

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
October 19, 2016**

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

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

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I	9:00 A.M.	SDAB-D-16-255	Construct an Apartment House (two stories, 5 dwellings)  8523 – 106A Street NW Project No.: 188393939-001
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II	1:00 P.M.	SDAB-D-16-256	Change the Use from an Indoor Participant Recreation Service to a Religious Assembly with maximum of 140 seats, and to construct exterior and interior alterations (South West Muslim Community Centre)  280C - Saddleback Road NW, 320 - Saddleback Road NW Project No.: 222761485-001
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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-16-255

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

APPELLANT:

APPLICATION NO.: 188393939-001

ADDRESS OF APPELLANT:

APPLICATION TO: Construct an Apartment House (two stories, 5 dwellings)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: September 16, 2016

DATE OF APPEAL: September 23, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 8523 - 106A Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8523 - 106A Street NW

LEGAL DESCRIPTION: Plan I12 Blk C Lot 24

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

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***Grounds for Appeal***

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

- 1) 106A St allows parking on one side of the street only. The development permit is relaxing the on-site parking requirements from 6 to 3. Section 54.2.2a specially states parking for dwellings shall be on-site of the development. The reduction by 50% of that required is extreme. That is a potential parking problem in the area especially for the single family residents across and down the street from the proposed development. In contrast, the adjacent 16 suite apartment at 8525-106A St. provides 19

parking stalls for 15 one bedroom suites and 1 bachelor suite; precisely as required by the parking bylaw. Any submission based on an undertaking to rent the suites only to tenants whom do not have vehicles is blatantly deceptive. A prudent landlord will not refuse to rent a suite to a tenant just because he has a vehicle! This is especially true when the proponent sells the building to another purchaser who is buying it solely for investment purposes.

- 2) Main access to the building is on the side of the lot adjacent to the existing apartment at 8525-106A St. This is contrary to section 823.3.1a which states principal buildings shall front onto a public roadway, other than a lane. That will cause undo noise to the tenants of the existing apartment at 8525-106A St.
- 3) Total separation space is reduced on the north and south sides from 15m to 4.52m. That is an egregious reduction from the bylaw. It also increases the risk of fire between buildings.
- 4) The building plans show a manager's suite which is a potential 6th suite and must be eliminated from the plans to ensure compliance with density zoning.

The building needs to be redesigned to meet the City of Edmonton bylaw requirements. It is imperative that any design should front on 106A St and provide the necessary on-site parking required for the designated number of suites. Also important is side separation from adjacent buildings for noise (City 50db noise bylaw) and fire concerns. The building code has objectives and functional statements detailing safety issues which cannot be met with the design submitted; for example objective OS1 fire safety jeopardized because of the grossly reduced separation space. This is a prime example of the development arm of the City not understanding the building department regulations. [unedited]

<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.

**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*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

**20. Notification of Issuance of Development Permits**

**20.1 Class B Development**

1. Within seven days of the issuance of a Development Permit for Class B Development, the Development Officer shall dispatch a notice by ordinary mail to:
  - a. each assessed owner of the Site or a part of the Site of the development;
  - b. each assessed owner of land, wholly or partly within a distance of 60.0 m of the boundary of the Site;
  - c. the President of each Community League operating within the notification boundaries described in clause (b), above; and
  - d. the President of each Business Revitalization Zone Association operating within the notification boundaries described in clause (b) above.
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 Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

The decision of the Development Officer is dated September 16, 2016. Notice of the development was published in the Edmonton Journal on September 22, 2016. The Notice of Appeal was filed on September 23, 2016.

### **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.

### **Section 823.3(6)(b) Community Consultation – Medium Scale Residential Infill Overlay**

Section 823.3(6)(b) provides as follows:

Where an application for a Development Permit does not comply with the regulations contained in this Overlay:

- i. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League, at least 21 days prior to submission of a Development Application;

- ii. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- iii. the applicant shall document any opinions or concerns expressed by the affected parties, and what modifications were made to address their concerns; and
- iv. the applicant shall submit this documentation as part of the Development Application.

