

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 5, 2015**

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

Members Scheduled

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

I	9:00 A.M.	SDAB-D-15-025	Relocate a Minor Impact Utility Service (relocate City Park and Ride facility for Century Park LRT Station)
			2423 - 111 Street NW Project No.: 089958187-003

BREAK – 10:30 A.M. TO 10:45 A.M.

II	10:45 A.M.	SDAB-D-15-026	Operate a Major Home Based Business (administration office and equipment storage for landscaping services)
			10909 - 73 Avenue NW Project No.: 151219046-001

LUNCH BREAK – 12:30 P.M. TO 1:00 P.M.

III	1:00 P.M.	SDAB-D-15-027	Develop a temporary Accessory parking lot, Accessory to existing adjacent Commercial Use properties (EXPIRES 60 calendar days after 102 Avenue NW between 125 Street NW and Connaught Drive NW is restored and reopened to the General Public)
			12428 / 12432 - Stony Plain Road NW Project No.: 165989900-001

BREAK – 3:15 P.M. TO 3:30 P.M.

IV	3:30 P.M.	SDAB-D-15-028	Operate a Major Home Based Business (administrative office for general contractor with storage in an Accessory building)
			8704 - 150 Avenue NW Project No.: 160316895-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-025

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

APPELLANT:

APPLICATION NO.: 89958187-003

ADDRESS OF APPELLANT: 409 - 2510 - 109 Street NW
Edmonton AB T6J 2X1

APPLICATION TO: To relocate a Minor Impact Utility Service
(relocate City Park and Ride facility for
Century Park LRT Station)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: December 3, 2014

NOTIFICATION PERIOD: December 25, 2014 through January 7,
2015

DATE OF APPEAL: January 7, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 10160 - 112 Street NW
Edmonton AB T5K 2L6

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2423 - 111 Street NW

LEGAL DESCRIPTION: Plan 0022925 Blk 32 Lot 5A

ZONE: DC2.846 Site Specific Development
Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

- 1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1).
- 2) The applicant or landowner shall pay the Notification Fee of \$100.
- 3) 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.
- 4) 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).
- 5) The applicant shall place barricades at the entrance of the westbound entrance at 109 Street to prevent vehicles from entering the site at this location. "No Entrance" signage must also be installed to indicate that this access must operate as an exit only.
- 6) Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.
- 7) 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.
- 8) This permit shall expire on June 30, 2020. The development must be removed from the site by this date.

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.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

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.

VARIANCE:

1) Variance of landscaping requirement as per Sections DC2.846.5(s) 55.4, and 55.8:

- The additional landscaping required for the subject property shall be deferred to a future Development Permit.

APPELLANT'S SUBMISSION

1. Noise factor. I do not want to be woken up at 6:00 a.m. for people to find a parking spot.
 2. Weirido factor. Park and Rides draw a "strange" crowd and as a 19 year old female I walk home from the LRT station alone in the evening.
 3. Inconvenient. This will make selling my condo 10 times harder as no one wants a parking lot in their front yard.
-

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to relocate a Minor Impact Utility Service (relocate City Park and Ride facility for Century Park LRT Station).

The site is located east of 111 Street between 23 Avenue and 29A Avenue and is zoned DC2.846 Site Specific Development Control Provision, Section 720 of the Edmonton Zoning Bylaw 12800. DC2.846 was Signed and Passed by City Council on September 3, 2013, under Bylaw 16555. **A copy of Bylaw 16555 is on file.**

Section 641(4) of the *Municipal Government Act*, Chapter M-26 states despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority following the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision

Minor Impact Utility Services is a listed Use in the DC2.846 District, Section DC2.846.3.

Under Section 7.7(7), **Minor Impact Utility Services** means development for public utility infrastructure purposes which is likely to have some impact on the environment or adjacent land Uses by virtue of its appearance, noise, size, Traffic Generation or operational characteristics. Typical Uses include vehicle, equipment and material storage yards for utilities and services; telephone exchanges; wire centres; switching centres; snow dumping sites; Transit Centres; transit depots and transfer facilities; water towers; hydrospheres; water treatment plants; power terminals and distributing substations; communication towers and gate stations for natural gas distribution.

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 DC2.846.5(s) states minimum building Setbacks from the edge of the Site and the edge of the internal road right-of way shall be as shown in Appendix III.

Section 55.4 provides General Requirements for Landscaping.

Section 55.8 provides specifications for plant materials to be used in landscaping.

The Development Officer deferred additional landscaping required to a future development permit.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
CONTINUED

The decision of approval by the Development Officer has been appealed by an adjacent condominium owner located at 409 – 2510 – 109 Street.

