

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
November 18, 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-15-266	Construct exterior alterations (Driveway extension, 1.21m x 5.45 on left side, 2.5m x 5.45m on right side) to an existing Single Detached House (existing without permits) 916 - Wildwood Way NW Project No.: 178262341-003
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II	10:30 A.M.	SDAB-D-15-267	Construct a Semi-Detached House with front verandas 11415 - 84 Street NW Project No.: 177283697-001
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III	1:00 P.M.	SDAB-D-15-268	Leave as built a Single Detached House 11542 - 75 Avenue NW Project No.: 157837120-014
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IV	2:30 P.M.	SDAB-D-15-269	Operate a Major Home Based Business (Trucking Business) 18011 - 34 Street NW Project No.: 179669631-001
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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-15-266

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 178262341-003

ADDRESS OF APPELLANT: 916 Wildwood Way NW

APPLICATION TO: Construct exterior alterations (Driveway extension, 1.21m x 5.45 on left side, 2.5m x 5.45m on right side) to an existing Single Detached House (existing without permits).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 19, 2015

DATE OF APPEAL: October 22, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 916 Wildwood Way NW

LEGAL DESCRIPTION: Plan 1123458 Blk 60 Lot 60

ZONE: RSL Residential Small Lot Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: The Meadows Area Structure Plan
Wild Rose Neighbourhood Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

We have minor development application permit, project # 178262341-003 that got refused by the city of Edmonton. We would like to appeal that decision.

The reason we have extended the driveway is, we have legal secondary suite in basement. We need parking for our basement tenant. The parking space is also marked on the plot plan when we applied for the house permit on June 6, 2014 (the copy is attached to plot plan).

It is hard to find a parking spot on street and on other side of street where there is a fire hydrant. (photo is attached).

We also talked to our neighbours and they do not have any obligation for this development. Copy is attached with neighbours addresses and signatures.

If it is an environmental issue then we are willing to plant more tree and shrubs in the back and front of the house.

Since this is our first house, we did not have much experiences. Therefore in the future we will not do any concrete or any other type of work without a city permit. Thank you for your time in reading our case. [unedited]

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) 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,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The decision of the Development Authority is dated October 19, 2015. The Notice of Appeal Period expired on November 2, 2015. The Notice of Appeal was filed on October 22, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 115.1 states that the **General Purpose** of the **RSL Residential Small Lot Zone** is:

...to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Under Section 115.2(4), **Single Detached Housing** is a **Permitted Use** in the RSL Residential Small Lot Zone.

Section 6.1(26) defines **Driveway** as “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

Driveway

Section 6.1(26) defines **Driveway** as “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

Development Officer’s Determination

The proposed concrete area shall not be considered a Driveway. Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area. (Reference Section 6.1(26)) The proposed concrete extension on the left side of the property does not lead to an overhead garage door or parking area. [unedited]

Parking

The *Edmonton Zoning Bylaw* states:

44. *Projection into Setbacks and Separation Spaces*

The following features may project into a required Setback or Separation Space as provided for below:

...

6. a Parking Area when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways;

54.2 Required Off-street Vehicular Accessory Parking

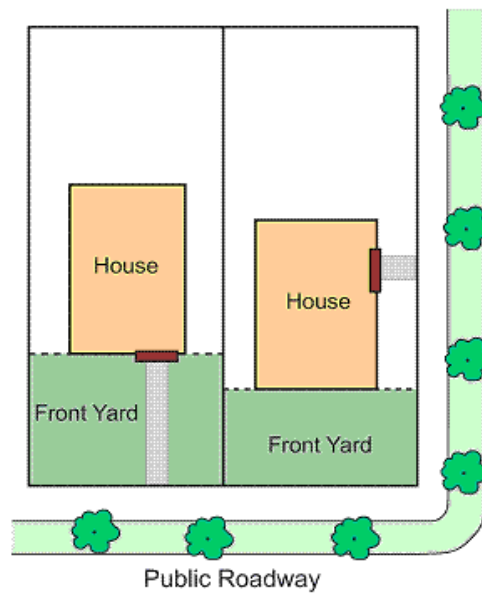
2. Location of Vehicular Parking Facilities

...

