

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**November 3, 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-16-237	Install (1) Freestanding Minor Digital Off-premises Sign (6.1 metres by 3 metres facing E/W)  10360 - 111 Street NW Project No.: 224507305-001
<hr/>			
II	10:30 A.M.	SDAB-D-16-276	Convert the existing Single Detached House to a Child Care Services Use (44 Children) and to construct interior and exterior alterations (develop outdoor play space)  2210 - 37A Avenue NW Project No.: 225899566-001
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III	1:30 P.M.	SDAB-D-16-277	Convert an existing Single Detached House to a Child Care Services Use (32 children) and to construct interior and exterior alterations (convert garage into play space, develop parking spaces and create on-site outdoor play space)  11203 - 97 Street NW Project No.: 181887042-001
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**NOTE:** *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-237

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 224507305-001

APPLICATION TO: Install (1) Freestanding Minor Digital Off-premises Sign (6.1 metres by 3 metres facing east / west)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 15, 2016

DATE OF APPEAL: August 26, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10360 - 111 Street NW

LEGAL DESCRIPTION: Plan 1282RS Blk 11 Lot 125A

ZONE: DC1 (Bylaw 17595 – Area 2) Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: 104 Avenue Corridor Area Redevelopment Plan

***Grounds for Appeal***

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

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The Development Officer failed to follow the Directions of Council by applying an extended and inappropriate meaning to the phrase "Major or Minor Digital Signs shall not be installed on a Freestanding Sign" as that phrase appears in section 8(e), DCI Area 2, of Bylaw 17595.

2. In the alternative, the Development Officer failed to follow the Directions of Council by not considering whether the variance powers granted to him by the provisions of sections 1.2(4) and 11.3 of the Edmonton Zoning Bylaw ought be exercised and by failing to grant a variance in the circumstances of this application.
3. The proposed development is, for all practical purposes, a Permitted Use that complies with the development control regulations of the Edmonton Zoning Bylaw.
4. To the extent a variance is required (and, it is respectfully submitted, no variance is required), the proposed development will have no material impact on the use, enjoyment or value of neighbouring properties nor unduly affect the amenities of the neighbourhood. This sign has existed at the current location for in excess of six years without complaint.

But for the Appellants' inability to contact the owner of the subject land for an extended period of time, the provisions of the applicable Sign Schedule would have allowed the then current Development Permit to be reissued without recourse.

<i>General Matters</i>
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The Subdivision and Development Appeal Board at a hearing on September 22, 2016, made and passed the following motion:

**“That the hearing for SDAB-D-16-237 be tabled to November 3, 2016.”**

**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

...

### **Designation of direct control districts**

**641(4)** Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

(a) ...

- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

### **Hearing and Decision**

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

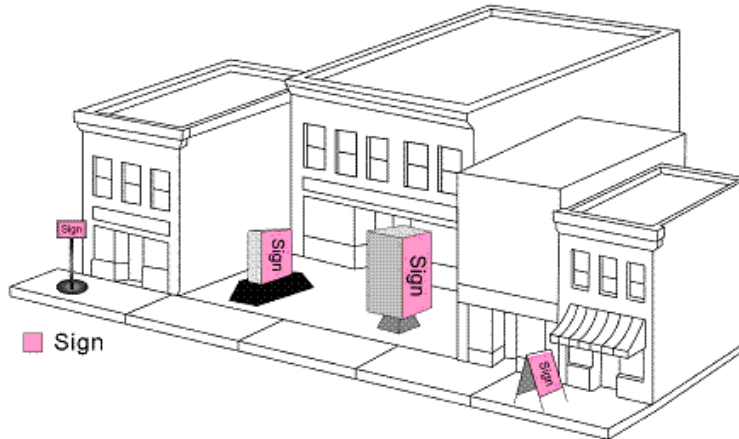
Under section 3(11), **Minor Digital Off-premises Signs** are a **listed Use** in the DC1 (Bylaw 17595 – Area 2) Direct Development Control Provision.

Under section 7.9(6), **Minor Digital Off-premises Signs** means:

any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

Under section 6.2(8), **Freestanding Signs** means:

any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground;



”

Section 1 states the **General Purpose** of the **DC1 (Bylaw 17595 – Area 2) Direct Development Control Provision** is:

...to facilitate the development of a pedestrian friendly and transit-supportive area that is characterized by its mix of commercial and residential uses, directing the most intensive development around station areas while creating a sensitive transition to the south.

***DC1 (Bylaw 17595 – Area 2) Direct Development Control Provision - Signage***

Section 8 provides the following with regard to Signage:

- a. Signs shall comply with the General Provisions of Section 59 and the regulations found in Schedule 59F of the Zoning Bylaw.
- b. A Comprehensive Sign Design Plan in accordance with the Provisions of Section 59.3 shall be required to the satisfaction of the Development Officer.
- c. Notwithstanding Section 8(a) of this Provision, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, shall comply with the regulations found in Schedule 59F.2 and 59F.3.
- d. Any application for a Major or Minor Digital Sign Use may require the submission of a Traffic Safety Study prepared by a qualified engineer and shall be to the satisfaction of the Development Officer in consultation with Transportation Services.
- e. **Major or Minor Digital Signs shall not be installed on a Freestanding Sign.**

**Development Officer's Determination**

**1) Major & Minor Digital Signs shall not be installed on a Freestanding Sign (Reference Section 8(e), DC1 Area 2, Bylaw 17595 (April 4, 2016)).**

**The existing Minor Digital Off-premises Sign was approved by SDAB (File No. D-10-090) May 7, 2010 for a period of 5 years and expired May 7, 2015. This application was made on June 15, 2016, after the expiry of the sign approved by the Subdivision and Development Appeal Board.**

**The proposed Minor Digital Sign is installed on Freestanding Sign, contrary to Section 8(e), DC1 Area 2, Bylaw 17595.**

