

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
May 5, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-068

To construct a Child Care Services building (maximum 91 children), and to demolish a Single Detached Dwelling

10531 - 61 Avenue NW
Project No.: 354870511-002

II 11:00 A.M. SDAB-D-21-069

To operate a Major Home Based Business with up to four client visits per day (ANGELS, SPRITES AND OTHER DELIGHTS), expires March 16, 2026

430 - Twin Brooks Crescent NW
Project No.: 386212373-001

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-068

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 354870511-002

APPLICATION TO: Construct a Child Care Services building (maximum 91 children), and to demolish a Single Detached Dwelling

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 26, 2021

DATE OF APPEAL: March 19, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10531 - 61 Avenue NW

LEGAL DESCRIPTION: Plan 2015MC Blk 44 Lot 33

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We are solicitors for PHD Homes Ltd. Our client's application for a development permit to construct a childcare services building at the above captioned address was refused on February 26, 2021. We hereby appeal the refusal of our client's application on the basis that:

- Childcare services is a discretionary use in the RF1 Zone;
- The proposed development is appropriate at the subject location;

- Any of the regulations identified as not being met by the proposed development are matters of opinion and, in our view, the proposed development does not require as many variances as are identified in the development permit refusal;
- The granting of the variances that are required for the proposed development would neither unduly interfere with the use, enjoyment, or value of neighbouring properties nor materially interfere with the amenities of the neighbourhood; and
- Such further and other grounds as may be presented in the hearing of the within appeal.

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| <i>General Matters</i> |
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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 written decision is given 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;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(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*:

Under section 110.3(1), **Child Care Services** is a **Discretionary Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.8(2), **Child Care Services** means:

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 typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider's residence.

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, Garden Suites, Semi-detached Housing and Duplex Housing."

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

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| <i>Discretionary Use</i> |
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Development Officer's Determination

2) Child Care Service is a Discretionary Use in the (RF1) Single Detached Residential Zone. It is the opinion of the Development Officer that the proposed purpose-built Child Care Service and the proposed intensity of Use (91 children) would unduly interfere with the Use and enjoyment of the neighbouring properties.

Section 80 - Child Care Services

A Child Care Service shall comply with the following:

1. Child Care Services Site Plan and Development Application Content:
 - a. In addition to the requirements of Section 13, every application for a Development Permit for a Child Care Services Use shall include a Site plan and floor plan that combined, includes all information required in the Child Care Services Checklist.
2. Location requirements:
 - a. No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for the following Uses:
 - i. Automotive and Equipment Repair Shops
 - ii. Fleet Services
 - iii. Funeral, Cremation and Internment Services
 - iv. General Industrial Uses
 - v. Rapid Drive-through Vehicle Services, or
 - vi. Vehicle and Equipment Sales/Rentals.
 - b. No portion of a Child Care Services Use, including the building, building bay or on-Site outdoor play space, where provided, shall be located on a Site or adjacent to a Site with an approved development permit for the following Uses:
 - i. Land Treatment

- ii. Major Impact Utility Services, or
 - iii. Minor Impact Utility Services.
- c. No portion of a Child Care Services Use, including the building, building bay and on-Site outdoor play space, where provided, shall be located within 50 m of a Major Service Station, a Minor Service Station or a Gas Bar. This distance shall be measured from the closest pump island, fill pipes, vent pipes, or service station or gas bar building, to the Child Care Services Use.
 - d. Where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the applicant shall design the building, entrances, playspaces, landscaping, and Fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer.
 - e. Where Child Care Services is proposed on a Site zoned (IB) Business Industrial Zone, (IL) Light Industrial Zone, or (EIB) Ellerslie Business Industrial Zone, it shall only be allowed if the Site development forms part of an office park development or commercial strip mall.

