

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
December 10, 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-15-300

Convert a Single Detached House into a Limited
Group Home (6 Residents)

8027 - 179 Street NW

Project No.: 174864823-001

NOTE: *Unless otherwise stated, all references to “Section numbers” in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-300

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

APPELLANT:
APPLICATION NO.: 174864823-001

ADDRESS OF APPELLANT:

APPLICATION TO: Convert a Single Detached House into a Limited Group Home (6 Residents)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: October 8, 2015

DATE OF APPEAL: October 27, 2015

NOTIFICATION PERIOD: October 15, 2015 through October 28, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 8027 - 179 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8027 - 179 Street NW

LEGAL DESCRIPTION: Plan 1160TR Blk 1 Lot 13

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:

Our neighbourhood had a home burn to the ground twice in two years and sit empty with vagrants. There are two homes frequented by people using drugs with constantly changing residents. Another home frequented by police. WE HAVE HAD ENOUGH!!

A group home would cause traffic, parking issues, noise problems, and possibly suspicious activities and safety concerns. [unedited]

General Matters

Appeal Information:

The decision of the Development Authority was appealed by an adjacent property owner.

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 October 28, 2015. The Notice of Appeal Period started on October 15, 2015 and expired on October 28, 2015. The Notice of Appeal was filed on October 27, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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, Semi-detached Housing and Duplex Housing under certain conditions.

Under Sections 110.2(1) and 110.2(4), **Limited Group Homes** and **Single Detached Housing** are, respectively, **Permitted Uses** in the RF1 Single Detached Residential Zone.

Section 7.3(4) states:

Limited Group Home means a building used for Congregate Living with not more than six residents, excluding staff, who have moderate and non-severe physical, cognitive or behavioral health issues and who require on-site professional care and supervision to perform daily living tasks, improve wellness, achieve stable and harmonious tenancy, or to exit safely in the event of an emergency..

A Limited Group Home is a home which:

- a. provides continuous (24 hours, seven days a week) on-site professional care and supervision by staff licensed or certified to provide such care;
- b. can reasonably expect two or fewer visits by emergency services per month; and
- c. is located in a purpose-built freestanding structure or Single Detached Housing converted for that purpose.

This Use Class does not include Extended Medical Treatment Services, Detention and Correction Facilities, Fraternity and Sorority Housing, Group Homes, and Lodging Houses.

Parking: Tandem Parking

The *Edmonton Zoning Bylaw* states:

54.1 Off-street Parking and Loading Regulations

...

2. General Requirements

- f. Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking.

Schedule 1(A) to Section 54.2 states:

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Residential and Residential-Related Uses	
6. Limited Group Home	<p><i>Bylaw 17422 November 16, 2015 Effective Date: December 1, 2015</i></p> <p>Limited Group Home shall require a minimum of 3 parking spaces, on[e] of which may be in tandem.</p>

Development Officer’s Determination

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

Required: 3 spaces (Reference Section 54.2(1)(a))

Provided: 2 on driveway, 2 in tandem in Garage

[unedited]

Parking: Loading Spaces

The *Edmonton Zoning Bylaw* states:

54.4 Off-street Vehicular Loading Facilities

1. Number of Spaces
 - a. The number of off-street loading spaces, required for each Use is specified in Schedule 3.

Schedule 3 to Section 54.4 states:

Schedule 3 - Loading Spaces Requirement

Bylaw 17422

November 16, 2015

Effective Date: December 1, 2015

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
1. Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services	Less than 465 m ²	1
	465 m ² to 2 300 m ²	2
	Each additional 2 300 m ² , or fraction thereof	1 additional
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	1
	Each additional 2 800 m ² or fraction thereof	1 additional

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: **174864823-001**
Application Date: JUN 24, 2015
Printed: October 8, 2015 at 4:02 PM
Page: 1 of 3

Minor 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 CALAPRE, IMELDA 	Property Address(es) and Legal Description(s) 8027 - 179 STREET NW Plan 1160TR Blk 1 Lot 13 Specific Address(es) Building: 8027 - 179 STREET NW
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Scope of Permit
To convert a Single Detached House into a Limited Group Home (6 Residents).

Permit Details # of Dwelling Units Add/Remove: Client File Reference Number: Minor Dev. Application Fee: Group Home Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
Approved

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



Project Number: **174864823-001**
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Minor Development Permit

Subject to the Following Conditions

NOTE: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes the development of converting a Single Detached House into a Limited Group Home (6 Residents). The development shall be constructed in accordance with the stamped and approved drawings.

