

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
May 3, 2017**

**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-17-079	Construct a two-Storey Accessory Building (Garage Suite on second floor, Garage on main floor, 9.14 metres by 7.9 metres), and to demolish the existing rear detached Garage  11512 - 75 Avenue NW Project No.: 228447774-001
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II	12:30 P.M.	SDAB-D-17-080	Develop a temporary surface Non-accessory Parking lot for 10 years (previous permit expired)  10145 - 106 Street NW, 10123 - 106 Street NW Project No.: 188542572-003
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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-17-079

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 228447774-001

APPLICATION TO: Construct a two-Storey Accessory Building (Garage Suite on second floor, Garage on main floor, 9.14 metres by 7.9 metres), and to demolish the existing rear detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 28, 2017

DATE OF APPEAL: April 9, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11512 - 75 Avenue NW

LEGAL DESCRIPTION: Plan 1275HW Blk 3 Lot 3

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan / Belgravia Station Area Redevelopment Plan

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***Grounds for Appeal***

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

I have lived in the Belgravia neighbourhood off and on since my family moved here in 1998. I was luck enough to purchase a home in the neighbourhood 5 years ago when i began teaching at Jasper Place High School. I appreciate my neighbourhood greatly, and when I was planning for my new garage and garage suite, I consulted with some neighbours and chose a drafts person to hire who also lives in Belgravia. I toured several garage suites in different neighbourhoods, spoke with people who have built garage suites in our community, and read the bylaws carefully.

I have taken into consideration the impact on the neighbourhood in my planning and design and I feel that I have balanced the esthetics of the building as well as maintaining a useful and very livable space to rent.

The first reason for refusal is the height, based on the current height of my existing house. Although my garage and garage suite fit within the allotted height restrictions, my current house is a bungalow built in 1945 and therefore does not fit the allotted height based on the height of my house. The discrepancy is 0.46 metres. At some point in the future I will renovate or rebuild my house and it will be taller than the current structure. I recognize the reasoning behind this bylaw is that we do not want garage structures to stick out and disrupt the esthetic of the neighbourhood, nor do I want to impede on my neighbours' view and sunlight. My neighbourhood is full of mature trees and I have two large trees in my backyard, as well as younger fruit trees and a very large spruce tree in the front yard. There are also three-storey walk up apartments and a parking lot directly behind my proposed garage suite location, and numerous two-storey homes on my block. My proposed garage suite location will not block anyone's view, nor will it shade anyone's backyard living space. This is something that I considered fully when planning.

The other reason for refusal is the site coverage of the garage suite which is currently 0.4% more than the allowed 12% site coverage for a garage suite. This is something that I have decided to appeal because this additional 0.4% is a 4 square metre balcony off of the main living space of the garage suite. I believe that it makes the building more esthetically pleasing for the neighbourhood as well as improving the quality of the living space of the suite. I have lived in suites and apartments where there was not a private outdoor space and it is definitely something that makes a huge difference to the quality of the living space. The balcony will hang over the back driveway and is facing the alleyway. It does not impede on the privacy of my neighbours in any way.

I hope that my explanation of my reasons for refusal of my garage and garage suite application are sufficient to show that I have taken many aspects of this building process into consideration and that I am being considerate of my neighbours and the overall neighbourhood of Belgravia. This is a place that I plan on living for many years to come.

<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.

**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, or

...

**Hearing and Decision**

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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 110.3(3), a **Garage Suite** is a **Discretionary Use** in the (RF1) Single Detached Residential Zone.

Under section 7.2(3), **Garage Suite** means:

an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 110.4(5) states “Garage Suites and Garden Suites shall comply with Section 87 of this 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.

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

to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

**Development Officer’s Determination**

**3. Discretionary Use - a Garage Suite is a Discretionary Use in the (RF1) Single Detached Residential Zone (Section 110.3.3).** [unedited]

**Height**

Section 87.2 states:

the maximum Height shall be as follows:

- a. Garage containing a Garage Suite (above Grade):
  - i. 6.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4°) or greater.
  - ii. 5.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4°).

Under section 6.1(53), **Height** means “a vertical distance between two points.”

