SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M. January 7, 2016

Hearing Room No. 3 Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB

SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING ROOM NO. 3

I	9:00 A.M.	SDAB-D-15-293	Construct exterior alterations to a Professional, Financial and Office Support Services Use buildin (Karst Properties Parking Expansion - Proposed New Parking Lot Layout)
			1420 Parsons Road SW Project No.: 174611200-002
II	11:00 A.M.	SDAB-D-16-010	Operate a Temporary Non Accessory Parking Lot for 2 Years (December 2015 - December, 2017)
			11540 Jasper Avenue NW, 11558 Jasper Avenue NW Project No.: 163727651-001

NOTE: Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.

ITEM I: 9:00 A.M. FILE: SDAB-D-15-293

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 174611200-002

ADDRESS OF APPELLANT: 1420 Parsons Road SW

APPLICATION: Construct exterior alterations to a

Professional, Financial and Office Support Services Use building (Karst Properties Parking Expansion - Proposed New

Parking Lot Layout)

DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 3, 2015

DATE OF APPEAL: November 13, 2015

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 1420 Parsons Road SW

LEGAL DESCRIPTION: Plan 0320869 Blk 9 Lot 3

ZONE: EIB Ellerslie Industrial Business Zone

OVERLAY: Special Area Ellerslie Industrial

STATUTORY PLAN: Ellerslie Area Structure Plan

Grounds for Appeal

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

- 1. The site meets the Zoning Bylaw requirements for parking stalls. The owners have determined that the Zoning Bylaw requirements do not satisfy the parking demand on site. Therefore, the purpose of this proposal is to provide additional onsite parking beyond that required by the Zoning Bylaw.
- 2. Due to the location of the site, there are no opportunities for on-street parking or the ability to lease parking nearby. The site is located at the

intersection of two collector roads that do not offer street parking. There are no other parking opportunities nearby. The owner has conducted research to determine if any parking stalls for lease were available within 500 metres of the site. None were available.

- 3. The site is already developed and the building is fully occupied. The owner is endeavouring to provide additional parking stalls on the site while still maintaining the esthetics and functioning of the site. The proposal therefore is to endeavour to satisfy the need for additional parking on the site by encroaching into the setback.
- 4. While the proposal is for parking within the setback, there is a large grass boulevard between the site, Parsons Road and 91 Street.
- 5. The owner has developed a landscape plan to provide the maximum amount of landscaping on site.
- 6. The reduction in the setback will not materially affect the use, enjoyment and value of neighbouring properties nor will it detract from the amenities of the neighbourhood. If anything, it will have a positive effect as it will provide the site with additional capacity to meet its parking demand on site.
- 7. Such further and other grounds as may be raised at the hearing of the appeal. [unedited]

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

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

. . .

The decision of the Development Authority was dated November 3, 2015. The Notice of Appeal was filed on November 17, 2015.

General Provisions from the *Edmonton Zoning Bylaw:*

Section 930.1 states that the **General Purpose** of the **Special Area Ellerslie Industrial** designation is:

...to designate a portion of the Ellerslie Area Structure Plan as shown on Appendix I to this Section, as a Special Area and to adopt appropriate land use regulations for this Special Area in order to achieve the objectives of the Ellerslie Area Structure Plan, as adopted under Bylaw 11870, as amended.

Section 930.4 states that the **General Purpose** of the **EIB Ellerslie Industrial Business Zone** is:

... to provide for light industrial businesses and high technology development that carries out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent Non-industrial Zone.

Under Section 930.4(2)(7), **Professional, Financial and Office Support Services** is a **Permitted Use** in the EIB Ellerslie Industrial Business Zone.

Section 7.4(42) states:

Professional, Financial and Office Support Services means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Sideback Uses

Section 930.4(4)(5) states that "no parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback".