3. Playspace requirements

- a. Where outdoor play space is provided at ground level it shall be allowed in any Yard. It shall be Fenced on all sides and all gates shall be self-latching. Fencing shall not be required where outdoor play space is proposed to share existing play equipment on Sites zoned (US) Urban Services Zone or (AP) Public Parks Zone, or if an exemption is permitted by the Government of Alberta.
- b. Where outdoor play space is provided above the first level such as on a Rooftop Terrace, balcony, or similar, the following regulations shall apply:**
 - i. Perimeter guard rails, or parapet walls, or a combination thereof that is at least 1.83 m in Height and provides a secure perimeter shall be installed and shall be consistent with the architectural materials and style of the building.**
 - ii. Mechanical equipment and exhaust systems shall be designed to be integrated into the play space so the Development Officer is satisfied that it does not create adverse effects related to noise, fumes or safety, or shall be located a minimum of 2 m outside of the perimeter of**

the outdoor play space.

4. Development in Residential Zones

- a. Where a Child Care Services Use is proposed in a building with a valid development permit for Multi-unit Housing or Row Housing, the Child Care Services shall not be part of a Dwelling.
- b. Where a Child Care Services Use is proposed as part of a Dwelling, or is proposed in a converted Single Detached Housing, the Use shall only be located:
 - i. on a Corner Lot; or
 - ii. on a Site Abutting a Site that is actively used for a Community, Educational, Recreational and Cultural Service Use Class; or
 - iii. Abutting a Site with zoning that lists Multi-unit Housing, General Retail Stores or Convenience Retail Stores as a permitted Use.
- c. A converted Dwelling shall not change the principal character or external appearance of the Dwelling in which it is located.
- d. If a new building is constructed for a Child Care Services Use, it shall retain the external appearance of a residential Dwelling, unless it is built as part of a development where the primary use is a Religious Assembly Use.**

5. Sign Requirements

- a. Signs shall conform to the regulations found in the Sign Schedule for the underlying zone.

Development Officer's Determination

1) Section 80.4: The development is required to retain the external appearance of a residential Dwelling.

The proposed new development is a two Storey building with roof-top outdoor playspace. The design and materials of the building, in the opinion of the Development Officer, does not retain the external architectural appearance of a adjacent and surrounding residential Dwellings, contrary to Section 80.4.

3) Section 80.3.b.i - Mechanical equipment and exhaust systems shall be designed to be integrated into the play space so the Development

Officer is satisfied that it does not create adverse effects related to noise, fumes or safety, or shall be located a minimum of 2 m outside of the perimeter of the outdoor play space.

Proposed: The applicant has included a roof-top outdoor play space in their design. No mechanical/exhaust systems shown on the plan. It was suggested that the applicant connect with Child Care Licencing to determine whether this proposed play space is suitable, to the knowledge of the Development Officer this was not actioned, nor was there confirmation whether there would be any roof-top mechanical equipment and therefore the Development Officer may not confirm compliance with this regulation.

4) Section 80.3.b Perimeter guard rails, or parapet walls, or a combination thereof that is at least 1.83 m in Height and provides a secure perimeter shall be installed and shall be consistent with the architectural materials and style of the building.

Proposed: 1.2m.

Deficient: 0.63m

This is a requirement to ensure the safety of children attending, and the staff of the Child Care Service.

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| <i>Mature Neighbourhood Overlay</i> |
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Front Setback

Section 814.3(1) states:

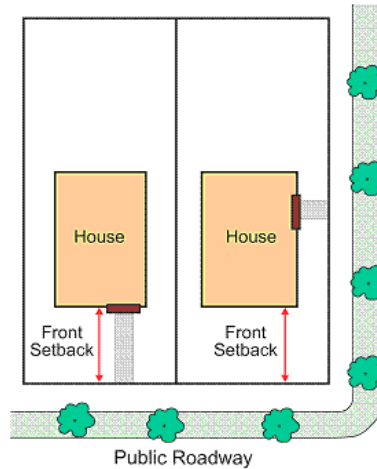
The Front Setback shall be in accordance with the following:

- a. the minimum Front Setback shall be 20% of site depth or 1.5 m less than the average Front Setback on Abutting Lots, whichever is less. In no case shall the Front Setback be less than 3.0 m;

...

Under section 6.1, **Front Setback** means:

means the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.

