

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
August 5, 2015**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

TO BE RAISED

I 9:00 A.M. SDAB-D-15-145 To change the Use from a General Industrial Use to a Personal Service Shop operating as a Body Rub Centre

4019 - 97 Street NW, 9601C - 41 Avenue NW
Project No.: 172187428-001

II 1:00 P.M. SDAB-D-15-172 Construct a Minor Digital On-premises Off-premises Sign (1733298 Alberta Ltd.)

5834 - Gateway Boulevard NW
Project No.: 169445911-001

III 3:00 P.M. SDAB-D-15-173 Operate a Major Home Based Business (office in the home for a law office, maximum 3 visits: 2 client appointments and 1 courier per week day)

9508 - 100A Street NW
Project No.: 174331229-001

NOTE: *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-145

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

APPELLANT:

APPLICATION NO.: 172187428-001

APPLICATION TO: To change the Use from a General Industrial Use to a Personal Service Shop operating as a Body Rub Centre

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 2, 2015

DATE OF APPEAL: June 10, 2015

NOTIFICATION PERIOD: June 2, 2015 through June 16, 2015

RESPONDENT: Cleopatra's Spa

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4019 - 97 Street NW, 9601C - 41 Avenue NW

LEGAL DESCRIPTION: Plan 1322403 Unit 23, Condo Common Area (Plan 1322403)

ZONE: IB Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

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

- 2) No parking, loading, storage, trash collection, outdoor service or display areas shall be permitted within a required Yard and loading, storage, parking and trash collection areas shall be screened from view from any adjacent site and public roadway in accordance with Section 54 of the Zoning Bylaw.
- 3) The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6.
- 4) Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.
- 5) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices in accordance of Section 51 of the Edmonton Zoning Bylaw.
- 6) The development shall comply to the regulations pertaining to Body Rub Centres in accordance with Section 97 of the Edmonton Zoning Bylaw.

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 (Ref. Section 17.1).
- 3) Signs require separate Development Applications. Signs placed on or within a Personal Service Shop Use Class operating as a Body Rub Centre shall comply with the applicable Sign Regulations contained in Section 59 of the Edmonton Zoning Bylaw and the applicable Sign Schedule for the Land Use Zone governing the Site on which the Body Rub Centre is located, except that Fascia Signs shall not: obstruct clear glazing required in subsection 97(3)(c) of this Bylaw; and obstruct clear glazing as required by the Land Use Zone governing the Site on which the Body Rub Centre is located (Ref. Section 97.4).
- 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 License. A separate application must be made for a Business License.

APPELLANT'S SUBMISSION

Sleep Easy CPAP Ltd. operates next door to this address at 4023 97 Street NW. Our business tests and treats patients for Obstructive Sleep Apnea. Many of our patients have young children who come with their parents to their appointment. Some of our patients are children. We do not test infants but many youth have been referred and tested by us.

Physicians trust our location is appropriate for a medical services office. This type of business right next door to a medical services professional office is not acceptable.

Our own children age 15 and 17 work after school with us, performing various duties of service, cleaning and follow up phone calls booking appointments. We are not comfortable with potential signage that is potentially suggestive surrounding our premises.

A Body Rub center is not an appropriate business to be operating next to a family run business with children frequenting the premises on a regular basis. This type of business should not be allowed where there are children according to the city bylaws and things we have read on line.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The Subdivision and Development Appeal Board at a hearing on July 9, 2015 made and passed the following motion:

“that the appeal hearing be postponed to August 5, 2015, at the request of the Respondent and in agreement with the Appellant.”

A **Personal Service Shop** is a Discretionary Use in the IB Industrial Business Zone, Section 400.3(22).

Under 6.1(14), **Body Rub Centre** means a Personal Service Shop development where services are provided that involve the physical external manipulation of the soft tissues of the human body that are performed, offered or solicited for a fee in a manner that appeals to or is designed to appeal to erotic or sexual appetites or inclinations. This includes but is not limited to a body rub advertised by any means as “sensual”, “sexy” or by any other word or any depiction having like meaning or implication.

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

This application was approved by the Development Officer subject to conditions. The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 4023-97 Street.