Development Officer's Determination

- 1. Section 930.4(4)(5) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback.
- Vehicular parking is proposed within the required 6.0 m Setback, abutting Parsons Road and 91 Street, reducing the Setback to a minimum of 0.0 m. [emphasis added]

Tandem Parking

Section 54.1(2)(f) states that "unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking".

Development Officer's Determination

- 2. Section 54.1(2)(f) Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking.
- One tandem parking space is proposed at the corner of the building. [emphasis added]

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*.

Hearing Date: Thursday, January 7, 2016



Application for Major Development Permit

Project Number: 174611200-002 Application Date: AUG 17, 2015 Printed: January 4, 2016 at 3:07 PM

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

Applicant

HODGSON SCHILF ARCHITECTS INC., ROGER



Property Address(es) and Legal Description(s)

1420 - PARSONS ROAD SW Plan 0320869 Blk 9 Lot 3

Scope of Application

To construct exterior alterations to a Professional, Financial and Office Support Services Use building (Karst Properties Parking Expansion - Proposed New Parking Lot Layout)

Permit Details

Class of Permit:

Gross Floor Area (sq.m.): 2812 New Sewer Service Required: N

Contact Person: Lot Grading Needed?: Y

NumberOfMainFloorDwellings:

Stat. Plan Overlay/Annex Area: (none)

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

Applicant signature:

Development Application Decision

Refused

Reason for Refusal

- 1. Section 930.4(4)(5) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a
- Vehicular parking is proposed within the required 6.0 m Setback, abutting Parsons Road and 91 Street, reducing the Setback to a minimum of 0.0 m.
- 2. Section 54.1(2)(f) Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking.
- One tandem parking space is proposed at the corner of the building.

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: Nov 03, 2015 Development Authority: PEACOCK, ERICA

Signatu	re:
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Fees

Amount Paid Receipt # Date Paid Fee Amount Lot Grading Fee \$220.00 \$220.00 02674621 Aug 17, 2015

THIS IS NOT A PERMIT



Application for Major Development Permit

Project Number: **174611200-002**Application Date: AUG 17, 2015
Printed: January 4, 2016 at 3:07 PM

Page:

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$333.00	\$333.00	02674621	Aug 17, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$553.00	\$553.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location

File: SDAB-D-15-293



Hearing Date: Thursday, January 7, 2016

<u>ITEM II: 11:00 A.M.</u> <u>FILE: SDAB-D-16-010</u>

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 163727651-001

ADDRESS OF APPELLANT: 11540 Jasper Avenue NW

11558 Jasper Avenue NW

APPLICATION TO: Operate a Temporary Non Accessory

Parking Lot for 2 Years (December 2015 -

December, 2017)

DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 20, 2015

DATE OF APPEAL: November 26, 2015

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 11540 Jasper Avenue NW

11558 Jasper Avenue NW

LEGAL DESCRIPTION: Plan B3 Blk 15 Lot 81

Plan B3 Blk 15 Lots 82-83

ZONE: DC1 Direct Development Control

Provision

OVERLAY: N/A

STATUTORY PLAN: Oliver Area Redevelopment Plan

Grounds for Appeal

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

Contrary to the position of the Development Authority, the landscaping plan that was submitted to the City satisfies the intent of the landscaping requirements of the City of Edmonton.

Grounds for Appeal

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 within 14 days,
 - (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

. . .

The decision of the Development Authority was dated November 20, 2015. The Notice of Appeal was filed on November 26, 2015.

Direct Control Districts

The Municipal Government Act states:

Designation of direct control districts

641(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the

directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the *Edmonton Zoning Bylaw:*

Section 710.1 states:

The purpose of this [DC1 Direct Development Control] Provision is to provide for detailed, sensitive control of the use, development, siting and design of buildings and disturbance of land where this is necessary to establish, preserve or enhance:

- a. areas of unique character or special environmental concern, as identified and specified in an Area Structure Plan or Area Redevelopment Plan; or
- b. areas or Sites of special historical, cultural, paleontological, archaeological, prehistorical, natural, scientific or aesthetic interest, as designated under the Historical Resources Act.

