



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

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Date: April 21, 2017
Project Number: 233886278-001
File Number: SDAB-D-17-034

Notice of Decision

FEBRUARY 15, 2017 HEARING

[1] On February 15, 2017, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **January 24, 2017**. The appeal concerned the decision of the Development Authority, issued on January 20, 2017, to refuse the following development:

Change the use of part of the main floor (General Retail) of a building and entire 2nd floor (Commercial Uses) to a Child Care Service and construct interior and exterior alterations. (Little Angels DayCare)

[2] The subject property is on Plan B4 Blk 7 Lots 179-181, located at 10720 - 107 Avenue NW, within the CB1 Low Intensity Business Zone. The Central McDougall / Queen Mary Park Area Redevelopment Plan applies to the subject property.

[3] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
- The Development Officer’s written submissions; and
- The Appellant’s written submissions and letters of support.

[4] The following exhibits were presented during the hearing and form part of the record:

- Exhibit A – Site Plan from Mr. Farah
- Exhibit B – Parking Analysis from the Development Officer
- Exhibit C – Google Maps
- Exhibit D – Bylaw Section 53
- Exhibit E – Photographs of the area from the Appellant

Preliminary Matters

- [5] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [7] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (the “*Municipal Government Act*”).

Summary of Hearing*i) Position of the Appellant, Ms. D. Alnajjar*

- [8] At the outset of the hearing, the Presiding Officer asked Ms. Alnajjar which set of plans the Board should be reviewing at the hearing.
- [9] Ms. Alnajjar indicated that three sets of plans were submitted to Sustainable Development as changes were required each time. She stated that the third set of plans are the plans that the Board should be reviewing.
- [10] The Presiding Officer indicated that because there are several sets of plans they will be referred to as Plan A (first set); Plan B (second set); and Plan C (third set that the Development Officer reviewed and ultimately refused).
- [11] Ms. Alnajjar stated that she is the consultant that has been working on the proposed development.
- [12] The garbage bin has been behind the building for several years. It was located outside the property line at the rear of the building. Initially the application was refused because the garbage bin needed to be moved inside the property line. Proper screening was also required for the garbage bin as the outdoor play space is to be located at the rear of the building.
- [13] To meet the Development Officer’s concerns she provided revised plans (Plan B) to Sustainable Development on November 28, 2016 showing that the garbage bin will be relocated inside the property line and the fence will be added to screen the play area. She met with the Development Officer in December to explain the plans.
- [14] Bollards were added around the outdoor play space. Additional details for landscaping, the height of the fence, materials used for the fence, and information regarding the loading zone were provided to Sustainable Development.

- [15] The Development Officer informed her that he wanted her to relocate the garbage bin to the front of the building due to the location of the play area and to increase the size of the loading space so trucks can turn around without interfering with traffic.
- [16] Fencing will be installed around the garbage area so it is not noticeable to pedestrians or it can be moved to the other side of the parking lot.
- [17] She also suggested that as an alternative to the three plans, the loading space could be moved in front of the building and the garbage bin could be moved to where the loading space would have been.
- [18] The loading space must be 3 metres by 9 metres. There is enough room in the front of the building for the loading zone as each parking space is 2.4 metres by 5.5 metres in size. If the loading space is moved to the front there will still be sufficient parking. The required number of parking spaces is 31 and they have 33 parking spaces.
- [19] As her letter of hardship explains, if they are required to have a 3.0 metre setback from each side and the rear property lines then they would be left with only 128 square metres for the play area which would result in a decrease in the number of children from 90 to 52. This will prevent 40 kids from accessing the Child Care.
- [20] They have three separate licenses: one for out of school care, one for preschool children, and one for the daycare itself. There will be 65 out of school care children, 48 preschool children, and 90 for the daycare. The preschool age children do not require an outdoor play area. It is required only for the 90 daycare children.
- [21] The lease agreement is for the full outdoor play area and if it is reduced this will have a negative impact on their lease.
- [22] There will not be a negative impact to neighbouring property owners regarding noise as the Child Care is proposed to accommodate the families living in the adjacent apartments.
- [23] The proposed space for the Child Care has been vacant for 10 years. Neighbouring property owners have been hoping a Child Care will open in this space.
- [24] The Edmonton Public School Board developed a special program for children in this area called City Centre Education Project (CCEP) and the goal of the program is to help children in this area. The CCEP will help the children before they enter school. The Centre will have swimming classes, martial arts, and a music program.
- [25] The outdoor play space will be used by the children from 11:00 a.m. to 1:00 p.m. and can only be used when weather permits. There cannot be more than 20 children in the outdoor play area at one time. This will be during the time when neighbours will be at work. In addition the area around 107 Avenue and 108 Street is already noisy due to business and traffic. The development will not add significantly to the existing noise levels.

- [26] Upon questioning from the Board, Ms. Alnajjar stated that the outdoor play area is currently an empty space closed off at the lane and the street by gated fencing, there is only one loading space, and all parking is at the front of the building.
- [27] There is a path of concrete tiles going from the building to the play area for children to walk on. There is a gate on the fence to access the play area from the rear exit door.
- [28] There are 10 dwellings in the apartment north of the subject Site and 10 to 15 dwellings in the apartment west of the subject Site. Residents from these apartments will use the Child Care for their children. There is also an adjacent shopping mall.
- [29] She is agreeable to all the conditions suggested by the Development Officer in his written submission to the Board. Some of the conditions are already in place such as outdoor lighting, a garbage bin, and bollards.
- [30] The outdoor play area does not back onto the adjacent parking lot as the parking spaces for the apartment north of the subject Site is underground. She could not confirm where the visitor parking is located.
- [31] She will need 230 square metres for the outdoor play space for 90 children and they have 250 square metres so there is enough space. She does not intend to have slides or swings in the play area.
- [32] The loading space is now at the rear of the building and items are delivered to the front doors of the building, not the back doors. Tenants in the building prefer to have deliveries to the front.
- [33] Children will access the Child Care from a front door on the southwest corner of the building where there is an elevator and stairs to access the second floor.
- [34] They are willing to add extra bollards along the outdoor play space if needed.
- [35] There is support from the neighbours across the street, the residents in the apartment immediately north of the subject Site, and the adjacent businesses.

