

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
June 4, 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-15-113

**WITHDRAWN**

Change the Use from Professional, Financial, and Office Support Services to Commercial Schools (maximum 4 students), General Retail Store and a Personal Service Shop Use (Paw's Grooming)

7525 - 99 Street NW  
Project No.: 170696905-001

---

**LUNCH BREAK – 12:00 P.M. TO 1:00 P.M.**

---

II 1:00 P.M. SDAB-S-15-005

Create one (1) additional Single Detached Residential Lot

6314 - 109A Street NW  
Project No.: 168263655-001

---

**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-15-113

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

APPELLANT:

APPLICATION NO.: 170696905-001

APPLICATION TO: Change the Use from Professional, Financial, and Office Support Services to Commercial Schools (maximum 4 students), General Retail Store and a Personal Service Shop Use (Paw's Grooming)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 21, 2015

DATE OF APPEAL: May 8, 2015

NOTIFICATION PERIOD: April 28, 2015 through May 11, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7525 - 99 Street NW

LEGAL DESCRIPTION: Plan 2239X Blk 1 Lot 2

ZONE: CNC Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: Ritchie Neighbourhood Improvement Plan / Area Redevelopment Plan

---

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

- 1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
- 2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or Light Rail Transit lines in accordance with the provisions of subsection 55.4 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw. Ref.Section - 310.4 (7)
- 3) 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 of the Edmonton Zoning Bylaw 12800.)
- 4) All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).
- 5) 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)
- 6) 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)
- 7) Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

NOTES:

- 1) Signs require separate Development Applications.
- 2) 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.

3) 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).

4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

5) 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) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

---

APPELLANT'S SUBMISSION

- Concern for usage changes
- Concern for development easements
- Space and parking concerns
- Environmental concerns

---

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

**Personal Service Shops** is a Permitted Use in the CNC Neighbourhood Convenience Commercial Zone, Section 310.2(3).

**Commercial Schools** is a Discretionary Use in the CNC Neighbourhood Convenience Commercial Zone, Section 310.3(4).

**General Retail Stores** is a Discretionary Use in the CNC Neighbourhood Convenience Commercial Zone, Section 310.3(8).

Under Section 7.4(41), **Personal Service Shops** means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This Use Class does not include Health Services.

Under Section 7.4(1), **Commercial Schools** means development used for training and instruction in a specific trade, skill, service or artistic endeavour. This Use Class does not include schools defined as Public Education Services or Private Education Services. Typical Uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.

Under Section 7.4(22), **General Retail Stores** means development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use Class does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Market Gardens, Pawn Stores, Major Alcohol Sales, Minor Alcohol Sales, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

This application was approved by the Development Officer subject to conditions.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 9857 - 76 Avenue.

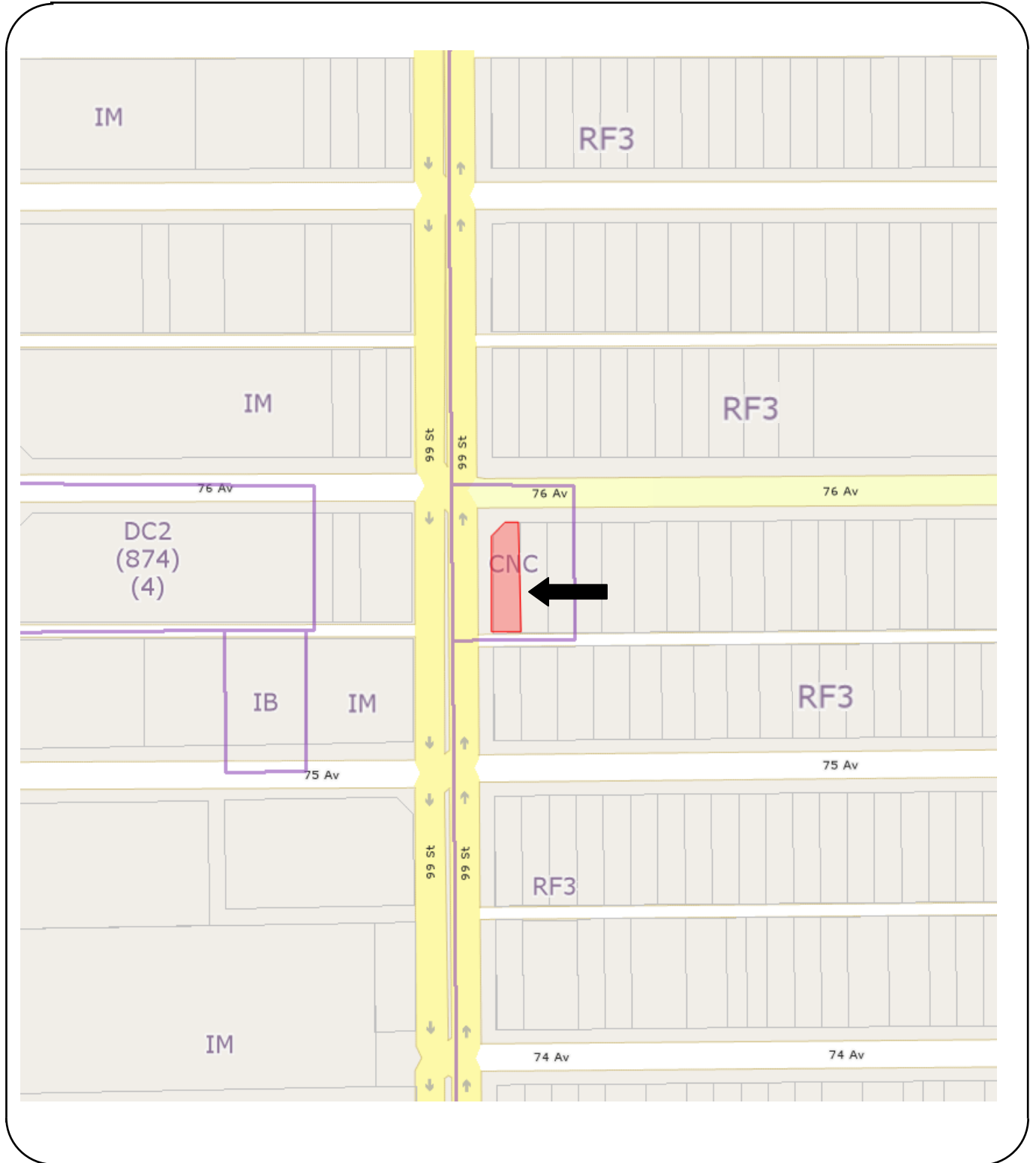
Section 310.1 states the purpose of the CNC Neighbourhood Convenience Commercial Zone is to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.

