

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
February 14, 2018

Hearing Room No. River Valley Room
City Hall, 1 Sir Winston
Churchill Square NW,
Edmonton, AB

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RIVER VALLEY ROOM**

I 9:00 A.M. SDAB-D-18-028 Revise the design of (2) existing Freestanding
On-premises Signs (Terra Losa Corner)
17703 - 98A Avenue NW
Project No.: 262017320-001

II 10:30 A.M. SDAB-D-18-029 Construct a rear uncovered deck (two tiered,
upper 3.35m x 3.35m @ 1.45m in Height, lower
3.35m x 2.20m @ 1.04m in Height), existing
without permits
9554 - 76 Avenue NW
Project No.: 264238751-002

WITHDRAWN

TO BE RAISED

III 1:30 P.M. SDAB-D-18-014 Change the Use from Household Repair
Services to Religious Assembly (Minor) and to
construct interior alterations
4819 - 118 Avenue NW
Project No.: 265542821-001

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-18-028

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 262017320-001

APPLICATION TO: Revise the design of (2) existing Freestanding On-premises Signs (Terra Losa Corner)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 10, 2018

DATE OF APPEAL: January 17, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17703 - 98A Avenue NW

LEGAL DESCRIPTION: Plan 9021691 Blk 5 Lot 1

ZONE: DC2.133 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

The proposed changes to two existing freestanding signs are to upgrade the look and make them more aesthetically pleasing. The existing south elevation sign was approved by a development permit and the north elevation sign was approved by the SDAB. The changes submitted are minor and should be permitted based on previous approvals in the past and the fact that they do not pose a public distraction or nuisance.

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.

685(4) Despite subsections (1), (2) and (3), 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.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

- 2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

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

General Provisions from DC2.133 Site Specific Development Control Provision:

Section DC2.133.4.i states:

Signs shall be allowed in this District as provided for in Schedule 79D of the Land Use Bylaw, and in accordance with the general provisions of Sections 79.1 to 79.9 inclusive of the Land Use Bylaw, as well as the Terra Losa Land Use and Development Restrictive Covenant Caveat Schedule and the Terra Losa Site Design, Landscape and Architectural Guidelines.

Section DC2.133.1 states that the **General Purpose** of the **DC2.133 Site Specific Development Control Provision** is:

To establish a Site Specific Development Control District to accommodate convenience commercial uses and a limited range of general business uses such that by limiting the range of specific land uses and developing sensitive site development criteria the development will be compatible with the Terra Losa Site Design, Landscape and

Architectural Guidelines and the Terra Losa Land Use and Development Restrictive Covenant Caveat Schedule, as amended, being part of Bylaw 6616.

General Provisions from the *Edmonton Land Use Bylaw 5996*

Under section 9.1(2), **Accessory** means “when used to describe a use or building, a use or building naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.”

Under section 9.2(14), **Freestanding Sign** means “Freestanding Sign means any sign supported independently of a building and permanently fixed to the ground.”

Under section 9.2(25), **On-premise Sign** means “a sign identifying or advertising a business, activity, service or product located on the premises where the sign is erected. On-premise Signs includes signs erected on a site to provide warning or direction to persons entering upon the site.”

Height

Schedule 79D.1(2)(1)(c) states “the maximum Height of a Freestanding Sign shall be 8 m (26.2 ft.) for a business premise or multiple occupancy business development having frontage of at least 30 m (98.4 ft).”

Under section 9.2(17), **Height (sign)** means “the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.”

Development Officer’s Determination

1. The maximum Height of a Freestanding Sign shall be 8m (26.2 ft.) (Reference Section 79D.2(c) - 1987 - Edmonton land use bylaw_bylaw 5996).

North Sign
Required Height: 8.0m (26.2 ft.)
Proposed Height: 8.8m (28.8 ft.)
Exceeds by 0.8m (2.6 ft.)
[unedited]

Sign Coordination on Multiple Occupancy Business Developments

Section 79.7(12)(c) states “not more than four businesses may be identified on a Freestanding Sign, except that in the case of a multi-faced Sign, four businesses may be identified on each face, to a total of sixteen businesses.”

Development Officer's Determination

2. Not more than four businesses may be identified on a free-standing sign (Reference Section 79.12(c) - 1987 - Edmonton land use bylaw_bylaw 5996).

