

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 22, 2018**

**Hearing Room No. 7
Churchill Building
10019 – 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 7**

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|---|-----------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I | 9:00 A.M. | SDAB-D-18-036 | Change the Use from Professional, Financial and Office Support Services to Religious Assembly (upper floor 227 square metres with 30 seats). 14444 - 118 Avenue NW Project No.: 270005417-001 |
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|----|-----------|---------------|---------------------------------------------------------------------------------------------------------------------|
| II | 1:00 P.M. | SDAB-S-18-002 | Create one (1) additional Single Detached Residential Lot 7812 - 142 Street NW Project No.: 263786666-001 |
|----|-----------|---------------|---------------------------------------------------------------------------------------------------------------------|

TABLED to March 8, 2018

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-18-036

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

APPELLANT:

APPLICATION NO.: 270005417-001

APPLICATION TO: Change the Use from Professional, Financial and Office Support Services to Religious Assembly (upper floor 227 square metres with 30 seats).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: January 11, 2018

NOTIFICATION PERIOD: January 18, 2018 through February 8, 2018

DATE OF APPEAL: January 30, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14444 - 118 Avenue NW

LEGAL DESCRIPTION: Plan 6473KS Blk 1 Lot 16

ZONE: (IB) Industrial Business 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:

Nearctic Group (via its various land and property holdings in the immediate area, namely Coronation Business Plaza Ltd. and Nearctic Development Corporation Ltd) for our Nexus Business Park, Dayco Building, and Hemingway and Hendrix Buildings and we have concerns

with parking on our sites. The property that is proposing turning a portion into a church has other businesses and spaces and does not have enough parking for all. In past experience, the proposed church may start off with a maximum of 30 members, however, they generally grow quickly to much larger congregations in order to support in paying the rent. Where are all of these people going to park?

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| <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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

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

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

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 400.3(28), a **Religious Assembly**, excluding rectories, manses, dormitories, convents, monasteries and other residential buildings, is a **Discretionary Use** in the **(IB) Industrial 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 400.1 states that the **General Purpose** of the **(IB) Industrial Business Zone** is:

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

Development Officer's Determination

Discretionary Use - Religious Assembly is approved as a Discretionary Use in (IB) Industrial Business Zone (Section 400.3(28)). [unedited]

Section 71 – Religious Assembly


A Religious Assembly shall comply with the following special provisions:

1. the minimum Frontage shall be 30.0 m and the minimum Site area shall be 930 m²;
2. where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same Site as the Religious Assembly, the minimum Site area shall be 1 300 m²;
3. 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:
 - a. the maximum Site area shall be 4 000 m²;
 - b. the maximum total Site Coverage shall not exceed 40%;

- c. a minimum building Setback of 4.5 m shall be required along a Side Yard flanking an abutting Site Zoned Residential;
 - d. a minimum building Setback of 7.5 m along a Rear Yard shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone or is not separated from it by a public roadway more than 10.0 m wide;
 - e. a minimum building Setback of 6.0 m shall be required along a Front Yard separated by a public roadway not wider than 20.0 m from any Site zoned residential. Where the roadway is wider than 20.0 m, the Front Setback applicable in the relevant Zone 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.
4. Where a Religious Assembly is a Discretionary Use, the Development Officer may impose conditions intended to reduce the perceived mass of the structure through techniques including, but not limited to, increased Setbacks, articulation of elevations and rooflines, and the colour of finishing materials.
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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: 270005417-001 Application Date: DEC 12, 2017 Printed: January 11, 2018 at 9:35 AM Page: 1 of 3 | | |
| Major Development Permit | | | |
| This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended. | | | |
| Applicant | Property Address(es) and Legal Description(s) 14444 - 118 AVENUE NW Plan 6473KS Blk 1 Lot 16 | | |
| | Specific Address(es) Suite: 14448 - 118 AVENUE NW Entryway: 14448 - 118 AVENUE NW Building: 14444 - 118 AVENUE NW | | |
| Scope of Permit To change the Use from Professional, Financial and Office Support Services to Religious Assembly (Upper floor 227 sq m with 30 seats). | | | |
| Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Class B Gross Floor Area (sq.m.): 227 New Sewer Service Required: N/A Site Area (sq. m.): </td> <td style="width: 50%; border: none; vertical-align: top;"> Contact Person: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table> | | Class of Permit: Class B Gross Floor Area (sq.m.): 227 New Sewer Service Required: N/A Site Area (sq. m.): | Contact Person: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) |
| Class of Permit: Class B Gross Floor Area (sq.m.): 227 New Sewer Service Required: N/A Site Area (sq. m.): | Contact Person: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) | | |
| I/We certify that the above noted details are correct. Applicant signature: _____ | | | |
| Development Permit Decision Approved | | | |



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Major Development Permit

Subject to the Following Conditions

- 1) No parking, loading, storage, trash collection, outdoor service or display areas shall be permitted within a required Yard and loading, storage, parking and trash collection areas shall be screened from view from any adjacent site and public roadway in accordance with Section 55 of the Zoning Bylaw.
- 2) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.
- 3) 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))
- 4) 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))
- 5) All access locations and curb crossings shall require the approval of Transportation Services. (Reference Section 53(1))

NOTES :

- 1) 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).
- 2) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 3) Signs require separate Development Applications.
- 4) 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.
- 5) 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.
- 6) 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.

