

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
January 22, 2020**

**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-20-010	Construct exterior alterations and develop a Secondary Suite in the basement of a Single Detached House (2 basement window enlargement, 1.02 metres by 0.61 metres). Secondary Suite existing without permits 4530 - 35A AVENUE NW Project No.: 344320243-001
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II	10:30 A.M.	SDAB-D-20-011	Change the Use from a Single Detached House to a Childcare Service (44 Children) and Commercial School (Heritage Education Centre) 3904 - 117 STREET NW Project No.: 345176335-002
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-010

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

APPELLANT:

APPLICATION NO.: 344320243-001

APPLICATION TO: Construct exterior alterations and develop a Secondary Suite in the basement of a Single Detached House (2 basement window enlargement, 1.02 metres by 0.61 metres). Secondary Suite existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 4, 2019

DATE OF APPEAL: December 31, 2019

NOTIFICATION PERIOD: Dec. 10, 2019 through Dec. 31, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4530 - 35A AVENUE NW

LEGAL DESCRIPTION: Plan 7922359 Blk 13 Lot 44

ZONE: RPL-Planned Lot 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:

I appreciate that this owner is actually going through the process to obtain a permit. I suspect that there are several secondary suites on my block, and I have never been informed about a request for a development permit for them

(example 4532 35A Ave). I also appreciate that the owner appears to be making every effort to upgrade the house to a standard in keeping with homes on the south side of the avenue. However, I oppose the approval of this permit as I believe it will affect the quality of life on this street.

First, I will describe the street: The houses on this street were built in the early 80s as single family homes. On the south side of the street where I live, the lots are average size for that time – my lot is 50 feet wide. On the north side of the street where 4530 35A Ave is located, the houses are zero lot line, around 35 feet wide. Counting the number of houses, beginning at the first zero lot line house, there are 17 houses on the north side of the street and 11 houses facing them on the south side of the street. There is no back lane, driveways start at the front of the house at the curb.

Second, I will describe the parking situation at 4530 35A Ave. It does not have a garage. With a zero lot line lot, there is only room for one vehicle to park in front of the house. The driveway is only wide enough for one vehicle. Other vehicles would have to be parked tandem style on that driveway.

As I mentioned earlier, based on observation I am certain that there are illegal secondary suites in other zero lot line houses already so I have experienced what it is like to have multiple tenants and their vehicles jammed into houses and lots that were built for single families. Ill will, arguments and complaints to the bylaw enforcement department have occurred around the issue of parking. Despite long enough driveways to accommodate tandem parking, those tenants don't want to shuffle vehicles in order to use their vehicles. Tenants use the street parking in front of other homes as a permanent parking space for their vehicles, sometimes leaving them there for days on end. My neighbours and I have battled through this situation this year, only resolved when it appears that at least some of the tenants were evicted or left leaving several of the rental houses empty at this time. In other words, a temporary lull in the problems that can occur when there is more density then a street is built for.

The main floor suite at 4530 35A Avenue is listed as having 3 bedrooms so it is likely that a family or at least more than 2 people will be living in the main floor. I have provided the listing at the end of this appeal. I don't know how many bedrooms the basement suite will have but even if it is just one person living there, then there are going to be parking issues.

My argument against this development is that the street is not built for this kind of density. It appears that more and more of the zero lot line houses are being turned into rentals, several with secondary suites. I would like the city to consider that jamming this many people and their vehicles on this street will only lead to a miserable co-existence for us all.

Thank you for your consideration of this appeal.

Living at 4530 35A Avenue Northwest
Report Listing

RentBoard.ca Ad ID: 4530 4530 35A AVE Mainfloor Unit 3 BEDROOMS 1 BATH Rent: \$1300 Utilities extra, flat monthly rate \$300 Pet negotiable with monthly pet fee applies Credit, Reference and employment Check will be required with applications. Features: -NEWLY RENOVATED 3-bedroom, 1bath main floor unit -Spacious and bright living room -Kitchen with PANTRY so that you will NEVER run out of storage spaces -No carpets! New plank flooring to keep cleaning very easy! - Pets welcome! -OWN laundry, no more sharing with basement tenant -HUGE backyard with assigned off street parking -Minutes away from Grey Nuns Hospital, Millwoods Public Library and dog park ~~Contact Now!!

