

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
March 3, 2016**

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

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

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I	9:00 A.M.	SDAB-D-16-069	Operate a Major Home Based Business (administration office - UNGARIAN TRUCKING)  11828 - 226 Street NW Project No.: 077017319-007
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II	10:30 A.M.	SDAB-D-16-070	Demolish an existing Freestanding On-premises Sign and install (1) Freestanding Minor Digital On- premises Off-Premises Sign (Off-premises Digital 6.1 m x 3 m & On-premises non Digital 6.1 m x 1.2 m )  15840 - 118 Avenue NW Project No.: 175951207-001
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**TO BE RAISED**

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III	1:15 P.M.	SDAB-D-15-285	Sakaw Daycare  Convert an existing Single Detached House into a Child Care Services Use building (60 Children, 2- 12-18 months, 6 -19 months-3 yrs, 32 - 3-4.5 yrs, 20 - above 4.5 yrs) and to construct interior and exterior alterations(Sakaw Daycare)  5739 - 11A Avenue NW Project No.: 158040859-001
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**NOTE:** *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-069

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 077017319-007

ADDRESS OF APPELLANT: 11828 - 226 Street NW

APPLICATION TO: Operate a Major Home Based Business  
(administration office - UNGARIAN TRUCKING)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 26, 2016

DATE OF APPEAL: February 9, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11828 - 226 Street NW

LEGAL DESCRIPTION: Plan 9222836 Blk 4 Lot 10

ZONE: RR Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

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*Grounds for Appeal*

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

Original SDAB approval in 2009 was limited to 5yrs where normally approval is "lifetime. At that time it was noted that I may not have retired within 5yrs (I had requested 10) so I was advised, by the board to come back and ask for an extension. Rightly or wrongly I thought it was an automatic approval. As it stands nothing about my permit has changed. It is still strictly parking, there are no employees or signage and there is no business conducted on site. These facts are covered under a Minor Home based Business. The truck is parked indoors at all times. Given my age (64) I imagine retirement is not far off. The concerns of an industrial look are unsupported as I park indoors at all times.

Even upon retirement the garage remains. That is all that is seen truck or no truck. Please note there are no trailers associated with this permit. Thanks, Michael

[unedited]

*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.

**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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of refusal by the Development Officer is dated January 26, 2016. The Notice of Appeal was filed on February 9, 2016.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 240.1 states that the **General Purpose** of the **RR Rural Residential Zone** is:

to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.

Under Section 240.3(6), **Major Home Based Business** is a **Discretionary Use** in the RR Rural Residential Zone.

Section 7.3(7) states:

A **Major Home Based Business** means development consisting of the use of an approved Dwelling or Accessory building by a resident of the Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

***General Industrial Use rather than Major Home Based Business***

Sections 240.2 and 240.3 list the Use Classes in the RR Rural Residential Zone as follows:

**240.2 Permitted Uses**

1. Limited Group Homes
2. Minor Home Based Business
3. Secondary Suites
4. Single Detached Housing
5. Fascia On-premises Signs

**240.3 Discretionary Uses**

1. Child Care Services
2. Garage Suites
3. Garden Suites
4. Group Homes
5. Lodging Houses
6. Major Home Based Business
7. Non-commercial Farms
8. Small Animal Breeding and Boarding Establishments
9. Veterinary Services
10. Temporary On-premises Signs
11. Freestanding On-premises Signs

Section 7.5(2) states:

**General Industrial Uses** means development used principally for one or more of the following activities:

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

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

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

#### **Development Officer's Determination**

1) The proposed development does not qualify as a Major Home Based Business. The proposed development is deemed to be a General Industrial Use which is neither a Permitted nor Discretionary use in the RR (Rural Residential Zone). (Reference Section 240.2 and 240.3 of the Edmonton Zoning Bylaw 12800).

[unedited]

<b><i>Compatibility with residential character of the area</i></b>
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Section 75(9) states:

the **Major Home Based Business** shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

#### **Development Officer's Determination**

2) The Major Home Based Business shall not be allowed, if in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

The Proposed development would more appropriately be located in an Industrial Zone.

[unedited]

***Vehicle on site prohibited***

Section 45.1(a) states:

1. No person shall keep in any part of a Site in any Residential Zone:
  - a. any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg.