---

**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.

---



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-113



ITEM II: 1:00 P.M.

FILE: SDAB-S-15-005

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 168263655-001

APPLICATION TO: Create one additional Single Detached Residential Lot

DECISION OF THE SUBDIVISION AUTHORITY: Refused

DECISION DATE: April 24, 2015

DATE OF APPEAL: May 8, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6314 - 109A Street NW

LEGAL DESCRIPTION: Plan 2428HW Blk 20A Lot 13

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

---

SUMMARY

The proposed subdivision is REFUSED on April 24, 2015 for the following reason(s):

1. When an application for subdivision is submitted for consideration, the Subdivision Authority is charged with the responsibility to ensure that the proposed subdivision would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land (Section 654 of the Municipal Government Act).

The proposal will result in site widths and areas that are uncharacteristically small when compared to properties on the block face. For example, the site widths on the block face range from approximately 12.19 metres to 14.94 metres, with an average width of 14.24 metres. The proposed lot widths are 7.6 metres, 53 % of the average width, and significantly smaller than lots characteristic to the block face.



Therefore, it is the position of the Subdivision Authority that the proposed subdivision would not comply with Section 654 of the Municipal Government Act.

2. The proposed subdivision is located within the Mature Neighbourhood Overlay as prescribed by City of Edmonton Zoning Bylaw 12800. The purpose of this Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

It is the position of the Subdivision Authority that the proposed subdivision would not comply with the intent and spirit of the Mature Neighbourhood Overlay. Any proposed development would not be sensitive in scale to the existing developments and would subsequently impact the existing streetscape.

Although it may be possible to construct a home on the proposed lots, the Subdivision Authority contends that the lots do not fit the immediate neighborhood. The fundamental issue is the increase in density, and the resulting negative impact on adjacent properties.

3. Notice of the proposed subdivision was sent to surrounding property owners on February 26, 2015. Sustainable Development received 5 letters in non-support of the application, including a response from the Community League.

General reasons provided in non-support of the application included the following:

- i) Application is not in character with the existing neighbourhood;
- ii) Negative impact on the amenities and property values of the area;
- iii) Decreased sunlight;
- iv) Drainage concerns;
- v) Increased traffic and parking issues; and
- vi) Noise and invasion of privacy concerns.

---

#### APPELLANT'S SUBMISSION

I wish to appeal the decision made by the Development Authority on my subdivision request for 6314 - 109A Street. This request is in line and consistent with City Council's decision to allow for 15.2 meter to be subdivided into two 7.6 metre lots. Parkallen was specifically discussed in the public hearing for this decision so I am surprised on why this was rejected as this area is a prime example of an area that needs densification and more families.

I will be providing more information on my argument and case closer to the hearing date.

---

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The *Municipal Government Act*, Section 654(2) states that a Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Section 110.4(1) provides the following with regard to Site regulations for Single Detached Housing:

- a. the minimum Site area shall be 250.8 metres
- b. the minimum Site Width shall be 7.6 metres; and
- c. the minimum Site depth shall be 30.0 metres

The submitted tentative plan of subdivision shows two proposed lots with a Site Width of 7.6 metres and a Site depth of 42.67 metres.

