

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 26, 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-15-047	<u>TO BE RAISED</u> Operate a Major Home Based Business (Administration office for a Home Renovation Contractor) 10844 - 67 Avenue NW Project No.: 160148899-002
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II	10:00 A.M.	SDAB-D-15-059	Operate a Major Home Based Business (Repairing of Firearms) - Expires February 19, 2020 1135 - 75 Street NW Project No.: 163875841-001
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LUNCH BREAK: 11:30 A.M. to 12:15 P.M.

III	12:15 P.M.	SDAB-D-15-060	Construct an Accessory building to an existing General Industrial Use (cold storage) 18649 - 118A Avenue NW Project No.: 159215385-001
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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-15-047

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 160148899-002

ADDRESS OF APPELLANT: 10844 - 67 Avenue NW
Edmonton, AB T6H 2A3

APPLICATION TO: Operate a Major Home Based Business
(administration office for a home
renovation contractor)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 27, 2015

DATE OF APPEAL: February 10, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10844 - 67 Avenue NW

LEGAL DESCRIPTION: Plan 2097HW Blk 3 Lot A

ZONE: RF5 Row Housing Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment
Plan

DEVELOPMENT OFFICER'S DECISION

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

Section 75.5: 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.

Outdoor Storage proposed: Flatbed trailer existing parked on the East side of the Garage.

Section 75.9: 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.

Proposed: In the opinion of the Development Officer, storage of utility trailers that are intended for commercial use is more appropriately stored in a Commercial or Industrial Zone.

Minimum Parking Requirements:
Section 54.2 Schedule 1

Section 54.2(3): Single Detached Housing: 2 Parking spaces per Dwelling, may be in tandem and may include 1 Garage space.

Section 54.2(8): Major Home Based Business: 1 Parking space in addition to parking required for primary Dwelling

Required: 3 Parking spaces in total.

Proposed: Deficient by 2 Parking spaces. 75% of the Garage is being used for business related storage, and the parking area located beside the Garage (as per the inspection on the property noted) is used for storage of an unauthorized flatbed trailer.

In the opinion of the Development Officer the insufficient on-site parking for the proposed development would interfere with or affect the use, enjoyment or value of neighbouring properties. The proposed development would more appropriately be located in a Commercial Zone having regard for the overall compatibility of the use with the residential character of the area. (Reference Section 11.2(6)).

NOTE: Unless otherwise noted, all references to 'Section' are under the authority of the Edmonton Zoning Bylaw 12800.

APPELLANT'S SUBMISSION

I am starting a business and need a home based business. I am appealing the refusal because:

- 1) Trailer removed.
- 2) No wood or tools or supplies on site.
- 3) No customers come to the site.
- 4) My equipment is off site now. I rent storage.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to operate a Major Home Based Business (administration office for a home renovation contractor).

The site is located on the northeast corner of 109 Street and 67 Avenue and is zoned RF5 Row Housing Zone, Section 160 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814 of the Edmonton Zoning Bylaw 12800 and within the 109 Street Corridor Area Redevelopment Plan, Bylaw 16242, approved by Council August 26, 2013.

The Subdivision and Development Appeal Board at a hearing on March 5, 2015 made and passed the following motion:

“that the appeal hearing be TABLED TO MARCH 25 or 26, 2015 at the non-appearance of the Appellant.”

A **Major Home Based Business** is a Discretionary Use in the RF5 Row Housing Zone, Section 160.3(6).

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.

The Permit Detail indicates that the proposed business activities performed on site include an administration office for home renovation contractor; there is no indoor or outdoor storage; there are no client or courier visits; 2 people live at the site and participate in the business; there is 1 vehicle registered to the property; there is 1 vehicle associated with the business kept at the property; there are 3 Driveway parking spaces; and there is no vehicle over 4,500 kilograms associated with the business.

Section 75(5) states 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.

The Development Officer determined the proposed development provides outdoor storage of material or equipment associated with the business (flatbed trailer), which is not allowed.

Section 75(9) states a 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.

The Development Officer determined the proposed development 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.

Section 54.2 Schedule 1(A)(3) states the minimum number of parking spaces for Single Detached Housing is 2 parking spaces per Dwelling, which may be in tandem and may include 1 Garage space.

