

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
June 4, 2015**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-15-114

Construct a Freestanding Minor Digital On-premises Off-premises Sign

18304 - 100 Avenue NW
Project No.: 159466458-001

II 10:30 A.M. SDAB-D-15-115

Develop a Secondary Suite in the Basement and to construct exterior alterations (side entry door, main floor window, main floor cantilever 0.46m x 2.13m, eave cover 0.61m x 1.83m, and landing 0.91m x 1.07m on the south side) to an existing Single Detached House

11233 - 125 Street NW
Project No.: 161885937-010

LUNCH BREAK: 12:00 P.M. TO 1:00 P.M.

III 1:00 P.M. SDAB-D-15-116

Change the Use from a General Industrial Use to a Child Care Service Use, and to construct interior and exterior alterations (construct play area and new front entry). (94 kids total: 9 kids 0-11mos, 12 kids 12-18 mos, 12 kids 19 mos-9yrs, 16 kids 3-4.5 years, 20 kids 4.5-7 yrs, 25 school aged children).

10571 - 115 Street NW, 10575 - 115 Street NW
Project No.: 165868468-001

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-114

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 159466458-001

APPLICATION TO: Construct a Freestanding Minor Digital On-premises Off-premises Sign

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 22, 2015

DATE OF APPEAL: May 4, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 18304 - 100 Avenue NW

LEGAL DESCRIPTION: Plan 0927895 Blk 1 Lot 27

ZONE: DC2.876 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Place LaRue West Neighbourhood Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

- 1) The maximum Area shall be 20 m2 for proposed Minor Digital On-premises Off-premises Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m2. (Reference Section 59E.3(5)(c)(ii))

Proposed area 31.2 m2
Exceeds by 11.2 m2

In the opinion of the Development Officer, any excess sign area other than permitted for the Minor Digital On-premises Off-premises Sign, would contribute to light pollution and visual intrusion into residential properties south of 100 Avenue, contrary to Section DC2.876.4(z)(i).

2) Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:

a) does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic;

b) is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic;

c) is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways; and

d) illumination does not compete with or dull the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic. (Reference Section 59.2(2)(a-d))

The proposed location of the Minor Digital On-premises Off-premises Sign is within 20 degree cone of vision, which requires a Safety Review prior to approval. The proposed location of the Minor Digital On-premises Off-premises Sign is in the direct path of an existing traffic control signal. As such, the Transportation Department has determined that the proposed sign location will also backlight the subject traffic control signal on NE corner of intersection.

Note: The applicant has not demonstrated any unnecessary hardship or practical difficulties peculiar to the Use or character of the site in considering any variance to the reasons of the refusal, contrary to Section 11.4 of the Zoning Bylaw.

APPELLANT'S SUBMISSION

1. The subject property was recently re-zoned to accommodate the proposed sign and the proposed sign is now a listed use in the applicable DC-2 Zone.
2. While Sign Schedule 59E does provide that the maximum sign area for Minor Digital On-premises / Off-premises Signs is 20m², that same Schedule contemplates On-premises / Off-premises Signs of greater dimensions and purports to regulate the same on the basis of that greater area. Development along this stretch of 100th Avenue is all of a large scale, highway commercial nature, and the increase in sign area is both available and appropriate at this location.
3. Section 720.3(3) of the Zoning Bylaw provides that all Regulations in the Zoning Bylaw shall apply to development in a DC2 Zone, and this necessarily includes those Regulations that grant the Development Officer discretion to grant variances in appropriate circumstances. Because the variance issue is a matter of discretion, the exercise of that discretion is a fit matter for appeal within the context of section 641(4)(b) of the Municipal Government Act.
4. The Development Officer failed to follow the directions of Council in any event in finding that the proposed would "contribute to light pollution and visual intrusion into residential properties south of 100 Avenue" in circumstances where:
 - (a) the proposed sign is oriented to the west as otherwise prescribed by the DC2 zoning; and

- (b) the nature of the proposed sign is such that its light is not diffused but is directed to the west.

