

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
December 7, 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-16-314

To construct a Single Detached House with a front veranda, rear uncovered deck (3.05 metres by 5.18 metres) and Basement development (NOT to be used as an additional Dwelling)

9850 - 162 Street NW  
Project No.: 230273568-001

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II 10:30 A.M. SDAB-D-16-315

**WITHDRAWN**

To construct a two-Storey Accessory Building (Garage on the main floor and Garage Suite on the second floor, 6.71 metres by 8.84 metres) and to demolish an existing Accessory Building (rear detached Garage)

8731 - 85 Avenue NW  
Project No.: 230570608-001

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III 2:00 P.M. SDAB-D-16-316

To construct an addition and exterior alterations to an existing Religious Assembly (250-seat addition to 250-seat building and parking lot expansion) (Ethiopian Church)

11409 - 124 Street NW  
Project No.: 220587701-001

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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-16-314

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 230273568-001

APPLICATION TO: Construct a Single Detached House with a front veranda, rear uncovered deck (3.05 metres by 5.18 metres) and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 21, 2016

DATE OF APPEAL: November 22, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9850 - 162 Street NW

LEGAL DESCRIPTION: Plan 1623046 Blk 1 Lot 10B

ZONE: (RF4) Semi-detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

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***Grounds for Appeal***

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

We believe we should be able to build this house as we we're waiting for subdivision to go through and in the meantime got approved from you guys for a house like this next door. We believe we aren't asking for very much in regards to the overall height of the building. The overall height of the structure is the same as it would be without the city measuring the little hip of the little roof on top of the dormer. There is new infill going on in this neighbourhood (on this exact block). Also this house wouldn't even be the tallest building on its block

<i>General Matters</i>
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**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

...

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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 150.2(6), **Single Detached Housing** is a **Permitted Use** in the (RF4) Semi-detached Residential Zone.

Under section 7.2(9), **Single Detached Housing** means:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 150.1 states that the **General Purpose** of the (RF4) **Semi-detached Residential Zone** is “to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

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.

<b><i>Height</i></b>
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Section 814.3(13) states “the maximum Height shall not exceed 8.6 m, in accordance with Section 52.”

Section 52.2(c) states:

Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Under section 6.1(50), **Height** means “a vertical distance between two points.”

**Development Officer’s Determination**

**1. Height - The maximum Height is 9.9m instead of 8.6 (Section 814.3.13).**

**2. Height - The ridge line of the roof extends 1.7m above the maximum permitted building Height of the Mature Neighbourhood Overlay, instead of 1.5m (Section 52.2.c).**

**Note: There is an approved Development Permit for the same house design at 9846 - 162 Street NW. [unedited].**

***Community Consultation***

Section 814.3(24) states:


When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
  - b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
  - c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
  - d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.
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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>230273568-001</b> Application Date: SEP 09, 2016 Printed: November 21, 2016 at 9:07 AM Page: 1 of 2															
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>																
This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit																
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 9850 - 162 STREET NW Plan 1623046 Blk 1 Lot 10B															
<b>Scope of Application</b> To construct a Single Detached House with a front veranda, rear uncovered deck (3.05m x 5.18m) and Basement development (NOT to be used as an additional Dwelling).																
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Affected Floor Area (sq. ft.): 1735                      Class of Permit: (none)                      Front Yard (m): 6.45                      Rear Yard (m): 29.55                      Side Yard, left (m): 1.22                      Site Area (sq. m.): 371.9                      Site Width (m): 7.62                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Building Height to Midpoint (m): 9.85                      Dwelling Type: Single Detached House                      Home Design Type:                      Secondary Suite Included?: N                      Side Yard, right (m): 1.22                      Site Depth (m): 48.8                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		Affected Floor Area (sq. ft.): 1735 Class of Permit: (none) Front Yard (m): 6.45 Rear Yard (m): 29.55 Side Yard, left (m): 1.22 Site Area (sq. m.): 371.9 Site Width (m): 7.62	Building Height to Midpoint (m): 9.85 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.22 Site Depth (m): 48.8 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay													
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I/We certify that the above noted details are correct. Applicant signature: _____																
<b>Development Application Decision</b> Refused <b>Reason for Refusal</b> Application for a Single Detached House is refused for the following reasons: <ol style="list-style-type: none"> <li>1. Height - The maximum Height is 9.9m instead of 8.6 (Section 814.3.13).</li> <li>2. Height - The ridge line of the roof extends 1.7m above the maximum permitted building Height of the Mature Neighbourhood Overlay, instead of 1.5m (Section 52.2.c).</li> </ol> Note: There is an approved Development Permit for the same house design at 9846 - 162 Street NW.																
<b>Rights of Appeal</b> 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: Nov 21, 2016    Development Authority: YEUNG, KENNETH    Signature: _____																
<b>Fees</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 15%;">Receipt #</th> <th style="width: 25%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td>\$135.00</td> <td>\$135.00</td> <td>03590489</td> <td>Sep 09, 2016</td> </tr> <tr> <td>Water Usage Fee</td> <td>\$44.77</td> <td>\$44.77</td> <td>03590489</td> <td>Sep 09, 2016</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Lot Grading Fee	\$135.00	\$135.00	03590489	Sep 09, 2016	Water Usage Fee	\$44.77	\$44.77	03590489	Sep 09, 2016
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<b>THIS IS NOT A PERMIT</b>																





