

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 15, 2018**

**River Valley Room
City Hall, 1 Sir Winston
Churchill Square NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RIVER VALLEY ROOM**

I 9:00 A.M. SDAB-D-18-041

To change the Use from a Single Detached
House to a Religious Assembly (Minor)
(maximum 60 people)

10542 - 96 Street NW
Project No.: 273522828-001

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-18-041

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 273522828-001

APPLICATION TO: Change the Use from a Single Detached House to a Religious Assembly (Minor) (maximum 60 people)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 9, 2018

DATE OF APPEAL: February 15, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10542 - 96 Street NW

LEGAL DESCRIPTION: Plan ND Blk 18 Lot 2

ZONE: RA8-Medium Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Boyle Street / McCauley Area Redevelopment Plan

Grounds for Appeal

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

I (we) are not in agreement with the designation of the Development Officer as a "Community Recreation Service". I (we) hope to demonstrate that the definition of "Religious Assembly" is a much more accurate description of our proposed activities on this site.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

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

issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 220.1 states that the **General Purpose** of the **(RA8) Medium Rise Apartment Zone** is to provide for Medium Rise Apartments.

Section 815.1 states that the **General Purpose** of the **Medium Density Residential Overlay** is:

to accommodate the development of medium density housing in established areas of the City that is compatible, in mass and scale, with existing forms of lower and medium density development and that maintains the pedestrian-friendly character and streetscape of these established areas.

Use

Under section 220.3(8), a **Religious Assembly** is a **Discretionary Use** in the **(RA8) Medium Rise Apartment Zone**

Under section 7.8(14), **Religious Assembly** means:

development used for worship and related religious, philanthropic or social activities and includes Accessory rectories, manses, meeting rooms, food preparation and service facilities, classrooms, dormitories and other buildings. Typical Uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This Use does not include Private Education Services, Public Education Services, and Commercial Schools, even as Accessory Uses.

Under section 7.8(1), **Community Recreation Services** means development used for recreational, social, arts, or multi-purpose Use in a building without fixed seats and an occupancy capacity of fewer than 500 persons, primarily intended for local community purposes. Typical Uses include community halls, community centres, and community league buildings operated by a local residents' organization.

A **Community Recreation Services** is neither a Permitted nor Discretionary Use in the **(RA8) Medium Rise Apartment Zone**.

Development Officer’s Determination

1) It is the Development Officer’s opinion that the proposed development does not meet the definition of a Religious Assembly. It is the Development Officer’s opinion that, based on the definitions of Religious Assembly and Community Recreation Service in the Zoning Bylaw, the floor plans, and the description of the development on the application form, that the proposed development is more suitably described as a Community Recreation Service.

2) A Community Recreation Service is neither a Permitted nor Discretionary Use in the RA8 Zone.

Religious Assembly – Section 71

A Religious Assembly shall comply with the following special provisions:

1. the minimum Frontage shall be 30.0 metres and the minimum Site area shall be 930 square metres;
2. where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same Site as the Religious Assembly, the minimum Site area shall be 1 300 square metres;
3. where the a Religious Assembly is to be developed on a Site that is within 60.0 metres of a Site zoned to allow a Single Detached Dwelling as a Permitted Use, the following regulations shall apply:
 - a. the maximum Site area shall be 4 000 square metres;
 - b. the maximum total Site Coverage shall not exceed 40 percent;
 - c. a minimum building Setback of 4.5 metres shall be required along a Side Yard flanking an abutting Site Zoned Residential;
 - d. a minimum building Setback of 7.5 metres along a Rear Yard shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone or is not separated from it by a public roadway more than 10.0 metres wide;
 - e. a minimum building Setback of 6.0 metres shall be required along a Front Yard separated by a public roadway not wider than 20.0 metres from any Site zoned residential. Where the roadway is wider than 20.0 metres, the Front Setback applicable in the relevant Zone shall apply;
 - f. vehicular access to on-site parking and loading spaces shall be provided from an abutting arterial or collector roadway, except that the Development Officer may allow access from a public roadway including a Lane in accordance with the following guidelines:
 - i. access may be allowed from a local roadway that does not abut another Site zoned to allow a Single Detached Dwelling as a Permitted Use, provided such access shall not interfere with access to other Sites abutting the roadway and shall not direct excess traffic onto a local roadway;
 - ii. access may be allowed from a Lane that does not abut another Site zoned to allow a Single Detached Dwelling as a Permitted Use, provided such access shall not interfere with access to other abutting Sites and shall not direct excess traffic onto a local residential roadway; and
 - iii. access to a maximum of five parking spaces may be allowed from a Lane that abuts a Site zoned to allow a Single Detached Dwelling as a Permitted Use.

4. Where a Religious Assembly is a Discretionary Use, the Development Officer may impose conditions intended to reduce the perceived mass of the structure through techniques including, but not limited to, increased Setbacks, articulation of elevations and rooflines, and the colour of finishing materials.