- e. Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:
- i. parking spaces shall not be located within a Front Yard;

Section 6.1(40) states:

Front Yard means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Section 6.1(69) states:

Parking Area means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

Development Officer's Determination

The proposed concrete area is not part of the Driveway. No Parking Area or parking spaces shall be located within the Front Yard. (Reference Section 44.6 and Section 54.2(2(e)(i)) [unedited]

Landscaping

Section 55.1 states the following with respect to the **General Purpose** of the Landscaping regulations:

The intent of these Landscaping regulations is to contribute to a reasonable standard of liveability and appearance for developments, from the initial placement of the Landscaping through to its mature state, to provide a positive overall image for Edmonton and to encourage good environmental stewardship.

Section 55.2(4)(b) provides as follows:

55.2 Applicability

...

4. Landscaping for Single Detached, Semi-detached, Duplex and Secondary Suite Housing in the RF1, RSL, RF2, RF3, RF4, RF5 and UCRH Zones and Row Housing and Stacked Row Housing in the RF5 Zone and the UCRH Zone, where they are not part of a Multi-unit Site Project Development, shall be provided in accordance with the following:

...

- b. except in the case that Dwellings are part of a Multi-unit Project Development, all Yards, visible from a public roadway, other than a Lane, on a Site developed with Single Detached, Semi-detached, Duplex or Secondary Suite or, in the RF5 or UCRH Zone, Row Housing or Stacked Row Housing, shall be seeded or sodded within 18 consecutive months of the occupancy of the development. Alternate forms of Landscaping, including hard decorative pavers, washed gravel, shale or similar treatments, flower beds or cultivated gardens, may be substituted for seeding or sodding, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens; and

Section 6.1(55) states:

Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls and sculpture;

Development Officer's Determination:

3. The Front Yard shall be landscaped. (Section 55) Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:
- a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
 - b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
 - c) architectural elements such as decorative fencing, walls and sculpture. (Section 6.1(55))

NOTES:

1. Landscaping condition attached to Development Permit # 155665617-001 for the Single Detached House approval has not been fulfilled.
2. All Yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. (Reference 55.2(4)(b))
3. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800. [unedited]

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*.



Project Number: **178262341-003**
Application Date: SEP 14, 2015
Printed: November 13, 2015 at 11:35 AM
Page: 1 of 2

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant

HITESH, PATEL


Property Address(es) and Legal Description(s)

916 - WILDWOOD WAY NW
Plan 1123458 Blk 60 Lot 60

Scope of Application

To construct exterior alterations (Driveway extension, 1.21m x 5.45 on left side, 2.5m x 5.45m on right side) to an existing Single Detached House (existing without permits).

Permit Details

of Dwelling Units Add/Remove: 0
Client File Reference Number:
Minor Dev. Application Fee: Exterior Alterations (Res.)
Secondary Suite Included?: N

Class of Permit: Class A
Lot Grading Needed?:
New Sewer Service Required: N/A
Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **178262341-003**
 Application Date: SEP 14, 2015
 Printed: November 13, 2015 at 11:35 AM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

Application to construct exterior alterations to an existing Single Detached House (Driveway extension, 1.21m x 5.45 on left side, 2.5m x 5.45m on right side, existing without permits), is refused for the following reasons:

1. The proposed concrete area shall not be considered a Driveway. Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area. (Section 6.1(26)) The proposed concrete extensions on the right & left sides of the property do not lead to an overhead garage door or parking area.
2. The proposed concrete areas are not parts of the Driveway. No Parking Area or parking spaces shall be located within the Front Yard. (Section 44.6 and Section 54.2(2)(c)(i))
3. The Front Yard shall be landscaped. (Section 55) Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:
 - a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
 - b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
 - c) architectural elements such as decorative fencing, walls and sculpture. (Section 6.1(55))

Notes:

1. Landscaping condition attached to Development Permit # 155665617-001 for the Single Detached House approval have not been fulfilled.
2. All Yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. (Reference 55.2(4)(b))
3. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

