

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 12, 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-15-051	Construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits
			11012 - 76 Street NW Project No.: 161242059-002

BREAK: 10:15 A.M. TO 10:30 A.M.

II	10:30 A.M.	SDAB-D-15-052	Change the Use from General Retail Store to Indoor Participant Recreation Services Use with Accessory Personal Service Shop and to construct interior alterations (98.20 square metres of Public Space) - True Yoga Edmonton Inc.
			10046 - 81 Avenue NW Project No.: 162475236-002

LUNCH BREAK: 1:00 P.M. TO 1:30 P.M.

III	1:30 P.M.	SDAB-D-15-053	Change the Use from a Limited Group Home to a Group Home (increasing number of residents from 6 to 10), to construct a rear uncovered Deck, (existing without permits), exterior alterations (exchange two windows into doors on second floor) and extended concrete Driveway.
			18929 - 99A Avenue NW Project No.: 165491804-001

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-15-051

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 161242059-002

ADDRESS OF APPELLANT: #1, 10017 - 113 Street NW
Edmonton, AB T5K 1N9

APPLICATION TO: Construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 14, 2015

DATE OF APPEAL: January 19, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11012 - 76 Street NW

LEGAL DESCRIPTION: Plan 4587AK Blk 8 Lot 9

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Stadium Station Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

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

Section 44.3(b) Platform Structures provided such projections do not exceed 0.60 m for Setbacks or Separation Spaces with a depth of less than 4.0 m

Proposed: 0 m
Deficient by: 0.6 m

APPELLANT'S SUBMISSION

The authority was ready to grant the variance until the neighbors balked. Their objections are comprised of exaggerated concerns and are not in the spirit of cooperation. The deck as refused has existed for twenty years and a number of reasons for the type of construction existed at the time. The permit apparently not having been included with the original drawings or site plan on file with the city indicate that the contractor that built the deck had not filed plans. The rationale being perhaps that the city had approved the deck with the original development permit in 1994.

To discover twenty years later and to be denied keeping it as is because of a neighbors objection to a structure which they have lived with for 16 years seems to beg a fairer and more reasonable compromise than to dismantle it at great cost to myself (former owner of the property) and to the purchaser's, B and K Hamilton (current property owners). Furthermore, the Development Authority, Melissa Ziober had indicated in an email that she was prepared to grant variance subject to the neighbors on the north side providing a letter as to how they are affected by the deck. It is their reasons for objection that need to come under scrutiny and I am hopeful that common sense prevails and a compromise can be reached which does not require drastic measures.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits.

The site is located west of 76 Street and south of 112 Avenue and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814 of the Edmonton Zoning Bylaw 12800 and is within the Stadium Station Area Redevelopment Plan, Bylaw 6931, as amended, adopted by Council February 23, 1983.

Single Detached Housing is a Permitted Use in the RSL Residential Small Lot Zone, Section 110.2(4).

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Section 50.1(2) states Accessory Uses and Buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

Section 44.3(b) states Platform Structures may project into a required Setback or Separation Space provided such projections do not exceed 0.60 metres for Setbacks or Separation Spaces with a depth of less than 4.0 metres.

Section 814.3(2) states where the Site Width is less than 18.3 metres, the Side Setback requirements of the underlying Residential Zone shall apply.

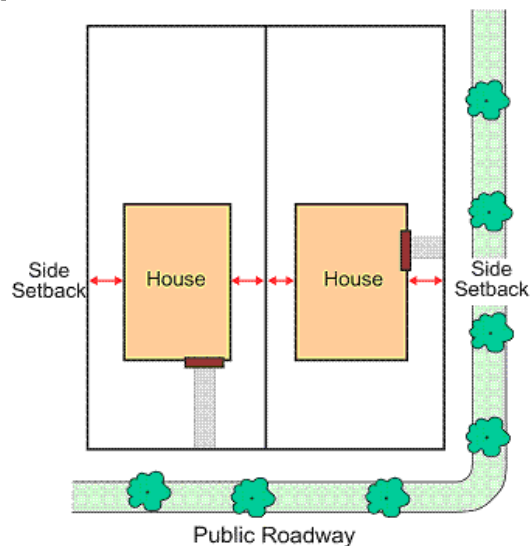
Section 110.4(9)(a) states Side Setbacks shall total at least 20 percent of the Site Width, with a minimum Side Setback of 1.2 metres on each side.

The existing (north) Side Setback is 1.20 metres.

Therefore, the deck may project 0.60 metres into the required Setback (1.2 metres – 1.2 metres = 0.00 metres + 0.60 metres). The Development Officer determined the proposed deck projects 1.20 metres and exceeds the maximum allowable by 0.60 metres.

