

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 25, 2018**

**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-18-012

To construct an Accessory building (detached
Garage, 7.62 metres by 7.01 metres)

11422 - 77 Avenue NW
Project No.: 267831349-001

II 10:30 A.M. SDAB-D-18-013

To operate a Major Home Based Business
(Teaching Mandarin language - Yan Yan
Mandarin Training)

11257 - 34A Avenue NW
Project No.: 267795896-001

III 1:30 P.M. SDAB-D-18-014

To 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-18-012

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 267831349-001

APPLICATION TO: Construct an Accessory building
(detached Garage, 7.62 metres by 7.01 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 22, 2017

DATE OF APPEAL: December 27, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11422 - 77 Avenue NW

LEGAL DESCRIPTION: Plan 2064S Blk 2 Lot 7

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan / Belgravia Station Area
Redevelopment Plan

General Matters

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

My clients are appealing for the following reasons:

A; To match the architectural appearance of the house a steeper roof pitch is needed , which automatically pushes the garage height above the prescribed limit.

B; in order to fit three cars it will be necessary to park them very tight to the exterior side walls of the garage, eliminating these walls for storage. In order to have some storage and interior circulation space the proposed depth of the garage allows some storage and access space on the end wall of the garage facing the house. If the depth of the garage would be reduced to meet the size requirement there would be virtually no storage capacity on this wall and access to the vehicles would be very tight.

C; The proposed extra size is not very significant relatively speaking.

D; There are other garages already in existence on this same lane that also exceed the prescribed maximum height requirement , and the appearance of this garage in combination to the complimentary appearance of the main house would enhance the overall appearance of the lane.

<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 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.

General Provisions from the *Edmonton Zoning Bylaw*:

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

Under section 6.1(2), **Accessory** means:

when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Under section 6.1(46), **Garage** means:

an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

<i>Height</i>

Section 50.3(3)(a) states “an Accessory building or structure shall not exceed 4.3 m in Height, [...]”

Section 52.2(c) states:

In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:

...

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

Under section 6.1(54), **Height** means “a vertical distance between two points.”

Development Officer's Determination

- 1. An Accessory building or structure shall not exceed 4.3 m in Height (Section 50.3.3).**

Proposed Height of Accessory Building, measured from Grade to Roof Midpoint = 5.2 m
Exceeds maximum permitted Height by +0.9 m

Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay (Section 52.2.c)

Maximum Permitted Height of Accessory Building, when measured from Grade to roof Ridge = 5.8 m
Proposed Height of Accessory Building, when measured from Grade to Roof Ridge = 7.0 m
Exceeds maximum permitted Height by +1.2 m
 [unedited]

<i>Site Coverage</i>

Section 50.3(4) states “the Site Coverage of Accessory buildings or structures shall not exceed 12%, unless a different standard is prescribed within the regulations contained within the relevant Zone.”

Section 110.4(7)(a) states:

Maximum Site Coverage shall be as follows:

	Principal Dwelling / building	Accessory building	Principal building attached with Garage	Total Site Coverage
a. Single Detached Housing – Site greater than 300 m ²	28%	12%	40%	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

2. The Site Coverage of Accessory buildings or structures shall not exceed 12% (Section 50.3.4).

Proposed Site Coverage of the Accessory Building = 53.4 m², or 13% of Site Area

Exceeds maximum Site Coverage by +1%

Maximum Total Site Coverage shall be 40% for Single Detached Housing on a Site greater than 300 m².


Proposed Total Site Coverage = 166.7 m², or 41% of Site Coverage

Exceeds Total Site Coverage by +1%.

[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*.