Section DC2.846.4.2 provides the following with regard to Open Space Objectives:

- b. Create strong linkages within the site and connecting the site to City transit facilities, parks and other community amenities, and to surrounding communities.

- e. Ensure high quality open space design and landscaping.

DC2.846.4.3(2)(d) states consideration should be given to providing adequate separation space and landscaping between the Park N Ride facility and adjacent residential areas.

Section DC2.846.1 states the purpose of the DC2 district is to accommodate the comprehensive redevelopment of a former district shopping centre site into a mixed-use urban village with primarily residential uses complimented by commercial uses, in a pedestrian-friendly environment that supports higher intensity Transit Oriented Development at transit hubs.

Included in the Sustainable Development Department’s POSSE system, under “SDAB”, is a Memorandum dated November 27, 2014 from Rhonda Toohey, Director, Development Planning, Transportation Planning Branch, which indicates that Transportation Services has reviewed the noted development application and has provided conditions and advisements. **A copy of the Memorandum from Transportation Services is on file.**

The following jobs are listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
159072203-002	Order	<p>September 15, 2014; Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO:</p> <p>Remove all dirt piles and debris that are being stored on the site.</p> <p>This order is to be complied with on or before Monday, September 29, 2014.</p>

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

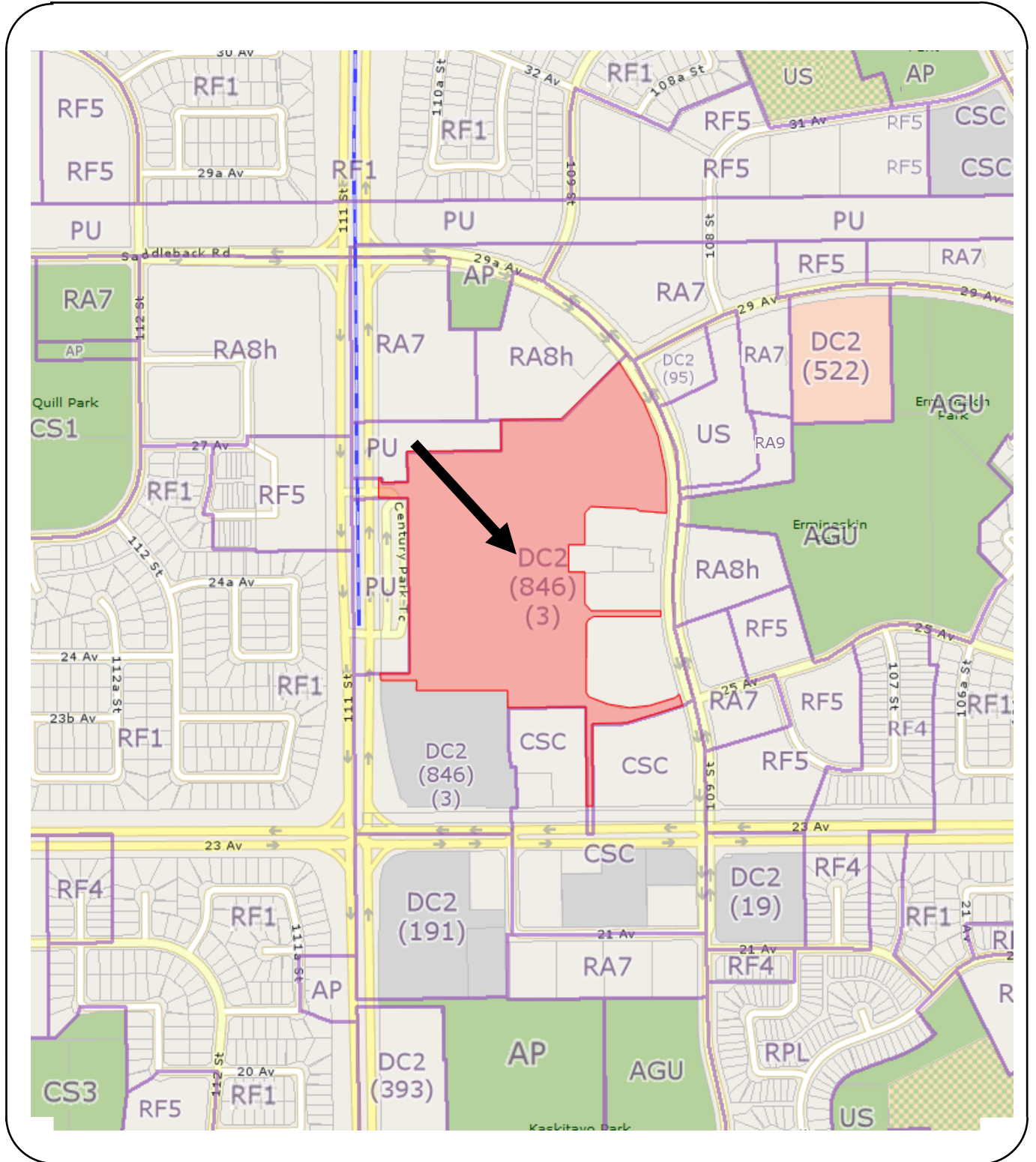
Application Number	Description	Decision
888153-002	To operate a temporary (6 months) accessory park n' ride operation from an existing Commercial Shopping Centre Parking lot.	July 17, 2014; Approved with conditions.
71663749-008	To revise the design of the building elevations of a 176 dwelling Apartment House, Tower T5, Century Park Central Tower, reference Development Permit 71663749-005).	May 15, 2014; Approved with conditions.
71663749-005	To revise the design of an 18 storey Apartment House and increase the number of dwellings from 132 to 176 dwellings (Century Park, Building T5).	November 19, 2012; Approved with conditions.
89958187-001	To develop a temporary Government and Minor Impact Utility Service (surface "Park and Ride" parking lot for Century Park LRT Station).	<p>September 29, 2009; Approved with conditions and the following variances:</p> <p>Relaxation of Section DC2.742.5(a) - The site development is varied from the Site Plan in accordance to Appendix I of the Direct Control Zone to accommodate a temporary Government and Minor Impact Utility Service, a temporary surface parking lot.</p> <p>Relaxation of Section DC2.742.5(bb) - proposed and existing landscaping along the west perimeter of the proposed surface parking lot acceptable to the Development Officer. No landscaped parking islands at the terminus of each row of parking as the use is temporary.</p> <p>Relaxation of Section 54.6 - compacted road crush gravel accepted as surface treatment for the parking lot area.</p>

