

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
April 9, 2015**

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

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

I 9:00 A.M. SDAB-D-15-063

TO BE RAISED

To demolish an existing Religious Assembly building and to construct a new Religious Assembly building - 86 seats (Salvation Army)

11661 - 95 Street NW

Project No.: 161993365-002

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-15-063

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY THE
COMMUNITY LEAGUE AND ADJACENT PROPERTY OWNERS

APPLICATION NO.:	161993365-002
APPLICATION TO:	Demolish an existing Religious Assembly building and to construct a new Religious Assembly building - 86 seats (Salvation Army)
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with Conditions
DECISION DATE:	February 13, 2015
DATE OF APPEAL:	March 2, 2015
NOTIFICATION PERIOD:	February 19, 2015 through March 4, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	11661 - 95 Street NW
LEGAL DESCRIPTION:	Plan RN43 Blk 32 Lots 13-15
ZONE:	RF3 Small Scale Infill Development Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	N/A

DEVELOPMENT OFFICER'S DECISION

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

1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$220.00.

2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$664.54. 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.

3) Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer.

4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide 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: cash to a value equal to 100% of the established landscaping costs;

or

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 55.6).

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

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

7) 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).

Transportation Services offers the following conditions:

i. Access from the site to the alley exists. Any modification to the existing alley access requires the review and approval of Transportation Services.

ii. The parking stalls and the garbage pad adjacent to the alley must be hard surfaced from the property line to the edge of the alley pavement structure, as shown on Enclosure I.

iii. Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

iv. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. The owner or Prime Contractor must apply for an OSCAM online at:

http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx

v. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

ADVISEMENTS:

Transportation offers the following advisements:

1) Transportation Services does not have an objection to an on-street loading zone. For further information, the applicant must contact George Gortva (780-496-2671) of Transportation Operations to coordinate this on-street operation.

2) Transportation Services does not object to the proposed parking deficiency of 16 stalls (provided 6 stalls; required 22 stalls). As mentioned previously, the applicant is pursuing offsite parking with adjacent land owners.

NOTES:

1) 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.

2) 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 (Reference Section 17.1).

3) Signs require separate Development Applications.

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.

Variances:

1) To vary Section 814.3(3)(c) / 140.4(13)(b), reducing the Side Yard (North) Setback from 4.5m to 3.0m.

2) To vary Section 814.3(c), reducing the Rear Yard Setback from 14.0m to 7.87m.

3) To vary Section 44.1(a), allowing the Roof Overhang to project 2.0m into the Side Yard (North) Setback.

4) To vary Section 71.3(a), increasing the maximum total site coverage from 40% to 47%.

5) To vary Section 54.2, Schedule 1, reducing the required parking from 22 to 6 Parking Spaces.

6) To vary Section 55.4 (a), reducing the required Landscaping from 31 to 16 Trees.

7) To vary Section 55.8(3)(a), to allow for Plant Material that is 100% Deciduous.

APPELLANTS' SUBMISSIONS

Appellant No. 1

We believe the proposed use of the property and the variances will negatively impact neighbours. As the Community League, we are supporting neighbours in their concerns.

Appellant No. 2

The proposed use and variances will negatively impact the community and the neighbourhood.

Appellant No. 3

The proposed development does not belong in a residential neighbourhood (RF3).

Appellant No. 4

Proposed use and variances will negatively impact the surrounding community.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to demolish an existing Religious Assembly building and to construct a new Religious Assembly building - 86 seats (Salvation Army).

The site is located on the southeast corner of 117 Avenue and 95 Street and is zoned RF3 Small Scale Infill Development Zone, Section 140 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814 of the Edmonton Zoning Bylaw 12800.

The Subdivision and Development Appeal Board at a hearing on March 26, 2015, made and passed the following motion:

“that SDAB-D-15-063 be TABLED TO APRIL 9, 2015 at the written and verbal request of Legal Counsel for the Appellant, Alberta Avenue Community League; in agreement with all of the Appellants; and in agreement with Legal Counsel for the Respondent, Manasc Isaac Architects Ltd.”

Under Section 685(2) of the *Municipal Government Act*, “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.”

A **Religious Assembly** is a Discretionary Use in the RF3 Small Scale Infill Development Zone, Section 140.3(8).

Under Section 7.8(13), **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.

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

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variances:

Section 814.3(3)(c) states where the Site Width is 18.3 metres or greater, on a Corner Site, the Side Setback requirements on the flanking public roadway, other than a Lane, shall be in accordance with the requirements of the underlying Zone.

Section 140.4(13)(b) states on a Corner Site where the building faces the Front Lot Line, the minimum Side Setback flanking the roadway shall be 20 percent of the Width of the Lot flanking the roadway, to a maximum of 4.5 metres.

The Development Officer determined the required (north) Side Setback is 4.5 metres. The proposed development provides a (north) Side Setback of 3.0 metres, which is deficient by 1.5 metres.