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

The Development Officer determined 3 parking spaces are required. The Development Officer determined the proposed development provides 1 parking space, which is deficient by 2 parking spaces.

Section 75 states that 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 centimetres by 30.5 centimetres 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 of Accessory buildings;
7. ...
8. in addition to the information requirements of subsection 13.2 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

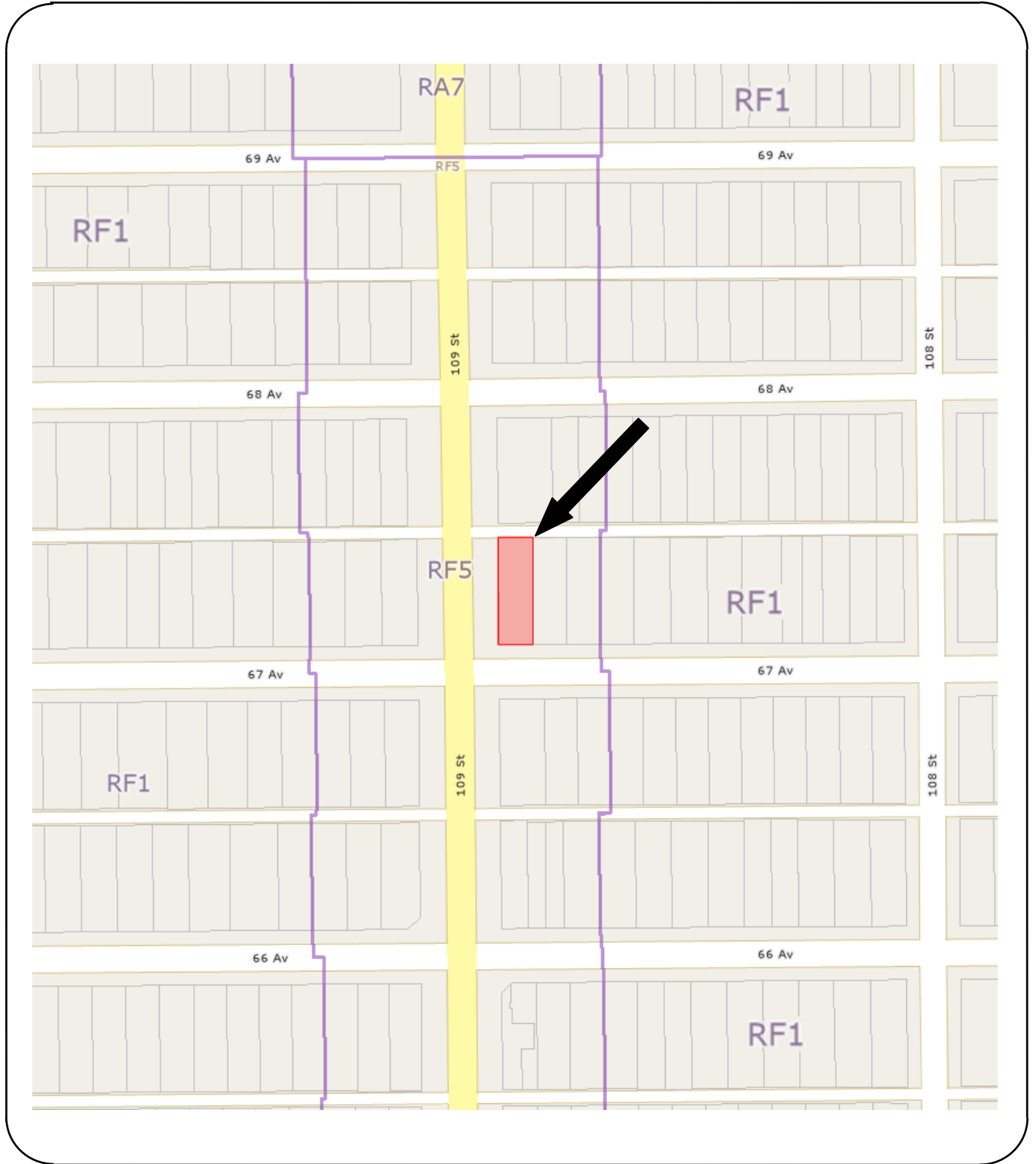
9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.
10. a Major Home Based 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 160.1 states the purpose of the RF5 Row Housing Zone is to provide for relatively low to medium density housing, generally referred to as Row Housing.

