

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
December 9, 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-15-295

Erect an over height Fence (1.83m in Height) in the Side Yard abutting Lessard Drive and the Rear Yard

408 Lessard Drive NW
Project No.: 180042332-001

II 10:30 A.M. SDAB-D-15-296

Construct a Single Detached House with front attached Garage (6.04m x 8.38m), front veranda, rear uncovered deck (4.07m x 2.74m), fireplace and Basement development (NOT to be used as an additional Dwelling).

16544 - 133 Street NW

Project No.: 177925991-001

III 2:00 P.M. SDAB-D-15-294

Change the Use from Professional, Financial and Office Support Services to Child Care Services (max 94 children, 12 -12-18 months, 30 -19 Months-3yrs, 32 - 3yrs-4.5yrs, 20 - 4.5yr-7yrs) and to construct interior and exterior alterations (rooftop on-site outdoor playspace) (College Plaza, Childcare Facility)

8215 - 112 Street NW, 8440 - 112 Street NW
Project No.: 176775290-001

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-15-295

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

APPELLANT:

APPLICATION NO.: 180042332-001

ADDRESS OF APPELLANT: 390 Lessard Drive NW

APPLICATION TO: Erect an over height Fence (1.83m in Height) in the Side Yard abutting Lessard Drive and the Rear Yard

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 2, 2015

DATE OF APPEAL: November 24, 2015

NOTIFICATION PERIOD: November 10, 2015 through November 23, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 408 Lessard Drive NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 408 Lessard Drive NW

LEGAL DESCRIPTION: Plan 7722037 Blk 3 Lot 43

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:

This change does not take into account the integrity of the neighbourhood. [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 November 2, 2015. The Notice of Appeal Period started on November 10, 2015 and expired on November 23, 2015. The Notice of Appeal was filed on November 24, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 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 Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Variance: Height

The *Edmonton Zoning Bylaw* states:

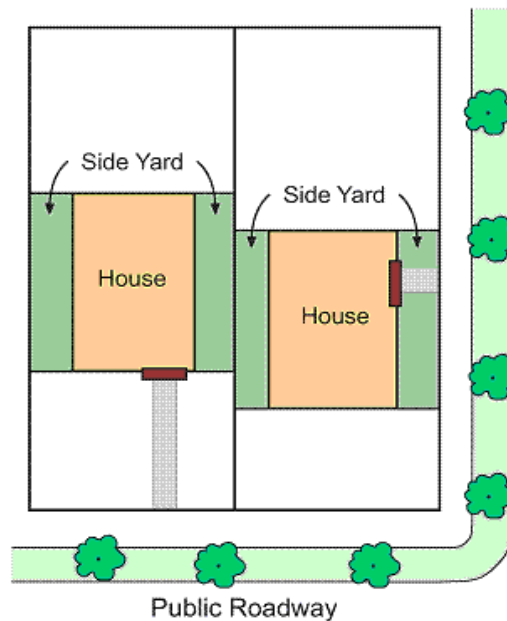
49. *Fences, Walls and Gates in Residential Zones*

...

1. A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.85 m in Height, measured from the general ground level 0.5 m back of the property line of the Site on which the fence, wall, or gate is to be constructed, for the portion of the fence, wall, or gate that does not extend beyond the foremost portion of the principal building abutting:
 - a. the Front Yard, or
 - b. Side Yard abutting a public roadway other than a Lane.

Section 6.1(91) states:

Side Yard means that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Section 49(6) states:

Notwithstanding Section 11.3 of this Bylaw, the Development Officer may vary the Height of the fence, wall, or gate to a maximum of 2.44 m

in order to provide additional screening from public roadways or incompatible adjacent land uses.

Development Officer's Determination

The Development Permit states, in part:

A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4... This Development Permit authorizes the development of an over height Fence (1.83m in Height) in the Side Yard abutting Lessard Drive and the Rear Yard.

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: **180042332-001**
Application Date: SEP 29, 2015
Printed: November 2, 2015 at 11:33 AM
Page: 1 of 2

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 ENID, MARKUS 	Property Address(es) and Legal Description(s) 408 - LESSARD DRIVE NW Plan 7722037 Blk 3 Lot 43 Specific Address(es) Suite: 408 - LESSARD DRIVE NW Entryway: 408 - LESSARD DRIVE NW Building: 408 - LESSARD DRIVE NW
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Scope of Permit
To erect an over height Fence (1.83m in Height) in the Side Yard abutting Lessard Drive and the Rear Yard.