ii) Position of Mr. Farah, property manager, in Support of the Appellant

- [36] He confirmed that the apartment across the street has 36 units and the apartment immediately north of the subject site has 18 units. The units are mostly for families. The majority of the surrounding area is comprised of residential uses with some commercial uses.
- [37] They were approached by residents in the area to open a Child Care. There is another Child Care in the area (approximately 6 blocks away). It has space for 34 children and a waiting list of over 120 children.

- [38] He confirmed that the apartment north of the subject Site does not have underground parking, it has a surface level covered parking area.
- [39] The fence is 9.8 metres away from that apartment building. There is a driveway and 3 ½ feet of grass boulevard between the building and the common property line.
- [40] A fire inspection was done on the property in November, 2016 which revealed no issues.
- [41] He confirmed there will be no issue if the loading zone is moved to the front of the building.
- [42] They could install a smaller garbage bin on the northeast corner of the property at the rear of the building.
- [43] He did submit a potential site plan which the owners of the property believed to be feasible, stamped Exhibit A.

iii) Position of Mr. Khatri, Child Care Services owner, in Support of the Appellant

- [44] He came to Canada from Nepal and has lived in this family-oriented area for several years.
- [45] He could not find child care for his children for four months after they moved to this area.
- [46] He has his Level 3 Child Care Certificate and would like to open a Child Care as there is a need for a Child Care in this area.

iv) Position of the Development Officer, Mr. Adams

- [47] He clarified that there are no specific regulations that apply regarding the bollards. He met with Alberta Health, who does the final licensing, and Alberta Safety Codes. They indicated that, based on a previous permit, there were approved bollards that were insufficient in spacing to protect these areas. He mentioned this to the Appellant and that they should try to make sure the bollards are erected such that they will protect the outdoor play space from all motor vehicles.
- [48] He did not circulate the information concerning Plan B to Transportation, but sent an email for information. For commercial developments, trash collection is dealt with by Waste Management who provided information that the trash is collected from trucks entering the subject Site and then backing out onto 108 Street.
- [49] Based on a Google street view and review of the garbage bin in this area there is a fence that is gated and could be removed from 108 Street.

- [50] In response to a question regarding the Setback, he stated that he applied Section 330.4(5) because he considered the play space to be an “outdoor service area” as it is serving the Child Care.
- [51] There will be an impact due to noise given the scale of the development and fact that there is 10 metres between the outdoor play area and the neighbouring apartment building with dwelling units.
- [52] He was asked how he determined the parking calculations. He stated that he referred to Section 54.2, Schedule 1(A) and looked at the current uses in the building and the proposed use. There is a pre-existing deficiency in parking. However, the Child Care service is reducing that overall deficiency even though it is taking up more floor area. This is due to the proximity to a transit oriented development. The proposed use requires 1 employee parking space for every 360 square metres of Floor Area. It also requires for pick-up/drop-off spaces at a rate of 2 parking spaces for the first 10 children, plus 1 additional pick-up/drop-off space for every 10 additional children. The total was less than the current uses so there is no parking variance.
- [53] Moving the loading zone to the front and the garbage bin to the northeast side of the building will increase the potential outdoor play space and allow an increase in the Setback. Moving the loading to the front will also reduce the available parking spaces.
- [54] The General Purpose of the Low Intensity Business Zone is to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood. The setback is in place to mitigate impacts on surrounding properties and if they are increasing the massing on the site and encroaching on the area, it could be out of scale of with the area and could have a visual impact.
- [55] The outdoor play space in the rear of the building has a footprint and is located within the required setback space. This increases the massing and total footprint of the development because it is a developed area and will be used. The increase in footprint is part of the total massing of the Site.
- [56] Garbage trucks will no longer be able drive through the Site from the lane to the street due to the proposed location of the outdoor play space. The trucks will have to back out.
- [57] The garbage bin has been in place for several years with a locked gate. Aerial photographs from Google Image in 2013 showed that it was in the rear of the building and moved to the front. However, the front location would not have been approved and most likely the garbage bin was moved to this location by the landlord.
- [58] If the Board approved the proposed development, the garbage bin cannot be located in the front of the property; however, there is also an issue to the current location. He could not confirm if the garbage collection was done privately.

- [59] He agreed that the garbage collection could be done in the evening to accommodate the businesses.
- [60] He could not confirm the actual current location of the garbage bin as he has not done a site visit.
- [61] The Board asked for an explanation of the parking calculation and of the impact of the change of Use on the required parking spaces. He confirmed that the parking is non-compliant but the parking numbers are going down.
- [62] Mr. Adams provided the Board with parking calculations, marked Exhibit B.
- [63] The existing uses show what the parking requirement is now that there is a reduction. Staff parking is included in the 360 square metres. Before the change there was a separate area for staff parking and designated staff parking is not required.
- [64] He included a map showing that the site is within 400 metres of public transportation, parking calculations for all other uses on the site, and the existing businesses in the area.
- [65] There are sufficient parking spaces for the proposed development and no variance would be required if it is approved by the Board. If the garbage bin is moved to the front, this will take away 2 parking spaces, but again will not have an impact in the parking requirement.
- [66] He referred to Section 53.1 and 53.2 of the *Edmonton Zoning Bylaw*, marked Exhibit D. Section 53.2 states “that no person shall construct an access or egress for vehicles from a Site to a public roadway, if the public roadway, in the opinion of Transportation Services, carries or shall carry a heavy traffic volume or such access or egress would create an unnecessary traffic hazard, unless there is no other practical method of vehicular access to the Site and a turning space is provided on the Site connected to the access or egress, so that every vehicle leaving the Site by the egress shall face the public roadway which the access or egress enters.” He stated that they could get feedback from the Transportation Department if needed.
- [67] He confirmed that this was not a reason for the refusal as they were not reviewing it with garbage in a different area. Transportation did not have it circulated.
- [68] Section 53.3 states “where the Site abuts a Lane, vehicular access to the loading space shall be provided from the Lane unless otherwise authorized by Transportation Services. He stated that when proposing a loading zone at the front it would have to be reviewed by Transportation Services”.
- [69] The letter of hardship provided by the Appellant could be considered regarding the Setback.

