

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 31, 2019**

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

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

TO BE RAISED

I	9:00 A.M.	SDAB-D-19-060	Construct exterior alterations to a Public Education Services site (Landscaping revision of Ecole Joseph-Moreau Junior High School) 9735 - 75 Avenue NW Project No.: 262704257-020
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED
ITEM II: 10:30 A.M.

FILE: SDAB-D-19-060

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

APPELLANT:	
APPLICATION NO.:	262704257-020
APPLICATION TO:	Construct exterior alterations to a Public Education Services site (Landscaping revision of Ecole Joseph-Moreau Junior High School)
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with Notices
DECISION DATE:	March 12, 2019
DATE OF APPEAL:	March 27, 2019
NOTIFICATION PERIOD:	March 19, 2019 through April 9, 2019
RESPONDENT:	Stantec Architecture Ltd.
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	9735 - 75 Avenue NW
LEGAL DESCRIPTION:	Plan 1721326 Blk A Lot A
ZONE:	US-Urban Services Zone
OVERLAY:	N/A
STATUTORY PLAN:	Ritchie Area Redevelopment Plan

Grounds for Appeal

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

The landscape plan called for 152 trees. They are now proposing 49 trees. Also the shrubs are being reduced from 253 to 76.

This equates a 67% reduction in landscaping. We live directly across from the school site and we would like a landscaping buffer so we don't have to look directly onto an extensive parking lot. With the construction of the School and parking lot on the north side of the property along 75 Ave. All residents on 75 Ave including myself have lost their green space. We request to see the landscaping plans.

General Matters

The Subdivision and Development Appeal Board made and passed the following motion on June 5, 2019:

"That the appeal hearing be postponed until July 31, 2019, at the verbal request of the Appellant and with agreement from the Respondent."

The Subdivision and Development Appeal Board made and passed the following motion on April 25, 2019:

"That the appeal hearing be postponed until June 5, 2019 at the verbal request of the Appellant and with the support of the Respondent and the Development Authority."

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 510.2(5) states a **Public Education Service** is a **Permitted Use** in the **(US) Urban Services Zone**.

Under Section 7.8(11), **Public Education Service** means:

development which is publicly supported or subsidized involving public assembly for educational, training or instruction purposes, and includes the administration offices required for the provision of such services on the same Site. This Use includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This Use does not include Private Education Services and Commercial Schools.

Section 510.1 states that the **General Purpose** of the **(US) Urban Services Zone** is to provide for publicly and privately owned facilities of an institutional or community service nature.

<i>Landscaping</i>

Section 55.3(1)(b) states for new development consisting of Residential-Related Use Classes, Commercial Use Classes, Industrial Use Classes, Basic Services Use Classes, and Community, Educational, Recreational and Cultural Service Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

- i. one tree for each 25 square metres and one shrub for each 15 square metres of Setback;
- ii. one tree for each 20 square metres and one shrub for each 10 square metres of parking area islands, as determined by subsection 54.2(3); and
- iii. in no case shall there be less than one tree per parking area island.

Development Officer's Determination

- 1) Landscaping - The site provides 49 trees and 76 shrubs, instead of 152 trees and 253 shrubs. (Section 55.3(1)(b))

Notes: Development Officer calculates the Landscape Requirement based on the development boundary (front setback along 75 Ave and side setback 98 Street), instead of 4 side property lines.

Total number of required trees is reduced from 152 trees to 38 trees.

Total number of required shrubs is reduced from 253 shrubs to 63 shrubs.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.



Project Number: **262704257-020**
Application Date: OCT 29, 2018
Printed: March 27, 2019 at 3:04 PM
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Major Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant STANTEC ARCHITECTURE LTD 400, 10220 - 103 AVENUE NW EDMONTON, ALBERTA CANADA T5J 0K4	Property Address(es) and Legal Description(s) 9735 - 75 AVENUE NW Plan 1721326 Blk A Lot A Specific Address(es) Entryway: 9735 - 75 AVENUE NW Building: 9735 - 75 AVENUE NW
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Scope of Permit
To construct exterior alterations to a Public Education Services site (Landscaping revision of Ecole Joseph-Moreau Junior High School).

Permit Details Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

Issue Date: Mar 12, 2019 **Development Authority:** LI, CINDY



Project Number: 262704257-020
Application Date: OCT 29, 2018
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Major Development Permit

Subject to the Following Conditions

LANDSCAPE CONDITIONS:

1. Landscaping shall be in accordance with the approved landscaping plan and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.
2. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
3. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

DEVELOPMENT CONDITIONS:

- 1) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.
- 2) All access locations and curb crossings shall require the approval of Transportation Services. (Reference Section 53(1))

NOTES :

- 1) The Development Permit shall NOT be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 2) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 3) Signs require separate Development Applications.
- 4) A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 5) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 6) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Variations

- 1) Landscaping - The site provides 49 trees and 76 shrubs, instead of 152 trees and 253 shrubs. (Section 55.3(1)(b))

Notes: Development Officer calculates the Landscape Requirement based on the development boundary (front setback along 75 Ave and side setback 98 Street), instead of 4 side property lines.