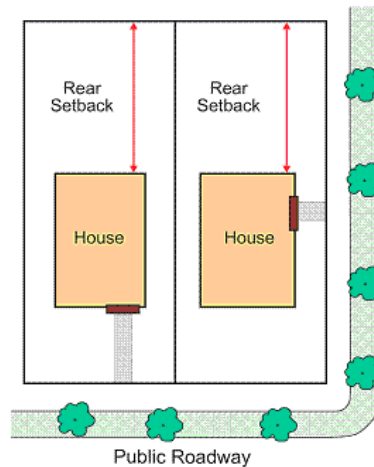


Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Architectural Treatment

Section 814.3(15) states:

To improve architectural interest of the principal structure(s), design techniques such as variations in roof lines, use of different exterior finishing materials, articulation of building Façades, or varied

architectural designs shall be used on all Façades facing a public roadway, other than a Lane.

Development Officer's Determination

The proposed development does not comply with the following regulation Mature Neighbourhood Overlay (Section 814)

5) Section 814.3.1 the minimum Front Setback shall be 20% of Site Depth or 1.5 m less than the average Front Setback on Abutting Lots, whichever is less.

Required: min 6.1m

Proposed: 4.5m (at corner cut)

Deficient: 1.2m

6) Section 814.3.4 Rear Setback

Required: 40% of Site Depth (36.58m) = 14.63m

Proposed: 12.74m

Deficient: 1.89m

7) Section 814.3.15: To improve architectural interest of the principal structure(s), design techniques such as variations in roof lines, use of different exterior finishing materials, articulation of building Façades, or varied architectural designs shall be used on all Façades facing a public roadway, other than a Lane.

Proposed: Stucco used on all facades - colour variations used. No roof line variation, use of only finishing materials. It is the opinion of the Development Officer that the applicant has not satisfied the intent of this regulation for those reasons.

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| <i>(RF1) Single Detached Residential Zone</i> |
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Side Setback

Section 814.3(b) states “where a Site Width is greater than 12.0 m and less than 18.3 m, the Side Setback requirements of the underlying Zone shall apply.”

Section 110.4(10)(d) states “on a Corner Site where the building faces the flanking Side Lot Line the minimum Side Setback Abutting the flanking Side Lot Line shall be 4.5 m. If the Dwelling does not have an attached Garage also facing the flanking Side Lot Line, the minimum Side Setback may be reduced to 3.0 m, in order to increase the Private Outdoor Amenity Area in the interior Side Yard.”

Development Officer's Determination

8) Section 110.4.10.d Flanking Side Setback, where the building faces the Flanking Side Setback

Required: 4.5m

Provided: 3.6m

Deficient: 0.9m

Passenger Drop-off Spaces

Section 54.7(3) states:

Passenger Drop-off Spaces for Child Care Services shall:

- a. be provided at the rate of 2 pick-up/drop-off spaces for the first 10 children, plus 1 additional pick-up/drop-off space for every 10 additional children, except that;
 - i. An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off Vehicle Parking space requirement without a variance if the Development Officer, after consultation with the applicable City department, finds that the proposal meets the requirements of the applicable City department;

Development Officer's Determination

9) Passenger Drop-off Spaces shall be in accordance with Section 54.7:

Required: 11

Proposed: 5

Deficient: 6

Notes:

a) tandem parking not permitted and are not counted towards provided on-site parking;

b) the Development Officer consulted with Parking Assets who provided non support for the following reasons:

"Service Road entrance/exit at 106 Street & 61 Avenue will present a concern with the additional number of vehicles entering and leaving during the hours of 07:00 to 09:00hrs (assumed am peak hour drop off). This morning time drop off overlaps with the am peak hour flows on 106 Street (7:45 - 8:45, NBD 327 vehicles per hour and SBD 162 vehicles per hour). The expected number of turns at the service road entrance at 106 Street will experience congestion and impact the traffic flows NBD & SBD on 106 Street.

The same concerns can be expressed at the afternoon pick up times, although the peak hr traffic flows on 106 Street are less (4:40pm to 5:40pm, NBD 196 vehicles per hour, SBD 231 vehicles per hour).

Parking could become a concern for entering and leaving the adjacent cul de sac for the surrounding residents given the lack of on site parking for this development. The number of employees required should this development operate at the maximum number of children allowed will potentially diminish parking availability and congest the 105b Street roadway south of 61 Avenue. The roadway is approximately 8.5m in width. Parking lanes at a minimum are 2.5m which effectively leaves a 3.5m travel lane for 2 way traffic if parking is present on both sides of 105b street. This travel lane becomes diminished further if winter conditions are present."