<i>General Matters</i>

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 written decision is given 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;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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 130.2(4), **Secondary Suites, where developed within Single Detached Housing**, are a **Permitted Use** within the **(RPL) Planned Lot Residential Zone**.

Under section 7.2(6), **Secondary Suite** means:

“development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.”

Under section 130.2(5), **Single Detached Housing** is a **Permitted Use** within the **(RPL) Planned Lot Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 130.1 states that the **General Purpose** of the **(RPL) Planned Lot Residential Zone** is to provide for small lot Single Detached Housing serviced by both a Public Roadway and a Lane, including Zero Lot Line Development and Reverse Housing forms,

that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.

<i>Parking</i>

Under section 54.2 Schedule 1(A)(2) & 1(A)(3) Schedule 1 the following are the vehicular parking requirements:

54.2 Schedule 1(A)(2) Secondary Suite	1 parking space in addition to the parking requirements for principal Dwelling.
54.2 Schedule 1(A)(3) Single Detached Dwelling	1 parking spaces per Dwelling

Under section 54.1(2)(f) parking spaces may only be provided as Tandem Parking if:

- i. the Tandem Parking is not used for visitor parking;
- ii. both Tandem Parking spaces are developed to provide parking for the same Dwelling; and
- iii. the Tandem Parking does not block access to any other parking space

Development Officer’s Determination

Parking - Tandem Parking is permitted for the secondary suite. (Section 54.1.2.f.)

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.



Project Number: **344320243-001**
Application Date: OCT 21, 2019
Printed: December 4, 2019 at 9:50 AM
Page: 1 of 3

Home Improvement 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) 4530 - 35A AVENUE NW Plan 7922359 Blk 13 Lot 44
	Location(s) of Work Suite: BSMT, 4530 - 35A AVENUE NW Entryway: 4530 - 35A AVENUE NW Building: 4530 - 35A AVENUE NW

Scope of Permit

To construct exterior alterations and develop a Secondary Suite in the basement of a Single Detached House (2 basement window enlargement, 1.02 m x 0.61 m). Secondary Suite existing without permits.

Permit Details

Class Of Permit: Class B
Stat. Plan Overlay/Annex Area: (none)

Site Area (sq. m.): 359.84

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

Applicant signature: _____

Development Permit Decision

Approved

Issue Date: Dec 04, 2019 **Development Authority:** FOLKMAN, JEREMY



Project Number: **344320243-001**
Application Date: OCT 21, 2019
Printed: December 4, 2019 at 9:50 AM
Page: 2 of 3

Home Improvement Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21. (Reference Section 17.1)

This Development Permit authorizes the development of exterior alterations and develop a Secondary Suite in the basement of a Single Detached House (2 basement window enlargement, 1.02 m x 0.61 m). Secondary Suite existing without permits. The development shall be constructed in accordance with the stamped and approved drawings.

Immediately upon completion of the exterior alterations, the site shall be cleared of all debris.

As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Reference Section 57.3(1)).

Only one of a Secondary Suite or a Garden Suite may be developed in conjunction with a principal Dwelling. (Reference Section 86)

For the Secondary Suite, 1 on-site parking space in addition to the parking requirements for the Principal Dwelling shall be provided. (Reference Section 54.2 Schedule 1)

All required parking shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced. (Reference Section 54.6(2)(a)(i))

A Secondary Suite shall be developed in such a manner that the exterior of the principal Dwelling containing the Secondary Suite shall appear as a single Dwelling from a public roadway other than a Lane. (Reference Section 86)

A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, Child Care Services or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business. (Reference Section 86)

A maximum of one Household shall occupy a Secondary Suite. (Reference Section 86)

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. (Reference Section 6.1)

Locked separation that restricts the nonconsensual movement of persons between each Dwelling unit shall be installed.

Secondary Suites shall not be included in the calculation of densities in this Bylaw. (Reference Section 86)

ADVISEMENTS:

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

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

Variations

Parking - Tandem Parking is permitted for the secondary suite. (Section 54.1.2.f.)