North Sign

Allowed businesses Identified: 4

Proposed businesses Identified: 8

Exceeds by 4 businesses

South Sign

Allowed businesses Identified: 4

Proposed businesses Identified: 5

Exceeds by 1 business

[unedited]

Sign Area

Section 79.7(8)(d) states:

The allowable Sign area for a Freestanding Sign shall be 0.3 m² (3.2 sq. ft.) for each lineal metre (3.3 ft.) of the frontage where the Sign is to be erected, subject to the maximum Sign area for Freestanding Signs specified in the Sign Schedule applicable to the site. Where more than one Freestanding Sign is to be erected along the same frontage, the combined area of all Freestanding Signs shall not exceed the maximum area allowed by the ratio of this Clause.

Schedule 79D.2(d) states "the maximum area of a Freestanding Sign shall be 20 m² (215.3 sq. ft.)."

Development Officer's Determination

3. The allowable sign area for a freestanding sign shall be 0.36m² (3.2 sq. ft.) for each lineal meter (3.3ft) of the frontage where the sign is to be erected. Where more than one freestanding sign is to be erected along the same frontage, the combined area of all freestanding signs shall not exceed the maximum area allowed by the ratio of the clause (Reference Section 79.8(e) - 1987 - Edmonton land use bylaw_bylaw 5996).

Required sign area: 32.2 m²

Proposed sign area: 44.5 m²

Exceeds by: 12.3 m²


[unedited]

<i>Previous Subdivision and Development Appeal Board Decision</i>
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Application Number	Description	Decision
SDAB-D-99-047	Remove a rotating freestanding business identification sign and construct a freestanding business identification sign. (Terra Losa Corners)	March 12, 1999; "that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the applicable sign regulations be waived."

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: 262017320-001 Application Date: SEP 13, 2017 Printed: January 17, 2018 at 11:51 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 17703 - 98A AVENUE NW Plan 9021691 Blk 5 Lot 1
Scope of Application To revise the design of (2) existing Freestanding On-premises Signs (Terra Losa Corner).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 11000	Class of Permit: Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 1 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 1 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
THIS IS NOT A PERMIT	



Project Number: **262017320-001**
 Application Date: SEP 13, 2017
 Printed: January 17, 2018 at 11:51 AM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1. The maximum Height of a Freestanding Sign shall be 8m (26.2 ft.) (Reference Section 79D.2(c) - 1987 - Edmonton land use bylaw_bylaw 5996).

North Sign
 Required Height: 8.0m (26.2 ft.)
 Proposed Height: 8.8m (28.8 ft.)
 Exceeds by 0.8m (2.6 ft.)

2. Not more than four businesses may be identified on a free-standing sign (Reference Section 79.12(c) - 1987 - Edmonton land use bylaw_bylaw 5996).

North Sign
 Allowed businesses Identified: 4
 Proposed businesses Identified: 8
 Exceeds by 4 businesses

South Sign
 Allowed businesses Identified: 4
 Proposed businesses Identified: 5
 Exceeds by 1 business

3. The allowable sign area for a freestanding sign shall be 0.36m² (3.2 sq. ft.) for each lineal meter (3.3ft) of the frontage where the sign is to be erected. Where more than one freestanding sign is to be erected along the same frontage, the combined area of all freestanding signs shall not exceed the maximum area allowed by the ratio of the clause (Reference Section 79.8(e) - 1987 - Edmonton land use bylaw_bylaw 5996).