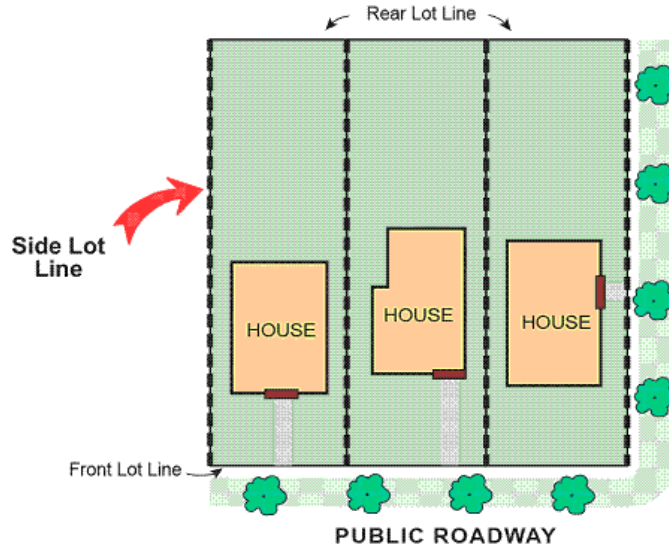
Under Section 6.1(74), **Platform Structures** means structures projecting from the wall of a building that may be surrounded by guardrails or parapet walls. Common structures include: balconies, raised terraces and decks.

Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
(CONTINUED)

Under Section 6.1(89), **Side Lot Line** means the property line of a lot other than a Front Lot Line or Rear Lot Line.



Section 110.1 states the 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.

The following jobs are listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
161242059-001	Compliance Certificate	<p>October 2, 2014; Your Real Property Report, dated September 17, 2014 shows a Single Detached House with front and rear Balconies that complies with the RF1 (Single Detached Residential) Zone, and The Mature Neighbourhood Overlay development regulations.</p> <p>The detached garage shown on the Real Property Report complies with the yard regulations for Accessory Buildings in The Mature Neighbourhood Overlay and Accessory Buildings in Residential Zones.</p> <p>You are also advised that a search of our files revealed no record of</p>

<p>161242059-001 (continued)</p>		<p>development approval for the 0.95 m high rear Uncovered Deck and the 0.35 m high side Uncovered Deck, nor do the decks comply.</p> <p>A Development Permit and Building Permit must be obtained for this structure. To apply for a development and building permit, you must submit the required drawings as outlined in the enclosed brochure, as well as the appropriate fees. Any approval or refusal is subject to the right of appeal to the Subdivision and Development Appeal Board.</p> <p>Our response is based on the Real Property Report only and this letter does not include safety code compliance. Sustainable Development does not conduct independent site inspections and cannot comment on the accuracy or completeness of the Real Property Report.</p>
<p>114119-002</p>	<p>To construct a Single Detached House with fireplace.</p>	<p>Approved July 11, 1994</p>

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-15-051



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-052

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

APPELLANT:

APPLICATION NO.: 162475236-002

ADDRESS OF APPELLANT: 20 - 23333 Wye Road
Sherwood Park, AB T8B 1K4

APPLICATION TO: Change the Use from General Retail Store
to Indoor Participant Recreation Services
Use with Accessory Personal Service
Shop and to construct interior alterations
(98.20 square metres of Public Space) -
True Yoga Edmonton Inc.

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 28, 2015

DATE OF APPEAL: February 17, 2015

NOTIFICATION PERIOD: February 3, 2015 through February 16,
2015

RESPONDENT:

ADDRESS OF RESPONDENT: 8119 - 86 Avenue NW
Edmonton, AB T6C 1J2

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10046 - 81 Avenue NW

LEGAL DESCRIPTION: Plan I Blk 59 Lot 27

ZONE: CB2 General Business Zone

OVERLAY: Pedestrian Commercial Shopping Street
Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

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

1) 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 of the Edmonton Zoning Bylaw 12800.)

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)

Variance:

Variance to Section 54.2, Schedule 1(36) - Overall on site parking reduced from 31 spaces to 5 spaces.

APPELLANT'S SUBMISSION

Concern about parking.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to change the Use from General Retail Store to Indoor Participant Recreation Services Use with Accessory Personal Service Shop and to construct interior alterations (98.20 square metres of Public Space) – True Yoga Edmonton Inc.

The site is located north of 81 Avenue, west of 100 Street and is zoned CB2 General Business Zone, Section 340 of the Edmonton Zoning Bylaw 12800. The site is within the Pedestrian Commercial Shopping Street Overlay, Section 819. The site is also within the West Ritchie Area and Section 4 – Guidelines for the Local Commercial Districts of the Strathcona Area Redevelopment Plan, Bylaw 11890, as amended, approved by Council December 15, 1998.