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

Application Number	Description	Decision
71663749-001	To construct a 132 dwelling, 18 storey Apartment House (Century Park, Building T5, Phase 3).	Created September 27, 2007. Expired March 25, 2014.
888153-001	To construct and operate a General Retail Store (Phase 1 and 2 - Canada Safeway).	May 12, 2000; Approved with conditions.
698073-003	To operate a temporary garden centre from March 15, 2000 to July 15, 2000 and erect a structure.	March 9, 2000; Approved with conditions.
671084-003	To operate a Carnival (June 9, June 20) and erect a special events tent ("big top" tent).	June 9, 1999; Approved.
671084-001	To operate a Carnival (September 24, 1998 - October 04, 1998) and erect a special events tent ("big top" tent).	September 17, 1998; Approved.

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-15-025



ITEM II: 10:45 A.M.

FILE: SDAB-D-15-026

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

APPELLANT:

APPLICATION NO.: 151219046-001

ADDRESS OF APPELLANT: 157 Ball Place
Fort McMurray AB T9K 2A6

APPLICATION TO: To operate a Major Home Based Business
(administration office and equipment
storage for landscaping services)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: December 16, 2014

NOTIFICATION PERIOD: December 23, 2014 through January 5,
2015

DATE OF APPEAL: January 5, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 10909 - 73 Avenue NW
Edmonton AB T6G 0C3

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10909 - 73 AVENUE NW

LEGAL DESCRIPTION: Plan 5718AE Blk 29 Lot 26

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment
Plan

DEVELOPMENT OFFICER'S DECISION

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

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.

1. This Development Permit may be revoked or invalidated, at any time, if the Minor 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 74.2)
2. There shall be no exterior signage, display or advertisement other than a business identification plaque or sign 10 cm (4") x 30.5 cm (12") in size located on the dwelling. (Reference Section 74.1)
3. There shall be no outdoor business activity, or outdoor storage of materials or equipment associated with the business allowed on the Site. Indoor storage shall only be allowed inside the Dwelling. (Reference Section 74.4)
4. There shall be no more than one 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 Dwelling shall not be used as a workplace for non-resident employees of the business. (Reference Section 74.3)
5. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced. (Reference Section 45.8(a))
6. The business Use shall not involve the use of commercial vehicles or vehicles weighing over 4500 kg for delivery of materials to or from the premises. (Reference Section 45.1(a))
7. The business Use must maintain the privacy and enjoyment of adjacent residences and the character of the neighbourhood.
8. No commodity shall be sold or displayed on the premises.
9. 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.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

10. 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 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. (Reference Section 5.2)

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

APPELLANT'S SUBMISSION

The applicant property is residential in nature and cannot support major storage of landscaping equipment. This is further aggravated by the facts that there is no frontal access to storage and rear access to existing garage from alley only has a small driveway apron (approx. 12 – 15 feet). This would not allow for proper loading and unloading of equipment without blocking alley access. This blocking would not be “occasional” and would be excess in nature and would be against intended use of the alley.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to operate a Major Home Based Business (administration office and equipment storage for landscaping services).