- [70] When the Development Officer considers a variance to the regulations, Section 11 is used to require the Applicant to explain and justify the alleged hardship and to provide a reason to explain why the requested variance should be permitted. The Development Officer reviews it to determine if there is a hardship.
- [71] When reviewing the letter of hardship, he understood why they need the play space for this many children; however, he did not consider it a hardship to grant a variance.
- [72] The hardship is greater if there is a smaller number of children for a smaller area.
- [73] The Development Officer reviewed the Google earth map with the Board to look at the proposed areas for the garbage bin, marked Exhibit C.
- [74] On July 8, 2015, the garbage bin was located in the back of the property. In 2016 there was no garbage bin in the front of the property. He believes the garbage bin was located in the southwest corner of the site in 2013.

v) *Rebuttal of the Appellant, D. Alnajjar*

- [75] They are changing the facade of the exterior in the front and the back to accommodate the proposed development. This accounts for the garbage bin being located on different spots on the property.
- [76] The garbage bin could be located at the front of the building. She showed pictures of the area showing the different location of garbage bins in the area, marked Exhibit E.
- [77] The photos of the adjacent building and the building across the street show City of Edmonton garbage bins outside their respective property lines along the lane.
- [78] She is in agreement with the imposition of a condition to have the trash collection take place in the evening by a private company.
- [79] There is not a parking issue and the parking calculation is for the entire site.
- [80] There are parking spaces that could be used for the loading space.

Decision

- [81] That SDAB-D-17-034 be tabled to allow:

1. In accordance with her oral submissions, the Appellant shall provide a revised Site Plan showing:
 - a. the relocation of the trash collection to the rear yard behind the northeast corner of the building (where the loading area is indicated on the refused plans); and

- b. the relocation of the loading area to the front of the building to the northeast portion of the parking lot.
2. The Appellant shall provide a cover letter explaining the revisions to the Site Plan and requested variances.
3. The revised Site Plan and cover letter shall be submitted to the SDAB office and forwarded to the Development Officer on or before February 23, 2017.
4. The Development Officer may provide a written response to the Appellant's letter and Site Plan to the SDAB office on or before March 1, 2017.
5. The SDAB will reconvene in private to make a decision based solely on the prior oral submissions and the written submissions of the Appellant and the Development Officer outlined above.

Reason for Decision

[82] The Appeal hearing was tabled for the Appellant to provide additional information in order for the Board to make a decision.

MARCH 1, 2017

[83] The Subdivision and Development Appeal Board (SDAB) on March 1, 2017, made and passed the following **REVISED** motion:

That SDAB-D-17-034 be tabled to allow:

1. In accordance with her oral submissions, the Appellant (Doaa Alnajjar) shall provide a revised Site Plan showing:
 - a. the relocation of the trash collection to the rear yard behind the northeast corner of the building (where the loading area is indicated on the refused plans); and
 - b. the relocation of the loading area to the front of the building to the northeast portion of the parking lot.
2. The Appellant shall provide a cover letter explaining the revisions to the Site Plan and requested variances.
3. The revised Site Plan and cover letter shall be submitted to the SDAB office and forwarded to the Development Officer on or before March 17, 2017.
4. The Development Officer may provide a written response to the Appellant's letter and Site Plan to the SDAB office.
5. The SDAB will reconvene on March 23, 2017 with a time to be determined.

Reason For Decision:

[84] The Appeal hearing was tabled for the Appellant to provide additional information in order for the Board to make a decision. The Appellant requested additional time from the Board's motion on February 15, 2017 to provide the additional information.

MARCH 23, 2017 HEARING

[85] On March 23, 2017, the Board made and passed the following motion: "That SDAB-D-16-034 be raised from the table."

[86] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

[87] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[88] Mr. Khatri, the owner of the proposed Child Care was in attendance with Mr. Davies, the co-owner of the proposed Child Care.

[89] The Presiding Officer indicated that the Board is prepared to hear limited comments and review the documents regarding the previous information requested by the Board.

[90] The Presiding Officer referred to the two previous tabling letters outlining the documents that were to be submitted to the Board Office. However, nothing has been submitted at this point.

[91] Mr. Khatri and Mr. Davies indicated that they were not aware documents had not been submitted to the Board by their Consultant.

[92] They are seeking a two month adjournment to work with the City and provide the required information to the Board.

[93] The Presiding Officer explained the process and that if the Board adjourns the hearing to a later date does not guarantee that the proposed development will be approved.

[94] Mr. Khatri and Mr. Davies understood the adjournment process.