**Development Officer's Determination**

3) No person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, of a maximum gross vehicle weight (G.V.W.) exceeding 4 500 kg. Reference Section 45.1(a).

The truck stored onsite is not allowed in a Rural Residential Zone. This requirement applies whether the truck is stored inside the Accessory building or not.


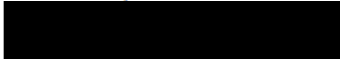
[unedited]

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**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*.

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	Project Number: <b>77017319-007</b> Application Date: DEC 11, 2015 Printed: February 26, 2016 at 8:29 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Home Occupation</h2>			
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>  UNGARIAN, MICHAEL 	<b>Property Address(es) and Legal Description(s)</b> 11828 - 226 STREET NW Plan 9222836 Blk 4 Lot 10  <b>Specific Address(es)</b> Suite: 11828 - 226 STREET NW Entryway: 11828 - 226 STREET NW Building: 11828 - 226 STREET NW		
<b>Scope of Application</b> To operate a Major Home Based Business (administration office - UNGARIAN TRUCKING).			
<b>Permit Details</b> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; vertical-align: top;">                     # of business related visits/day: 0                      Administration Office Only?: Y                      Class of Permit: Class B                       Do you live at the property?: Y                      Outdoor storage on site?: N                 </td> <td style="width: 50%; vertical-align: top;">                     # of vehicles at one time: 0                      Business has Trailers or Equipment?: Y                      Description of Business: Administration office for trucking Business.                       Expiry Date:                 </td> </tr> </table>		# of business related visits/day: 0 Administration Office Only?: Y Class of Permit: Class B  Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 0 Business has Trailers or Equipment?: Y Description of Business: Administration office for trucking Business.  Expiry Date:
# of business related visits/day: 0 Administration Office Only?: Y Class of Permit: Class B  Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 0 Business has Trailers or Equipment?: Y Description of Business: Administration office for trucking Business.  Expiry Date:		
I/We certify that the above noted details are correct. Applicant signature: _____			
<b>Development Application Decision</b> Refused <b>Reason for Refusal</b> <ol style="list-style-type: none"> <li>1) The proposed development does not qualify as a Major Home Based Business. The proposed development is deemed to be a General Industrial Use which is neither a Permitted nor Discretionary use in the RR (Rural Residential Zone). (Reference Section 240.2 and 240.3 of the Edmonton Zoning Bylaw 12800).</li> <li>2) The Major Home Based Business shall not be allowed, if in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area. The Proposed development would more appropriately be located in an Industrial Zone.</li> <li>3) No person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, of a maximum gross vehicle weight (G.V.W.) exceeding 4 500 kg. Reference Section 45.1(a). The truck stored onsite is not allowed in a Rural Residential Zone. This requirement applies whether the truck is stored inside the Accessory building or not.</li> </ol> <b>Rights of Appeal</b> 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: Jan 26, 2016      Development Authority: BACON, KIRK      Signature: _____			
<b>THIS IS NOT A PERMIT</b>			





