

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
January 6, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-006

Construct a Semi-Detached House with Unenclosed Front Porches, balconies, Secondary Suites, and rear uncovered decks (both Lots - 3.28m x 1.07m)

555 - Paterson Way SW, 553 - Paterson Way SW
Project No.: 371764517-002

II 10:30 A.M. SDAB-D-21-007

Construct an Accessory Building (mutual detached Garage, 10.98m x 6.10m)

555 - Paterson Way SW, 553 - Paterson Way SW
Project No.: 371764517-004

III 1:30 P.M. SDAB-D-21-008

Operate a Major Home Based Business with up to 5 parts sale related visits per day only (A TECK TRANSMISSION PARTS & SERVICE LTD.)
Expires Nov. 24, 2025

740 - 172 Street SW
Project No.: 373991897-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-006

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 371764517-002

APPLICATION TO: Construct a Semi-Detached House with Unenclosed Front Porches, balconies, Secondary Suites, and rear uncovered decks (both Lots - 3.28m x 1.07m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 19, 2020

DATE OF APPEAL: December 7, 2020

NOTIFICATION PERIOD: November 26, 2020 through December 17, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 555 - Paterson Way SW, 553 - Paterson Way SW

LEGAL DESCRIPTION: Plan 1821022 Blk 14 Lot 25, Plan 1821022 Blk 14 Lot 26

ZONE: (HVLD) Special Area Heritage Valley Low Density Zone

OVERLAY: N/A

STATUTORY PLAN(S): Paisley Neighbourhood Area Structure Plan
Heritage Valley Neighbourhood 14 Neighbourhood Area Structure Plan

Grounds for Appeal

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

My name is Tyler Shelley, my partner Kate Jackson and I received a letter from the city regarding a building that is proposed to be built across the street from us, (550 Paterson Way SW). The proposed building addresses are 553 and 555 Paterson Way SW. This letter explains that there is an approved permit to build housing that will have uncovered front porches and balconies but also have **secondary suites** with a small increase in building size footprint. This will cause several issues for us and our neighbors who live across the street from the new build. We would like to appeal this decision by the city for the following reasons:

- This increased building size is obviously needed for the extra added story of the new building. This will be 3 full stories, excluding basement. There is no other dwelling on Paterson Way SW or Paisley Dr SW (to the south) that is 3 stories. This will not keep to the Paisley look (that Brookfield expresses in their marketing literature) and be an eyesore among the other duplexes and single-family homes that share the block. We see that these new builds will likely be multi-unit residences. This is not what we signed up for. The appeal to the street we live on, the green belt (pipeline) to the west of us and the Paisley Dog Park were attractive features and the reasons we chose this house. Now with the addition of FIVE new multi-unit buildings, (561, 559, 557, 555, 553, 551, 549, 547, 545, 543 Paterson Way SW) that attractiveness is lost. This is no longer a desirable location for anyone, new or current. We have spoken to all our neighbors, on both Paterson Way and Paisley Dr. Most agree that this new build was deceitful, poorly executed and now a contradiction of what we were sold by the Brookfield team. We understand that this is not a city concern, but still feel it needs to be mentioned (this email will also go to Brookfield and the new builder, 5 Star Homes). The simple fact is, this was not the expectation when purchasing. It was done without the community knowledge or input.

- Paisley is a great neighborhood that prides itself on a great aesthetic with a well planned and organized layout. This is clearly stated in all the marketing and sales literature that Brookfield puts out to all regarding the Paisley subdivision. We feel that building these new builds that are 3 stories high will certainly take away from this look. They would be placed across the street from single family homes. They do not really fit and will most certainly lose some of the attractiveness that Paisley has come to know. The new builds will look out of place and awkward when looking down the street.

