# **SUBDIVISION**

# AND

# **DEVELOPMENT APPEAL BOARD**

# AGENDA

Wednesday, 9:30 A.M. August 5, 2020

SUBDIVISION AND D	EVELOPMENT APPEAL BOARD
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Ι	9:30 A.M.	SDAB-D-20-099	
			To construct an Accessory Building (gazebo 4.3 metres by 8.5 metres), existing without permits
			12719 - 39 Avenue NW Project No.: 359541392-002
II	1:30 P.M.	SDAB-D-20-100	
			To operate a Major Home Based Business (Detailing and paint polishing business - SUBTLE AUTO DETAILING). Expires June 17, 2025
			17806 - 5A Avenue SW
			Project No.: 362728555-001
	NOTE:		, all references to "Section numbers" in this Agenda Ider the Edmonton Zoning Bylaw 12800.

## ITEM I: 9:30 A.M.

## FILE: SDAB-D-20-099

AN APPEAL FROM THE DECIS	ION OF THE DEVELOPMENT OFFICER
APPELLANT:	
APPLICATION NO .:	359541392-002
APPLICATION TO:	Construct an Accessory Building (gazebo 4.3 metres by 8.5metres), existing without permits
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	June 30, 2020
DATE OF APPEAL:	July 9, 2020
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	12719 - 39 Avenue NW
LEGAL DESCRIPTION:	Plan 5508MC Blk 4 Lot 47
ZONE:	(RF1) Single Detached Residential Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	N/A

## Grounds for Appeal

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

It is our opinion that the development authority did not properly evaluate the application and the variance requested to the North Saskatchewan River Valley and Ravine System. It is our opinion that the Geotechnical Engineering report provided justifies the variance.

Additional details will be provided at the hearing.

#### 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.

(2) 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.

## 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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
    - or
  - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

#### **Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

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- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
  - • •
  - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
  - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
    - (i) the proposed development would not
      - (A) unduly interfere with the amenities of the neighbourhood, or
      - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

#### General Provisions from the Edmonton Zoning Bylaw:

Under section 110.2(7), Single Detached Housing is a Permitted Use in the (RF1) Single Detached Residential Zone.

Under section 7.2(8), **Single Detached Housing** means "development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw."

Section 110.1 states that the **General Purpose** of the **(RF1) 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, Garden Suites, Semi-detached Housing and Duplex Housing."

Section 814.1 states that the General Purpose of the Mature Neighbourhood Overlay is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Section 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is "to provide a development Setback from the North Saskatchewan River Valley and Ravine System."

North Saskatchewan River Valley and Ravine System Protection Overlay

Section 811.3(1) states "All developments shall maintain a minimum 7.5 m Setback from the North Saskatchewan River Valley and Ravine System, as shown on Appendix I to this Overlay."

Under section 6.1, **Setback** means "the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space."

Section 811.3(8) states "the Development Officer, having regard to the detailed engineering study required in 811.3.3 or 811.3.4 and in consultation with Integrated Infrastructure Services, may apply conditions of approval to any Development Permit issued on a Site that Abuts or is partially or wholly contained within the North Saskatchewan River Valley and Ravine System, as shown in Appendix 1 to this Overlay, including but not limited to, any conditions required to minimize erosion and stabilize soil conditions as well as, when applicable, requirement to comply with subsection 811.3.7, or may refuse the application."

#### **Development Officer's Determination**

1. The minimum Setback from the lot line abutting North Saskatchewan River Valley and Ravine System to the Accessory Building is required to be 7.5m (Reference Section 811.3.1)

Existing Setback: 1.15m Deficient by: 6.35m

2. Section 811.3.8. The Development Officer, having regard to the detailed engineering study required in 811.3.3 or 811.3.4 and in consultation with Integrated Infrastructure Services, may apply conditions of approval to any Development Permit issued on a Site that Abuts or is partially or wholly contained within the North Saskatchewan River Valley and Ravine System, as shown in Appendix 1 to this Overlay, including but not limited to, any conditions required to minimize erosion and stabilize soil conditions as well as, when applicable, requirement to comply with subsection 811.3.7, or may refuse the application.

It is the opinion of the Development Officer, in consultation with a Senior Geotechnical Engineer in Integrated Infrastructure Services, that the Site is not suitable for the intended development.

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.