Decision

[95] That SDAB-D-17-034 be tabled to allow:

1. In accordance with oral submissions, the owner (Tek Khatri) and the co-owner (Solomon Davies) shall provide a revised Site Plan showing:
 - a. revised Site Plan professionally prepared to scale showing the relocation of the trash collection to the rear yard behind the northeast corner of the building (where the loading area is indicated on the refused plans); and

- b. revised Site Plan professionally prepared to scale showing the relocation of the loading area to the front of the building to the northeast portion of the parking lot.
2. The Child Care owners shall provide a cover letter explaining the revisions to the Site Plan and requested variances.
3. The revised Site Plan and cover letter shall be submitted to the SDAB office and forwarded to the Development Officer on or before April 28, 2017.
4. The Development Officer may provide a written response to the Owner's letter and Site Plan to the SDAB office.
5. The SDAB will reconvene to a date to be determined in May, 2017 with a time to be determined.

Reason For Decision:

- [96] Pursuant to the motion by the Board on March 1, 2017, the owner and co-owner of the proposed Child Care are requesting additional time to provide the necessary documents to the Board and make alternate arrangements.
- [97] Although this is a third adjournment request, it is the first request from the Child Care owner.
- [98] The proposed Child Care is refused and there is no prejudice to any of the parties other than the owners that are seeking more time.
- [99] Pursuant to the motion on March 1, 2017, the Board will reconvene privately to review any documents submitted to the SDAB Office. However, the documents submitted will not guarantee a positive outcome of the Board's decision.

April 19, 2017

- [100] On April 19, 2017, the Board made and passed the following motion: The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to the following CONDITIONS:
1. This approval is based on the revised plans submitted on April 12, 2017 and reviewed by the Board on April 19, 2017, attached as Appendix 1 to this decision.

2. 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).
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).
4. All outdoor trash collection areas shall be screened in accordance with Sections 55.4, 55.5, & 330.4(5).
5. All gates in the outdoor area shall be self-latching. (Reference Section 80(3)(a))
6. Concrete barriers or bollards shall be placed such that they protect the outdoor play area from the loading areas and drive aisles. (Reference Section 80(2)(d))

[101] In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The requirements of Section 330.4(5) are waived. The outdoor service area is permitted within the Setback. The loading space can be located at the front of the principal building.
2. The minimum dimension of 9 metres in length required for a loading space in accordance with Section 54.4(3)(a) is waived.
3. The minimum 54 Parking Spaces required per Section 54.2, Schedule 1(A)(33) is varied to allow a deficiency of 21 spaces, thereby decreasing the total minimum required Parking Spaces to 33.

Reasons for Decision

[102] The Proposed Development is a Discretionary Use in the CB1 Low Intensity Business Zone.

[103] The Board finds that the proposed development is reasonably compatible with the surrounding Uses for the following reasons:

1. The adjacent properties to the east and west of the subject Site are commercial Uses, unlikely to be impacted in any negative way by the Child Care Services which is planned for a portion of an existing building that has been vacant for many years.
2. The proposed development is separated from the properties zoned CB1 to the south by 107 avenue, a busy arterial roadway. These properties are also unlikely to be negatively impacted by a Child Care Services Use.
3. The proposed development is also adjacent to some High Density Residential developments. The immediately adjacent apartment building to the north is the most affected by the outdoor play area. The owner of this property is well aware of the proposed Child Care Services Use and has provided a letter of support for the project.
4. The Board received evidence of support from nearby residents, neighbouring businesses, and the landlord who was in attendance at the hearing. The supporters have indicated that the Child Care Services Use is needed and would be a welcome addition to the amenities of the neighbourhood.

[104] The Development Officer indicated that the proposed Use would not meet the purpose of the CB1 Low Intensity Business Zone as the outdoor play area would create a massing out of scale with the intent of the Zone. The Board disagrees. The Child Care Services Use is to be housed within an existing building which has been partially vacant for many years and is now being refurbished for this purpose. The building is not being expanded. The outdoor play area is contained in what is now a fenced off drive through aisle at the rear of the building. The proposed outdoor play area will be screened by fencing along the Side and Rear Lot Lines. The outdoor play area is not visible from the front of the property. Further the outdoor play area is an open area with no structures. The Board finds that the proposed Use does meet the purpose of the CB1 zone, the scale of the development is not changing in a material manner and it is in line with the density and scale of the immediately surrounding developments

[105] Under the revised plans submitted and reviewed by the Board, there will be a significant separation distance between the outdoor play area and the trash collection area. Further, the loading space will be located on the south side of the building while the outdoor play area will be located on the north side of the building. With these changes, the Board finds that the Site conditions, which may have negatively impacted the Child Care Services Use cited by the Development Officer per section 80.2(d), no longer exist.

[106] The Board finds that the off-street loading space to be located in the two parking spaces located in the north east corner of the parking, immediately south of the building as shown in the revised plans submitted and reviewed by the Board more than meets the minimum 3.0 metres required width. The Board grants a variance to the 9.0 metres minimum required length for the following reasons:

- (i) The proposed loading space will be of adequate size and accessibility to accommodate vehicles expected to load and unload for the approved Uses.
- (ii) The configuration of access points from the lane and the street, combined with the location of other spaces along the southern portion of the parking area will enable vehicles to access the loading space without any interference with traffic on abutting streets or lanes.
- (iii) The Landlord indicated support for this location during the hearing.
- (iv) This is an existing Site and building and while the proposed loading space is deficient in length, this location ensures that the loading space is separated from the outdoor play area by the building and is separated from the entrance way and the drop off/pick up spaces for the Child Care Services Use.

[107] According to the evidence of the Development Officer (per Exhibit B), with the proposed Child Care Services Use, the aggregate parking requirement under section 54.2, Schedule 1 is reduced.

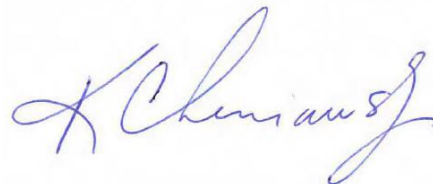
[108] The proposed Child Care Services Use will replace two existing uses (Professional, Financial and Office Support Services and General Retail). The two existing Uses require 29.57 parking spaces. The proposed Use will require 21.51 parking spaces. This is a reduction of 8 required parking spaces. Under the revised plan, two parking spaces will be lost to accommodate the loading space. Therefore, there will be a net reduction of six spaces in the overall required variance in off-street parking spaces.

