

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
May 2, 2018**

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

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

I	9:00 A.M.	SDAB-D-18-062	Add 1 Dwelling to an existing 17 Dwellings of Apartment Housing (18 Dwellings in total), existing without permits 11930 - 104 Street NW Project No.: 274073139-001
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II	10:30 A.M.	SDAB-D-18-063	Operate a Professional, Financial and Office Support Service Use, and to construct exterior and interior alterations (McMan Youth Family & Community Services) 10949 - 120 Street NW Project No.: 272407752-001
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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-18-062

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 274073139-001

APPLICATION TO: Add 1 Dwelling to an existing 17 Dwellings of Apartment Housing (18 Dwellings in total), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 29, 2018

DATE OF APPEAL: April 6, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11930 - 104 Street NW

LEGAL DESCRIPTION: Plan RN52 Blk 4 Lot 54, Plan RN52 Blk 4 Lot 55

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

The building will be non-confirming to maximum density requirement by-law. Also, the minimum number of parking, and minimum amenity area required for each suite (7.5 sq.m) will not be met.

The legalization of the one existing unit will not adversely affect any neighboring properties as there will be no change to configuration of the building. A public consultation was carried out, and we did not receive any objection to the proposed addition.

Including the proposed addition of the one unit, there will be total of 18 dwelling in this apartment. 19 parking stalls are available at the back of the building.

Additional street parking is available for visitors to use up to two hours during day time and unlimited hours during evenings. A parking justification study was completed which shows that at least 30% of the parking spots are vacant at any time.

Since the building is within walking distance to NAIT, many tenants are student and do not own a car at this property. Parking has never been an issue at this property.

The lack of the private amenity area is typical of the similar nearby apartments built at the same time.

I believe that this additional low cost bachelor suite would be a small but positive contribution to the City of Edmonton to provide low cost housing.

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*:

Under Section 210.2(1) states **Apartment Housing** is a Permitted Use in the **(RA7) Low Rise Apartment Zone**.

Under Section 7.2(1), **Apartment Housing** means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Density

Section 210.4(2) states the maximum Density shall be 125 Dwellings/hectares.

Section 11.3(1)(b) states in approving a Development Permit Application pursuant to Section 11.2, the Development Officer shall adhere to the following: except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio or Density regulations.

Development Officer’s Determination

Density- Density is 129.12 Dwellings/ha instead of the maximum 125 Dwellings/ha. (Section 210.4.2)

There shall be no variance from maximum Density regulations. (Section 11.3.1.b)

Parking

Under Section 54.2, Schedule 1(A)(1), Apartment Housing requires the following minimum number of Parking Spaces:

Dwelling Size	Minimum
Studio	1

1 Bedroom Dwelling	1
2 Bedroom Dwelling	1.5
3 or more Bedroom Dwelling	1.7

Visitor parking shall be provided at a minimum rate of 0 visitor parking spaces for the first 7 Dwellings, and 1 visitor parking space per 7 Dwellings thereafter. Visitor parking spaces shall be readily available to the primary building entrance for each multi-unit residential building on Site, and be clearly identified as visitor parking, to the satisfaction of the Development Officer.

Development Officer’s Determination

Parking- Parking provided are 19 spaces instead of the minimum 21 spaces. (Section 54.2 Schedule (A))

<i>Amenity Area</i>

Section 46.2.d states unless otherwise specified in this Bylaw, Amenity Area shall be provided in accordance with Table 46(2):

Table 46(2) Amenity Area Requirements			
	Minimum Amenity Area provided on Site per Dwelling	Minimum percentage of total required Amenity Area provided on Site at grade	Maximum percentage of total required Amenity Area provided on Site in a Yard abutting a public roadway other than a Lane at grade,
d. Apartment Housing	7.5 m2	0%	50%

Section 6.1(5) states Amenity Area means:

- a. with respect to Residential Uses, space outside a Dwelling or Sleeping Unit provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common, subject to the regulations of this Bylaw;
- b. with respect to non-Residential Uses, space provided for the active or passive recreation and enjoyment of the public, during the hours which the development is open to the public, which shall be owned and maintained by the owners of the development, subject to the regulations of this Bylaw; and
- c. with respect to both Residential and non-Residential Uses, may include indoor or outdoor space, Platform Structures, Rooftop Terraces, and Accessory structures.