Project Number: **344320243-001**
 Application Date: OCT 21, 2019
 Printed: December 4, 2019 at 9:50 AM
 Page: 3 of 3

Home Improvement Permit

Rights of Appeal

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

Notice Period Begins: Dec 10, 2019

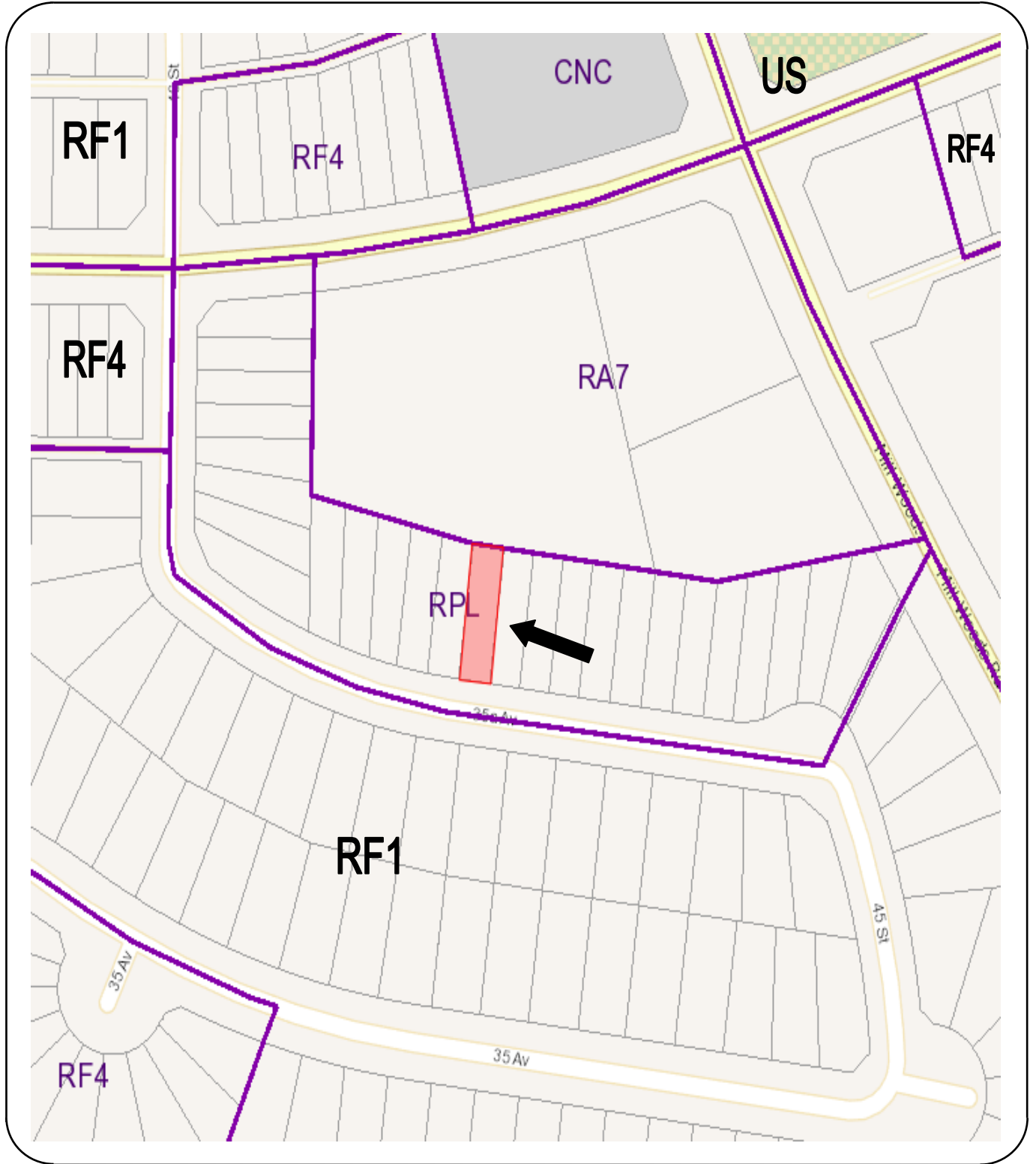
Ends: Dec 31, 2019

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee (Construction Value)	\$503.00	\$503.00	896741092598001	Nov 12, 2019
Existing Without Permit Dev Application Penalty Fee	\$288.00	\$288.00	895384022380001	Nov 06, 2019
Development Application Fee	\$288.00	\$288.00	06227769	Oct 21, 2019
Safety Codes Fee	\$20.12	\$20.12	896741092598001	Nov 12, 2019
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$735.00	\$735.00	06227769	Oct 21, 2019
Existing Without Permit Building Penalty Fee	\$503.00	\$503.00	896741092598001	Nov 12, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,337.12	\$2,337.12		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-010



ITEM II: 10:30 A.M.