Religious Assembly Parking – Section 54.2, Schedule 1(A)(44)

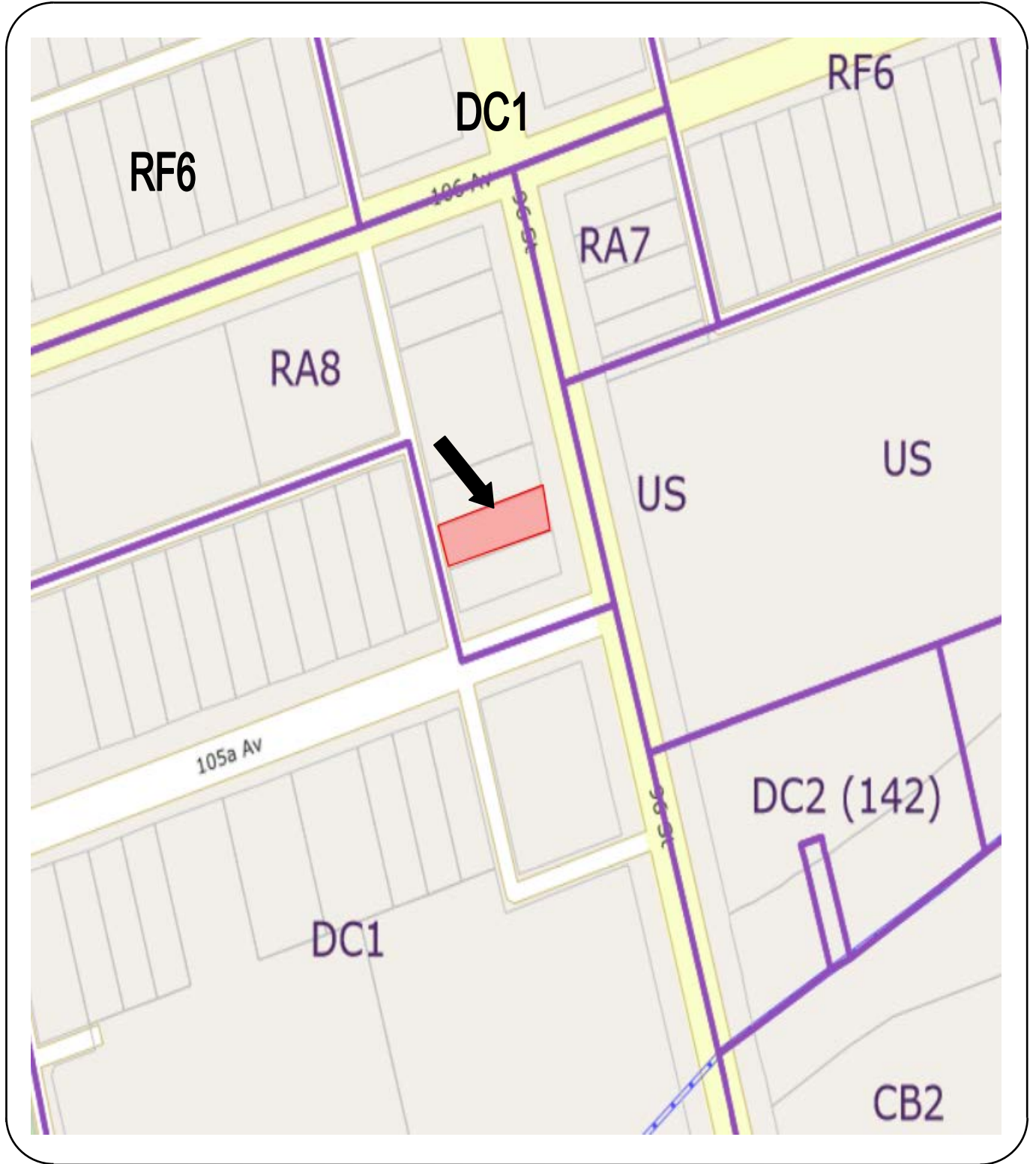
Minimum Number of Parking Spaces Required:

Location	Minor
Central Core Neighbourhoods, excluding the Downtown Special Area	1720 square metres of Floor Area or less: No minimum parking requirement
Locations are as identified in Edmonton's The Way We Grow: Municipal Development Plan, Bylaw 15100, Maps.	

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 273522828-001 Application Date: JAN 29, 2018 Printed: February 9, 2018 at 3:49 PM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Major Development Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
Applicant <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 10542 - 96 STREET NW Plan ND Blk 18 Lot 2 Specific Address(es) Suite: 10542 - 96 STREET NW Entryway: 10542 - 96 STREET NW Building: 10542 - 96 STREET NW																				
Scope of Application To change the use from a Single Detached House to a Religious Assembly (Minor) (maximum 60 people).																					
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 158 New Sewer Service Required: N Site Area (sq. m.): 307.89 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 158 New Sewer Service Required: N Site Area (sq. m.): 307.89	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)																		
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I/We certify that the above noted details are correct. Applicant signature: _____																					
Development Application Decision Refused Reason for Refusal 1) It is the Development Officer's opinion that the proposed development does not meet the definition of a Religious Assembly. It is the Development Officer's opinion that, based on the definitions of "Religious Assembly" and "Community Recreation Service" in the Zoning Bylaw, the floor plans, and the description of the development on the application form, that the proposed development is more suitably described as a Community Recreation Service. 2) A Community Recreation Service is neither a Permitted nor Discretionary Use in the RA8 Zone. Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.																					
Issue Date: Feb 09, 2018 Development Authority: WELCH, IMAI Signature: _____																					
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$510.00</td> <td style="text-align: right;">\$510.00</td> <td style="text-align: right;">04769719</td> <td style="text-align: right;">Jan 29, 2018</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$510.00</td> <td style="text-align: right; border-top: 1px solid black;">\$510.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$510.00	\$510.00	04769719	Jan 29, 2018	Total GST Amount:	\$0.00				Totals for Permit:	\$510.00	\$510.00		
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THIS IS NOT A PERMIT																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-041