**Advisements**

**A Freestanding Signs means any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground (Ref. Section 6.2(8)). [unedited].**


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Notice to Applicant/Appellant

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

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	Project Number: <b>224507305-001</b> Application Date: JUN 23, 2016 Printed: August 16, 2016 at 8:48 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10360 - 111 STREET NW Plan 1282RS Blk 11 Lot 125A
<b>Scope of Application</b> To install (1) Freestanding Minor Digital Off-premises Sign (6.1 m x 3 m facing E/W)	
<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: Construction Value: 100000	Class of Permit: Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 2 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct. Applicant signature: _____	
<b>Development Application Decision</b> Refused <b>Reason for Refusal</b> 1) Major & Minor Digital Signs shall not be installed on a Freestanding Sign (Reference Section 8(e), DC1 Area 2, Bylaw 17595 (April 4, 2016)).  The existing Minor Digital Off-premises Sign was approved by SDAB (File no. D-10-090) May 7, 2010 for a period of 5 years and expired May 7, 2015. This application was made June 15, 2016, after the expiry of the sign by the Subdivision and Development Appeal Board.  The proposed Minor Digital Sign is installed on Freestanding Sign, contrary to Section Section 8(e), DC1 Area 2, Bylaw 17595.  <b>Advisements</b> A Freestanding Signs means any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground (Ref. Section 6.2(8)).	
<b>THIS IS NOT A PERMIT</b>	



Project Number: 224507305-001  
Application Date: JUN 23, 2016  
Printed: August 16, 2016 at 8:48 AM  
Page: 2 of 2

## Application for Sign Combo Permit

### 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.

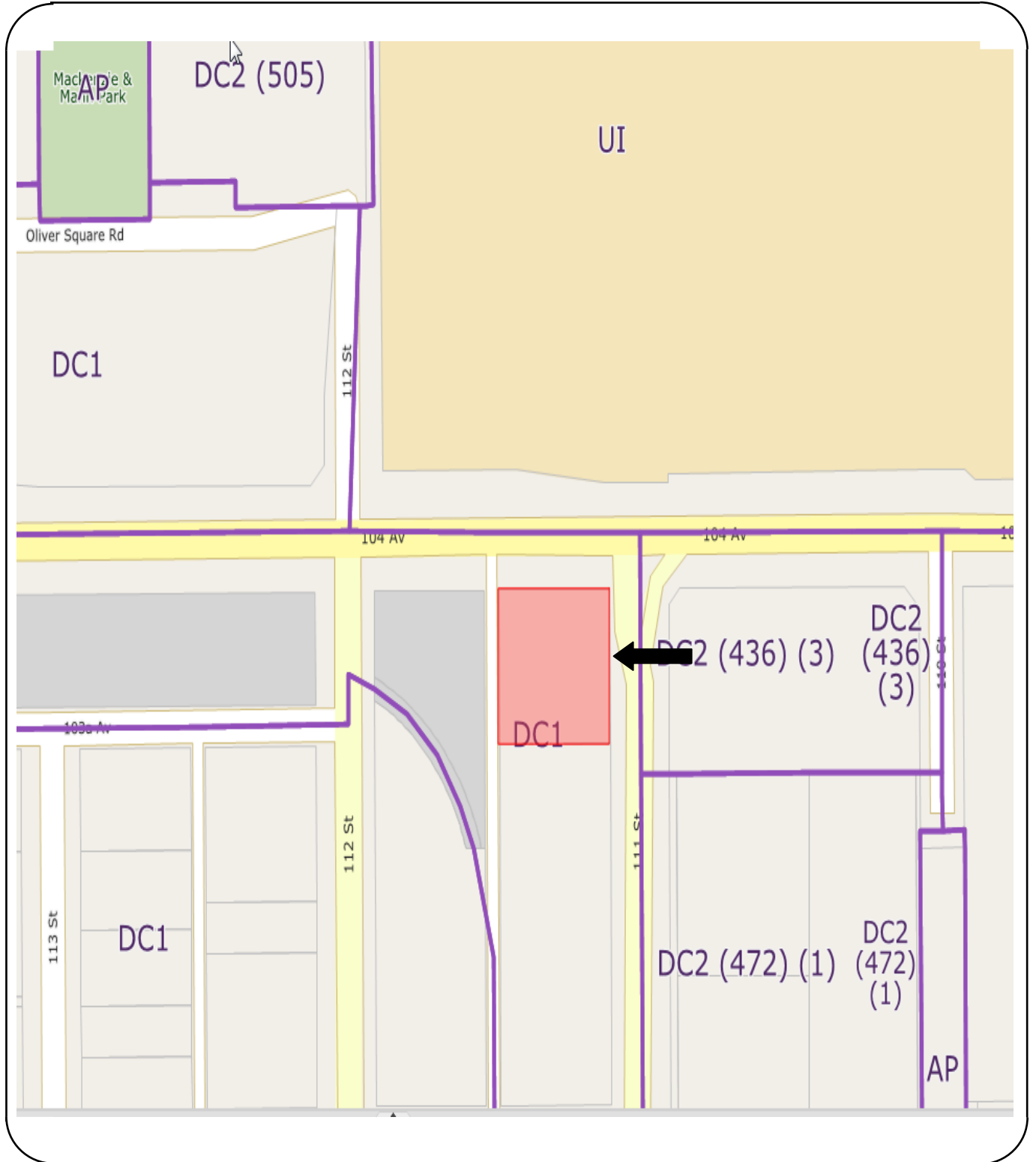
Issue Date: Aug 15, 2016    Development Authority: AHUJA, SACHIN

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

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$850.00	\$850.00	03391297	Jun 27, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$850.00	\$850.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-237



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-276

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 225899566-001

ADDRESS OF APPELLANT: 2210 - 37A AVENUE NW

APPLICATION TO: Convert the existing Single Detached House to a Child Care Services Use (44 Children) and to construct interior and exterior alterations (develop outdoor play space)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 26, 2016