Permit Details # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Fence 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: **180042332-001**
 Application Date: SEP 29, 2015
 Printed: November 2, 2015 at 11:33 AM
 Page: 2 of 2

Minor Development Permit

Subject to the Following Conditions

A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

This Development Permit authorizes the development of an over height Fence (1.83m in Height) in the Side Yard abutting Lessard Drive and the Rear Yard.

The fence shall be installed entirely on Private Property.

The fence shall not impede any sightlines for vehicular or pedestrian traffic.

The fence shall not exceed 1.83m in height as approved in this permit

The materials of the fence shall be similar to, or better than, the standard of surrounding development (Section 57.2)

Notes:

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. (Reference Section 5.2)

The City's Streets Development Control Bylaw requires an Encroachment Agreement for any unauthorized development within the road right-of-way or City property. Please ensure that the fence is constructed off the road Right-of-Way and City Property.

The applicant is advised to research the Land Title for this property and to be aware of any restrictions in any Restrictive Covenants registered against the legal title. This approval does not imply consent for any structure that does not meet the requirements of the Restrictive Covenant.

ATCO Conditions:

- 1) The improvement is constructed in such a manner that ground cover over the existing distribution gas line to your property will not be reduced.
- 2) ATCO Gas will not be responsible for any damage to the improvement on the utility right-of-way due to our construction or maintenance operations which may occur in the future.

Rights of Appeal

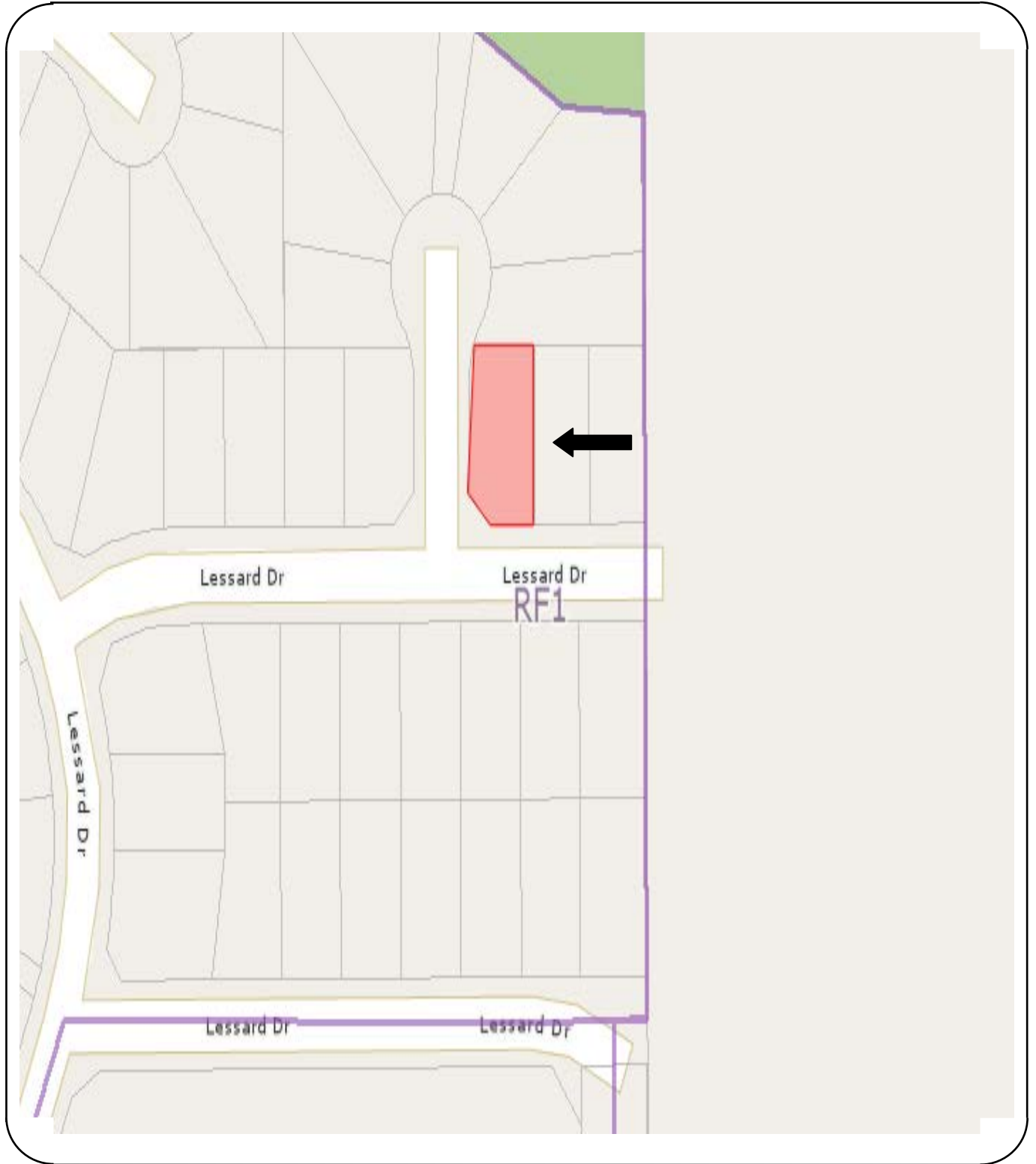
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 02, 2015 **Development Authority:** XIE, JASON **Signature:** _____
Notice Period Begins: Nov 10, 2015 **Ends:** Nov 23, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$161.00	\$161.00	02783709	Sep 29, 2015
DP Notification Fee	\$40.00	\$40.00	02783709	Sep 29, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$201.00	\$201.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-295