[109] Fifty four parking spaces will be required for the entire Site and, pursuant to the revised plans, 33 will be provided. Thus with the change of Use, the Board is authorizing an overall variance of 21 required off street parking spaces.

[110] Further, the Board accepts the evidence submitted that parking for the Child Care Services Use will consist mainly of brief stays to accommodate early morning drop off and afternoon pick up of children.

The peak hours of the Child Care Services Use are offset from and therefore complimentary to the other approved Uses for the subject Site which also lessens the potential impact of a variance. The Board also accepts the parties' submissions that the proposed development will be used by residents within easy walking distance of the subject Site which will also lessen the typical demand for parking spaces associated with the proposed Use.

- [111] The Appellant indicated that the vacant restaurant space may be occupied with a commercial Use in the future reducing the required parking spaces by a further 15 parking spaces. However, the Board notes this change of Use would require a new Development Permit and is speculative at this point. Therefore, the Board has made its decision based on the parking calculations for the currently approved Uses for the subject Site.
- [112] The Board notes that the revised plans referred to above were submitted on April 12, 2017 and reviewed by the Board on April 19, 2017 (Appendix 1). The Development Officer was provided with these revised plans and provided no further submissions to the Board.
- [113] Based on the above, it is the opinion of the Board that the proposed development will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.



Ms. K. Cherniawsky, Presiding Officer
Subdivision and Development Appeal Board

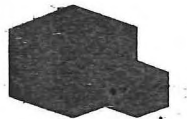
Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 - 104 Avenue NW, Edmonton, AB, T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
 - b) the requirements of the *Alberta Safety Codes Act*,
 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 - 104 Avenue NW, Edmonton, AB, T5J 0J4.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a 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.

TRIBUNALS

'17 APR 11 P2:36

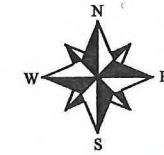


MIKITECTURE
MIKE@MIKITECTURE.COM

GENERAL NOTES:
AO- BUILDING CODE ANALYSIS AND ASSEMBLY
AO.5-CONSTRUCTION NOTES
A1- EXISTING SITE PLAN
A1.5-PROPOSED SITE PLAN
A2- EXISTING MAIN PLAN
A2.5-PROPOSED MAIN PLAN
A3- EXISTING SECOND PLAN
A3.5-PROPOSED SECOND PLAN
A4- SCHEDULES

Handwritten signature and date: 4/12/2017

CLIENT AND/OR CONTRACTOR TO BE RESPONSIBLE FOR ANY MISSED INFORMATION, ADDITIONAL REQUIREMENTS, NON-APPROVALS, STAMPING, CHANGES MADE BY THE CITY



REVISED PLANS

Appl'n No. 233886278-001 Date April 21, 2017

PLANS APPROVED BY SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Handwritten signature: Nadia Lore Arceida
S.D.A.B. Officer

SITE PLAN
SCALE: 1=250

AREA: 2082 SQ.M
BLDG AREA: 709 SQ.M

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APR 12 2017

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

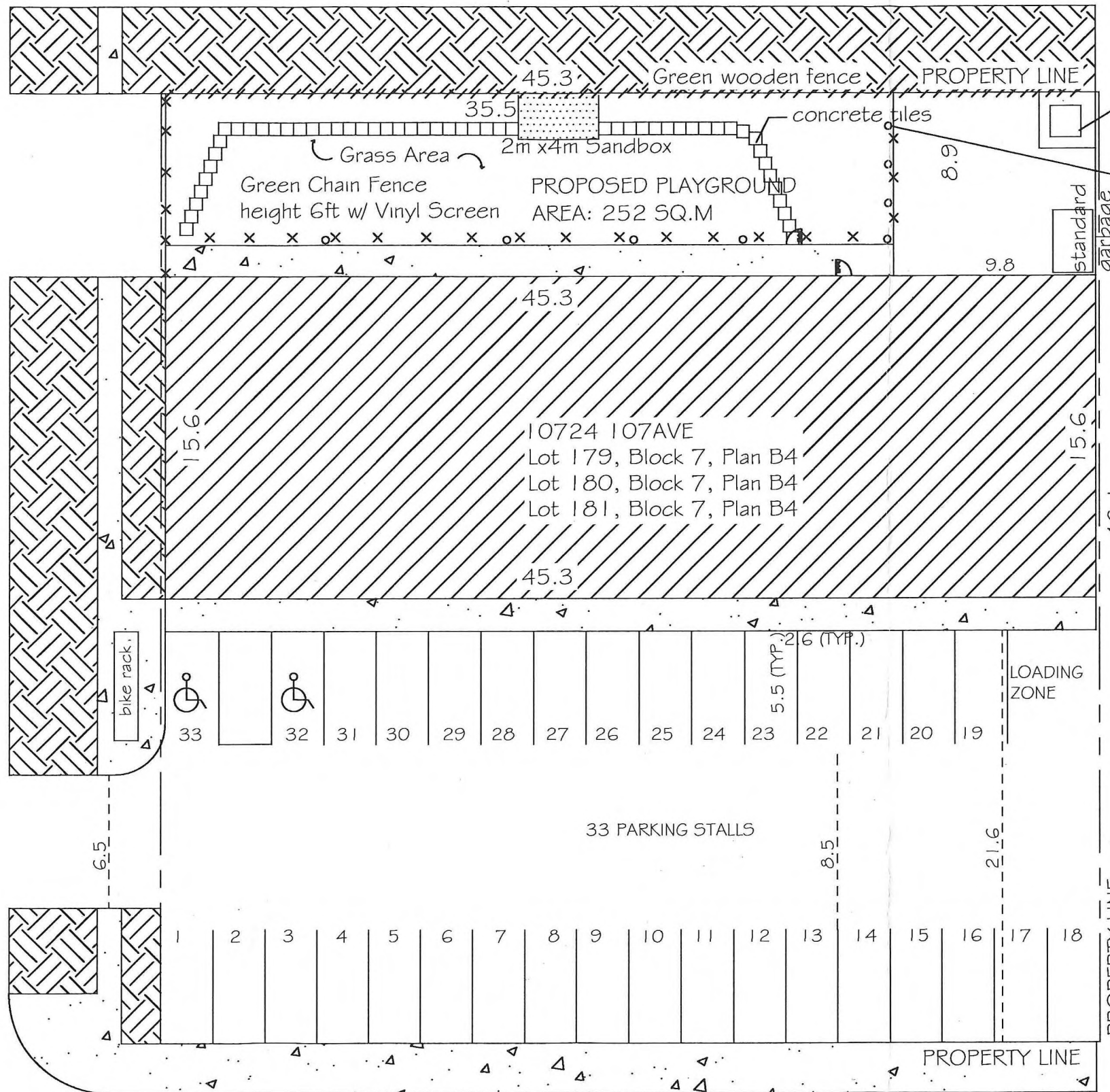
PROJECT
LITTLE ANGELS DAYCARE
10724 - 107 AVE