Section 97 states a Personal Service Shop that is operating as a Body Rub Centre shall comply with the following regulations:

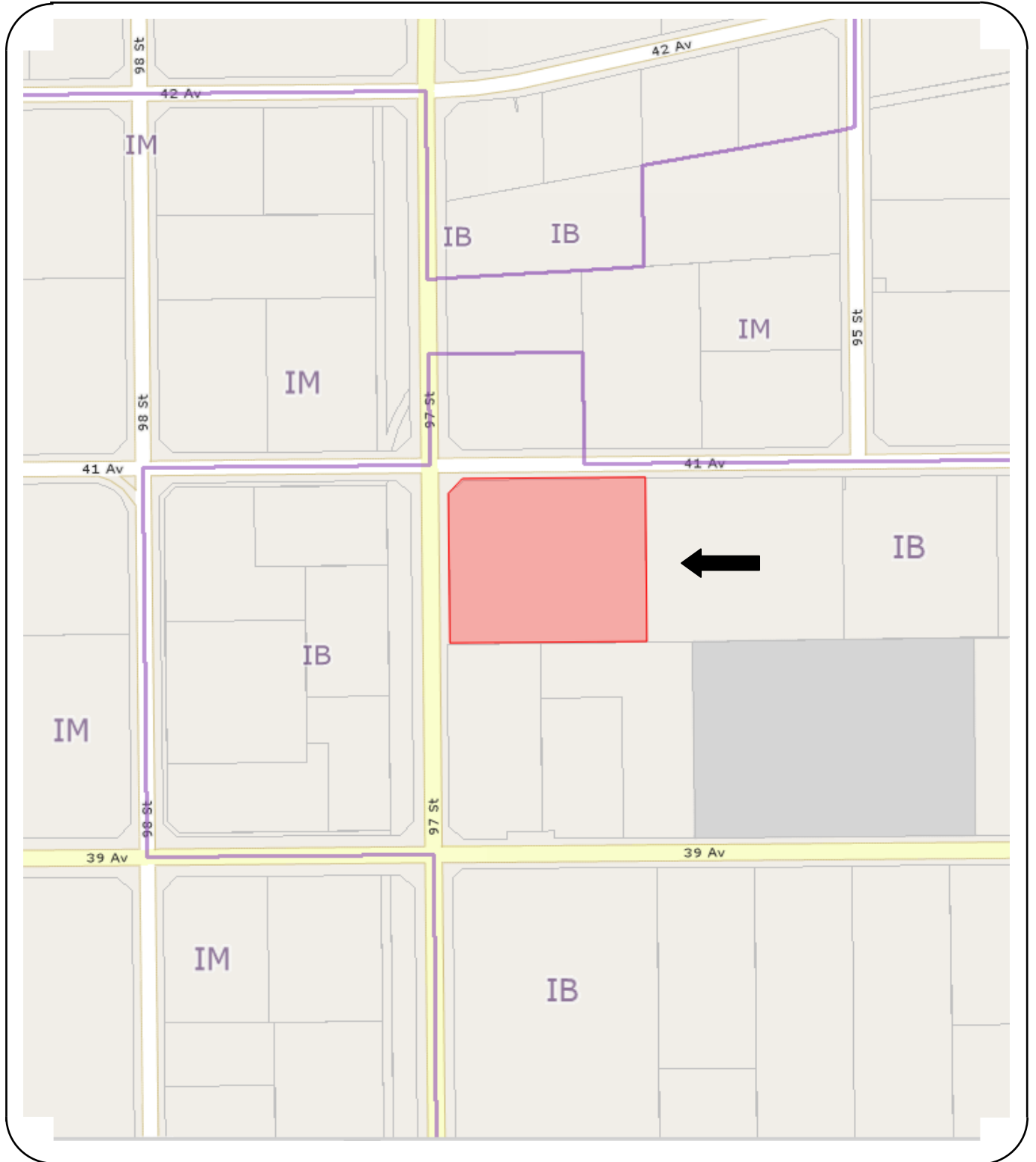
1. At the time a Development Permit application is made for a Body Rub Centre, the proposed location of the Body Rub Centre shall not be closer than 100.0 metres from any Site having a valid development permit for Public Education Services, Private Education Services, Public Park sites, Child Care Services, Temporary Shelter Services, and/or Extended Medical Treatment Services. For the purpose of this subsection only:
 - a. the 100.0 metre separation distance shall be measured from the closest point of the Body Rub Centre Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
 - b. Public Education Services and Private Education Services are limited to primary and secondary schools inclusive that have a valid development permit; and
 - c. the term “Public Park sites” is limited to park Sites zoned as AP Zone, and areas in the river valley that are zoned as the A Zone.
2. Personal Service Shop Use Class operating as a Body Rub Centre shall not be located on a Site having a valid development permit for Residential Use Classes, Residential Related Use Classes, or Bars and Neighbourhood Pubs at the time of the application for the Development Permit.
3. The Development Officer shall consider Crime Prevention Through Environmental Design Criteria (CPTED) when reviewing applications for Personal Service Shop Use Class operating as a Body Rub Centre.
 - a. The Development Officer shall determine whether a CPTED Audit of the business premises is required, and may confer with the Edmonton Police Service for their recommendation;
 - b. If the Development Officer deems that a CPTED Audit is necessary, the Development Officer may include recommendations of the CPTED Audit that, in the Development Officer’s opinion, have implications for land use impacts including, but not limited to, exterior illumination, landscaping, screening, signs, and access, as condition(s) of the Development Permit;
 - c. Where a Body Rub Centre is proposed to be located on the First Storey, all glazed surfaces within the Façade shall be transparent, non-reflective and maintain unobstructed visibility into and out of the Public Space of the business.