Development Officer's Determination

Amenity Area- Amenity Area provided for the additional Dwelling is 0 sm instead of the minimum 7.5 sm. (Section 46.2.d)

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*.



Application for Major Development Permit

Project Number: **274073139-001**
 Application Date: FEB 05, 2018
 Printed: April 12, 2018 at 11:00 AM
 Page: 1 of 1

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

Applicant <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 11930 - 104 STREET NW Plan RN52 Blk 4 Lot 54 11930 - 104 STREET NW Plan RN52 Blk 4 Lot 55 Specific Address(es) Suite: 4, 11930 - 104 STREET NW Entryway: 11930 - 104 STREET NW Building: 11930 - 104 STREET NW
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Scope of Application
 To add 1 Dwelling to an existing 17 Dwellings of Apartment Housing (18 Dwellings in total), existing without permits.

Permit Details Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 696.96	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Medium Scale Residential Infill Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused
Reason for Refusal
 Density- Density is 129.12 Dwellings/ha instead of the maximum 125 Dwellings/ha. (Section 210.4.2)

 There shall be no variance from maximum Density regulations. (Section 11.3.1.b)

 Parking- Parking provided are 19 spaces instead of the minimum 21 spaces. (Section 54.2 Schedule (A))

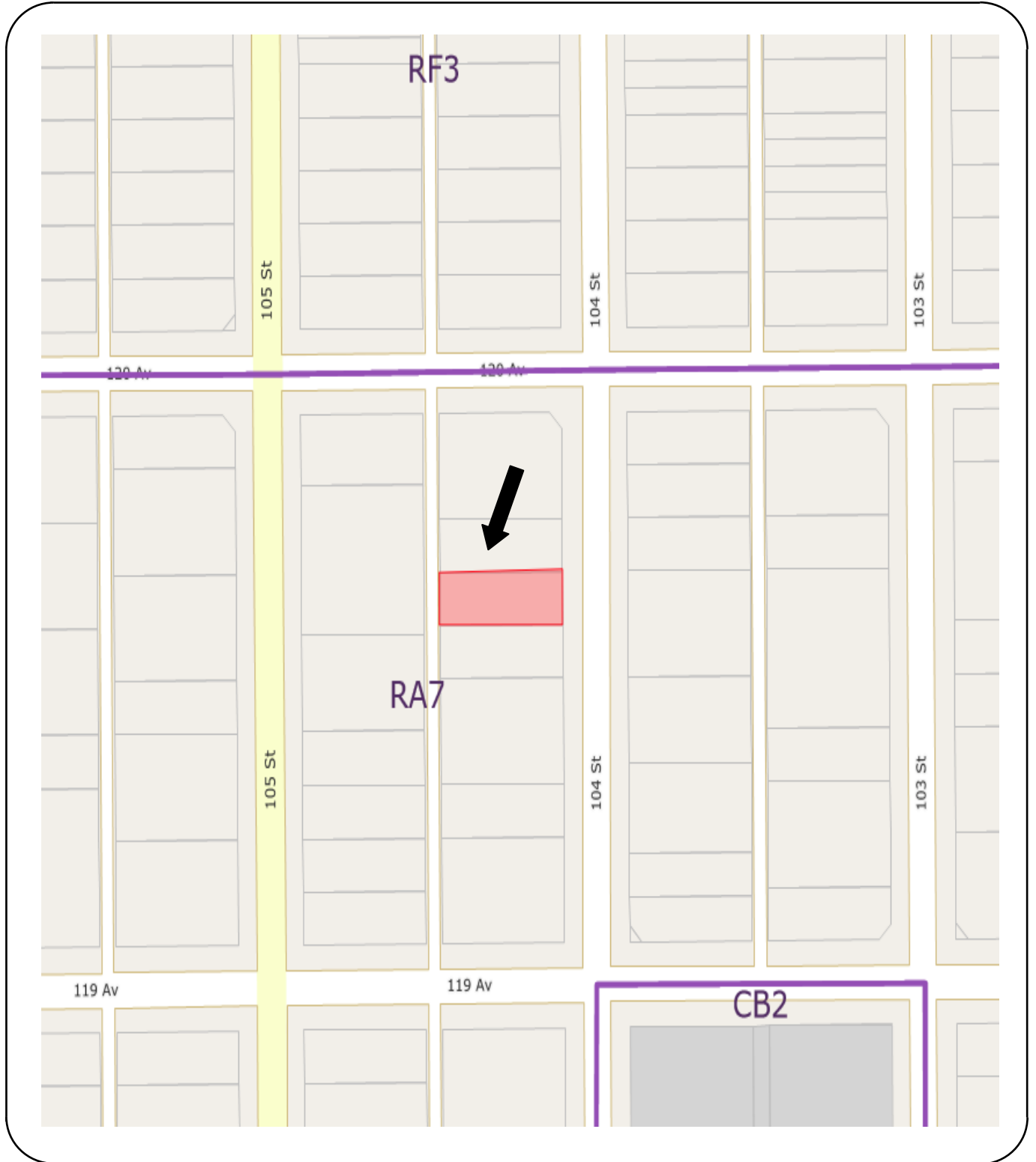
 Amenity Area- Amenity Area provided for the additional Dwelling is 0 sm instead of the minimum 7.5 sm. (Section 46.2.d)