	<p style="text-align: right;">Project Number: 267831349-001 Application Date: NOV 22, 2017 Printed: January 2, 2018 at 8:48 AM Page: 1 of 2</p>		
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">Accessory Building Development and Building Permit</h1>			
<p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>			
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 11422 - 77 AVENUE NW Plan 2064S Blk 2 Lot 7</p> <hr/> <p>Location(s) of Work Entryway: 11422 - 77 AVENUE NW Building: 11422 - 77 AVENUE NW</p>		
<p>Scope of Application To construct an Accessory building (detached Garage, 7.62m x 7.01m).</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;"> Building Area (sq. ft.): 575 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%; padding-left: 10px;"> Class of Permit: Class B Type of Accessory Building: Detached Garage (010) </td> </tr> </table> <p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>		Building Area (sq. ft.): 575 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class B Type of Accessory Building: Detached Garage (010)
Building Area (sq. ft.): 575 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class B Type of Accessory Building: Detached Garage (010)		
<p>Development Application Decision Refused</p> <p>Reasons for Refusal</p> <p>1. An Accessory building or structure shall not exceed 4.3 m in Height (Section 50.3.3).</p> <p style="margin-left: 40px;">Proposed Height of Accessory Building, measured from Grade to Roof Midpoint = 5.2 m Exceeds maximum permitted Height by +0.9 m</p> <p style="margin-left: 40px;">Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay (Section 52.2.c)</p> <p style="margin-left: 40px;">Maximum Permitted Height of Accessory Building, when measured from Grade to roof Ridge = 5.8 m Proposed Height of Accessory Building, when measured from Grade to Roof Ridge = 7.0 m Exceeds maximum permitted Height by +1.2 m</p> <p>2. The Site Coverage of Accessory buildings or structures shall not exceed 12% (Section 50.3.4).</p> <p style="margin-left: 40px;">Proposed Site Coverage of the Accessory Building = 53.4 m², or 13% of Site Area Exceeds maximum Site Coverage by +1%</p> <p style="margin-left: 40px;">Maximum Total Site Coverage shall be 40% for Single Detached Housing on a Site greater than 300 m².</p> <p style="margin-left: 40px;">Proposed Total Site Coverage = 166.7 m², or 41% of Site Coverage Exceeds Total Site Coverage by +1%.</p>			
<p>THIS IS NOT A PERMIT</p>			



Project Number: 267831349-001
Application Date: NOV 22, 2017
Printed: January 2, 2018 at 8:48 AM
Page: 2 of 2