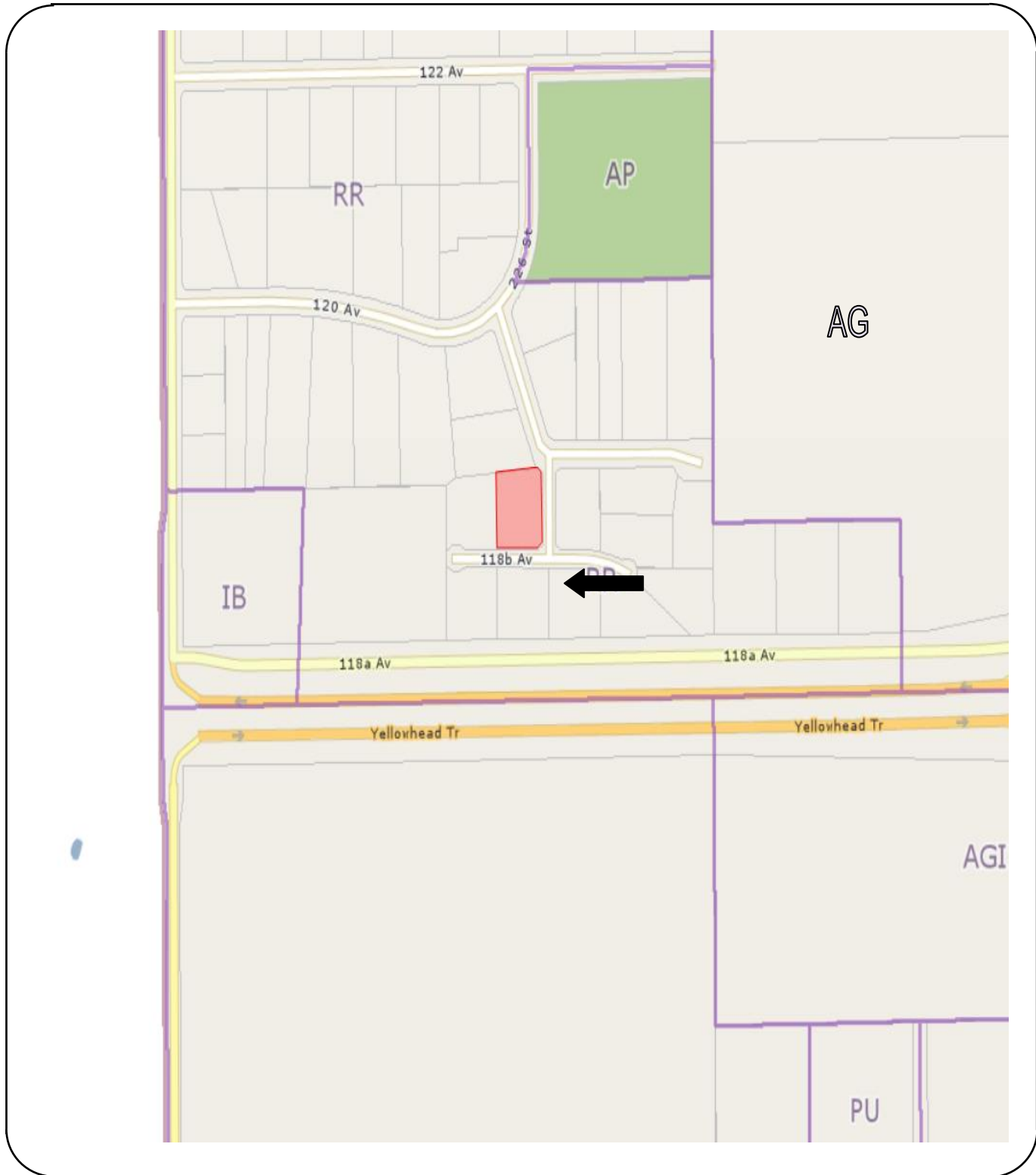
## Application for Home Occupation

Project Number: 77017319-007  
Application Date: DEC 11, 2015  
Printed: February 26, 2016 at 8:29 AM  
Page: 2 of 2

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02956102	Dec 15, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$291.00		

THIS IS NOT A PERMIT



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-069



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-070

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 175951207-001

ADDRESS OF APPELLANT: 15840 - 118 Avenue NW

APPLICATION TO: Demolish an existing Freestanding On-premises Sign and install (1) Freestanding Minor Digital On- premises Off-Premises Sign (Off-premises Digital 6.1 m x 3 m & On-premises non Digital 6.1 m x 1.2 m )

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 25, 2016

DATE OF APPEAL: February 8, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15840 - 118 AVENUE NW

LEGAL DESCRIPTION: Plan 9320487 Blk 1 Lot 3A

ZONE: IB Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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*Grounds for Appeal*

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

As there is no sign on the adjacent property, (the existing sign was removed several months ago). We feel that we should be granted the permit for the digital sign. The sign we are proposing is in compliance with everything, but the separation on a sign that is not there.

[unedited]

*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.

**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 within 14 days,
- (a) in the case of an appeal made by a person referred to in section 685(1), after
    - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of refusal by the Development Officer is dated January 25, 2016. The Notice of Appeal was filed on February 8, 2016.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 400.1 states that the **General Purpose** of the **IB Industrial Business Zone** is:

...to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

Under Section 400.3(40), **Minor Digital On-premises Off-premises Signs** is a **Discretionary Use** in the IB Industrial Business Zone.

Under section 7.9(7), **Minor Digital On-premises Off-premises Signs** is defined as follows:

... 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.