- Parking will become a large issue on this street (Paterson Way SW) now if these buildings go up as planned. With the potential of up to 20 new residents the congestion from new vehicles will now be increased due to the introduction of multi-unit residences. The dog park just to the south of us generates a fair amount already. This is expected, because the dog park is a great feature and one of the reasons we chose the location. Now with the addition of multi-unit residences, this will crowd the streets near Paterson

Way due to the new build residents' vehicles. The streets are narrow enough as it is, so the new build will greatly affect the street and curb appeal. This will make it difficult for all visitors and services that are needed to access our street. An increased safety risk for the children and residents of the block.

- The new builds are 3 stories, 1 full story taller than all the houses and dwellings on this block and the one to the south. This means we will now have greatly reduced natural light during the day and evening. This is something that everyone enjoys, and now it would be taken away from us. Again, part of the reason we chose this location was for its orientation on the plot, it was able to give us a decent amount of sun. We will not have this going forward. To reiterate the earlier point, it will just not fit or follow the current look of the Paisley neighborhood and this block.

- Last point, but certainly not least, this new build will most definitely drive the property value down of this entire street and most likely the houses on Paisley Dr as well. This is not something anyone wants or should expect from a brand-new neighborhood in Edmonton. Frankly, if Brookfield or the city had disclosed this build to us earlier or had known of possible plans to build this type of dwelling, we would have looked elsewhere. However, we understand that this land was sold a few months after we purchased, but a warning would have been nice. No one in Edmonton buys a house to think that their property value would potentially decrease (obviously an unexpected market crash or something of that nature would be a different scenario). With all the property tax increases over the years that the city has implemented, it's quite discouraging to know that the city would approve this type of project and then knowingly still expect residents to be happy knowing they will lose money, while still paying extremely high taxes.

Another point and curious question we have is, if the appeal process has a 3-week window for residents to appeal, why is it that the builder is frantically trying to get the house built? It seems a little sneaky and greedy to offer an appeal but to still build the house anyways...The building is going up very fast, faster than most that were built on this block...Seems like there may be a bit of a game being played at this point. We could be wrong, but in this scenario, perception is all we have until we hear otherwise.

In summary, we understand that developers are in the business of making money and try to build as fast as they can sell. But sometimes, those decisions to greatly affect the residents. Especially when the developer tells its residents that they care about the way the neighborhood will look and feel (documented in Paisley marketing literature), then do the opposite. Our above points about not keeping to the aesthetic of the neighborhood, increasing vehicle traffic and parking issues, lack of sunlight, no knowledge of new build or notice from Brookfield and driving our property value down significantly, are why we would like to appeal the build at 553 & 555 Paterson Way SW (specifically as the city letter states, but all addresses

listed in the first point would also be contested). Please advise on any other information or processes we need to be aware of to get the build to cease.

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 980.3(g), **Semi-detached Housing** is a **Permitted Use** in the **(HVL) Special Area Heritage Valley Low Density Zone**.

Under section 7.2(7), **Semi-detached Housing** means:

development consisting of a building containing two principal Dwellings joined in whole or in part at the side or rear with neither of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Duplexes.

Section 980.1 states that the **General Purpose** of the **(HVL) Special Area Heritage Valley Low Density Zone** is “to provide for low density housing with the opportunity for Zero Lot Line, Reverse Housing, and Row Housing, in accordance with the design objectives in the Heritage Valley 12 Neighbourhood Area Structure Plan.”

Site Coverage

Section 980.5(h) states: The maximum total Site Coverage shall be in accordance with Table 3 as follows:

| Table 3 - Maximum Site Coverage | | | | |
|--|-------------------------|---------------------------|--------------------|---|
| | Total Max Site Coverage | Principal building | Accessory building | Principal building with Attached Garage |
| Semi-detached Housing - per Dwelling | 50% | 35% | 17% | 50% |
| Semi-detached Housing - one Side Setback reduced to 0 m - | 53% | 38% | 17% | 53% |

| | | | | |
|---------------------|--|--|--|--|
| per Dwelling | | | | |
|---------------------|--|--|--|--|

Under section 6.1, **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade.