4. Signs placed on or within a Personal Service Shop Use Class operating as a Body Rub Centre shall comply with the applicable Sign Regulations contained in Section 59 of this Bylaw and the applicable Sign Schedule for the Land Use Zone governing the Site on which the Body Rub Centre is located, except that Fascia Signs shall not:
 - a. obstruct clear glazing required in subsection 97(3)(c) of this Bylaw; and
 - b. obstruct clear glazing as required by the Land Use Zone governing the Site on which the Body Rub Centre is located.

Section 400.1 states the purpose of the IB Industrial Business Zone is to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent and arterial or major collector roadways.

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-15-145



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-172

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 169445911-001

ADDRESS OF APPELLANT: 5834 - Gateway Boulevard NW

APPLICATION TO: Construct a Minor Digital On-premises Off-premises Sign (1733298 Alberta Ltd.).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 25, 2015

DATE OF APPEAL: July 9, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5834 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 4269HW Blk 83 Lot 4

ZONE: IH Heavy Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. The proposed development, a Major Digital On-premises Off-premises Sign, is listed as a Discretionary Use under the IH (Heavy Industrial) Zone (Section 430.3(14)).

The Site is located within the Calgary Trail Land Use Study Statutory Plan Area. Section 3.4 of the Calgary Trail Land Use Study, General Urban Design Policies, states:

- b) Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by:
 - i) promoting within the business community the voluntary replacement of older advertising signage;
 - ii) discouraging the use of portable signs and free-standing billboards; and

- iii) improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.

In the opinion of the Development Officer, the intent of Section 3.4(b)(ii) of the Calgary Trail Land Use Study with respect to billboards, refers to the built form of large freestanding signs located along roadways for the purpose of outdoor advertising.

Therefore, the proposed Major Digital On-premises Off-premises Sign is in contradiction to Section 3.4(b)(ii) of the Calgary Trail Land Use Study.

2. Pursuant to Section 59.2(7) of the Edmonton Zoning Bylaw, the Development Officer may refuse the permit that adversely impacts the built environment.

The proposed Major Digital On-premises Off-premises Sign (billboard) does not serve to enhance the built environment, nor does it contribute to or serve to enhance the Gateway Boulevard major commercial corridor.