The sign will be relocated slightly to address the concerns expressed by Transportation Services.

Such further and other reasons as may be presented at the hearing of this appeal.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The Subdivision and Development Appeal Board at a hearing on May 6, 2015 made and passed the following motion:

“that the appeal hearing be SCHEDULED FOR JUNE 4, 2015 at the written request of Legal Counsel for the Appellant and in agreement with Sustainable Development.”

Section 641(4) of the *Municipal Government Act*, Chapter M-26 states 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 following 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.

Minor Digital On-premises Off-premises Signs is a listed Use in the DC2.876 Site Specific Development Control Provision, Section DC2.876.3(g).

Under Section 7.9(7), **Minor Digital On-premises Off-premises Signs** means any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds.

Minor Digital On-premises Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

The submitted plans show that the proposed Sign is single-sided facing west and is located 7.5 metres from the (west) lot line, and 7.5 metres from the (south) lot line. The plans indicate that the proposed Sign has a horizontal dimension of 7.32 metres, a vertical dimension of 4.27 metres, and a height of 7.92 metres from grade to the top of the Sign.

Section DC2.876.4(z) states, in addition to Schedule 59E and any other provisions of the Zoning Bylaw, the following shall apply:

- i. All Digital Signs shall be designed to minimize light pollution and visual intrusion into residential properties south of 100 Avenue;
- ii. Any lighting on a sign higher than 10 m and more than 7.5 m north of 100 Avenue is to be oriented east/west and not face south;
- iii. Any Signs developed on a south facing wall above 10 m in height or attached to any building above 10 m in height that abuts 100 Avenue is to be backlit and designed to prevent light from emitting toward residential areas south of 100 Avenue;

- iv. Individual business identification signs located on the Facades of buildings shall be similar in proportion, construction materials and placement. The sign shall be designed and located so as to ensure that the signage does not detract from the overall appearance of the development and is not obtrusive, having regard to the scale of the buildings on the site and to the distance of the building setback. An exception may be made to this general requirement where the function of an individual business dictates a specific style or image associated with a company. In such cases, the development shall maintain harmony in terms of overall project design and appearance;
- v. Any Signs developed on the south facing walls or area of any of the buildings visible from 100 Avenue shall be designed to prevent light from emitting toward residential areas south of 100 Avenue. Only low light signs shall be used;
- vi. Movement and brightness of perimeter Signs shall be designed to minimize light pollution/visual intrusion on surrounding residential properties;
- vii. There shall be no Digital Sign located in a landscaped yard;
- viii. There shall be no Digital Sign facing 100 Avenue;
- ix. All Digital Signs shall be developed in accordance with Section 59.2 of the Edmonton Zoning Bylaw.

Schedule 59E.3(5)(c)(ii) states for Minor Digital On-premises Off-premises Signs the maximum Area shall be 20 square metres for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 square metres.

The Development Officer determined the maximum Area is 20 square metres. The proposed development provides an Area of 31.2 square metres, which is in excess of the maximum by 11.2 square metres.

Section 59.2(2) states Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:

- a. does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic;
- b. is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic;
- c. is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways; and
- d. illumination does not compete with or dull the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic.

The Development Officer determined the proposed development is within 20 degree cone of vision, which requires a Safety Review prior to approval. The proposed location of the proposed development is in the direct path of an existing traffic control signal. As such, the Transportation Department has determined that the proposed sign location will also backlight the subject traffic control signal on NE corner of intersection.

Under Section 6.2(3), **Copy** means the letters, graphics or characters that make up the message on the Sign face.

Under Section 6.2(4), **Copy Area** means the total area within one or more rectangles which enclose the entire limits of the Copy.