	A	Application	n for	Printed: June 30, 2020 at 2:26 PM Page: 1 of 2
	Acces	sory Build	ling Permit	
his document is a Development	Permit Decision for th	e development app	lication described below	N.
pplicant		I	12719 - 39 AVENU	
		-	Plan 5508MC	BIK 4 Lot 47
			.ocation(s) of Work ite: 12719 - 39 A	VENI JE NW
			tryway: 12719 - 39 A	
			ilding: 12719 - 39 A	
Scope of Application To construct an Accessory	Building (gazebo 4.3m	x 8.5m), existing v	rithout permits.	
Permit Details			-	
Class Of Permit Class B		L		
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: 3 Overlay	dature Neighbourhood	54	te Area (sq. m.): 1600.63	
is required to be 7.5m Existing Setback: 1.15 Deficient by: 6.35m 2. Section 811.3.8. The consultation with Integ that Abuts or is partial Appendix 1 to this Ov as well as, when applie It is the opinion of the	(Reference Section 811 m e Development Officer, grated Infrastructure Ser ly or wholly contained relay, including but not cable, requirement to co	.3.1) having regard to th rvices, may apply c within the North Sa limited to, any con mply with subsecti in consultation with	e detailed engineering onditions of approval to skatchewan River Valle ditions required to mini on 811.3.7, or may refu a Senior Geotechnical	d Ravine System to the Accessory Building study required in 811.3.3 or 811.3.4 and in o any Development Permit issued on a Site ey and Ravine System, as shown in imize erosion and stabilize soil conditions use the application. Engineer in Integrated Infrastructure
	right of appeal within 2 nicipal Government Ac		e on which the decision	is made, as outlined in Section 683
Refused				
Fees				
Building Permit Fee (Accessory Building)	Fee Amount \$112.00	Amount Paid \$112.00	Receipt # 943686002176001	Date Paid Apr 08, 2020

Edmonton	P	Application	n for	Project Numl Application Date Printed: Page:	er: <b>359541392-002</b> er: APR 08, 2020 June 30, 2020 at 2:26 PM 2 of 2
	Acces	ssory Build	ding Permit		
Fees					
Development Application Fee Safety Codes Fee Total GST Amount: Totals for Permit:	Fee Amount \$120.00 \$4.50 \$0.00 \$236.50	Amount Paid \$120.00 \$4.50 \$236.50	Receipt # 943686002176001 943686002176001	<b>Date Paid</b> Apr 08, 2020 Apr 08, 2020	
		THIS IS NOT A	PERMIT		





# ITEM II: 1:30 P.M.

# FILE: SDAB-D-20-100

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER			
APPELLANT:			
APPLICATION NO .:	362728555-001		
APPLICATION TO:	Operate a Major Home Based Business (Detailing and paint polishing business - SUBTLE AUTO DETAILING). Expires June 17, 2025		
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with Conditions		
DECISION DATE:	June 17, 2020		
DATE OF APPEAL:	July 10, 2020		
NOTIFICATION PERIOD:	June 23, 2020 through July 14, 2020		
RESPONDENT:			
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	17806 - 5A Avenue SW		
LEGAL DESCRIPTION:	Plan 1224860 Blk 13 Lot 25		
ZONE:	(RSL) Residential Small Lot Zone		
OVERLAY:	N/A		
STATUTORY PLAN(S):	Windermere Area Structure Plan Windermere Neighbourhood Structure Plan		

Grounds for Appeal

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

We received a letter from the city to notice us a development permit for a home business in our neighbourhood was approved, we all are against this approval, and reasons are listed as below:

1. Safety issue.

As we saw that the owner did car washing and polishing since last year, cars came in our neighbourhood, those cars were potential threaten to people safety, especially for little kids. 80 percent of house owners in here are young couples with Kids at 5-10 years old.

2. Security issue.

Lots of cars /trucks come in our neighbourhood, the drivers are from anywhere, who knows they are good guys or bad guys, criminal cases may happen here.

3. Parking issue

Currently, parking lot is very limited in our neighbourhood, because there are detached houses in the other side of road. If the business open, more vehicles come through here, our house owners and our visitors will have no place to park our cars.

4. Pollution issues

Car washing and polishing must use detergent/chemical materials; these things can pollute water and land soil, destroy our beautiful landscaping.

5. Noise issue

This is a residual area, not a business area, seniors and people with illness need a quite environment to make them feel better, but the business will bring lots of vehicles into our neighborhood and make lots of noise.

Above are our reasons, Please consider our basic needs for safety, security, clean and quite residential environment. Thank you for your time taking care of our appeal.The Appellant provided the following reasons for appealing the decision of the Development Authority:

We received a letter from the city to notice us a development permit for a home business in our neighbourhood was approved, we all are against this approval, and reasons are listed as below:

1. Safety issue.

As we saw that the owner did car washing and polishing since last year, cars came in our neighbourhood, those cars were potential threaten to people safety,

especially for little kids. 80 percent of house owners in here are young couples with Kids at 5-10 years old.

2. Security issue.

Lots of cars /trucks come in our neighbourhood, the drivers are from anywhere, who knows they are good guys or bad guys, criminal cases may happen here.

3. Parking issue

Currently, parking lot is very limited in our neighbourhood, because there are detached houses in the other side of road. If the business open, more vehicles come through here, our house owners and our visitors will have no place to park our cars.

4. Pollution issues

Car washing and polishing must use detergent/chemical materials; these things can pollute water and land soil, destroy our beautiful landscaping.