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-296

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

APPELLANT:

APPLICATION NO.: 177925991-001

ADDRESS OF APPELLANT: 16548 – 133 Street NW

APPLICATION TO: Construct a Single Detached House with front attached Garage (6.04m x 8.38m), front veranda, rear uncovered deck (4.07m x 2.74m), fireplace and Basement development (NOT to be used as an additional Dwelling).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 2, 2015

DATE OF APPEAL: November 23, 2015

NOTIFICATION PERIOD: November 2, 2015 through November 16, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 16544 - 133 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16544 - 133 Street NW

LEGAL DESCRIPTION: Plan 1320980 Blk 21 Lot 53

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Carlton Neighbourhood Structure Plan
Oxford Neighbourhood Structure Plan
Palisades Area Structure Plan

Grounds for Appeal

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

I am appealing the Reduced Side Setback of the neighbouring home. In addition to the foundation being 1.1m from the property line, there are alcoves protruding from the side of the home that decrease the distance from the property line to less than 1m. I am fearful that if that house were to catch fire my home would also burn to the ground. Additionally there are windows on that side of the home that will greatly affect privacy. My home can longer be seen from the road and when I look out the front window of my home, I see the side of the neighbouring home as it is so close to my home and set so far forward on the lot. [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 November 2, 2015. The Notice of Appeal Period started on November 10, 2015 and expired on November 23, 2015. The Notice of Appeal was filed on November 23, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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

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

Under Section 115.2(4), **Single Detached Housing** is a **Permitted Use** under the RSL Residential Small Lot Zone.

Section 7.2(9) states:

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.

Variance: Side Setback

The *Edmonton Zoning Bylaw* states:

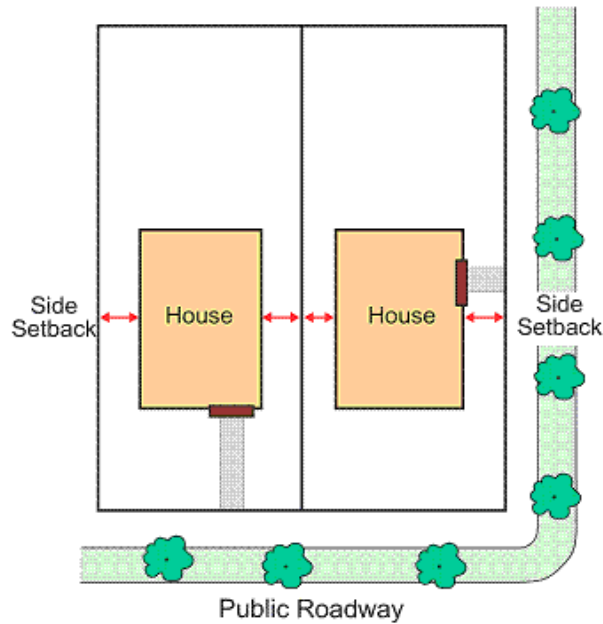
115.4 Development Regulations for Permitted and Discretionary Uses

...

8. Side Setbacks shall be established on the following basis:
 - a. The Side Setback shall be a minimum of 1.2 m;
 - b. on a corner Site where the building fronts on the Front Yard, the minimum Side Setback abutting the flanking public roadway other than a Lane shall be 20% of the Site Width, to a maximum of 4.5 m; and
 - c. on a corner Site where the building fronts on a flanking public roadway other than a Lane, the minimum Side Setback abutting the flanking public roadway shall be 4.5 m.

Section 6.1(90) states:

Side Setback means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.