Rights of Appeal

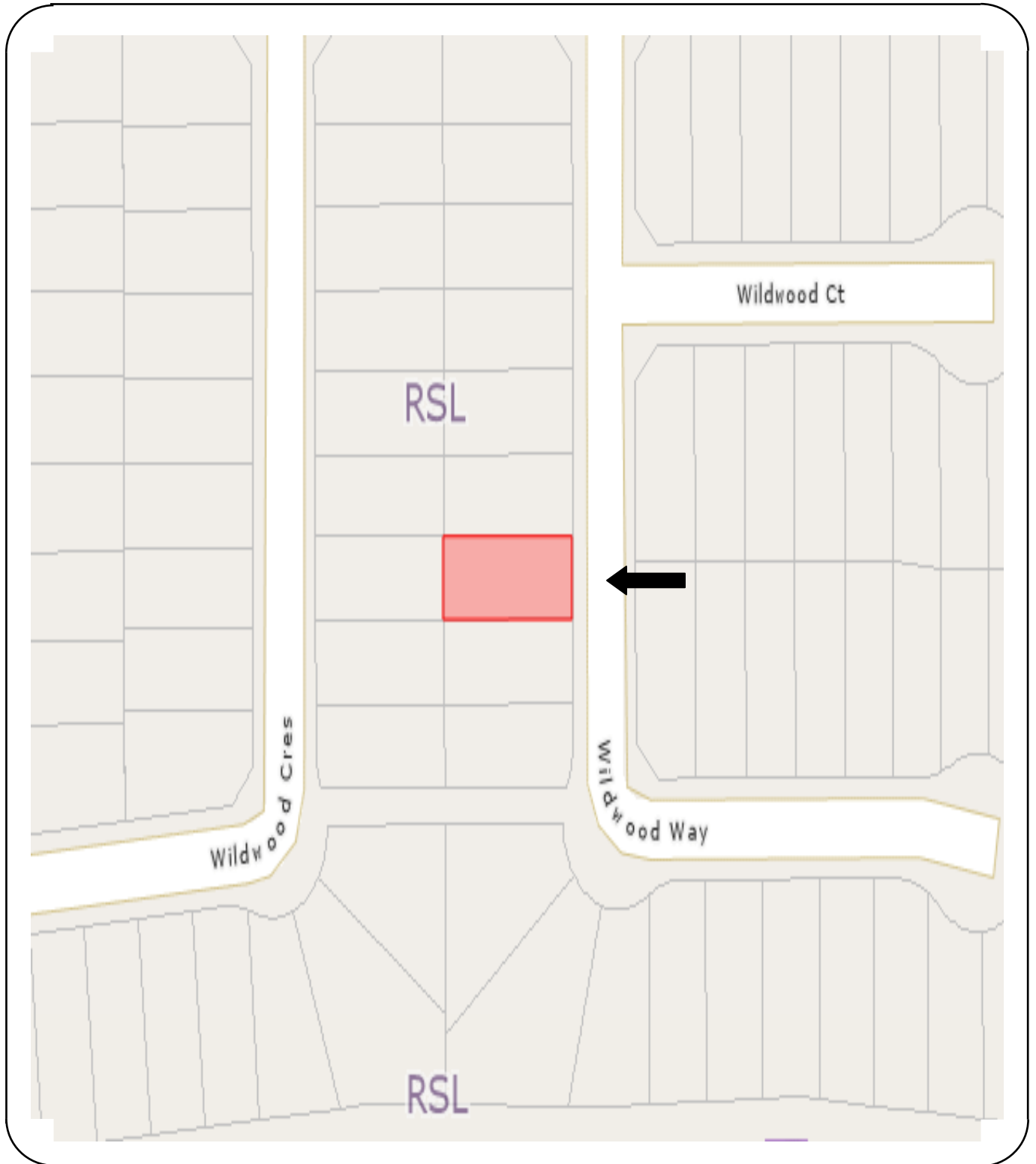
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Oct 19, 2015 **Development Authority:** LAI, ECHO **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$155.00	\$155.00	02744677	Sep 14, 2015
Existing Without Permit Penalty Fee	\$155.00	\$155.00	02744677	Sep 14, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$310.00	\$310.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-266



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-267

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 177283697-001

ADDRESS OF APPELLANT: 11415 - 84 STREET NW

APPLICATION TO: Construct a Semi-Detached House with front verandas

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 23, 2015

DATE OF APPEAL: October 23, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11415 - 84 STREET NW

LEGAL DESCRIPTION: Plan RN50 Blk 107 Lot 4

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: Parkdale Area Redevelopment Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

This house plan will not affect the neighbours. In my area there has been a new house with the same house plan and zoning built in this year.
[unedited]

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) 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,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The decision of the Development Authority is dated October 23, 2015. The Notice of Appeal Period expired on November 6, 2015. The Notice of Appeal was filed on October 23, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General 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.

Under Section 140.2, **Semi-detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

<i>Minimum Site Area</i>

The *Edmonton Zoning Bylaw* states:

140.4 Development Regulations for Permitted and Discretionary Uses

...

3. Site regulations for Semi-detached Housing:

- a. the minimum Site area shall be 442.2 m²;

- b. on a non-Corner Lot, the minimum Site Width shall be 13.4 m, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 m;
- c. on a Corner Lot, the minimum Site Width shall be 14.8 m; and
- d. the minimum Site depth shall be 30.0 m.