***Separation Distance***

Section 59F.3(6)(e) of Schedule 59F states:

**59F.3 Regulations for Discretionary Signs**

- 6. Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:
  - e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than <u>8.0 m<sup>2</sup></u> or other Off-premises Sign
Greater than <u>8.0 m<sup>2</sup></u> to less than <u>20 m<sup>2</sup></u>	<u>100 m</u>
<u>20 m<sup>2</sup></u> to <u>40 m<sup>2</sup></u>	<u>200 m</u>
Greater than <u>40 m<sup>2</sup></u>	<u>300 m</u>

The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

**Development Officer’s Determination**

1) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Signs. If the proposed Sign Area is greater than 8.0m<sup>2</sup> to less than 20m<sup>2</sup> the minimum separation distance from Digital Signs greater than 8.0 m<sup>2</sup> or other Off-premises Sign shall be 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59F.3(6)(e))

Proposed separation distance from the Freestanding Off-premises Sign located on adjacent property to East: 27 m.

Note:

- 1) The sign in conflict has been removed from the property but the Development Permit (No. 000647174-004) is still active and expires Sep, 2017.



[unedited]

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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*.

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	Project Number: <b>175951207-001</b> Application Date: JUL 15, 2015 Printed: February 12, 2016 at 9:37 AM Page: 1 of 2															
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>																
This document is a Development Permit Decision for the development application described below.																
<b>Applicant</b>  ADMAX MEDIA 	<b>Property Address(es) and Legal Description(s)</b> 15840 - 118 AVENUE NW Plan 9320487 Blk 1 Lot 3A  <b>Location(s) of Work</b> Suite: 15840 - 118 AVENUE NW Entryway: 15840 - 118 AVENUE NW Building: 15840 - 118 AVENUE NW															
<b>Scope of Application</b> To demolish an existing Freestanding On-premises Sign and install (1) Freestanding Minor Digital On- premises Off-Premises Sign (Off-premises Digital 6.1 m x 3 m & On-premises non Digital 6.1 m x 1.2 m ).																
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Class of Permit: Class B                      Expiry Date:                       Num. Temp., Fasica or Temporary      0                      Sign Permit Label No. :                 </td> <td style="width: 50%; border: none;">                     Construction Value: 165000                      Num. of Freestanding, Projecting or Roof Signs: 0                      Number of Additional Signs:                      Sign Type: Minor Digital Off-premises Sign                 </td> </tr> </table>		Class of Permit: Class B Expiry Date:  Num. Temp., Fasica or Temporary      0 Sign Permit Label No. :	Construction Value: 165000 Num. of Freestanding, Projecting or Roof Signs: 0 Number of Additional Signs: Sign Type: Minor Digital Off-premises Sign													
Class of Permit: Class B Expiry Date:  Num. Temp., Fasica or Temporary      0 Sign Permit Label No. :	Construction Value: 165000 Num. of Freestanding, Projecting or Roof Signs: 0 Number of Additional Signs: Sign Type: Minor Digital Off-premises Sign															
I/We certify that the above noted details are correct.  Applicant signature: _____																
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m2 or Off-premises Signs. If the proposed Sign Area is greater than 8.0m2 to less than 20m2 the minimum separation distance from Digital Signs greater than 8.0 m2 or other Off-premises Sign shall be 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59F.3(6)(e))  Proposed separation distance from the Freestanding Off-premises Sign located on adjacent property to East: 27 m.  Note: 1) The sign in conflict has been removed from the property but the Development Permit (No. 000647174-004) is still active and expires Sep, 2017.  <b>Rights of Appeal</b> 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: Jan 25, 2016      Development Authority: AHUJA, SACHIN      Signature: _____																
<b>Fees</b>  <table style="width: 100%; border: none;"> <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>Safety Codes Fee</td> <td style="text-align: right;">\$64.68</td> <td style="text-align: right;">\$64.68</td> <td style="text-align: right;">02590313</td> <td style="text-align: right;">Jul 15, 2015</td> </tr> <tr> <td>Sign Building Permit Fee</td> <td style="text-align: right;">\$1,617.00</td> <td style="text-align: right;">\$1,617.00</td> <td style="text-align: right;">02590313</td> <td style="text-align: right;">Jul 15, 2015</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$64.68	\$64.68	02590313	Jul 15, 2015	Sign Building Permit Fee	\$1,617.00	\$1,617.00	02590313	Jul 15, 2015
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Safety Codes Fee	\$64.68	\$64.68	02590313	Jul 15, 2015												
Sign Building Permit Fee	\$1,617.00	\$1,617.00	02590313	Jul 15, 2015												
<b>THIS IS NOT A PERMIT</b>																