APPELLANT'S SUBMISSION

As the Applicants in the above noted matter, we hereby appeal the Development Officer's refusal on the following grounds:

1. Minor Digital on-premises Off-premises Signs are available as a Discretionary Use in the (IH) Heavy Industrial Zone.
2. The proposed sign complies with all of the requirements of Sign Schedule 59G as is:
 - a) under the permitted sign height in the Zone;
 - b) only 38% of the permitted sign width in the Zone; and
 - c) only 28.5% of the permitted sign area in the Zone.
3. An engineered Digital Sign Safety Review confirms that the proposed sign will not present a traffic safety concern.
4. The Calgary Trail Land Use Study (relied upon by the Development Officer) is not a statutory plan within the meaning of the Municipal Government Act - it is a document upon which future planning is to be based. Until the various plans called for thereunder are approved by City Council following the requisite public hearing processes, it is unfair and inappropriate to apply the Study as if it were law. Moreover, since signs now have a mandatory, limited Permit life, renewals of the same can be refused when and if the lawful Plans applicable to the site change.
5. The Calgary Trail Land Use Study was adopted by Resolution (not Bylaw) of Council in 1984 at a time when sign development was not a matter of land use but merely one of regulatory approval, only. Subsequently, sign developments have become "uses of land" within the Meaning of the Zoning Bylaw.

In the policy cited in the Development Officer's refusal, what is sought to be discouraged are old-fashioned billboards (which the policy, itself, equates to temporary signs). the portion of the Study not cited by the Development Officer goes on to say: "Through information received in the business survey and through visual inspection of the corridor, advertising signage, particularly older signage, is perceived by many to be unattractive". This, of course, was written before the advent of modern, digital signage.

6. The proposed, Minor Digital Sign is brand new, and will replace an older-style, Off-premises sign which has existed on the subject site for several years. This replacement is in accord with Policy 3.5(b)(i) of the Calgary Trail Land Use Study, and similar signs throughout the City have been accepted as extremely attractive.
7. Such further and other reasons as may be presented at the hearing of this appeal.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **Minor Digital On-premises Off-premises Sign** is a Discretionary Use in the IH Heavy Industrial Zone, Section 430.3(14).

Under Section 7.9(7), **Minor Digital On-premises 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 On-premises 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 may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

The Development Officer provided the following information in the Reason for Refusal:

The Site is located within the Calgary Trail Land Use Study Statutory Plan Area. Section 3.4 of the Calgary Trail Land Use Study, General Urban Design Policies, states:

- b) Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by:
 - i) promoting within the business community the voluntary replacement of older advertising signage;*
 - ii) discouraging the use of portable signs and free-standing billboards; and*
 - iii) improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.**

In the opinion of the Development Officer, the intent of Section 3.4(b)(ii) of the Calgary Trail Land Use Study with respect to billboards, refers to the built form of large freestanding signs located along roadways for the purpose of outdoor advertising.

Under Section 6.1(96), **Statutory Plan** means for the purpose of this Bylaw only, any plan defined as a Statutory Plan by the Municipal Government Act, or any planning policy document approved by City Council by resolution having specific impact on a defined geographic area such as a neighbourhood.

Section 616(dd) of the *Municipal Government Act* states ““statutory plan” means an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4.”

The Calgary Trail Land Use Study was approved by Resolution of Council on September 11, 1984 and consolidated in July 2011.

Section 59.2(7) states for all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

The Development Officer determined that the proposed Major Digital On-premises Off-premises Sign (billboard) does not serve to enhance the built environment, nor does it contribute to or serve to enhance the Gateway Boulevard major commercial corridor.

Section 430.4(8) states Signs shall comply with the regulations found in Schedule 59G.

Schedule 59G.3(6) states Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- a. proposed Signs are prohibited in the civic centre area bounded by 105 Avenue to the north, the North Saskatchewan River Valley to the south, 97 Street to the east, and 100 Street to the west;
- b. the maximum Height shall be 8.0 m;
- c. the maximum Width shall be 16.0 m;
- d. the maximum Area shall be:
 - i. ...
 - ii. 65.0 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 65.0 m²;
- e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m ² or other Off-premises Sign
Greater than 8.0 m ² to less than 20 m ²	100 m
20 m ² to 40 m ²	200 m
Greater than 40 m ²	300m