Development Officer's Determination

Section 140.4(3): the minimum Site area shall be 442.2 m².
Proposed: 368.14 sqm
Deficient: 74.06 sqm or 16.75%

In the opinion of the Development Officer the deficiency in the required minimum Site Area makes this site unsuitable for the proposed Use. Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties. [unedited]

Private Outdoor Amenity Area

Section 6.1(78) defines **Private Outdoor Amenity Area** as:

... required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve;

Section 47(5) states:

Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.

Development Officer's Determination

Section 47.5: Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m.
Proposed depth of the rear amenity space: 3.62m [unedited]

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*.



Project Number: **177283697-001**
 Application Date: AUG 10, 2015
 Printed: November 13, 2015 at 1:02 PM
 Page: 1 of 2

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant HOU, ZHIGANG 	Property Address(es) and Legal Description(s) 11415 - 84 STREET NW Plan RN50 Blk 107 Lot 4 Specific Address(es) Entryway: 11415 - 84 STREET NW Entryway: 11417 - 84 STREET NW Building: 11415 - 84 STREET NW
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Scope of Application
 To construct a Semi-Detached House with front verandas.

Permit Details # of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal

- 1.) Section 140.4(3): the minimum Site area shall be 442.2 m².
 Proposed: 368.14 sqm
 Deficient: 74.06 sqm or 16.75%
- 2.) Section 47.5: Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m.
 Proposed depth of the rear amenity space: 3.62m

In the opinion of the Development Officer the deficiency in the required minimum Site Area makes this site unsuitable for the proposed Use. Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Rights of Appeal
 The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Oct 23, 2015 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$447.00	\$447.00	02654708	Aug 10, 2015
Lot Grading Fee	\$270.00	\$270.00	02654708	Aug 10, 2015

THIS IS NOT A PERMIT



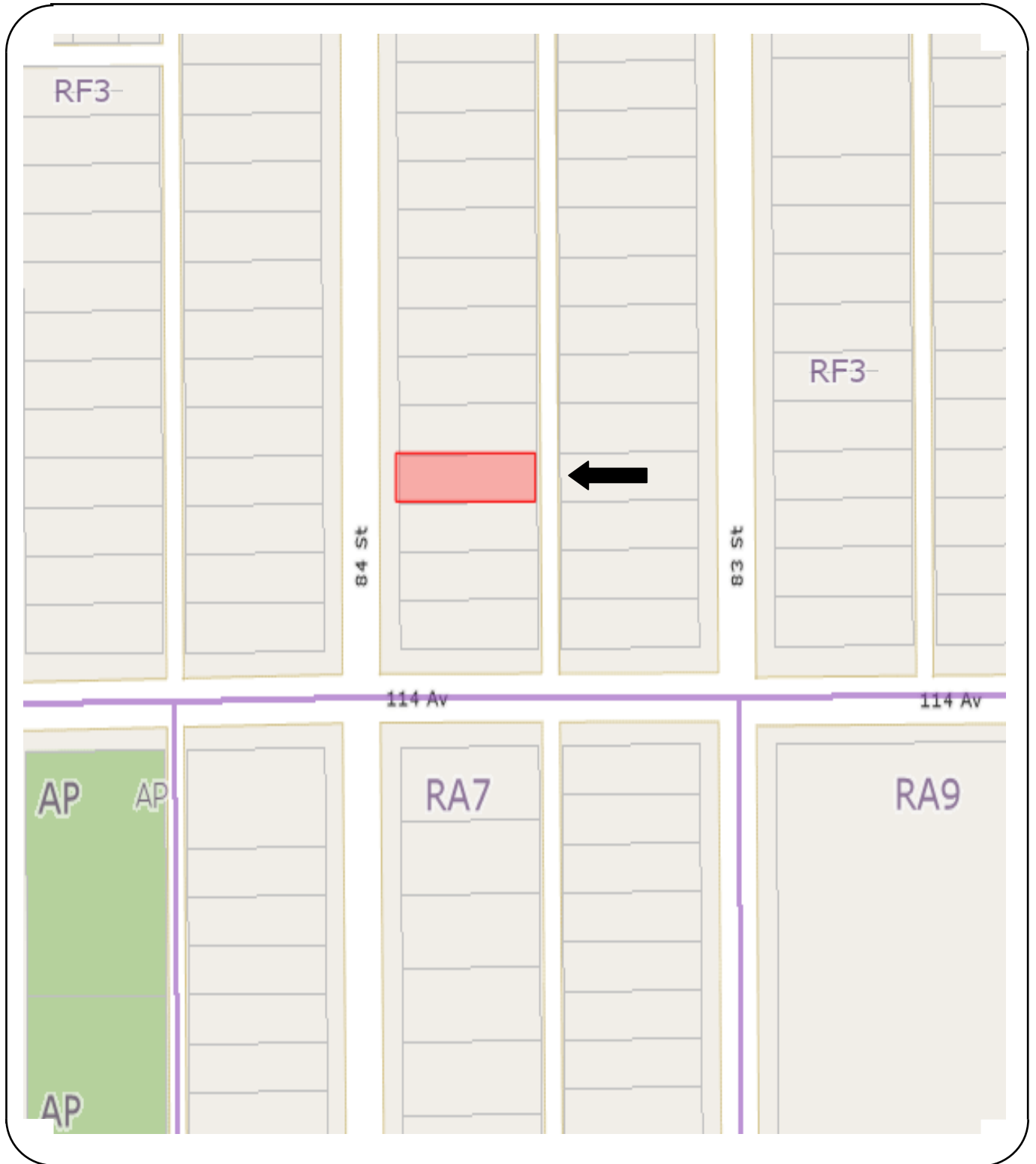
Application for Minor Development Permit