Board Officer Comments

The subject property is located on the northeast corner of 116 Street and Jasper Avenue, and falls under the Oliver Area Redevelopment Plan ("ARP"), Bylaw 11618 (as amended), which was adopted by City Council on December 9, 1997.

In May 2001, Section 15.9 DC1 (Area 8) – Direct Development Control ("DC1 (Area 8)") was added to the ARP through Bylaw 12801.

DC1 (Area 8) states:

15.9.1 Area of Application

A portion of Sub Area 4 and Sub Area 5, centered on Jasper Avenue, extending from 110 Street to 121 Street designated DC1 in the Zoning Bylaw and shown as DC1 (Area 8) in Map 21.

15.9.2 Rationale

To provide for a range of uses, with the objective of promoting the continuing development of a pedestrian oriented commercial strip in terms of land use activities and design elements. The District also provides opportunity for the inclusion of residential uses above the ground floor level.

Non-accessory Parking is a listed Use under Section 15.9.3(hh) of DC1 (Area 8).

Section 7.4(39) of the *Edmonton Zoning Bylaw* states:

Non-accessory Parking means development providing vehicular parking which is not primarily intended for the use of residents,

employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below

Section 15.9.4 of DC1 (Area 8) lists various Development Regulations. The following were not specifically addressed in the Development Permit, but relate to parking:

15.9.4 Development Regulations

٠.

- k) Vehicular parking shall be located to the rear of the development and shall be assessed from the abutting rear lane, where a rear lane abuts a site;
- Where required vehicular parking is located to the rear of a development, edge treatment design elements, such as wrought iron fencing, shall be provided to the satisfaction of the Development Officer in accordance with CPTED (Crime Prevention Through Environmental Design) principles, as identified in the Zoning Bylaw;

Landscaping: General Requirements

The Edmonton Zoning Bylaw states:

55. Landscaping

55.4 General Requirements

- 1. All open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.
- 2. Hardsurfaced areas such as walkways and plazas shall be enhanced with Landscaping, at the discretion of the Development Officer. Provision shall be made for adequate on-site pedestrian circulation, by means of sidewalks or walkways, to connect with public sidewalks and walkways adjacent to roadways or within right-of-ways abutting the Site.

Development Officer's Determination

Lack of Landscaping creates a potential negative visual impact (Section 55.4.1)

Perimeter Planting insufficient to provide substantial interruption of the parking area. (Section 55.4.2) [unedited]

Landscaping: Additional Regulations for Specific Land Uses

The Edmonton Zoning Bylaw states:

55.5 Additional Landscaping Regulations for Specific Land Uses

. . .

- 2. The additional Landscaping that may be required at the discretion of the Development Officer may include, but is not limited to, the following:
 - a. additional Separation Space between incompatible Use Classes;
 - b. the use of trees, shrubs, fences, walls and berms to buffer or screen Use Classes that generate negative impacts; and,
 - c. the use of trees, shrubs, planting beds, street furniture and surface treatments to enhance the appearance of a proposed development.

55. Landscaping

55.4 General Requirements

. .

- 7. For development consisting of Non-residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:
 - a. one tree for each 25 m^2 and one shrub for each 15 m^2 of Setback at Grade; and
 - b. one tree for each 20 m² and one shrub for each 10 m² of required parking area islands. In no case shall there be less than one tree per required parking area island

Development Officer's Determination

Use of trees, shrubs, fences to buffer the Non Accessory Parking that generates an undesirable view are not adequate (Section 55.5.2.b)

No Trees provided, 7 Required (Section 55.4.7.b) [unedited]

Parking Requirements: Spaces for the Disabled

Section 54.1.3 states:

54.1 Off-street Parking and Loading Regulations

. .

- 3. Parking for People with Disabilities
 - a. 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;
 - ii. be included, by the Development Officer, in the calculation of the applicable minimum parking requirement; and
 - iii. be identified as parking spaces for the disabled through the use of appropriate signage, in accordance with Provincial standards.