Application for Accessory Building Development and Building Permit

Rights of Appeal

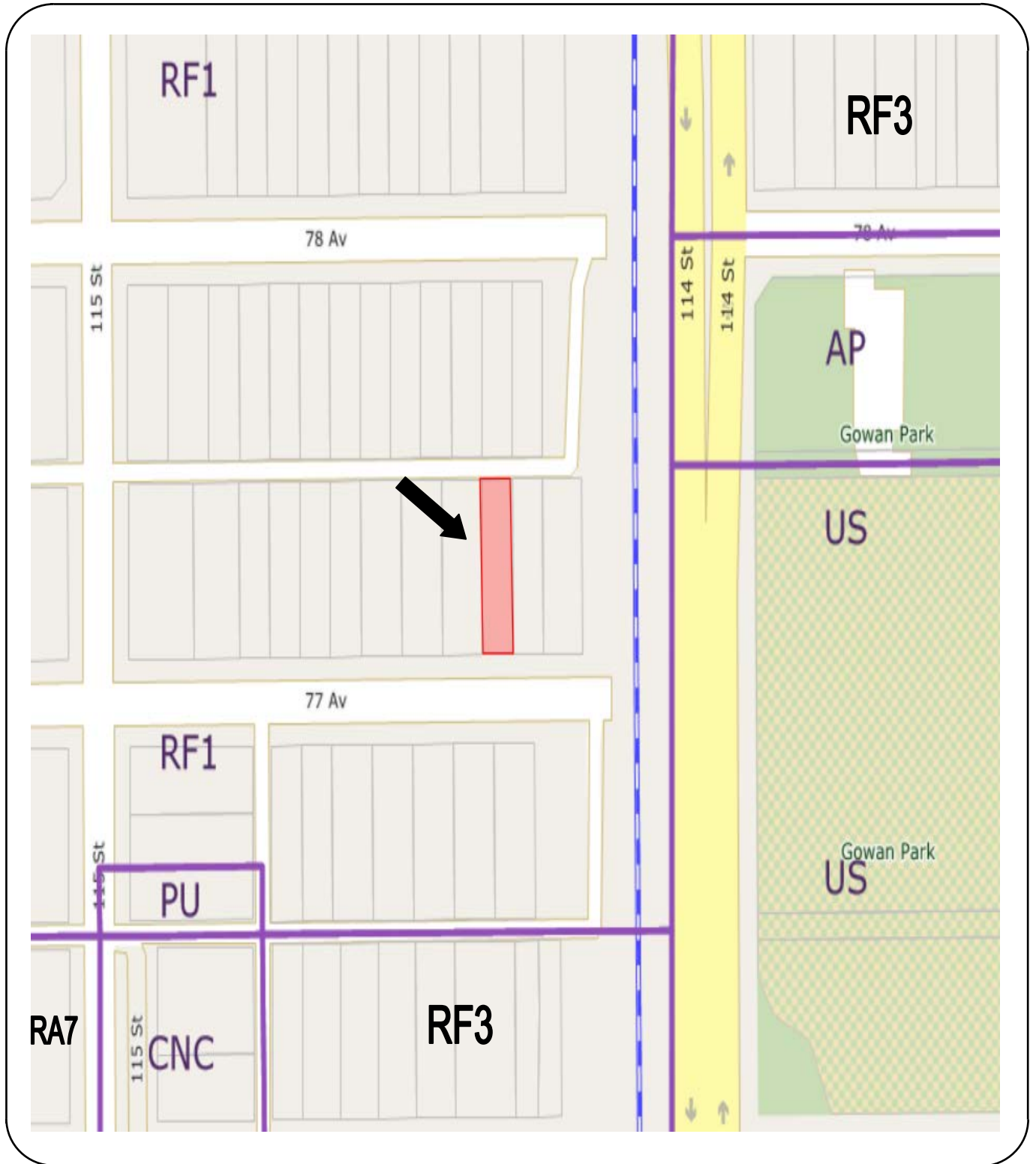
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Dec 22, 2017 **Development Authority:** LIANG, BENNY **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee	\$105.00	\$105.00	04637000	Nov 22, 2017
Safety Codes Fee	\$4.50	\$4.50	04637000	Nov 22, 2017
Dev. Application Fee	\$113.00	\$113.00	04637000	Nov 22, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$222.50	\$222.50		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-012



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-013

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

APPELLANT:

APPLICATION NO.: 267795896-001

APPLICATION TO: Operate a Major Home Based Business (Teaching Mandarin language - Yan Yan Mandarin Training)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: December 6, 2017

DATE OF APPEAL: January 2, 2018

NOTIFICATION PERIOD: December 12, 2017 through January 2, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11257 - 34A Avenue NW

LEGAL DESCRIPTION: Plan 7521271 Blk 83 Lot 25

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

General Matters

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

The reason for this appeal is based on two concerns. First parking is extremely limit in front of the house applying for the permit. There are already concerns and limitations with a house neighboring this one that has many vehicles parked daily. In addition, this area of the block is highly used / played on by children under the age of 10 and safety for increased volume in this area is a significant concern. Parents must be

informed that it is a drop off zone only and they are unable to park for more than 5 minutes.

The second concern is regarding volume. Based on conversations with the home owner, it is their hope that they can increase the volume / numbers of students attending on weekends. It would be my preference that the permit, if approved only allow a maximum of 3 students per day.

<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 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 110.3(5), a **Major Home Based Business** is a **Discretionary Use** in the (RF1) Single Detached Residential Zone.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales.

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Development Officer's Determination

Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 110.3(5)). [unedited].