## Application for Sign Combo Permit

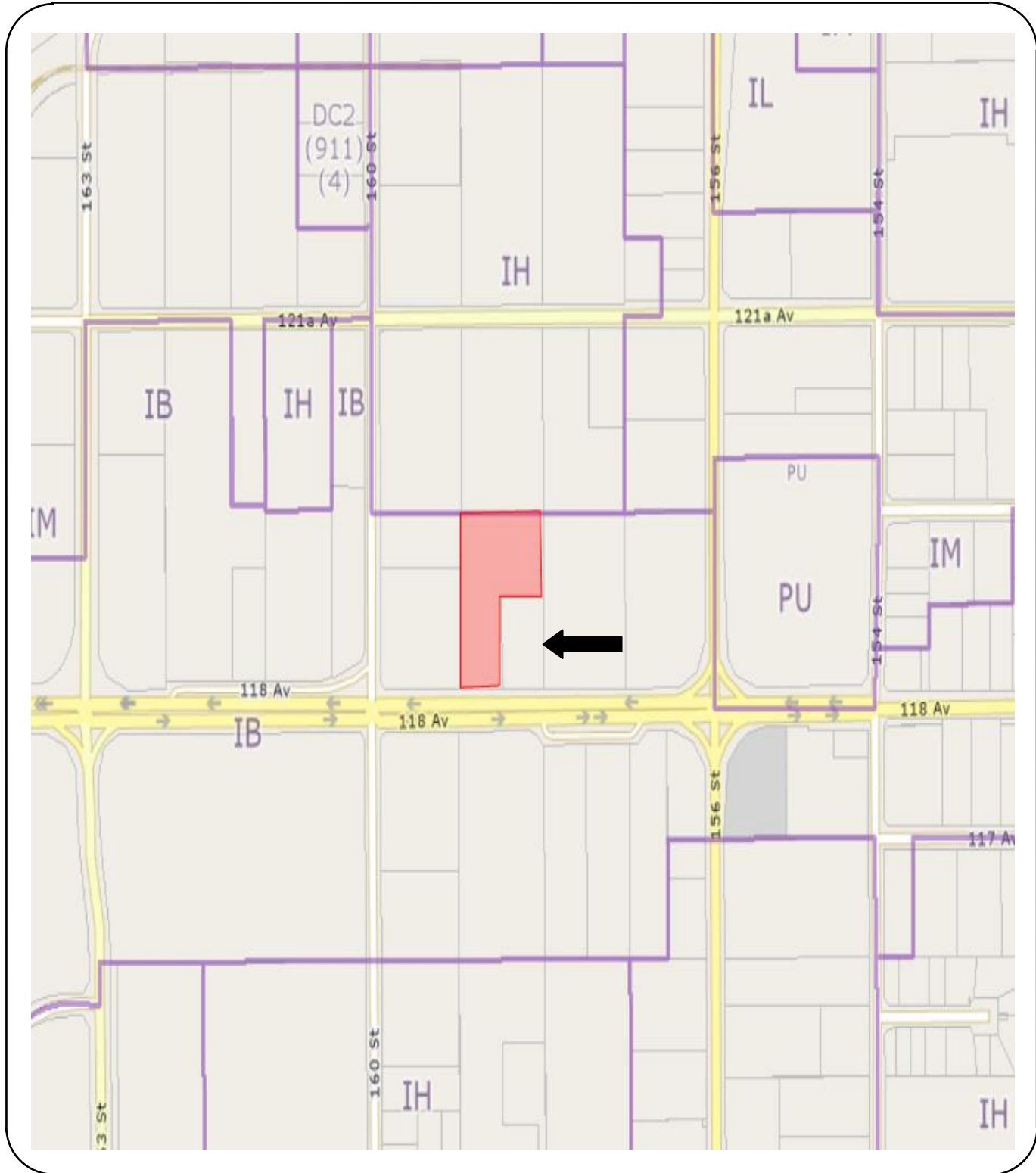
Project Number: **175951207-001**  
Application Date: JUL 15, 2015  
Printed: February 12, 2016 at 9:37 AM  
Page: 2 of 2

