

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
August 19, 2015**

**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-15-190	Convert from a Single Detached House to a Religious assembly (36 people) and to construct exterior alterations (add 2 windows to facade) 5335 - 112 Avenue NW Project No.: 171683781-001
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II	1:00 P.M.	SDAB-D-15-191	Add a Non-Accessory Parking Use to an existing Private Club / Indoor Participant Recreation Service Building (parking for all Stadium events - Ital-Canadian Seniors Association). 9111 - 110 Avenue NW, 11100 - Stadium Road NW Project No.: 096390936-003
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NOTE: Unless otherwise stated, all references to “Section numbers” refer to the authority under the Revised City of Edmonton, by-law 12800, *Edmonton Zoning Bylaw (“Edmonton Zoning Bylaw”)*.

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-190

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 171683781-001

APPLICATION TO: Convert from a Single Detached House to a Religious assembly (36 people) and to construct exterior alterations (add 2 windows to facade)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 14, 2015

DATE OF APPEAL: July 26, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5335 - 112 Avenue NW

LEGAL DESCRIPTION: Plan 2429HW Blk 36 Lots 13-14

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

PLANS IN EFFECT: Highlands Neighbourhood Planning Study

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. The proposed use, a Religious Assembly, is listed as a Discretionary use under the RF1 Single Detached Residential Zone (Reference Section 110.3(8)). Notwithstanding, the proposed Religious Assembly does not meet the general purpose of the RF1 zone, which 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. The proposed Religious Assembly is located midblock abutting and surrounding existing single detached houses. In the opinion of the Development Officer, the proposed location of the Religious Assembly will negatively impact the peaceful enjoyment of the properties of nearby residents and unduly interfere with the amenities of the neighbourhood. This includes potential overflow of on-street parking in front of abutting and surrounding low density residential development

2. 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 (Reference Section 54.6(2)(2)(a). The rear portion of the site proposed for parking is not graded and consists of weeds. No hardsurfacing is proposed for the on-site parking spaces, contrary to Section 54.6(2)(2)(a).

APPELLANT'S SUBMISSION

Owner of the above mentioned property has agreed to pave the backyard and it will be hard surfaced for public access during the month of August 2015.

Members of the community applying for change of use for religious assembly would like to present the activities that will take place in the building and how the parking space will be used in the future. Only the management will be allowed to park in front of this building.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Sustainable Development has submitted a copy of the Development Permit which indicated the date of the decision as July 14, 2015.

The Subdivision Development Appeal Board received a notice of appeal on July 26, 2015.

Section 110.1 states 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(8), **Religious Assembly** is a Discretionary Use in the RF1 Single Detached Residential Zone.

Under section 7.8(13), "**Religious Assembly** means development used for worship and related religious, philanthropic or social activities and includes Accessory rectories, manses, meeting rooms, food preparation and service facilities, classrooms, dormitories and other buildings. Typical Uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This Use Class does not include Private Education Services, Public Education Services, and Commercial Schools, even as Accessory Uses."

The Development Officer's decision in the application noted above reads:

The proposed use, a Religious Assembly, is listed as a Discretionary use under the RF1 Single Detached Residential Zone (Reference Section 110.3(8)). Notwithstanding, the proposed Religious

Assembly does not meet the general purpose of the RF1 zone, which 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. The proposed Religious Assembly is located midblock abutting and surrounding existing single detached houses. In the opinion of the Development Officer, the proposed location of the Religious Assembly will negatively impact the peaceful enjoyment of the properties of nearby residents and unduly interfere with the amenities of the neighbourhood. This includes potential overflow of on-street parking in front of abutting and surrounding low density residential development

Section 54.6 states the following with respect to **Hardsurfacing and Curbing of Parking and Loading Spaces:**

...

2. Residential Zones

- 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.

...

The Development Officer's decision in the application noted above reads:

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 (Reference Section 54.6(2)(2)(a). The rear portion of the site proposed for parking is not graded and consists of weeds. No hardsurfacing is proposed for the on-site parking spaces, contrary to Section 54.6(2)(2)(a).