Section 814.3(5) states the minimum Rear Setback shall be 40 percent of Site depth.

The Development Officer determined the required (east) Rear Setback is 14.0 metres. The proposed development provides a Rear Setback of 7.87 metres, which is deficient by 6.13 metres.

Section 44(1) states the following features may project into a required Setback or Separation Space as provided for below:

- a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 metres in the case of Setbacks or Separation Spaces of 1.2 metres or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 metres above Grade.

The Development Officer determined the maximum projection into the (north) Side Setback is 0.6 metres. The proposed development provides a projection into the (north) Side Setback of 2.0 metres, which is in excess of the maximum by 1.4 metres.

Section 71.3(b) states where a Religious Assembly is to be developed on a Site that is within 60.0 metres of a Site zoned to allow a Single Detached Dwelling as a Permitted Use, the maximum total Site Coverage shall not exceed 40 percent.

The Development Officer determined the maximum Site Coverage is 40 percent. The existing Site Area is 1057 square metres and 40 percent of the Site Coverage is 422.80 square metres. The Site Coverage of the proposed development is 497 square metres (47 percent), which exceeds the maximum allowable by 74.2 square metres (7 percent).

Section 54.2 Schedule 1(A)(43) states a Religious Assembly shall have 1 parking space per 4 seats.

The Development Officer determined 22 parking spaces are required. The proposed development provides 6 parking spaces, which is deficient by 16 parking spaces.

Section 55.4(7)(a) states for development consisting of Non-residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

- a. one tree for each 25 square metres and one shrub for each 15 square metres of Setback at grade; and
- b. one tree for each 30square metres and one shrub for each 10 square metres of required parking area islands. In no case shall there be less than one tree per required parking area island.

The Development Officer determined 31 trees are required. The proposed development provides 16 trees, which is deficient by 15 trees.

Section 55.8(3)(a) states the proportion of deciduous to coniferous trees and shrubs shall be approximately 50:50.

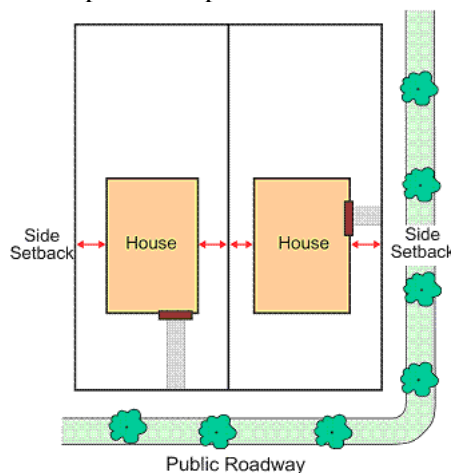
The Development Officer determined the required ratio of deciduous to coniferous trees and shrubs is 50:50. The proposed development provides 100 percent deciduous trees and shrubs, which is in excess by 50 percent.

The decision of approval by the Development Officer has been appealed by:

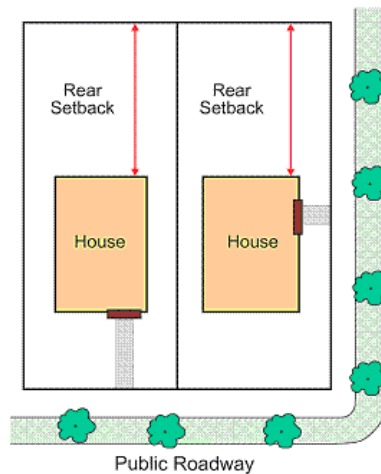
- the Alberta Avenue Community League
- the property owner at 11701 – 96 Street
- the property owner at 11710 – 94 Street
- the property owners at 11542 – 92 Street

It should be noted the property owners at 11701 – 96 Street and 11542 – 92 Street are located outside the notification radius.

Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Under Section 6.1(82), **Rear Setback** means the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Under Section 6.1(93), **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.

Section 140.1 states the purpose of the 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.

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.