Variances

Discretionary Use - Religious Assembly is approved as a Discretionary Use in (IB) Industrial Business Zone (Section 400.3(28)).

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: Jan 11, 2018 Development Authority: LI, CINDY
Notice Period Begins: Jan 18, 2018 Ends: Feb 08, 2018

Signature: _____

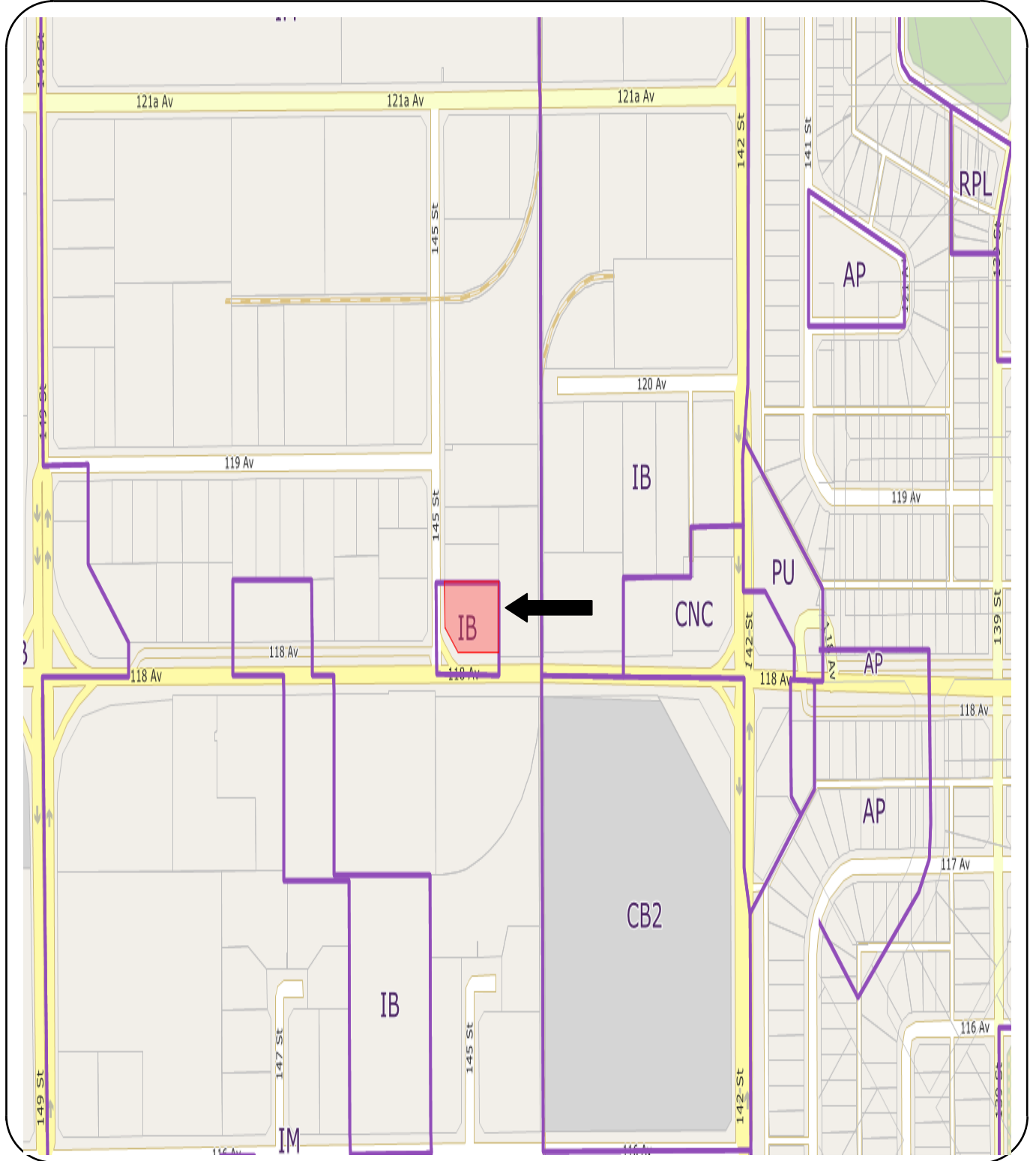


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Major Development Permit

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|----------------------------|-------------------|--------------------|------------------|------------------|
| Major Dev. Application Fee | \$500.00 | \$500.00 | 04687538 | Dec 12, 2017 |
| Total GST Amount: | <u>\$0.00</u> | | | |
| Totals for Permit: | \$500.00 | \$500.00 | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-036