**Development Officer’s Determination**

**1. Height - The Garage Suite is 6.44m in Height, instead of under the maximum of 5.98m allowed as per the Height of the house (Section 87.2). [unedited]**

**Site Coverage**

Section 110.4(7)(a) states:

Maximum Site Coverage shall be as follows:

	Principal Dwelling / building	Accessory building	Principal building with attached Garage	Total Site Coverage
Single Detached Housing – Site greater than 300 m <sup>2</sup>	28%	12%	40%	40%

Under section 6.1(101), **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade.

**Development Officer's Determination**

**2. Site Coverage - The Garage Suite covers 12.4% of the site, instead of 12%. In total all the buildings cover 25.5% of the site, which is less than the total maximum site coverage (40%) allowed (Section 110.4.7). [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>228447774-001</b> Application Date: AUG 17, 2016 Printed: March 28, 2017 at 11:37 AM Page: 1 of 2															
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">House Development and Building Permit</h1>																
This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit																
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 11512 - 75 AVENUE NW Plan 1275HW Blk 3 Lot 3  <b>Location(s) of Work</b> Entryway: 11512A - 75 AVENUE NW Building: 11512A - 75 AVENUE NW															
<b>Scope of Application</b> To construct a 2 Storey Accessory Building (Garage Suite on second floor, Garage on main floor, 9.14m x 7.9m), and to demolish the existing rear detached Garage.																
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Affected Floor Area (sq. ft): 822                      Class of Permit:                      Front Yard (m):                      Rear Yard (m): 4.88                      Side Yard, left (m): 4.26                      Site Area (sq. m): 604.6                      Site Width (m): 15.24                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Building Height to Midpoint (m): 6.44                      Dwelling Type: Garage Suite                      Home Design Type:                      