

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
November 23, 2017**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-17-229	Construct exterior alterations to a Single Detached House (Driveway extension, east, 2.98m x 10.38m; west 1.22m x 6.02m) 6007 - 164 Avenue NW Project No.: 220576173-002
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II	10:30 A.M.	SDAB-D-17-230	Construct a Single Detached House with a front veranda, rear attached Garage and Secondary Suite in the Basement 10712 - 95 Street NW Project No.: 256822720-001
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III	1:30 P.M.	SDAB-D-17-231	Change the use of a Semi Detached House to a Child Care Service (maximum 50 children) and to construct an interior alterations. 10531 - 74 Avenue NW Project No.: 260207633-001
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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-17-229

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 220576173-002

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension, east, 2.98m x 10.38m; west 1.22m x 6.02m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 27, 2017

DATE OF APPEAL: November 6, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6007 - 164 Avenue NW

LEGAL DESCRIPTION: Plan 0622910 Blk 18 Lot 66

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Matt Berry Neighbourhood Structure Plan
Pilot Sound Area Structure Plan

Grounds for Appeal

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

The property was developed in or about 2006/2007.
This property's front concrete drive is consistent with properties at 11 nearby sites in this neighbourhood. Subsequent to the time of the development of the driveway, the Edmonton Zoning Bylaw Sections 54 and 55 were enacted in 2011.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

On October 26, 2017, section 1(65) of *An Act to Strengthen Municipal Government*, SA 2017 c13, was proclaimed in force. Section 1(65) provides, in part:

Section 686(1) [of the *Municipal Government Act*] is repealed and the following is substituted:

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...

Determining an Appeal

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*:

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Driveway Versus Walkway

Section 6.1(30) states: “**Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Section 6.1(122) states: “**Walkway** means a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 54.1(4)(a) states:

The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;

Development Officer’s Determination

Other than the approved front Driveway, the proposed extension to the East and West Side Lot Line, existing without permits, does not lead to an overhead garage door. The extension can be used for vehicular parking.

Parking Space in Front Yard

Section 54.2(2)(e)(i) states:

Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard...

Development Officer’s Determination

The proposed extension to the Driveway, existing without permits, is in the Front Yard and will be used for parking. Parking is not allowed on the Front Yard, which should be suitably landscaped.

Maximum Width of Driveway

Section 54.1(4)(c) states:

The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

...

- c. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser...

Development Officer's Determination

Proposed width of driveway and extension, existing without permits: 9.84m
Maximum width of driveway: 6.76m (width of Garage)
Exceeds by: 3.08m

Front Yard Landscaping

Section 55.3(1)(e) states, in part:

... all open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

Development Officer's Determination

Hardsurfacing is proposed in the Front Yard and is intended to be used as parking. Based on the landscaping regulations, the Front Yard must be suitably landscaped.

Development Authority Variance Powers

The Development Authority referenced section 11.3(1) and determined as follows:

Other than areas approved as a Driveway, the Front Yard should be suitably landscaped. The existing concrete extension, which further reduces the landscaped area of the Front Yard, is unsightly. Parking on areas that should be landscaped, also takes away from desirable curb appeal. On-street parking may be affected by the concrete parking pad.

Notes:

- Sufficient on site parking is provided through the provision of a 2-car front attached garage and 2 parking spaces in tandem on the approved Driveway for a total for 4 spaces.
- It is the opinion of the Development Authority that the concrete extension sets a negative precedent for the neighbourhood.
- This driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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: **220576173-002**
Application Date: OCT 23, 2017
Printed: October 27, 2017 at 8:57 AM
Page: 1 of 3

Application for Minor Development Permit

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

Applicant 	Property Address(es) and Legal Description(s) 6007 - 164 AVENUE NW Plan 0622910 Blk 18 Lot 66
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Scope of Application
To construct exterior alterations to a Single Detached House (Driveway extension, east, 2.98m x 10.38m; west 1.22m x 6.02m).

Permit Details # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.
Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **220576173-002**
 Application Date: OCT 23, 2017
 Printed: October 27, 2017 at 8:57 AM
 Page: 2 of 3

Application for Minor Development Permit

Reason for Refusal

Section 6.1(29) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.