The site is on the south side of 73 Avenue, west of 109 Street, and is zoned RA7 Low Rise Apartment Zone, Section 210 of the Edmonton Zoning Bylaw 12800. The site is within the Medium Scale Residential Infill Overlay, Section 823 and the 109 Street Corridor Area Redevelopment Plan, Bylaw 16242 (as amended), approved by Council on August 26, 2013.

A **Major Home Based Business** is a Discretionary Use in the RA7 Low Rise Apartment Zone, Section 210.3(9).

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

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 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 10904 and 10906 72 Avenue NW.

The Permit Details indicate that the business activities performed on site include administration duties, invoicing, and equipment storage for landscaping company. There are no business related visits; there is no outdoor storage on site; and there is a business trailer / equipment associated with the business.

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

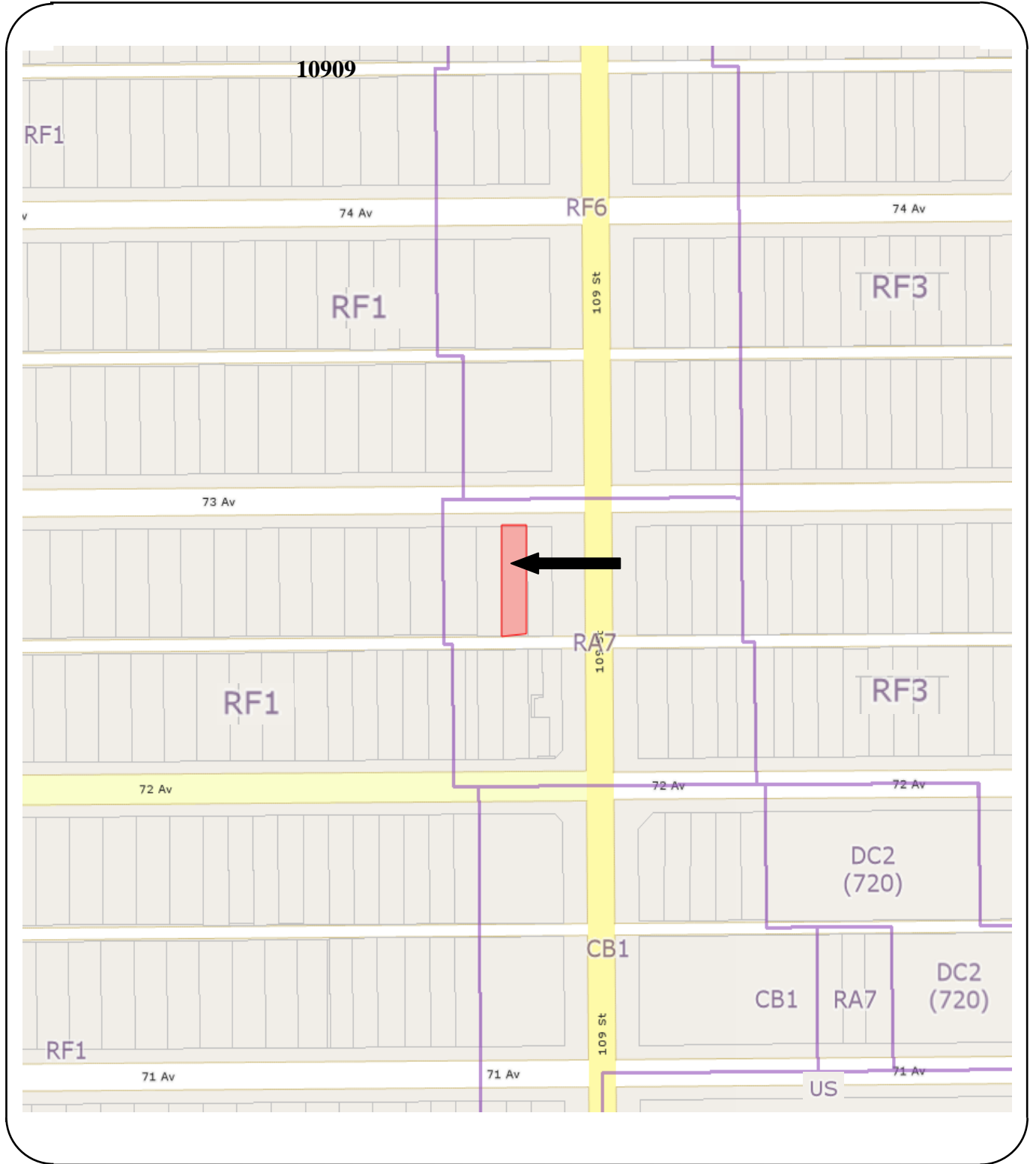
9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.
10. a Major Home Based 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 210.1 states that the purpose of the Zone is to provide for Low Rise Apartments.