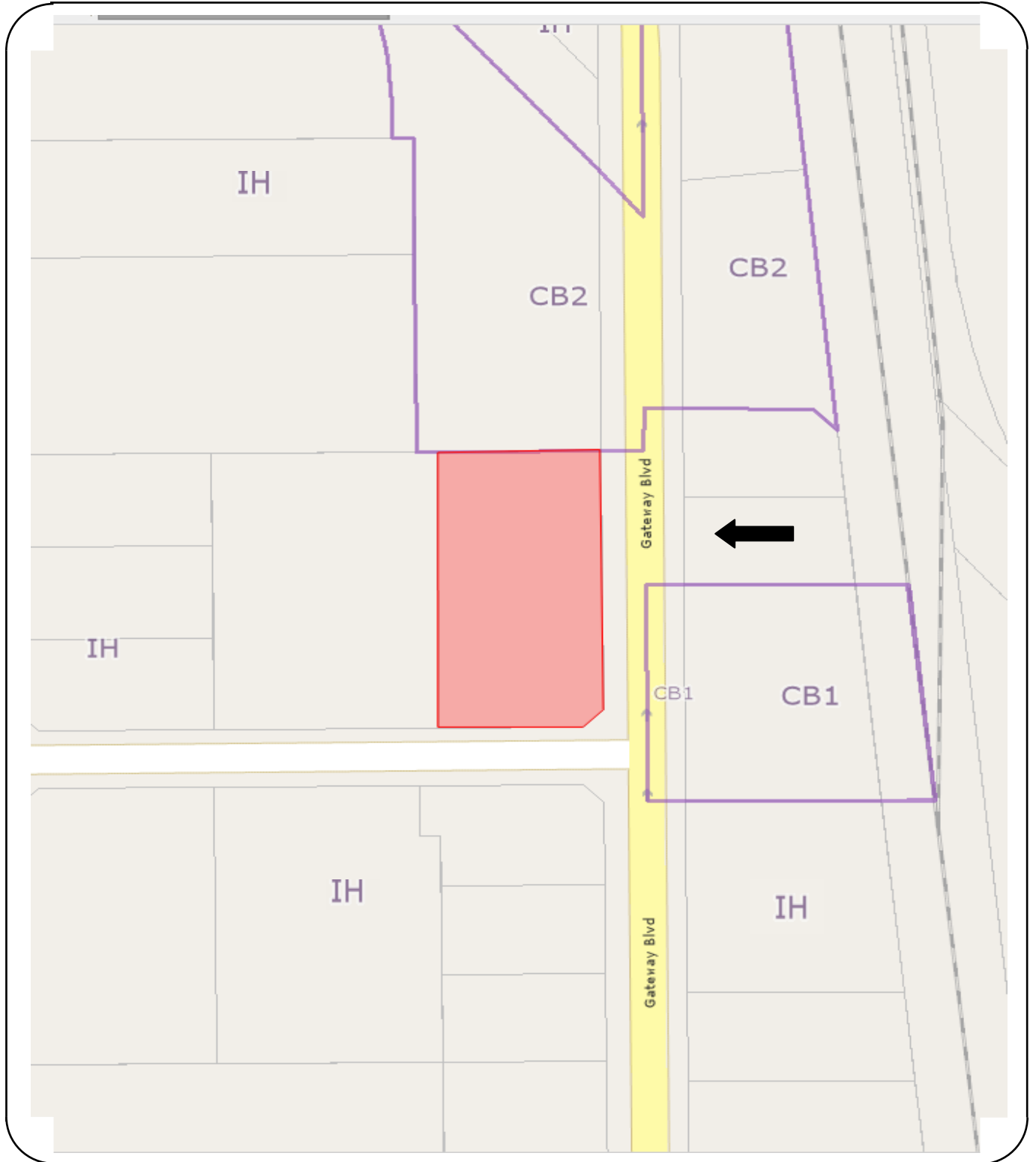
The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

- f. ...
- g. ...
- h. ...
- i. ...
- j. proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback;
- k. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and
- l. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

Section 430.1 states the general purpose of the IH Heavy Industrial Zone is to provide for industrial Uses that, due to their appearance, noise, odour, risk of toxic emissions, or fire and explosion hazards are incompatible with residential, commercial, and other land Uses. This Zone should normally be located on the interior of industrial or agricultural areas, such that it does not interfere with the safety, use, amenity or enjoyment of any surrounding Zones.