Section 686(1)(b) of the *Municipal Government Act* states “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, in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.”

Section 685(2) of the *Municipal Government Act* states “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.”

The Board is advised that the decision of approval by the Development Officer is dated January 28, 2015. The Notice of Appeal Period began February 3, 2015 and ended February 16, 2015 and the Notice of Appeal was filed on February 17, 2015.

Section 22(1) and (2) of the *Interpretation Act*, RSA 2000, c. I-8, states that:

22(1) If in an enactment the time limited for the doing of a thing expires or falls on a holiday, the thing may be done on the day next following that is not a holiday.

(2) If in an enactment the time limited for registration or filing of an instrument, or for the doing of anything, expires or falls on a day on which the office or place in which the instrument or thing is required to be registered, filed or done is not open during its regular hours of business, the instrument or thing may be registered, filed or done on the day next following on which the office or place is open.

The Board is advised the Subdivision and Development Appeal Board was closed on February 16, 2015 and re-opened on February 17, 2015.

Indoor Participant Recreation Services is a Permitted Use in the CB2 General Business Zone, Section 340.2(15).

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Personal Service Shops is a Permitted Use in the CB2 General Business Zone, Section 340.2(20).

Under Section 7.8(4), **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 7.4(41), **Personal Service Shops** means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This Use Class does not include Health Services.

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 819.3(8) states the minimum number of off-street parking spaces required shall be in accordance with the provisions of Section 54, Schedule 1 of this Bylaw, with exceptions for certain classes, which do not include Indoor Participant Recreation Services or Community, Educational, Recreational and Cultural Service Use Classes in general.

Section 819.3(8)(c) states the minimum number of off-street parking spaces required shall be in accordance with the provisions of Section 54, Schedule 1 of this Bylaw, except that for all other Commercial Use Classes, parking shall be provided on the basis of 1 parking space per 90.9 square metres of Floor Area.

Section 54.2 Schedule 1(A)(36) states Indoor Participant Recreation Services must have 1 parking space per 3.5 seats or 1 parking space per 3.3 square metres of Floor Area used by patrons.

The Development Officer determined 31 parking spaces are required. The proposed development provides 5 parking spaces, and a relaxation of 26 parking spaces was granted.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 10039 - 81 Avenue.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Under Section 6.1(34), **Floor Area** means the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Under Section 6.1(80), **Public Space** means space within an establishment, which is open to the public and not restricted to employees only. This definition does not include kitchens, administrative offices, food or drink preparation areas.

Section 819.1 states the purpose of the Pedestrian Commercial Shopping Street Overlay is to maintain the pedestrian-oriented character of commercial areas, comprised of shopping streets in close proximity to residential areas of the City.

Section 340.1 states the purpose of the CB2 General Business Zone is to provide for businesses that require large Sites and location with good visibility and accessibility along, or adjacent to, major public roadways.

Included in the Sustainable Development Department's POSSE system, under "SDAB", is a Memorandum dated January 7, 2015 from Rob Metcalf, Senior Transportation Technician, Sustainable Transportation, Transportation Planning Branch which indicates that Transportation Services has reviewed the development application and does not have any issues or concerns with the parking variance associated with this application subject to an advisement if approved. **A copy of the Memorandum from Transportation Services is on file.**

The following jobs are listed in the Sustainable Development POSSE system:

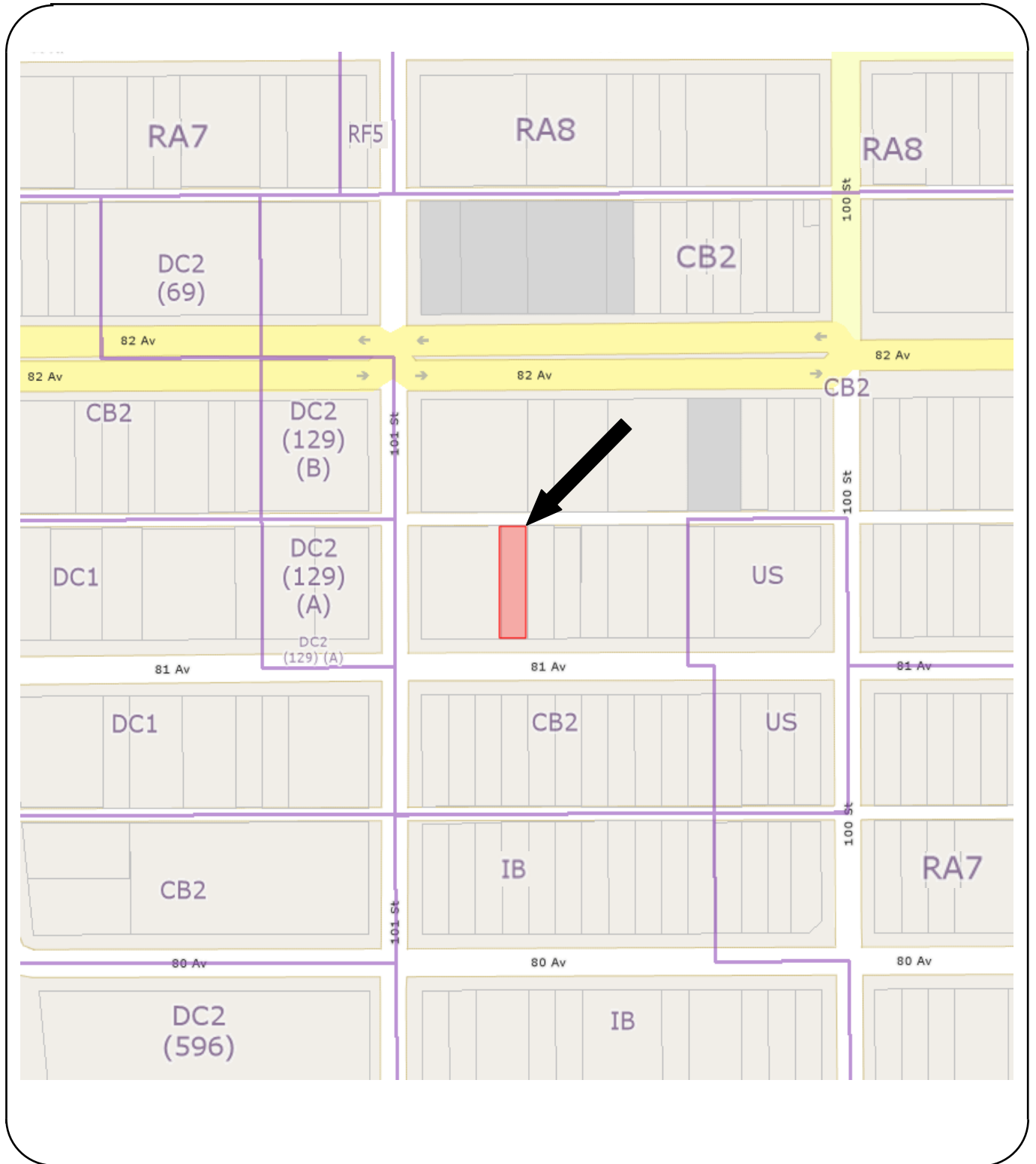
Application Number	Description	Decision
159326206-001	Compliance Certificate	<p>August 25, 2014; Your Real Property Report, dated April 30, 2014 shows a Commercial Building that complies with the CB2 (General Business) Zone, and The Pedestrian Commercial Shopping Street Overlay development regulations.</p> <p>You are also advised that a search of our files revealed no record of development approval for the 10.68 m x 5.20 m Shop.</p> <p>A Development Permit and Building Permit must be obtained for this structure. To apply for a development and building permit, you must submit the required drawings as outlined in the</p>

<p>159326206-001 (continued)</p>		<p>enclosed brochure, as well as the appropriate fees. Any approval or refusal is subject to the right of appeal to the Subdivision and Development Appeal Board.</p> <p>The Real Property Report also shows that the Overhead Sign and Cantilever encroach onto 81st Avenue. The City's Streets Development Control Bylaw requires an Encroachment Agreement for any unauthorized development within the road right-of-way.</p> <p>Our response is based on the Real Property Report only and this letter does not include safety code compliance. Sustainable Development does not conduct independent site inspections and cannot comment on the accuracy or completeness of the Real Property Report. [...].</p>
<p>1591030893-001</p>	<p>Compliance Certificate</p>	<p>August 18, 2014; Your Real Property Report, dated April 30, 2014 shows a Building that does NOT comply with either the CB2 (General Business) Zone, or The Pedestrian Commercial Shopping Street Overlay development regulations. The building should have:</p> <ul style="list-style-type: none"> - Buildings shall be built to the front and side property lines. The Development Officer may allow building Setbacks up to 2.5 m to accommodate street related activities, such as sidewalk cafes, architectural features and Landscaping that contribute to the pedestrian-oriented shopping character of the area. (Reference Section 819.3(3)) <p>However the building is NON-CONFORMING pursuant to the Municipal Government Act's Section 643(5). This means that a non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:</p> <ul style="list-style-type: none"> (a) to make it a conforming building,