Major Home Based Business regulations

A Major Home Based Business shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;

2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
 3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
 4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
 5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
 6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
 7. a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
 8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
 9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.
 10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.
-

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: **267795896-001**
 Application Date: NOV 22, 2017
 Printed: January 3, 2018 at 7:42 AM
 Page: 1 of 3

Home Occupation

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) 11257 - 34A AVENUE NW Plan 7521271 Blk 83 Lot 25 Specific Address(es) Suite: 11257 - 34A AVENUE NW Entryway: 11257 - 34A AVENUE NW Building: 11257 - 34A AVENUE NW
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Scope of Permit
 To operate a Major Home Based Business. (Teaching Mandarin language - Yan Yan Mandarin Training)

Permit Details # of business related visits/day: 2 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 2 Business has Trailers or Equipment?: N Description of Business: Teaching kids Mandarin language. Expiry Date: 2022-12-06 00:00:00
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved



Project Number: 267795896-001
Application Date: NOV 22, 2017
Printed: January 3, 2018 at 7:42 AM
Page: 2 of 3

Home Occupation

Subject to the Following Conditions

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

Major Home Based Business means development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for a business that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. (Section 7.3(7))

A Major Home Based Business shall comply with the following regulations:

1. There shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling. (Section 75.1)
2. There shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings. (Section 75.2)
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located. (Section 75.3)
4. The number of non-resident employees or business partners working on-site shall not exceed two at any one time. (Section 75.4)
5. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings. (Section 75.5)
6. The Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings. (Section 75.6)
7. The Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area. (Section 75.9)
8. A Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garden Suite and an associated principal Dwelling. (Section 75.10)

The Major Home Based Business shall not become a Nuisance. Nuisance means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses. This could include that which creates or is liable to create a nuisance through emission of noise, smoke, dust, odour, heat, light, fumes, fire or explosive hazard; results in the unsightly or unsafe storage of goods, salvage, junk, waste or other materials; poses a hazard to health and safety; or adversely affects the amenities of the neighbourhood or interferes with the rights of neighbours to the normal enjoyment of any land or building. (Section 6.1(73))

All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.

The Development Officer may cancel a Development Permit following its approval if: any person undertakes development, or causes or allows any development to take place on a Site contrary to the Development Permit; the application for the Development Permit contained a material misrepresentation; material facts were not disclosed during the application for the Development Permit; the Development Permit was issued as a result of a material error; or the landowner requests, by way of written notice to the Development Officer, the cancellation of the Development Permit. (Section 17.2)

This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on December 6, 2022.

NOTES:

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. (Section 5.2)

This Development Permit is not a Business Licence.

THE CITY OF EDMONTON, CANADA



Project Number: **267795896-001**
 Application Date: NOV 22, 2017
 Printed: January 3, 2018 at 7:42 AM
 Page: 3 of 3

Home Occupation

When a Development Permit Application has been approved by the Development Officer, the Development Permit shall not be valid unless and until: any conditions of approval, except those of a continuing nature, have been fulfilled; and the time for filing a notice of appeal to the Subdivision and Development Appeal Board as specified in section 21(1) of this Bylaw and the Municipal Government Act has passed. (Section 17.1(1))

Subject to the provisions of the Municipal Government Act, any person applying for a Development Permit or affected by a decision issued by a Development Officer about a Development Permit may appeal the decision of the Development Officer to the Subdivision and Development Appeal Board by filing a written notice of appeal with the Subdivision and Development Appeal Board within 14 days after notice of the decision concerning the Development Permit was given. (Section 21(1))

Variances

Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 110.3(5)).