Project Number: **177283697-001**
Application Date: AUG 10, 2015
Printed: November 13, 2015 at 1:02 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,430.00	\$1,430.00	02654708	Aug 10, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$2,147.00	\$2,147.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-267



ITEM III: 1:00 P.M.

FILE: SDAB-D-15-268

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.:	157837120-014
ADDRESS OF APPELLANT:	11542 - 75 Avenue NW
APPLICATION TO:	Leave as built a Single Detached House.
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	October 9, 2015
DATE OF APPEAL:	October 23, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	11542 - 75 AVENUE NW
LEGAL DESCRIPTION:	Plan 1275HW Blk 3 Lot 10
ZONE:	RF1 Single Detached Residential Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLANS IN EFFECT:	McKernan-Belgravia Station Area Redevelopment Plan

<i>Grounds for Appeal</i>

The Appellant provided the following reasons for appealing the decision of the Development Authority:

The requested variance to "Leave as built a Single Detached House" has been disallowed. To relax the requirement that the basement elevation of structures of two or more storeys in Height shall be no more than 1.2 above Grade, to allow 1.6 above Grade. We are appealing this decision and wish to show that alterations have been made to ensure overall height of said structure will remain fully within the prescribed legal measurements allowed. [unedited]

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) 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,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The decision of the Development Authority is dated October 9, 2015. The Notice of Appeal Period expired on October 23, 2015. The Notice of Appeal was filed on October 23, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is to:

The purpose of this 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.

Under Section 110.2, **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

<i>Basement Elevation</i>

Section 814.3(16) states:

The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.

Section 52(4) states the following with respect to **Grade**:

4. The Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:
 - a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
 - b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan;
 - c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane;
 - d. for a Site where the highest geodetic elevation at a corner of the front property line is greater than the lowest geodetic elevation at a corner of the rear property line by 2.0 m or more, the Development Officer may determine Grade by calculating the average elevation of the front corners of the Lot, and along the side property lines a distance equal to the minimum front Setback in the underlying Zone from the front property line. This method is intended for small scale development with a single Principal building and is not intended to be used for Multi-unit Project Developments; or
 - e. the Development Officer may use his variance power to determine Grade by a method other than the ones described in subsection 52.4.

Development Officer's Decision

Section 814.3(16): The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.

Average Grade: 100.36m

Finished Floor of the first Storey: 102.04m

Height from Average Grade to Finished Floor: 1.68m
Maximum Finished Floor: 1.2m
Deficiency: 0.48m [unedited]

Side Setback

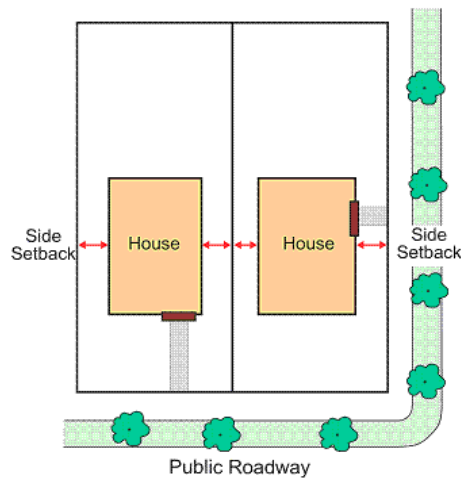
Section 110.4(10)(a) states:

Side Setbacks shall be established on the following basis:

- a. Side Setbacks shall total at least 20% of the Site Width, with a minimum Side Setback of 1.2 m on each side;

Section 6.1(90) states:

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





Development Officer's Decision

Section 110.4.10(a): Side Setbacks shall total at least 20% of the Site Width, with a minimum Side Setback of 1.2 m on each side.