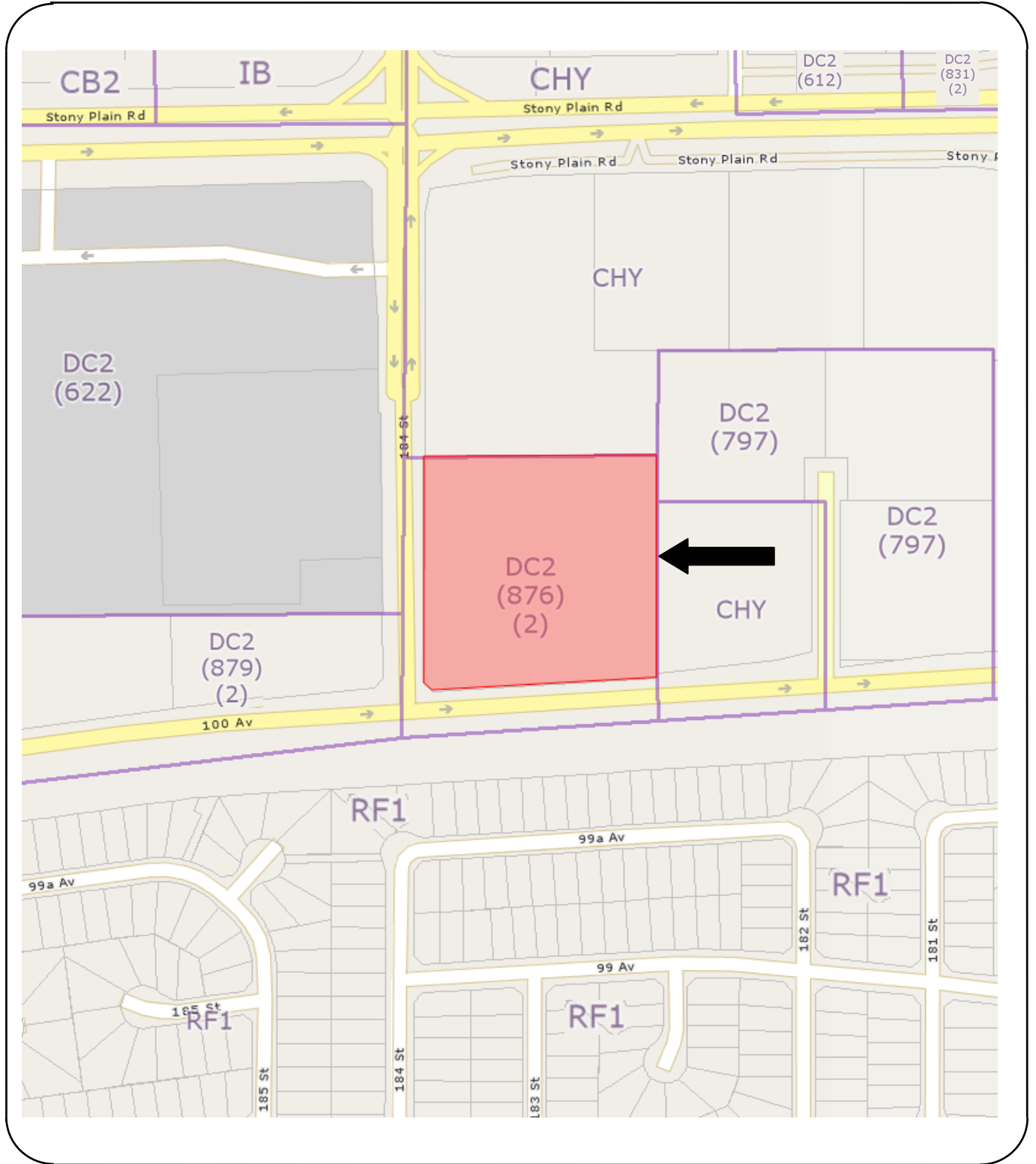
Under Section 6.2(24), **Sign Area** means the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

Section DC2.876 states the purpose of the DC2 Site Specific Development Control Provision is to accommodate the development of three hotels in accordance with the Place La Rue Plan West Neighbourhood Area Structure Plan and the Major Commercial Corridor Overlay in order to achieve a high-quality development that is appropriate for the site's location adjacent to a major "gateway" corridor of the city, and that will not adversely affect neighbouring residential uses and transportation facilities.