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.

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-15-047



ITEM II: 10:00 A.M.

FILE: SDAB-D-15-059

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

APPELLANT:

APPLICATION NO.: 163875841-001

ADDRESS OF APPELLANT: 1159 - 75 Street NW T6K 2S4
Edmonton, AB

APPLICATION TO: Operate a Major Home Based Business
(Repairing of Firearms) - Expires
February 19, 2020

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: February 19, 2015

DATE OF APPEAL: March 1, 2015

NOTIFICATION PERIOD: February 24, 2015 through March 9, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 1135 - 75 Street NW T6K 2S4
Edmonton, AB

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 1135 - 75 Street NW

LEGAL DESCRIPTION: Plan 7621269 Blk 35 Lot 5

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

1. This Development Permit may be revoked or invalidated, at any time, if the Home Based Business as stated in the Permit Details, or if the character or appearance of the Dwelling or Accessory Building, changes. This includes mechanical or electrical equipment used which creates external noise or interference with home electronic equipment in adjacent Dwellings. (Reference Section 23.5)
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.
3. This approval is for a 5 year period ONLY from the date of this decision. A new Development Permit must be applied for to continue to operate the business from this location. Expires - February 19, 2020
4. There shall be no more than five business associated visit per day at the Dwelling. The business Use must be secondary to the residential Use of the building and no aspects of the business operations shall be detectable from outside the property. The number of non-resident employees or business partners working on-site shall not exceed two at any one time
5. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
6. The business Use shall not involve the use of commercial vehicles or vehicles weighing over 4500 kg
7. The business Use must maintain the privacy and enjoyment of adjacent residences and the character of the neighbourhood.
8. No commodity shall be displayed on the premises.
9. Clients visit must be by-appointment only and appointments shall not overlap with each other.
10. A new Development Permit must be obtained should the business changes or expand.
11. There shall be no outdoor storage of materials associated with the business.

12. All parking for the Home Based Business must be accommodated on site. Parking on the street in conjunction with this Home Based Business is not permitted.

13. There is absolutely no outdoor business-related activities at any time.

14. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility when not in use. The Development Permit will be revoked if any commercial, industrial and overweight vehicles are parked/stored on the Residential Site.

Notes:

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.

Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

APPELLANT'S SUBMISSION

I object to the establishment of a firearm repair business in a residential community 120m away from an elementary public school. This neighborhood is a range of ages with many young children in around this location.

To establish a business that will be a known location for firearms makes it a target for criminals and gangs. This neighborhood has also dealt with grow-ops, shootings attributed to drug violence; we do not need another crime magnet here.

This is the type of business that belongs in an industrial subdivision, not in a residential neighborhood.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to operate a Major Home Based Business (Repairing of Firearms) – expires February 19, 2020.

The site is located east of 75 Street and south of Knottwood Road South and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800.

Section 685(2) of the *Municipal Government Act* states “in addition to an applicant under subsection (1), 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 **Major Home Based Business** is a Discretionary Use in the RF1 Single Detached Residential Zone, Section 110.3(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.

The Permit Detail indicates that the proposed business activities performed on site include the repair of firearms; the indoor storage required is less than 10 square metres and no outdoor storage is required; there are 3 client visits per week; there is 1 person who lives at the site and participates in the business; there are 2 vehicles registered to the property; there is 1 vehicle associated with the business kept at the property and there are 2 Driveway parking spaces.

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

The decision of approval by the Development Officer has been appealed by a neighbouring property owner located at 1159 75 Street.