Section 6.1(121) - Walkway means a path for pedestrian circulation that cannot be used for vehicular parking

Section 54.1(4)(a) - The Driveway shall lead directly from the roadway to the Garage or Parking Area.
 - Other than the approved front Driveway, the proposed extension to the East and West Side Lot Line, existing without permits, does not lead to an overhead garage door. The extension can be used for vehicular parking.

Section 54.2(2)(e)(i) - Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.
 - The proposed extension to the Driveway, existing without permits, is in the Front Yard and will be used for parking. Parking is not allowed on the Front Yard, which should be suitably landscaped.

Section 54.1(4)(c) - The Driveway Shall for a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser.
 Proposed width of driveway and extension, existing without permits: 9.84m
 Maximum width of driveway: 6.76m (width of Garage)
 Exceeds by: 3.08m

Section 55.3(1)(e) - all open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.
 - Hardsurfacing is proposed in the Front Yard and is intended to be used as parking. Based on the landscaping regulations, the Front Yard must be suitably landscaped.

Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.
 - Other than areas approved as a Driveway, the Front Yard should be suitably landscaped. The existing concrete extension, which further reduces the landscaped area of the Front Yard, is unsightly. Parking on areas that should be landscaped, also takes away from desirable curb appeal. On-street parking may be affected by the concrete parking pad.

- Notes:
- Sufficient on site parking is provided through the provision of a 2-car front attached garage and 2 parking spaces in tandem on the approved Driveway for a total for 4 spaces.
 - It is the opinion of the Development Authority that the concrete extension sets a negative precedent for the neighbourhood.
 - This driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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: Oct 27, 2017 **Development Authority:** ZIOBER, MELISSA **Signature:** _____

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Permit Penalty Fee	\$166.00	\$166.00	04547467	Oct 23, 2017

THIS IS NOT A PERMIT



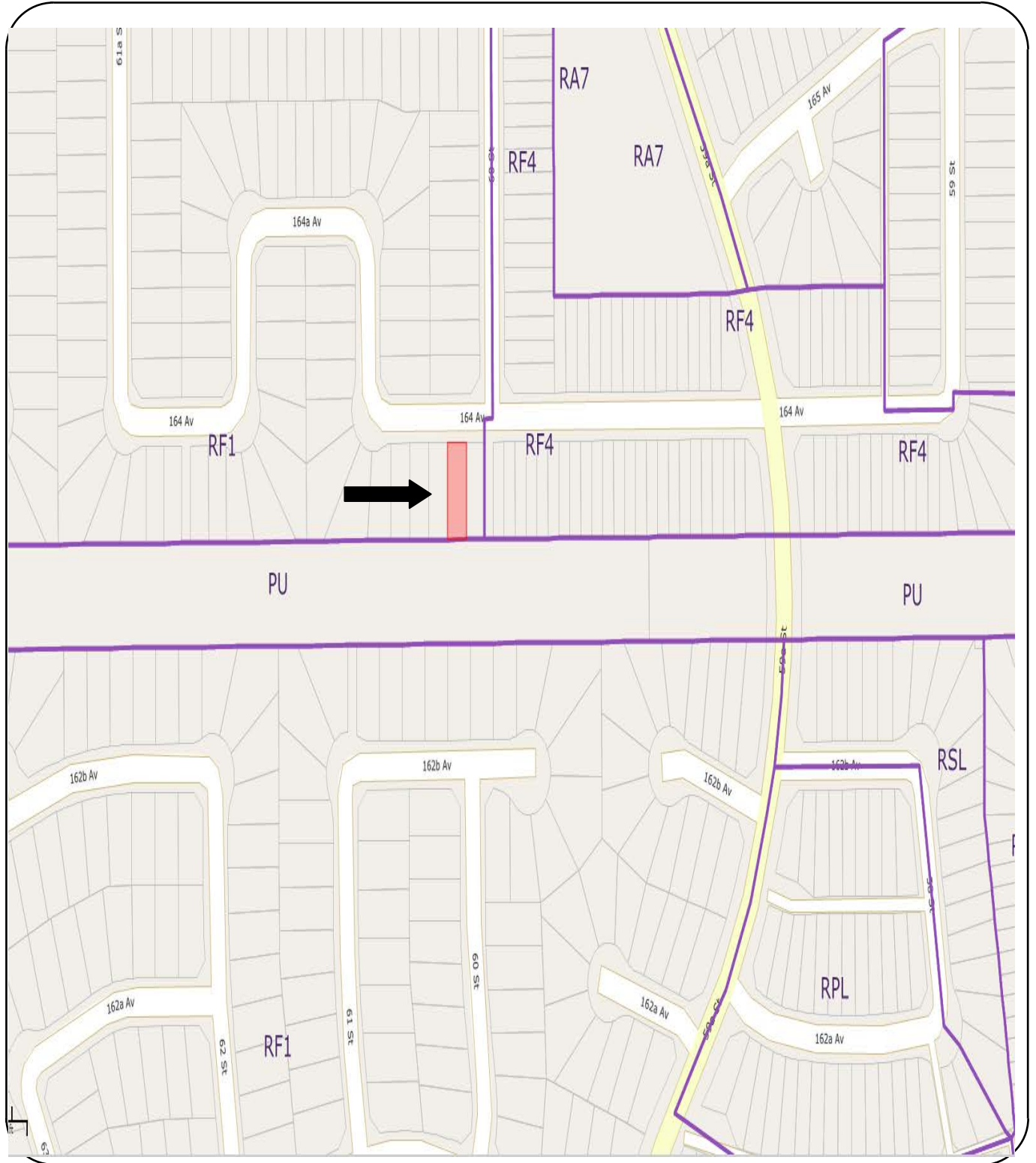
Project Number: **220576173-002**
Application Date: OCT 23, 2017
Printed: October 27, 2017 at 8:57 AM
Page: 3 of 3