FILE: SDAB-D-20-011

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 345176335-002

Change the Use from a Single Detached House to a Childcare Service (44 Children) and Commercial School (Heritage Education Centre)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 18, 2019

DATE OF APPEAL: December 24, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3904 - 117 STREET NW

LEGAL DESCRIPTION: Plan 3073NY Blk 45 Lot 20

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Our application is to develop a out-of-school care in a corner lot house near the neighborhood's main road. Daycare / Out-of-school care is a discretionary use in the zoning. The officer's refusal decision was made so quick without enough communication with us. The client is very open to the necessary changes and she had communicated with the neighborhood. The neighbors are very positive to this proposed development. She has collected more than 10 neighbors' signature supporting the proposed out of school care. This is the first time that the client apply for a OSC in the residential area and it is a learning process for her, but she is very open and flexible about the Kid's # and the program schedule. We believe that we should be able to work it out.

However the City officer just refuse our application in one day without communication with us, even after we explained that we can make any necessary changes to meet the City's needs, the officer still won't consider it and just ask us to appeal. Below is a summary of what had happened between us and the City officer:

(The project was assigned to Kailey on Nov 7)

1. I sent an email to Kailey on Dec 3 to follow up, and received her email on Dec 6, asking only one question "Does the applicant require a child care license from the province for the proposed use." We answered that the client will apply for the child care licence after getting the Building Permit on the same day.

2. On Dec 10 Kailey asked us to provide a brief overview of the proposed child care service for the site (ie: operating hours: is it only before and after school or all day, classes provided, etc) and provide written confirmation that the residential use is being discontinued. Again we provided the description and the confirmation letter on the same day.

3. On Dec 13 I sent another email to Kailey to follow up, and ask if any other info is needed, but she was out of office that day.

4. On Dec 18, all in a sudden we receive the DP refused email. We tried to contact Kailey and you to work out a solution, I left you and Kailey voice message, the client went to the City and talked to Kailey. We both explained the the kid's # is flexible. We can reduce the kids' # to meet the City's requirement. When the kids' # is reduced, the parking required is reduces as well.

5. In the refused letter, it is mentioned that "a Commercial School (secondary use) would be operating with the proposed Child Care Service." I believe that is just an assumption based on client's proposed class program. We never mentioned that a commercial school will be operating, it is not shown in the DP application description either. The client's program is just a proposal, it is NOT fixed, she is open to make all necessary changes.

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,

- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

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

- (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 written decision is given 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 clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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 110.3(1) **Child Care Services** is a **Discretionary Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.8(2) **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 typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider’s residence.”

A **Commercial School** is **neither** a Permitted Use **nor** a Discretionary Use in the **RF1 Single Detached Residential Zone, sections 110.2 and 110.3, respectively**.

Under section 7.4(12) a **Commercial School** means development used for training and instruction in a specific trade, skill, service or artistic endeavour. This Use does not include schools defined as Public Education Services or Private Education Services. Typical Uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

Development Officer's Determination

The proposed use, Child Care Service, is listed as a Discretionary Use in the RF1 (Single Detached Residential Zone (Section 110.3(1)). Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer.

In the opinion of the Development Officer, the proposed development is not a suitable Use in the context of the site, and refused for the following reasons:

1. Section 110.1 - The purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

In the opinion of the Development Officer, the scale of the proposed conversion of the Single Detached House to a Child Care Service with 44 children does not meet the General Purpose of the RF1 Zone. The scale of the proposed Child Care Service will generate a negative impact, specifically noise, and increased vehicular traffic for pick up and drop of children, uncharacteristic of the surrounding existing low density single detached residential district.