Secondary Suite Included?: N                      Side Yard, right (m): 1.83                      Site Depth (m): 39.68                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		Affected Floor Area (sq. ft): 822 Class of Permit: Front Yard (m): Rear Yard (m): 4.88 Side Yard, left (m): 4.26 Site Area (sq. m): 604.6 Site Width (m): 15.24	Building Height to Midpoint (m): 6.44 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.83 Site Depth (m): 39.68 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay													
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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. Height - The Garage Suite is 6.44m in Height, instead of under the maximum of 5.98m allowed as per the Height of the house (Section 87.2).</li> <li>2. Site Coverage - The Garage Suite covers 12.4% of the site, instead of 12%. In total all the buildings cover 25.5% of the site, which is less than the total maximum site coverage (40%) allowed (Section 110.4.7).</li> <li>3. Discretionary Use - a Garage Suite is a Discretionary Use in the (RF1) Single Detached Residential Zone (Section 110.3.3).</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.																
<b>Issue Date:</b> Mar 28, 2017 <b>Development Authority:</b> ROBINSON, GEORGE <b>Signature:</b> _____																
<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>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$693.00</td> <td style="text-align: right;">\$693.00</td> <td style="text-align: right;">03529766</td> <td style="text-align: right;">Aug 17, 2016</td> </tr> <tr> <td>Water Usage Fee</td> <td style="text-align: right;">\$25.41</td> <td style="text-align: right;">\$25.41</td> <td style="text-align: right;">03529766</td> <td style="text-align: right;">Aug 17, 2016</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03529766	Aug 17, 2016	Water Usage Fee	\$25.41	\$25.41	03529766	Aug 17, 2016
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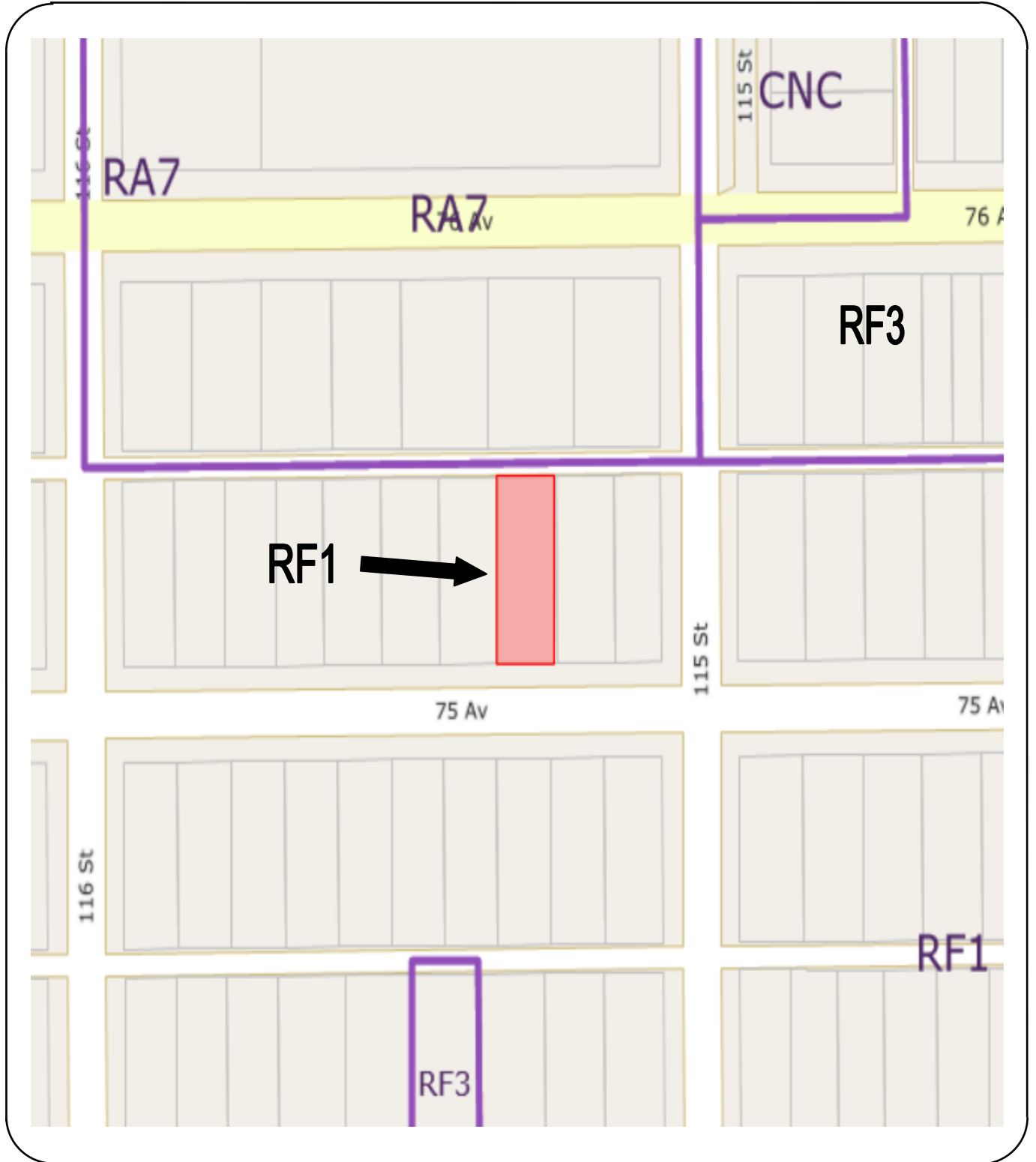
Project Number: **228447774-001**  
Application Date: AUG 17, 2016  
Printed: March 28, 2017 at 11:37 AM  
Page: 2 of 2