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill 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.

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

Section 7.2(1) states:

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

<b><i>Site Area</i></b>
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Section 210.4(2) states that "The minimum Site Area shall be 800 m2."

**Development Officer's Determination**

1. Site Area - The area of the site is 404.2 m2 instead of 800 m2 (Reference Section 210.4.2). [unedited]

***Site Width***

Section 210.4(3) states that “The minimum Site Width shall be 20.0 m.”

**Development Officer’s Determination**

2. Site Width - The width of the site is 10.06 m instead of 20.0 m (Reference Section 210.4.3). [unedited]

***Side Setback***

Section 823.3(1)(d) provides as follows:

The minimum Side Setback shall be 3.0 m. except as provided in subsection 823.3(1)(e). Where the Side Yard abuts an arterial road, the minimum Side Setback shall be 4.5 m. Separation Space and Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Side Setback requirements, except where a Principal Living Room Window faces an interior Side Yard.

**Development Officer’s Determination**

3. Reduced Side Setback - The distance from the house to the property line shared with 8525 - 106A Street NW (north lot line) is 2.54 m and with 8521 - 106A Street NW (south lot line) is 1.98 m instead of 3.0 m (Reference Section 823.3.1(d)). [unedited]

***Parking***

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

<b>Schedule 1(A) Areas outside of the Downtown Special Area</b>					
<b>Use of Building or Site</b>	<b>Minimum Number of Parking Spaces or Garage Spaces Required</b>				
<b>Residential and Residential-Related Uses</b>					
1. Apartment Housing Row Housing Stacked Row Housing		Minimum	Maximum	TOD minimum	TOD maximum
	Bed Sitting Room	1	N/A	0.7	1
	Bachelor Suite	1	N/A	0.7	1
	1 Bedroom	1	N/A	0.8	1



Dwelling				
2 Bedroom Dwelling	1.5	N/A	1	1.5
3 or more Bedroom Dwelling	1.7	N/A	1.25	1.75
Visitor Parking	1 per 7 Dwellings	N/A	1 per 7 Dwellings	N/A

Where such Uses contain three or more dwelling units (or where Semi-Detached Housing, Duplex Housing, or Apartment Housing consisting of fewer than three dwelling units, comprise part of a Multi-Unit Project Development) and are located within 400 metres of an existing LRT station or a future LRT station with a Council-approved Concept Plan, within 400 metres of an existing Transit Centre or a future Transit Centre with a Council-approved Concept Plan, or within 100 metres of a Transit Avenue, the following minimum parking requirements and maximum parking requirements shall apply.

The visitor parking must be readily available to an entrance of the building and be clearly identified as visitor parking.

The Development Officer may accept Tandem Parking spaces of a number that is equivalent to the total required parking minus the total number of Dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem.

**Development Officer’s Determination**

4. Parking - The site has 3 parking spaces, instead of 6 (Reference Section 54.2, Schedule 1). [unedited]

***Principal Living Room Window - Separation Space***

Section 48.2(1) states: “In front of a Principal Living Room Window, a Separation Space, with a minimum depth of 7.5 m or half the Height of any wall opposite the said Window, whichever is greater, to a maximum of 10.0 m shall be provided.”