Section 823.1 states that this Overlay is to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

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-15-026



ITEM III: 1:00 P.M.

FILE: SDAB-D-15-027

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

APPELLANT:

APPLICATION NO.: 165989900-001

ADDRESS OF APPELLANT: 12411 Stony Plain Road NW
Edmonton AB T5N 3N3

APPLICATION TO: To develop a temporary Accessory
parking lot, Accessory to existing adjacent
Commercial Use properties (EXPIRES 60
calendar days after 102 Avenue NW
between 125 Street NW and Connaught
Drive NW is restored and reopened to the
General Public)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: December 22, 2014

NOTIFICATION PERIOD: December 25, 2014 through January 7,
2015

DATE OF APPEAL: January 6, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 1400, 9803 - 102A Avenue NW
Edmonton AB T5J 3A3

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12428 / 12432 - Stony Plain Road NW

LEGAL DESCRIPTION: Plan 2604AM Blk 31 Lot 3
Plan 2604AM Blk 31 Lot 4

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

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 with Section 21.1. (Reference Section 17.1)

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.

The proposed Development shall NOT be used for Non-accessory Parking as defined in Section 7.4(39)).

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.

This Development Permit SHALL EXPIRE 60 calendar days after such a time comes that vehicular access along a portion of the Municipal Road Right of Way known within the City of Edmonton as 102 Avenue NW between 125 Street NW and Connaught Drive NW is restored and reopened to the General Public by the City of Edmonton, Transportation Services Department.

After 102 Avenue NW is restored and reopened to the General Public, any application for an extension to this temporary development approval or any new development application for accessory or non- accessory parking shall not be approved.

Immediately upon the restoration and reopening of 102 Avenue NW to the General Public, the operation of the accessory parking lot SHALL cease and desist.

Immediately upon the restoration and reopening of 102 Avenue NW to the General Public, restoration of the Site back to its original state SHALL commence and be completed within 60 calendar days. Restoration of the Site SHALL include the removal of ALL Hardsurfacing and installation of sod and landscaping to the satisfaction and approval of the Development Authority.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

The proposed Development SHALL be Hardsurfaced, constructed, and maintained to the satisfaction of the Development Authority in accordance with Section 54.6.

Hardsurfaced means the provision of a durable, dust-free material constructed of concrete, asphalt or similar pavement (Reference Section 6.1(48)).

The proposed Accessory parking lot SHALL BE landscaped in accordance with Section 55.

Existing major landscaping features (2 existing mature deciduous trees) SHALL NOT be removed nor damaged.

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.

All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction (Reference Section 53(1)).

TRANSPORTATION PLANNING SERVICES CONDITIONS:

-Access to the site must be from the alley. No access will be permitted to Stony Plain Road or 125 Street.

-The proposed curb stops along Stony Plain Road and the alley must be set back a minimum of 0.5 m from the property line to ensure that no portions of the vehicles will encroach onto the City road right-of-way/alley/sidewalk.

-There are two existing mature trees that may affect the proposed layout of the temporary parking lot. Ensure adequate room for vehicular maneuverability is provided and the trees are not damaged.

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

ADVISEMENTS

Unless otherwise noted, all references to 'Section' is under the authority if the Edmonton Zoning Bylaw 12800.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

Notes:

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. (Reference Section 5.2)

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

VARIANCE:

Section 54.2(2)(d)(i) relaxed - to allow for accessory parking to the non-residential uses along Stony Plain Road to be temporarily located within 120m on to the two properties, on which non-residential uses are neither permitted nor discretionary on the Site to be used for additional parking. This will only be allowed during the time when 102 Avenue is closed for construction.

Notes:

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.

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

APPELLANT'S SUBMISSION

My name is Sarah Proudlock, and I own and operate The Tea Girl in the Winnington building across the road from the proposed development. I would like to appeal the development permit application based on the following reasons:

- 1) No written notification was given to our business, nor the adjacent businesses on Stony Plain Road which are within 60 metres of the development as to the development permit application or deadlines for appeal.

