

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
November 25, 2015**

**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-15-252	Change the Use from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre)
			280 Saddleback Road NW, 280C Saddleback Road NW
		Tabled to February 10 or 11, 2016	Project No.: 172775213-001

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-15-252

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 172775213-001

ADDRESS OF APPELLANT: 280 Saddleback Road NW
280C Saddleback Road NW

APPLICATION TO: Change the Use from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 22, 2015

DATE OF APPEAL: October 4, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 280 Saddleback Road NW,
280C Saddleback Road NW

LEGAL DESCRIPTION: Plan 7823059 Blk 7 Lot 6, Condo Common Area (Plan 1523167)

ZONE: CNC Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

The development officer did not take into account the parking survey done and attached to the permit application. We also suggested to decrease the occupancy of the space and were informed by the

development office Mr. Nikhil Shah and his supervisor that the decision to refuse our application will not be changed even if the occupancy requested for the space was halved. We feel that we have a good case for our application and would like to present to the appeal board for a decision. [unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

The decision of the Development Authority was dated September 22, 2015. The Notice of Appeal Period expired on October 6, 2015, and the Notice of Appeal was filed on October 4, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 310.1 states that the **General Purpose** of the **CB1 Low Intensity Business Zone** is:

...to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.

Under Section 310.3(19), **Religious Assemblies** is a **Discretionary Use** under the CB1 Low Intensity Business Zone.

Section 7.8(13) states:

Religious Assembly means development used for worship and related religious, philanthropic or social activities and includes Accessory rectories, manses, meeting rooms, food preparation and service facilities, classrooms, dormitories and other buildings. Typical Uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This Use Class does not include Private Education Services, Public Education Services, and Commercial Schools, even as Accessory Uses.

<i>Parking</i>

The *Edmonton Zoning Bylaw* states:

54.1 Off-street Parking and Loading Regulations

2. General Requirements

...

- h. In the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit.

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

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	
43. Religious Assembly	1 parking space per 4 seats

Development Officer's Determination

1) Off-street parking shall be provided in accordance with Section 54.1, Schedule 1 of the Edmonton Zoning Bylaw. In the case of a multiple Use of a Site, the Development Officer shall calculate the vehicular parking for each individual Use, and the total shall be deemed to be the required vehicular parking (Reference Section 54.1(2)(h)).

The overall off street parking spaces required for this site is 245 spaces.

Proposed: 125 spaces

Deficient by: 120 spaces

Notes:

1. The applicant has not provided or demonstrated any agreement to utilize the off street parking spaces on the adjacent site to the south.

2. The Transportation Department does not support the significant off street parking deficiency.

[unedited]

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: 172775213-001
Application Date: MAY 21, 2015
Printed: November 17, 2015 at 3:43 PM
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Application for Major Development Permit

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

Applicant SOUTHWEST MUSLIM COMMUNITY CENTRE 	Property Address(es) and Legal Description(s) 280 - SADDLEBACK ROAD NW Plan 7823059 Blk 7 Lot 6
	Specific Address(es) Suite: 332 - SADDLEBACK ROAD NW Entryway: 332 - SADDLEBACK ROAD NW Building: 320 - SADDLEBACK ROAD NW

Scope of Application

To change the Use from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre).

Permit Details

Class of Permit: Class B
Gross Floor Area (sq.m.): 581
New Sewer Service Required: N
Site Area (sq. m.):

Contact Person:
Lot Grading Needed?: N
NumberOfMainFloorDwellings: 0
Stat. Plan Overlay/Annex Area: (none)

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

Applicant signature: _____

Development Application Decision

Refused

Reason for Refusal

1) Off-street parking shall be provided in accordance with Section 54.1, Schedule 1 of the Edmonton Zoning Bylaw. In the case of a multiple Use of a Site, the Development Officer shall calculate the vehicular parking for each individual Use, and the total shall be deemed to be the required vehicular parking (Reference Section 54.1(2)(h)).

The overall off street parking spaces required for this site is 245 spaces.

Proposed: 125 spaces
Deficient by: 120 spaces

Notes:

1. The applicant has not provided or demonstrated any agreement to utilize the off street parking spaces on the adjacent site to the south.
2. The Transportation Department does not support the significant off street parking deficiency.