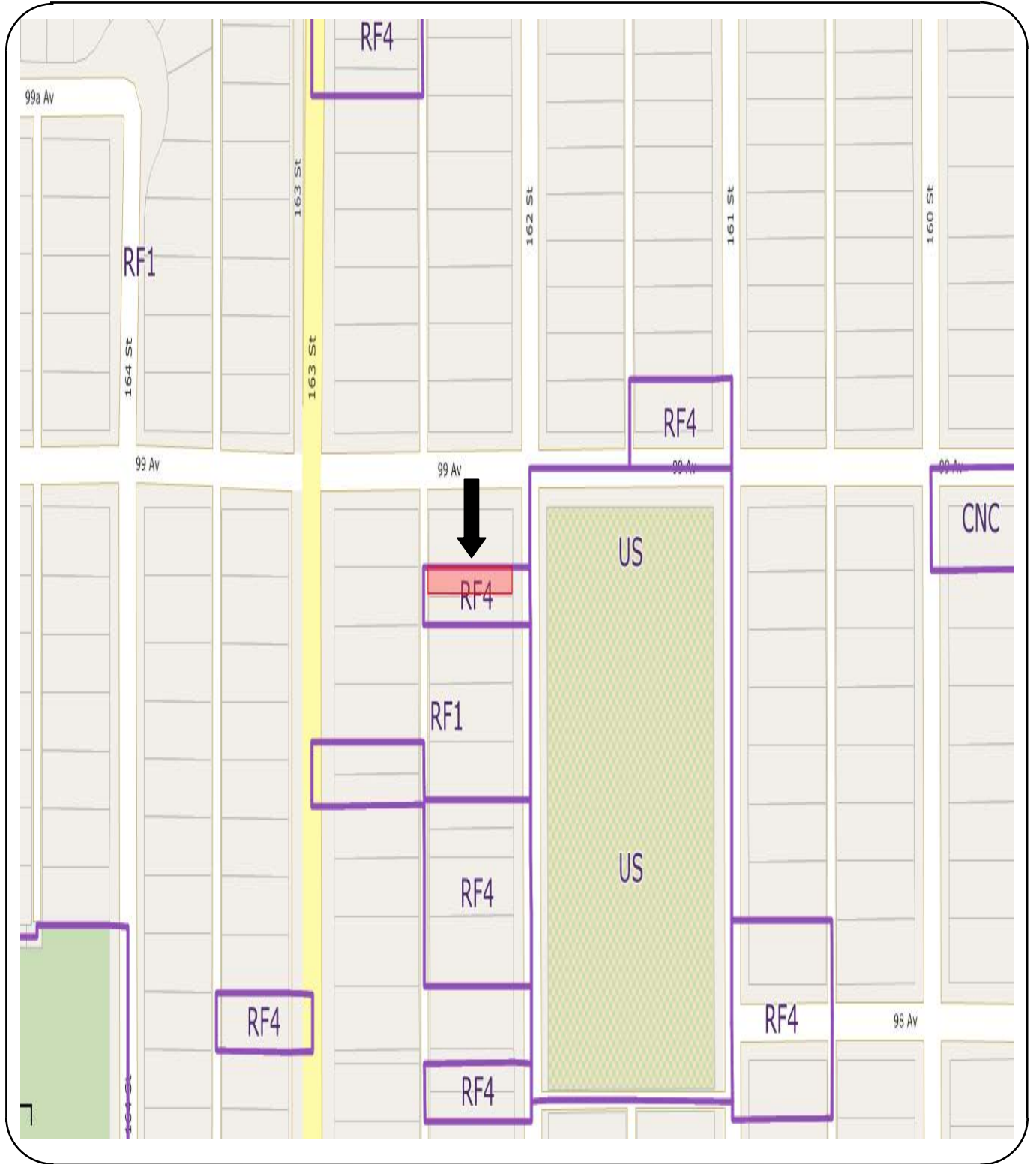
Project Number: **230273568-001**  
Application Date: SEP 09, 2016  
Printed: November 21, 2016 at 9:07 AM  
Page: 2 of 2