## Application for House Development and Building Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Electrical Fee (Service)	\$77.00	\$77.00	03529766	Aug 17, 2016
Lot Grading Fee	\$135.00	\$135.00	03529766	Aug 17, 2016
Safety Codes Fee	\$41.72	\$41.72	03529766	Aug 17, 2016
Building Permit Fee	\$1,043.00	\$1,043.00	03529766	Aug 17, 2016
Electrical Fees (House)	\$218.00	\$218.00	03529766	Aug 17, 2016
Electrical Safety Codes Fee	\$13.22	\$13.22	03529766	Aug 17, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,246.35	\$2,246.35		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-079



ITEM II: 12:30 P.M.

FILE: SDAB-D-17-080

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 188542572-003

APPLICATION TO: Develop a temporary surface Non-accessory Parking lot for 10 years (previous permit expired)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 17, 2017

DATE OF APPEAL: March 30, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10145 - 106 Street NW, 10123 - 106 Street NW

LEGAL DESCRIPTION: Plan B2 Blk 5 Lots 133-137

ZONE: (UW) Urban Warehouse Zone

OVERLAY: Downtown Special Area

STATUTORY PLAN: Capital City Downtown Plan

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***Grounds for Appeal***

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

We act on behalf of Wigalo Holding Ltd. Wigalo Holding Ltd.is appealing the development permit refusal in relation to its property on the following grounds:

1. The site has been used as a parking lot (with development permits) since 1996.

2. Under Section 910.11(3) of the Downtown Special Area Zoning Regulations, non-accessory parking is a discretionary use in the Urban Warehouse Zone.

3. Section 900.4(3)(a) of the Edmonton Zoning Bylaw provides that "Special Area provisions shall not be used to alter Permitted or Discretionary Uses... in any underlying conventional Zone".

4. Therefore, Section 910.4(1)(e)(i) of the Downtown Special Area Zoning Regulations does not alter the Permitted and Discretionary uses in the underlying Urban Warehouse Zone.

5. With respect to Section 910.4(1)(e)(i) of the Downtown Special Area Zoning Regulations, the Appellant is seeking a variance to allow the temporary use of the site for non-accessory parking. It will not unduly interfere with the amenities of the neighbourhood or materially interfere with the use, enjoyment or value of neighbouring properties. In fact, neighbouring properties require the use of this site for parking related to their businesses.

6. With respect to the variance of Section 910.4(1)(e)(ii) of the Downtown Special Area Zoning Regulations relating to the landscaped setback, given the other landscaping on site, the proposed variance will not unduly interfere with the amenities in the neighbourhood or materially interfere with the use, enjoyment or value of neighbouring properties.

7. The site is not suitable for redevelopment at this time. The request is for a temporary non-accessory parking lot as it is acknowledged that the site eventually will be redeveloped.

8. The Appellant has worked with the development officer to comply with all parking regulations in the Downtown Special Area, other than the two items noted in the reason for refusal.

9. Such further and other grounds of appeal as may be presented at the hearing of the within appeal.

<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.

### **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
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### **Hearing and Decision**

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

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- (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 910.11(3)(s), **Non-accessory Parking** is a **Discretionary Use** in the (UW) Urban Warehouse Zone.

Under section 7.4(39), **Non-accessory Parking** means:

development providing vehicular parking which is not primarily intended for the Use of residents, employees or clients of a particular development. Typical Uses include surface parking lots and parking structures located above or below Grade.

Section 910.11 states that the **General Purpose** of the (UW) **Urban Warehouse Zone** is:

to develop a unique mixed-use business commercial, educational and residential neighbourhood, accommodating a diversity of Uses, including residential, commercial, institutional, light manufacturing and assembly in a safe, walkable, human-scaled built environment that builds on the existing land use pattern and respects the architectural characteristics and functions of the area.

Section 910.1 states that the **General Purpose** of the **Downtown Special Area** is:

To designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.

Section 900.1 states that the **General Purpose** of the **Special Area General Provisions** is:

to provide a means to regulate the Use, design and extent of development within specific geographic areas of the City in order to achieve the planning objectives of an Area Structure Plan or Area Redevelopment Plan for those areas with special or unique attributes, which cannot be satisfactorily addressed through conventional land Use zoning.

***Downtown Wide Regulations***

Section 910.4(1)(e) states:

The following Zoning Regulations are common to all the Downtown Special Area Zones. Further regulation may be described under individual zones.

1. Vehicular Parking

e. Surface Parking Lots:

- i. No surface parking shall be allowed, other than accessory parking that is located at the rear of a building and is accessed from the abutting alley;
- ii. A minimum 4m landscaped setback shall be provided from any property line abutting a Public Roadway, other than a lane, for any surface parking area;

...