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: Mar 29, 2018 **Development Authority:** ANGELES, JOSELITO **Signature:** _____

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$277.00	\$277.00	04782947	Feb 05, 2018
Sanitary Sewer Trunk Fund 2012+	\$1,163.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,440.00	\$277.00		
(\$1,163.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-062



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-063

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

APPELLANT:

APPLICATION NO.: 272407752-001

APPLICATION TO: Operate a Professional, Financial and Office Support Service Use, and to construct exterior and interior alterations (McMan Youth Family & Community Services)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Variances

DECISION DATE: March 8, 2018

DATE OF APPEAL: April 4, 2018

NOTIFICATION PERIOD: March 15, 2018 through April 5, 2018

RESPONDENT: Wilson Architects Ltd.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10949 - 120 Street NW

LEGAL DESCRIPTION: Plan 3256HW Blk 19 Lot D

ZONE: IB Industrial Business Zone

OVERLAY: N/A

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

Grounds for Appeal

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

The parking variance from required 93 to 71 (22 stall difference) causes a concern for Queen Mary Park. There are ongoing parking issues throughout our neighbourhood because of the cumulative effect of ongoing variances. This creates illegal parking and congestion on streets.

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.

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Appeals

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- (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;
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 - (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*:

Under Section 400.2(11) states **Professional, Financial and Office Support Services** is a Permitted Use in the **(IB) Industrial Business Zone**.

Under Section 7.2(8), **Professional, Financial and Office Support Services** means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or

Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Parking


Under Section 54.2, Schedule 1(A)(23), Professional, Financial and Office Support Services requires 1 parking space per 29.4 square metres of Floor Area.

Development Officer's Determination

Parking - The site has 71 parking stalls, instead of 93 (Section 54.2 and Schedule 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: 272407752-001 Application Date: JAN 16, 2018 Printed: April 4, 2018 at 3:20 PM Page: 1 of 2		
Major Development Permit			
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 <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 10949 - 120 STREET NW Plan 3256HW Blk 19 Lot D		
Scope of Permit To operate a Professional, Financial and Office Support Service Use, and to construct exterior and interior alterations (McMan Youth Family & Community Services)			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="border: none; vertical-align: top;"> Class of Permit: Class B Gross Floor Area (sq.m.): 2713 New Sewer Service Required: N Site Area (sq. m.): </td> <td style="border: none; vertical-align: top;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 2713 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 2713 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved			



Project Number: **272407752-001**
 Application Date: JAN 16, 2018
 Printed: April 4, 2018 at 3:20 PM
 Page: 2 of 2

Major Development Permit

Subject to the Following Conditions

- 1) The development shall comply with the General Performance Standards of the IB Zone (Section 57)
- 2) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)
- 3) The Owner/Applicant shall ensure that there is adequate signage to ensure that all required parking and loading facilities are only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Section 54.1.1.c) (Section 15.3)

NOTES :

- 1) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 2) Signs require separate Development Applications.
- 3) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 5) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site
- 6) Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1)

Variations

Parking - The site has 71 parking stalls, instead of 93 (Section 54.2 and Schedule 1)