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$166.00	\$166.00	04547467	Oct 23, 2017
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$332.00	\$332.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-229



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-230

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 256822720-001

APPLICATION TO: Construct a Single Detached House with a front veranda, rear attached Garage and Secondary Suite in the Basement

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 1, 2017

DATE OF APPEAL: November 3, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10712 - 95 Street NW

LEGAL DESCRIPTION: Plan ND Blk 24 Lot 3

ZONE: RA7 Low Rise Apartment Zone,

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Boyle Street / McCauley Area
Redevelopment Plan

Grounds for Appeal

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

The reasons pointed out in the development permit for refusal were approvable through variance approval by community consultation. These points were addressed through community consultation and there was no objection from the neighbours. So as per process the permit should be approved instead of being refused. Moreover our plan is the most suitable for that lot. Reason 3 secondary suite was never pointed out to us in all the communications by the development officer and we can go without the secondary sweet. Please do the needful.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

On October 26, 2017, section 1(65) of *An Act to Strengthen Municipal Government*, SA 2017 c13, was proclaimed in force. Section 1(65) provides, in part:

Section 686(1) [of the *Municipal Government Act*] is repealed and the following is substituted:

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...

Determining an Appeal

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*:

Section 210.1 states that the **General Purpose** of the **RA7 Low Rise Apartment Zone** is “To provide a Zone for Low Rise Apartments.”

Under Section 210.3(14), **Single Detached Housing** is a **Discretionary Use** in the RA7 Low Rise Apartment Zone.

Section 7.2(8) states: “**Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a

building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.”

Medium Scale Residential Infill Overlay

The Medium Scale Residential Infill Overlay provides as follows:

823.1 General Purpose

The purpose of this Overlay is to accommodate the development of medium-scale infill housing in Edmonton’s mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

823.3 Development Regulations for Permitted and Discretionary Uses, Except Stacked Row Housing and Apartment Housing

1. Development shall comply with the regulations contained in the Mature Neighbourhood Overlay.
2. Notice of proposed variances shall be provided in accordance with the Mature Neighbourhood Overlay.

Mature Neighbourhood Overlay Community Consultation

814.5 Additional Development Regulations for Specific Areas

1. When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or 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) or 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 11.2 and 11.3.

Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
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 814.3(19) – Rear Attached Garage 814.3(22) – Detached Garage Rear Setback

Minimum Rear Setback

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

Development Officer’s Determination

The distance from the house to the rear property line is 6.46m (21.29% of site depth) instead of 12.19m (40% of site depth). (Section 814.3.4)

Rear Attached Garage

Section 814.3(19) states: “Rear attached Garages shall not be allowed.”

