

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
June 11, 2015**

**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-15-120	Convert a Single Detached House into a Child Care Services Use (maximum 39 children) and to construct interior alterations. 8708 - Connors Road NW Project No.: 168690480-001
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LUNCH BREAK: 12:00 P.M. TO 1:00 P.M.

II	1:00 P.M.	SDAB-D-15-121	Add Automotive and Equipment Repair Shops to an existing General Industrial Use - Extreme Exotic Auto Body Ltd. 8830 - Yellowhead Trail NW Project No.: 171292611-001
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-120

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

APPELLANT:

APPLICATION NO.: 168690480-001

APPLICATION TO: Convert a Single Detached House into a Child Care Services Use (maximum 39 children) and to construct interior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 7, 2015

DATE OF APPEAL: May 12, 2015

NOTIFICATION PERIOD: May 12, 2015 through May 25, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8708 - Connors Road NW

LEGAL DESCRIPTION: Plan 4000MC Blk 13 Lot 1

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

- 1) Access from the site to the Connors Road service road exists. Any modifications to the existing access requires the review and approval of Transportation Services.

TRANSPORTATION ADVISEMENTS:

- a) Transportation Services does not have an objection to an on-street loading zone. For further information, the applicant must contact Brian Murphy (780-944-0040) of

Transportation Operations to coordinate this on-street operation. All associated costs will be borne by the applicant.

2) All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

3) No parking, loading, storage, trash collection, outdoor service or display areas shall be permitted within a required Yard and loading, storage, parking and trash collection areas shall be screened from view from any adjacent site and public roadway in accordance with Section 54 of the of the Edmonton Zoning Bylaw.

4) All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction in accordance with Section 53(1) of the Edmonton Zoning Bylaw.

5) The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6 of the Edmonton Zoning Bylaw.

6) Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

7) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices in accordance with Section 51 of the Edmonton Zoning Bylaw.

NOTES:

1) 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.

2) 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).

3) Signs require separate Development Applications.

4) 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.

5) 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.

6) This Development Permit is not a Business License. A separate application must be made for a Business License.

VARIANCE:

Sections 54.2, Schedule 1 and 80(6) relaxed - To reduce the number of required vehicular and drop-off parking spaces from 9 to 2 (7 spaces).

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

APPELLANT'S SUBMISSION

The property in question does not have adequate parking for the business in question. The 2 existing parking stalls (as opposed to the 9 normally required) will not even be enough for the staff, let alone drop off for 39 children daily. The neighbourhood already has serious parking challenges, with 2 churches on the block (and the church traffic is NOT Sunday only). The neighbourhood is also undergoing years of road construction, between sewer upgrades, neighbourhood refurbishment and LRT installation, so street parking will be hampered for years to come.

Also, with the location of this house for a daycare, I strongly suspect that parents will want to leave their car parked all day in the neighbourhood and just hop on the bus/LRT to go downtown to work. This could easily mean an extra 30 cars parked on the street all day every day.

To all of this, consider the extra traffic and parking we already deal with every year during the Folk Festival.

This property in question is a HOUSE, not a commercial building. We do not have room in this neighbourhood for a HOUSE to operate as a commercial venture and have parking for the parents of 39 children coming and going, plus the staff to care for them.

Really, this should have been considered before the development permit was granted. Why should they be allowed to operate with only two parking stalls?

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Child Care Services is a Discretionary Use in the RF3 Small Scale Infill Development Zone, Section 140.3(2).

Under Section 7.8(2), **Child Care Services** means a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use Class typically includes daycare centres; out-of-school care centres; preschools; and dayhomes (providing child care within the care provider's residence).

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

Section 80(6) states parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, drop-off parking shall be provided as follows:

- a. a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;
- b. each drop-off space shall be a minimum of 2.6 metres in width and a minimum of 5.5 metres in length; and
- c. the drop-off area shall be located within 60.0 metres from the main entrance of the Child Care Service facility.

Section 54.2, Schedule 1(A)(31) states the minimum number of parking spaces or Garage spaces required for Child Care Services is 1 parking space for the first 2 employees, plus 0.5 spaces per additional employee.

Except:

- a. Dayhomes (providing care of 7 or more children within the residence of the child care provider):

1 parking space per non-resident employee, in addition to parking required for Primary Dwelling.

Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.

The Development Officer determined the proposed development requires total of 9 vehicular and drop-off parking spaces. The proposed development provides 2 vehicular and drop-off parking spaces, and a relaxation of 7 spaces was granted.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 8727 - Connors Road.

Section 80 states Child Care Services shall comply with the following regulations:

1. in all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located:
 - a. abutting a collector or arterial road,
 - b. on a corner Site,
 - c. adjacent to or in community facilities such as a school, park, church or community centre; or
 - d. adjacent to commercial areas or multi-family development;
2. ...
3. a Child Care Service in any Residential Zone shall not change the principal character or external appearance of the Dwelling in which it is located. If a new building is constructed, it must retain the character of a residential Dwelling. Any associated signage on the Dwelling must not detract from the residential character of the neighbourhood;
4. ...
5. no portion of a Child Care Service Use, including the building or bay of building and, where provided, on-site outdoor play space, shall be located within 50.0 metres of a Major or Minor Service Station or a Gas Bar. This distance shall be measured from the pump island, fill pipes, vent pipes, or service station or gas bar building, depending on whichever is closest to the child care facility;
6. ...
7. exterior lighting of the facility shall provide for a well lit environment;
8. where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:
 - a. noisy, noxious or hazardous adjacent Uses such as, but not limited to, loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, Light Rail Transit lines or storm water lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means;
 - b. outdoor play space shall be located at ground level. If no reasonable opportunity exists for at grade outdoor play space, the Development Officer may approve an above grade outdoor play space provided that the following conditions are met:
 - i. secure perimeter fencing is provided that is at least 1.83 metres in height and is located a reasonable distance from the edge of the building;
 - ii. roof top mechanical equipment is located a reasonable distance away from the play space to avoid sources of noise and fumes unless the mechanical equipment is designed so that it does not create adverse effects related to noise and fumes and can be integrated into the play area;
 - c. outdoor play space shall be securely enclosed on all sides with the exception of developments proposed on zoned Sites US and AP where existing play fields are proposed as outdoor play space;

- d. in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment; and
 - e. ...
9. all Development Permit applications for Child Care Services shall include: plans that show all elevations; floor plans that show indoor play and rest areas, including the location of windows; a Site plan that shows the required on-site parking, drop-off facilities, and, where provided, on-site outdoor play areas, including the location and type of fixed play equipment, as well as fencing, landscaping and any buffering to be provided.