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

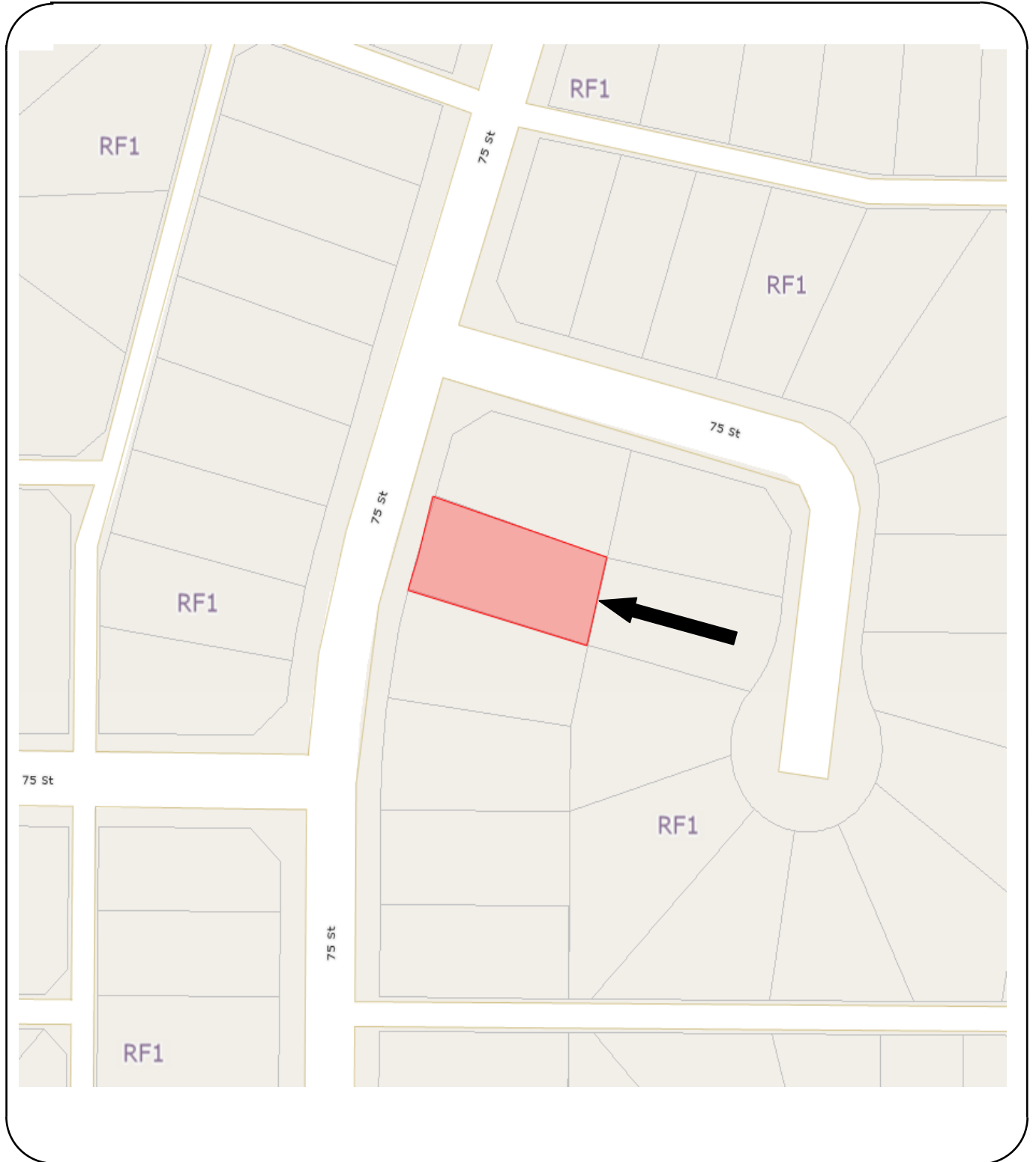
1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 centimetres by 30.5 centimetres in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference 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. a Bed and Breakfast Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
8. in addition to the information requirements of subsection 13.2 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 110.1 states the purpose of the Single Detached Residential Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

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-15-059



ITEM III: 12:15 P.M.

FILE: SDAB-D-15-060

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 159215385-001

ADDRESS OF APPELLANT: Suite 325, 10850 Gold Centre Drive,
Zip Code – 95670, Racho Cordova, CA /
11430 – 160 Street NW, T5M 3Y7,
Edmonton, AB

APPLICATION TO: Construct an Accessory building to an
existing General Industrial Use (cold
storage)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: February 9, 2015

DATE OF APPEAL: February 27, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 18649 - 118A Avenue NW

LEGAL DESCRIPTION: Plan 0227465 Blk 1 Lot 1

ZONE: IM Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved 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.