DATE OF APPEAL: October 6, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2210 - 37A Avenue NW

LEGAL DESCRIPTION: Plan 0125035 Blk 30 Lot 40

ZONE: RSL-Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: The Meadows Area Structure Plan

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*Grounds for Appeal*

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

Reason for Appeal:

1. Revised drawings meet the required passenger pick-up and drop spots, and parking requirements.
2. Parking in garage has been allowed for staff parking by Subdivision and Development Appeal Board. (Reference: File Number: SDAB-D-16-100)

3. Section 54, Schedule 3 (2)& 54.4(3)(a) - Any development within community, educational, recreational and cultural service. Use class up to 2800 m<sup>2</sup> requires one loading space. Each off-street shall be loading space shall be adequate size and accessibility to accommodate the vehicles expected to load and unload. Each required loading space shall be a minimum of 3.0 in width, a minimum of 9.0 m in length.

- In accordance with the Alberta Health Services Guidelines, and the provincial Childcare Licensing Act and associated regulations, none of which stipulate a requirement for a designated loading area. In addition, we do not intend to use large loading trucks for the operation of their business.

In board's decision ( File Number: SDAB-D-16-100); "Board waives the loading space requirements under Section 54.4 (3)(a) and Schedule 3(2) to Section 54.4, subject to the condition that large loading trucks shall not be used in operation of the Child Care Services at the subject site."

4. Section 54.3, Schedule 2(1) - All non-residential use classes outside the boundaries of the downtown area development plan require 5% of the number of the vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle parking spaces with 5 Bicycle parking spaces being minimum to be provided.

- With respect to the bicycle parking requirements, we observe that given the age group of the day care's children, it will be unlikely that they will bike to site. However, if required, we are prepared to provide temporary storage options or install permanent bike rack.

- In board's decision (File Number: SDAB-D-16-100); "Board waived the bicycle parking space requirements under Schedule 2(10 to Section 54.3, subject to the condition that temporary bicycle storage shall be provided in the garage on an as needed basis)"

5. Father Michael Troy is a school located in Wild Rose in the southeastern part of Edmonton, Alberta, Canada and its within 60 meters away from the proposed day care site. Proposed day care drop off hours will be between 7am and 8 am, and the pick up hours will be between 5pm and 6pm. By contrast the drop-off hours and pick-up hours of the school are 8am to 8:30am, and 3:30pm to 4pm, respectively. By avoiding overlap in pick-up and drop-off hours with the school, noise and traffic impacts should be mitigated. As site is located along a bus route, and across from a public school and school park.

6. We have done door knocking and asked people in community and got the positive response for the proposed development. We will be attaching signed petition from neighbourhood with supporting documents of appeal.

7. We will be consulting with development officer regarding parking changes and provide more supporting documents to appeal board.

<i>General Matters</i>
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**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**Appeals**

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

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

**Hearing and Decision**

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 115.3(1) states a **Child Care Services** is a **Discretionary Use** in the **RSL Residential Small Lot Zone**.

Under Section 7.8(2), **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 Class 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.

***Vehicular Parking***

**Section 54.2, Schedule 1(A)(33) states Child Care Services has the minimum number of Parking Spaces or Garage Spaces Required:**

**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.**

**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.**

**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 metres 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.**

**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 with the proposal.**

**b) employee parking shall be provided at the rate of:**

**i) 1 parking space per 33.5 square metres of Floor Area; or**

ii) 1 parking space per 117.0 square metres of Floor Area where the Child Care Service is proposed within 400 metres 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

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.

**Development Officer's Determination:**

Required: 14.0 (6.0 pick-up/drop-off spaces & 8.0 employee spaces)

Provided: 7.0 (4.0 pick-up/drop-off spaces & 3.0 employee parking spaces)

Deficient: 7.0 (2.0 pick-up/drop-off spaces & 5.0 employee spaces)

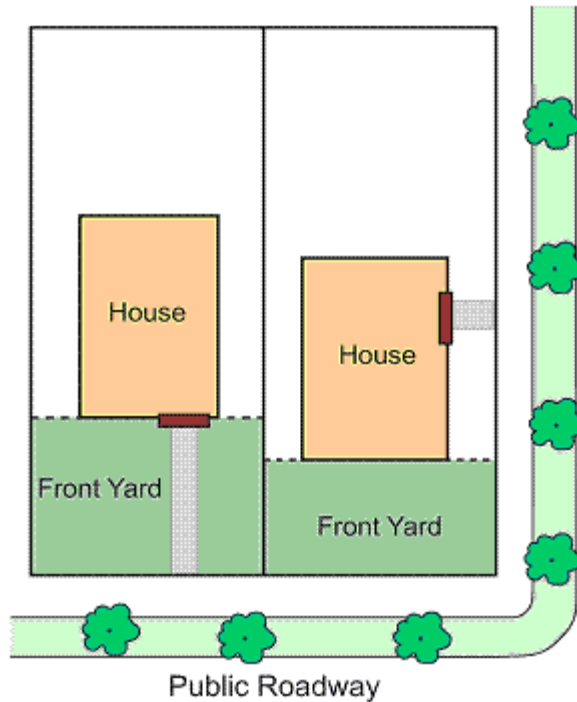
***Parking Spaces located within a Front Yard***

Section 54.2(2)(e) states except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard.
- ii. on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

Section 6.1(41) states **Front Yard** means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.





**Development Officer’s Determination:**

One vehicular parking space is shown on the existing driveway and within the Front Yard.

***Tandem Parking***

Section 54.1(2)(f) states unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking.

Section 6.1(104) states **Tandem Parking** means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.

**Development Officer’s Determination:**

Parking within the front attached garage and proposed parking on the existing driveway is provided in a tandem configuration.