1591030893-001 (continued)		<p>(b) for routine maintenance of the building, if the development authority considers it necessary,</p> <p>or</p> <p>(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.</p> <p>You are advised that this property is part of an area that has been targeted for grant funding under the City's Facade Improvement Program.</p> <p>You are also advised that this property is part of an area that has been targeted for grant funding under the City's Development Incentive Program.</p> <p>Our response is based on the Real Property Report only and this letter does not include safety code compliance. Sustainable Development does not conduct independent site inspections and cannot comment on the accuracy or completeness of the Real Property Report. [...].</p>
1038614-001	To operate a Commercial School. (stained glass studio)	October 15, 2001; Approved with conditions.
980303-001	To operate a Retail Store. (Bakery)	March 7, 2001; Approved with conditions.
94196-001	To operate an Automotive and Equipment Repair Shop.	November 16, 1992; Issued.
53221-001	To add seating to an existing minor eating and drinking establishment (Take-out only) and add seasonal seating outside. (Baron's Pizza) (8 seats inside and 50 seats outside)	<p>June 7, 1989; Issued with the following variances:</p> <p>Relaxation of Schedule 66A.10 which states there shall be 1 parking space for every 4 seating spaces. Required parking for the seasonal seating 13 spaces Providing 0 spaces Deficient 13 spaces Note: Applicant providing the required 2 parking spaces for the inside seating.</p>
39562-001	To operate a Minor Recreation Vehicle Sales & a General Industrial Use from a general industrial building.	January 29, 1988; Issued.

NOTICE TO APPLICANT/APPELLANT

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SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-052



ITEM III: 1:30 P.M.

FILE: SDAB-D-15-053

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 165491804-001

ADDRESS OF APPELLANT: 18929 - 99A Avenue NW
Edmonton AB, T5T 3M9

APPLICATION TO: Change the Use from a Limited Group Home to a Group Home (increasing number of residents from 6 to 10), to construct a rear uncovered deck, (existing without permits), exterior alterations (exchange two windows into doors on second floor) and extended concrete Driveway.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 9, 2015

DATE OF APPEAL: February 13, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 18929 - 99A Avenue NW

LEGAL DESCRIPTION: Plan 7923032 Blk 56 Lot 8

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): La Perle Neighbourhood Structure Plan
West Jasper Place North Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

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

Section 79 Group Homes

Section 79.2(a) the maximum occupancy of a Group Home in a Zone where Group Homes are a Discretionary Use shall be a maximum of 6 residents

Required: max 6 residents

Proposed: 10 residents - over by 4

Proposed density: 8 units

(Reference Section 79.4 for density)

Parking:

Required: 4 parking spaces

Proposed: 2 in attached garage, 2 on driveway (These 3 spaces were approved on 125715327-001 2 in garage and 1 on driveway)

Short 1 parking space.

Reference Sections: 54.1.2(f), 54.2.2.(e)(i) and 54.2 Schedule 1(5)

Extended Driveway:

Required: maximum width of driveway 3.1 x 2 (number of side by side spaces inside attached garage)

Over by: 1.44m

Reference Section: 54.1.4(a) & (b)

Loading Space Requirement

Required: 1 loading space

Proposed: 0

Reference sections 44.5, 44.6, 54.1(c), 54.4 Schedule 3(2)

Rear Deck (existing without Permit)

Over site coverage by 2%

Note: There were no letters of support from neighbours.

APPELLANT'S SUBMISSION

1) To change from a limited group home to a group home with an Increase in occupancy from 6 to 10 residents.

2) To construct exterior alterations from a window to a door unto an existing deck.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS

This application is to change the Use from a Limited Group Home to a Group Home (increasing number of residents from 6 to 10), to construct a rear uncovered deck (existing without permits), exterior alterations (to exchange two windows into doors on second floor) and extend concrete Driveway.

The site is located on the south side of 99A Avenue, west of 188 Street, and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the La Perle Neighbourhood Structure Plan under Bylaw 5775 (as amended), approved by City Council on August 15, 1979. The site is also within the West Jasper Place North Area Structure Plan under Bylaw 5708 (as amended), approved by City Council on June 11, 1979.

A **Group Home** is a Discretionary Use in the RF1 Single Detached Residential Zone, Section 110.3(5).

Under Section 7.3(3), **Group Home** means a building or part of a building used for Congregate Living for residents who have moderate and non-severe physical, cognitive or behavioral health issues and who require daily or frequent professional care and supervision to perform daily living tasks, improve wellness, achieve stable and harmonious tenancy, or to exit safely in case of an emergency event. This Use Class does not include Extended Medical Treatment Services, Detention and Correction Facilities, Fraternity and Sorority Housing, Limited Group Homes, and Lodging Houses.

