SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M. July 20, 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-16-171	
			Construct exterior alterations (driveway extension for RV parking from April 1st to Oct. 31st) to an existing Single Detached House
			16135 - 59 Street NW Project No.: 188679671-001
II	10:30 A.M.	SDAB-D-16-172	
			Change the Use from General Industrial Uses to Indoor Participant Recreation Services and Accessory Commercial School and to construct interior alterations (105.6 sq. m. of Public Space, 20 occupants).
			10939 - 120 Street NW Project No.: 188872205-001

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-16-171

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 188679671-001

ADDRESS OF APPELLANT: 16135 - 59 Street NW

APPLICATION TO: Construct exterior alterations (driveway

extension for RV parking from Arpil 1st

to Oct. 31st) to an existing Single

Detached House

DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 21, 2016

DATE OF APPEAL: June 22, 2016

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 16135 - 59 Street NW

LEGAL DESCRIPTION: Plan 9222664 Blk 38 Lot 33

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Hollick Kenyon NSP/Pilot Sound ASP

Grounds for Appeal

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

We are writing to you regarding our application to park our R.V. in our front yard between the months of April and October.

Since moving here in 2011 we have found the vehicular traffic and parking has become progressively more congested. More often than not there are vehicles belonging to neighborhood residents and visitors parked on the street in the front of our home and in front of many other homes.

We have also found that when parking our trailer on the street during loading and unloading, the trailer's access steps overhang onto the sidewalk in front of our yard. This has a high potential to become a collision hazard and an inconvenience for those walking and cycling on the sidewalk.

Due to the reasons mentioned above, we are proposing parking our R.V. in the front yard between the months of April and October.

We believe that by parking in our front yard we will not contribute to the growing challenge of availability of street parking in our neighbourhood that currently exists. Rather than be a nuisance to our neighbours we have created an aesthetically pleasing rock garden in part of our front yard that also doubles as a parking area for our R.V. during the season.

We have spoken to our surrounding neighbours and in conversation they have also verbally agreed that parking the R.V on the road for 72 hours at a time is inappropriate and takes up too many street parking spaces. As such, they have agreed during these conversations that parking the R.V on the front yard is the most safe and sensible solution for ourselves and neighbourhood.

Since moving into this home, and moving to the City from Sherwood Park we have spent both a great deal of our time and savings in order to improve the function and look of our home both inside and out. This said we have full intentions on living in this home and neighbourhood for many years to come. If required to help facilitate the approval of this request, we are fully committed and willing to make any further City of Edmonton recommended changes to our property.

We thank you for your time and hope that you take this information and our request into consideration.
[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,

The Board is advised that the decision of refusal by the Development Officer is dated June 21, 2016. The Notice of Appeal was filed on June 22, 2016.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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:*

Section 115.1 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, Semi-detached Housing and Duplex Housing under certain conditions.

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

Section 7.2(9) states:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 6.1(2) states, "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."

Section 6.1(2) states "**Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area."

Parking in Yard

Section 54.2(2)(e)(i) states:

- e. Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:
 - (i) parking spaces shall not be located within a Front Yard; and

Development Officer's Determination

1.Section 54.2(2)(e) Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.

[unedited]

Objects Prohibited in Residential Zones

Section 45(7) states:

- 7. In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:
 - a. vehicles shall not be located on the landscaped portion of the Yard; and
 - b. vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

Development Officer's Determination

2. Section 45(7) In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:
a) vehicles shall not be located on the landscaped portion of the Yard; and
b) vehicles shall only be allowed on a driveway or within an attached or detached Garage. [unedited]

Driveway Width

Section 54.1(4) states:

- 4. The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:
 - a. a minimum width of 3.1 m; and
 - a maximum width that shall be calculated as the product of 3.1
 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;
 - c. for a Site Zoned RF1 and less than $\underline{10.4 \text{ m}}$ wide, have a maximum width of $\underline{3.1 \text{ m}}$.

Development Officer's Determination

- 3. Section 54.1(4) The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:
- a) a minimum width of 3.1 m; and

b) a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;

Maximum Driveway width: 6.2 m Proposed Driveway width: 10.08 m

Exceeds by: 3.88 m

[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*.