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Dev Appl Fee - Digital Signs	\$832.00	\$832.00	02590313,02970045	Dec 23, 2015
DP Notification Fee	\$100.00	\$100.00	02970045	Dec 23, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$2,613.68	\$2,613.68		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location 

File: SDAB-D-16-070



**TO BE RAISED**  
**ITEM III: 1:15 P.M.**

FILE: SDAB-D-15-285

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 158040859-001

ADDRESS OF APPELLANT: 5739 - 11A Avenue NW

APPLICATION TO: Convert an existing Single Detached House into a Child Care Services Use building (60 Children, 2- 12-18 months, 6 -19 months-3 yrs, 32 - 3-4.5 yrs, 20 - above 4.5 yrs) and to construct interior and exterior alterations(Sakaw Daycare)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 9, 2015

DATE OF APPEAL: November 10, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5739 - 11A AVENUE NW

LEGAL DESCRIPTION: Plan 9122524 Blk 35 Lot 108

ZONE: RF1-Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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*Grounds for Appeal*

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

- The Development Permit has been refused for the reason of available parking spots.
- The appellant has completed parking justification

- The appellant has community support; there is a requirement of daycare due to increased child capacity and increased boundaries of the school. [unedited]

*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.

**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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of refusal by the Development Officer is dated November 9, 2015. The Notice of Appeal was filed on November 10, 2015.

The Subdivision and Development Appeal Board at a hearing on December 2, 2015, made and passed the following motion:

"That the hearing for SDAB-D-15-285 be scheduled on March 2 or 3, 2016, at the request of the Respondent and with the consent of the Development Authority."

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 110.1 states that the **General 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.

Under Section 110.3(1), **Child Care Services** are a **Discretionary Use** under the RF1 Single Detached Residential Zone.

Section 7.8(2) states:

**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).

***Child Care Service Parking Requirements: On-Site Drop-off***

Section 80(6) states:

A Child Care Service shall comply with the following regulations:

...

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;

...

**Development Officer’s Decision**

1. Section 80(6) - Parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, 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.

Required: 7 on-site drop-off  
Proposed: 1 on-site drop-off  
Deficient: 6 on-site drop-off  
[unedited]

***Child Care Service Parking Requirements: Drop-off Space***

Section 80(6) states:

A Child Care Service shall comply with the following regulations:

...

- 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. ...
  - b. each drop-off space shall be a minimum of 2.6 m in width and a minimum of 5.5 m in length; and
  - c. ...

**Development Officer’s Decision**

- 4. Section 80(6)(b) - Each drop-off space shall be a minimum of 2.6 m in width and a minimum of 5.5 m in length.
- The two on-site drop off spaces, located adjacent to the entrance of the Site, are not a minimum of 5.5 m in length.

***Child Care Service Parking Requirements: Employee Parking***

**Section 54.2 Schedule 1 – Vehicular Parking Requirement** provides the following:

<b>Schedule 1(A) Areas outside of the Downtown Special Area</b>	
<b>Use of Building or Site</b>	<b>Minimum Number of Parking Spaces or Garage Spaces Required</b>
<b>Community, Educational, Recreational and Cultural Service Use Classes</b>	
31. Child Care Services	1 parking space for the first 2 employees, plus 0.5 spaces per additional employee  Except: a. Dayhomes (providing care to 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.
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**Development Officer’s Decision**

1. Section 80(6) - Parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, 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.

Required: 7 on-site drop-off  
 Proposed: 1 on-site drop-off  
 Deficient: 6 on-site drop-off

***Tandem Parking***

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

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

**Development Officer’s Determination:**

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

- The arrangement of parking on the Site is considered to be in tandem.