General On-Site Parking and Loading Requirements

Section 54.1(5)(c)(i) states All provided Vehicle Parking space and loading spaces shall conform to the following minimum dimensions:

| Vehicle Parking space type | Length |
|---|----------|
| i) Standard spaces and Visitor Parking spaces | A) 5.5 m |

Development Officer’s Determination

10) Section 54.1.5.c.i Vehicle Parking Dimensions:

Required: 5.5m

Proposed: 18' or 5.4m

Deficient: 0.1m

Note: Transportation does not support encroachment of vehicular parking spaces into the lane Right of Way.

Landscaping

Section 55.3(1)(b) states:

For new development consisting of Residential-Related Use Classes, Commercial Use Classes, Industrial Use Classes, Basic Services Use Classes, and Community, Educational, Recreational and Cultural Service Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

- i. a minimum of one tree for each 25 m² and one shrub for each 15 m² of Setback;
- ii. a minimum of one deciduous tree that is well-suited to survive in a high traffic environment for each 20 m² and one shrub for each 10 m² of Parking Area island, in addition to the general planting requirements; and
- iii. in no case shall there be less than one deciduous tree that is well-suited to survive in a high traffic environment per Parking Area island, in addition to the general planting requirements;

Development Officer's Determination

11) Section 55.3.1 Landscape Quantities:

Required Trees: 23

Provided Trees: 14

Deficient Trees: 9

Required Shrubs: 39

Provided Shrubs: 22

Deficient Shrubs: 17

12) The applicant has proposed to develop Prairie Spire Green Ash between the building and the southern property line. In the opinion of the City Landscape Technician, these trees are too large for the spacing provided in the south Setback. The applicant has been provided the opportunity to revise to a more appropriate species but has not done so.

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;


- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

| Tier # | Recipient Parties | Affected Parties | Regulation of this Overlay to be Varied |
|---------------|--|--|---|
| Tier 1 | The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League | The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League | 814.3(1) - Front Setback 814.3(15) - Architectural Treatment |
| Tier 2 | The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League | The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development | 814.3(4) – Rear Setback |

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.