The submitted Site Plan shows that the existing Principal Building with front attached Garage is located 6.00 metres from the (north) Front Lot Line and the Garage has a width of 7.16 metres. Vehicular access to the Garage is from 99A Avenue.

The Development Officer has provided the following information:

Site Area:	558.31 square metres
40 percent Allowable Site Coverage:	223.32 square metres
Existing Principal Building:	219.44 square metres
Proposed rear uncovered deck:	13.16 square metres
Proposed Total Site Coverage:	232.60 square metres

Section 110.4(6)(d) states that maximum total Site Coverage shall not exceed 40 percent, with a maximum of 28 percent for the Principal Building and a maximum of 12 percent for Accessory Buildings. Where a Garage is attached to the Principal Building, the maximum Site Coverage for the Principal Building shall be 40 percent.

The Development Officer determined that the maximum allowable Total Site Coverage is 223.32 square metres. The existing Principal Building with the proposed rear uncovered deck is 232.60 square metres, which exceeds the maximum allowable Total Site Coverage by 9.28 metres.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Section 79.2(a) states the maximum occupancy of a Group Home in a Zone where Group Homes are a Discretionary Use shall be a maximum of 6 residents.

The Development Officer determined that the proposed Group Home will have 10 residents, which exceeds the maximum number of residents by 4.

Section 54.2 Schedule 1(A)(5) states Group Homes require 1 parking space per 3 Sleeping Units and 1 parking space per resident staff member. A Group Home with 6 or fewer residents shall require a minimum of 3 parking spaces.

Section 54.2(2)(e) states 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.

The Development Officer determined 4 on-site parking spaces are required and 3 have been provided (1 on the Driveway and 2 in the attached Garage), which is deficient by 1 on-site parking space.

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

The Development Officer determined 2 proposed parking spaces are provided in Tandem, which contravenes Section 54.1(2)(f).

Section 54.1(4) states 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 metres; and
- b. a maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

The Development Officer determined the maximum allowable Driveway width is 6.20 metres. The Development Officer determined the proposed Driveway width is 7.64 metres, which exceeds by 1.44 metres.

Section 54.4 Schedule 3(2) states any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services with a Total Floor Area of up to 2 800 square metres, requires a minimum of 1 loading space.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Section 54.4(2)(c) states all required loading spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions.

Section 54.4(3)(c) states access to any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the Site causes interference with traffic on the abutting streets or Lanes.

Section 54.1(1)(c) states all required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.

Section 44.6 states a Parking Area when comprised of parking spaces required under this Bylaw, may project into a required Setback or Separation Space, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways.

The Development Officer determined that 1 loading space is required and none are proposed.

Section 79.2 states in addition to the regulations in Section 96 of this Bylaw, Group Homes shall comply with the following regulations:

- a. ...
- b. the maximum occupancy of a Group Home in a Zone where Group Homes are a Permitted Use shall be the greater of 6 residents or 1 resident per 60 square metres of Lot size;
- c. the Development Officer may restrict the occupancy of a Group Home to fewer than the maximum number of residents allowed having regard for the threshold purpose identified in Section 96 of this Bylaw, the level of traffic generation, parking demand, and frequency of visits by emergency vehicles relative to that which is characteristic of the Zone in which the Group Home is located;
- d. a Group Home shall be developed as a purpose-built freestanding structure, or Single Detached Housing converted for the purpose, or part of an Apartment Housing development;
- e. a Group Home may be located in Duplex Housing or Semi-detached Housing converted for the purpose, in a Zone where Group Homes are a Permitted Use and both units are operated by a single provider;
- f. in a Zone where Group Homes are a Permitted Use and where more than 12 Sleeping Units are allowed in a development, Sleeping Units may include limited food preparation facilities such as bar fridge, mini-sink, and microwave;
- g. no Major Home Based Business, Secondary Suite, Garden Suite or Garage Suite shall be permitted as part of a Group Home development or on the Site of such development;

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- h. where a Group Home is designed as a freestanding structure it shall be of a size, scale, and outward appearance that is typical of surrounding residential development; and
- i. increases in vehicular traffic generation and parking demand must be to the satisfaction of the Development Officer and/or Transportation Services.

Section 96 states for Fraternity and Sorority Housing, Limited Group Homes, Group Homes, and Lodging Houses Thresholds:

1. Special Residential Facilities

For the purpose of this section, Fraternity and Sorority Housing, Group Homes, Limited Group Homes, and Lodging Houses shall be collectively referred to as Special Residential Facilities. Group Homes developed in combination with Apartment Housing either in one building or on one Site, and which meet the criteria of Section 94, Supportive Community Provisions, shall be exempt from the requirements of subsection 96(3)(b) and (c) of this Bylaw.