Right Side Setback: 0.89m
Required: 1.20m
Deficiency: 0.31m
[unedited]

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*.

	Project Number: 157837120-014 Application Date: JUL 29, 2015 Printed: November 13, 2015 at 1:39 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant KEN, CHEN 	Property Address(es) and Legal Description(s) 11542 - 75 AVENUE NW Plan 1275HW Blk 3 Lot 10 Specific Address(es) Entryway: 11542 - 75 AVENUE NW Building: 11542 - 75 AVENUE NW		
Scope of Application To leave as built a Single Detached House.			
Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; vertical-align: top;"> Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built Single Detached House Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built Single Detached House Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal This application is refused for the following reasons: 1. Section 814.3(16): The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey. Average Grade: 100.36m Finished Floor of the first Storey: 102.04m Height from Average Grade to Finished Floor: 1.68m Maximum Finished Floor: 1.2m Deficiency: 0.48m 2. Section 110.4.10(a): Side Setbacks shall total at least 20% of the Site Width, with a minimum Side Setback of 1.2 m on each side. Right Side Setback: 0.89m Required: 1.20m Deficiency: 0.31m NOTES: 1. Unless otherwise stated, all references to section numbers refer to the Edmonton Zoning Bvlaw 12800.			
THIS IS NOT A PERMIT			



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-268



ITEM IV: 2:30 P.M.

FILE: SDAB-D-15-269

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 179669631-001

ADDRESS OF APPELLANT: 18011 - 34 STREET NW

APPLICATION TO: Operate a Major Home Based Business
(Trucking Business)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 19, 2015

DATE OF APPEAL: October 26, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 18011 - 34 STREET NW

LEGAL DESCRIPTION: Plan 7722309 Lot 1

ZONE: AG Agricultural Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: Edmonton Energy and Technology Park
Area Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

1. This site lies in the future Edmonton Energy Park area and will become General Industrial in the next few years, and the proposed use will become a conforming use.
2. It is not a "residential area", as it is miles away from the nearest residence. The property had been used for fixing Transit buses (transmissions) for the City of Edmonton as one of its main clients, in the past.
3. The trucks are gone in the morning and come in the evening to park.
4. The property is surrounded by trees, and no activity on the inside is visible to anybody outside. Adjacent properties are very far away.
5. Our trucks using 34th Street are always empty. Truck Routes always pertains to loaded trucks. [unedited]

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) 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,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The decision of the Development Authority is dated October 19, 2015. The Notice of Appeal Period expired on November 2, 2015. The Notice of Appeal was filed on October 26, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 610.1 states that the **General Purpose** of the **AG Agricultural Zone** is “to conserve agricultural and rural land use activities.”

General Industrial Uses

Section 7.5(2) states:

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.

Development Officer's Decision

1. Section 610 - The Development Authority deems this use to be a General Industrial Use, which is neither a Permitted nor a Discretionary Use in the AG Agricultural Zone.

The proposed use should be considered a General Industrial Use because the proposed development is used primarily for the storage of large transport trucks, and the service and repair of those large transport trucks, which is normally associated with industrial businesses.
[unedited]

Appropriate Use

Under Section 7.3(7), **Major Home Based Business** is defined as:

...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.

Section 75(9) states:

75. Major Home Based Business

A Major Home Based Business shall comply with the following regulations:

...

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;

Development Officer's Decision

2. 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. *Since the proposed use should be classified as a General Industrial Use and the proposed Major Home Based Business would not meet 4 regulations of Section 75, it is in the opinion of the Development Officer that such use is more appropriately located in an Industrial Zone.* [emphasis added]

<i>Vehicular Traffic</i>

Section 75(3) states:

75. Major Home Based Business

A Major Home Based Business shall comply with the following regulations:

...