Included in the Sustainable Development Department's POSSE system, under "Shared with SDAB", is a Memorandum dated April 22, 2015 from Karen Haromy, Senior Transportation Technician, Development Planning, Transportation Planning Branch which indicates that Transportation Services has reviewed the noted development application and has attached conditions 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-15-114



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-115

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

APPELLANT:

APPLICATION NO.: 161885937-010

APPLICATION TO: Develop a Secondary Suite in the Basement and to construct exterior alterations (side entry door, main floor window, main floor cantilever 0.46m x 2.13m, eave cover 0.61m x 1.83m, and landing 0.91m x 1.07m on the south side) to an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 23, 2015

DATE OF APPEAL: May 11, 2015

NOTIFICATION PERIOD: April 30, 2015 through May 13, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11233 - 125 Street NW

LEGAL DESCRIPTION: Plan 1425376 Blk 9 Lot 14B

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

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

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.

This Development Permit authorizes the development of a Secondary Suite in the Basement and exterior alterations (side entry door, main floor window, main floor cantilever 0.46m x 2.13m, eave cover 0.61m x 1.83m, and landing 0.91m x 1.07m on the south side) to an existing Single Detached House.

The Development shall be in accordance with the stamped, approved drawings.

A Secondary Suite shall be developed in such a manner that the exterior of the principal building containing the Secondary Suite shall appear as a single Dwelling.

Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.

A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.

Secondary Suites shall not be included in the calculation of densities in this Bylaw.

The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.

Locked separation that restricts the nonconsensual movement of persons between each dwelling unit shall be installed.

Single Detached Housing/Semi-detached housing requires 2 parking spaces per dwelling; parking may be in tandem as defined in Section 6.1(100) (Reference Schedule 1 of Section 54.2).

For the Secondary Suite, 1 parking space per 2 Sleeping Units shall be provided in addition to the parking requirements for the primary Dwelling. Tandem Parking is allowed for Secondary Suites and Garage Suites. (Reference Section 54.2(2))

Proposed sleeping units: 1

Required additional parking spaces: 1

The additional proposed off-street parking shall be constructed prior to commencing the use of the Basement as a Secondary Suite.

Notes:

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. (Reference Section 5.2)

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

Dwelling means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Household means:

one or more persons related by blood, adoption, foster care, marriage relationship; or a maximum of three unrelated persons; all living together as a single social and economic housekeeping group and using cooking facilities shared in common. For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.

VARIANCE:

Section 86.1 relaxed - The minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m2.

Existing Site area: 348.39 m2

Minimum Site area: 360.00 m2

Deficient by: 11.61 m2

APPELLANT'S SUBMISSION

The lot known as 11233 125 St. was originally one 50 ft. lot, now sub-divided into two lots. There is no "existing single detached house" on either lot. The owner of 11233 has advised the neighbors, including myself that he plans to build a "skinny" house on the south Y2 lot, leaving the north /2 lot for sale. (He neglected to mention anything about a basement suite.) The second half of the lot remains advertised for sale. Only another skinny house will be able to be constructed on the property. If this current relaxation is permitted then the door is open for the second dwelling to also have a basement suite. That could potentially allow four separate residences on what was one city lot (now sub-divided into two). Since when does infill in mature neighborhoods allow for such density on a mid-street lot?

Despite the suggestion that the current owner has allowed for 3 parking spots (one garage) and two pads, this will be the last to construct, if ever completed, and the reality of our neighborhood is that everyone parks on the street. Break- ins to vehicles parked in the rear of properties is a frequent occurrence.

It appears that each and every new building being constructed on our street or in the near vicinity has been granted relaxation permits. At what points does this stop?

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Secondary Suites is a Permitted Use in the RF3 Small Scale Infill Development Zone, Section 140.2(7).