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: Sep 22, 2015

Development Authority: SHAH, NIKHIL

Signature: _____

THIS IS NOT A PERMIT



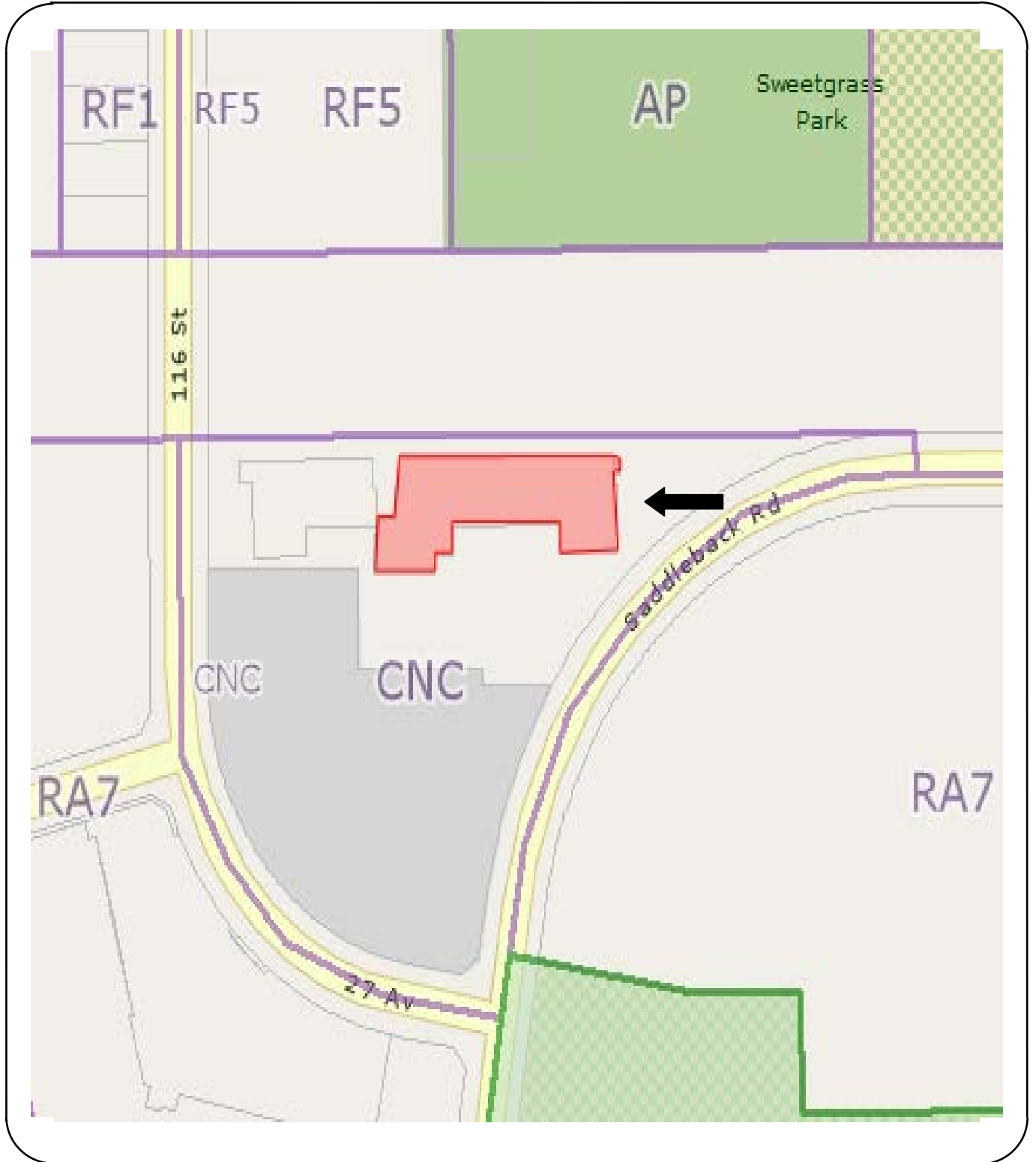
Project Number: **172775213-001**
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Application for Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$316.00	\$316.00	02441978	May 21, 2015
DP Notification Fee	\$100.00	\$100.00	02441978	May 21, 2015
Notification Refund	\$0.00			
Notification Refund	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$416.00</u>	<u>\$416.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-252



BUSINESS LAID OVER

SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>
SDAB-D-15-236 to 241	An appeal by <u>Ogilvie LLP</u> to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-15-268	An appeal by <u>Ken Chen / Ogilvie LLP</u> to Leave as built a Single Detached House. <i>Date to be determined</i>

APPEAL HEARINGS TO BE SCHEDULED

176994655-002	An appeal by <u>Permit Masters</u> to install a Freestanding On-premises Sign/Minor Digital On-premises Sign (LaZboy) <i>December 3, 2015</i>
176406166-003	An appeal by <u>Wilfred Krebs</u> to convert a half of Semi-detached Housing to 3 Dwellings of Apartment Housing and to construct interior alterations (existing without permits, 1 Dwelling above grade, Dwellings below grade). <i>December 16, 2015</i>
160474324-004	An appeal by <u>1319416 Alberta Ltd.</u> to replace Roof Off-premises Sign with (1) roof mounted Minor Digital On-premises Off-premises Sign (1319416 ALBERTA LTD.) <i>December 16, 2015</i>
174864823-001	An appeal by <u>Dean and Jade Gronemeyer VS Imelda Calapre</u> to convert a Single Detached House into a Limited Group Home (6 Residents). <i>December 10, 2015</i>
171838918-001	An appeal by <u>Icwerx Consulting Inc.</u> to install one Minor Digital Off-premises Sign (Icwerx). <i>January 13 or 14, 2016</i>
159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Single Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <i>January 21, 2016</i>