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|--|---|---|---|---|--|-----------------------------|--|--------|----------------------|--------|----------------------|-----------|----------------------|-----------|----------------------|-----------|----------------------|-----------|----------------------|
|  | Project Number: 354870511-002 Application Date: FEB 13, 2020 Printed: February 26, 2021 at 11:13 AM Page: 1 of 3 | | | | | | | | | | | | | | | | | | |
| <h2 style="margin: 0;">Application for Major Development Permit</h2> | | | | | | | | | | | | | | | | | | | |
| This document is a Development Permit Decision for the development application described below. | | | | | | | | | | | | | | | | | | | |
| Applicant | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Property Address(es) and Legal Description(s)</td> </tr> <tr> <td colspan="2" style="text-align: center;">10531 - 61 AVENUE NW Plan 2015MC Blk 44 Lot 33</td> </tr> <tr> <td colspan="2" style="text-align: center;">Specific Address(es)</td> </tr> <tr> <td style="width: 15%;">Suite:</td> <td>10531 - 61 AVENUE NW</td> </tr> <tr> <td>Suite:</td> <td>10531 - 61 AVENUE NW</td> </tr> <tr> <td>Entryway:</td> <td>10531 - 61 AVENUE NW</td> </tr> <tr> <td>Entryway:</td> <td>10531 - 61 AVENUE NW</td> </tr> <tr> <td>Building:</td> <td>10531 - 61 AVENUE NW</td> </tr> <tr> <td>Building:</td> <td>10531 - 61 AVENUE NW</td> </tr> </table> | Property Address(es) and Legal Description(s) | | 10531 - 61 AVENUE NW Plan 2015MC Blk 44 Lot 33 | | Specific Address(es) | | Suite: | 10531 - 61 AVENUE NW | Suite: | 10531 - 61 AVENUE NW | Entryway: | 10531 - 61 AVENUE NW | Entryway: | 10531 - 61 AVENUE NW | Building: | 10531 - 61 AVENUE NW | Building: | 10531 - 61 AVENUE NW |
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| Building: | 10531 - 61 AVENUE NW | | | | | | | | | | | | | | | | | | |
| Scope of Application To construct a Child Care Services building (max. 91 children), and to demolish a Single Detached Dwelling | | | | | | | | | | | | | | | | | | | |
| Permit Details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Class of Permit: Class B Gross Floor Area (sq. m.): 268.49 New Sewer Service Required: Y Site Area (sq. m.): 640.1 </td> <td style="width: 50%; vertical-align: top;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Strt. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table> | | Class of Permit: Class B Gross Floor Area (sq. m.): 268.49 New Sewer Service Required: Y Site Area (sq. m.): 640.1 | Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Strt. Plan Overlay/Annex Area: Mature Neighbourhood Overlay | | | | | | | | | | | | | | | | |
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| Development Application Decision Refused Issue Date: Feb 26, 2021 Development Authority: BUCCINO, SAMANTHA Reason for Refusal <ol style="list-style-type: none"> 1) Section 80.4: The development is required to retain the external appearance of a residential Dwelling. The proposed new development is a two Storey building with roof-top outdoor playspace. The design and materials of the building, in the opinion of the Development Officer, does not retain the external architectural appearance of a adjacent and surrounding residential Dwellings, contrary to Section 80.4. 2) Child Care Service is a Discretionary Use in the (RF1) Single Detached Residential Zone. It is the opinion of the Development Officer that the proposed purpose-built Child Care Service and the proposed intensity of Use (91 children) would unduly interfere with the Use and enjoyment of the neighbouring properties. 3) Section 80.3 b.i - Mechanical equipment and exhaust systems shall be designed to be integrated into the play space so the Development Officer is satisfied that it does not create adverse effects related to noise, fumes or safety, or shall be located a minimum of 2 m outside of the perimeter of the outdoor play space. Proposed: The applicant has included a roof-top outdoor play space in their design. No mechanical/exhaust systems shown on the plan. It was suggested that the applicant connect with Child Care Licencing to determine whether this proposed play space is suitable, to the knowledge of the Development Officer this was not actioned, nor was there confirmation whether there would be any roof-top mechanical equipment and therefore the Development Officer may not confirm compliance with this regulation. 4) Section 80.3 b Perimeter guard rails, or parapet walls, or a combination thereof that is at least 1.83 m in Height and provides a secure perimeter shall be installed and shall be consistent with the architectural materials and style of the building. Proposed: 1.2m. | | | | | | | | | | | | | | | | | | | |
| THIS IS NOT A PERMIT | | | | | | | | | | | | | | | | | | | |

Application for Major Development Permit

Deficient: 0.63m

This is a requirement to ensure the safety of children attending, and the staff of the Child Care Service.

The proposed development does not comply with the following regulation Mature Neighbourhood Overlay (Section 814)

5) Section 814.3.1 the minimum Front Setback shall be 20% of Site Depth or 1.5 m less than the average Front Setback on Abutting Lots, whichever is less.

Required: min 6.1m

Proposed: 4.5m (at corner cut)

Deficient: 1.2m

6) Section 814.3.4 Rear Setback

Required: 40% of Site Depth (36.58m) = 14.63m

Proposed: 12.74m

Deficient: 1.89m

7) Section 814.3.15: To improve architectural interest of the principal structure(s), design techniques such as variations in roof lines, use of different exterior finishing materials, articulation of building Façades, or varied architectural designs shall be used on all Façades facing a public roadway, other than a Lane.

Proposed: Stucco used on all facades - colour variations used. No roof line variation, use of only finishing materials. It is the opinion of the Development Officer that the applicant has not satisfied the intent of this regulation for those reasons.

8) Section 110.4.10.d Flanking Side Setback, where the building faces the Flanking Side Setback

Required: 4.5m

Provided: 3.6m

Deficient: 0.9m

The proposed Development does not comply with the following Development Regulations

9) Passenger Drop-off Spaces shall be in accordance with Section 54.7:

Required: 11

Proposed: 5

Deficient: 6

Notes:

a) tandem parking not permitted and are not counted towards provided on-site parking;

b) the Development Officer consulted with Parking Assets who provided non support for the following reasons:

"Service Road entrance/exit at 106 Street & 61 Avenue will present a concern with the additional number of vehicles entering and leaving during the hours of 07:00 to 09:00hrs (assumed am peak hour drop off). This morning time drop off overlaps with the am peak hour flows on 106 Street (7:45 - 8:45, NBD 327 vehicles per hour and SBD 162 vehicles per hour). The expected number of turns at the service road entrance at 106 Street will experience congestion and impact the traffic flows NBD & SBD on 106 Street.