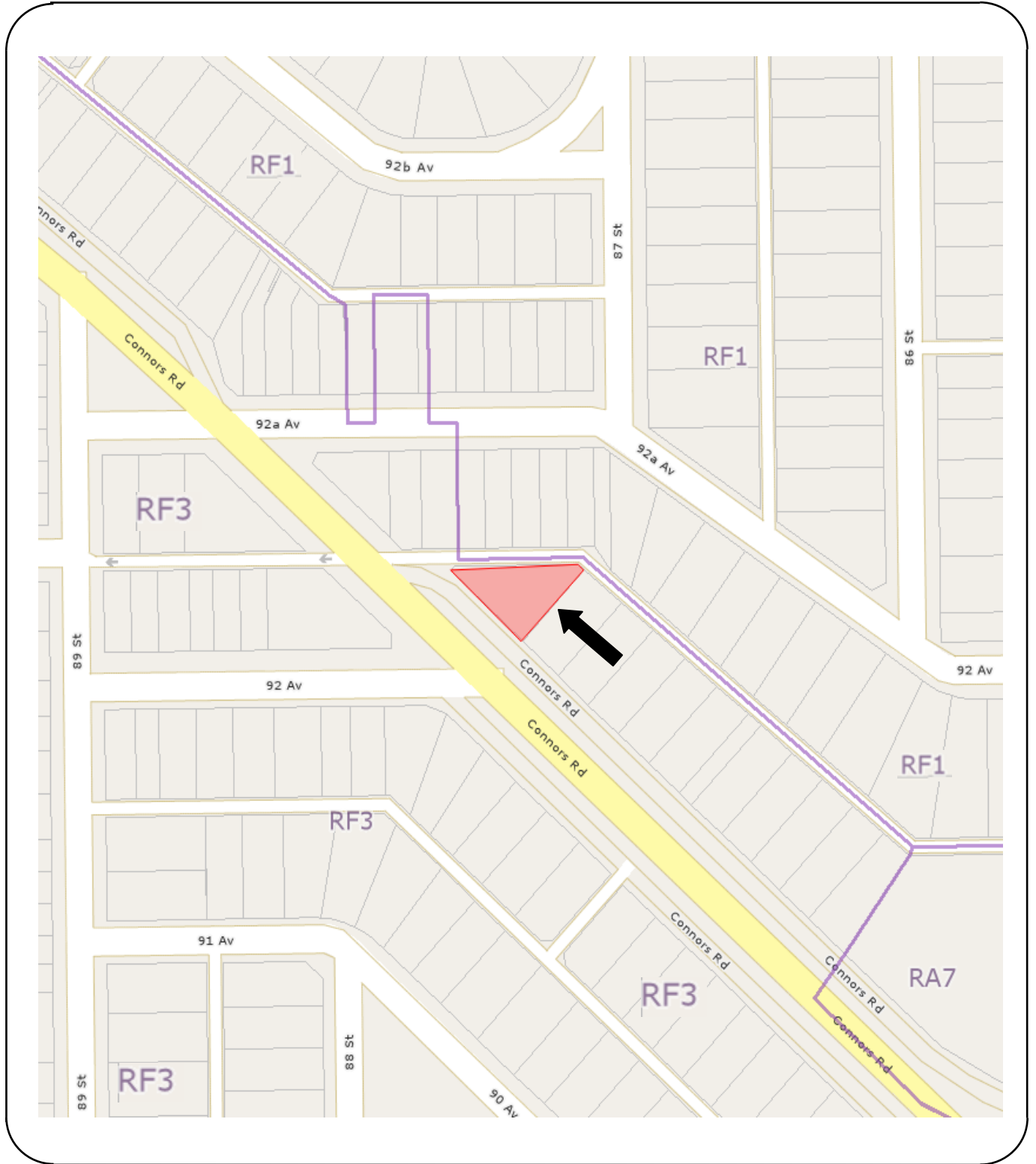
Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Section 140.1 states the purpose of the RF3 Small Scale Infill Development Zone is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Included in the Development Officer's plans is a Memorandum dated April 30, 2015 from Amanda Gelinas, Senior Transportation Engineer, Sustainable Transportation, Transportation Planning Branch which indicates that Transportation Services has reviewed the development application and has attached a condition and advisements if approved. **A copy of the Memorandum from Transportation Services is on file.**

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-120



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-121

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

APPELLANT:

APPLICATION NO.: 171292611-001

APPLICATION TO: Add Automotive and Equipment Repair Shops to an existing General Industrial Use - Extreme Exotic Auto Body Ltd.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 6, 2015

DATE OF APPEAL: May 19, 2015

NOTIFICATION PERIOD: May 6, 2015 through May 20, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8830 - Yellowhead Trail NW

LEGAL DESCRIPTION: Plan 4207KS Blk 50 Lot 1

ZONE: IM Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

NOTES :

1) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

2) Signs require separate Development Applications.

3) 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.

4) 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.

5) 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

6) Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1)

APPELLANT'S SUBMISSION

We are a Food Manufacturing facility right next door. The applying company is using heavy paints that are causing the fumes to enter our front offices and being pulled into our actual manufacturing facility. We have been in operation at this location since 2001, and are regulated and inspected by the Canadian Food Inspection Agency. We have proper Make up Air and exhaust systems to prevent exterior contaminants into our facility, but with the paints and seals being used the fumes are so strong that everything closed up still causes the strong smells into our facility, potentially causing safety risks to our food products and employees.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

General Industrial Uses is a Permitted Use in the IM Medium Industrial Zone, Section 420.2(5).

Automotive and Equipment Repair Shops is a Discretionary Use in the IM Medium Industrial Zone, Section 420.3(2).

Under Section 7.5(2), **General Industrial Uses** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;

- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Under Section 7.4(4), **Automotive and Equipment Repair Shops** means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use Class does not include body repair and paint shops.