Application for

Project Number: 188679671-001
Application Date: MAR 15, 2016
Printed: June 23, 2016 at 10:02 AM
Page: 1 of 2

Apple	ication for
Minor Dev	velopment Permit
This document is a Development Permit Decision for the develop	pment application described below.
Applicant	Property Address(es) and Legal Description(s) 16135 - 59 STREET NW Plan 9222664 Blk 38 Lot 33
	Specific Address(es) Suite: 16135 - 59 STREET NW Entryway: 16135 - 59 STREET NW
	Building: 16135 - 59 STREET NW
House,	V parking from Arpil 1st to Oct. 31st) to an existing Single Detached
Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included ?: N	Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
I/We certify that the above noted details are correct.	•
Applicant signature:	
Development Application Decision Refused	
,	
THIC	S NOT A PERMIT
IHIST	SHOLALBRINI



Project Number: **188679671-001**Application Date: MAR 15, 2016
Printed: June 23, 2016 at 10:02 AM

Application for

Minor Development Permit

Reason for Refusal

The following are the reasons for refusal:

- 1. Section 54.2(2)(e) Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.
- 2. Section 45(7) In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:
- a) vehicles shall not be located on the landscaped portion of the Yard; and
- b) vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

Development Authority: HETHERINGTON FIONA

- 3. Section 54.1(4) The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:
 - a) a minimum width of 3.1 m; and
- a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;

Maximum Driveway width: 6.2 m Proposed Driveway width: 10.08 m

Exceeds by: 3.88 m

Rights of Appeal

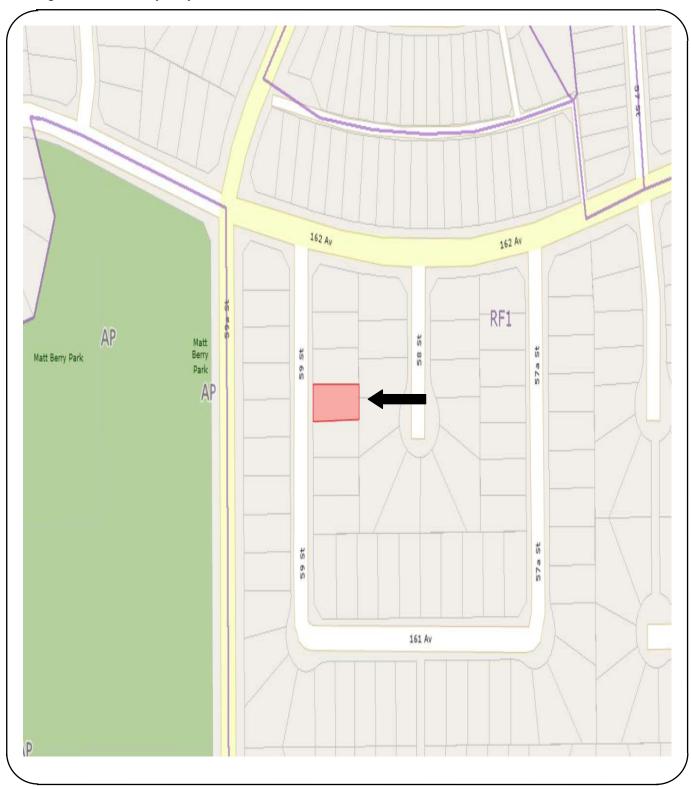
Icena Date: Jun 21 2016

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.

Signatura

ees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$159.00	\$159.00	03131880	Mar 15, 2016
DP Notification Fee	\$0.00	\$41.00	03131880	Mar 15, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$159,00	\$200.00		
(overpaid by \$41.00				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location

File: SDAB-D-16-171



ITEM II: 10:30 A.M. FILE: SDAB-D-16-172

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 188872205-001

ADDRESS OF APPELLANT: 10939 - 120 Street NW

APPLICATION TO: Change the Use from General Industrial

Uses to Indoor Participant Recreation Services and Accessory Commercial School and to construct interior alterations

(105.6 sq. m. of Public Space, 20

occupants).

DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 9, 2016

DATE OF APPEAL: June 23, 2016

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 10939 - 120 Street NW

LEGAL DESCRIPTION: Plan 3256HW Blk 19 Lots B,C

ZONE: IB-Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: Central McDougall/Queen Mary Park

ARP

Grounds for Appeal

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

1. The city has approved the overall development of Holland Plaza, to help revitalize the industrial area on 120 street between 107ave and 111ave. The type of services and businesses in the Holland Plaza development will support and serve both the residents of Queen Mary Park, Westmount and downtown. The city should relax the overall parking variance for the area, to further these types of revitalization developments, as has been done in other areas of the city.