DRAWING
PROPOSED SITE PLAN

D.B. MIKE CEDRO
DATE OCT 23, 2016
SCALE 1:250
SHEET 4 OF 8

PROJECTNO. DOAA107
DRAWNO. A1.5

LOT 182



108 STREET

107 AVENUE

PROPERTY LINE

LANE

PROPERTY LINE

PROPERTY LINE

10724 107 AVE
Lot 179, Block 7, Plan B4
Lot 180, Block 7, Plan B4
Lot 181, Block 7, Plan B4

33 PARKING STALLS

45.3

45.3

45.3

15.6

15.6

6.5

21.6

8.9

9.8

5.5 (TYP.)

2.6 (TYP.)

8.5

21.6

33

32

31

30

29

28

27

26

25

24

23

22

21

20

19

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

bike rack

Grass Area

Green Chain Fence height 6ft w/ Vinyl Screen

2m x 4m Sandbox

concrete tiles

TRANSFORMER

BOLLARDS

standard garbage

LOADING ZONE

TRANSFORMER

BOLLARDS

standard garbage

LOADING ZONE

TRANSFORMER

BOLLARDS

standard garbage

LOADING ZONE

TRANSFORMER

BOLLARDS

standard garbage

LOADING ZONE

TRANSFORMER

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standard garbage

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TRANSFORMER

BOLLARDS

standard garbage

LOADING ZONE

TRANSFORMER

BOLLARDS

standard garbage

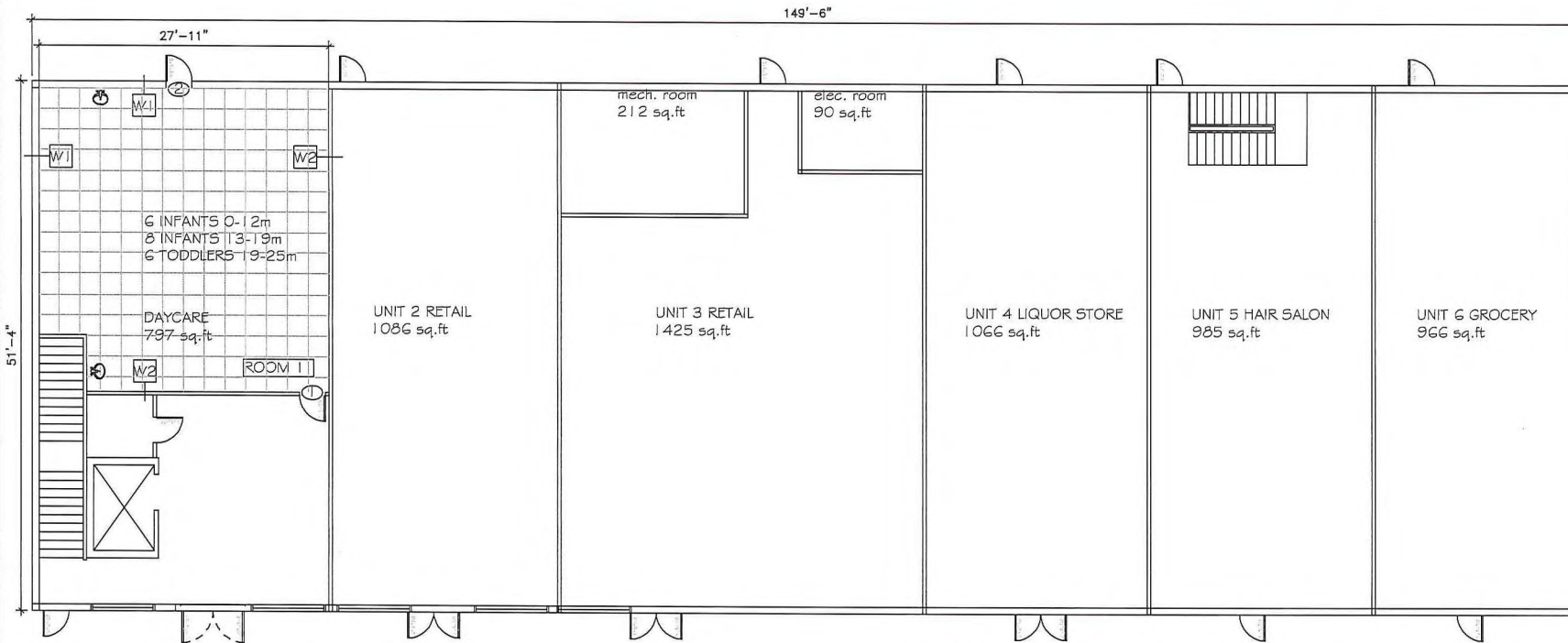
LOADING ZONE



MIKITECTURE
MIKE@MIKITECTURE.COM

GENERAL NOTES:
AO- BUILDING CODE ANALYSIS AND ASSEMBLY
AO.5-CONSTRUCTION NOTES
A1 - EXISTING SITE PLAN
A1.5-PROPOSED SITE PLAN
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A3- EXISTING SECOND PLAN
A3.5-PROPOSED SECOND PLAN
A4- SCHEDULES