Under Section 7.2(7), **Secondary Suites** means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Duplex Housing, Semi-detached Housing, or Apartment Housing, and does not include Garage Suites, Garden Suites, or Lodging Houses. The submitted plans indicate the proposed development contains a living room, kitchen, one bedroom, one bathroom, a laundry closet, and a mechanical room.

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 86(1) states the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 square metres, except in the case of the RR Zone, where it shall be the same as the minimum Site area for the Zone.

The Development Officer determined the minimum Site area is 360 square metres. The existing Site has an area of 348.39 square metres, which is deficient by 11.61 square metres.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 11250 - 125 Street.

Section 86 states a Secondary Suite shall comply with the following regulations:

1. the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m², except in the case of the RR Zone, where it shall be the same as the minimum Site area for the Zone.
2. the maximum Floor Area of the Secondary Suite shall be as follows:
 - a. in the case of a Secondary Suite located completely below the first storey of a Single Detached Dwelling (other than stairways or a common landing), the Floor Area (excluding the area covered by stairways) shall not exceed the Floor Area of the first storey of the associated principal Dwelling.
 - b. in the case of a Secondary Suite developed completely or partially above grade, the Floor Area (excluding the area covered by stairways) shall not exceed 40% of the total Floor Area above grade of the building containing the associated principal Dwelling, nor 70 m², whichever is the lesser.
3. the minimum Floor Area for a Secondary Suite shall be not less than 30 m².
4. a Secondary Suite shall be developed in such a manner that the exterior of the principal

- building containing the Secondary Suite shall appear as a single Dwelling.
5. only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
 6. a Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business;
 7. notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.
 8. the Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
 9. Secondary Suites shall not be included in the calculation of densities in this Bylaw.
 10. notwithstanding Secondary Suites being listed as Permitted or Discretionary Uses within any Zone, they shall be subject to the regulations of the Edmonton-Strathcona County Joint Planning Study Area Secondary, Garage and Garden Suites Overlay in Section 822 of this Bylaw.

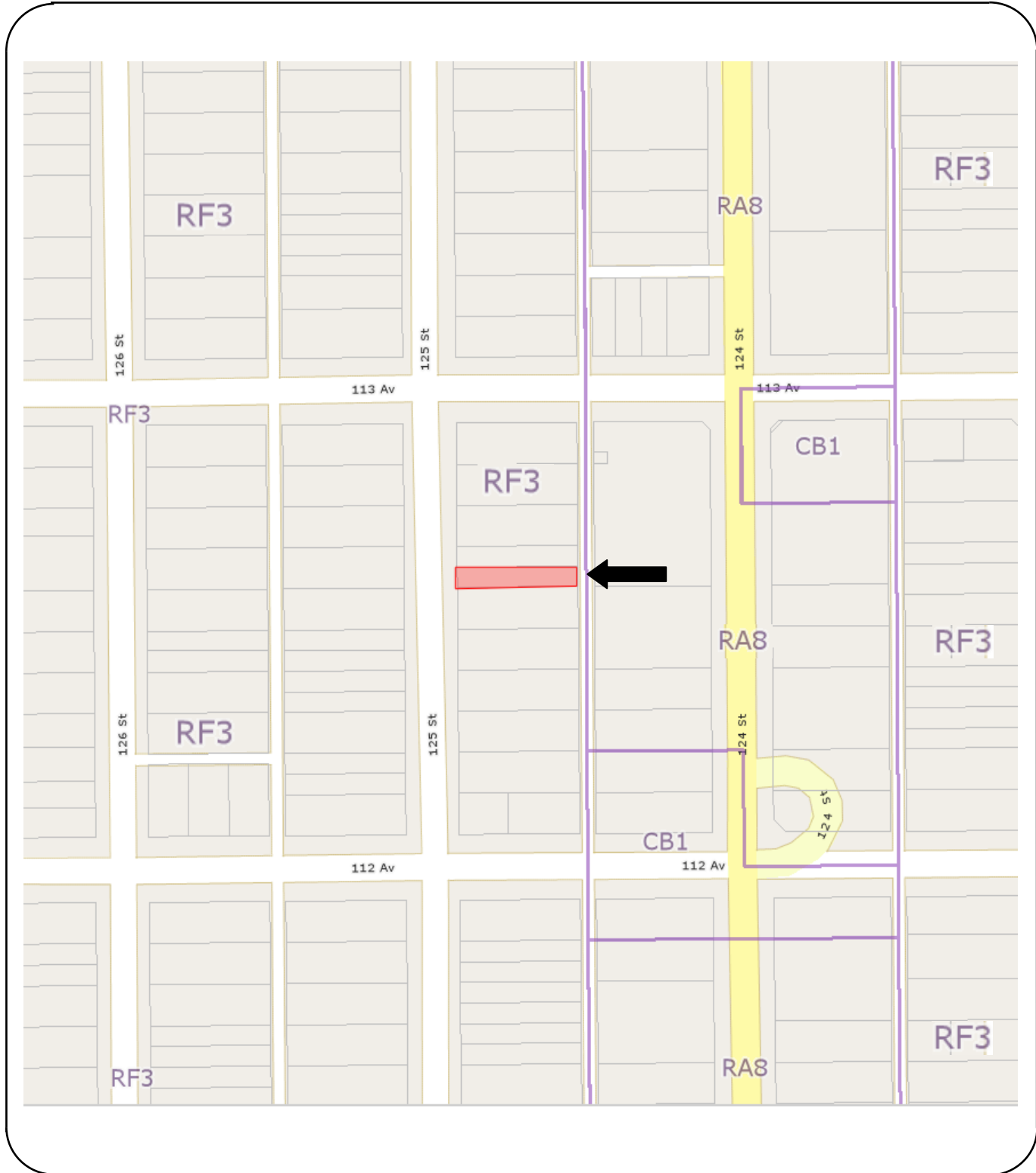
Under Section 6.1(92), **Site** means an area of land consisting of one or more abutting Lots.

