove and relocate the trees or to arrange for hoarding and/or root cutting at the discretion and direction of Community Services.

- 4) The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
  - a)construct a 9m curb return access including curb ramps to Allard Boulevard SW with the centerline of the access lining up with the centerline of Amerongen Crescent SW, located 55.3m from the north property line;
  - b)removal of an existing curb ramp on the west side of Allard Boulevard SW with the construction of the 9m curb return access; and
  - c)remove/relocate a boulevard tree on the west side of Allard Boulevard SW;

The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Development Planning and Engineering to the attention of Annie Duong (780-496-1799) including an irrevocable Letter of Credit in the amount of \$32,000.00 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature. Once signed, the owner is required to have a Civil Engineer submit stamped engineering drawings for approval by Development Planning and Engineering.

- 5) The proposed connector sidewalks (18 total) from the east property line of the subject site to tie into the City sidewalk on the west side of Allard Boulevard SW are acceptable to Development Planning and Engineering.
- 6) The internal roadway must maintain a minimum 7.5m width to accommodate emergency vehicle access. 'No Parking' signs must be installed at the appropriate locations to ensure that this access width is maintained (See Transportation's Memorandum of March 15, 2016).
- 7) Any sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Planning and Engineering, as per Section 15.5(f) of the Zoning Bylaw. The sidewalk and boulevard will be inspected by Development Planning and Engineering prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

**Transportation Department Advisements:**

- 1) The internal roadway must be signed 'Private Road'. The sign is to be located on private property at the site entrance.
- 2) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
- 3) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.
- 4) Arterial Roadway Assessments were previously paid for this site, and therefore are not owed under this development application.

**The permit holder is advised to read the reverse for important information concerning this decision.**



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## Major Development Permit

5) There is a catch basin located on the west side of Allard Boulevard SW, north of the proposed 9m curb return access. The catch basin must be located outside of the curb return radius.

Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

- a) cash to a value equal to 100% of the established landscaping costs;
- or
- b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55(6).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$2,640.00.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$114,036.00 (based on 2016 rates). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$102.00.

Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

The developer shall provide a minimum of 15 visitor parking spaces readily available to an entrance of the building to be served, and clearly identified as visitor parking to the satisfaction of the Development Officer. Reference Section 54.2(1)(a), Schedule 1A(1).

The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54(6).

All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

### NOTES:

- 1) Signs require separate Development Applications.
- 2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 3) This approval does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

**The permit holder is advised to read the reverse for important information concerning this decision.**



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## Major Development Permit

**Variations**

Landscaping - There are 70% deciduous trees and 30% coniferous trees, instead of an even number of each (Section 55.8.3).

**Rights of Appeal**

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Mar 16, 2016    **Development Authority:** BACON, KIRK