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-15-172



ITEM III: 3:00 P.M.

FILE: SDAB-D-15-173

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

APPELLANT:

APPLICATION NO.: 174331229-001

APPLICATION TO: Operate a Major Home Based Business
(office in the home for a law office,
maximum 3 visits: 2 client appointments
and 1 courier per week day)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 19, 2015

DATE OF APPEAL: July 8, 2015

NOTIFICATION PERIOD: June 19, 2015 through July 3, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9508 - 100A Street NW

LEGAL DESCRIPTION: Plan Q Blk 3 Lot 29

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY(S): Mature Neighbourhood Overlay
Floodplain Protection Overlay
North Saskatchewan River Valley and
Ravine System Protection Overlay

STATUTORY PLAN: Rossdale Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

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

Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. The number of non-resident employees or business partners working on-site shall not exceed two at any one time (Section 75.4).
5. The number of visits associated with the business shall not exceed the number approved (Maximum 3 per day) with this application.
6. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
7. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
8. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighbourhood.
9. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
10. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
11. This approval is for a 5 year period from the date of this decision. This Development Permit expires on June 19, 2020. Should the business continues at this location, an extension of the Development Permit must be approved prior to June 19, 2020.
12. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1), and
13. This Development Permit is NOT valid until the applicant, RONALD BILLINGSLEY becomes a resident of the 9508 - 100A STREET NW, Plan Q Blk 3 Lot 29. (Reference Section 7.3.7)

NOTES:

1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).

2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

VARIANCE:

Section 54.2 Schedule 1, No. 8 relaxed - The overall required number of off-street parking spaces was reduced from 3 to 2.

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

APPELLANT'S SUBMISSION

In regards to the discretionary approval for a major home business at 9508-100A Street, we have some concerns and would like some assurances before agreeing to the permit.

Parking:

There is already an acute shortage of on street parking for individual property owners which is exacerbated in the winter due to snow on the street. An unknown number of potential clients or visiting/opposing counsel next door will make this situation worse.

As a result, we would like to see in writing a little more detail regarding the following items:

- How many extra parking passes will this business be given?
- Will there be signage on the property for the major home business?
- What maximum number of staff/personnel will be in the home? (Parking impact)
- What assurance would neighbours have that this will be a sole practitioner?

If we have this information and assurances, we are happy to withdraw our appeal.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **Major Home Based Business** is a Discretionary Use in the RF3 Small Scale Infill Development Zone, Section 140.3(7).

Under Section 7.3(7), **Major Home Based Business** means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

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 variance:

Section 54.2 Schedule 1(A)(3) states Single Detached Housing requires a minimum of 1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.

Section 54.2 Schedule 1(A)(8) states a Major Home Based Business requires a minimum of 1 parking space in addition to parking required for primary Dwelling.

The Development Officer determined 3 on-site parking spaces are required and 2 on-site parking spaces are proposed, which is deficient by 1 on-site parking space.

The decision of approval by the Development Officer has been appealed by an abutting property owner at 9510 – 100A Street.

Section 75 states a Major Home Based Business shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. ...
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Class Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and

9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area;
10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garage Suite or a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garage Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