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.

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-15-115



ITEM III: 1:00 P.M.

FILE: SDAB-D-15-116

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY A COMMUNITY LEAGUE

APPELLANT:

APPLICATION NO.: 165868468-001

APPLICATION TO: Change the Use from a General Industrial Use to a Child Care Service Use, and to construct interior and exterior alterations (construct play area and new front entry). (94 kids total: 9 kids 0-11 months, 12 kids 12-18 months, 12 kids 19 months-9 years, 16 kids 3-4.5 years, 20 kids 4.5-7 years, 25 school aged children).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 23, 2015

DATE OF APPEAL: May 11, 2015

NOTIFICATION PERIOD: April 28, 2015 through May 11, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10571 - 115 Street NW, 10575 - 115 Street NW

LEGAL DESCRIPTION: Plan B4 Blk 14 Lot 156, Plan B4 Blk 14 Lots 156-157

ZONE: DC1 Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Central McDougall / Queen Mary Park Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

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

This Development Permit authorizes the change of use from a General Industrial Use to a Child Care Service Use, and to construct interior and exterior alterations (construct play area and new front entry). (94 kids total: 9 kids 0-11mos, 12 kids 12-18 mos, 12 kids 19 mos-9yrs, 16 kids 3-

4.5 years, 20 kids 4.5-7 yrs, 25 school aged children). The development shall be constructed in accordance with the approved drawings and is subject to the following conditions:

1. The applicant has proposed to use a portion of City of Edmonton owned land legally described as Plan B4 Blk 14 Lot 156 for the purposes of an outdoor play space, pursuant to the Provincial Child Care Licensing Regulations. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall enter into a lease agreement with City of Edmonton's Real Estate, Housing and Economic Sustainability Branch to lease Plan B4 Blk 14 Lot 156 for the purposes of constructing the proposed outdoor play space and perimeter fencing. The applicant or property owner shall continue to lease or renew the lease agreement until which time the use or business related activities cease. In accordance with Section 15.2, should the applicant or property owner fail to renew the lease agreement or enter into a new lease agreement for Plan B4 Blk 14 Lot 156, this Development Permit is no longer valid. A separate Development Permit application is required should the lease agreement be terminated by the applicant, property owner or City of Edmonton's Real Estate, Housing and Economic Sustainability Branch. The applicant is advised to contact Lynda Nelson of Real Estate, Housing and Economic Sustainability @ 780-496-6566 for further information.
2. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide four (4) on-street Passenger Loading Zone stalls. The drop-off area shall be located within 60.0 m from the main entrance of the Child Care Service facility. On-street drop-off shall be to the satisfaction of the Development Officer. For further information regarding approval of the required Passenger Loading Zone, the applicant is advised to call 311 or email transportationoperations@edmonton.ca.
3. Concrete wheel stops shall be installed 1.0 m from the adjacent fence surrounding the outdoor play space.
4. Outdoor play space shall be securely enclosed on all sides and located as per submitted Plan. (Reference Section 80(8)(c))
5. Exterior lighting of the facility shall provide for a well-lit environment (Reference Section 80.7)
6. 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. (Reference Section 51)

Notes:

1. This Development Permit was granted in accordance with Sections 12.4 and 20.1 of the Edmonton Zoning Bylaw 12800. This permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1 of the Edmonton Zoning Bylaw.
2. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.
3. 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. (Reference Section 5.2)

4. The applicant is advised to contact a Safety Codes Officer at 496-3100 to determine if the structure would require modification to comply with the Alberta Building Code for the use of a Secondary Suite.

5. This Development Permit is not a Business License.

VARIANCES:

Class B Discretionary Development: Development Permit application on a Site designated Direct Control. (Reference Section 12.4)

Section 54.2 - Schedule 1 - Relaxed - Required on-site parking reduced from 17 stalls to 4 stalls.

Section 80.6.a - Relaxed - Required on-site drop-off area parking reduced from 11 stalls to 0 stalls.

Note: Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

APPELLANT'S SUBMISSION

Object to the parking variance. Require 12 to 13 staff that will need parking in an area already over used. See Council report.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Section 641(4) of the *Municipal Government Act*, Chapter M-26, states 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 following 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.

Child Care Services is a listed Use in the DC1 Direct Development Control Provision, Area 2 – Precinct D, Section 3(c).

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 variances:

Section 54.2, Schedule 1(A)(31) states, for Child Care Services, the minimum number of parking spaces or Garage spaces required 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 minimum required on-site parking spaces are 17 parking spaces. The proposed development provides 4 on-site parking spaces, and a relaxation of 13 parking spaces was granted.

Section 80(6)(a) states 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.

The Development Officer determined the minimum required on-site drop-off area parking is 11 spaces. The proposed development provides 0 on-site drop-off area parking spaces, and a relaxation of 11 spaces was granted.

The decision of approval by the Development Officer has been appealed by the Queen Mary Park Community League.