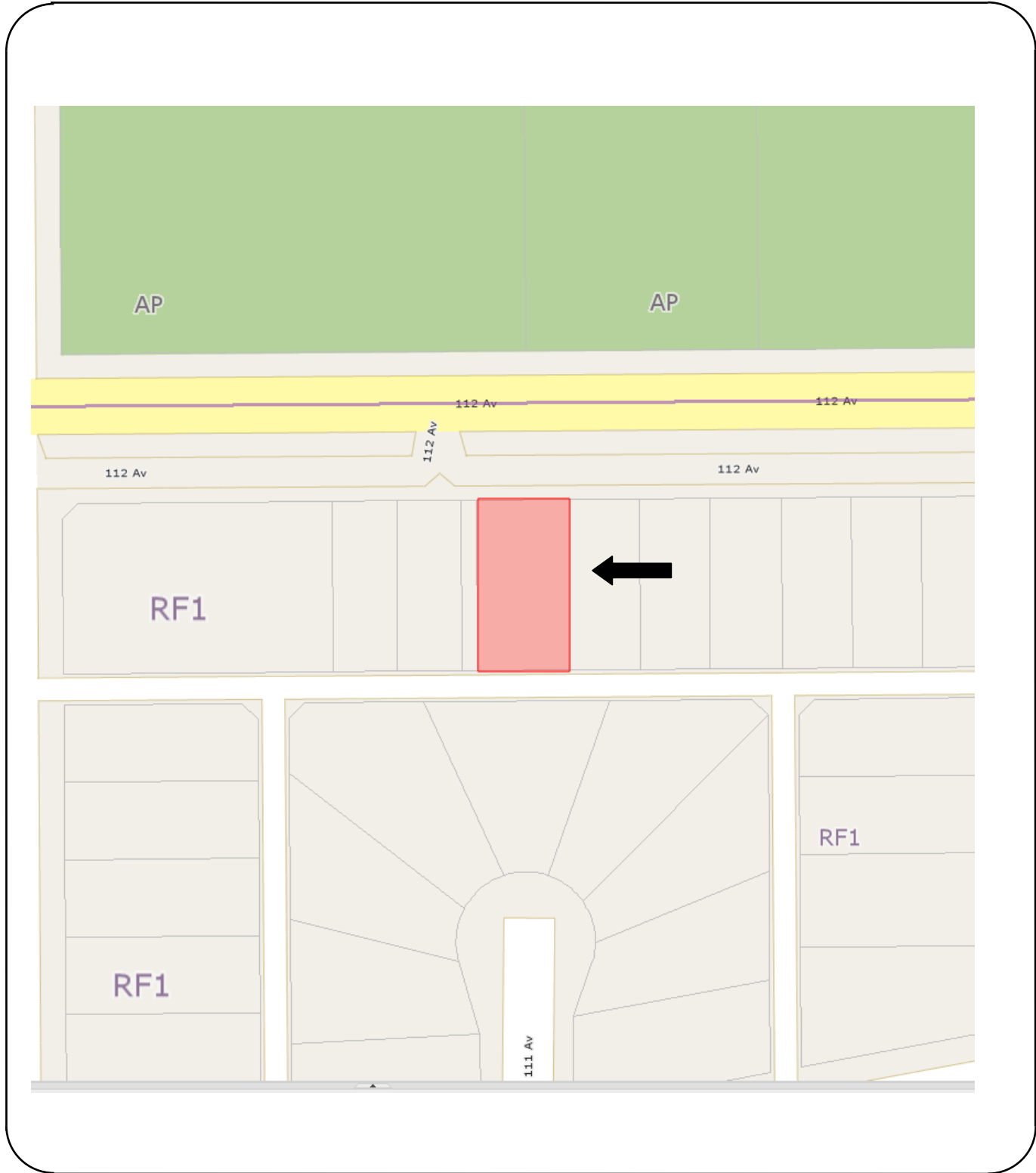
Section 71 states the following with respect to **Religious Assembly:**

A Religious Assembly shall comply with the following special provisions:

1. the minimum Frontage shall be 30.0 m and the minimum Site area shall be 930 m²;
2. where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same Site as the Religious Assembly, the minimum Site area shall be 1 300 m²;
3. where the a Religious Assembly is to be developed on a Site that is within 60.0 m of a Site zoned to allow a Single Detached Dwelling as a Permitted Use, the following regulations shall apply:

- a. the maximum Site area shall be 4 000 m²;
 - b. the maximum total Site Coverage shall not exceed 40%;
 - c. a minimum building Setback of 4.5 m shall be required along a Side Yard flanking an abutting Site Zoned Residential;
 - d. a minimum building Setback of 7.5 m along a Rear Yard shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone or is not separated from it by a public roadway more than 10.0 m wide;
 - e. a minimum building Setback of 6.0 m shall be required along a Front Yard separated by a public roadway not wider than 20.0 m from any Site zoned residential. Where the roadway is wider than 20.0 m, the Front Setback applicable in the relevant Zone shall apply;
 - f. vehicular access to on-site parking and loading spaces shall be provided from an abutting arterial or collector roadway, except that the Development Officer may allow access from a public roadway including a Lane in accordance with the following guidelines:
 - i. access may be allowed from a local roadway that does not abut another Site zoned to allow a Single Detached Dwelling as a Permitted Use, provided such access shall not interfere with access to other Sites abutting the roadway and shall not direct excess traffic onto a local roadway;
 - ii. access may be allowed from a Lane that does not abut another Site zoned to allow a Single Detached Dwelling as a Permitted Use, provided such access shall not interfere with access to other abutting Sites and shall not direct excess traffic onto a local residential roadway; and
 - iii. access to a maximum of five parking spaces may be allowed from a Lane that abuts a Site zoned to allow a Single Detached Dwelling as a Permitted Use.
4. Where a Religious Assembly is a Discretionary Use, the Development Officer may impose conditions intended to reduce the perceived mass of the structure through techniques including, but not limited to, increased Setbacks, articulation of elevations and rooflines, and the colour of finishing materials.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is “to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.”