Development Officer's Determination

Reduced Side Setback - The distance from the house to the property line shared with 16548 - 133 Street NW (side lot line) is 1.1m instead of 1.2m. (Section 115.4.7(a)). [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. 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: 177925991-001 Application Date: AUG 20, 2015 Printed: December 4, 2015 at 3:14 PM Page: 1 of 5		
<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			
Applicant VIVID 1 CONCEPTS LTD O/A VIVID HOMES 	Property Address(es) and Legal Description(s) 16544 - 133 STREET NW Plan 1320980 Blk 21 Lot 53 Location(s) of Work Entryway: 16544 - 133 STREET NW Building: 16544 - 133 STREET NW		
Scope of Permit To construct a Single Detached House with front attached Garage (6.04m x 8.38m), front veranda, rear uncovered deck (4.07m x 2.74m), fireplace and Basement development (NOT to be used as an additional Dwelling).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 1481 Class of Permit: Class B Front Yard (m): 5.64 Rear Yard (m): 10.47 Side Yard, left (m): 1.22 Site Area (sq. m.): 503.49 Site Width (m): 14.17 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 8.45 Dwelling Type: Single Detached House Home Design Type: split-level Secondary Suite Included?: N Side Yard, right (m): 1.14 Site Depth (m): 34.25 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Affected Floor Area (sq. ft.): 1481 Class of Permit: Class B Front Yard (m): 5.64 Rear Yard (m): 10.47 Side Yard, left (m): 1.22 Site Area (sq. m.): 503.49 Site Width (m): 14.17	Building Height to Midpoint (m): 8.45 Dwelling Type: Single Detached House Home Design Type: split-level Secondary Suite Included?: N Side Yard, right (m): 1.14 Site Depth (m): 34.25 Stat. Plan Overlay/Annex Area: (none)
Affected Floor Area (sq. ft.): 1481 Class of Permit: Class B Front Yard (m): 5.64 Rear Yard (m): 10.47 Side Yard, left (m): 1.22 Site Area (sq. m.): 503.49 Site Width (m): 14.17	Building Height to Midpoint (m): 8.45 Dwelling Type: Single Detached House Home Design Type: split-level Secondary Suite Included?: N Side Yard, right (m): 1.14 Site Depth (m): 34.25 Stat. Plan Overlay/Annex Area: (none)		
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: **177925991-001**
 Application Date: AUG 20, 2015
 Printed: December 4, 2015 at 3:14 PM
 Page: 2 of 5

Application for House Development and Building Permit

Subject to the Following Conditions

A variance was granted to this Development. Subject to the right of appeal, the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

This Development Permit authorizes the development of a Single Detached House with a front attached Garage (6.04m x 8.38m), front veranda, rear uncovered deck (4.07m x 2.74m), fireplace and Basement development (NOT to be used as an additional Dwelling). The development shall be constructed in accordance with the stamped and approved drawings.

1. The height of the principal building shall not exceed 10.00 m nor as per the height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.
2. The proposed Basement development shall not be used as an additional Dwelling unit. An additional Dwelling shall require both a new development permit and building permit application.
3. Proposed wetbar shall only be used by the household which uses the principal kitchen on the main floor.
4. The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.
5. All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).
6. Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.
7. Due to the roll face curb construction at this property, there are no requirements for a separate curb crossing permit under Section 1210 and 1211 of Traffic Bylaw No. 5590. Approval is given for the access under this Development Permit
8. Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

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 driveway access must maintain a minimum clearance of 1.5m from the service pedestal and all other surface utilities.
3. Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals
4. Any future deck enclosure or cover requires a separate development and building permit approval.
5. 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.
6. Household means:
 - i) One or more persons related by blood, adoption, foster care, marriage relationship;
 - ii) Or a maximum of three unrelated persons;
 - iii) All living together as a single social and economic housekeeping group and using cooking facilities shared in common.

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



Project Number: 177925991-001
Application Date: AUG 20, 2015
Printed: December 4, 2015 at 3:14 PM
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Application for House Development and Building Permit

7. For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.

8. This development permit shall be revoked if the conditions of this permit are not met.

9. A Building Permit is required for any construction or change in use of a building. For a Building Permit, and prior to the Plans Examinations review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further details.

10. The applicant is advised to research the Land Title for this property and to be aware of any restrictions in the Restrictive Covenant. This approval does not imply consent for any structure that does not meet the requirements of the Restrictive Covenant.

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

Variances

Reduced Side Setback - The distance from the house to the property line shared with 16548 - 133 Street NW (side lot line) is 1.1m instead of 1.2m. (Section 115.4.7(a)).