2. 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;

Development Officer's Decision:

3. Section 75(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. *This trucking business generates excessive vehicular traffic compared with a farm.* [emphasis added]

Non-Resident Employees

Section 75(4) states:

75. Major Home Based Business

A Major Home Based Business shall comply with the following regulations:

...

3. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;

Development Officer's Decision:

4. Section 75(4) - the number of non-resident employees or business partners working on-site shall not exceed two at any one time. *The application proposes the storage of eight transport trucks, each with their own driver. It is highly likely that there the number of non-resident employees will exceed two at any one time.* [emphasis added]

Outdoor Storage

Section 75(5) states:

75. Major Home Based Business

A Major Home Based Business shall comply with the following regulations:

...

4. 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;

Development Officer's Decision:

5. Section 75(5) - there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. *This application proposes the outdoor storage of 8 transport trucks on the property.* [emphasis added]

Noise

Section 75(2) states:

75. Major Home Based Business

A Major Home Based Business shall comply with the following regulations:

...

5. 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;

Development Officer's Decision:

6. Section 75(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. *Truck traffic originating from the property will create external noise that would interfere with the enjoyment of adjacent properties.* [emphasis added]

Note: The property is accessed via 34 Street NW, and this street is not a designated truck route. Section 87.1 of Bylaw 5590 states "A person shall not operate a heavy vehicle on a highway unless a highway is designated as a truck route". [unedited]

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*.



Project Number: **179669631-001**
Application Date: SEP 22, 2015
Printed: November 13, 2015 at 2:16 PM
Page: 1 of 3

Application for Home Occupation

This document is a Development Permit Decision for the development application described below.

Applicant GREWAL, KAMALDIP K. 	Property Address(es) and Legal Description(s) 18011 - 34 STREET NW Plan 7722309 Lot 1
	Specific Address(es) Suite: 18011 - 34 STREET NW Entryway: 18011 - 34 STREET NW

Scope of Application

To operate a Major Home Based Business (Trucking Business).

Permit Details

of business related visits/day: 8
Administration Office Only?: N
Class of Permit: Class B

Do you live at the property?: Y
Outdoor storage on site?: Y

of vehicles at one time: 8
Business has Trailers or Equipment?: Y
Description of Business: Parking of Transport Vehicles (8) &
Administrative Paperwork
Expiry Date:

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **179669631-001**
Application Date: SEP 22, 2015
Printed: November 13, 2015 at 2:16 PM
Page: 2 of 3

Application for Home Occupation

Reason for Refusal

1. Section 610 - The Development Authority deems this use to be a General Industrial Use, which is neither a Permitted nor a Discretionary Use in the AG Agricultural Zone.

The proposed use should be considered a General Industrial Use because the proposed development is used primarily for the storage of large transport trucks, and the service and repair of those large transport trucks, which is normally associated with industrial businesses.

2. 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.

Since the proposed use should be classified as a General Industrial Use and the proposed Major Home Based Business would not meet 4 regulations of Section 75, it is in the opinion of the Development Officer that such use is more appropriately located in an Industrial Zone.

3. Section 75(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.

This trucking business generates excessive vehicular traffic compared with a farm.

4. Section 75(4) - the number of non-resident employees or business partners working on-site shall not exceed two at any one time.

The application proposes the storage of eight transport trucks, each with their own driver. It is highly likely that there the number of non-resident employees will exceed two at any one time.

5. Section 75(5) - there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business.

This application proposes the outdoor storage of 8 transport trucks on the property.

6. Section 75(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.

Truck traffic originating from the property will create external noise that would interfere with the enjoyment of adjacent properties

Note: The property is accessed via 34 Street NW, and this street is not a designated truck route. Section 87.1 of Bylaw 5590 states "A person shall not operate a heavy vehicle on a highway unless a highway is designated as a truck route".