***Loading Spaces Requirement***

**Section 54.4 Schedule 3 – Loading Spaces Requirement** provides the following:

<b>Use of Building or Site</b>	<b>Total Floor Area of Building</b>	<b>Minimum Number of loading Spaces Required</b>
1. Any development within the Commercial or Industrial Use Classes, excluding	Less than 465 m <sup>2</sup>	1
	465 m <sup>2</sup> to 2 300 m <sup>2</sup>	2
	Each additional 2 300 m <sup>2</sup> ,	

Professional, Financial and Office Support Services	or fraction thereof	1 additional
2. Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services	Up to 2 800 m <sup>2</sup> Each additional 2 800 m <sup>2</sup>	1  1 additional

Note: The Development Permit states that the Gross Floor Area of the proposed development is 260 m<sup>2</sup>.

**Development Officer’s Determination:**

5. Section 54.4, Schedule 3(2) - The proposed development requires one loading spaces (9.0 m x 3.0 m) provided in accordance with Section 54.4.

Proposed: 0

Deficient: 1

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: **158040859-001**  
Application Date: JUL 24, 2014  
Printed: November 26, 2015 at 3:15 PM  
Page: 1 of 2

## Application for Major Development Permit

This document is a Development Permit Decision for the development application described below.

<b>Applicant</b>  SAKAW DAYCARE 	<b>Property Address(es) and Legal Description(s)</b> 5739 - 11A AVENUE NW Plan 9122524 Blk 35 Lot 108  <b>Specific Address(es)</b> Suite: 5739 - 11A AVENUE NW Entryway: 5739 - 11A AVENUE NW Building: 5739 - 11A AVENUE NW
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**Scope of Application**  
 To convert an existing Single Detached House into a Child Care Services Use building (60 Children, 2- 12-18 months, 6 -19 months-3 yrs, 32 - 3-4.5 yrs, 20 - above 4.5 yrs) and to construct interior and exterior alterations(Sakaw Daycare)

<b>Permit Details</b>	
Class of Permit: Gross Floor Area (sq.m.): 260 New Sewer Service Required: N Site Area (sq. m.): 647.89	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: \_\_\_\_\_

**Development Application Decision**  
 Refused

**THIS IS NOT A PERMIT**





Project Number: **158040859-001**  
 Application Date: JUL 24, 2014  
 Printed: November 26, 2015 at 3:15 PM  
 Page: 2 of 2

## Application for Major Development Permit

**Reason for Refusal**

1. Section 80(6) - Parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, 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.

Required: 7 on-site drop-off  
 Proposed: 1 on-site drop-off  
 Deficient: 6 on-site drop-off

2. Section 54.2, Schedule 1(31) - Child Care Services require 1 parking space for the first 2 employees, plus 0.5 spaces per additional employee.

Required: 4.0  
 Proposed: 3.0  
 Deficient: 1.0

Note: Transportation Services has reviewed the proposal and associated site plan and objects to the development, based on the proposed on-site parking deficiency of 7 parking stalls (provided 4 stalls; required 11 stalls). It should be noted that only 2 stalls located on the driveway are acceptable as the depth of the driveway will not accommodate 4 vehicles.

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

- The arrangement of parking on the Site is considered to be in tandem.

4. Section 80(6)(b) - Each drop-off space shall be a minimum of 2.6 m in width and a minimum of 5.5 m in length.

- The two on-site drop off spaces, located adjacent to the entrance of the Site, are not a minimum of 5.5 m in length.

5. Section 54.4, Schedule 3(2) - The proposed development requires one loading spaces (9.0 m x 3.0 m) provided in accordance with Section 54.4.