**Development Officer’s Determination**

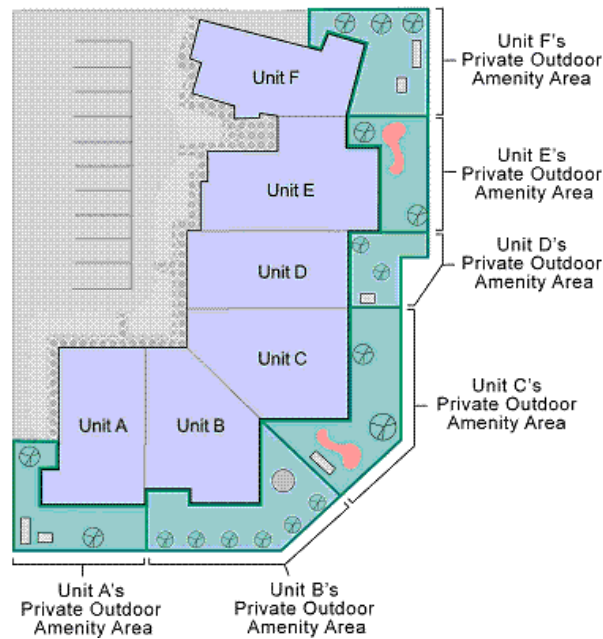
5. Separation space is reduced to 2.54 m from 7.5 m on the north side of the building and to 1.98 m from 7.5 m on the south side of the building (Reference Section 48.2.1). [unedited]

***Amenity Space***

Section 823.3(3)(a) states: “A minimum Private Outdoor Amenity Area of 7.5 m<sup>2</sup> shall be provided for each Apartment Housing Dwelling except that for ground Storey Dwellings a minimum of 15.0 m<sup>2</sup> of Private Outdoor Amenity Area shall be provided.”

Section 6.1(80) provides as follows:

**Private Outdoor Amenity Area** means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve;



**Development Officer's Determination**

6. Amenity Space - Private Outdoor Amenity Area is substituted with Common Amenity Area in the Rear Yard (Reference Section 823.3(a)). [unedited]

***Front Entrance***

Section 823.3(2)(c)(iii) provides as follows:

Architectural treatment of all facades of the building shall create a unified building exterior. The building shall incorporate design elements to reduce the perceived mass and add architectural interest, including but not limited to... a prominent front entrance for Apartment Housing.

**Development Officer's Determination**

7. Front Entrance - The main entrance to the apartment housing is located on the north side of the building (Reference Section 823.3.2(c)(iii)). [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: **188393939-001**  
Application Date: MAR 09, 2016  
Printed: September 16, 2016 at 3:55 PM  
Page: 1 of 4

### 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.

<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 8523 - 106A STREET NW Plan I12 Blk C Lot 24  <b>Specific Address(es)</b> Entryway: 8523 - 106A STREET NW Building: 8523 - 106A STREET NW
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**Scope of Permit**  
To construct an Apartment House (two stories, 5 dwellings).

<b>Permit Details</b>  Class of Permit: Class A Gross Floor Area (sq.m.): 323 New Sewer Service Required: Y Site Area (sq. m.): 404.19	<b>Contact Person:</b> Lot Grading Needed?: Y NumberOfMainFloorDwellings: 5 Stat. Plan Overlay/Annex Area: (none)
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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: **188393939-001**  
 Application Date: MAR 09, 2016  
 Printed: September 16, 2016 at 3:55 PM  
 Page: 2 of 4

## Major Development Permit

**Subject to the Following Conditions**

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall:

- a. pay a Sanitary Sewer Trunk Fund fee of \$7,830.00. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.
- b. pay a Lot Grading Fee of \$495.00.
- c. pay a Development Permit Notification fee of \$102.00.
- d. pay a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:
  - a) cash to a value equal to 100% of the established landscaping costs;
  - or,
  - b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55 of the Zoning Bylaw 12800.

**ZONING CONDITIONS:**

- 1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1.
- 2. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)
- 3. Bicycle parking shall be provided in accordance to Section 54.3.
- 4. The off-street parking and loading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6.
- 5. Landscaping shall be in accordance to Section 55 of the Edmonton Zoning Bylaw.
- 6. All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).
- 7. The fence shall not exceed 1.8 m or 6 feet in height as approved in this permit.
- 8. The materials of the fence shall be similar to, or better than, the standard of surrounding development (Reference Section 57.2).
- 9. The office on the basement level shall in no manner be converted into or used as a Dwelling Unit unless a new Development Permit is applied for.