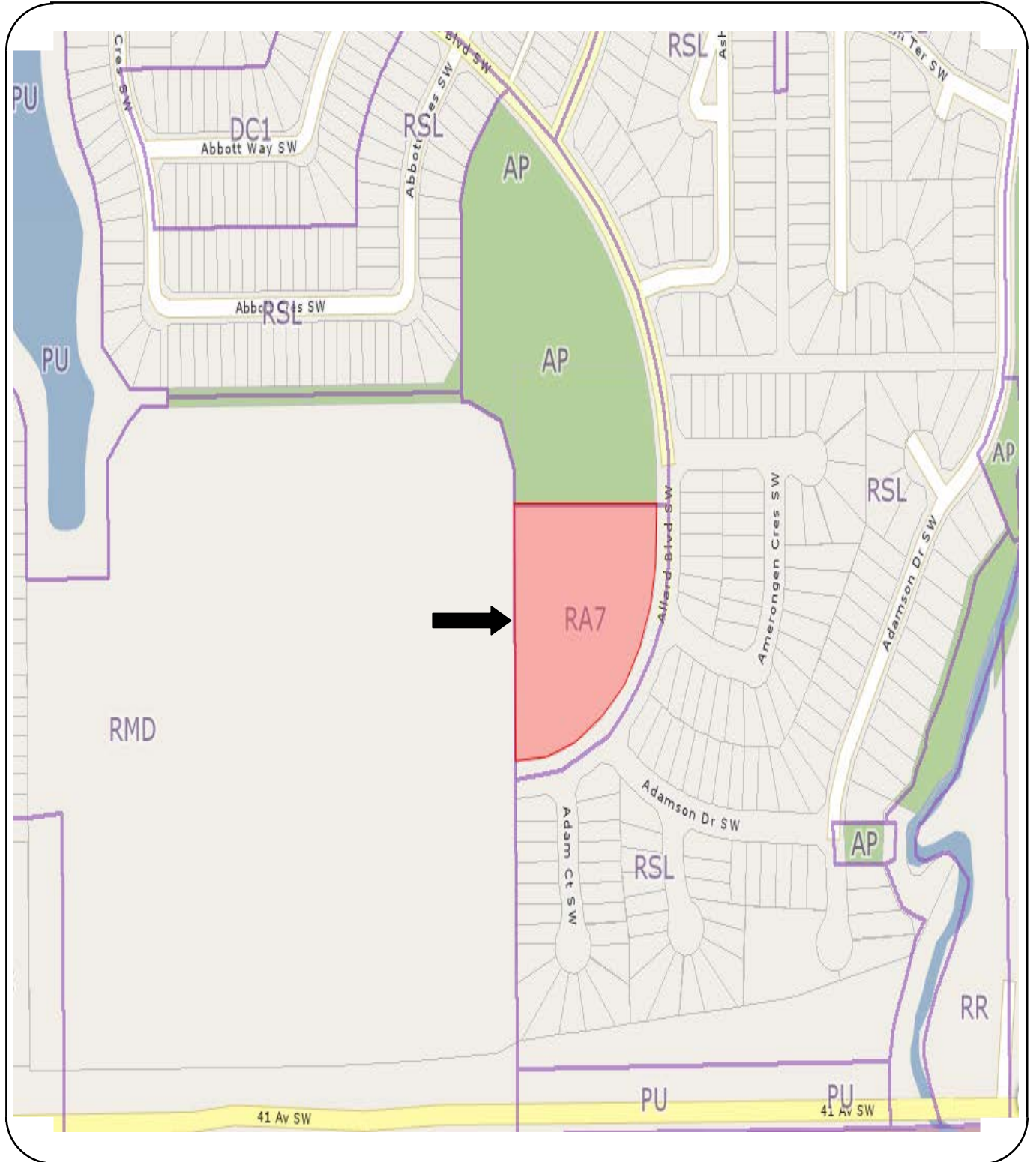
**Signature:** \_\_\_\_\_

**Notice Period Begins:** Mar 22, 2016    **Ends:** Apr 04, 2016

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee # of dwelling units	\$6,860.00	\$6,860.00	03017988	Jan 20, 2016
Major Dev. Application Fee	\$786.00	\$786.00	03017988	Jan 20, 2016
Lot Grading Fee	\$2,640.00	\$2,640.00	03156126	Mar 29, 2016
Sanitary Sewer Trunk Fund 2012+	\$114,036.00	\$114,036.00	03156126	Mar 29, 2016
DP Notification Fee	\$102.00	\$102.00	03156126	Mar 29, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$124,424.00</u>	<u>\$124,424.00</u>		

**The permit holder is advised to read the reverse for important information concerning this decision.**



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-108



***BUSINESS LAID OVER***

SDAB-D-16-094	An appeal by <u>Bill &amp; Marlene Rich Vs Jagdeep Kahlon</u> to operate a Major Home Based Business (Auction to Auction – SAIHAJ Enterprises Ltd.) <b><i>April 27 or 28, 2016</i></b>
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 <b><i>April 28, 2016</i></b>
SDAB-D-16-093	An appeal by Pro Consulting Design & Build 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) <b><i>May 13, 2016</i></b>
SDAB-D-16-062	An appeal by Re/mex Excellence to operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors). <b><i>May 25 or 26, 2016</i></b>
SDAB-D-16-501	An appeal by Darren Crocker to demolish an existing building <b><i>May 25 or 26, 2016</i></b>

***APPEAL HEARINGS TO BE SCHEDULED***

172854843-001	An appeal by <u>Capital Car &amp; 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 <b><i>May 25, 2016</i></b>
175846220-001	An appeal by <u>Capital Car &amp; 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 <b><i>May 25, 2016</i></b>