Proposed: 0  
 Deficient: 1

**Rights of Appeal**

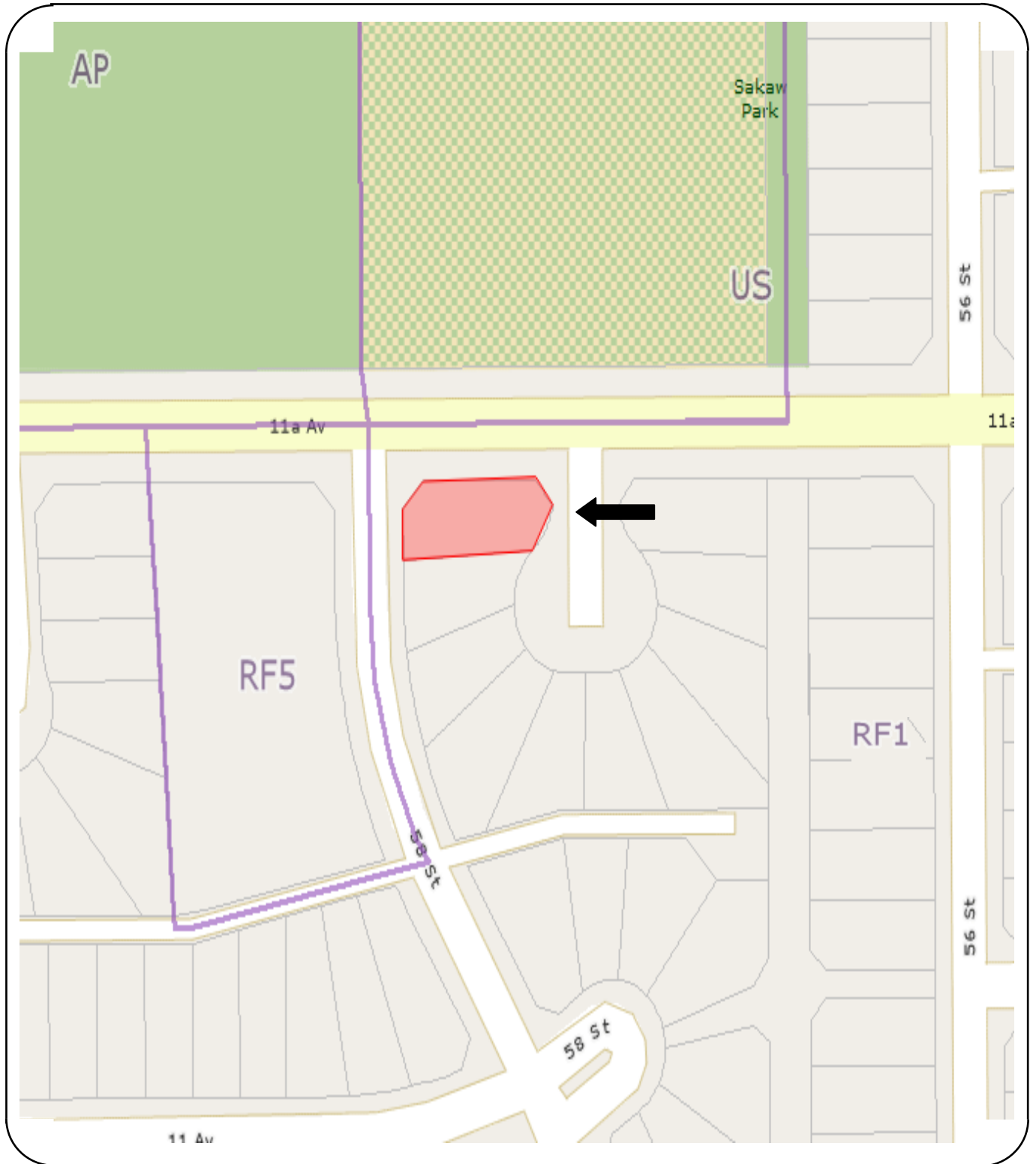
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Nov 09, 2015    **Development Authority:** PEACOCK, ERICA    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$379.00	\$379.00	01822534	Jul 24, 2014
Total GST Amount:	\$0.00			
Totals for Permit:	\$379.00	\$379.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-285



**BUSINESS LAID OVER**

SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <b><i>March 9 or 10, 2016</i></b>
SDAB-D-16-048	An appeal by <u>Pattison Outdoor Advertising</u> to construct a Freestanding Off-premises Sign <b><i>March 9 or 10, 2016</i></b>
SDAB-D-16-049	An appeal by <u>Petwin 104 Corporation</u> to develop a Parking Area Accessory to an existing Apartment House. <b><i>March 9 or 10, 2016</i></b>
SDAB-D-16-050	An appeal by <u>Permit Solutions Inc.</u> to install (1) Fascia On-premises Sign (Boardwalk) <b><i>March 16, 2016</i></b>
SDAB-D-16-062	An appeal by <u>Re/mex Excellence</u> to operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors). <b><i>March 23, 2016</i></b>
SDAB-D-16-501	An appeal by <u>Darren Crocker / Brownlee LLP</u> to demolish an existing building. <b><i>March 30 or 31, 2016</i></b>

**APPEAL HEARINGS TO BE SCHEDULED**

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