**Development Officer's Determination**

**1. The proposal is for a surface Non-accessory Parking lot. Section 910.4(1)(e)(i) states: "No surface parking shall be allowed, other than accessory parking that is located at the rear of a building and is accessed from the abutting alley". This is not accessory parking and is not located at the rear of a building. It is separated from all surrounding buildings by public roadways.**

**2. The proposal only has a 0.6 m landscaped setback between the parking area and 106 Street NW. Section 910.4(1)(e)(ii) states: "A minimum 4m landscaped setback shall be provided from any property line abutting a Public Roadway, other than a lane, for any surface parking area". The 0.6 m setback, primarily consisting of low shrubs, does not meet the intent of screening the parking area from a public roadway. [unedited]**

***Capital City Downtown Plan***

**Development Officer's Determination**

**3. Non-accessory Parking is a Discretionary Use within the (UW) Urban Warehouse Zone. The Capital City Downtown Plan and Transit Oriented Development Guidelines offer direction to the Development Officer in considering the approval of a Discretionary Use at this location.**



**The site straddles the Jasper Avenue and Warehouse Campus Neighbourhoods of the Capital City Downtown Plan and is 80 m from a future Valley Line LRT station and 130 m from the existing Corona LRT station. The Development Officer notes the following direction from these Council approved documents:**

**- "Within the central portion of the Warehouse Campus Neighbourhood, a large number of vacant properties and surface parking lots together represent a tremendous potential for development." (Chapter 1, Land Use Context Section). Allowing a Non-accessory surface parking lot does not contribute to realizing this potential.**

**- "Despite very high-density zoning, or perhaps because of this favourable zoning, surface parking lots are the dominant presence in large portions of the Warehouse Campus Neighbourhood. The abundance of these lots breaks up the urban fabric and seriously detracts from the vibrancy of this western portion of the Downtown." (Chapter 2, Challenges Section). In order to improve upon these current conditions and increase the vibrancy of the area, surface Non-accessory parking lots should not be developed.**

**- "Certain areas of the Downtown, such as the Warehouse Campus Neighbourhood has an overabundance of long-term surface parking lots" (Chapter 4, Parking Downtown Section). This overabundance should not be continued through approval of this surface Non-accessory Parking lot.**

**- "Acquire land and develop a major new park in the Central Warehouse Area – a central community gathering place and catalyst for residential development in the Area." (Land Use and Development Policy 1.3 of the Warehouse Campus Neighbourhood). The exact target location of this proposed park space has been recently decided and it is immediately across 106 Street NW from this site. A surface Non-accessory parking lot so close to this future park will decrease the potential enjoyment of the park and of it being a catalyst for residential development. In fact, this site is a prime location for said residential development.**

**- Around downtown stations, the Transit Oriented Development Guidelines strive to maintain and strengthen existing transit supportive uses. A surface Non-accessory Parking lot is not a use that supports transit and is not transit oriented development. [unedited].**


***Previous Subdivision and Development Appeal Board Decisions***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
<u>SDAB-D-16-294</u>	To comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016.	<p>February 2, 2017:</p> <p>The appeal is ALLOWED IN PART and the decision of the Development Authority is VARIED as follows:</p> <p>Stop Order 000413016-003 as issued by the Development Authority is UPHELD subject to the following changes:</p> <p>CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before March 15, 2017. [emphasis added]</p>
SDAB-D-16-295	To comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This order is to be complied with on or before September 28, 2016	<p>February 17, 2017:</p> <p>The appeal is ALLOWED IN PART and the decision of the Development Authority is VARIED as follows:</p> <p>Stop Order 000413016-004 as issued by the Development Authority is UPHELD subject to the following changes:</p> <p>CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before March 15, 2017. [emphasis added]</p>