Development Officer's Determination

No Handicap Parking Provided (Section 54.1.3) [unedited]

Parking Requirements: Landscaped Islands

Section 54.2(3)(b) states:

54.2 Required Off-street Vehicular Accessory Parking

- 3. Landscaped Islands Within Parking Areas
 - a. ...
 - b. For parking areas containing required parking for 40 or more vehicles, a minimum of two landscaped islands shall be required. These islands shall be placed to provide visual relief, to assist vehicular circulation and to organize large areas of parking into smaller cells. The number of islands provided shall be to the satisfaction of the Development Officer.

Development Officer's Determination

No Landscaped Island Provided (Section 54.2.3.b) [unedited]

Parking Requirements: Minimum Width

Section 54.2(4)(a)(i) states:

54.2 Required Off-street Vehicular Accessory Parking

- 4. Vehicular Parking Dimensions and Configuration
 - a. 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.

Development Officer's Determination

Not all Parking Spaces meet the minimum width of 2.6m, but are rather 2.5m (Section 54.2.4.a.i) [unedited]

Parking Requirements: Lighting

Section 54.6(1)(a)(vii) states:

54.6 Hardsurfacing and Curbing of Parking and Loading Spaces

- 1. General Requirements
 - a. Required parking and loading facilities shall provide for, and include, an adequate, safe and convenient arrangement of vehicular points of ingress or egress, driveways, internal roadways, aisles and ramps, loading of motor vehicles all in relation to buildings and entry points to buildings on the Site. Such facilities shall comply with the following design, development and maintenance standards:

vii. in situations where lighting of off-street parking and loading facilities is to be provided, the lighting shall be arranged, installed and maintained to deflect, shade and focus light away from any adjacent land Uses.

Development Officer's Determination

No Lighting provided (Section 54.6.1.a.vii) [unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

Project Number: 163727651-001



Application for Major Development Permit

Application Date: NOV 07, 2014
Printed: December 23, 2015 at 3:38 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)

11540 - JASPER AVENUE NW Plan B3 Blk 15 Lot 81 11558 - JASPER AVENUE NW Plan B3 Blk 15 Lots 82-83

Scope of Application

To operate a Temporary Non Accessory Parking Lot for 2 Years (December 2015 - December, 2017)

Permit Details

Class of Permit:
Gross Floor Area (sq.m.): 0
New Sewer Service Required: N
Site Area (sq. m.): 2217.77

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

Reason for Refusal

Lack of Landscaping creates a potential negative visual impact (Section 55.4.1)

 $Perimeter\ Planting\ insufficient\ to\ provide\ substantial\ interruption\ of\ the\ parking\ area.\ (Section\ 55.4.2)$

Use of trees, shrubs, fences to buffer the Non Accessory Parking that generates an undesirable view are not adequate (Section 55.5.2.b)

No Trees provided, 7 Required (Section 55.4.7.b)

No Handicap Parking Provided (Section 54.1.3)

No Landscaped Island Provided (Section 54.2.3.b)

Not all Parking Spaces meet the minimum width of 2.6m, but are rather 2.5m (Section 54.2.4.a.i)

No Lighting provided (Section 54.6.1.a.vii)

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: Nov 20, 2015	Development Authority: HARRISON, MARK	Signature:
	1	8