***Loading Space***

Section 54.4, Schedule 3(2) states any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and

Professional, Financial and Office Support Services, excluding Limited Group Homes, with a total Floor Area of Building of up to 2800 square metres, requires 1 loading space.

Section 54.4(3)(a) states each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload. Each required loading space shall be a minimum of 3.0 metres in width, a minimum of 9.0 metres in length and maintain a minimum overhead clearance of 4.0 metres, unless larger dimensions are required, having regard to the type of vehicle loading and unloading without projecting into a public roadway.

**Development Officer's Determination:**

Required: 1  
Proposed: 0  
Deficient: 1

***Bicycle Parking***

Section 54.3, Schedule 2(1), states all Residential and Residential-Related Use Classes of 20 Dwellings or more, and all Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan, requires the minimum number of Bicycle Parking Spaces: 5 percent of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.

**Development Officer's Determination:**

Required: 5  
Proposed: 0  
Deficient: 5

***General Purpose***

Section 115 states the **General Purpose** of the **RSL Residential Small Lot Zone** is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

**Development Officer's Determination:**

The proposal for a Child Care Services for 44 Children within a converted Single Detached House may have impacts associated with noise and vehicular traffic in excess of what is typical for a residential dwelling.

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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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# Application for Major Development Permit

Project Number: **225899566-001**  
Application Date: JUL 12, 2016  
Printed: October 7, 2016 at 2:40 PM  
Page: 1 of 3

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

**Applicant**

PRO CONSULTING DESIGN & BUILT



**Property Address(es) and Legal Description(s)**

2210 - 37A AVENUE NW  
Plan 0125035 Blk 30 Lot 40

**Scope of Application**

To convert the existing Single Detached House to a Child Care Services Use (44 Children) and to construct interior and exterior alterations (develop outdoor play space)

**Permit Details**

Class of Permit: Class B  
Gross Floor Area (sq.m.): 235.14  
New Sewer Service Required: N/A  
Site Area (sq. m.): 456.5

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

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

Applicant signature: \_\_\_\_\_

**Development Application Decision**

Refused

**THIS IS NOT A PERMIT**



Project Number: 225899566-001  
Application Date: JUL 12, 2016  
Printed: October 7, 2016 at 2:40 PM  
Page: 2 of 3

## Application for Major Development Permit

**Reason for Refusal**

1. Section 54.2, Schedule 1(33)(a)(i)(iii) & (b) - 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. Employee parking shall be provided at the rate of 1 parking space per 33.5 m<sup>2</sup> of Floor Area. 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 with the proposal.

Required: 14.0 (6.0 pick-up/drop-off spaces & 8.0 employee spaces)  
Provided: 7.0 (4.0 pick-up/drop-off spaces & 3.0 employee parking spaces)  
Deficient: 7.0 (2.0 pick-up/drop-off spaces & 5.0 employee spaces)

2. Section 54.2(2)(e)(i) - Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.

- One vehicular parking space is shown on the existing driveway and within the Front Yard.

3. Section 54.1(2)(f) - Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking.

- Parking within the front attached garage and proposed parking on the existing driveway is provided in a tandem configuration.

4. Section 54.4, Schedule 3(2) & 54.4(3)(a) - Any development within the Community, Educational, Recreational and Cultural Service Use Class up to 2800.0 m<sup>2</sup> requires one loading space. Each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload. Each required loading space shall be a minimum of 3.0 m in width, a minimum of 9.0 m in length.

Required: 1  
Proposed: 0  
Deficient: 1

5. Section 54.3, Schedule 2(1) - All Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan require 5% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.

Required: 5  
Proposed: 0  
Deficient: 5

6. Section 115.1 - The General Purpose of the (RSL) Small Lot Residential Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

- The proposal for a Child Care Services for 44 Children within a converted Single Detached House may have impacts associated with noise and vehicular traffic in excess of what is typical for a residential dwelling.

**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 26, 2016      Development Authority: PEACOCK, ERICA      Signature: \_\_\_\_\_