APPELLANT'S SUBMISSION (CONTINUED)

- 2) The lot will not provide safe accessible parking for the businesses across the road. A pedestrian light is overdue for the corner of 125th Street and Stony Plain Road, where many pedestrians currently cross with difficulty due to the high volumes of traffic. At this point there has been no discussion of plans for a pedestrian light, which would be required to cross the street safely to access the parking and the businesses from the parking.
- 3) Access to the proposed temporary parking lot will cause traffic to back up further than it already is East bound Stony Plain Road as cars traveling East will be turning left onto 125th Street to access the parking against one of the busiest sections of the road.
- 4) The plans for a temporary parking lot in this location comes with the removal of parking meters on the south side of Stony Plain Road, which will negatively affect all of the businesses along Stony Plain Road. The parking meters are heavily used by the customers of our businesses which are open 7 days a week 12 hours a day. The street parking already provides the needed parking while offering convenience, safety and the ability to shelter the pedestrians from passing cars. The success of the 124th Street Area depends on businesses ability to offer their customers access their stores safely and conveniently.

Additional parking is always needed for vibrant areas to survive but not at the expense of losing existing utilized parking. The city needs to add or assist 124th Street BRZ in the addition of permanent parking for the area and this temporary parking lot with the planned parking meter removal is not a good solution to current problems. The city should be conducting safety and area studies done ahead of developments - not after.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to develop a temporary Accessory parking lot, Accessory to existing adjacent Commercial Use properties (EXPIRES 60 calendar days after 102 Avenue NW between 125 Street NW and Connaught Drive NW is restored and reopened to the general public).

The site is located on the north side of Stony Plain Road and west of 124 Street and is zoned RA7 Low Rise Apartment Zone, Section 210 of the Edmonton Zoning Bylaw 12800. The site is within the Medium Scale Residential Infill Overlay, Section 823.

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:

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

Section 54.2(2)(d) states notwithstanding the definition of Accessory in this Bylaw, Accessory parking spaces for non-residential Uses may be located on another Site where:

- i. The principal Use Class to which the parking is an Accessory Use is a Permitted or a Discretionary Use on the Site to be used for additional parking; or
- ii. Non-accessory Parking is a Permitted or a Discretionary Use on the Site to be used for parking.

The Development Officer determined to allow for Accessory parking to the non-residential Uses along Stony Plain Road to be temporarily located within 120 metres on to the two properties, on which non-residential Uses are neither Permitted nor Discretionary on the Site to be used for additional parking.

This will only be allowed during the time when 102 Avenue is closed for construction.

Therefore, the Development Officer waived the requirements of Section 54.2(2)(d).

The decision of approval by the Development Officer has been appealed by a tenant in an adjacent property located at 12411 (12415) Stony Plain Road.

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.

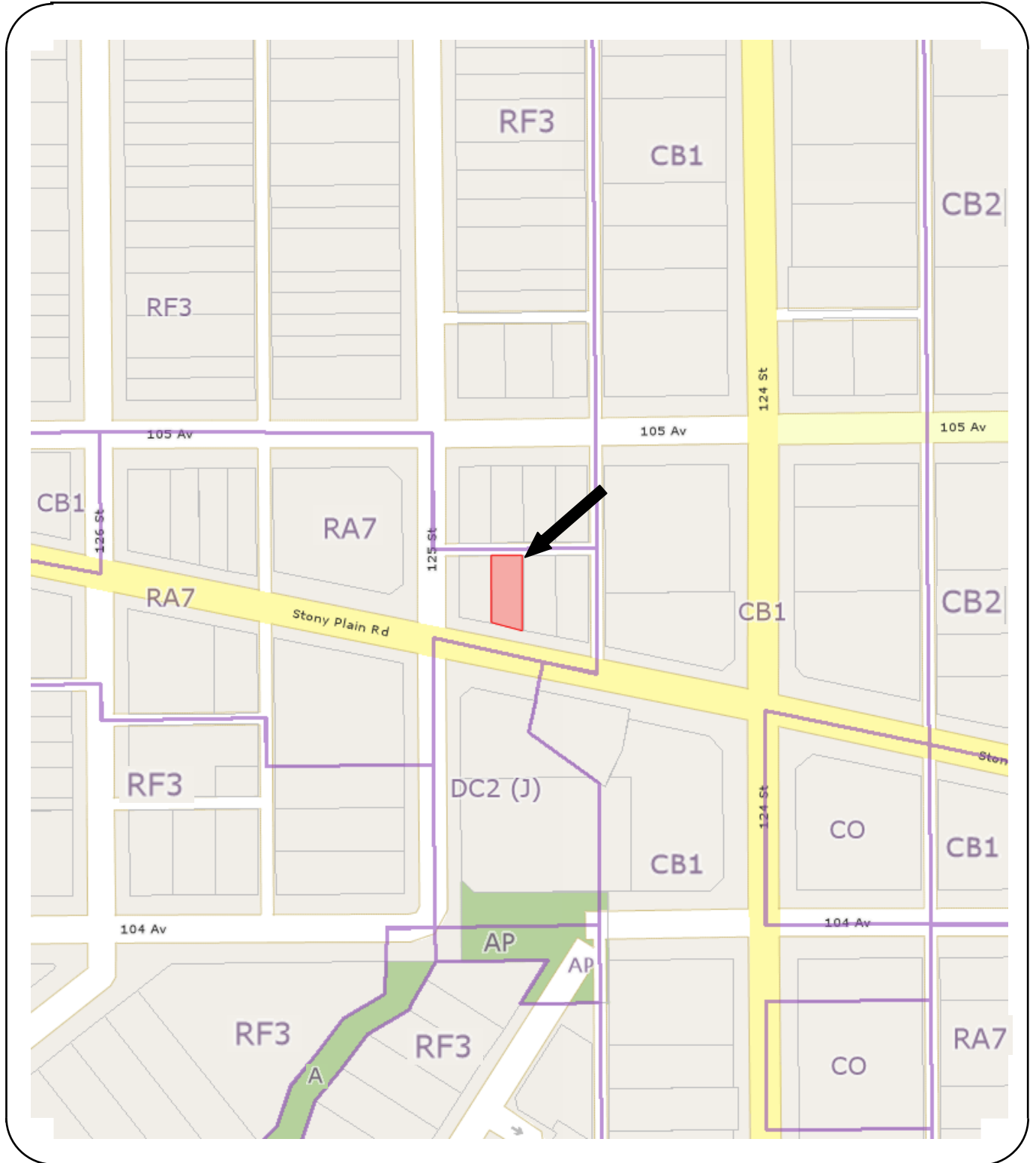
Under Section 6.1(2), **Accessory** means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Section 823.1 states the purpose of this Overlay is to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Section 210.1 states the purpose of this Zone is to provide a Zone for Low Rise Apartments.