The same concerns can be expressed at the afternoon pick up times, although the peak hr traffic flows on 106 Street are less (4:40pm to 5:40pm, NBD 196 vehicles per hour, SBD 231 vehicles per hour).

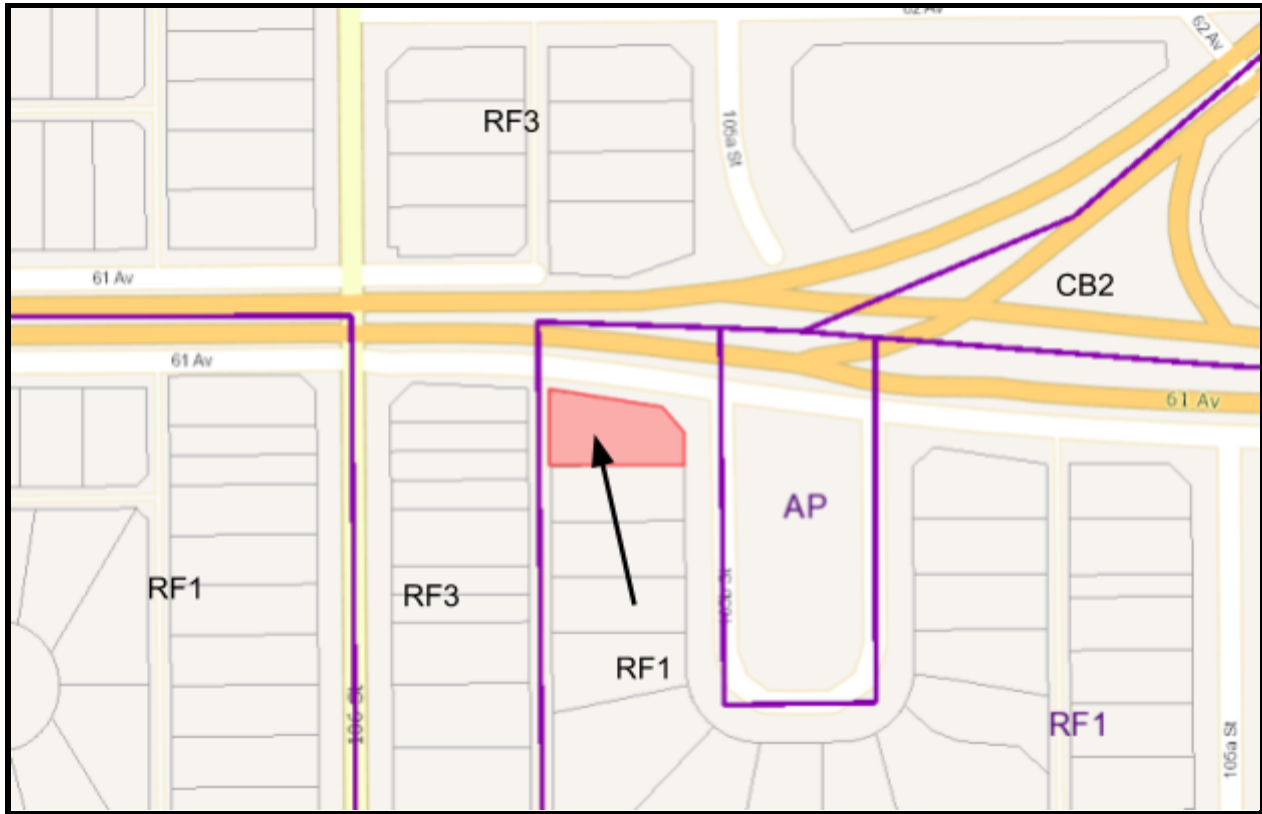
Parking could become a concern for entering and leaving the adjacent cul de sac for the surrounding residents given the lack of on site parking for this development. The number of employees required should this development operate at the maximum number of children allowed will potentially diminish parking availability and congest the 105b Street roadway south of 61 Avenue. The roadway is approximately 8.5m in width. Parking lanes at a minimum are 2.5m which effectively leaves a 3.5m travel lane for 2 way traffic if parking is present on both sides of 105b street. This travel lane becomes diminished further if winter conditions are present."