**THIS IS NOT A PERMIT**



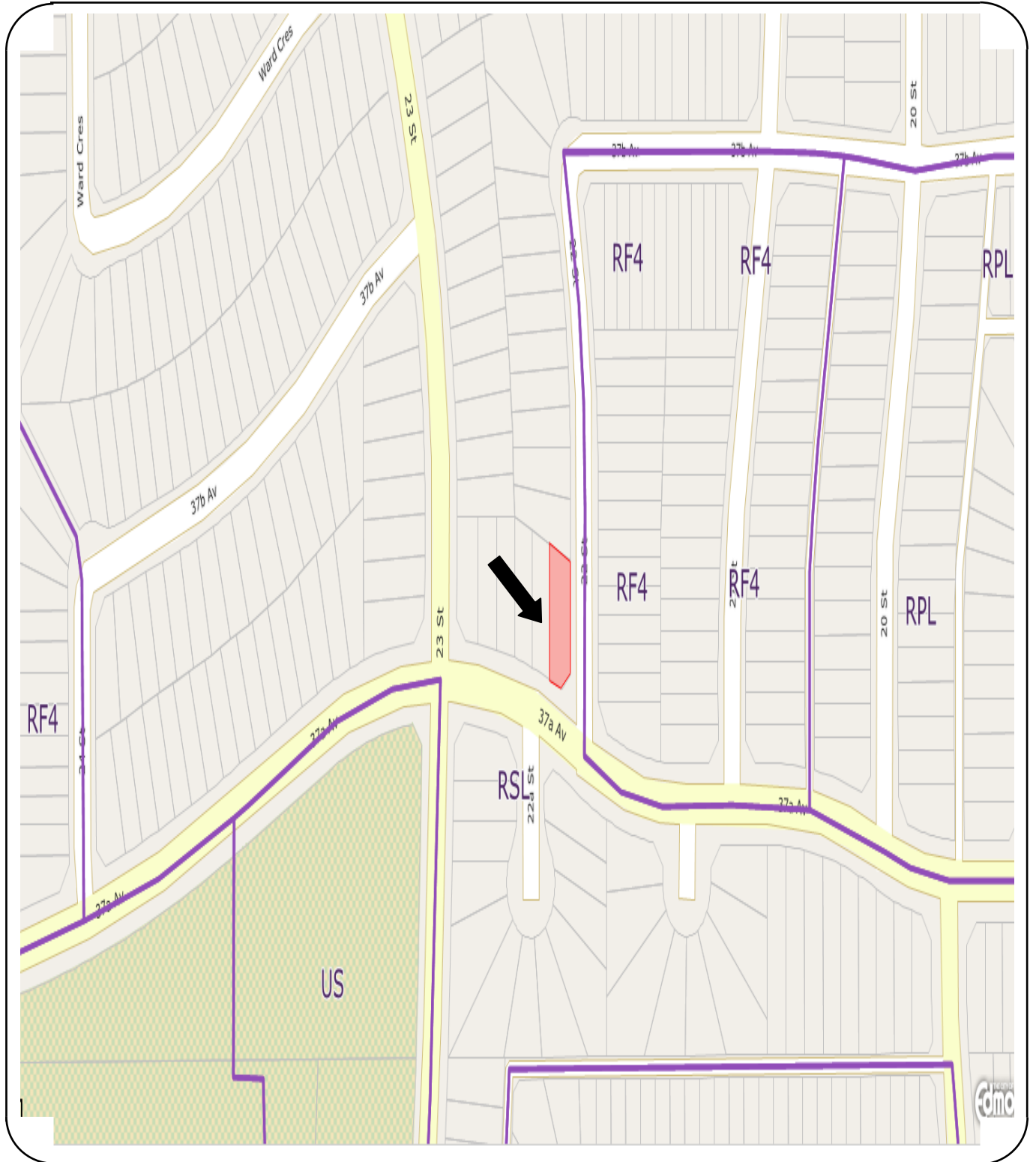
Project Number: **225899566-001**  
Application Date: JUL 12, 2016  
Printed: October 7, 2016 at 2:40 PM  
Page: 3 of 3

## Application for Major Development Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
DP Notification Fee	\$102.00	\$102.00	03437074	Jul 12, 2016
Major Dev. Application Fee	\$323.00	\$323.00	03437074	Jul 12, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$425.00	<u>\$425.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-276



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-277

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 181887042-001

ADDRESS OF APPELLANT: 11203 - 97 STREET NW

APPLICATION TO: Convert an existing Single Detached House to a Child Care Services Use (32 children) and to construct interior and exterior alterations (convert garage into play space, develop parking spaces and create on-site outdoor play space)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 28, 2016

DATE OF APPEAL: October 6, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11203 - 97 STREET NW

LEGAL DESCRIPTION: Plan RN43 Blk 13 Lot 1

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

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:

I would like to submit the following points as reason and explanation for appeal regarding the decision for refusal on my Application for Major Development Permit. In addition, I conducted the Community Consultation with approximately 25 neighbouring houses within 60 m - 70 m of the site (which I have attached as a supporting document for your reference with the submission of this appeal), and they were in favour and support of a daycare opening in their neighbourhood. Some neighbours came to the site and saw the dwelling and were very happy and excited for its operation. I believe that



this will be a great addition to the neighbourhood and will greatly assist parents with small children and also add value to the neighbourhood. I am willing to comply with all regulations required in order to start operating this daycare. Also we received the response from the Transportation Planning and Engineering which approves the revised lay out of parking stalls and garbage bin space.

1. The exceeded 5% in the size of the site is due to the conversion of the garage into an indoor play space. This was only decided upon so the children can have an additional play area and meant for their fun and pleasure. However, if it causes an issue I will omit this conversion and leave it as is.
2. As the size difference is very minor, I do not anticipate that this will be an issue. However, I conducted a community consultation with the surrounding home owners within 60 m – 70m of the site, and they indicated that they had no concerns with this issue.
3. Parking space #2 is the existing drive way of the house. This parking space will be utilized for staff, mostly myself, as I will be the first and last personnel onsite. I have installed self latching gates on either side of the driveway so the children will not be able to access this parking space or area at all. As I will be the first and last on site, the vehicle will not move from its parked spaces all day. I believe this relieves any safety issues and concerns. However, as I already have the required parking spaces (2 staff and 4 pick-up/drop-off stalls) without including parking space #2, I would be willing to remove parking space #2 to comply with the regulations if absolutely necessary.
4. Initially the fence was 4 ft. in height all around, however, after speaking with our Development Officer, Erica Peacock, I was advised to make the fence 6 ft. tall all around to ensure the play space was secured properly. Therefore, we decided to alter the fence accordingly to 6 ft. instead of 4 ft. to ensure that the daycare is secured properly. Nonetheless, if there is an issue with the current height of the fence, we will change it accordingly.
5. As this is a small business and any products, groceries, etc. that will be delivered to and from the daycare will not require a large vehicle, I will be responsible for delivering any items to and from the daycare myself with my personal vehicle, outside of the daycare hours of operation. Therefore, a loading space will not be necessary.
6. This can easily be amended to 2.5 m if required. However, we were informed by our Development Officer, Erica Peacock, that it is not necessary.
7. We will ensure that trash area will be screened properly according to the specifications listed.

8. As the majority of the children/families will be residing within the same neighbourhood, I do not anticipate any excess noise or traffic. Also, being that it is corner lot, this will make access much smoother, easier, and convenient. The parents will not need to go deep inside the neighbourhood to access the daycare.

<i>General Matters</i>
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**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**Appeals**

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

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

**Hearing and Decision**

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 140.3(2) states a **Child Care Services** is a **Discretionary Use** in the **RF3 Small Scale Infill Development Zone**.