THIS IS NOT A PERMIT



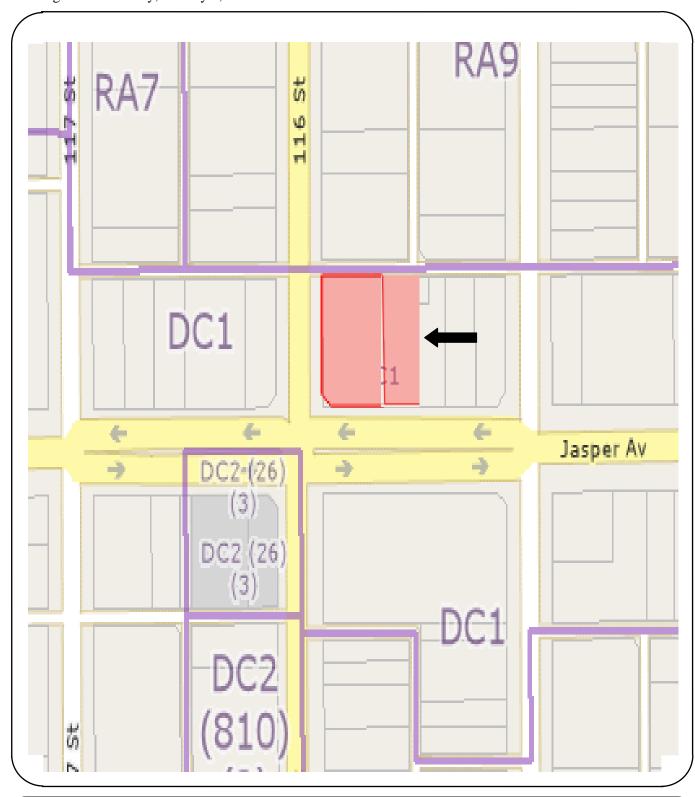
Application for Major Development Permit

Project Number: **163727651-001**Application Date: NOV 07, 2014
Printed: December 23, 2015 at 3:38 PM

Page:

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$254.00	\$254.00	02062264	Nov 07, 2014
Total GST Amount:	\$0.00			
Totals for Permit:	\$254.00	\$254.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location File: SDAB-D-16-010



Hearing Date: Thursday, January 7, 2016

BUSINESS LAID OVER

SDAB-D-15-298	An appeal by Peter Rausch VS Davut Gokce to erect an over height Fence		
	(5.44 m in length on west property line at 2.44 m in Height) in the Rear		
	Yard of a Single Detached House		
	January 13 or 14, 2016		
SDAB-D-15-247	An appeal by Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.		
	change the use of "Building E" from Professional, Financial and Office		
	Support Services to General Retail Stores and to construct interior and		
	exterior alterations (increase building size and change dimensions, revision		
	to parking layout and Drive-thru).		
	March 9 or 10, 2016		
SDAB-D-15-238	An appeal by Ogilvie LLP to comply with an Order to acquire valid		
	development permits by September 25, 2015 or cease the Use and demolish		
	and remove all materials by September 25, 2015; and to comply with all		
	conditions of development permit No. 149045660-001.		
	February 17 or 18, 2016		
SDAB-D-15-252	An appeal by Southwest Muslim Community Centre to change the se from		
	an Indoor Participant Recreation Service to a Religious Assembly with a		
	capacity of 456 seats, and to construct interior alterations (SouthWest		
	Muslim Community Centre.		
	February 10 or 11, 2016		
SDAB-D-15-268	An appeal by Ken Chen / Ogilvie LLP to Leave as built a Single Detached		
	House.		
	January 15, 2016		
SDAB-D-15-285	An appeal by <u>Sakaw Daycare</u> to convert an existing Single Detached House		
	into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 –		
	19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior		
	and exterior alterations		
	March 2 or 3, 2016		

APPEAL HEARINGS TO BE SCHEDULED

176013858-001	An appeal by Abington Homes Ltd. to construct a Single Detached House		
	with a rear attached Garage, a front veranda, fireplace, basement		
	development (NOT to be used as an additional DwellinG)		
	January 13 or 14, 2016		
171838918-001	An appeal by <u>Icewerx Consulting Inc.</u> to install one Minor Digital Off-		
	premises Sign (Icewerx).		
	January 13 or 14, 2016		
159269966-003	An appeal by Anh Padmore to construct an exterior alteration to an		
	existing Singe Detached House, (Driveway Extension 2.8m x 8.4m		
	existing without permits.		
	January 21, 2016		