Development Officers Determination

Site Coverage - The house (Lot 26) covers 39% of the site, instead of 38% (Section 980.4.h).

[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.

| | | | |
|--|--|--|--|
|  | Project Number: 371764517-002 Application Date: SEP 01, 2020 Printed: December 7, 2020 at 11:15 AM Page: 1 of 3 | | |
| <h2 style="margin: 0;">Minor Development Permit</h2> | | | |
| This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended. | | | |
| Applicant <div style="background-color: black; width: 100%; height: 50px;"></div> | Property Address(es) and Legal Description(s) 555 - PATERSON WAY SW Plan 1821022 Blk 14 Lot 25 553 - PATERSON WAY SW Plan 1821022 Blk 14 Lot 26 Specific Address(es) Suite: 2FL, 553 - PATERSON WAY SW Suite: 2FL, 555 - PATERSON WAY SW Suite: 553 - PATERSON WAY SW Suite: 555 - PATERSON WAY SW Entryway: 553 - PATERSON WAY SW Entryway: 555 - PATERSON WAY SW Building: 553 - PATERSON WAY SW | | |
| Scope of Permit To construct a Semi-Detached House with Unenclosed Front Porches, balconies, Secondary Suites, and rear uncovered decks (both Lots - 3.28m x 1.07m). | | | |
| Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 4 # of Secondary Suite Dwelling Units To Construct: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: Y </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: 2 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: </td> </tr> </table> | | # of Dwelling Units Add/Remove: 4 # of Secondary Suite Dwelling Units To Construct: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: Y | # of Primary Dwelling Units To Construct: 2 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: |
| # of Dwelling Units Add/Remove: 4 # of Secondary Suite Dwelling Units To Construct: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: Y | # of Primary Dwelling Units To Construct: 2 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: | | |
| Development Permit Decision Approved Issue Date: Nov 19, 2020 Development Authority: WINGET, MARK | | | |



Project Number: **371764517-002**
 Application Date: SEP 01, 2020
 Printed: December 7, 2020 at 11:15 AM
 Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1).

This Development Permit authorizes the development of a Semi-Detached House with Unenclosed Front Porches, balconies, Secondary Suites, and rear uncovered decks (both Lots - 3.28m x 1.07m).

The development shall be constructed in accordance with the stamped and approved drawings.

The left wall shall be a blank wall and a maintenance and encroachment easement to be caveated against the title of Lot 27, Block 14, Plan 182 1022, before issuance of a building permit (Section 980.5.m.i).

All roof leaders from the Dwelling shall be connected to the storm sewer service (Section 980.5(m)(ii)).

No roof leader discharge shall be directed to the maintenance easement (Section 980.5.m.iii).

Landscaping shall be installed and maintained in accordance with Section 55. Except one deciduous tree or one coniferous tree and four shrubs shall be required for each Single Detached, Semi-detached and Duplex Dwelling (Section 980.5).

ADVISEMENTS:

Due to the roll face curb construction at this property, there are no requirements for a separate curb crossing permit under Section 1210 and 1211 of Traffic Bylaw No. 5590. Approval is given for the access under this Development Permit.

Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

The driveway access must maintain a minimum clearance of 1.5m from the service pedestal and all other surface utilities. Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

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

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 including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2).

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Variances

Site Coverage - The house (Lot 26) covers 39% of the site, instead of 38% (Section 980.4.h).