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

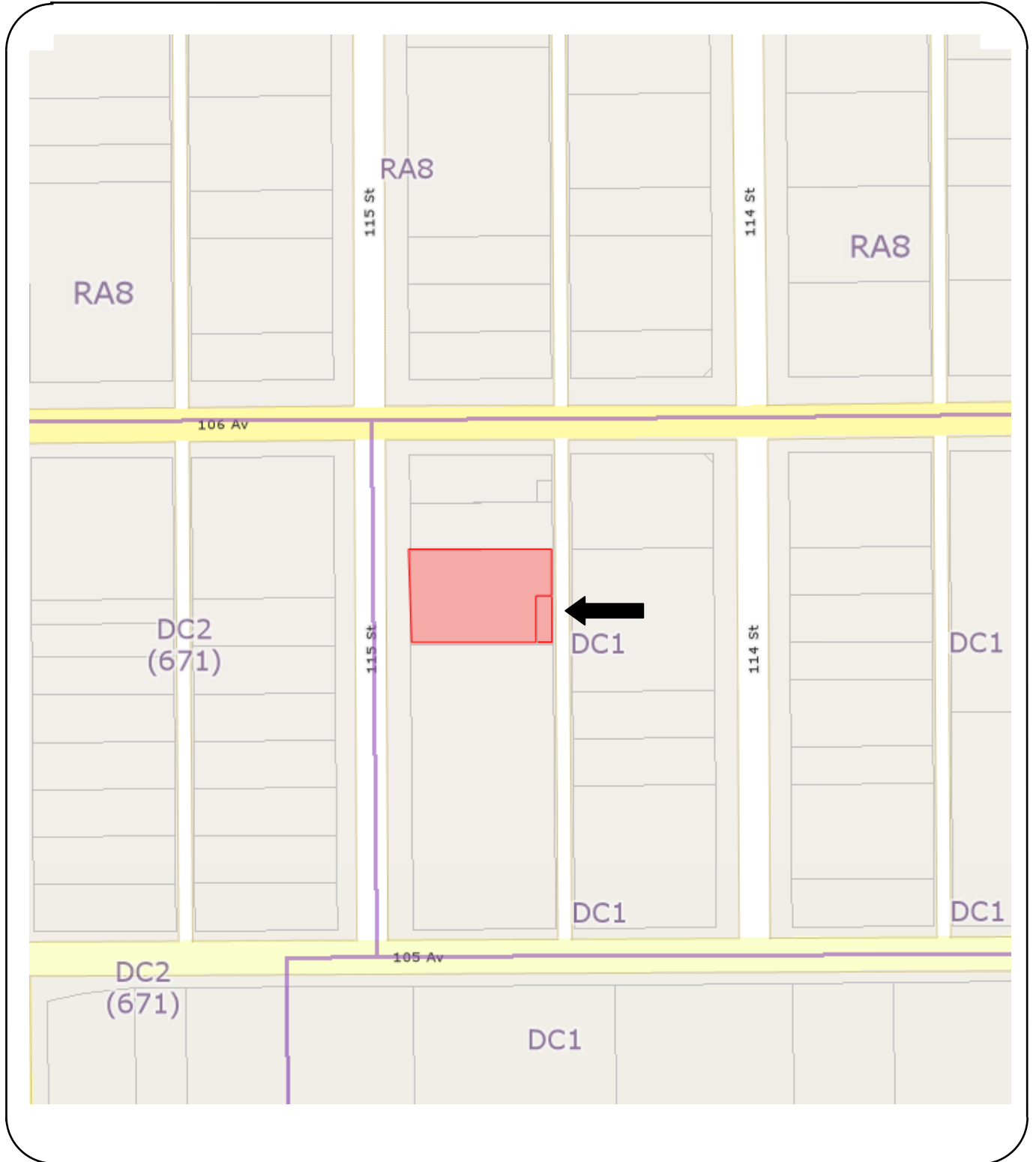
1. in all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located:
 - a. abutting a collector or arterial road,
 - b. on a corner Site,
 - c. adjacent 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. ...

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. 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.
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. ...
 - e. in any Non-residential Zone, the outdoor play space shall not be located in any Yard that abuts a public roadway unless the design, size and other characteristics of the proposed play space mitigate the potential impact from the roadway traffic upon children using the play space; and
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 2 states the Rationale of the DC1 Direct Development Control Provision, Area 2 – Precinct D is to accommodate a business residential mixed use node that creates a compatible and diverse mixture of residential, office, and commercial land uses at a human scale with a built form that has a strong relationship to the street and accommodates pedestrian activity along the 105 Avenue Multi-use Trail Corridor.

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-15-116



BUSINESS LAID OVER

| | |
|----------------------|---|
| SDAB-D-15-093 | An appeal to construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits <i>June 10 or 11, 2015</i> |
| SDAB-D-15-096 | An appeal to comply with a Stop Order to cease any construction. <i>June 10, 2015</i> |

APPEAL HEARINGS TO BE SCHEDULED

| | |
|----------------------|--|
| 168696143-001 | An appeal to comply with a Stop Order to dismantle and remove the Freestanding Off-premises Sign from the Site. <i>July 2, 2015</i> |
|----------------------|--|