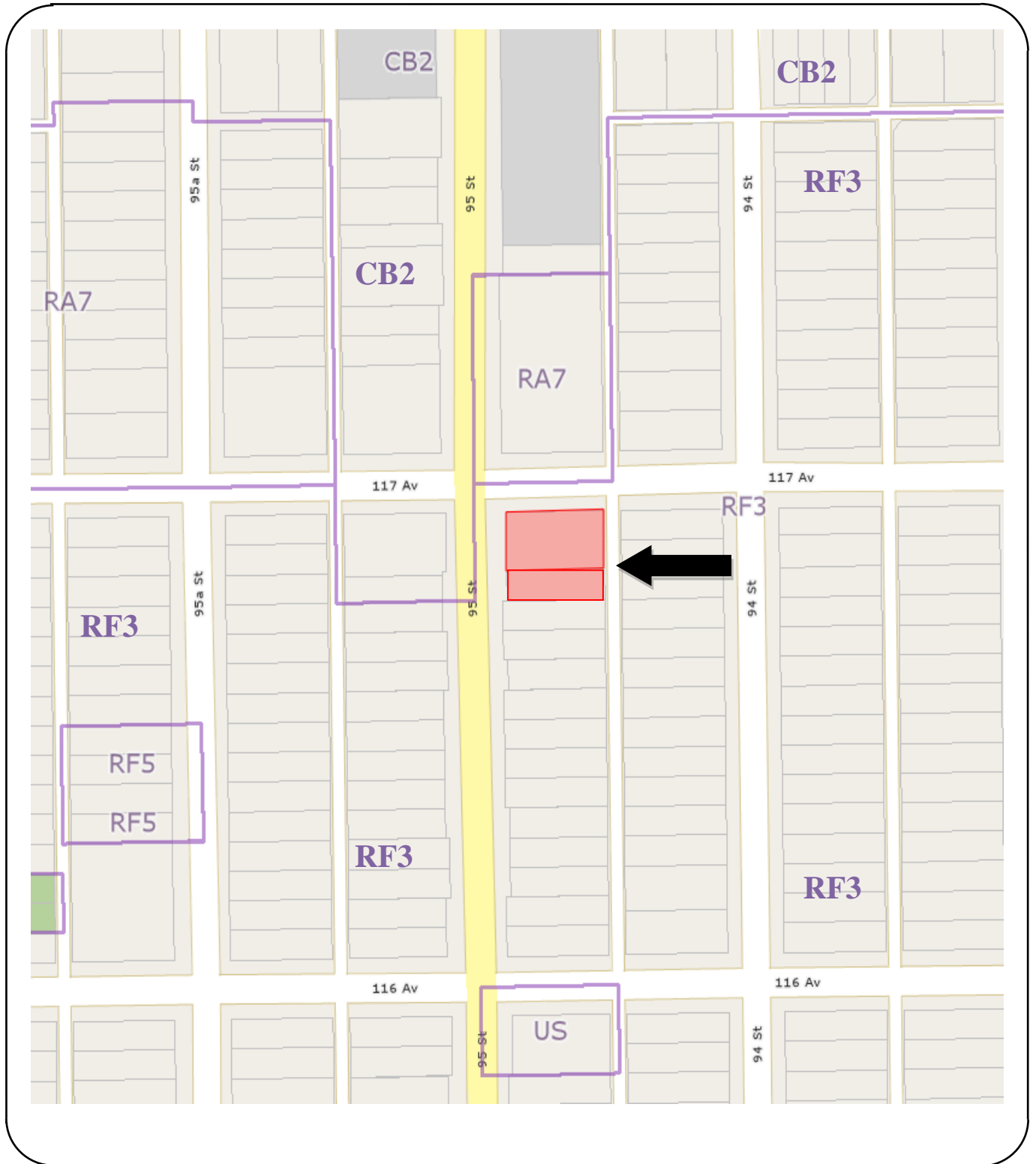
Included in the Sustainable Development Department's POSSE system, under "SDAB", is a Memorandum dated November 24, 2014 from Kelly Sizer, General Supervisor, Development Planning, Transportation Planning Branch which indicates that Transportation Services has reviewed the development application and has provided conditions and advisements. **A copy of the revised Memorandum from Transportation Services is on file.**

The following permit applications are listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
139323748-004 SDAB-D-13-239	Construct a Religious Assembly Use Building (Salvation Army Edmonton Crossroads Community Church) and to demolish the existing Religious Assembly Building.	October 25, 2013; Appeal be DENIED and the decision of refusal by the Development Officer be CONFIRMED
139323748-001	To construct a Religious Assembly Use Building (Salvation Army Edmonton Crossroads Community Church) and to demolish the existing Religious Assembly Building.	September 12, 2013; Refused.

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-15-063



BUSINESS LAID OVER

SDAB-D-15-071	An appeal to construct exterior alterations to an existing Automotive and Minor Recreation Vehicle Sales/Rentals development (revise previously approved landscape plan to replace landscaping with fencing) <i>April 15, 2015</i>
SDAB-D-15-065	An appeal to operate a Major Home Based Business (chiropractic clinic with 15 clients a day, 60 clients a week, and 1 non-resident employee) <i>April 22 or 23, 2015</i>
SDAB-D-15-075	An appeal to construct exterior alterations to an existing single detached house (extension to front concrete driveway 9.50 metres x 15.5 metres) <i>May 6, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

168199400-001	An appeal to construct a Semi-detached House with a fireplace, rear balcony and rear uncovered deck (1.83m x 12.19m) and to demolish an existing Single Detached House and rear Detached Garage <i>April 15 or 16, 2015</i>
164242106-004	An appeal to construct a Single Detached House with rear attached Garage, front veranda (3.35m x 1.47m), front balcony above (irregular shape 4.57m x 3.15m) side covered deck (5.03m x 3.66m), and Basement development (not to be used as an additional Dwelling) <i>April 16, 2015</i>