Required sign area: 32.2 m²
 Proposed sign area: 44.5 m²
 Exceeds by: 12.3 m²

Rights of Appeal

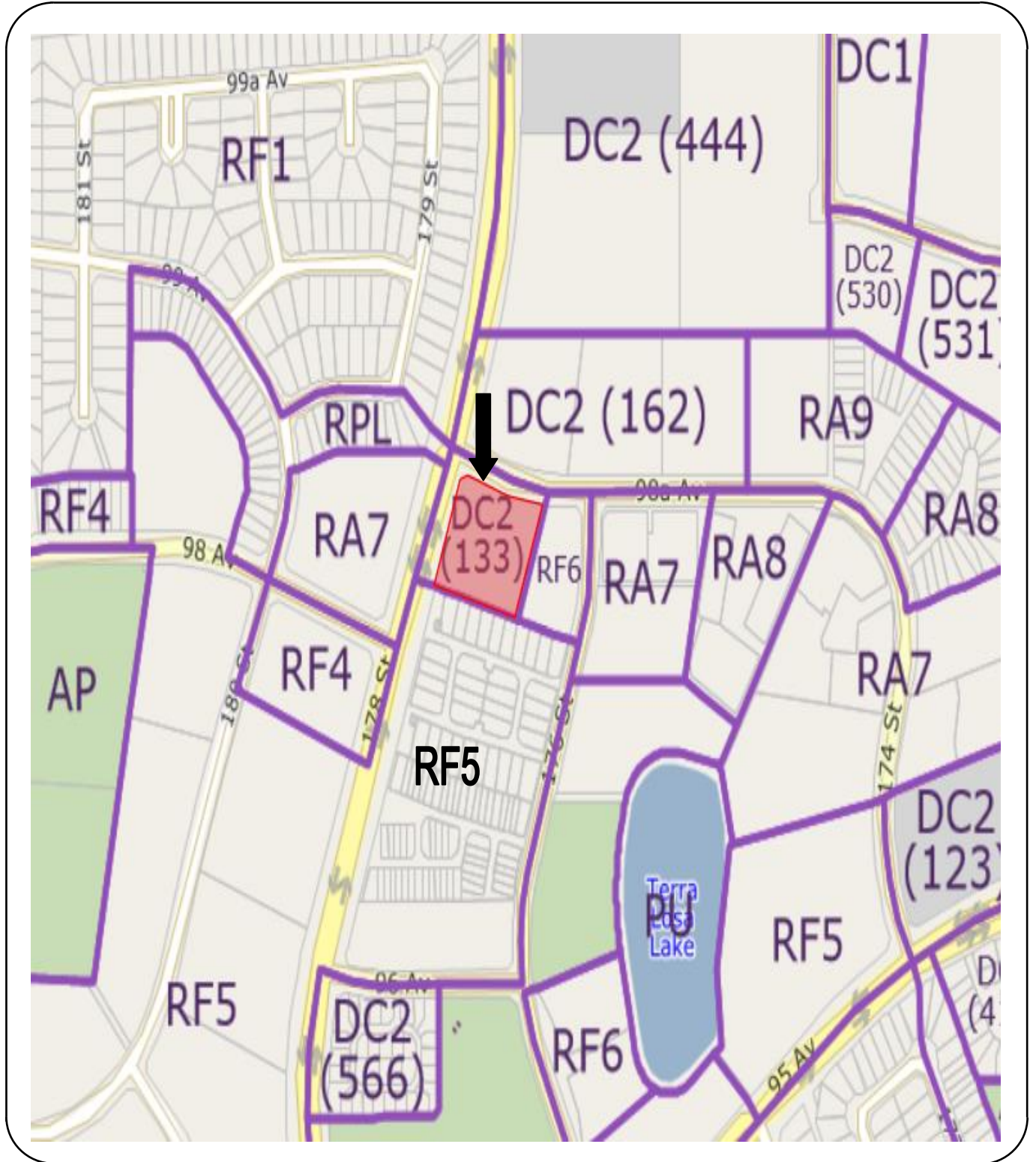
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jan 10, 2018 **Development Authority:** MERCIER, KELSEY **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Building Permit Fee	\$152.00	\$152.00	04451036	Sep 13, 2017
Sign Development Application Fee	\$363.00	\$363.00	04451036	Sep 13, 2017
Safety Codes Fee	\$6.00	\$6.00	04451036	Sep 13, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$521.00	\$521.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-028



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-029

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 264238751-002

APPLICATION TO: Construct a rear uncovered deck (two tiered, upper 3.35m x 3.35m @ 1.45m in Height, lower 3.35m x 2.20m @ 1.04m in Height), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 3, 2018

DATE OF APPEAL: January 23, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9554 - 76 Avenue NW

LEGAL DESCRIPTION: Plan 4729S Blk 5 Lot 6

ZONE: (CNC) Neighbourhood Convenience Commercial Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Ritchie Neighbourhood Improvement Plan / Area Redevelopment Plan

WITHDRAWN

TO BE RAISED
ITEM III: 1:30 P.M.