**URBAN TRANSPORTATION CONDITIONS:**

- 1. Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Urban Transportation, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalk and boulevard will be inspected by Urban Transportation prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.
- 2. There is an existing boulevard tree adjacent to the site that must be protected during construction. Prior to construction, the

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



Project Number: **188393939-001**  
 Application Date: MAR 09, 2016  
 Printed: September 16, 2016 at 3:55 PM  
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## Major Development Permit

owner/applicant must contact to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant. Please contact Bonnie Fermanuik at Urban Forestry (780-496-4960).

3. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:  
<http://www.edmonton.ca/bylawslicences/licencespermits/oscam-permit?request.aspx>.

**ADVISEMENTS:**

1. Signs require separate Development Applications.
2. A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
3. Garbage enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way.

**Variances**

A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

Relaxation of the following:

1. Site Area - The area of the site is 404.2 m<sup>2</sup> instead of 800 m<sup>2</sup> (Reference Section 210.4.2).
2. Site Width - The width of the site is 10.06 m instead of 20.0 m (Reference Section 210.4.3).
3. Reduced Side Setback - The distance from the house to the property line shared with 8525 - 106A Street NW (north lot line) is 2.54 m and with 8521 - 106A Street NW (south lot line) is 1.98 m instead of 3.0 m (Reference Section 823.3.1(d)).
4. Parking - The site has 3 parking spaces, instead of 6 (Reference Section 54.2, Schedule 1).
5. Separation space is reduced to 2.54 m from 7.5 m on the north side of the building and to 1.98 m from 7.5 m on the south side of the building (Reference Section 48.2.1).
6. Amenity Space - Private Outdoor Amenity Area is substituted with Common Amenity Area in the Rear Yard (Reference Section 823.3(a)).
7. Front Entrance - The main entrance to the apartment housing is located on the north side of the building (Reference Section 823.3.2(c)(iii)).

**Rights of Appeal**

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

**Issue Date:** Sep 16, 2016    **Development Authority:** SEMENIUK, CARLA    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$786.00	\$786.00	03118439	Mar 09, 2016