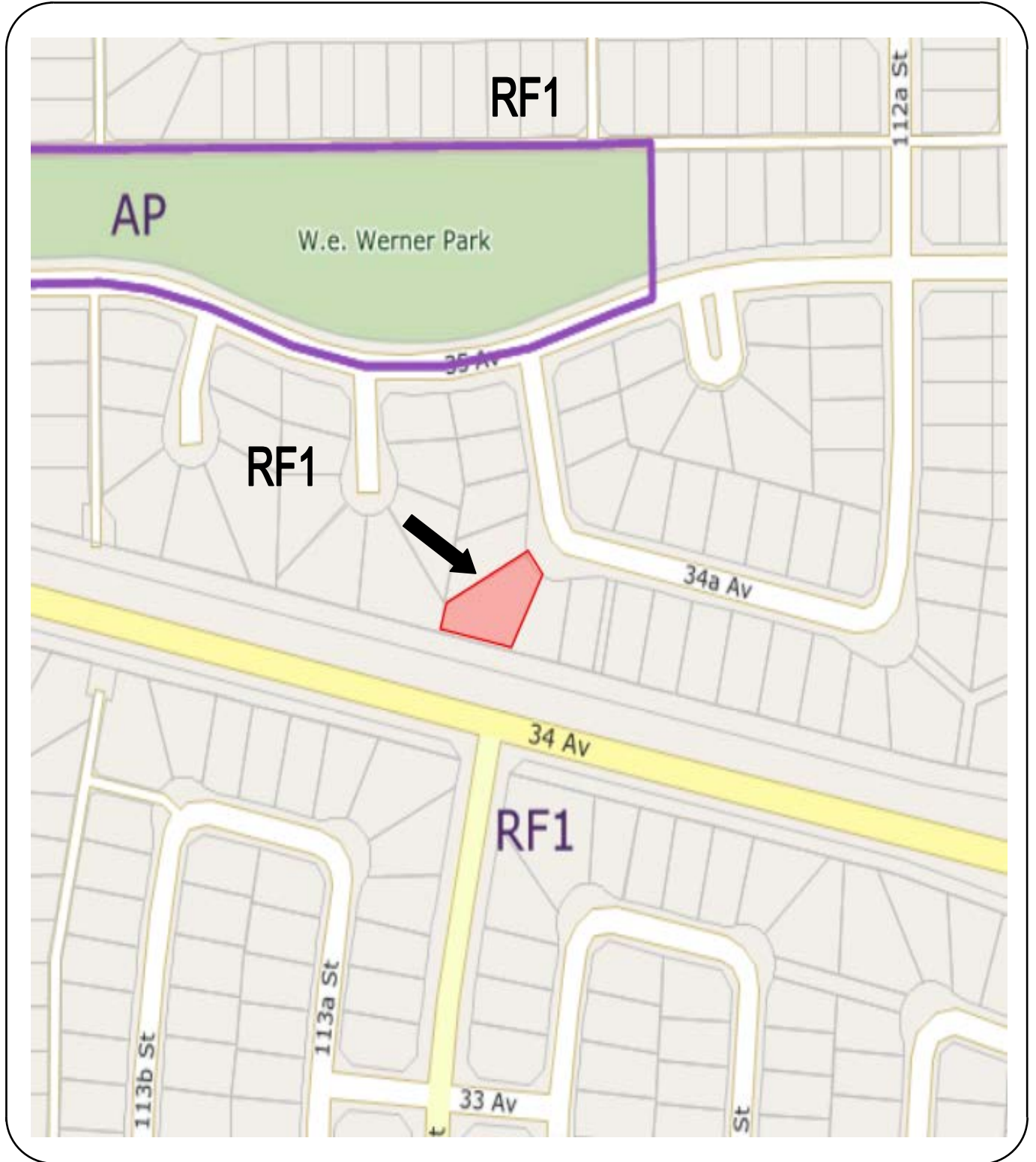
Rights of Appeal

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: Dec 06, 2017 Development Authority: KENNEDY, CLARK Signature: _____
 Notice Period Begins: Dec 12, 2017 Ends: Jan 02, 2018

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$309.00	\$309.00	04636120	Nov 22, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$309.00	\$309.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-013



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 *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

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- (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.

Religious Assembly Special Provisions

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	Total Floor Area of	Minimum
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Site	Building	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.