2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay the Sanitary Sewer Trunk Fund fee. SSTC is being assessed for the development area of 1.1440 ha which represents 20% of the total property. SSTC for the remaining 4.5762 ha (i.e. 5.7202 ha - 1.1440 ha) will be assessed at future application of subdivision, development permit, or servicing connection application. For information purposes, the year 2014 rate is \$6,520/ha. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 5th Floor cashiers, Planning and Development Department, 10250 - 101 Street NW.

3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner shall enter into a Servicing Agreement in accordance to the following:

1) Permanent Area Contribution (PAC) & Sanitary Servicing Strategy Expansion Assessment (EA)

The PACs must be paid by entering into a servicing agreement, which will be prepared by the Sustainable Development. The applicant/owner should contact Susana Maki at 780-423-6889, upon issuance of the Development Permit when he/she is ready to initiate the servicing agreement and make payment. The assessment area is 1.1440 ha. The assessment area is obtained from the City's information computer program called POSSE.

The following is for information purposes and the rates are in year 2014. The final PAC amounts will be based on the prevailing rates at the time the applicant/owner pays and enters into a servicing agreement with the City.

- N.W Industrial P.A.C: \$15,592/ha (2014 Rate)
- CNR Intermodal Site Onsite Storm: \$3,949/ha (2013 Rate)
- Master Drainage study: \$43/ha (2013 Rate)
- EA (NEST): \$18,620/ha (2014 Rate)

4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into a Municipal Improvement Agreement with the City for the following improvements:

- a) hardsurface the westerly 10.5 m culvert crossing access from the edge of the driving surface on 118A Avenue to the property line for a length of 17 m.

Engineering Drawings are not required for this Agreement. However, construction must meet the City of Edmonton Design and Construction Standards. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Loli Fernandez (780-944-7683) including an irrevocable Letter of Credit in the amount of \$24,000.00 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature.

5) 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:

- a) cash to a value equal to 100% of the established landscaping costs;
- or
- b) 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).

6) Landscaping shall be in accordance to Section 55 of the Edmonton Zoning Bylaw and to the satisfaction of the Development Officer.

7) The landowner is required to re-grade and gravel the access from the edge of the pavement of 118A Avenue to the property line, as per the Transportation Services memorandum dated 26 January 2015.

8) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

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

9) Any 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 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.

10) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51 of the Edmonton Zoning Bylaw 12800).

11) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

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

13) Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

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.
- 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.
- 7) As per the Transportation Services memorandum dated 26 January 2015, the garbage location has not been identified on the site plan. Garbage bins must be located so that all turning maneuvers for the waste management vehicles are accommodated on site.
- 8) As per the Transportation Services memorandum dated 26 January 2015, loading and unloading of vehicles from a transport truck is to occur on-site. Use of 118A Avenue as a convenient location to load and unload vehicles is not acceptable to Transportation Services.

APPELLANT'S SUBMISSION

My original permit application was submitted to erect a metal building over the existing crusher unit, which was requested from the City of Edmonton to shelter an existing crusher unit/clean up the site.

After a strenuous 5 month development permit application process my client, Pick-N-Pull (Lessee of the property), ended up requiring an additional \$66,000.00 in landscaping, \$15,600.00 in grading, and \$71,000.00 in paving to be added to the scope of work due to additional City zoning requirements on the property. The client was willing to work with the City and add these addition zoning requirements as they understand this is an integral part of furthering Edmonton's growth and development. Once we received the final development permit, Condition 1) Permanent Area Contribution & Sanitary Servicing

Strategy Expansion Assessment was added to our conditions, additional \$43,705.38 + \$6,520 = \$50,225.38. This condition was never once brought to our attention by the City of Edmonton.