3. It was determined that a Commercial School (secondary use) would be operating with the proposed Child Care Service. A Commercial School is neither a Permitted Use nor a Discretionary Use in the Residential (RF1) Zone. (Ref Section 110.2 & 110.3)

Parking

Section 54.2 Schedule 1(A)(29) requires:

- a) Passenger pick-up/drop-off spaces shall be provided at the rate of 2 pick-up/drop-off spaces for the first 10 children, plus 1 additional pick-up/drop-off space for every 10 additional children.
 - i) Passenger pick-up/drop-off spaces shall be designed with signs to reserve the parking spaces for Child Care Services pick-up/drop-off, to the satisfaction of the Development Officer.
 - ii) Passenger pick-up/drop-off space shall be located as close as possible to the main entrance used by the Child Care Service, and shall not be located further than 100 metres from the main entrance used by the Child Care Service. The distance between the farthest parking space in the pick-up/drop-off area and the main entrance of the Child Care Service shall be measured along the shortest publicly accessible pedestrian route.

- iii) An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied with the proposal.
- b) employee parking shall be provided at the rate of:
- i) 1 parking space per 100.0 square metres of Floor Area; or
 - ii) 1 parking space per 360.0 square metres of Floor Area where the Child Care Service is proposed within 400 metres of an LRT Station, Transit Centre, Transit Avenue, or all Lots within the boundaries of the Oliver Area Redevelopment Plan, as adopted by Bylaw 11618, as amended, or all Lots within the boundaries of the Strathcona Area Redevelopment Plan, as adopted by Bylaw 11890, as amended; or
 - iii) Where the Child Care Service is for a dayhome/group family care providing care to 7 or more children within the residence of the child care provider, 1 parking space for each non-resident employee, in addition to the parking required for the principal Dwelling. Where a Front Yard Driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this Driveway as the provision of a parking space that is in tandem.

Development Officer's Determination

2. Parking:

- a) Section 54.2 Schedule 1(A)(29) - 3 employee parking spaces and 6 Passenger pick-up/drop-off spaces to be provided on-site.

Proposed: 2 parking spaces in Garage and 4 Passenger pick-up/drop-off spaces

Deficient by: 1 parking space and 1 Passenger pick-up/drop-off spaces

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.



Application for Major Development Permit

Project Number: **345176335-002**
Application Date: OCT 30, 2019
Printed: January 2, 2020 at 2:35 PM
Page: 1 of 2

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

Applicant	Property Address(es) and Legal Description(s) 3904 - 117 STREET NW Plan 3073NY Blk 45 Lot 20
	Specific Address(es) Suite: 3904 - 117 STREET NW Entryway: 3904 - 117 STREET NW Building: 3904 - 117 STREET NW

Scope of Application
To Change the Use from a Single Detached House to a Childcare Service (44 Children) and Commercial School (Heritage Education Centre).

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): 675.8	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)

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

Applicant signature: _____

Development Application Decision
Refused
Issue Date: Dec 18, 2019 **Development Authority:** LAMONT, KAILEY

THIS IS NOT A PERMIT



Application for Major Development Permit

Project Number: **345176335-002**
 Application Date: OCT 30, 2019
 Printed: January 2, 2020 at 2:35 PM
 Page: 2 of 2

Reason for Refusal

The proposed use, Child Care Service, is listed as a Discretionary Use in the RF1 (Single Detached Residential Zone (Section 110.3 (1)). Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer.

In the opinion of the Development Officer, the proposed development is not a suitable Use in the context of the site, and refused for the following reasons:

1. Section 110.1 - The purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

In the opinion of the Development Officer, the scale of the proposed conversion of the Single Detached House to a Child Care Service with 44 children does not meet the General Purpose of the RF1 Zone. The scale of the proposed Child Care Service will generate a negative impact, specifically noise, and increased vehicular traffic for pick up and drop of children, uncharacteristic of the surrounding existing low density single detached residential district.

2. **Parking:**

a) Section 54.2 Schedule 1(A)(29) - 3 employee parking spaces and 6 Passenger pick-up/drop-off spaces to be provided on-site.