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



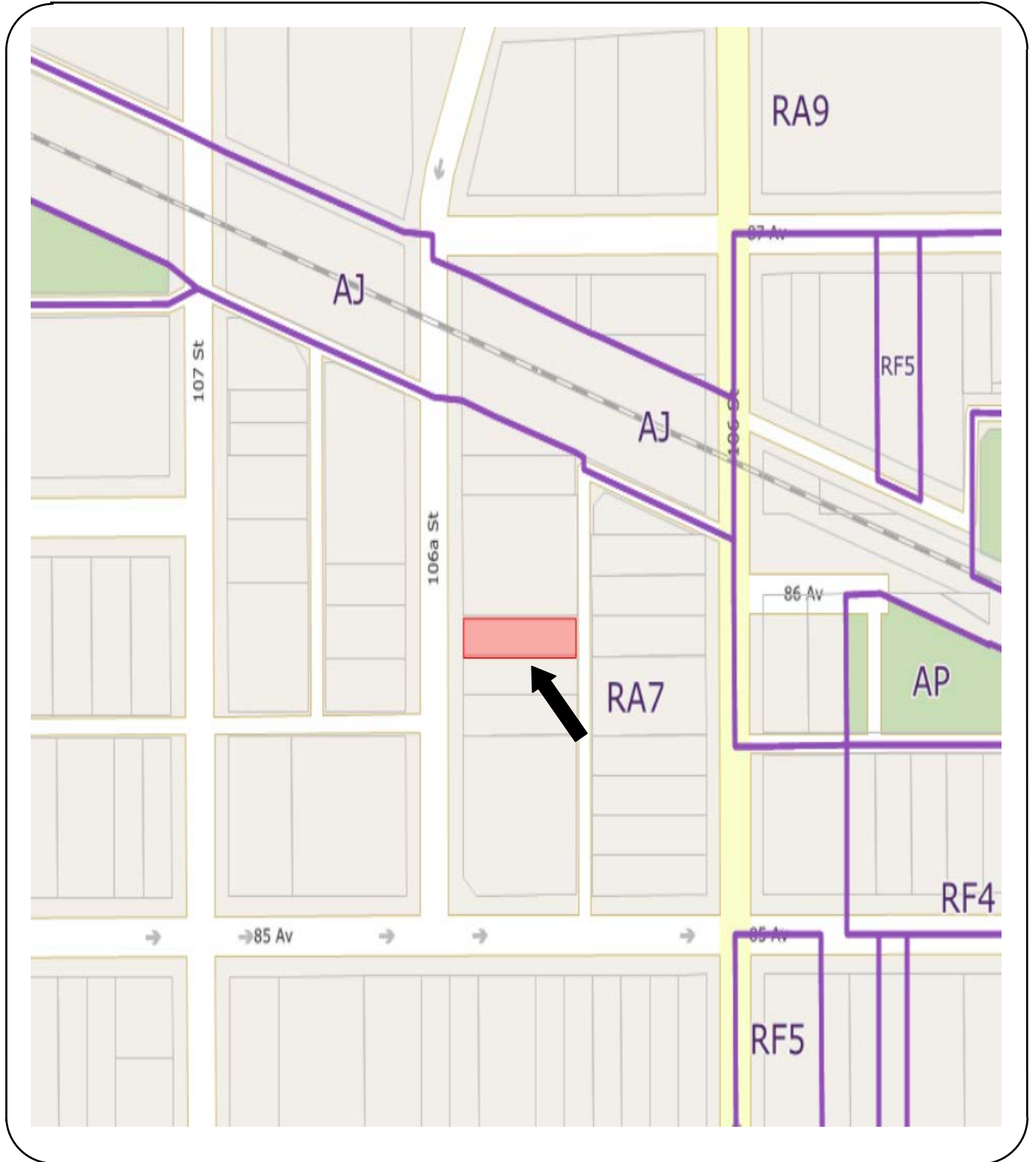
Project Number: **188393939-001**  
Application Date: MAR 09, 2016  
Printed: September 16, 2016 at 3:55 PM  
Page: 4 of 4

## Major Development Permit

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee # of dwelling units	\$70.00	\$70.00	03211062	Apr 18, 2016
Sanitary Sewer Trunk Fund 2012+	\$5,590.00			
Lot Grading Fee	\$495.00			
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$6,941.00	\$856.00		
( \$6,085.00 outstanding )				

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



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-255





ITEM II: 1:00 P.M.

FILE: SDAB-D-16-256

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

APPELLANT:

APPLICATION NO.: 222761485-001

ADDRESS OF APPELLANT:

APPLICATION TO: Change the Use from an Indoor Participant Recreation Service to a Religious Assembly with maximum of 140 seats, and to construct exterior and interior alterations (South West Muslim Community Centre)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: September 2, 2016

DATE OF APPEAL: September 23, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 280C - Saddleback Road NW  
320 - Saddleback Road NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 280C - Saddleback Road NW  
320 - Saddleback Road NW

LEGAL DESCRIPTION: Condo Common Area (Plan 1523167),  
Plan 1523167 Unit 1

ZONE: CNC Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

- The development permit assumes parking that the permit applicant does not control nor have a right to use. The adjoining private property is a strip mall with many tenants that will be negatively financially affected by this development permit.
- In the alternative, if the development permit is upheld, we seek conditions so that parking can be reasonably enforced by the adjoining private property owner and tenants. [unedited]

<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.

**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*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

**20. Notification of Issuance of Development Permits**

**20.1 Class B Development**

1. Within seven days of the issuance of a Development Permit for Class B Development, the Development Officer shall dispatch a notice by ordinary mail to:
  - a. each assessed owner of the Site or a part of the Site of the development;
  - b. each assessed owner of land, wholly or partly within a distance of 60.0 m of the boundary of the Site;
  - c. the President of each Community League operating within the notification boundaries described in clause (b), above; and
  - d. the President of each Business Revitalization Zone Association operating within the notification boundaries described in clause (b) above.
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 Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

The decision of the Development Officer is dated September 2, 2016. Notice of the development was published in the *Edmonton Journal* on September 13, 2016. The Notice of Appeal was filed on September 23, 2016.