10) Section 54.1.5.c.i Vehicle Parking Dimensions:

Required: 5.5m

THIS IS NOT A PERMIT

|  | <h2 style="margin: 0;">Application for Major Development Permit</h2> | Project Number: 354870511-002 Application Date: FEB 13, 2020 Printed: February 26, 2021 at 11:13 AM Page: 3 of 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|-----------------|--------------|-------------|-----------|-----------|-----------------|----------|----------|-----------------|--------------|-----------------------------------|----------|----------|-----------------|--------------|----------------------------|----------|----------|-----------------|--------------|-------------------|--------|--|--|--|--------------------|------------|------------|--|--|
| <p>Proposed: 18' or 5.4m Deficient: 0.1m Note: Transportation does not support encroachment of vehicular parking spaces into the lane Right of Way.</p> <p>11) Section 55.3.1 Landscape Quantities: Required Trees: 23 Provided Trees: 14 Deficient Trees: 9</p> <p>Required Shrubs: 39 Provided Shrubs: 22 Deficient Shrubs: 17</p> <p>12) The applicant has proposed to develop Prairie Spire Green Ash between the building and the southern property line. In the opinion of the City Landscape Technician, these trees are too large for the spacing provided in the south Setback. The applicant has been provided the opportunity to revise to a more appropriate species but has not done so.</p> <p>Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; font-weight: normal;">Fees</th> <th style="text-align: right; font-weight: normal;">Fee Amount</th> <th style="text-align: right; font-weight: normal;">Amount Paid</th> <th style="text-align: left; font-weight: normal;">Receipt #</th> <th style="text-align: left; font-weight: normal;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$240.00</td> <td style="text-align: right;">\$240.00</td> <td>927988018394001</td> <td>Feb 18, 2020</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$528.00</td> <td style="text-align: right;">\$528.00</td> <td>927988018394001</td> <td>Feb 18, 2020</td> </tr> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$981.00</td> <td style="text-align: right;">\$981.00</td> <td>927988018394001</td> <td>Feb 18, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$1,749.00</td> <td style="text-align: right; border-top: 1px solid black;">\$1,749.00</td> <td></td> <td></td> </tr> </tbody> </table> | | | Fees | Fee Amount | Amount Paid | Receipt # | Date Paid | Lot Grading Fee | \$240.00 | \$240.00 | 927988018394001 | Feb 18, 2020 | Development Permit Inspection Fee | \$528.00 | \$528.00 | 927988018394001 | Feb 18, 2020 | Major Dev. Application Fee | \$981.00 | \$981.00 | 927988018394001 | Feb 18, 2020 | Total GST Amount: | \$0.00 | | | | Totals for Permit: | \$1,749.00 | \$1,749.00 | | |
| Fees | Fee Amount | Amount Paid | Receipt # | Date Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lot Grading Fee | \$240.00 | \$240.00 | 927988018394001 | Feb 18, 2020 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Development Permit Inspection Fee | \$528.00 | \$528.00 | 927988018394001 | Feb 18, 2020 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Major Dev. Application Fee | \$981.00 | \$981.00 | 927988018394001 | Feb 18, 2020 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total GST Amount: | \$0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Totals for Permit: | \$1,749.00 | \$1,749.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>THIS IS NOT A PERMIT</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-068

▲
N

ITEM II: 11:00 A.M.