<i>Discretionary Use</i>

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

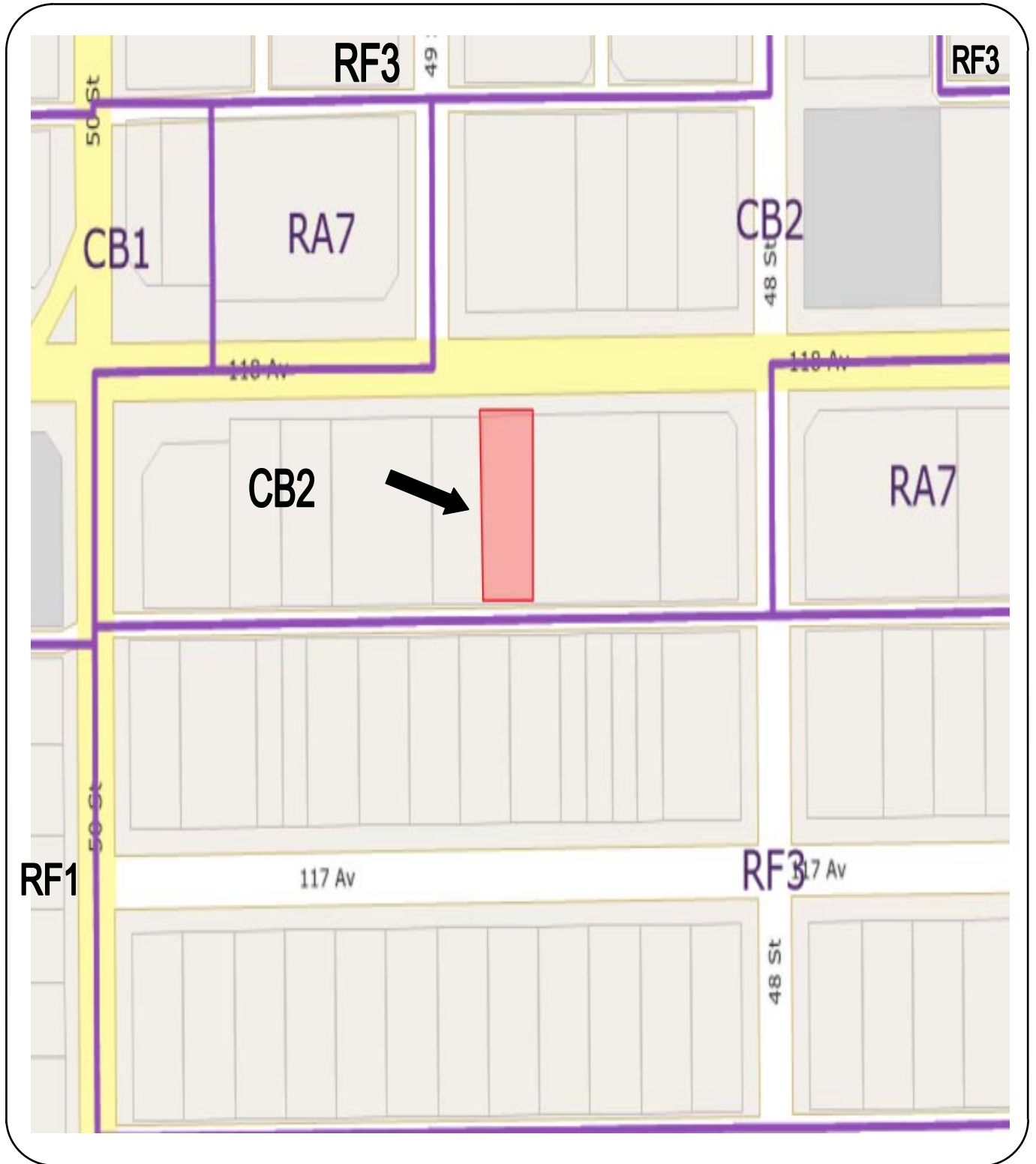
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

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