- 2. Holland Plaza has an additional 19 stalls along 120 street that the Development Authority did not include in the on parking variance calculation. There is an agreement, that will be presented to the SDAB, between 76 Developments and the City of Edmonton, including a license of occupation for the Holland Plaza project to occupy these stalls. There is also another 10 stalls on site, in the interior parking garage that were not counted in the onsite parking total. We proposed the SDAB reviews and includes the additional 29 stalls in the parking variance calculation.
- 3. We're challenging the Indoor participant and Recreation Service Use category, under which our Development Permit application was slotted. We're developing a new type of business with a meditation studio, so its difficult to categorize. Our classes are very short ~30 minutes, so we'd propose our parking demands would be similar to a retail type operation. Furthermore the SF calculation of our space and what is required for parking is inaccurate. Only half of the ~3200sf is developed for studio use. The remainder of the lease space is retail, reception, washrooms and management offices. We'd recommend the parking calculation be made off the 1500sf of studio space that will host clients for classes and drop in meditations. The proposed max usage would be 30 participants in the main studio and 5-8 in the drop in studio.
- 4. Our class schedule is outside the main operating areas of the neighbouring businesses. Our strategy is to offer classes for commuters and residents on their way to work and or on the way home. Therefor most our parking demand will be prior to 8am and after 5pm. Therefor any parking variance to the city's street parking will not overload the neighbouring businesses demands, including some of the tenants within Holland Plaza.
- 5. Our ideal client is interested in consciousness and sustainability, we will be offering discounts for clients carpooling, taking public transit or arriving by bike.
- 6. We've received vocal support from the Queen Mary Park Community Association and will be presenting letters of support for the development to the SDAB.
- 7. Our studio, classes, corporate programs and workshops are is in alignment with the Mayor's Office Health Cities Initiative.
- 8. Any recent parking concerns voiced to the Development Authority for this area, are linked to the current sidewalk and roadway revitalization. Once this work is complete this fall, the impact on local industrial businesses who only use the city street parking will be reduced. [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,

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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.

The Board is advised that the decision of refusal by the Development Officer is dated June 9, 2016. The Notice of Appeal was filed on June 23, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 400.1 states that the General Purpose of the IB Industrial Business Zone is to

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

Under Section 400.3(16), **Indoor Participant Recreation Services** is a **Discretionary Use** in the IB Industrial Business Zone.

Section 7.8(4) states:

Indoor Participant Recreation Services means development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical Uses include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; rifle and pistol ranges, bowling alleys and racquet clubs.

Under Section 400.3(7), **Commercial Schools** is a **Discretionary Use** in the IB Industrial Business Zone.

Section 7.4(10) states:

Commercial Schools means development used for training and instruction in a specific trade, skill, service or artistic endeavour. This Use Class 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 6.1(2) states:

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;

Parking

Section 54.1(1)(b)(ii) states:

where any building or Use undergoes a change of Use, intensity of Use or capacity and the change results in an increase in the parking requirements, the

off-street parking, including parking for the disabled and visitors, shall be increased to equal or exceed the off-street parking requirements resulting from application of the provisions of this Bylaw to the entire building, structure or Use as modified in use;

Subsection 16 of Section 54.2 Schedule 1 states:

16. Commercial Schools	1 parking space per 10 seats, plus
	auditorium requirements where
	applicable.

Subsection 38 of Section 54.2 Schedule 1 states:

38. Indoor Participant Recreation Services Except:	1 parking space per 3.5 seats or 1 parking space per 3.3 m ² of Floor Area used by patrons
a. Bowling Alleys	4 parking spaces per Lane plus parking requirements for Accessory Uses
b. Curling Rinks	8 parking spaces per sheet plus parking requirements for Accessory Uses
c. Health and Fitness Clubs	1 parking space per 10 m ² of Floor Area
d. Hockey Rink and Swimming Pools e. Racket Sport	1 parking space per 3.5 seats or 1 parking space per 5 m ² playing/water surface or assembly area
Facilities	2 parking spaces per court plus parking requirements for Accessory Uses

Development Officer's Determination

1) Where any building or Use undergoes a change of Use, intensity of Use or capacity and the change results in an increase in the parking requirements, the off-street parking, including parking for the disabled and visitors, shall be increased to equal or exceed the off-street parking requirements resulting from application of the provisions of this Bylaw to the entire building, structure or Use as modified in use. (Reference Section 54.1.1.b.ii))

The total off-street parking spaces required for the Site, including the proposed Indoor Participant and Recreation Service Use, shall meet the minimum number of off-street parking spaces per Use as Specified in Section 54.2 - Schedule 1.