My client was quiet taken back after seeing this condition, as it would be an additional \$50,225.38 to their project, which they might not be able to produce. I would like to appeal the additional conditions as my client has committed to an addition 152k above and beyond the crusher unit to clean up their property to help aid in the growth and development of Edmonton and was not financially prepared for these additional costs. Also Pick N Pull is just the lessee and the land owner wouldn't even consider addressing these costs. Initially I contacted my development permit officer to inquire of the nature of the costs and the appeal process, only to be directed to Susanna Maki. After 7 consecutive days of unanswered calls and 3 voicemails I resorted to contacting Andrew Knack, City Councillor. Andrew than directed me to Steve Jensen. Today Steve Jensen contacted me and stated that Susanna Maki shouldn't be the contact in this process and it was the City's fault delaying my appeal period. As the City delayed my appeal period and I am asking for an extension on my appeal period, I know that it is clearly stated on the development permit the appeal process. I was trying to inquire about the assessed costs before I appeal unknown conditions, which 14 business days later I am aware of and wish to appeal.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct an Accessory building to an existing General Industrial Use (cold storage).

The site is located south of 118A Avenue and west of 184 Street and is zoned IM Medium Industrial Zone, Section 420 of the Edmonton Zoning Bylaw 12800. The site is within the Yellowhead Corridor Area Structure Plan, Bylaw 7044, as amended, approved by Council April 13, 1983.

Section 686(1)(a)(i) of the *Municipal Government Act* states "a development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days....after the date on which the person is notified of the order or decision or the issuance of the development permit."

The decision of approval by the Development Officer is dated February 9, 2015. Fourteen days from the decision date is February 23, 2015 and the Notice of Appeal was filed on February 27, 2015.

General Industrial Uses is a Permitted Use in the IM Medium Industrial Zone, Section 420.2(5).

Under Section 7.5(2), **General Industrial Uses** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;

- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Section 50.1(2) states Accessory Uses and Buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

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

The following condition imposed by the Development Officer has been appealed by the permit applicant:

3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner shall enter into a Servicing Agreement in accordance to the following:

1) Permanent Area Contribution (PAC) & Sanitary Servicing Strategy Expansion Assessment (EA)

The PACs must be paid by entering into a servicing agreement, which will be prepared by the Sustainable Development. The applicant/owner should contact Susan Maki at 780-423-6889, upon issuance of the Development Permit when he/she is ready to initiate the servicing agreement and make payment. The assessment area is 1.1440 ac. The assessment area is obtained from the City's information computer program called POSSE.

The following is for information purposes and the rates are in year 2015. The final PAC amounts will be based on the prevailing rates at the time the applicant/owner pays and enters into a servicing agreement with the City.

- N.W Industrial P.A.C:\$15,592/ha (2014 Rate)
- CNR Intermodal Site Onsite Storm: \$3,949/ha (2013 Rate)
- Master Drainage study: \$43/ha (2013 Rate)
- EA (NEST): \$18,620/ha (2014 Rate)

Section 15(1) states the Development Officer may only impose conditions on the approval of a Permitted Development if the power to do so is clearly specified elsewhere in this Bylaw. Nothing in this Section prevents a Development Officer from identifying on the Development Permit certain Sections of this Bylaw that the applicant would have to comply with in any event.

Section 15(5) states the Development Officer may, as a condition of issuing a Development Permit require that the applicant enter into an agreement, which shall be attached to and form part of such Development Permit, to do all or any of the following:

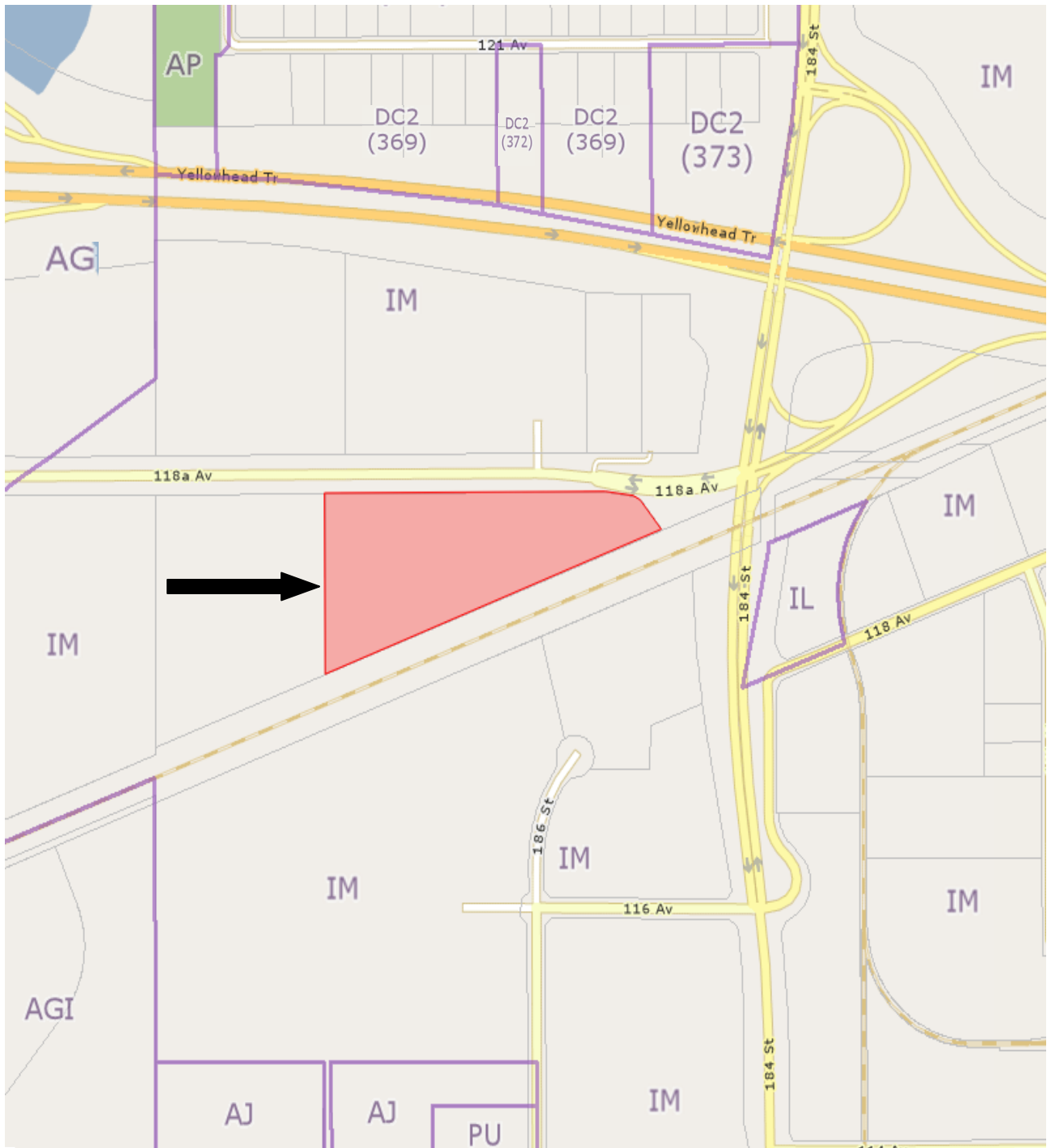
- a. to construct, or pay for the construction of, a public roadway required to give access to the development;
- b. to construct or pay for the construction of:
 - i. a pedestrian walkway system to serve the development; or
 - ii. pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves, or is proposed to serve, an adjacent development, or both;
- c. to specify the location and number of vehicular and pedestrian access points to Sites from public roadways;
- d. to install, or pay for the installation of, utilities that are necessary to serve the development;
- e. to construct or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities; or
- f. to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard Landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the Site.

Section 420.1 states the purpose of the IM Medium Industrial Zone is to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Included in the Sustainable Development Department's POSSE system, under "SDAB", is a revised Memorandum dated January 26, 2015 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.**

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-15-060



BUSINESS LAID OVER**APPEAL HEARINGS TO BE SCHEDULED**

166420267-001	An appeal by Liske Development Ltd. to construct a Single Detached House with a front attached Garage, front balcony, front veranda, fireplace, Secondary Suite development in the Basement, rear partially covered balcony and rear uncovered deck (3.05 metres by 7.62 metres) <i>April 9, 2015</i>
84287777-004	An appeal by Maganlal Chavda to convert an existing Semi-Detached House into a 4 Dwelling Apartment (existing without permits) <i>April 1, 2015</i>
168199400-001	An appeal by Franken Homes Ltd. 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 by Homes By Anthony Developments / Branko Culo 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>