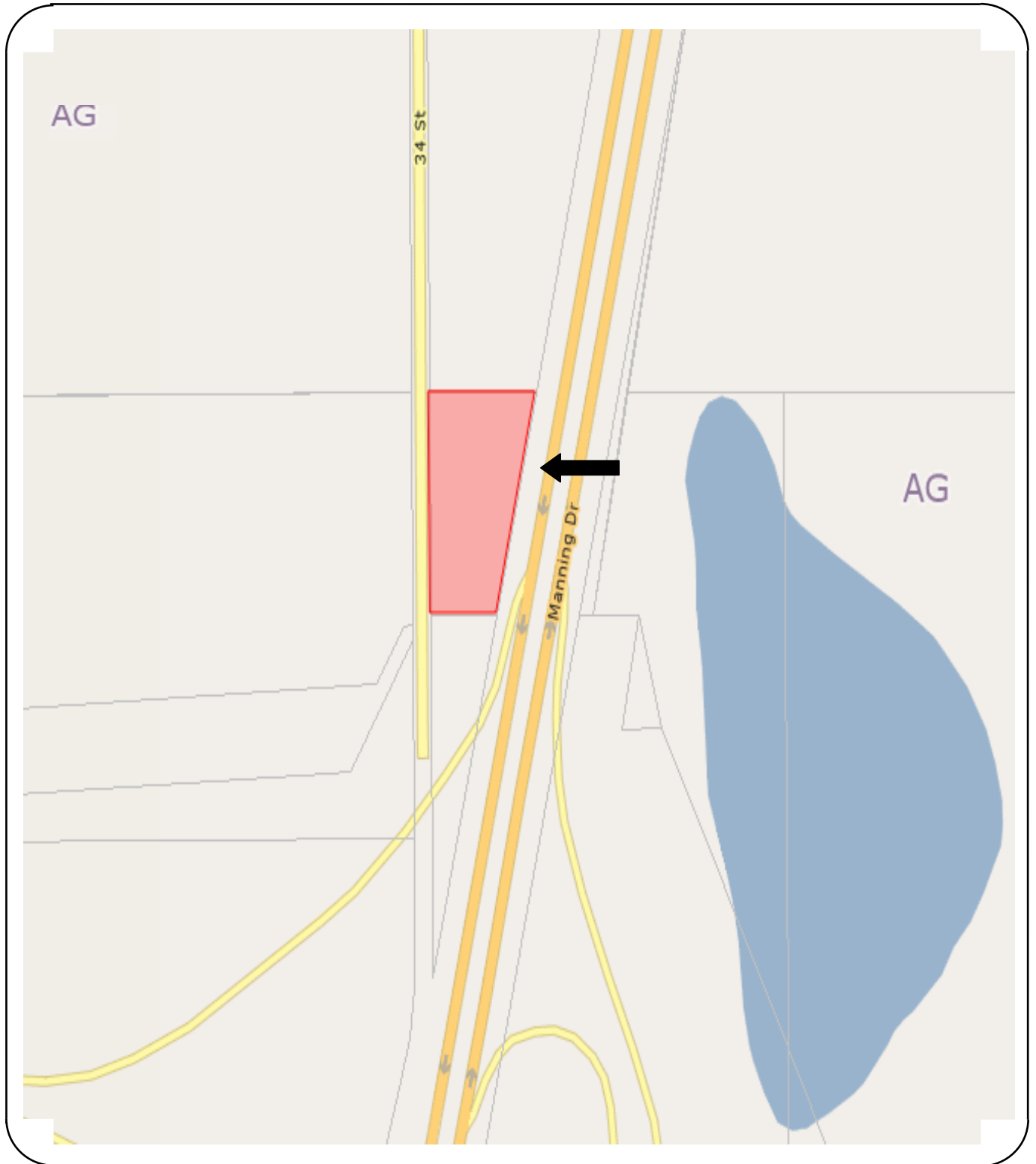
Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Oct 19, 2015 Development Authority: LIANG, BENNY

Signature: _____

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15- 269



BUSINESS LAID OVER

SDAB-D-15-236 to 241	An appeal by <u>Ogilvie LLP</u> to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>November 19, 2015</i>
SDAB-D-15-246	An appeal by <u>Walton Development & Management LP VS Jason & Sarah McPeak</u> to construct exterior alterations (driveway extension, 9.0m x 1.52 m) to an existing Single Detached House. <i>November 19, 2015</i>
SDAB-D-15-251	An appeal by <u>Lain & Janet Birchall; Roger/Denele Walsh; Karen Bilinske VS Homes By Anthony Developments</u> to construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor; 10.06m x 9.14m) <i>November 26, 2015</i>
SDAB-D-15-252	An appeal by Southwest Muslim Community Centre change the Use from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre) <i>November 25 or 26, 2015</i>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

145348619-005	An appeal by <u>Derek Potts</u> to construct an exterior alterations (Driveway extension, irregular shaped, 8.5m x 7m) to an existing Single Detached House. <i>November 26, 2015</i>
174864823-001	An appeal by <u>Dean and Jade Gronemeyer VS Imelda Calapre</u> to convert a Single Detached House into a Limited Group Home (6 Residents). <i>December 10, 2015</i>
159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Single Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <i>January 21, 2016</i>