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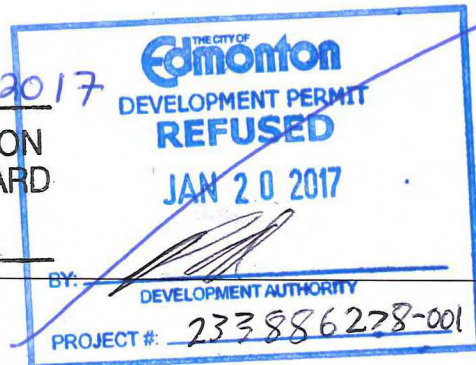
MAIN FLOOR PLAN
SCALE: 3/32" = 1'-0"

Appl'n No. 233886278-001 Date April 21, 2017

PLANS APPROVED BY SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Nadin Cove Arbeda

S.D.A.B. Officer

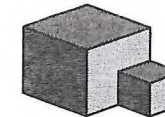
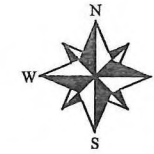


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SUBDIVISION AND DEVELOPMENT APPEAL BOARD

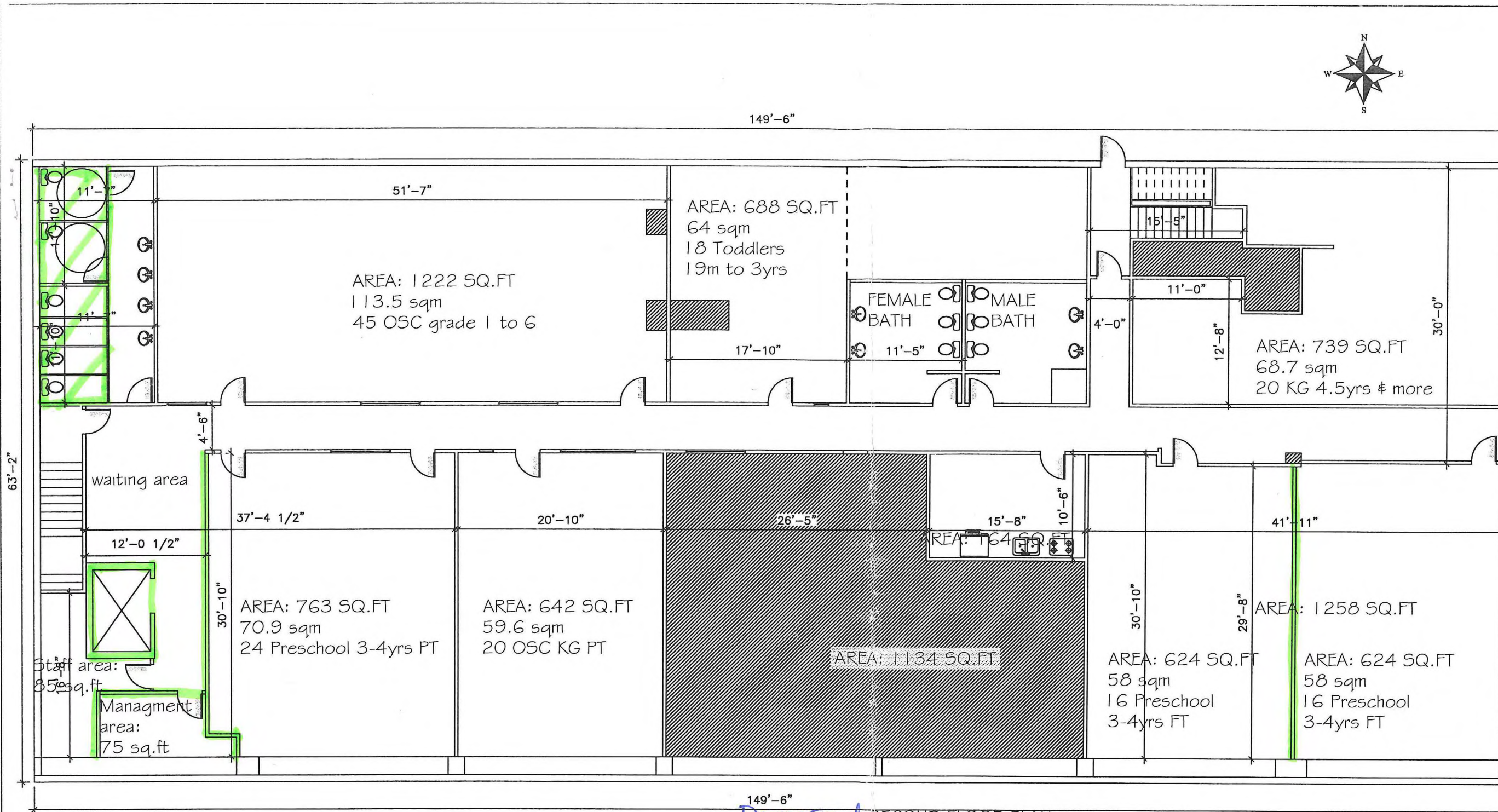
PROJECT	
LITTLE ANGELS DAYCARE 10724 - 107 AVE	
DRAWING	
PROPOSED MAIN FLOOR PLAN	
D.B. MIKE CEDRO	
DATE OCT 23, 2016	
SCALE 3/32" = 1'-0"	
SHEET 6 OF 8	
PROJECTNO. DOAA 107	DRAWNO. A2.5