Under Section 7.8(2), **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 Class 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 this **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.

<b><i>Site Coverage</i></b>
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Section 140.4(10)(f) states the maximum Site Coverage shall be as follows:

	Principal Dwelling building / Accessory building	Principal building with attached Garage	Total Site Coverage
All other uses	28 percent	12 percent	40 percent

Under Section 6.1(96), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

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

**Development Officer’s Determination:**

Section 140.4(10) - Maximum Site Coverage shall for a principal building for a Child Care Services is 28 percent.

Site Area:	538.46 square metres
12 percent allowable Site Coverage:	64.62 square metres
28 percent allowable Site Coverage:	150.50 square metres
40 percent allowable Site Coverage:	215.38 square metres
Proposed Principal Building: (with attached Garage)	177.0 square metres

Allowable: 28 percent (150.50 square metres)  
 Proposed: 33 percent (177.0 square metres)  
 Exceeds: 5 percent (26.5 square metres)

Note: No additional floor area is being added to the existing building but the existing attached garage is being converted into a Child Care Services Use (play space).

**The Board is advised that Section 140.4(10)(f) states the maximum Site Coverage shall be 40 percent for Principal building with attached Garage.**

***Front or Flanking Access***

Section 814.3(10) states regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and

- a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;

- b. the Site Width is less than 15.5 metres; or
- c. fewer than 50 percent of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

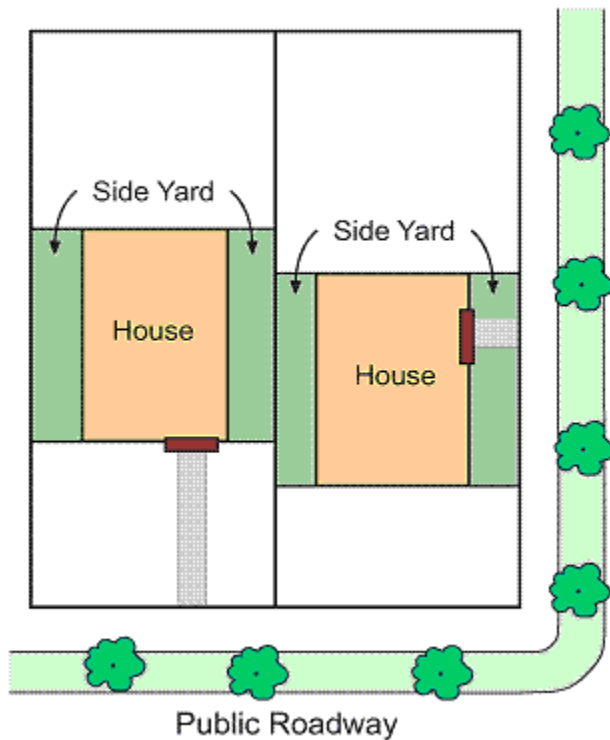
**Development Officer’s Determination:**

There is an existing access abutting 112 Avenue. The Site has a rear lane and the site is 14.7 metres in width.

***Parking Spaces in a Side Yard***

Section 54.2(2)(e)(ii) states on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

Under Section 6.1(94), Side Yard means that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



**Development Officer's Determination:**

One parking space is proposed to be located within the required flanking side yard abutting 112 Avenue NW.

***Fence Height***

Section 49(1)(e) (amended August 22, 2016) states:

- e. On a Corner Site, the Height of a Fence, wall, or gate shall not exceed:
  - i. 1.2 metres for the portion of the Fence, wall, or gate constructed in the Front Yard,
  - ii. 1.2 metres for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line, and
  - iii. 1.85 metres in all other Yards.

Section 49(1)(f) states in the case where the permitted Height of a Fence, wall, or gate is 1.2 metres, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 metres, in order to provide additional screening from public roadways or incompatible adjacent Uses.

Section 49(1)(g) states in the case where the permitted Height of a Fence, wall, or gate is 1.85 metres, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 2.44 metres, in order to provide additional screening from public roadways or incompatible adjacent Uses.

Section 49(1) states:

- a. The regulations contained within Section 49.1 of this Bylaw apply to:
  - i. the Height of the material used in the construction of a Fence, wall, or gate, such as but not limited to boards, panels, masonry, ornamental iron, and chain link, plus any additional elements used for screening, such as, but not limited to, lattice.
  - b. Notwithstanding subsection 49(1)(a), the regulations for Fences, walls, and gates contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Fence, wall, or gate.
  - c. The Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 metres back from the property line of the Site on which the Fence, wall, or gate is to be constructed.

**Development Officer's Determination:**

It is recommended that a six foot high (1.85 metres) fence be provided to securely enclose the play space. However, the maximum height allowed in the front yard and flanking side yard is four feet (1.2 metres).

***Loading Space***

Section 54.4, Schedule 3(2) states any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes, with a total Floor Area of Building of up to 2800 square metres, requires 1 loading space.

Section 54.4(3)(a) states each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload. Each required loading space shall be a minimum of 3.0 metres in width, a minimum of 9.0 metres in length and maintain a minimum overhead clearance of 4.0 metres, unless larger dimensions are required, having regard to the type of vehicle loading and unloading without projecting into a public roadway.

**Development Officer's Determination:**

Required: 1  
Proposed: 0  
Deficient: 1

***Platform Structures***

Section 44(3)(d) states Platform Structures, may project into a required Setback or Separation Space, provided such projections do not exceed 2.5 metres into any Front Setback.

Under Section 6.1(75), **Platform Structures** means a raised structure on which people can stand, that projects from the wall of a building, may be surrounded by guardrails, parapet walls or similar features, and is intended for use as an Amenity Area. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

**Development Officer's Determination:**

Allowable: 2.5 metres  
Proposed: 3.0 metres  
Exceeds: 0.5 metres

The proposed handicapped ramp addition projects 3.0 m into the Front Setback.