FILE: SDAB-D-21-069

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 386212373-001

APPLICATION TO: Operate a Major Home Based Business with up to four client visits per day (ANGELS, SPRITES AND OTHER DELIGHTS), expires March 16, 2026

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: March 16, 2021

DATE OF APPEAL: April 11, 2021

NOTIFICATION PERIOD: March 23, 2021 through April 13, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 430 - Twin Brooks Crescent NW

LEGAL DESCRIPTION: Plan 9122811 Blk 20 Lot 42

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Twin Brooks Neighbourhood Area Structure Plan

Grounds for Appeal

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

I wish to appeal the granted development permit in question for the following reasons:

1. Granting of this permit will create parking issues that will exceed what is normal and customary for this neighborhood
2. Granting of this permit will create traffic flow that will exceed what is normal and customary for this neighborhood
3. Ongoing non-compliance by residents of 430 TB Cres. to City of Edmonton community standards bylaw 14600
4. Ongoing non-compliance by residents of 430 TB Cres. to City of Edmonton zoning bylaw 12800
5. Ongoing non-compliance by residents of 430 TB Cres. to Alberta Health Services Covid-19 regulations for indoor gatherings.

| |
|------------------------|
| <i>General Matters</i> |
|------------------------|

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 written decision is given 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;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(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*:

Under section 110.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that 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 includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

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, Garden Suites, Semi-detached Housing and Duplex Housing.

Discretionary Use

Development Officer's Determination

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Bylaw, and there are no variances to the development regulations.

[unedited]


| |
|--|
| <i>Section 75 - Major Home Based Business</i> |
|--|

A Major Home Based Business shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business may have more than two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units;
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
9. 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.

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.

| | | | |
|---|---|---|---|
|  | Project Number: 386212373-001 Application Date: FEB 10, 2021 Printed: April 12, 2021 at 7:35 AM Page: 1 of 3 | | |
| <h2>Home Occupation</h2> | | | |
| This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended. | | | |
| Applicant | <table border="1"> <tr> <td data-bbox="816 447 1385 537"> Property Address(es) and Legal Description(s) 430 - TWIN BROOKS CRESCENT NW Plan 9122811 Blk 20 Lot 42 </td> </tr> <tr> <td data-bbox="816 541 1385 646"> Specific Address(es) Entryway: 430 - TWIN BROOKS CRESCENT NW Building: 430 - TWIN BROOKS CRESCENT NW </td> </tr> </table> | Property Address(es) and Legal Description(s) 430 - TWIN BROOKS CRESCENT NW Plan 9122811 Blk 20 Lot 42 | Specific Address(es) Entryway: 430 - TWIN BROOKS CRESCENT NW Building: 430 - TWIN BROOKS CRESCENT NW |
| Property Address(es) and Legal Description(s) 430 - TWIN BROOKS CRESCENT NW Plan 9122811 Blk 20 Lot 42 | | | |
| Specific Address(es) Entryway: 430 - TWIN BROOKS CRESCENT NW Building: 430 - TWIN BROOKS CRESCENT NW | | | |
| Scope of Permit To operate a Major Home Based Business with up to 4 client visits per day (ANGELS, SPRITES AND OTHER DELIGHTS). Expires Mar. 16, 2026. | | | |
| Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="228 793 808 951"> # of business related visits/day: 4 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: </td> <td data-bbox="816 793 1385 951"> # of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Personal consultation by appointment only Up to 4 clients a day. Expiry Date: 2026-03-16 00:00:00 </td> </tr> </table> | | # of business related visits/day: 4 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: | # of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Personal consultation by appointment only Up to 4 clients a day. Expiry Date: 2026-03-16 00:00:00 |
| # of business related visits/day: 4 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: | # of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Personal consultation by appointment only Up to 4 clients a day. Expiry Date: 2026-03-16 00:00:00 | | |
| Development Permit Decision Approved Issue Date: Mar 16, 2021 Development Authority: FOLKMAN, JEREMY | | | |
| | | | |

Home Occupation

Subject to the Following Conditions

Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

1. The business owner must live at the site. 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 (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. Clients visit must be by-appointment only and appointments shall not overlap.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
10. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
11. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
12. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on Mar. 16, 2026.

Notes:

1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. 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).

Variations

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Bylaw, and there are no variations to the development regulations.



Project Number: **386212373-001**
Application Date: FEB 10, 2021
Printed: April 12, 2021 at 7:35 AM
Page: 3 of 3

Home Occupation

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Mar 23, 2021

Ends: Apr 13, 2021

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|----------------------|------------|-------------|-----------------|--------------|
| Dev. Application Fee | \$327.00 | \$327.00 | 086325083655001 | Mar 01, 2021 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$327.00 | \$327.00 | | |



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-21-069** ▲
N