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Nov 26, 2020 **Ends:** Dec 17, 2020

Fees

| Fee Amount | Amount Paid | Receipt # | Date Paid |
|------------|-------------|-----------|-----------|
|------------|-------------|-----------|-----------|

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

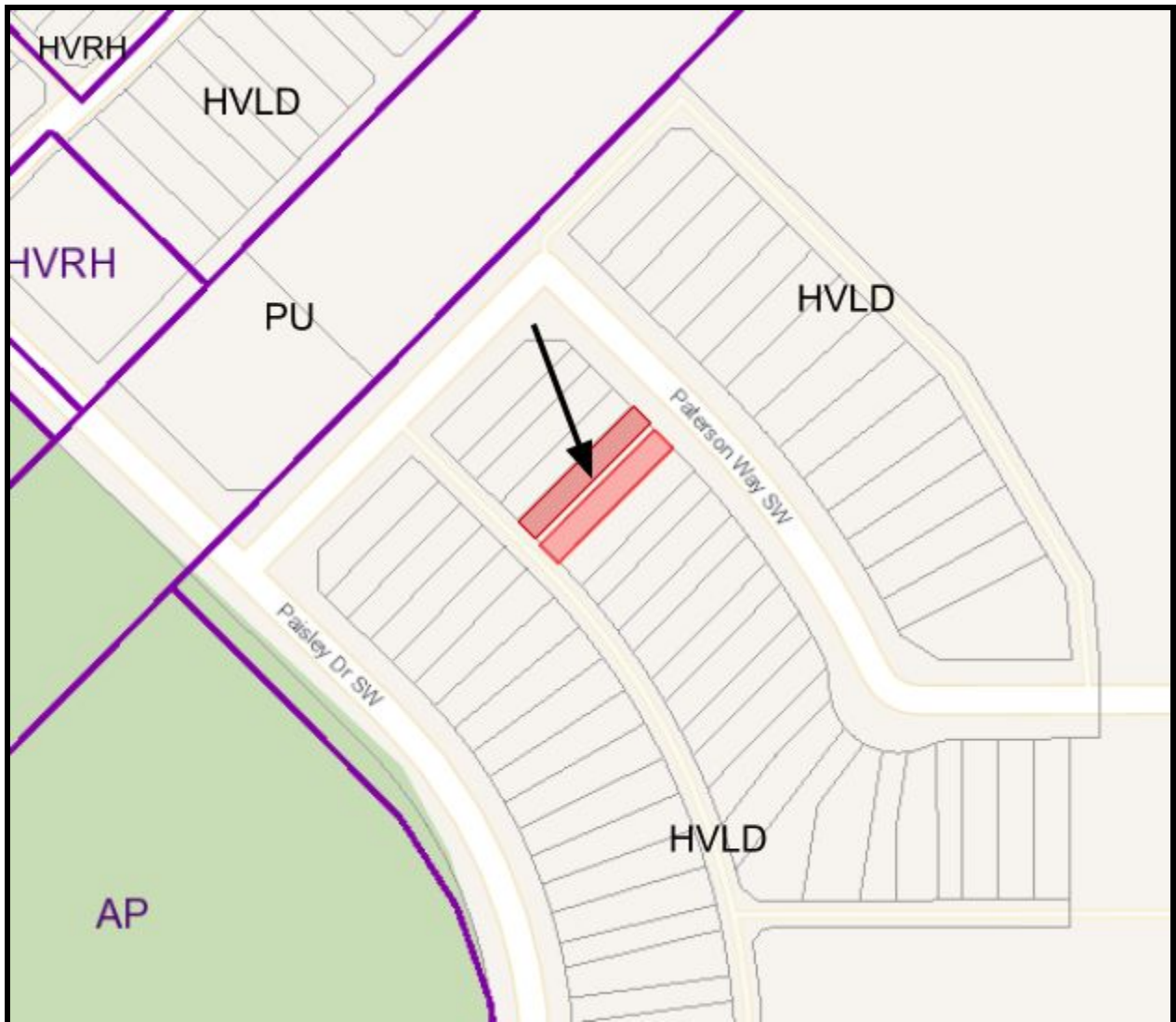


Project Number: **371764517-002**
Application Date: SEP 01, 2020
Printed: December 7, 2020 at 11:15 AM
Page: 3 of 3

