

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
August 29, 2018**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-18-127	Convert a Single Detached House to a Child Care Service (maximum 36 children) and to construct interior alterations. 3226 - 108 Street NW Project No.: 287406357-001
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II	10:30 A.M.	SDAB-D-18-128	Amend the design of an approved Recycling Depot. 16035 – Fort Road NW Project No.: 241839966-009
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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-18-127

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

APPELLANT:

APPLICATION NO.: 287406357-001

APPLICATION TO: Convert a Single Detached House to a Child Care Service (maximum 36 children) and to construct interior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 31, 2018

DATE OF APPEAL: August 3, 2018

NOTIFICATION PERIOD: August 7, 2018 through August 28, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3226 - 108 Street NW

LEGAL DESCRIPTION: Plan 4786TR Blk 4 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:

I have not been consulted about this permit, except for a surprise drop-in from the new owners to tell me they would not actually be new neighbors but would be opening a commercial daycare with up to 35 kids registered. I was asked to indicate on the spot if I approved and I said that I couldn't possibly respond without proper information.

There has been NO CONSULTATION at any point before I was informed that this was happening, on Sunday July 29th. None of my immediate neighbors was ever consulted prior to that date either. We have received no written information about the project or permit and I have NOT been asked to sign anything indicating that I approve. I am appealing the decision primarily because I have not been consulted and I believe it is a requirement for this kind of processes. I also believe that documents indicate I have been consulted and this is not true.

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.

(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

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

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

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

Section 110.1 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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Discretionary Use

Development Officer's Determination

1) The proposed Child Care Service is approved as a Discretionary Use (Section 110.3(1)). [unedited]

Vehicular Parking Dimensions and Configuration

Section 54.2(4)(a) states:

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:

- i. except as provided below, each required off-street parking space shall be a minimum of 2.6 m width with a minimum clear length of 5.5 m exclusive of access drives or aisles, ramps, columns. Parking spaces shall have a vertical clearance of at least 2.0 m.

For parallel parking, the length of the parking spaces shall be increased to 7.0 m, except that an end space with an open end shall be a minimum length of 5.5 m.

- ii. ...
- iii. for parking spaces other than parallel parking spaces, up to 30% of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.6 m. Such spaces shall be clearly signed as small car spaces, easily located and convenient to use;

...

Section 54.2, Schedule 1(A)(31) states the following for Child Care Services:

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

i) Passenger pick-up/drop-off spaces shall be designated with signs to reserve the parking spaces for Child Care Service pick-up/drop-off, to the satisfaction of the Development Officer.

ii) Passenger pick-up/drop-off spaces shall be located as close as possible to the main entrance used by the Child Care Service, and shall not be located further than 100 m from the main entrance used by the Child Care Service. The distance between the farthest parking space in the pickup/drop-off area and the main entrance of the Child Care Service shall be measured along the shortest publically accessible pedestrian route.

iii) An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied with the proposal.

b) employee parking shall be provided at the rate of:

i) 1 parking space per 100.0 m² of Floor Area; or

ii) 1 parking space per 360.0 m² of Floor Area where the Child Care Service is proposed within 400 m of an LRT Station, Transit Centre, Transit Avenue, or all Lots within the boundaries of the Oliver Area Redevelopment Plan, as adopted by Bylaw 11618, as amended, or all Lots within the boundaries of the Strathcona Area Redevelopment Plan, as adopted by Bylaw 11890, as amended; or


- iii) Where the Child Care Service is for a dayhome/group family care providing care to 7 or more children within the residence of the child care provider, 1 parking space for each non-resident employee, in addition to the parking required for the primary Dwelling. Where a Front Yard Driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this Driveway as the provision of a parking space that is in tandem.

Development Officer's Determination

2) Parking - The proposed 3 pick-up/drop-off parking spaces which are on the existing driveway are 2.60m wide x 5.20m long, instead of 2.60m wide x 5.50m long (Section 54.2.4(a(iii))). [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.