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 02, 2015 **Development Authority:** LAI, ECHO

Signature: _____

Notice Period Begins: Nov 10, 2015

Ends: Nov 23, 2015

Building Permit Decision

Issued

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



Project Number: 177925991-001
Application Date: AUG 20, 2015
Printed: December 4, 2015 at 3:14 PM
Page: 4 of 5

Application for House Development and Building Permit

Conditions of Issuance

Plan Examiner: Doug Kliparchuk

Engineered Roof System supplied by: Northland Building Supplies
Engineered Floor System supplied by: Northland Building Supplies
Columns by: Stemco
Metal Railings by: Steelnova/Quilimet
Exterior Stone Cladding approved by: XXXXXXXXX
Northland Building Supplies
FSR Sheathing: Fire Boss 101

Permit issued subject to all notations on the stamped plans.

Secure rear door with guard, or install access steps/landing complete guard/handrails.

Basement development requires a separate permit.

The base of all footings to be a minimum of 4 feet below grade for frost protection.
Any combustible projections within 1.2m (4ft) to property line shall be protected as per ABC 2006 9.10.15.5.
An interconnected smoke alarm is required on all levels Per Article 9.10.19.2 of the Alberta Building Code 2006
A Carbon Monoxide Detector, as per ABC 2006 9.32.3.9. is required, on every Floor level containing a Bed room.
Insulation and vapour barrier shall be protected when laundry or utility equipment is located within 1200mm (4ft).
Landing required in attached garage as per ABC 2006, stated in Division B Article 9.8.6.2
Sump pit to be located at lowest point of weeping tile system.
Sulphate-resistant HS (formerly Type 50) 32 MPa concrete shall be used for any footing, foundation wall, pile or grade beam.
Required flashings to be provided at all substrate changes as per ABC 2006, stated in Division B Article 9.27 (at doors, windows, foundations, architectural features, etc.)
If a 2 Pipe Direct Vent Appliance is used, Label Stating: date of balancing, CFM and Company/Person who completed balancing, is required.
(If 2 pipe system is NOT installed, then Make up Air requirements must be met, as stated in 2006 ABC, Division B Article 9.32, and system requires Labeling stating the same information as above.)
Subsurface water collected by the private foundation drainage system, must be discharged by pumping or by gravity, via a sewer service to the foundation drain sewer or the storm sewer where provided. For sewer service information please contact the Drainage Branch at 496-5444.
Roofleaders must not be connected to the foundation drain sewer; they can only be connected to the storm sewer.

Stamped approved Drawings to be at construction site at the time of Inspection for review by Field Inspector.

Call 311 for required inspections or if outside of Edmonton, phone 780 442-5311 for Inspection. Final inspection must be called for PRIOR TO OCCUPANCY.

Due to variable work volumes the City of Edmonton may adjust inspection request schedules as necessary.
Please allow 2 to 5 working days in your construction schedule for inspection performance past the requested date.

Issue Date: Oct 15, 2015 **Safety Codes Officer:** KLIPARCHUK, DOUG

Signature: _____

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



Project Number: **177925991-001**
 Application Date: AUG 20, 2015
 Printed: December 4, 2015 at 3:14 PM
 Page: 5 of 5

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
re-examination of drawings after permit was issued	\$240.00			
Sanitary Sewer Trunk Refund	\$633.00			
Framing without a building permit	\$1,467.00	\$1,467.00	02819011	Oct 14, 2015
Electrical Fee (Service)	\$75.00	\$75.00	02684868	Aug 20, 2015
Lot Grading Fee	\$135.00	\$135.00	02684868	Aug 20, 2015
Safety Codes Fee	\$58.88	\$58.88	02684868	Aug 20, 2015
Sanitary Sewer Trunk Fund	\$1,430.00	\$1,430.00	02684868	Aug 20, 2015
Electrical Safety Codes Fee	\$14.46	\$14.46	02684868	Aug 20, 2015
Water Usage Fee	\$39.93	\$39.93	02684868	Aug 20, 2015
Building Permit Fee	\$1,467.00	\$1,467.00	02684868	Aug 20, 2015
Electrical Fees (House)	\$249.00	\$249.00	02684868	Aug 20, 2015
Sec Suite SSTC Fee	\$0.00	\$633.00	02684868	Aug 20, 2015
DP Notification Fee	\$100.00			
Poured foundation before Dev approval	\$0.00			
Sanitary Sewer Single/Duplex Refund	(\$633.00)			
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,276.07	\$5,569.07		
(overpaid by \$293.00)				

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-296



ITEM III: 2:00 P.M.