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-15-027



ITEM IV: 3:30 P.M.

FILE: SDAB-D-15-028

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 160316895-001

ADDRESS OF APPELLANT: 8704 150 Avenue NW
Edmonton AB T5E 1G2

APPLICATION TO: Operate a Major Home Based Business
(administrative office for general
contractor with storage in an Accessory
building)

DECISION OF THE
DEVELOPMENT AUTHORITY: Cancelled.

DECISION DATE: December 23, 2014

DATE OF APPEAL: January 14, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8704 - 150 Avenue NW

LEGAL DESCRIPTION: Plan 4136RS Blk 44 Lot 45

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

Cancelled.

APPELLANT'S SUBMISSION

Initial application Aug 2014 for Minor business licence at the property we rent due to moving from one house to this one.

The application was changed by the city planner to a Major Business. This was done over the phone when the planning office called in about Sept 2014

The permit application was filed and approved in accordance with mandatory notification period and we were notified by emailed Dec 17 2014.

A copy of the Development Permit was not in the mail as we were told it would.

Subsequent to that we were notified by email Jan 13 2015 that Project 160316895-001 was cancelled by the property owner on Dec. 23rd 2014 while the planner was on vacation.

We are both self employed operating as a partnership NOT incorporated. We have WCB coverage which requires a business licence.

The residence is our primary home we have office space in the residence and store a few supplies for general contracting in the garage using approx. 200 sq.ft.

Previous Business licences we had in the city were Minor Business. We go to our clients always and do not do any work at the residence other then administrative.

It is hard to understand how a landlord can refuse our ability to earn a living self employed and work in accordance with by law in Edmonton.

We would our original application for a Minor Business appealed and considered, if not then the refute the ability of landlord to without notice or cause refuse late, our approved permit with the city and have the planner retract a previously approved permit to our Business Licence Application. Email dallas.jd.residential@gmail.com if more information is required.

Dallas & Jacquie Hoover

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to operate a Major Home Based Business (administrative office for general contractor with storage in Accessory Building).

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

The site is located on 150 Avenue, east of 88 Street and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814 of the Edmonton Zoning Bylaw 12800.

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.

This application was approved by the Development Officer subject to conditions on December 17, 2014. A cancellation request form was received from Joe Mantalto, a registered landowner, on December 23, 2014 and the permit was cancelled on December 23, 2014.