FILE: SDAB-D-18-014

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 265542821-001

APPLICATION TO: Change the Use from Household Repair Services to Religious Assembly (Minor) and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 14, 2017

DATE OF APPEAL: December 23, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4819 - 118 Avenue NW

LEGAL DESCRIPTION: Plan 7242AH Blk 1 Lots 15-16

ZONE: (CB2) General Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We would like to appeal the development refusal due to mitigating circumstances we have to address each of the points highlighted in the refusal document. Thank you

General Matters

Appeal Information:

The Subdivision and Development Appeal Board at a hearing on January 25, 2018, made and passed the following motion:

“That SDAB-D-18-014 be TABLED to February 14 or 15, 2018 (after 12:00 p.m.)”

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,

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

Hearing and Decision

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

...

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

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

...

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

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

- (i) the proposed development would not

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

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

and

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

Non-conforming use and non-conforming buildings

643(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 340.3(29), a **Religious Assembly** is a **Discretionary Use** in the **(CB2) General Business 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 does not include Private Education Services, Public Education Services, and Commercial Schools, even as Accessory Uses.

Section 340.1 states that the **General Purpose** of the **(CB2) General Business Zone** is “to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.”

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

<p><i>Religious Assembly Special Provisions</i></p>

Frontage

Section 71.1 states “the minimum Frontage shall be 30.0 m and the minimum Site area shall be 930 m².”

Under section 6.1(42), **Frontage** means:

where used with reference to residential development, the lineal distance measured along the Front Lot Line; and where used with reference to non-residential development, the length of the property line of any side of a separate development which is parallel to, and abuts, a public roadway, not including a Lane, which is directly accessible from the development. The Frontage of an individual premises in a multiple occupancy development shall be considered as the total width of the bays occupied by that premises which have exposure parallel to any Frontage of the multiple occupancy development.

Development Officer’s Determination

PROPOSED:
15.24m frontage, deficient by: 14.76m
557.42 sq.m. site area, deficient by: 372.58 sq.m.

Site Coverage

Section 71.3(b) states:

where the a Religious Assembly is to be developed on a Site that is within 60.0 m of a Site zoned to allow a Single Detached Dwelling as a Permitted Use, the following regulations shall apply:

- b. the maximum total Site Coverage shall not exceed 40%.

Under section 6.1(102), **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade.

Development Officer's Determination

PROPOSED:
Site Area: 557.42 sq.m.
40% = 222.97 sq.m.
Floor Area (Assessment data): 369.42 sq.m. = 66.3%
Exceeds by: 146.45 sq.m. (22.3%)

Vehicular Access

Section 71.3(f) states:

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

PROPOSED: The rear parking lot consisting of 10 parking spaces is accessed from a lane abutting RF3-zoned properties, which allow Single Detached Dwellings as a Permitted Use, contrary to Section 71.3(f).

Required Off-street Vehicular Accessory Parking

Section 819.3(11) of the Main Streets Overlay states “The minimum number of off-street parking spaces required shall be in accordance with Section 54, Schedule 1C.”

Section 54.2, Schedule 1(C)(7) provides the following:

Use of Building or Site	Minimum or Maximum Number of Parking Spaces Required
All other non-residential Uses	1 parking space per <u>100.0 m²</u> of Floor Area

Section 54.2(4)(a) states:

All required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and shall conform to the following minimum dimensions:

- i. except as provided below, each required off-street parking space shall be a minimum of 2.6 m width with a minimum clear length of 5.5 m exclusive of access drives or aisles, ramps, columns. Parking spaces shall have a vertical clearance of at least 2.0 m. For parallel parking, the length of the parking spaces shall be increased to 7.0 m, except that an end space with an open end shall be a minimum length of 5.5 m.

- ii. expanded parking spaces shall be a minimum of 2.9 m in width and 5.5 m in length, and shall be painted with double line markings;
- iii. for parking spaces other than parallel parking spaces, up to 30% of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.6 m. Such spaces shall be clearly signed as small car spaces, easily located and convenient to use;
- iv. where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3.0 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m.
- v. where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.0 m.
- vi. aisles shall be a minimum of 7.0 m wide for 90° parking, 5.5 m wide for 60° parking, and 3.6 m wide for 45° parking and parallel parking;
- vii. disabled parking spaces shall:
 - a. be a minimum of 2.4 m in width;
 - b. be a minimum of 5.5 m in length;
 - c. be located adjacent to a 2.4 m wide access aisle where no parking shall be allowed and which shall be marked to indicate no parking is permitted; and
 - d. be located adjoining to or near to a barrier free path of travel leading to a barrier free entrance.
- viii. where parking spaces are located with access directly off a Lane, the required width of the aisle may be reduced by the width of the Lane, but the entire parking space must be provided on the site.