FILE: SDAB-D-15-294

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

APPELLANT:

APPLICATION NO.: 176775290-001

ADDRESS OF APPELLANT: 8440 - 112 Street NW

APPLICATION TO: Change the Use from Professional, Financial and Office Support Services to Child Care Services (max 94 children, 12 - 12-18 months, 30 -19 Months-3yrs, 32 - 3yrs-4.5yrs, 20 - 4.5yr-7yrs) and to construct interior and exterior alterations (rooftop on-site outdoor playspace) (College Plaza, Childcare Facility)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: October 28, 2015

DATE OF APPEAL: November 16, 2015

NOTIFICATION PERIOD: November 3, 2015 through November 16, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 8440 - 112 Street NW
8215 - 112 STREET NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8215 - 112 Street NW
8440 - 112 Street NW

LEGAL DESCRIPTION: Plan 5384RS Blk 158 Lot 1A
844Plan 9826528 Lot 6

ZONE: DC2 Site Specific Development Control Provision (DC2.732)

OVERLAY: Mature Neighbourhood Overlay
Medium Scale Residential Infill Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

<i>Grounds for Appeal</i>

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

Alberta Health Services (AHS) is submitting a conditional appeal re: 176775290-001.

The reason for the appeal is that AHS operates an approved Heliport at the Mazankowski Alberta Heart Institute (MAHI). The MAHI is directly across the road (112 Street NW) from 8215 - 112 Street NW (the "Subject Property" in Development Permit 176775290-001).

The development permit approved the development of a rooftop on-site outdoor playspace on the mezzanine level on the second floor. The airspace directly above the Subject Property is within the area approved by Transport Canada for approaching helicopters to hover taxi before landing. This area is known as the Transitional Surface. Pilots will use this area to situate their aircraft and adjust their approach depending on the wind. In addition, the Subject Property is approximately 10 - 20 m east of the flight path for helicopters approaching from or departing towards the south. The local air circulation (wind) caused by a helicopter's spinning rotors can be felt if walking along 112 Avenue. The proposed rooftop on-site outdoor playspace will be above ground level and will be felt on the playground.

AHS has determined that a potential safety concern exists, with the proximity of the approved flight paths and transitional surface area for the MAHI Heliport, to the proposed rooftop on-site outdoor playspace at the College Plaza, Childcare Facility. AHS has asked Transport Canada to complete a site inspection of the area to determine if AHS should appeal the development permit.

The notice for this development permit was sent out on October 29, 2015, but it was not received until several days after. The deadline for submitting an appeal is November 16, 2015. Transport Canada was not able to complete an inspection of the site in the timeframe provided, but will be completing an inspection during the week of November 16 - 20, 2015. As such, the conditional nature of this appeal is that it will be dependent on Transport Canada's findings. AHS will withdraw the appeal if Transport Canada's inspection does not recommend AHS appeal the permit. AHS will proceed with the appeal if Transport Canada's inspection identifies a concern that will impact the safe operation of the MAHI Heliport. [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 November 3, 2015 and expired on November 16, 2015. The Notice of Appeal was filed on November 16, 2015.

Direct Control Zones

Section 641(4)(b) of the *Municipal Government Act* states:

Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

(a) ...

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the *Edmonton Zoning Bylaw*:

Section DC2.732.1 states the **General Purpose** of DC2.732:

To accommodate an existing high density mixed use commercial and residential development that is designed to provide a pedestrian oriented retail environment on 82 Avenue and 112 Street and maintain the character of the adjacent Garneau community and University lands.

Under Section DC2.732.3(dd), **Child Care Services** is a Listed Use under DC2.732.

Section 7.8(2) states:

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

Development Officer's Decision

Board Officer Comments:

The Development Officer approved the development application subject to standard advisements and disclaimers. No variances or conditions were required.

Section 720.3(3) of the *Edmonton Zoning Bylaw* states:

All Regulations in the Zoning Bylaw shall apply to development in the Direct Control Provision, unless such Regulations are specifically excluded or modified in a Direct Control Provision.

Section 80 provides for Child Care Services regulations as follows:

A Child Care Service shall comply with the following regulations:

...

4. the Development Officer shall, when deciding whether to approve or refuse a Child Care Service in a Commercial Zone, take into account, among other matters, traffic, noise and proximity to hazardous uses to ensure the proposed Child Care Service is in a safe location;

...