**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 310.1 states that the **General Purpose** of the **CNC Neighbourhood Convenience Commercial 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(18), **Religious Assemblies** are a **Discretionary Use** in the CNC Neighbourhood Convenience Commercial Zone.

Section 7.8(14) 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.

***Parking***

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

<b>Schedule 1(A) Areas outside of the Downtown Special Area</b>	
<b>Use of Building or Site</b>	<b>Minimum Number of Parking Spaces or Garage Spaces Required</b>
<b>Community, Educational, Recreational and Cultural Service Use Classes</b>	
45. Religious Assembly	1 parking space per 4 seats

**Development Officer’s Determination**

1) Parking - The site has 125 parking stalls, instead of 166 (Section 54.2, Schedule 1). However, as per Net Parking Analysis the proposed Use results 30 spaces reduction in required parking from previously approved Use.

2) Discretionary Use - Religious Assembly is approved as a Discretionary Use (Section 310.3(18)). [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: 222761485-001  
Application Date: MAY 30, 2016  
Printed: September 2, 2016 at 3:48 PM  
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.

<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 280C - SADDLEBACK ROAD NW Condo Common Area (Plan 1523167) 320 - SADDLEBACK ROAD NW Plan 1523167 Unit 1
	<b>Specific Address(es)</b> Entryway: 332 - SADDLEBACK ROAD NW Entryway: 334 - SADDLEBACK ROAD NW Building: 320 - SADDLEBACK ROAD NW

**Scope of Permit**  
To change the Use from an Indoor Participant Recreation Service to a Religious Assembly with maximum of 140 seats, and to construct exterior and interior alterations (South West Muslim Community Centre).

<b>Permit Details</b>								
<table border="0"> <tr> <td>Class of Permit: Class B</td> <td>Contact Person:</td> </tr> <tr> <td>Gross Floor Area (sq.m.):</td> <td>Lot Grading Needed?: N</td> </tr> <tr> <td>New Sewer Service Required: N</td> <td>NumberOfMainFloorDwellings:</td> </tr> <tr> <td>Site Area (sq. m.):</td> <td>Stat. Plan Overlay/Annex Area: (none)</td> </tr> </table>	Class of Permit: Class B	Contact Person:	Gross Floor Area (sq.m.):	Lot Grading Needed?: N	New Sewer Service Required: N	NumberOfMainFloorDwellings:	Site Area (sq. m.):	Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B	Contact Person:							
Gross Floor Area (sq.m.):	Lot Grading Needed?: N							
New Sewer Service Required: N	NumberOfMainFloorDwellings:							
Site Area (sq. m.):	Stat. Plan Overlay/Annex Area: (none)							

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: **222761485-001**  
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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)

#### [1] TRANSPORTATION SERVICES CONDITIONS:

Further to memorandum dated July 28, 2016, Transportation Planning and Engineering has reviewed the scope of the above noted development application. We recognize that the applicant is reducing the originally proposed number of seats for the Religious Assembly from 200 to 140 seats maximum. We also understand that the overall parking deficiency is reduced from 56 to 41 stalls (Provided 125 stalls; Required 166 stalls). Based on this and the previous parking justification submitted by the applicant, Transportation Planning and Engineering have no concerns with the parking deficiency. Our revised comments are as follows:

#### CONDITION:

1. Access from the site to Saddleback Road and 116 Street exists. Any modification to the existing accesses requires the review and approval of Transportation Planning and Engineering.

#### [2] DEVELOPMENT REVIEW CONDITIONS:

1. Proposed Religious Assembly Use is approved for maximum 140 seats at any given time. Any increase in number of seats or expansion of the Religious Assembly Use will require a separate Development permit approval (Reference Section 15(3)).