Section 110.1 states the purpose of the RF1 Single Detached Residential Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

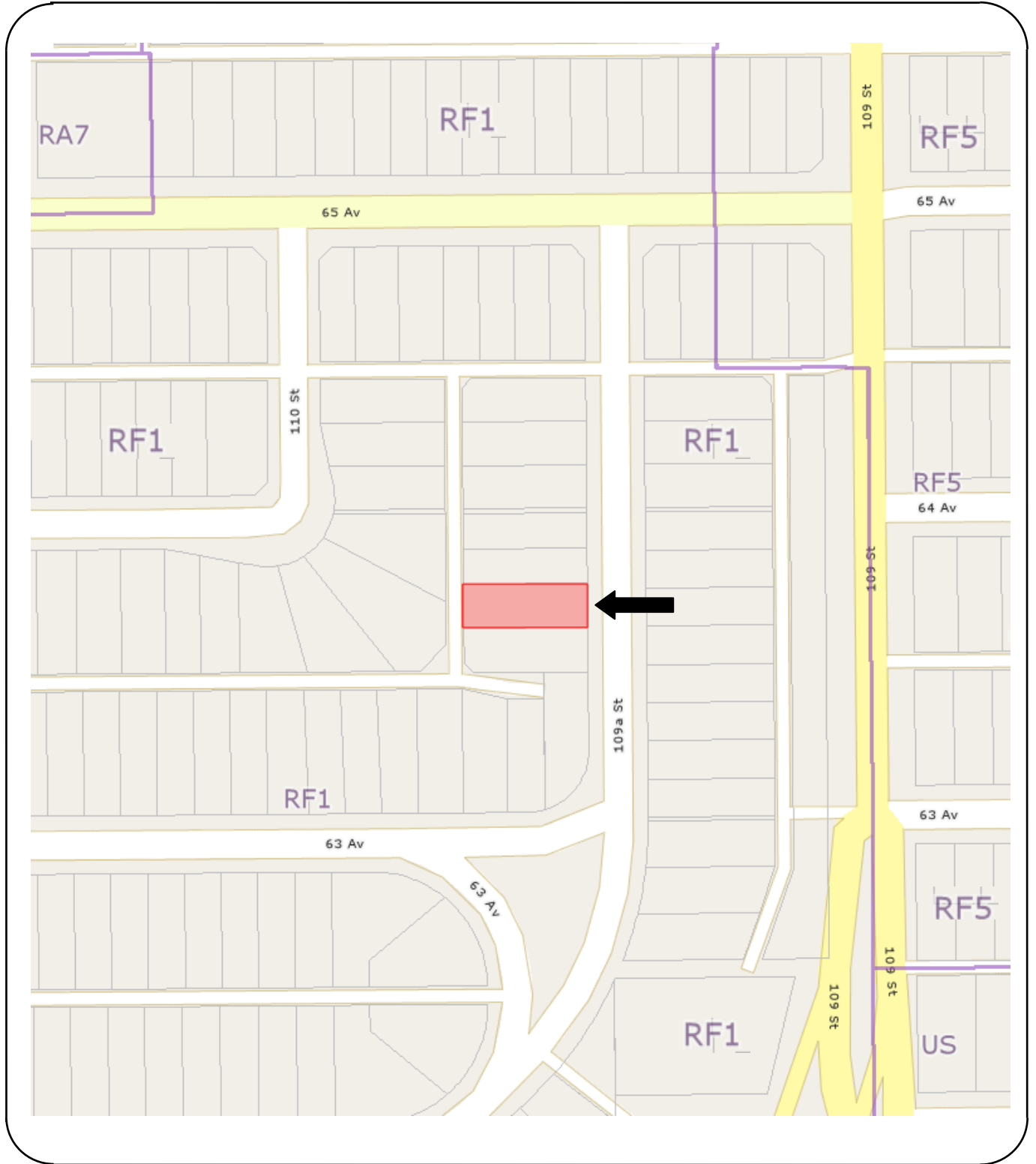
Included in the Subdivision Authority's file, is a Memorandum dated March 4, 2015 from Rob Metcalf, Senior Transportation Technician, Sustainable Transportation, Transportation Planning Branch, which indicates that Transportation Services has reviewed the subdivision application and has provided a condition if approved. **A copy of the Memorandum from Transportation Services is on file.**

---

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.

---



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-S-15-005



**BUSINESS LAID OVER**

<b>SDAB-D-15-093</b>	An appeal to construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits <i>June 10 or 11, 2015</i>
<b>SDAB-D-15-096</b>	An appeal to comply with a Stop Order to cease any construction. <i>June 10, 2015</i>

**APPEAL HEARINGS TO BE SCHEDULED**

<b>168696143-001</b>	An appeal to comply with a Stop Order to dismantle and remove the Freestanding Off-premises Sign from the Site. <i>July 2, 2015</i>
----------------------	--