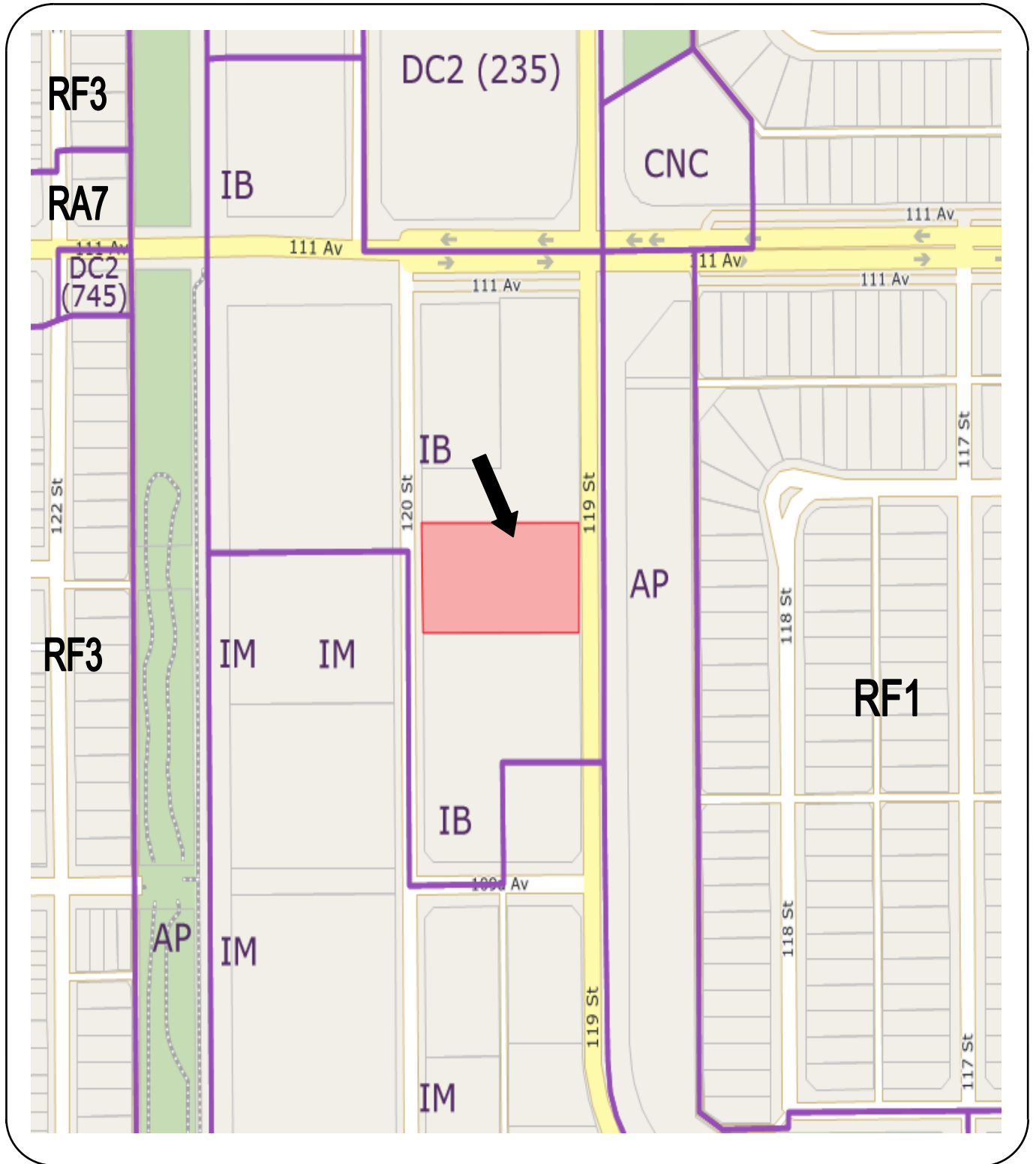
Rights of Appeal

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

Issue Date: Mar 08, 2018 **Development Authority:** BUCCINO, SAMANTHA **Signature:** _____
Notice Period Begins: Mar 15, 2018 **Ends:** Apr 05, 2018

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$362.00	\$362.00	04744684	Jan 16, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$362.00	\$362.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-063