Proposed: 2 parking spaces in Garage and 4 Passenger pick-up/drop-off spaces

Deficient by: 1 parking space and 1 Passenger pick-up/drop-off spaces

3. It was determined that a Commercial School (secondary use) would be operating with the proposed Child Care Service. A Commercial School is neither a Permitted Use nor a Discretionary Use in the Residential (RF1) Zone. (Ref Section 110.2 & 110.3)

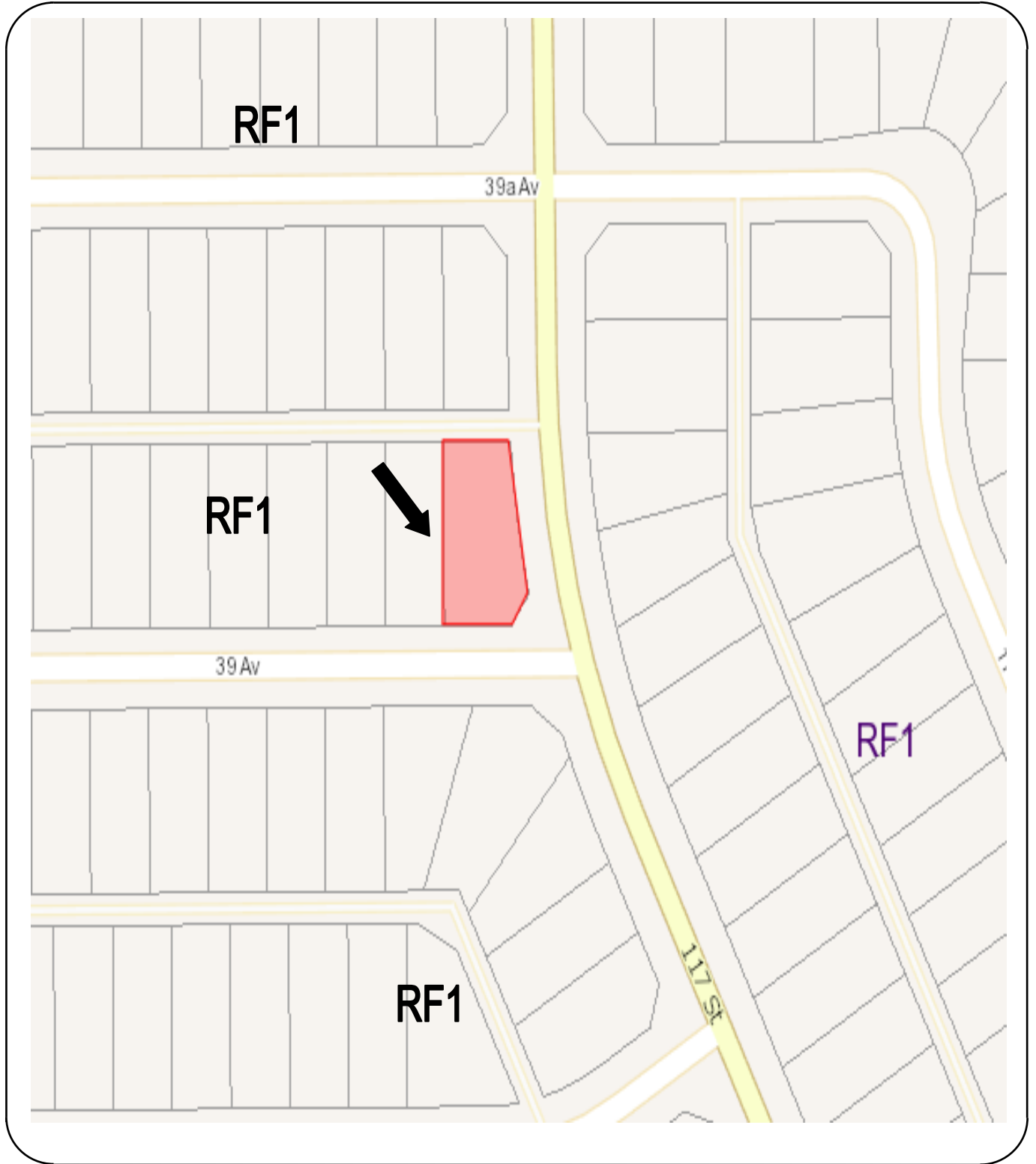
Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$331.00	\$331.00	89426503752S001	Nov 04, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$331.00	\$331.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-011