## Application for House Development and Building Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Electrical Fee (Service)	\$77.00	\$77.00	03590489	Sep 09, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03590489	Sep 09, 2016
Building Permit Fee	\$1,610.00	\$1,610.00	03590489	Sep 09, 2016
Electrical Fees (House)	\$265.00	\$265.00	03590489	Sep 09, 2016
Electrical Safety Codes Fee	\$15.10	\$15.10	03590489	Sep 09, 2016
Safety Codes Fee	\$64.40	\$64.40	03590489	Sep 09, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,777.27	\$3,777.27		

**THIS IS NOT A PERMIT**



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-314



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-315

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

APPELLANT:

APPLICATION NO.: 230570608-001

APPLICATION TO: Construct a two-Storey Accessory Building (Garage on the main floor and Garage Suite on the second floor, 6.71 metres by 8.84 metres) and to demolish an existing Accessory Building (rear detached Garage)

**WITHDRAWN**

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 7, 2016

NOTIFICATION PERIOD: November 15, 2016 through November 29, 2016

DATE OF APPEAL: November 23, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8731 - 85 Avenue NW

LEGAL DESCRIPTION: Plan 1797HW Blk 7 Lot 27

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

***Grounds for Appeal***

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

We have just received notification from the City of Edmonton that our next-door neighbours at 8531 85th Avenue, Edmonton have requested permission to build a two-story building, a garage with garage suite above, in the back yard of their property.

We own and reside in the property next door, at 8735 85th Avenue. We are extremely concerned about this construction proposal, as we feel strongly that it will adversely affect us, the quality of our life and the value of our property. Our next door neighbours' house, existing garage and lot are all in very poor condition. When we purchased our new-build house last year (ironically from this same neighbour and his business partner) there was no mention of such a proposed lane house. In fact we were given to believe that he had plans to demolish his poorly maintained house and construct a new one. We were happy to hear this.

Had we known that in fact there were plans to leave the old house intact and to take up a large portion of the lot with the construction of what is basically a two-story residence overlooking our back yard, lawn and deck, we would not have purchased our new house from him and his business partner. This is because any two story residence built at the end of the lot, at such close proximity to the neighbouring lots, will necessarily have windows which encroach upon neighbours' privacy. As well, aesthetically, a two-story building built so close to neighbours on either side would look very unattractive, blocking sight lines.

When approached by us last summer, our neighbours at 8531 88 Avenue declined to contribute financially in any way to the erection of an attractive fence between our lots, (there was none) so at considerable expense we had the fence constructed in order to have some reasonable privacy. With the proposed construction of a two-story residence directly overlooking our property, our privacy will once again be seriously compromised.

This neighbourhood of Bonnie Don is predominantly one of single story houses, and no other two-story garage/ garage suites have been permitted. This proposed construction would therefore be a complete anomaly to the neighbourhood overall plan.

We are therefore formally appealing this unreasonable construction proposal.

*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 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

...

- (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.

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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 140.3(4), a **Garage Suite** is a **Discretionary Use** in the RF3 Small Scale Infill Development Zone.

Under section 7.2(3), **Garage Suite** means:

an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Under section 6.1(27), **Dwelling** means:

a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

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.

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.

### **Development Officer's Determination**

**Discretionary Use - Garage Suite is approved as a Discretionary Use (Section 140.3.4).** [unedited].

#### ***Garage Suite Regulations***

Section 140.4(8) states "Garage Suites and Garden Suites shall comply with Section 87 of this Bylaw."