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

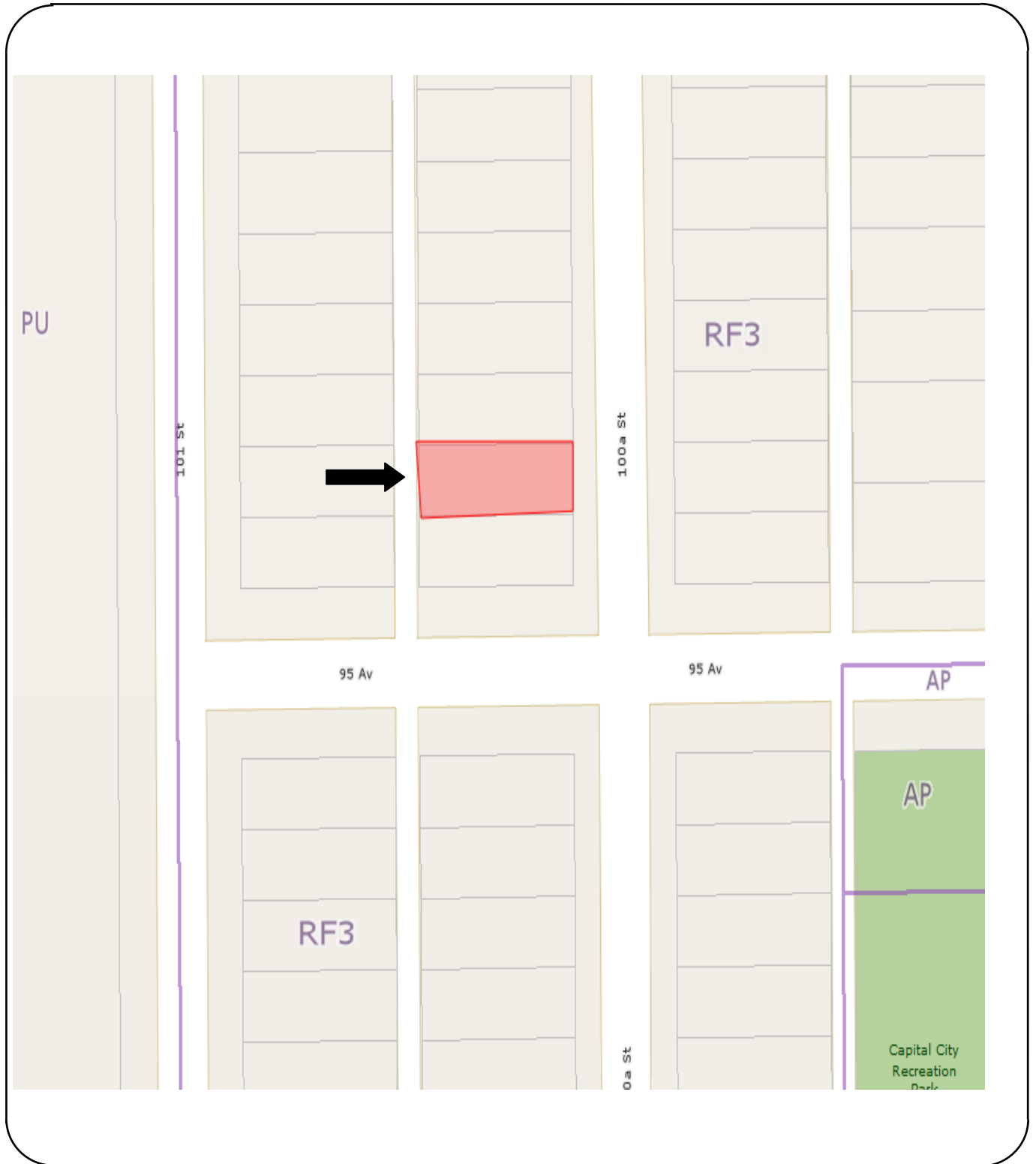
Section 812.1 states the purpose of the Flood Plain Protection Overlay is to provide for the safe and efficient use of lands which may be within the defined floodplains of the North Saskatchewan River and its tributaries within the City of Edmonton through the regulation of building Heights and elevations, openings into buildings, Uses of portions of buildings, Grades and Landscaping in addition to the requirements of the underlying Zone in their vicinity.

Section 811.1 states the purpose of the North Saskatchewan River Valley and Ravine System Protection Overlay is to provide a development setback from the North Saskatchewan River Valley and Ravine System.

Section 140.1 states the 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.

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-15-173



BUSINESS LAID OVER

SDAB-D-15-161	An appeal by <u>Ali Abdulhadi</u> to construct four Dwellings of Row Housing with attached Garages and to demolish the existing Single Detached House and rear detached Garage <i>September 23 or 24, 2015</i>
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