Notice to Applicant/Appellant

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

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	Project Number: <b>188542572-003</b> Application Date: SEP 26, 2016 Printed: March 17, 2017 at 11:09 AM Page: 1 of 3		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10145 - 106 STREET NW Plan B2 Blk 5 Lot 135 10123 - 106 STREET NW Plan B2 Blk 5 Lot 133 10145 - 106 STREET NW Plan B2 Blk 5 Lot 136 10145 - 106 STREET NW Plan B2 Blk 5 Lot 134 10145 - 106 STREET NW Plan B2 Blk 5 Lot 137		
<b>Scope of Application</b> To develop a temporary surface Non-accessory Parking lot for 10 years (previous permit expired).			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">           Class of Permit:            Gross Floor Area (sq.m.): 0            New Sewer Service Required: N            Site Area (sq. m.): 3479.58         </td> <td style="width: 50%; border: none; vertical-align: top;">           Contact Person:            Lot Grading Needed?: N            NumberOfMainFloorDwellings: 0            Stat. Plan Overlay/Annex Area: Downtown         </td> </tr> </table>		Class of Permit: Gross Floor Area (sq.m.): 0 New Sewer Service Required: N Site Area (sq. m.): 3479.58	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: Downtown
Class of Permit: Gross Floor Area (sq.m.): 0 New Sewer Service Required: N Site Area (sq. m.): 3479.58	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: Downtown		
I/We certify that the above noted details are correct. Applicant signature: _____			
<b>Development Application Decision</b> Refused			
<b>THIS IS NOT A PERMIT</b>			



Project Number: **188542572-003**  
 Application Date: SEP 26, 2016  
 Printed: March 17, 2017 at 11:09 AM  
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## Application for Major Development Permit

### Reason for Refusal

1. The proposal is for a surface Non-accessory Parking lot. Section 910.4(1)(e)(i) states: "No surface parking shall be allowed, other than accessory parking that is located at the rear of a building and is accessed from the abutting alley". This is not accessory parking and is not located at the rear of a building. It is separated from all surrounding buildings by public roadways.

2. The proposal only has a 0.6 m landscaped setback between the parking area and 106 Street NW. Section 910.4(1)(e)(ii) states: "A minimum 4m landscaped setback shall be provided from any property line abutting a Public Roadway, other than a lane, for any surface parking area". The 0.6 m setback, primarily consisting of low shrubs, does not meet the intent of screening the parking area from a public roadway.

3. Non-accessory Parking is a Discretionary Use within the (UW) Urban Warehouse Zone. The Capital City Downtown Plan and Transit Oriented Development Guidelines offer direction to the Development Officer in considering the approval of a Discretionary Use at this location. The site straddles the Jasper Avenue and Warehouse Campus Neighbourhoods of the Capital City Downtown Plan and is 80 m from a future Valley Line LRT station and 130 m from the existing Corona LRT station. The Development Officer notes the following direction from these Council approved documents:

- "Within the central portion of the Warehouse Campus Neighbourhood, a large number of vacant properties and surface parking lots together represent a tremendous potential for development." (Chapter 1, Land Use Context Section). Allowing a Non-accessory surface parking lot does not contribute to realizing this potential.

- "Despite very high-density zoning, or perhaps because of this favourable zoning, surface parking lots are the dominant presence in large portions of the Warehouse Campus Neighbourhood. The abundance of these lots breaks up the urban fabric and seriously detracts from the vibrancy of this western portion of the Downtown." (Chapter 2, Challenges Section). In order to improve upon these current conditions and increase the vibrancy of the area, surface Non-accessory parking lots should not be developed.

- "Certain areas of the Downtown, such as the Warehouse Campus Neighbourhood has an overabundance of long-term surface parking lots" (Chapter 4, Parking Downtown Section). This overabundance should not be continued through approval of this surface Non-accessory Parking lot.

- "Acquire land and develop a major new park in the Central Warehouse Area – a central community gathering place and catalyst for residential development in the Area." (Land Use and Development Policy 1.3 of the Warehouse Campus Neighbourhood). The exact target location of this proposed park space has been recently decided and it is immediately across 106 Street NW from this site. A surface Non-accessory parking lot so close to this future park will decrease the potential enjoyment of the park and of it being a catalyst for residential development. In fact, this site is a prime location for said residential development.

- Around downtown stations, the Transit Oriented Development Guidelines strive to maintain and strengthen existing transit supportive uses. A surface Non-accessory Parking lot is not a use that supports transit and is not transit oriented development.