Required off-street parking for the Site including the proposed Indoor Participant

Recreation Services: 232 spaces

Proposed off-street parking on Site: 136 spaces

The Site is deficient by: 96 spaces

Off-street parking required for Indoor Participant Recreation Services: 38 spaces Off-street parking provided for the existing General Industrial Use: 3 spaces Deficient by: 35 spaces

[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: 188872205-001
Application Date: MAR 18, 2016
Printed: June 9, 2016 at 5:11 PM

Appl	ication for	Page:	l of			
Major De	velopment	Permit				
This document is a Development Permit Decision for the develo	pment application o	described below.				
Applicant Property Address(es) and Legal Description(s) 10939 - 120 STREET NW						
] 1	Plan 3256HW Blk 19 Lots B,C				
	Specific A	Address(es)				
	Suite:	10937 - 120 STREET NW				
	Entryway:	10937 - 120 STREET NW				
	Building:	10930 - 119 STREET NW				
Scope of Application	'					
To change the Use from General Industrial Uses to Indoor construct interior alterations (105.6 sq. m. of Public Space		tion Services and Accessory Comme	rcial School and to			
Permit Details						
Class of Permit: Class B	Contact Pers	ion:				
Gross Floor Area (sq.m.):		Needed?: N				
New Sewer Service Required: N	NumberOfM	IainFloorDwellings:				
Site Area (sq. m.):	Stat. Plan O	verlay/Annex Area: (none)				
I/We certify that the above noted details are correct.						
Applicant signature:						
Development Application Decision Refused						
Reason for Refusal 1) Where any building or Use undergoes a change of parking requirements, the off-street parking, includin the off-street parking requirements resulting from app Use as modified in use. (Reference Section 54.1.1.b.i.)	g parking for the dis dication of the prov	sabled and visitors, shall be increased	l to equal or exceed			
	The total off-street parking spaces required for the Site, including the proposed Indoor Participant and Recreation Service Use, shall meet the minimum number of off-street parking spaces per Use as Specified in Section 54.2 - Schedule 1.					
Required off-street parking for the Site including the proposed Indoor Particpant Recreation Services: 232 spaces Proposed off-street parking on Site: 136 spaces The Site is deficient by: 96 spaces						
Off-street parking required for Indoor Participant Rec Off-street parking provided for the existing General I Deficient by: 35 spaces						
Rights of Appeal The Applicant has the right of appeal within 14 days of Chapter 24, Section 683 through 689 of the Municipa			sion, as outlined in			
Issue Date: Jun 09, 2016 Development Authority: BELZ	LE, PAUL	Signature:				
THIS	S NOT A PERMI	г				
I						



Application for

Major Development Permit

		r Developine			
	Fee Amount	Amount Paid	Receipt #	Date Paid	
Major Dev. Application Fee	\$323.00	\$323.00	03139564	Mar 18, 2016	
OP Notification Fee	\$102.00	\$102.00	03139564	Mar 18, 2016	
Total GST Amount:	\$0.00				
Totals for Permit:	\$425.00	\$425.00			

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location

File: SDAB-D-16-172



BUSINESS LAID OVER

SDAB-D-16-120	An appeal to construct a Single Detached House with attached Garage, veranda, fireplace, rear balcony (irregular shape, 4.25 metres by 2.22 metres)			
	and Basement development (NOT to be used as an additional Dwelling)			
	August 3, 2016			
SDAB-D-16-136				
	premises Sign (3.05m x 10.37m Single Sided Facing South)			
	August 17 or 18, 2016			
SDAB-D-16-144	An appeal to construct 6 Accessory General Industrial Use buildings -			
	existing without permits (Kiewit Energy Canada Corp - 3 lunchroom			
	buildings, 2 office buildings, and 1 office/lunch building)			
	November 30 or December 1, 2016			

APPEAL HEARINGS TO BE SCHEDULED