Development Officer’s Determination

Attached Garage - A rear attached garage has been proposed on the property (Section 814.3.19)

Minimum Site Area

Section 86(1) states: “he minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m2, except in the case of the RR Zone, where it shall be the same as the minimum Site area for the Zone.”

Development Officer’s Determination

3. Site Area - The area of the site is 306.58m2 instead of 360m2 for a Secondary Suite (Section 86.1)

Amenity Space

Section 210.4(1) states: “Notwithstanding the other regulations of this Zone, Single Detached Housing, Semi-detached Housing, Duplex Housing, Secondary Suites, and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.”

Section 150.4(12) of the RF4 Zone states: “Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw.”

Section 47 states:

47. Private Outdoor Amenity Area


1. Where required in any Zone, a development shall provide Private Outdoor Amenity Area in accordance with the requirements of the Zone.
2. Private Outdoor Amenity Area shall be designed for the occupants of a specific Dwelling, and shall be provided immediately adjacent to, and with direct access from, the Dwelling it is to serve. It shall be landscaped and surfaced for convenient use for outdoor activities.
3. Private Outdoor Amenity Area shall be screened in a manner which prevents viewing into a part of it from any adjacent areas at a normal standing eye level. When such screening would impair a beneficial outward and open orientation of view, and there is no adverse effect on the privacy of the Private Outdoor Amenity Area, the extent of screening may be reduced.
4. Private Outdoor Amenity Area may be provided above Grade, and may be located within any Yard other than a Front Yard.
5. Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.
6. Private Outdoor Amenity Area may be located within a required Separation Space, but only if the Amenity Area is intended for the use of the Dwelling for which the Separation Space is provided.

Development Officer’s Determination

4. Amenity Space - Private Outdoor Amenity Area for the Single Detached House is not proposed (Section 150.4.12 and Section 47).
-

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*.

	<p style="text-align: right;">Project Number: 256822720-001 Application Date: JUL 07, 2017 Printed: November 1, 2017 at 3:08 PM Page: 1 of 2</p>		
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>			
<p>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</p>			
<p>Applicant</p> <div style="background-color: black; width: 100%; height: 40px; margin-top: 10px;"></div>	<p>Property Address(es) and Legal Description(s) 10712 - 95 STREET NW Plan ND Blk 24 Lot 3</p> <hr/> <p>Location(s) of Work</p> <p>Suite: 10712 - 95 STREET NW Suite: 10714 - 95 STREET NW Entryway: 10712 - 95 STREET NW Entryway: 10714 - 95 STREET NW Building: 10712 - 95 STREET NW</p>		
<p>Scope of Application</p> <p>To construct a Single Detached House with a front veranda, rear attached Garage and Secondary Suite in the Basement.</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 1966 Class of Permit: Class B Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): Site Width (m): </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: Y Side Yard, right (m): Site Depth (m): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 1966 Class of Permit: Class B Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): Site Width (m):	Building Height to Midpoint (m): Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: Y Side Yard, right (m): Site Depth (m): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
Affected Floor Area (sq. ft.): 1966 Class of Permit: Class B Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): Site Width (m):	Building Height to Midpoint (m): Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: Y Side Yard, right (m): Site Depth (m): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>			
<p>Development Application Decision</p> <p>Refused</p> <p>Reason for Refusal</p> <ol style="list-style-type: none"> 1. Reduced Rear Setback - The distance from the house to the rear property line is 6.46m (21.29% of site depth) instead of 12.19m (40% of site depth). (Section 814.3.4) 2. Attached Garage - A rear attached garage has been proposed on the property (Section 814.3.19) 3. Site Area - The area of the site is 306.58m² instead of 360m² for a Secondary Suite (Section 86.1) 4. Amenity Space - Private Outdoor Amenity Area for the Single Detached House is not proposed (Section 150.4.12 and Section 47). <p>Rights of Appeal</p> <p>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.</p>			
<p>Issue Date: Nov 01, 2017 Development Authority: LANGILLE, BRANDON Signature: _____</p>			
<p>THIS IS NOT A PERMIT</p>			