Section 87 states:

Garage and Garden Suites shall be developed in accordance with the following regulations:

1. The minimum Site Area shall be as follows:
  - a. Garage Suite (above Grade): the minimum Site area shall be 400 m<sup>2</sup>, except in the RR Zone, where it shall be 1.0 ha, the GLD and GLG Zones, where it shall be 370 m<sup>2</sup>, and the TSLR Zone, where it shall be 412 m<sup>2</sup>.
  - b. Garden Suite and Garage Suite (at Grade): the minimum Site area shall be 400 m<sup>2</sup> except in the RR Zone, where it shall be 1.0 ha.
2. the maximum Height shall be as follows:
  - a. Garage containing a Garage Suite (above Grade):
    - i. 6.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4°) or greater.
    - ii. 5.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4°).






- c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any Side Yard abutting another property.
9. Rooftop Terraces shall not be allowed on Garage Suites or Garden Suites.
10. Platform Structures, including balconies, shall be allowed as part of a Garage Suite developed above a detached Garage only where the balcony faces the lane or a flanking roadway.
11. only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
12. notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three.
13. a Garage Suite or Garden Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite or Garden Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.
14. where Garage Suites or Garden Suites are Discretionary within the applicable Zone, the Development Officer may exercise discretion in considering a Garage Suite having regard to:
  - a. compatibility of the Use with the siting, geodetic elevations, Height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
  - b. the effect on the privacy of adjacent properties;
  - c. the policies and guidelines for Garage Suites and Garden Suites contained in a Statutory Plan for the area.
15. a Garage Suite or Garden Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
16. Garage Suites and Garden Suites shall not be included in the calculation of densities in this Bylaw.
17. notwithstanding Garage Suites and Garden Suites being listed as Permitted or Discretionary Uses within any Zone, they shall be subject to the regulations of the Edmonton-Strathcona County Joint Planning Study Area Secondary and Garage Suites Overlay in Section 822 of this Bylaw.

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>230570608-001</b> Application Date: SEP 14, 2016 Printed: November 7, 2016 at 8:57 AM Page: 1 of 3
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">House Development and Building Permit</h1>	
<p>This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit</p>	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 8731 - 85 AVENUE NW Plan 1797HW Blk 7 Lot 27
	<b>Location(s) of Work</b> Entryway: 8731 - 85 AVENUE NW Building: 8731 - 85 AVENUE NW
<b>Scope of Application</b> To construct a 2 Storey Accessory Building (Garage on the main floor and Garage Suite on the second floor, 6.71m x 8.84m) and to demolish an existing Accessory Building (rear detached Garage).	
<b>Permit Details</b>	
Affected Floor Area (sq. ft.): 660 Class of Permit: Class B Front Yard (m): 29.97 Rear Yard (m): 3.05 Side Yard, left (m): 1.67 Site Area (sq. m.): 556.92 Site Width (m): 14.03	Building Height to Midpoint (m): 5.96 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 3.52 Site Depth (m): 39.72 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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: **230570608-001**  
 Application Date: SEP 14, 2016  
 Printed: November 7, 2016 at 8:57 AM  
 Page: 2 of 3

## Application for House Development and Building 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)

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

This Development Permit authorizes the development of a 2 Storey Accessory Building (Garage on the main floor and Garage Suite on the second floor, 6.71m x 8.84m) and to demolish an existing Accessory Building (rear detached Garage). The development shall be constructed in accordance with the stamped and approved drawings.

1. An accessory building or structure containing a Garage Suite shall not exceed 6.5m in height. (Reference Section 6.1(49) and 87.2(a).)
2. Eave projections shall not exceed 0.46m into required yards or Separations spaces less than 1.2m. (Reference Section 44.1(b))
3. Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
4. A Garage Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.
5. Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite shall not exceed three.
6. The Garage Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
7. Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties. (Reference Section 814.3(8))

### ADVISEMENTS:

1. Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Planning and Engineering at 780-496-5576 or [lot\\_grading@edmonton.ca](mailto:lot_grading@edmonton.ca) for lot grading inspection inquiries.
2. The driveway access must maintain a minimum clearance of 1.5m from all surface utilities.
3. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: [http://www.edmonton.ca/bylaws\\_licences/licences\\_permits/oscam-permit-request.aspx](http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx)
4. 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.
5. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

### Variances

Discretionary Use - Garage Suite is approved as a Discretionary Use (Section 140.3.4).