2. Threshold Purpose

The purpose of the Fraternity and Sorority Housing, Limited Group Homes, Group Homes, and Lodging Houses Thresholds is to:

- a. ensure that the capacity of any neighbourhood to accommodate Special Residential Facilities is not exceeded;
- b. ensure that Special Residential Facilities are available in all neighbourhoods; and
- c. protect existing Special Residential Facilities from concentration that could impair their proper functioning.

3. General Regulations

Special Residential Facilities shall comply with all thresholds contained in this Section in addition to any other regulations in this Bylaw including any relevant Special Land Use Provisions that apply. In all cases, the most restrictive threshold shall apply.

- a. When determining the threshold for the number of Special Residential Facilities per neighbourhood, a maximum of 3 facilities per 1000 persons shall be allowed in any neighbourhood.
- b. When determining the threshold for the number of Special Residential Facilities by Use Class per block.
 - i. a maximum of 2 Special Residential Facilities shall be allowed on a single block in a residential Zone;
 - ii. a maximum block length of 150 metres measured from the nearest intersection shall be used to determine this threshold.
- c. When determining the threshold for the number of residents of Special Residential Facilities per opposing block face;

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(CONTINUED)

- i. accommodation for a maximum of 12 residents shall be allowed on an opposing block face in Special Residential Facilities in any residential Zone where either Group Homes or Lodging Houses are a Discretionary Use;
- ii. accommodation for a maximum of 30 residents shall be allowed on an opposing block face in Special Residential Facilities in any residential Zone where either Group Homes or Lodging Houses are a Permitted Use; and
- iii. a maximum block face length of 150 metres measured from the nearest intersection shall be used to determine this threshold.

4. Density

For the purposes of calculating Density for a Group Home or Lodging House each Sleeping Unit shall be considered a Dwelling when a development contains seven or more Sleeping Units.

5. Register

For the purpose of applying these regulations the Development Officer shall maintain a register of all approved Special Residential Facilities. The register shall include the address of the facility, maximum occupancy of the facility, and any other necessary information.

Under Section 6.1(16), **Congregate Living** means four or more individuals occupying Sleeping Units in a building where the occupants share access to facilities such as cooking, dining, laundry, or sanitary facilities. Typical Uses where Congregate Living is found include Fraternity and Sorority Housing, Group Homes, Limited Group Homes, and Lodging Houses.

Under Section 6.1(95), **Sleeping Unit** means a Habitable Room in a building used for Congregate Living in which the room is occupied by a person under any form of accommodation agreement providing remuneration for the room, and the room:

- a. does not include provision for cooking or food preparation except as provided for in Section 76 and 79 of this Bylaw;
- b. may or may not be equipped with sanitary facilities; and
- c. provides accommodation for a maximum of two persons.

Under Section 6.1(93), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above grade, including Accessory Buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above grade; or

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
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- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above grade.

Under Section 6.1(26), **Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Under Section 6.1(69), **Parking Area** means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

Under Section 6.1(100), **Tandem Parking** means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.

Section 110.1 states the 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.