Project Number: **256822720-001**
 Application Date: JUL 07, 2017
 Printed: November 1, 2017 at 3:08 PM
 Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$79.00	\$79.00	04273587	Jul 07, 2017
Building Permit Fee	\$1,808.00	\$1,808.00	04273587	Jul 07, 2017
Electrical Fees (House)	\$282.00	\$282.00	04273587	Jul 07, 2017
Safety Codes Fee	\$72.32	\$72.32	04273587	Jul 07, 2017
Electrical Safety Codes Fee	\$15.78	\$15.78	04273587	Jul 07, 2017
Water Usage Fee	\$49.61	\$49.61	04273587	Jul 07, 2017
Sec Suite SSTC Fee	\$693.00	\$693.00	04273587	Jul 07, 2017
Lot Grading Fee	\$140.00	\$140.00	04273587	Jul 07, 2017
Development Permit Inspection Fee	\$0.00	\$200.00	04273587	Jul 07, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$3,139.71</u>	<u>\$3,339.71</u>		
(overpaid by \$200.00)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-230



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-231

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

APPELLANT:

APPLICATION NO.: 260207633-001

APPLICATION TO: Change the use of a Semi Detached House to a Child Care Service (maximum 50 children) and to construct an interior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: October 6, 2017

DATE OF APPEAL: October 31, 2017

NOTIFICATION PERIOD: Oct 17, 2017 through Oct 31, 2017 (See page 3 of permit)

RESPONDENT: Next Level Daycare

ADDRESS OF RESPONDENT: 10531 - 74 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10531 - 74 Avenue NW

LEGAL DESCRIPTION: Plan 1870P Blk 49 Lot 26

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: MNO Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I am a resident of Queen Alexandra affected by development permit 260207633-001. My home is located within 60 meters of the proposed development diagonally across the intersection from the proposed development. I attempted to meet with the applicant prior to filing this

appeal but the applicant was out of the country during the notification appeal period.

I am opposed to the proposed development at the present time. Below, I respectfully submit my reasons for appeal. I plan to submit further details supporting each of my reasons for appeal in advance of the hearing in addition to other related supporting documentation.

My reasons for appeal are:

1. The development officer erred by granting the development permit without appropriate regard for the significant localized traffic congestion issues the development will cause in the rear lane, in front of the proposed development along 74 avenue, and at the intersection of 106 street and 74 avenue.

2. The development officer erred by granting the development permit without appropriately accounting for the impact of recent reductions and restrictions to on-street parking along 106 street.

3. The development officer erred both in his method of calculation used and his final determination reached regarding the appropriateness of the parking stalls approved in the development permit considering accessibility, size, type, orientation and location.

4. The development officer erred by granting the development permit without appropriately assessing the adequacy of the outdoor play space on the site in the context of safety, noise, size, and location.

5. The development officer erred by allowing the development permit process to proceed without providing notice to residents within 60 meters of the proposed development by means other than regular mail delivery service which had ceased along 106 street between 76 and 70 avenues during the month of October because of sidewalk and road replacement by the City of Edmonton.

6. The development officer erred:

(a) in approving the development permit in its entirety as such discretionary use would unduly interfere with the amenities of the neighbourhood and materially and negatively interfere with and affect the use enjoyment and value of neighbouring parcels of land; and,

(b) in the alternative, he erred in approving a level of intensity (50 children capacity) that unduly interferes with the amenities of the neighbourhood and materially and negatively interferes with and affects the use enjoyment and value of neighbouring parcels of land; and,

- (c) in the further alternative, and/or, in addition to the aforementioned reasons, he erred in failing to enumerate as part of the permit a comprehensive list of conditions pertinent to the development and necessary to ensure that the development does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

General Matters

Appeal Information:

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

Grounds for Appeal

685(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 within 14 days,

...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

On October 26, 2017, section 1(65) of *An Act to Strengthen Municipal Government*, SA 2017 c13, was proclaimed in force. Section 1(65) provides, in part:

Section 686(1) [of the *Municipal Government Act*] is repealed and the following is substituted:

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

...

- (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.

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.2 Class B Development

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land;
 - c. the President of each Community League; and
 - d. the President of each Business Revitalization Zone.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

The decision of the Development Officer is dated October 6, 2017. Notice of the development was published in the Edmonton Journal on October 17, 2017. The Notice of Appeal was filed on October 31, 2017.