Development Officer's Determination

Note: Although the parking lot is existing in nature, the Development Officer notes that the parking spaces in the rear of the site would not meet the current minimum parking space size in Section 54.2(4) of the Zoning Bylaw.

Based on the current requirements, 6 parking spaces can be accommodated in the rear of the site.

Off-street Vehicular Loading Facilities

Section 54.4, Schedule 3 provides the following:

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 m²</u> Each additional <u>2 800 m²</u> or fraction thereof	1 1 additional

Section 54.4(2) states:

Location of Loading Spaces

- a. Off-street loading spaces shall be provided entirely within the property of the development being served, and shall be subject to all Setback requirements specified elsewhere in this Bylaw.
- b. Off-street loading shall be oriented away from residential developments.
- c. All required loading spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions.

Section 54.4(3) states:

Size and Access

- a. Each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload. Each required loading space shall be a minimum of 3.0 m in width, a minimum of 9.0 m in length and maintain a

minimum overhead clearance of 4.0 m, unless larger dimensions are required, having regard to the type of vehicle loading and unloading without projecting into a public roadway.

- b. Access to any loading area shall be provided, wherever possible, internally to the development or from a Lane abutting the development.
- c. Access to any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the Site causes interference with traffic on the abutting streets or Lanes.

Development Officer’s Determination

It is further noted that the parking spaces in front of the building, with a length of 5.18m, would not meet the current requirements of Section 54.4(2) of the Zoning Bylaw.

Discretionary Use

Development Officer’s Determination

It is the opinion of the Development Officer that, based on the above deficiencies, the subject property is not a suitable site for the proposed Discretionary Use, a Religious Assembly (Minor), and is likely to cause an undue and negative impact to surrounding properties and development.

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: 265542821-001
Application Date: OCT 25, 2017
Printed: January 4, 2018 at 11:53 AM
Page: 1 of 2

Application for Major Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant	Property Address(es) and Legal Description(s) 4819 - 118 AVENUE NW Plan 7242AH Blk 1 Lots 15-16
	Specific Address(es) Entryway: 4819 - 118 AVENUE NW Building: 4819 - 118 AVENUE NW

Scope of Application

To change the use from Household Repair Services to Religious Assembly (Minor) and to construct interior alterations.

Permit Details

Class of Permit: Class B
Gross Floor Area (sq.m.): 232.3
New Sewer Service Required: N
Site Area (sq. m.):

Contact Person:
Lot Grading Needed?: N
NumberOfMainFloorDwellings:
Stat. Plan Overlay/Annex Area: Main Street Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **265542821-001**
 Application Date: OCT 25, 2017
 Printed: January 4, 2018 at 11:53 AM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

1) The minimum Frontage of a Religious Assembly shall be 30.0 m and the minimum Site area shall be 930 m² (Ref. Section 71.1):

PROPOSED:
 15.24m frontage, deficient by: 14.76m
 557.42 sq.m. site area, deficient by: 372.58 sq.m.

2) 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 maximum total Site Coverage shall not exceed 40% (Ref. Section 71.3(b)):

PROPOSED:
 Site Area: 557.42 sq.m.
 40% = 222.97 sq.m.
 Floor Area (Assessment data): 369.42 sq.m. = 66.3%
 Exceeds by: 146.45 sq.m. (22.3%)

3) Access to a Religious Assembly 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 allows access to a maximum of 5 parking spaces (Ref. Section 71.3(f)).

PROPOSED: The rear parking lot consisting of 10 parking spaces is accessed from a lane abutting RF3-zoned properties, which allow Single Detached Dwellings as a Permitted Use, contrary to Section 71.3(f).

Note: Although the parking lot is existing in nature, the Development Officer notes that the parking spaces in the rear of the site would not meet the current minimum parking space size in Section 54.2(4) of the Zoning Bylaw. Based on the current requirements, 6 parking spaces can be accommodated in the rear of the site. It is further noted that the parking spaces in front of the building, with a length of 5.18m, would not meet the current requirements of Section 54.4(2) of the Zoning Bylaw.