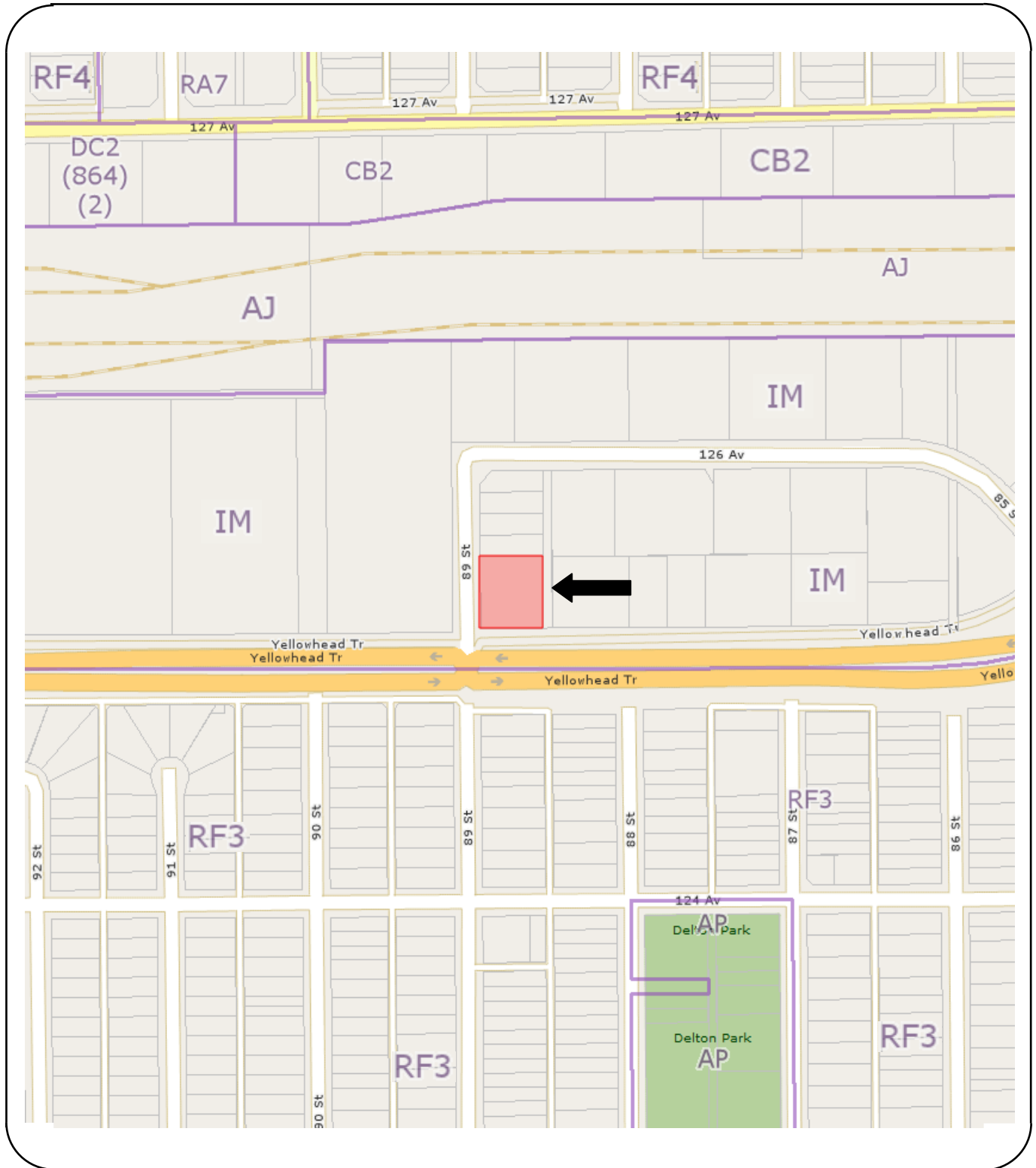
This application was approved by the Development Officer with conditions.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located immediately north at 12525 - 89 Street.

Section 420.1 states the purpose of this Zone is to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

NOTICE TO APPLICANT/APPELLANT

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-121



BUSINESS LAID OVER

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APPEAL HEARINGS TO BE SCHEDULED

168696143-001	An appeal by <u>127 Avenue Developments Inc.</u> to comply with a Stop Order to dismantle and remove the Freestanding Off-premises Sign from the Site. <i>July 2, 2015</i>
170327437-001	An appeal by <u>Permit Solutions</u> to install (1) Freestanding Off-premises Sign (West Granville Centre). <i>June 24 or 25, 2015</i>