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

- a. noisy, noxious or hazardous adjacent Uses such as, but not limited to, loading/unloading areas, garbage bins, large parking

- lots, arterial roads, passenger drop-off areas, rail lines, Light Rail Transit lines or stormwater lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means;
- b. outdoor play space shall be located at ground level. *If no reasonable opportunity exists for at Grade outdoor play space, the Development Officer may approve an above Grade outdoor play space provided that the following conditions are met:*
 - i. *secure perimeter fencing is provided that is at least 1.83 m in height and is located a reasonable distance from the edge of the building;*
 - ii. *roof top mechanical equipment is located a reasonable distance away from the play space to avoid sources of noise and fumes unless the mechanical equipment is designed so that it does not create adverse effects related to noise and fumes and can be integrated into the play area; [emphasis added]*
 - c. outdoor play space shall be securely enclosed on all sides with the exception of developments proposed on zoned Sites US and AP where existing play fields are proposed as outdoor play space;
 - d. in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment;
 - e. in any Non-residential Zone, the outdoor play space shall not be located in any Yard that abuts a public roadway unless the design, size and other characteristics of the proposed play space mitigate the potential impact from the roadway traffic upon children using the play space...

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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 Application Date: JUL 30, 2015
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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.

<p>Applicant</p> <p>EARLY LEARNING CHILDCARE INC </p>	<p>Property Address(es) and Legal Description(s)</p> <p>8215 - 112 STREET NW Plan 5384RS Blk 158 Lot 1A</p> <hr/> <p>Specific Address(es)</p> <p>Suite: 202, 8215 - 112 STREET NW Entryway: 8215 - 112 STREET NW Building: 8207 - 112 STREET NW</p>
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Scope of Permit

To change the Use from Professional, Financial and Office Support Services to Child Care Services (max 94 children, 12 -12-18 months, 30 -19 Months-3yrs, 32 - 3yrs-4.5yrs, 20 - 4.5yr-7yrs) and to construct interior and exterior alterations (rooftop on-site outdoor playspace) (College Plaza, Childcare Facility)

Permit Details

Class of Permit: Class B Gross Floor Area (sq.m.): 511 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 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.



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Major Development Permit

Subject to the Following Conditions

Fire Rescue Services Advise:

1. Partial Occupancy Conditions as per AFC 5.6.1.14. For additional information please see: Occupancy of Buildings Under Construction STANDATA ? http://www.municipalaffairs.alberta.ca/documents/ss/STANDATA/building/bcb/06BCB_002.pdf
 Reference: 5.6.1.14. Fire Separations in Partly Occupied Buildings 1) Where part of a building continues to be occupied, the occupied part shall be separated from the part being demolished or constructed by a fire separation having a fire-resistance rating of not less than 1 h.

2. Ensure that the fire alarm and sprinkler system are integrated with existing systems, if any.

3. Ensure that a Fire Safety Plan is prepared for this project. A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued. If you have any questions at this time, please contact Captain Bruce Taylor at cmsfpts@edmonton.ca. For additional information please see: Fire Safety Plan STANDATA - <http://www.municipalaffairs.alberta.ca/documents/ss/standata/fire/fci/fci-09-03.pdf>

Conditions:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$100.00.

2. Exterior lighting shall not extend beyond the boundaries of the site. Reference Section DC2.732.5(a)(vi)

3. Ten on-site drop-off spaces shall be provided in accordance with Section 80(6).

4. Secure perimeter fencing is provided that is at least 1.83 m in height and is located a reasonable distance from the edge of the building; roof top mechanical equipment is located a reasonable distance away from the play space to avoid sources of noise and fumes unless the mechanical equipment is designed so that it does not create adverse effects related to noise and fumes and can be integrated into the play area. Reference Section 80(8)(b)(i)(ii)

5. Outdoor play space shall be securely enclosed on all sides. Reference Section 80(8)(c)

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

7. 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

8. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. Reference Section 54.1(1) (c)

9. Parking spaces for the disabled shall be provided in accordance with the Alberta Building Code in effect at the time of the Development Permit application, for which no discretion exists and be identified as parking spaces for the disabled through the use of appropriate signage, in accordance with Provincial standards. Reference Section 54.1(3)

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

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

NOTES:

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

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



Project Number: **176775290-001**
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Major Development Permit

a. Signs require separate Development Applications.

b. 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.

c. 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).

d. 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.

e. 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.