**THIS IS NOT A PERMIT**



Project Number: **230570608-001**  
 Application Date: SEP 14, 2016  
 Printed: November 7, 2016 at 8:57 AM  
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## Application for House Development and Building Permit

**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:** Nov 07, 2016    **Development Authority:** YEUNG, KENNETH  
**Notice Period Begins:** Nov 15, 2016    **Ends:** Nov 29, 2016

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

**Building Permit Decision**

No decision has yet been made.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$77.00	\$77.00	03602056	Sep 14, 2016
Water Usage Fee	\$25.41	\$25.41	03602056	Sep 14, 2016
Electrical Safety Codes Fee	\$13.22	\$13.22	03602056	Sep 14, 2016
Safety Codes Fee	\$41.72	\$41.72	03602056	Sep 14, 2016
Electrical Fees (House)	\$218.00	\$218.00	03602056	Sep 14, 2016
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03602056	Sep 14, 2016
Building Permit Fee	\$1,043.00	\$1,043.00	03602056	Sep 14, 2016
DP Notification Fee	\$102.00			
Lot Grading Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,213.35	\$2,111.35		
(\$102.00 outstanding)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-315



ITEM III: 2:00 P.M.

FILE: SDAB-D-16-316

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 220587701-001

APPLICATION TO: Construct an addition and exterior alterations to an existing Religious Assembly (250-seat addition to 250-seat building and parking lot expansion) (Ethiopian Church)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 8, 2016

DATE OF APPEAL: November 21, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11409 - 124 Street NW

LEGAL DESCRIPTION: Plan RN46 Blk 22 Lots 17-20

ZONE: (CNC) Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: West Ingle Area Redevelopment Plan

***Grounds for Appeal***

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

The reason for the appeal on the decision to refuse the development permit is to have the corrected information taken into considerations. During the permitting process it was a misunderstanding between my client and I about the number of people they are looking to grow to. Once I had been corrected by my client I had discussed the new numbers with the development officer and the new information was not taken into consideration in the end. Currently the church is operating with between 75-130 people attending church weekly, and they are currently out of space and do not have room for everyone to sit in the main assembly. With the additional space it will also allow for growth with growing families within the parish.

**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

...

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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 310.3(18), a **Religious Assembly** is a **Discretionary Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 7.8(14), **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.

Section 310.1 states that the **General Purpose** of the (CNC) **Neighbourhood Convenience Commercial Zone** is:

...to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.

**Development Officer's Determination**

**5) The proposed development is listed as a Discretionary use within the CNC Zone. It is the Development Officer's opinion that the proposed intensification of the existing use, based on the above considerations, is not appropriate for the site, and is likely to create an undue and negative impact on surrounding properties and development. [unedited].**

***(CNC) Neighbourhood Convenience Commercial Zone Regulations***

Section 310.4(7) states:

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or a LRT line in accordance with the provisions of Section 55.5 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw.

Under section 6.1(92), **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

**Development Officer’s Determination**

**1) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback (Section 310.4(7)):**

**Minimum required setback (124 Street): 4.5m**

**Proposed setback: 3.23m**

**Deficiency: 1.27m [unedited].**

***Vehicular Parking Requirement***

Section 54.2, Schedule 1(A)(45) states a “Religious Assembly requires a minimum of 1 parking space per 4 seats.”

**Development Officer’s Determination**

**2) Vehicular parking shall be provided in accordance with Section 54.2, Schedule 1 of the Zoning Bylaw:**

**Required parking: 125 spaces**

**Proposed parking: 36 spaces**

**Further, based on the Transportation Planning & Engineering (Sustainable Development) memorandum dated 18 October 2016, there are significant concerns regarding the potential impact of additional parking demands on nearby residential properties. The proposed development includes the doubling of the existing development’s capacity while increasing the available parking by approximately 70%. [unedited].**

***Off-street Vehicular Loading Facilities***

Section 54.4, Schedule 3(2) states:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
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 <u>2 800 m<sup>2</sup></u>  Each additional <u>2 800 m<sup>2</sup></u> or fraction thereof	1  1 additional

Under section 6.1(35), **Floor Area** means “the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.”

**Development Officer’s Determination**

**3) Loading spaces shall be provided in accordance with Section 54.4, Schedule 3 of the Zoning Bylaw:**

**Required loading spaces: 1**  
**Proposed loading spaces: 0** [unedited].

***Religious Assembly Regulations***

Section 71.3 states:

where 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:

...

- 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.