2. North portion of the proposed Religious Assembly is approved for storage facility as per approved drawings. Any changes in approved drawings will require a separate Development permit approval (Reference Section 15(3)).

3. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Reference Section 310.4(7).

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

5. 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)

6. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. Reference Section 54.1(1) (c)

7. Parking spaces for the disabled shall be provided in accordance with the Alberta Building Code in effect at the time of the Development Permit application, for which no discretion exists and be identified as parking spaces for the disabled through the use of appropriate signage, in accordance with Provincial standards. Reference Section 54.1(3)

8. Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

9. The off-street parking, loading and unloading (including aisles or driveways) shall be provided, hard surfaced, curbed, drained and maintained in accordance to Section 54.6.

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

11. The design and use of exterior finishing materials shall be as far as reasonably practicable, that materials shall be used that ensure that the standard of the proposed buildings and structures shall be similar to, or better than, the standard of surrounding development and to the satisfaction of the Development Officer. (Reference Section 57.2)

NOTES

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



Project Number: **222761485-001**  
 Application Date: MAY 30, 2016  
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## Major Development Permit

**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 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.

**Variations**

- 1) Parking - The site has 125 parking stalls, instead of 166 (Section 54.2, Schedule 1). However, as per Net Parking Analysis the proposed Use results 30 spaces reduction in required parking from previously approved Use.
- 2) Discretionary Use - Religious Assembly is approved as a Discretionary Use (Section 310.3(18)).

**Rights of Appeal**

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

**Issue Date:** Sep 02, 2016      **Development Authority:** SHAH, NIKHIL      **Signature:** \_\_\_\_\_

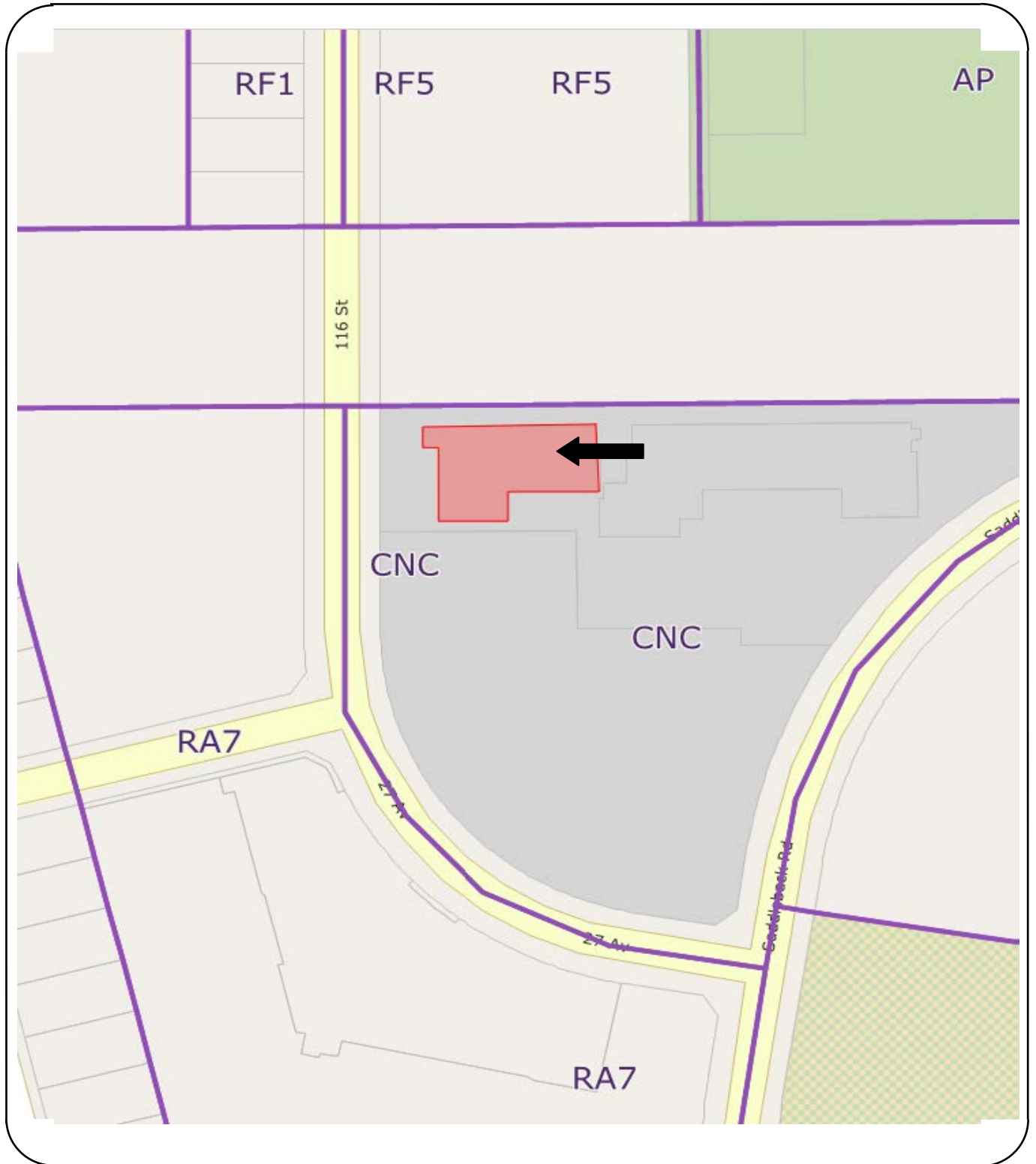
**Notice Period Begins:** Sep 08, 2016      **Ends:** Sep 22, 2016