The development shall be recognized, authorized, licenced or certified by a public authority as a social care facility (Reference Section 7.3(4)).

The required parking spaces shall be wholly provided on the same Site as the building. (Reference Section 54.2(2)(a))

No Major Home Based Business, Secondary Suite, Garden Suite or Garage Suite shall be permitted as part of the Limited Group Home development or on the Site of such development (Reference Section 79.1(c)).

Limited Group Home shall be of a size, scale, and outward appearance that is typical of surrounding residential developments (Reference Section 79.1(d)).

For the purposes of calculating Density for a Group Home or Lodging House each Sleeping Unit shall be considered a Dwelling when a development contains seven or more Sleeping Units (Reference Section 96.4)

For the purpose of applying these regulations the Development Officer shall maintain a register of all approved Special Residential Facilities. The register shall include the address of the facility, maximum occupancy of the facility, and any other necessary information (Reference Section 96.5)

ADVISEMENTS:

- i.) Signs require separate Development Applications.
- ii.) 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.
- iii.) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- iv.) Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
- v.) 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.

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



Project Number: **174864823-001**
 Application Date: JUN 24, 2015
 Printed: October 8, 2015 at 4:02 PM
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Minor Development Permit

Variances

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

Required: 3 spaces (Reference Section 54.2(1)(a))
 Provided: 2 on driveway, 2 in tandem in Garage

2. Section 54.4(1)(a) - Minimum number of loading spaces required: 1

Provided: 0
 Relaxation: 1

In the opinion of the Development Officer, the variances granted in this application and noted above will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring properties. (Section 11.3)

Subject to the right of appeal. (Reference Section 21(1).)

NOTE: Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

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: Oct 08, 2015 **Development Authority:** ROBINSON, GEORGE **Signature:** _____
Notice Period Begins: Oct 15, 2015 **Ends:** Oct 28, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$312.00	\$312.00	02532173	Jun 24, 2015
DP Notification Fee	\$40.00	\$40.00		
Total GST Amount:	\$0.00			
Totals for Permit:	\$352.00	\$352.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-300



BUSINESS LAID OVER

SDAB-D-15-280	An appeal to construct a Minor Impact Utility Services Use Building (EPCOR Training facility) <i>January 6, 2016</i>
SDAB-D-15-293	An appeal to construct exterior alterations to a Professional, Financial and Office Support Services Use building (Karst Properties Parking Expansion – Proposed New Parking Lot Layout) <i>January 7, 2016</i>
SDAB-D-15-298	An appeal to erect an over height Fence (5.44 m in length on west property line at 2.44 m in Height) in the Rear Yard of a Single Detached House <i>January 13 or 14, 2016</i>
SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>
SDAB-D-15-236 to 241	An appeal to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-15-252	An appeal to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <i>February 10 or 11, 2016</i>
SDAB-D-15-268	An appeal to Leave as built a Single Detached House. <i>Date to be determined</i>

APPEAL HEARINGS TO BE SCHEDULED

176994655-002	An appeal to install a Freestanding On-premises Sign/Minor Digital On-premises Sign (LaZboy) <i>December 3, 2015</i>
176406166-003	An appeal to convert a half of Semi-detached Housing to 3 Dwellings of Apartment Housing and to construct interior alterations (existing without permits, 1 Dwelling above grade, Dwellings below grade). <i>December 16, 2015</i>
160474324-004	An appeal to replace Roof Off-premises Sign with (1) roof mounted Minor Digital On-premises Off-premises Sign (1319416 ALBERTA LTD.) <i>December 16, 2015</i>
163727651-001	An appeal to operate a Temporary Non-Accessory Parking Lot for two years (December 2015 to December 2017) <i>January 6 or 7, 2016</i>
176013858-001	An appeal by <u>Abington Homes Ltd.</u> to construct a Single Detached House with a rear attached Garage, a front veranda, fireplace, basement

	development (NOT to be used as an additional Dwelling) <i>January 13 or 14, 2016</i>
171838918-001	An appeal by <u>Icewerx Consulting Inc.</u> to install one Minor Digital Off-premises Sign (Icewerx). <i>January 13 or 14, 2016</i>
159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Singe Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <i>January 21, 2016</i>
171838918-001	An appeal by <u>Icewerx Consulting Inc.</u> to install one Minor Digital Off-premises Sign (Icewerx). <i>January 13 or 14, 2016</i>
159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Singe Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <i>January 21, 2016</i>