f. This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

Rights of Appeal

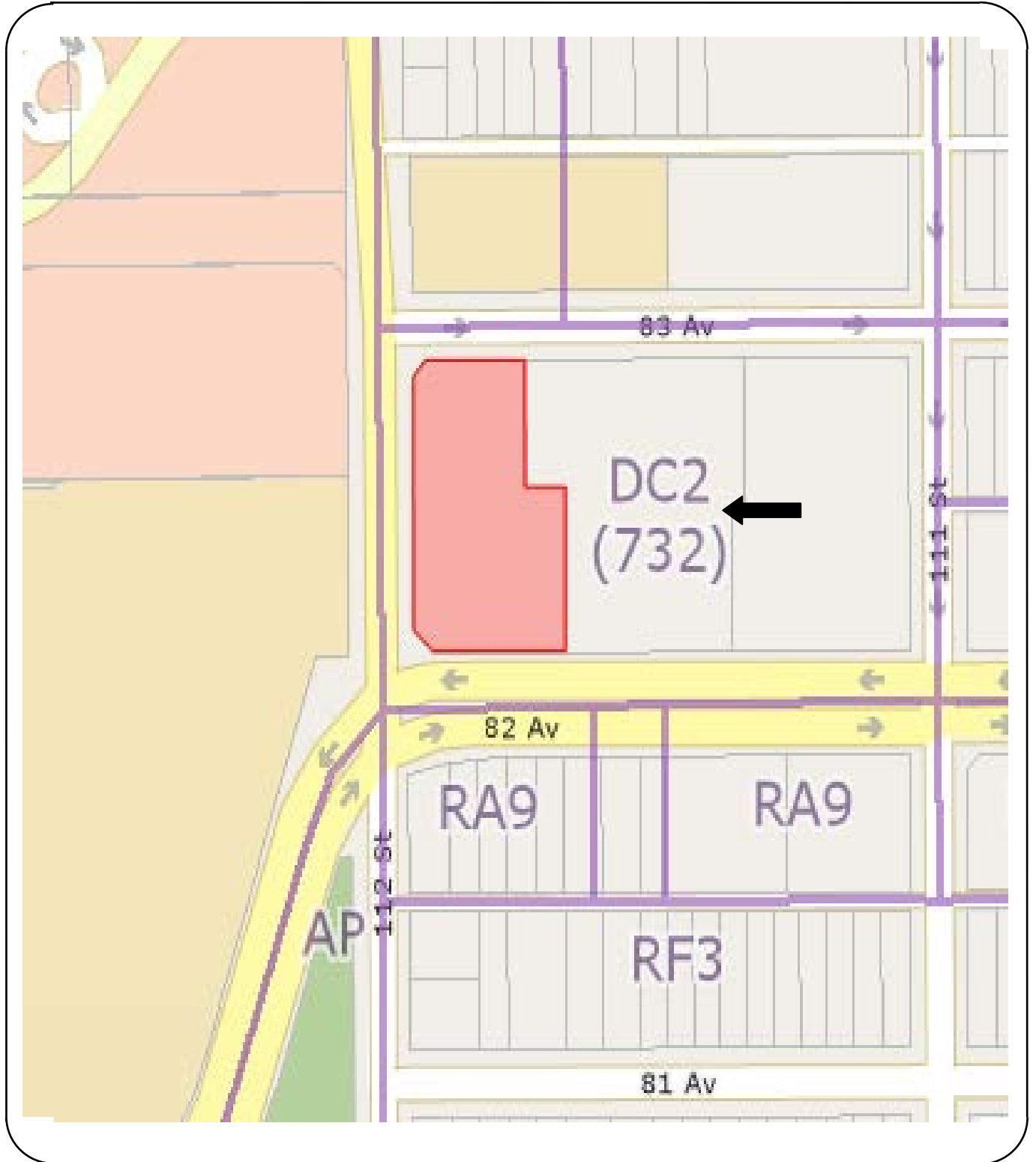
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Oct 28, 2015 **Development Authority:** PEACOCK, ERICA **Signature:** _____
Notice Period Begins: Nov 03, 2015 **Ends:** Nov 16, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00	\$100.00	02867169	Nov 02, 2015
Major Dev. Application Fee	\$379.00	\$379.00	02830323	Jul 30, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$479.00	\$479.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-294



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.) December 16, 2015
174864823-001	An appeal to convert a Single Detached House into a Limited Group Home (6 Residents). December 10, 2015
163727651-001	An appeal to operate a Temporary Non-Accessory Parking Lot for two years (December 2015 to December 2017) January 6 or 7, 2016
176013858-001	An appeal 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) January 13 or 14, 2016
171838918-001	An appeal to install one Minor Digital Off-premises Sign (Icewerx). January 13 or 14, 2016
159269966-003	An appeal to construct an exterior alteration to an existing Single Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). January 21, 2016