	Project Number: 287406357-001 Application Date: JUL 12, 2018 Printed: August 3, 2018 at 10:05 AM Page: 1 of 3		
Major Development Permit			
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.			
Applicant	Property Address(es) and Legal Description(s) 3226 - 108 STREET NW Plan 4786TR Blk 4 Lot 1 Specific Address(es) Building: 3226 - 108 STREET NW		
Scope of Permit To convert a Single Detached House to a Child Care Service (maximum 36 children) and to construct interior alterations.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 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 Permit Decision Approved Issue Date: Jul 31, 2018 Development Authority: SHAH, NIKHIL			
(Empty space for additional notes or signatures)			



Project Number: 287406357-001
Application Date: JUL 12, 2018
Printed: August 3, 2018 at 10:05 AM
Page: 2 of 3

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)

ZONING BYLAW CONDITIONS:

Where outdoor play space is provided at ground level it shall be Fenced on all sides and all gates shall be self-latching (Section 80.3 (a)).

Immediately upon demolition/ alterations of the building, the site shall be cleared of all debris.

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)

NOTES :

- 1) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence. You must require Development and Building permit approvals prior to issue a Business Licence.
- 2) Signs require separate Development Applications.
- 3) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It 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.
- 4) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 5) 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 (780-442-5311) for further information.
- 6) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 7) Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.

Variations

- 1) The proposed Child Care Service is approved as a Discretionary Use (Section 110.3(1)).
- 2) Parking - The proposed 3 pick-up/drop-off parking spaces which are on the existing driveway are 2.60m wide x 5.20m long, instead of 2.60m wide x 5.50m long (Section 54.2.4(a(iii))).

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.