### 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 17, 2017    Development Authority: McLELLAN, ANDREW

Signature: \_\_\_\_\_

**THIS IS NOT A PERMIT**



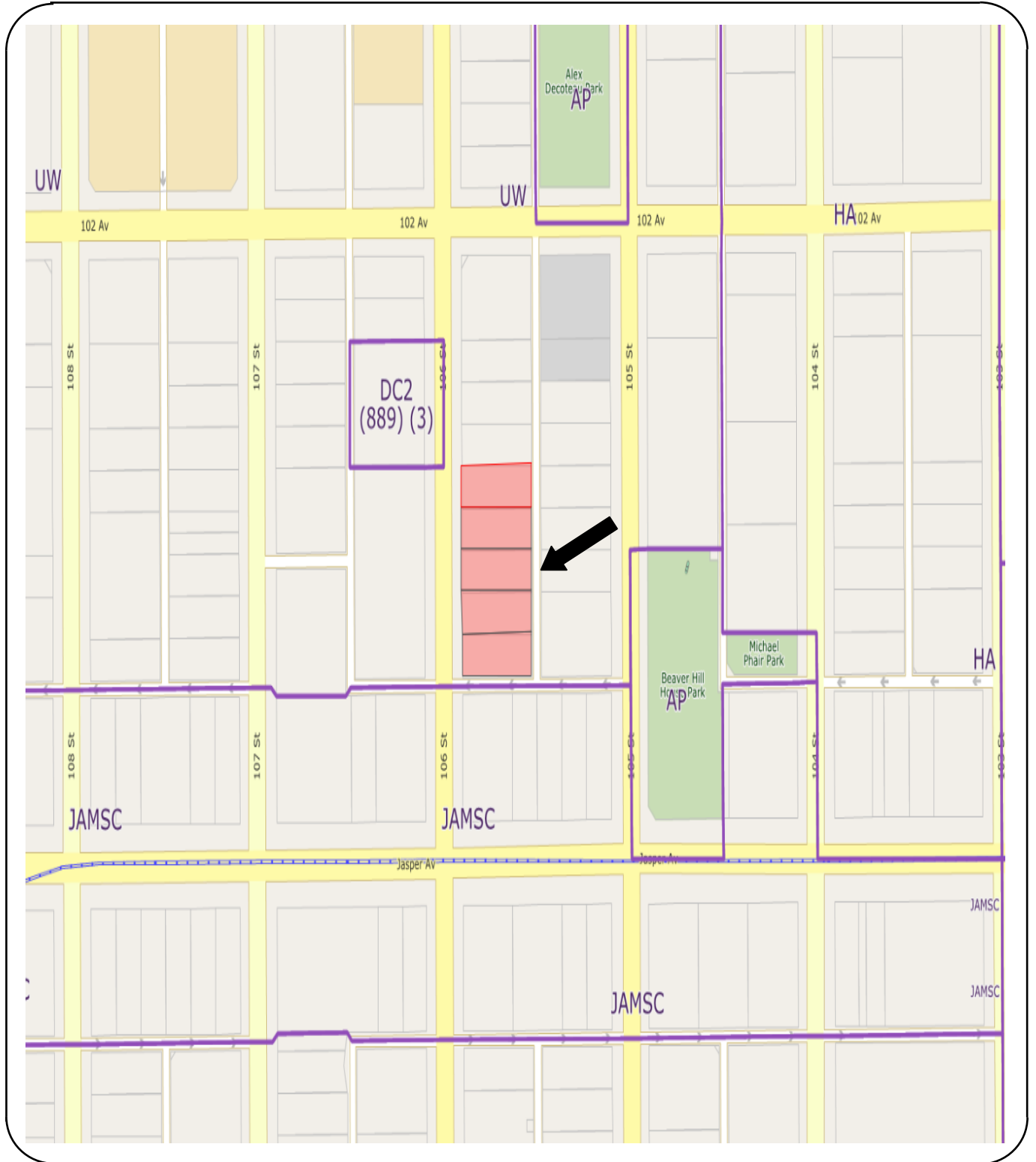
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## Application for Major Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$786.00	\$786.00	03631971	Sep 26, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$786.00	\$786.00		

**THIS IS NOT A PERMIT**



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-080