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-190



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-191

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 096390936-003

APPLICATION TO: Add a Non-Accessory Parking Use to an existing Private Club / Indoor Participant Recreation Service Building (parking for all Stadium events - Ital-Canadian Seniors Association).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 3, 2015

DATE OF APPEAL: July 22, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9111 - 110 Avenue NW, 11100 - Stadium Road NW

LEGAL DESCRIPTION: Plan 155HW Blk 15 Lot A, Plan 2191EO Blk OT

ZONE: US-Urban Services Zone

OVERLAY: N/A

PLANS IN EFFECT: Boyle Street / McCauley Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. Non-accessory Parking is neither a Permitted nor Discretionary Use in the Urban Services Zone (Reference Section 510).
2. Non-accessory Parking means development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade (Reference Section 7.4(39)).

ADVISEMENTS:

This Development Refusal means that the proposed development has been reviewed against the provisions of this bylaw (Reference Section 5.2).

APPELLANT'S SUBMISSION

The Ital-Canadian Seniors Centre (the "Centre", located at 9111 - 110 Avenue NW, is a centre established as a gathering place for members of the Italian community. Along with being used for gatherings, the Centre hosts numerous programs for both seniors and children. A summary of some of the programs hosted by the Centre can be found in the letter of Maria Mauro, enclosed as Appendix "A". The Centre and its programs are heavily used and relied upon by members of the Italian community. In order for the Centre to operate, and for the programs to be possible for the Centre's members, funding is required. One of the sources of revenue that has been heavily relied upon for several years and that has made many of the Centre's programs possible is the funds collected by the Centre through permitting attendees of Commonwealth Stadium events to park in the Centre's parking lot during Coliseum Stadium events, for a fee. This practice commenced over 10 years ago when the then-President of the Association was advised by a representative for the City of Edmonton, that this use of the parking lot was permissible. Many of the attendees that utilize the Centre's parking lot during events are regular attendees and parkers, many of whom are elderly or disabled, and require parking in close proximity to the Stadium. These patrons have come to rely on the availability and their ability to park at the Centre. All of the funds that are collected are funneled back into the Centre to be used for the Centre's programs. The parking lot is supervised at all times during events and all traffic directed by volunteers of the Centre. The use of the parking lot does, and has not in any way unduly interfered with the amenities of the neighbourhood. In the many years that the parking lot has been used for Stadium events, there have never been any instances of traffic interference with any of the surrounding businesses or organizations. Furthermore, using the parking lot for Stadium events does not, and has not materially interfered with or affected the use, enjoyment or value of neighbouring parcels of land. This is evidenced by the 18 letters provided by surrounding businesses and organizations in the community, as well as the Petition created, all in support of allowing the Centre to continue using the parking lot for Stadium events. The 18 letters are enclosed as Appendix "B", and the Petition containing 86 signatures is enclosed as Appendix "C".

According to the City of Edmonton zoning, the Centre is an Urban Services Zone. The Edmonton Zoning Bylaw 12800 provides in section 510.1 that the general purpose of this zone is:

The purpose of this Zone is to provide for publicly and privately owned facilities of an institutional or community service nature.

While the use of the Centre's parking lot for Stadium events may not, on the surface appears to be in alignment with the general purpose of an Urban Services Zone, further examination reveals that it is the use of the property in the manner in question, that allows the centre to function and give back to the community as it does.

Without the funds raised through the use of the parking lot, the Centre will not be able to continue to provide as fully for its members or contribute to the surrounding community. In the event that the Centre is not permitted to use the parking lot as proposed, it will be forced to remove several programs that are currently offered, which will in turn have a negative impact on its members and the surrounding community.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Sustainable Development has submitted a copy of the Development Permit which indicated the date of the decision as July 3, 2015.

The Subdivision Development Appeal Board received an application for an appeal on July 17, 2015. Subsequently, the complete application fee was received on July 22, 2015.

Section 510.1 states the **General Purpose** of the **US Urban Services Zone** "is to provide for publicly and privately owned facilities of an institutional or community service nature."

Under section 7.4(39), "**Non-accessory Parking** means development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below Grade."

The Development Officer's decision in the application noted above reads:

Non-accessory Parking is neither a Permitted nor Discretionary Use in the Urban Services Zone (Reference Section 510).

Non-accessory Parking means a development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade (Reference Section 7.4(39)).



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-191



BUSINESS LAID OVER

SDAB-D-15-179	An appeal by <u>Suman Garg</u> to construct exterior alterations (extension of front Driveway) to a Single Detached House <i>September 2 or 3, 2015</i>
SDAB-D-15-161	An appeal by <u>Ali Abdulhadi</u> to construct four Dwellings of Row Housing with attached Garages and to demolish the existing Single Detached House and rear detached Garage <i>September 23 or 24, 2015</i>