Notice Period Begins: Aug 07, 2018

Ends: Aug 28, 2018

Fees

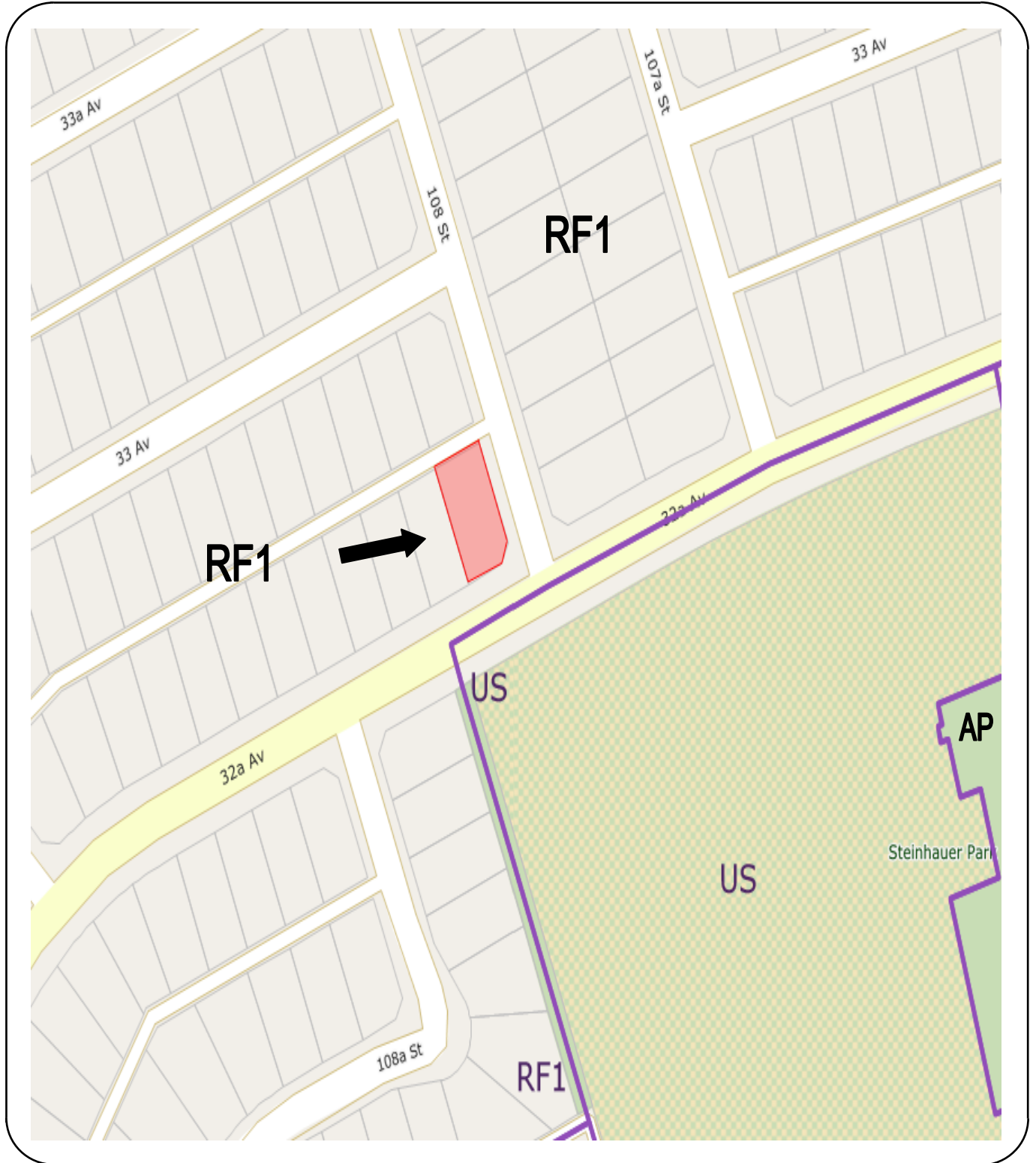


Project Number: **287406357-001**
Application Date: JUL 12, 2018
Printed: August 3, 2018 at 10:05 AM
Page: 3 of 3

Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$326.00	\$326.00	05179514	Jul 12, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$326.00</u>	<u>\$326.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-127



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-128

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

APPELLANT:

APPLICATION NO.: 241839966-009

APPLICATION TO: Amend the design of an approved Recycling Depot

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 24, 2018

DATE OF APPEAL: August 7, 2018

NOTIFICATION PERIOD: July 31, 2018 through August 21, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16035 – Fort Road NW

LEGAL DESCRIPTION: NW-31-53-23-4, Plan 1820101 Blk C Lot 3

ZONE: (IB) Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: Pilot Sound Area Structure Plan

Grounds for Appeal

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

- No water and sewage on the property.
- Crime rate will increase because of the traffic that will be associated with the recycling depot.
- Road traffic heavy trucks over using the road it is a quiet road at this time.
- I'm zoned for agricultural how is this helping keep the agriculture.

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.

(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 400.3(26), a **Recycling Depot** is a **Discretionary Use** in the (IB) Industrial Business Zone.

Under section 7.4(46), **Recycling Depots** means:

development used for the buying and temporary storage of bottles, cans, newspapers and similar Household goods for reuse where all storage is contained within an enclosed building. Such establishments shall not have more than four vehicles for the pick-up and delivery of goods. This Use does not include Recycled Materials Drop-off Centres.

Section 400.1 states that the **General Purpose** of the **(IB) Industrial Business Zone** is:

to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

Discretionary Use

Development Officer’s Determination


Discretionary Use - The Recycling Depot is approved as a Discretionary Use (Section 400.3). [unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-12-100	To add a use of a Temporary Storage (storage of trucks) to an existing site with house, garage and general industrial buildings.	May 18, 2012; The appeal be ALLOWED and the DEVELOPMENT GRANTED subject to conditions.

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.

	<p>Project Number: 241839966-009 Application Date: JUN 21, 2018 Printed: August 7, 2018 at 12:58 PM Page: 1 of 3</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>Applicant</p>	<p>Property Address(es) and Legal Description(s) 16035 - FORT ROAD NW NW-31-53-23-4 16035 - FORT ROAD NW Plan 1820101 Blk C Lot 3</p> <hr/> <p>Specific Address(es) Entryway: 16085 - FORT ROAD NW Building: 16085 - FORT ROAD NW</p>		
<p>Scope of Permit To amend the design of an approved Recycling Depot.</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
<p>I/We certify that the above noted details are correct. Applicant signature: _____</p>			
<p>Development Permit Decision Approved Issue Date: Jul 24, 2018 Development Authority: WELCH, IMAI</p>			



Project Number: **241839966-009**
 Application Date: JUN 21, 2018
 Printed: August 7, 2018 at 12:58 PM
 Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

- 1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1).
- 2) **PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW**, the applicant or landowner shall complete all Prior-to-Release conditions stated in Development Permit 241839966-001.
- 3) The applicant or landowner shall continue to observe all conditions stated in Development Permit 241839966-001, to the satisfaction of the Development Officer.

NOTES:

- 1) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It 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.
- 2) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 3) Signs require separate Development Applications.
- 4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 5) 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.
- 6) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 7) Sanitary Sewer Trunk Charge (SSTC) is applicable to the entire lot, but is deferred until application for sanitary sewer service connection is made in the future when a sanitary lateral sewer abutting the property in question is available.
- 8) The Gorman-Ebbers Industrial ARA catchment is set up as a means for cost sharing the arterial roadway construction within the Gorman-Ebbers Industrial Area. For further information regarding Arterial Roadway Assessments, please contact Alannah Webb (780-442-2503) of Development Coordination.