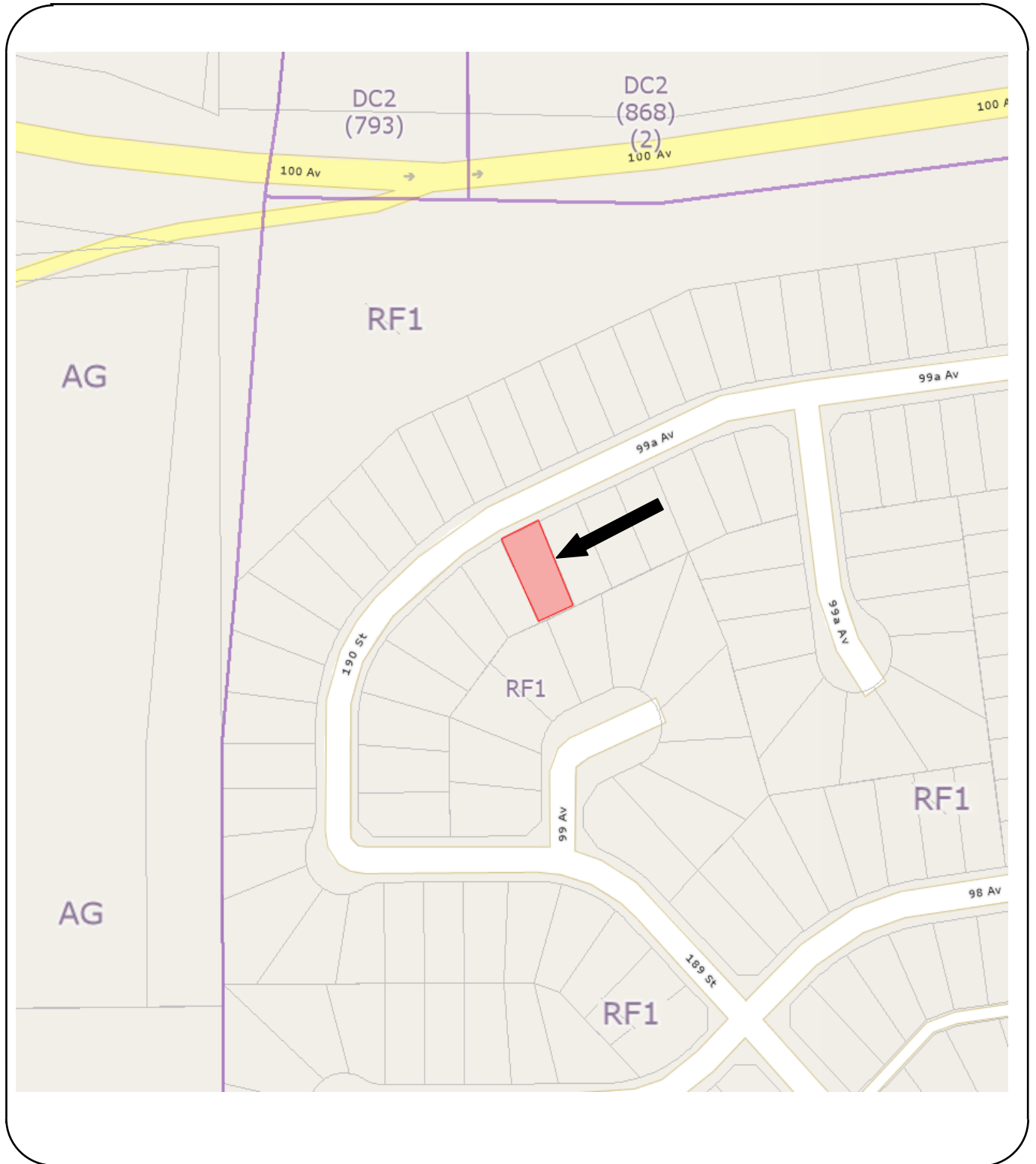
The following permit applications are listed in the Sustainable Development Department POSSE system:

Application Number	Description	Decision
149498762-002 SDAB-D-14-161	Change the Use from a Limited Group Home to a Group Home (increasing number of residents from 6 to 9) and to construct exterior alterations (constructing a second floor door, existing without permits), (converting another second floor window into a door), construct interior alterations (2 sleeping units in the basement) and construct a 3.0 metres high, (4.5 metres by 4.17 metres) deck (existing without permits)	July 3, 2014; Refused
149498762-001	To change the Use from a Limited Group Home to a Group Home (increasing the number of residents from 6 to 9) and to construct exterior alterations (constructing a	May 22, 2014; Refused

149498762-001 (continued)	second floor door (existing without permits)), (converting another second floor window into a door), construct interior alterations (2 sleeping units in basement) and constructed a 3.0m high, (4.5m x 4.17m) deck (existing without permits)).	
125715327-001	To operate a Limited Group Home for 6 adult residents, and to construct interior and exterior alterations (install wheel chair ramp, elevator). Castlewood Care Home	June 20, 2012; Approved with conditions
1033331-001	Compliance Certificate	September 25, 2001; Stamped.

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-15-053



BUSINESS LAID OVER

SDAB-D-15-051	An appeal by <u>Tom Parada</u> to construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits. March 12, 2015
SDAB-D-15-040	An appeal by the <u>Lessard Community League</u> to change a portion of an existing Religious Assembly Use to a Childcare Service (Out of School Care - 3 employees, 31 children) March 18, 2015
SDAB-D-15-041	An appeal by the <u>Lessard Community League</u> To change a portion of an existing Religious Assembly Use to a Childcare Service (daycare - 10 employees, 54 children) and construct interior / exterior alterations. March 18, 2015
SDAB-D-15-036	An appeal by Blu Café/Ogilvie LLP to change the use from Convenience Retail Stores to a Restaurant (79.15 square metres of Public Space) and construct interior alterations March 19, 2015

APPEAL HEARINGS TO BE SCHEDULED

161821680-001	An appeal by <u>Abington Homes Ltd.</u> to construct four Dwellings of Stacked Row Housing with front verandas (four at 2.13 metres by 6.10 metres) and uncovered rear decks (two irregulars at 3.66 metres by 6.10 metres) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage) March 25 or 26, 2015
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