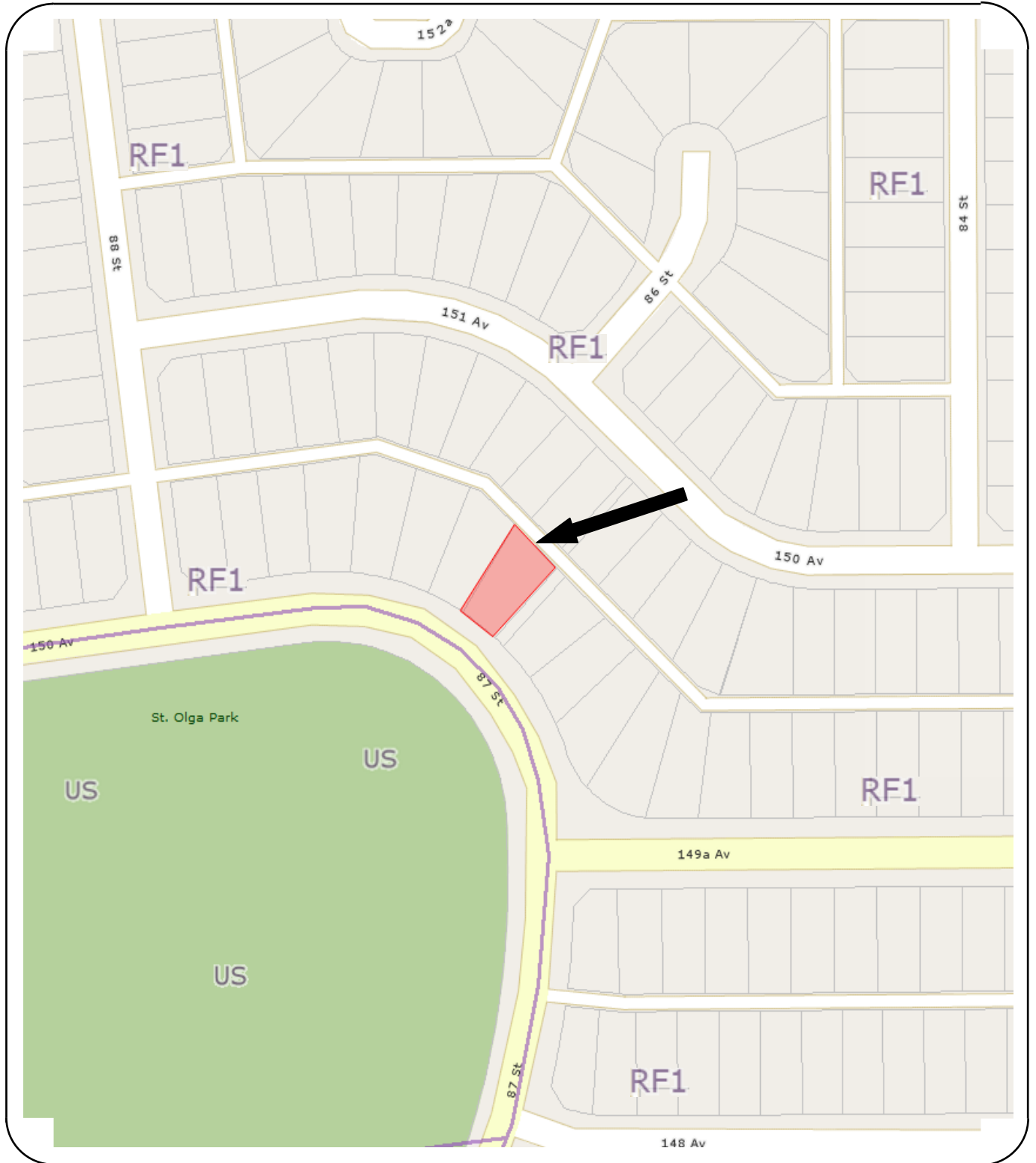
Section 17.2(1)(e) states the Development Officer may cancel a Development Permit following its approval if the landowner requests, by way of written notice to the Development Officer, the cancellation of the Development Permit.

Section 17.2(3) states notice of the Development Officer's decision to cancel the Development Permit shall be provided in writing by ordinary mail to the property owner, and to the applicant of the Development Permit and such notice shall state the reasons for the cancellation of the Development Permit.

The decision of cancellation by the Development Officer has been appealed by the permit applicant, who is a tenant at the subject property.

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-15-028



BUSINESS LAID OVER

SDAB-D-15-011	An appeal by <u>Vernon Lappi VS Nissamka Wijayanayaka</u> to operate a Major Home Based Business from December 3, 2014 to December 3, 2019 (printing and applying 3M hood protection film). <i>February 18 or 19, 2015</i>
SDAB-D-15-019	An appeal by <u>Art Lab</u> to construct an Accessory Building (detached Garage, 4.88 metres by 6.10 metres). <i>March 5, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

159168525-001	An appeal by <u>Gregory Hense / Brenda Matthew / Brenda & Laura Slywka/ Don & Cheryel Goodale VS Cyril Harry & Joseph Cockram</u> to construct a Semi-detached House with front attached Garages, front verandas, fireplaces, and rear uncovered decks (3.96 metres by 3.05 metres). <i>February 11 or 12, 2014</i>
161242059-003	An appeal by <u>Tom Parada</u> to construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits. <i>March 12, 2015</i>