5. Noise issue

This is a residual area, not a business area, seniors and people with illness need a quiet environment to make them feel better, but the business will bring lots of vehicles into our neighborhood and make lots of noise.

Above are our reasons, Please consider our basic needs for safety, security, clean and quiet residential environment. Thank you for your time taking care of our appeal.

# 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.

(2) 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.

#### 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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
    - or
  - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

#### **Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
  - •••
  - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
  - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
    - (i) the proposed development would not
      - (A) unduly interfere with the amenities of the neighbourhood, or
      - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

#### General Provisions from the Edmonton Zoning Bylaw:

# Under section 115.3(4), a Major Home Based Business is a Discretionary Use in the (RSL) Residential Small Lot Zone.

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 that 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 includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution. 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 and Garden Suites."

Discretionary Use

#### **Development Officer's Determination**

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Bylaw, and there are no variances to the development regulations.

Major Home Based Business regulations

Under section 75, a **Major Home Based Business** shall comply with the following regulations:

- 1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
- 2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
- 3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
- 4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
- 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 Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
- 8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use 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 Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

# 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.

Edmonton	Project Number: <b>362728555-001</b> Application Date: MAY 19, 2020 Printed: July 13, 2020 at 10:39 AM Page: 1 of 3			
Home Oc	ccupation			
This document is a record of a Development Permit application, and a the limitations and conditions of this permit, of the Edmonton Zoning E				
Applicant	Property Address(es) and Legal Description(s)			
	17806 - 5A AVENUE SW Plan 1224860 Blk 13 Lot 25			
Scope of Permit	l			
To operate a Major Home Based Business (Detailing and paint po 2025.	lishing business - SUBTLE AUTO DETAILING). Expires June 17,			
Permit Details				
# of businesss related visits/day: 2	# of vehicles at one time:			
Administration Office Only?: N	Business has Trailers or Equipment?: N			
Class of Permit: Class B	Description of Business: Automotive Detailing.			
Do you live at the property?: Y	Expiry Date: 2025-06-17 00:00:00			
Outdoor storage on site?:				
Development Permit Decision				
Approved				
Issue Date: Jun 17, 2020 Development Authority: FOLKMAN	i, JEREMY			

Edmonton	Home Occupation	Project Numb Application Date Printed: Page:	er: <b>362728555-001</b> MAY 19, 2020 July 13, 2020 at 10:39 AM 2 of 3				
	Home Occupation						
	<b>the Following Conditions</b> s otherwise stated, all references to "section numbers" refer to the authority under the Ed led.	monton Zoning	; Bylaw #12800, as				
	1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).						
	2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).						
	Major Home Based Business shall not generate pedestrian or vehicular traffic, or parkin teristic of the Zone in which it is located (Section 75.3).	ng, in excess of	that which is				
	on-resident employees or business partners are working on-site, the maximum number sl th this application.	hall not exceed	the number applied				
5. If th	here are visits associated with the business the number shall not exceed the number appli	ed for with this	application.				
6. Clie	ents visit must be by-appointment only and appointments shall not overlap.						
7. The	re shall be no outdoor storage of material or equipment associated with the business (See	ction 75.5).					
8. No	8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.						
9. The	business use must maintain the privacy and enjoyment of adjacent residences and the cl	haracteristic of	the neighborhood.				
	10. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.						
	11. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).						
	is approval is for a 5 year period from the date of this decision. A new Development Per e the business from this location. This Development Permit expires on June 17, 2025.	rmit must be ol	ptained to continue to				
Notes:	i de la companya de l						
It does Gover	approved Development Permit means that the proposed development has been reviewed s not remove obligations to conform with other legislation, bylaws or land title instrument nment Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easement on 5.2).	nts such as the l	Municipal				
2. This	s Development Permit is not a Business License.						
	ject to the right of appeal. The permit is not valid until the required Notification Period e lance with Section 21.1 and 17.1).	expires (date no	ted below in				
Variances							
	re receiving this notice because a Discretionary Use Development Permit has been issued Edmonton Zoning Bylaw.	d, pursuant to S	ection 12.4 and 20.3				
Note: 7	The proposed development complies with the Bylaw, and there are no variances to the d	evelopment reg	ulations.				

Edmonton				Project Num Application Dat Printed: Page:	ber: <b>362728555-001</b> te: MAY 19, 2020 July 13, 2020 at 10:39 AM 3 of 3
	]	Home Occ	upation		
<b>Rights of Appeal</b> This approval is subje Amendment Act.	ect to the right of appeal	as outlined in Chap	ter 24, Section 683 thro	ough 689 of the Mun	icipal Government
Notice Period Begin	ns:Jun 23, 2020	Ends: Jul 14, 20.	20		
Fees					
Dev. Application Fee Total GST Amount:	Fee Amount \$327.00 \$0.00	Amount Paid \$327.00	<b>Receipt</b> # 95963800792S001	<b>Date Paid</b> May 26, 2020	
Totals for Permit:	\$327.00	\$327.00			