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$102.00	\$102.00	03319095	May 30, 2016
Major Dev. Application Fee	\$323.00	\$323.00	03319095	May 30, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$425.00	\$425.00		

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





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-256



***BUSINESS LAID OVER***

SDAB-D-16-237	An appeal by <u>Pattison Outdoor Advertising</u> to install (1) Freestanding Minor Digital Off-premises Sign (6.1 m x 3 m facing E/W) <b><i>November 3, 2016</i></b>
SDAB-D-16-252	An appeal by <u>Tahir Jutt</u> t to operate a Major Home Based Business (Filling Sandbags – Sandbags.ca) <b><i>November 23 or 24, 2016</i></b>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <b><i>November 30 or December 1, 2016</i></b>
SDAB-S-14-001	An appeal by Stantec Consulting Ltd. to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <b><i>January 25, 2017</i></b>

***APPEAL HEARINGS TO BE SCHEDULED***

188282372-001	An appeal by <u>Kennedy Agrios</u> to change the use from general Retail to a Bar and Neighbourhood Pub (maximum of 400 occupants and 691 square metres of Public Space) <b><i>November 2 or 3, 2016</i></b>
000413016-003	An appeal by <u>Wigalo Holding Ltd. / Kennedy Agrios</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. <b><i>November 17, 2016</i></b>
000413016-004	An appeal by <u>Wigalo Holding Ltd. / Kennedy Agrios</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. <b><i>November 17, 2016</i></b>
188283359-001	An appeal by <u>Kennedy Agrios</u> to change the use from a Flea Market Use to a Night Club and Major Amusement Establishment (1757 square metres of Public space) <b><i>November 23 or 24, 2016</i></b>
182548244-007	An appeal by <u>Stephanie Chan VS Deborah &amp; Terence Nikolaichuk</u> to construct an Accessory Building (Shed, 3.20 metres by 3.12 metres), existing without permits <b><i>December 7 or 8, 2016</i></b>
128010578-001	An appeal by <u>Jeffrey Jirsch VS Anna Bashir</u> to erect a Privacy Screen 8ft in height along the Southwest portion of the property, along a Required Side Yard <b><i>December 7 or 8, 2016</i></b>