MIKITECTURE
MIKE@MIKITECTURE.COM

GENERAL NOTES:
A0 - BUILDING CODE ANALYSIS
A1.0-SITE PLAN
A2.0-EXISTING FLOOR PLAN
A2.5-PROPOSED FLOOR PLAN
A3.0-PROPOSED SECOND PLAN
A3.5-PROPOSED SECOND PLAN
A4.0-EXISTING ELEVATION
A4.5-PROPOSED ELEVATION

CLIENT AND/OR CONTRACTOR
TO BE RESPONSIBLE FOR ANY
MISSED INFORMATION,
ADDITIONAL REQUIREMENTS,
NON-APPROVALS, STAMPING,
CHANGES MADE BY THE CITY



149'-6"

Proposed

SECOND FLOOR PLAN
SCALE: 3/32" = 1'-0"

New Construction:
- adding 2 hand/capped washrooms
+ 4 washrooms
- new elevator
- new walls

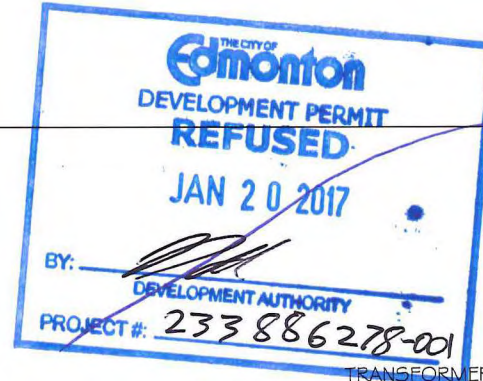
Appl'n No. 233886278-001 Date April 21, 2017
PLANS APPROVED BY SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
Nadia Lora Arbede
S.D.A.B. Officer

RECEIVED
FEB 09 2017
SUBDIVISION AND
DEVELOPMENT
APPEAL BOARD

~~THE CITY OF
Edmonton
DEVELOPMENT PERMIT
REFUSED
JAN 20 2017
BY: *[Signature]*
DEVELOPMENT AUTHORITY
PROJECT #: 233886278-001~~

PROJECT	
LITTLE ANGELS DAYCARE 10724 - 107 AVE	
DRAWING	
PROPOSED SECOND FLOOR PLAN	
D.B.	MIKE CEDRO
DATE	OCT 23, 2016
SCALE	3/32" = 1'-0"
SHEET	5 OF 5
PROJECTNO.	DOAA107
DRAWNO.	A3.0

REVISED PLANS



MIKITECTURE
MIKE@MIKITECTURE.COM

GENERAL NOTES:
A0- BUILDING CODE ANALYSIS AND ASSEMBLY
A0.5-CONSTRUCTION NOTES
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PROJECT
LITTLE ANGELS DAYCARE
10724 - 107 AVE

DRAWING
ELEVATIONS

D.B. MIKE CEDRO
DATE NOV 14, 2016
SCALE 3/32" = 1'-0"
SHEET 9 OF 9

PROJECTNO. DOAA 107 DRAWNO. A5.0

*Garbage located in compliance with Revised approved plan & planing 4/19/2017
Removed as per latest plan*

GARBAGE EXISTING BOLLARDS

TRANSFORMER
6FT HIGH GREEN WOODEN FENCE
NEW BOLLARD

6'-0"
GFT HIGH GREEN CHAIN FENCE W/ VINYL SCREEN FOR PRIVACY

GFT HIGH GREEN CHAIN GATEW/ LATCH

PROPOSED SOUTH PLAYGROUND ELEVATION
SCALE: 3/32" = 1'-0"

Appl'n No. 233886278-001 Date April 21, 2017

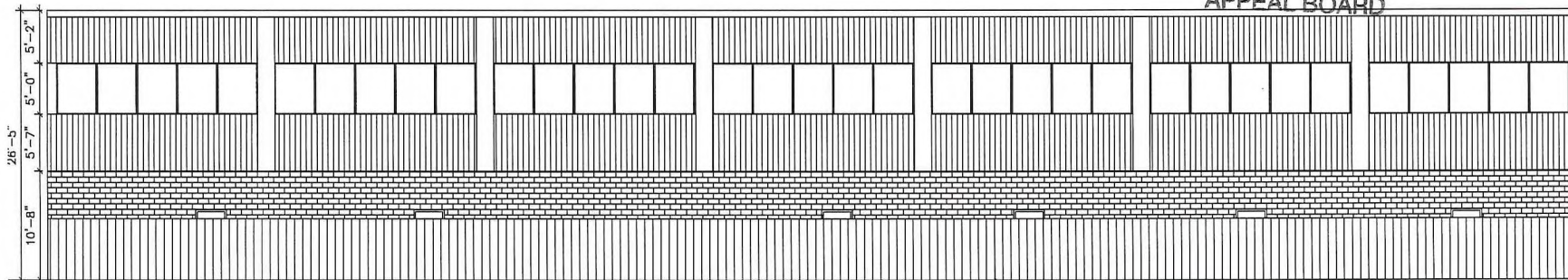
PLANS APPROVED BY SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Nadia Coe Aebide
S.D.A.B. Officer

RECEIVED

FEB 09 2017

SUBDIVISION AND DEVELOPMENT APPEAL BOARD



EXISTING NORTH PLAYGROUND ELEVATION
SCALE: 3/32" = 1'-0"

GFT HIGH GREEN WOODEN FENCE