***Trash Collection Area***

Section 55.5(6) states any trash collection area, open storage area, or outdoor service area, including any loading, unloading or vehicular service area that is visible from an Abutting Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a LRT line, shall have screen planting a minimum of 1.85 m in Height. The location, length, thickness and Height of such screen planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to block the view from any Abutting Residential or Commercial Zone, or from the public roadway or a LRT line. If, in the opinion of the Development Officer, screen planting cannot reasonably be expected to survive, earth berming, masonry walls, wood Fencing or other man-made features may be permitted as a substitution.

**Development Officer's Determination:**

Trash collection areas need to be screened.

***General Purpose***

Section 140.1 states 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, and including Secondary Suites under certain conditions.

**Development Officer's Determination:**

It is the opinion of the Development Officer that the conversion of a Single Detached House to a Child Care Services for 32 children could general noise and vehicle traffic in excess of what is typical for a residential dwelling.

***Community Consultation***

Section 814.3(24) states when a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 metres of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;



- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
- d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

<b><i>Non-Conforming Building</i></b>
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Section 643(5) of the *Municipal Government Act*, RSA 2000, c M-26, states a non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

Section 11.3(3) states that the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for the land in this Bylaw and the proposed development would not, in his opinion:


- a) unduly interfere with the amenities of the neighbourhood; or
- b) materially interfere with or affect the use, enjoyment or value of neighbouring properties.

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Notice to Applicant/Appellant

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

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	Project Number: <b>181887042-001</b> Application Date: NOV 03, 2015 Printed: October 17, 2016 at 2:58 PM Page: 1 of 3		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>  NOORALDIN, HAYFA <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 11203 - 97 STREET NW Plan RN43 Blk 13 Lot 1  <b>Specific Address(es)</b> Entryway: 11203 - 97 STREET NW Building: 11203 - 97 STREET NW		
<b>Scope of Application</b> To convert an existing Single Detached House to a Child Care Services Use (32 children) and to construct interior and exterior alterations (convert garage into play space, develop parking spaces and create on-site outdoor play space)			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                             Class of Permit:                              Gross Floor Area (sq.m.): 177                              New Sewer Service Required: N                              Site Area (sq. m.): 538.46                         </td> <td style="width: 50%; border: none; vertical-align: top;">                             Contact Person:                              Lot Grading Needed?: N                              NumberOfMainFloorDwellings: 0                              Stat. Plan Overlay/Annex Area: (none)                         </td> </tr> </table>		Class of Permit: Gross Floor Area (sq.m.): 177 New Sewer Service Required: N Site Area (sq. m.): 538.46	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Gross Floor Area (sq.m.): 177 New Sewer Service Required: N Site Area (sq. m.): 538.46	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: _____			
<b>Development Application Decision</b> Refused			
<b>THIS IS NOT A PERMIT</b>			



Project Number: 181887042-001  
Application Date: NOV 03, 2015  
Printed: October 17, 2016 at 2:58 PM  
Page: 2 of 3

## Application for Major Development Permit

**Reason for Refusal**

1. Section 140.4(10) - Maximum Site Coverage shall for a principal building for a Child Care Services is 28%.

Allowable: 28% (150.50 m2)  
Proposed: 33% (177.0 m2)  
Exceeds: 5% (26.5 m2)

Note: No additional floor area is being added to the existing building but the existing attached garage is being converted into a Child Care Services Use (play space).

2. Section 814.3(10) - Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and a Treed Landscaped Boulevard is present along the roadway adjacent to the property line; the Site Width is less than 15.5 m; or fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

- There is an existing access abutting 112 Avenue. The Site has a rear lane and the site is 14.7 m in width.

3. Section 54.2(2)(e)(ii) - on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

- One parking spaces is proposed to be located within the required flanking side yard abutting 112 Avenue NW.

4. Section 49(4) - A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.2 m in Height for the portion of the fence, wall, or gate that extends beyond the foremost portion or portions of the principal building on the Site, into: the Front Yard, or a Side Yard and Rear Yard Abutting a public roadway other than a Lane, provided that the Development Officer may vary the Height of the fence, wall, or gate to a maximum of 1.85 m.

- It is recommended that a six foot high (1.85m) fence be provided to securely enclose the play space. However, the maximum height allowed in the front yard and flanking side yard is four feet (1.2 m).

5. Section 54.4, Schedule 3(2) & 54.4(3)(a) - Any development within the Community, Educational, Recreational and Cultural Service Use Class up to 2800.0 m2 shall provide 1 loading spaces. Each required loading space shall be a minimum of 3.0 m in width, a minimum of 9.0 m in length .

Required: 1  
Proposed: 0  
Deficient: 1

6. Section 44(3)(d) - Platform Structures provided such projections do not exceed 2.5 m into any Front Setback.

Allowable: 2.5 m  
Proposed: 3.0 m  
Exceeds: 0.5 m

- The proposed handicapped ramp addition projects 3.0 m into the Front Setback.

7. Section 55.5(6) - Any trash collection area from a public roadway shall have screen planting a minimum of 1.85 m in Height. The location, length, thickness and Height of such screen planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to block the view from the public roadway. If, in the opinion of the Development Officer, screen planting cannot reasonably be expected to survive, earth berming, masonry walls, wood fencing or other man-made features may be permitted as a substitution.

- Trash collection areas need to be screened.

**THIS IS NOT A PERMIT**



Project Number: **181887042-001**  
 Application Date: NOV 03, 2015  
 Printed: October 17, 2016 at 2:58 PM  
 Page: 3 of 3

## Application for Major Development Permit

8. Section 140.1 - 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, and including Secondary Suites under certain conditions.

- It is the opinion of the Development Officer that the conversion of a Single Detached House to a Child Care Services for 32 children could generate noise and vehicle traffic in excess of what is typical for a residential dwelling.