Determining an Appeal

The *Municipal Government Act* states the following:

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*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

... to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings under certain conditions, and including Secondary Suites and Garden Suites.

Under Section 140.2(2), **Child Care Services** is a **Discretionary Use** in the RF3 Small Scale Infill Development Zone.

Section 7.8(2) states:

Child Care Services means a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use 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 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.

Reduced Rear Setback

The Development Officer noted that Child Care Services is a Discretionary Use in the RF3 Zone, and referenced Schedule 1 of Section 54.2.

Section 54.2 Schedule 1 – Vehicular Parking Requirement provides as follows:

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Community, Educational, Recreational and Cultural Service Use Classes	
32. Child Care Services	<p>a) Passenger pick-up/drop-off spaces shall 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.</p> <p>i) Passenger pick-up/drop-off spaces shall be designated with signs to reserve the parking spaces for Child Care Service pick-up/drop-off, to the satisfaction of the Development Officer.</p> <p>ii) Passenger pick-up/drop-off spaces shall be located as close as possible to the main entrance used by the Child Care Service, and shall not be located further than 100 m from the main entrance used by the Child Care Service. The distance between the farthest parking space in the pickup/drop-off area and the main entrance of the Child Care Service shall be measured along the shortest publically accessible pedestrian route.</p> <p>iii) An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied</p>

	<p>with the proposal.</p> <p>b) employee parking shall be provided at the rate of:</p> <p>i) 1 parking space per 100.0 m² of Floor Area; or</p> <p>ii) 1 parking space per 360.0 m² of Floor Area where the Child Care Service is proposed within 400 m of an LRT Station, Transit Centre, Transit Avenue, or all Lots within the boundaries of the Oliver Area Redevelopment Plan, as adopted by Bylaw 11618, as amended, or all Lots within the boundaries of the Strathcona Area Redevelopment Plan, as adopted by Bylaw 11890, as amended; or</p> <p>iii) Where the Child Care Service is for a dayhome/group family care providing care to 7 or more children within the residence of the child care provider, 1 parking space for each non-resident employee, in addition to the parking required for the primary Dwelling. Where a Front Yard Driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this Driveway as the provision of a parking space that is in tandem.</p>
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Development Officer’s Determination

Site has 8 parking stalls instead of 10 (Section 54.2, Schedule 1). However, 2 additional parking spaces are provided on existing driveway along 74 Avenue.

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: **260207633-001**
 Application Date: AUG 21, 2017
 Printed: October 6, 2017 at 11:51 AM
 Page: 1 of 3

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.

<p>Applicant</p> <div style="background-color: black; width: 100%; height: 40px; margin-top: 10px;"></div>	<p>Property Address(es) and Legal Description(s) 10531 - 74 AVENUE NW Plan 1870P Blk 49 Lot 26</p> <hr/> <p>Specific Address(es) Suite: 10531 - 74 AVENUE NW Suite: 10533 - 74 AVENUE NW Entryway: 10531 - 74 AVENUE NW Entryway: 10533 - 74 AVENUE NW Building: 10531 - 74 AVENUE NW</p>
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Scope of Permit
 To change the use of a Semi Detached Houses to a Child Care Service (maximum 50 children) and to construct an interior alterations.

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): 302 New Sewer Service Required: N Site Area (sq. m.): 724.33	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **260207633-001**
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Major Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

Where outdoor play space is provided at ground level it shall be Fenced on all sides and all gates shall be self-latching (Section 80.3(a)).

Immediately upon demolition/ alterations of the building, the site shall be cleared of all debris.

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)

All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

NOTES :

- 1) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence. You must require Development and Building permit approvals prior to issue a Business Licence.
- 2) Signs require separate Development Applications.
- 3) 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.
- 4) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 5) 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 (780-442-5311) for further information.
- 6) 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.
- 7) Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.

Variations

- 1) Discretionary Use - The proposed Child Care Service is approved as a Discretionary Use (Section 140.3(2)).
- 2) Parking - Site has 8 parking stalls instead of 10 (Section 54.2, Schedule 1). However, 2 additional parking spaces are provided on existing driveway along 74 Avenue.

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.