4) It is the opinion of the Development Officer that, based on the above deficiencies, the subject property is not a suitable site for the proposed Discretionary Use, a Religious Assembly (Minor), and is likely to cause an undue and negative impact to surrounding properties and development.

Rights of Appeal

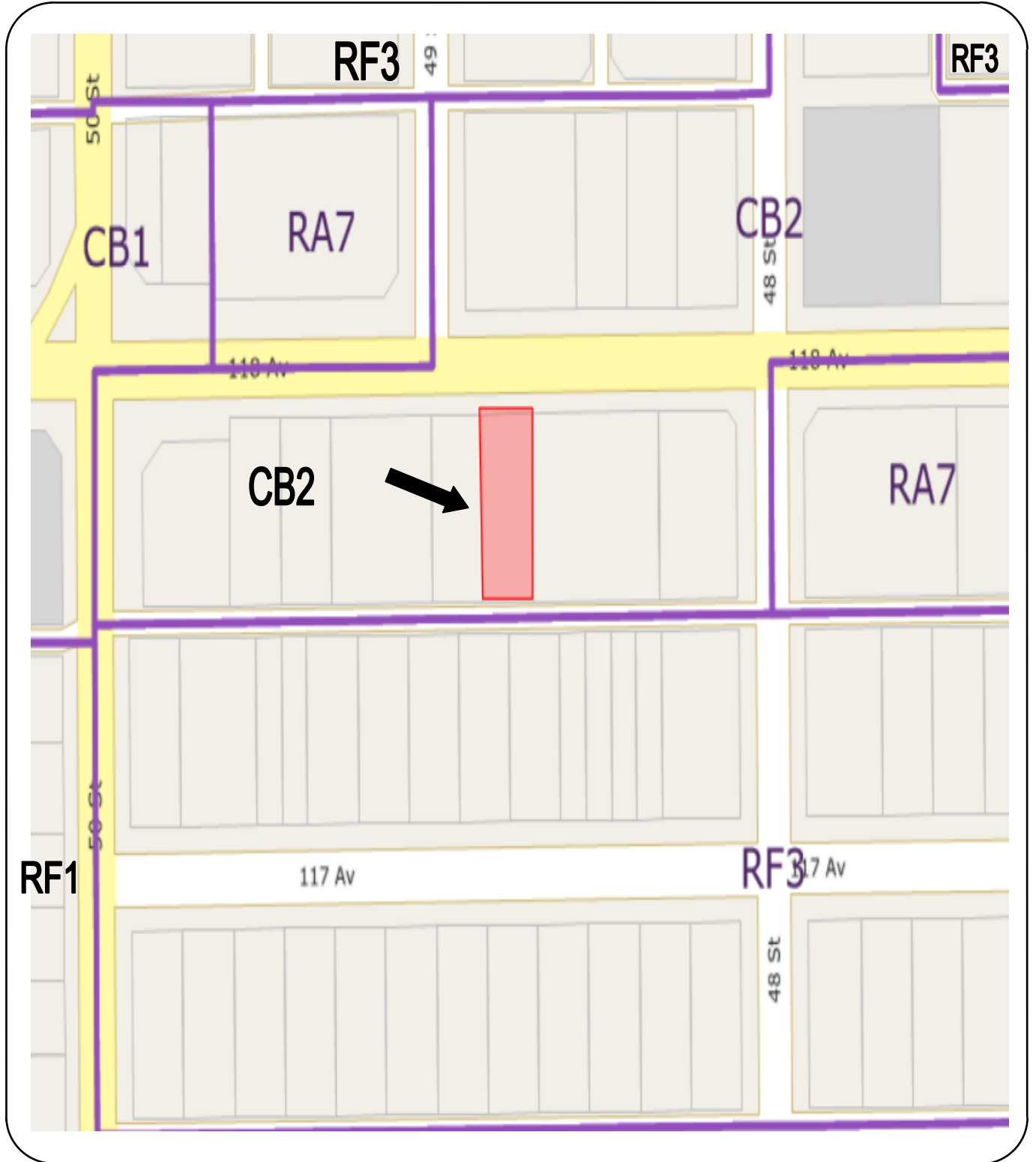
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Dec 14, 2017 **Development Authority:** WELCH, IMAI **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$500.00	\$500.00	04583010	Oct 25, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$500.00	\$500.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-014