**Rights of Appeal**

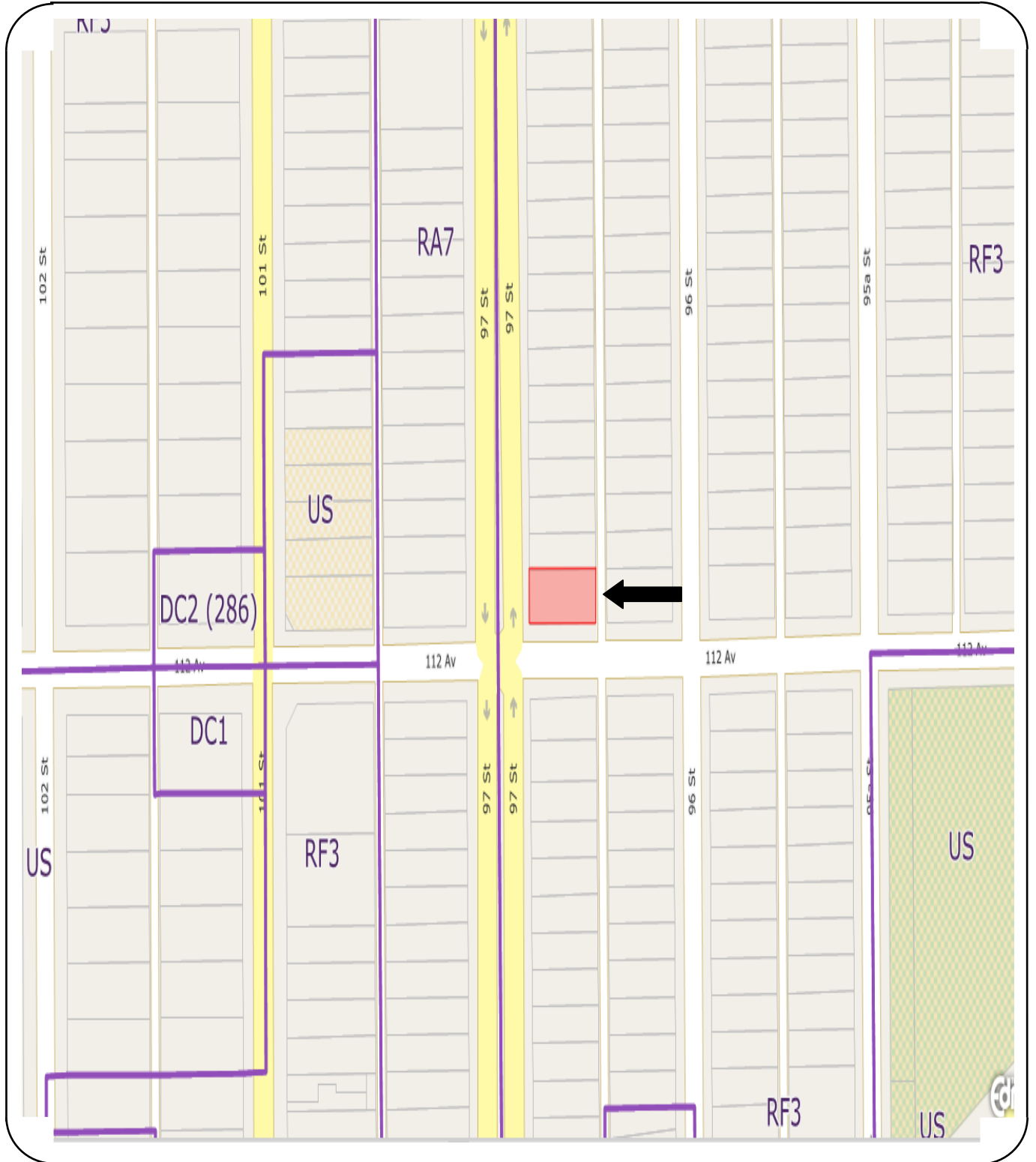
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Sep 28, 2016    **Development Authority:** PEACOCK, ERICA    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$379.00	\$379.00	02868794	Nov 03, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$379.00	\$379.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-277



**BUSINESS LAID OVER**

SDAB-D-16-270	An appeal by <u>Stanley Boostr</u> a to comply with a Stop Order to cease the use of General Contractor Services and remove all related materials from the site. <b><i>November 16 or 17, 2016</i></b>
SDAB-D-16-286	An appeal by <u>Stephen Hesse Vs. Kennedy</u> to construct 36 Dwellings of Apartment Housing (4 Storey with underground parking) and to demolish 4 existing Single Detached Houses and 3 detached Garages <b><i>November 16, 2016</i></b>
SDAB-D-16-252	An appeal by <u>Tahir Jutt</u> to operate a Major Home Based Business (Filling Sandbags – Sandbags.ca) <b><i>November 23 or 24, 2016</i></b>
SDAB-D-16-252	An appeal by <u>Alexander Tilley</u> to erect a fence higher than 1.2 m in a Side Yard abutting a public roadway other than a lane. <b><i>November 23 or 24, 2016</i></b>
SDAB-D-16-252	An appeal by <u>413140 Alberta Ltd.</u> to construct exterior alterations to an approved Accessory Building (rear detached garage, 7.3 m x 6.1 m). <b><i>November 23 or 24, 2016</i></b>
SDAB-D-16-267	An appeal by <u>Gordon Foster VS Eden Tesfastian</u> to change the Use from Warehouse Sales to Restaurants (170 seats) and to construct interior alterations <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 <u>Stantec Consulting Ltd.</u> 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**

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>

**BUSINESS LAID OVER CONTINUED**

116341262-007	An appeal by <u>Meekon Hui / Permit Masters</u> to construct a 2 Storey Accessory Building (Garage Suite on second floor, Garage on main floor, 10.36m x 6.81m), existing without permits <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>