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **260207633-001**
Application Date: AUG 21, 2017
Printed: October 6, 2017 at 11:51 AM
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Major Development Permit

Issue Date: Oct 06, 2017 Development Authority: SHAH, NIKHIL

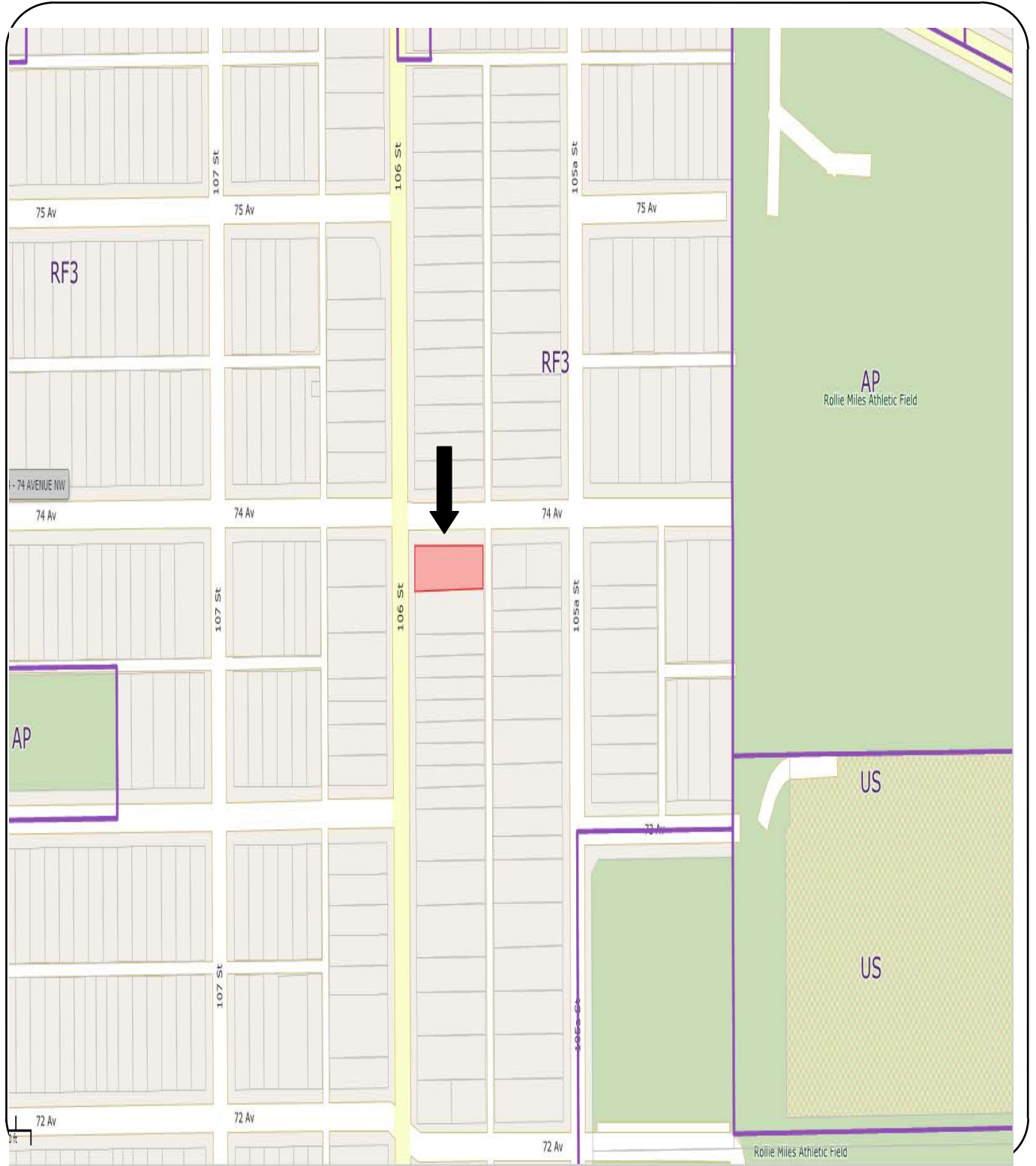
Signature: _____

Notice Period Begins: Oct 17, 2017 Ends: Oct 31, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$319.00	\$319.00	04389276	Aug 21, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$319.00	\$319.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-231