**Development Officer's Determination**

**4) Vehicular access to on-site parking and loading spaces shall be provided from an abutting arterial or collector roadway (Section 71.3(f)):**


**The proposed access will be placed at the abutting lane, which abuts RF3-zoned properties. [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>220587701-001</b> Application Date: APR 28, 2016 Printed: November 21, 2016 at 3:48 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Major Development Permit</h2>	
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> 11409 - 124 STREET NW Plan RN46 Blk 22 Lots 17-20  <b>Specific Address(es)</b> Suite: 11403 - 124 STREET NW Entryway: 11403 - 124 STREET NW Building: 11403 - 124 STREET NW
<b>Scope of Application</b> To construct an addition and exterior alterations to an existing Religious Assembly (250-seat addition to 250-seat building and parking lot expansion) (Ethiopian Church).	
<b>Permit Details</b>	
Class of Permit: Class B Gross Floor Area (sq.m.): 148.65 New Sewer Service Required: Y Site Area (sq. m.): 2691.6	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
I/We certify that the above noted details are correct.  Applicant signature: _____	
<b>Development Application Decision</b> Refused	
<b>THIS IS NOT A PERMIT</b>	



Project Number: **220587701-001**  
 Application Date: APR 28, 2016  
 Printed: November 21, 2016 at 3:48 PM  
 Page: 2 of 2

## Application for Major Development Permit

**Reason for Refusal**

1) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback (Section 310.4(7)):

Minimum required setback (124 Street): 4.5m  
 Proposed setback: 3.23m  
 Deficiency: 1.27m

2) Vehicular parking shall be provided in accordance with Section 54.2, Schedule 1 of the Zoning Bylaw:

Required parking: 125 spaces  
 Proposed parking: 36 spaces

Further, based on the Transportation Planning & Engineering (Sustainable Development) memorandum dated 18 October 2016, there are significant concerns regarding the potential impact of additional parking demands on nearby residential properties. The proposed development includes the doubling of the existing development's capacity while increasing the available parking by approximately 70%.

3) Loading spaces shall be provided in accordance with Section 54.4, Schedule 3 of the Zoning Bylaw:

Required loading spaces: 1  
 Proposed loading spaces: 0

4) Vehicular access to on-site parking and loading spaces shall be provided from an abutting arterial or collector roadway (Section 71.3(f)):

The proposed access will be placed at the abutting lane, which abuts RF3-zoned properties.

5) The proposed development is listed as a Discretionary use within the CNC Zone. It is the Development Officer's opinion that the proposed intensification of the existing use, based on the above considerations, is not appropriate for the site, and is likely to create an undue and negative impact on surrounding properties and development.

**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:** Nov 08, 2016    **Development Authority:** WELCH, IMAI    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$220.00	\$220.00	03239740	Apr 28, 2016
Major Dev. Application Fee	\$893.00	\$893.00	03239740	Apr 28, 2016
DP Notification Fee	\$102.00	\$102.00	03239740	Apr 28, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,215.00	\$1,215.00		

**THIS IS NOT A PERMIT**



***BUSINESS LAID OVER***

SDAB-D-16-293	An appeal to change the Use of a General retail Store to a Major Alcohol Sales. <b><i>January 11, 2017</i></b>
SDAB-S-16-003	An appeal to create (1) additional rural residential lot <b><i>January 11, or 12, 2017</i></b>
SDAB-D-16-294	An appeal to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <b><i>January 18 or 19, 2017</i></b>
SDAB-D-16-295	An appeal to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <b><i>January 18 or 19, 2017</i></b>
SDAB-S-14-001	An appeal to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <b><i>January 25, 2017</i></b>
SDAB-D-16-144	An appeal to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <b><i>February 2017</i></b>

***APPEAL HEARINGS TO BE SCHEDULED***

231692613-001	An appeal to change the use of a Restaurant to a Pawn Store, a Secondhand Store and a Professional, Financial and Office Support Service, and to construct interior alterations. (Cash Canada) <b><i>January 4 or 5, 2017</i></b>
230469969-001	An appeal to install (1) freestanding Minor Digital Off-premises Sign (14.6m x 4.3m digital panel facing South, and static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920-101 Street, existing Freestanding Off-premises Signs on 2303 Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.) <b><i>January 26, 2017</i></b>
152674334-001	An appeal to construct an Auctioneering Establishments building and operate an Auctioneering Establishment on the entire Site (including existing storage building and shed), and demolish an existing storage building (Osman Auction Inc.) <b><i>February 22, 2017</i></b>