Variations

Discretionary Use - The Recycling Depot is approved as a Discretionary Use (Section 400.3).

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.

Notice Period Begins: Jul 31, 2018

Ends: Aug 21, 2018

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$277.00	\$277.00	05121737	Jun 22, 2018

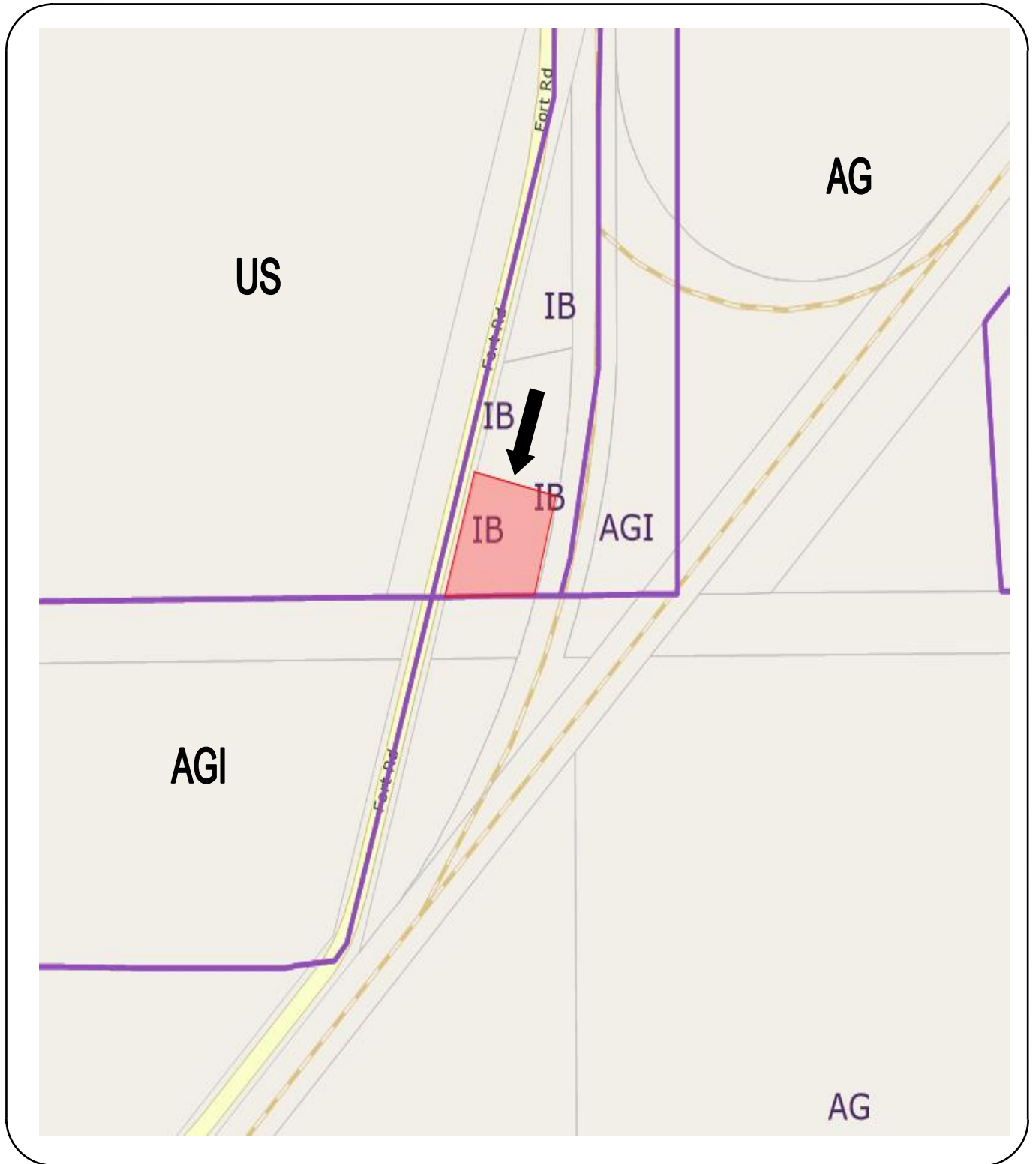


Project Number: **241839966-009**
Application Date: JUN 21, 2018
Printed: August 7, 2018 at 12:58 PM
Page: 3 of 3

Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$277.00</u>	<u>\$277.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-128