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Major Development Permit

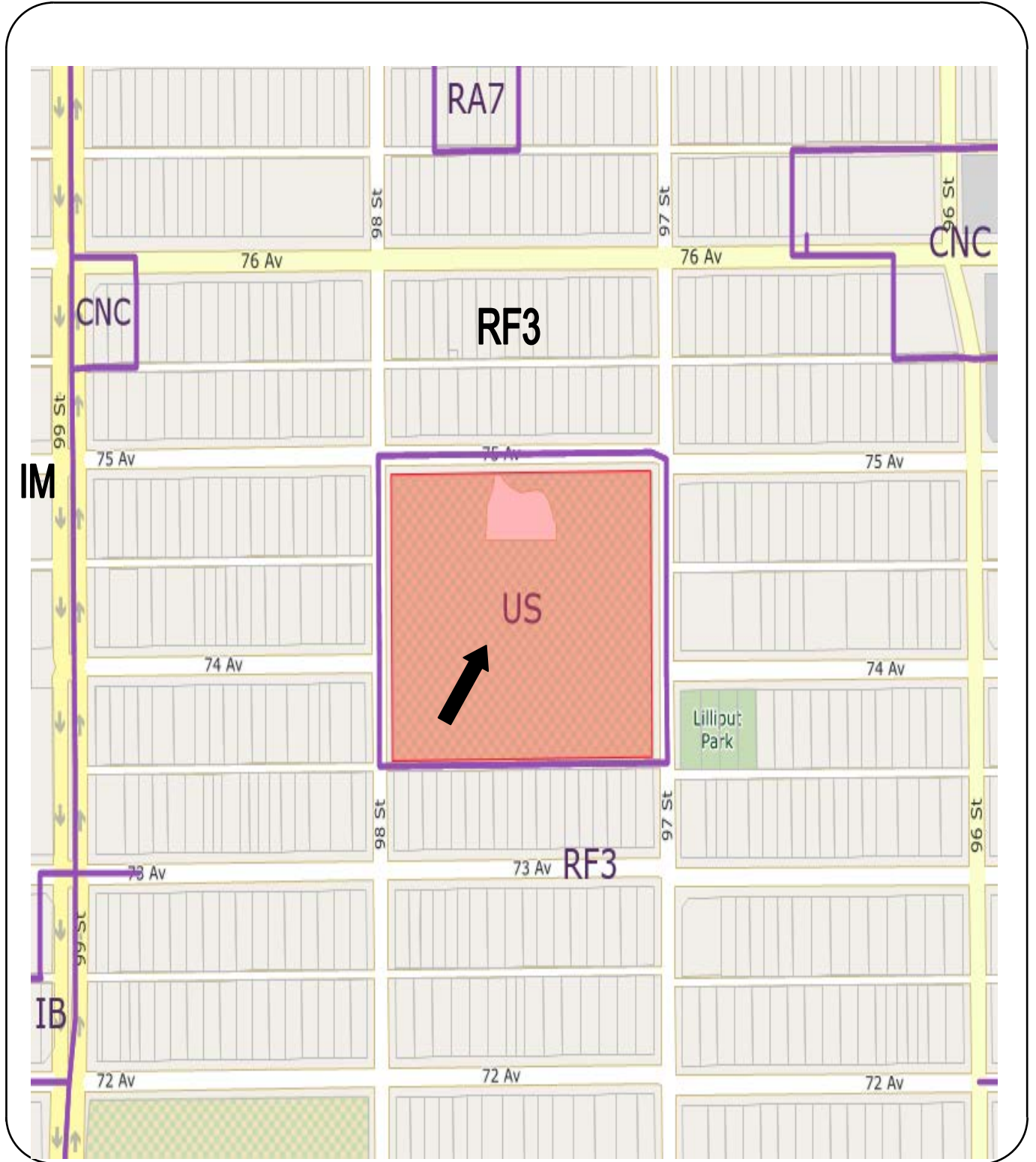
Rights of Appeal

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

Notice Period Begins: Mar 19, 2019 **Ends:** Apr 09, 2019

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$362.00	\$362.00	05465868	Nov 09, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$362.00</u>	<u>\$362.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-060