Minor Development Permit

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|---|-------------------|--------------------|------------------|------------------|
| Lot Grading Fee | \$296.00 | \$296.00 | 06810478 | Oct 29, 2020 |
| Dev. Application Fee | \$502.00 | \$502.00 | 06810478 | Oct 29, 2020 |
| Sanitary Sewer Trunk Fund | \$3,424.00 | \$3,424.00 | 06810478 | Oct 29, 2020 |
| Sanitary Sewer Trunk Fund (Secondary/Garden Suite) | \$1,516.00 | \$1,516.00 | 06810478 | Oct 29, 2020 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | <u>\$5,738.00</u> | <u>\$5,738.00</u> | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-006

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-007

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 371764517-004

APPLICATION TO: Construct an Accessory Building (mutual detached Garage, 10.98m x 6.10m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 19, 2020

DATE OF APPEAL: December 7, 2020

NOTIFICATION PERIOD: November 26, 2020 through December 17, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 555 - Paterson Way SW, 553 - Paterson Way SW

LEGAL DESCRIPTION: Plan 1821022 Blk 14 Lot 25, Plan 1821022 Blk 14 Lot 26

ZONE: (HVLD) Special Area Heritage Valley Low Density Zone

OVERLAY: N/A

STATUTORY PLAN(S): Paisley Neighbourhood Area Structure Plan
Heritage Valley Neighbourhood 14 Neighbourhood Area Structure Plan

Grounds for Appeal

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

This increased building size is likely due to the increased height and potential for secondary suites option (second occupant of new build) This will most definitely reduce the value of my property because of the extra 3rd story that these new duplexes will be. Our appeal is for the following reasons:

- No other 3 story buildings on Paterson Way SW or Paisley Dr SW with larger garages to accommodate. These new builds will be out of place and not keep to the community standards that Brookfield advertised or sold us on.

- The extra 3rd story for the new build will greatly reduce sunlight entering my house. We chose our plot because of its orientation, now the new build will shade my house for most of the day and all of the evening.

- I understand that the appeal is for 555 Paterson Way, but there will be FIVE new 3 story builds across the street from me now. They are out of place, and will greatly increase traffic due to the larger garage, which will likely be for the secondary suite option residents.

- This new build will drive the value of my property down. There is 2-story duplexes and single family homes only on this block, the 3 story buildings will significantly reduce the desirable nature of the area, and lose it's attractiveness.

- increased building size with secondary suite option will increase vehicle traffic. We get enough from the Dog Park traffic, which is expected and welcomed, as the proximity to the dog park was a selling feature for us, now with the addition of 5 new 3 story units with secondary suite options, all of the extra space on our street and the green belt (pipeline to the west) will be congested.

| |
|-------------------------------|
| <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.

(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

(i) 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 980.3(g), **Semi-detached Housing** is a **Permitted Use** in the **(HVL) Special Area Heritage Valley Low Density Zone**.

Under section 7.2(7), **Semi-detached Housing** means:

development consisting of a building containing two principal Dwellings joined in whole or in part at the side or rear with neither of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Duplexes.

Section 50.1(1) states “A Use shall be Accessory to a Permitted or Discretionary Use which is a principal Use on the Site, if such Use complies with the definition of Accessory in this Bylaw.”

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, **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 980.1 states that the **General Purpose** of the **(HVLVD) Special Area Heritage Valley Low Density Zone** is “to provide for low density housing with the opportunity for Zero Lot Line, Reverse Housing, and Row Housing, in accordance with the design objectives in the Heritage Valley 12 Neighbourhood Area Structure Plan.”

| |
|-----------------------------|
| <i>Site Coverage</i> |
|-----------------------------|

Section 980.5(h) states The maximum total Site Coverage shall be in accordance with Table 3 as follows:

| Table 3 - Maximum Site Coverage | | | | |
|---|-------------------------|--------------------|--------------------|---|
| | Total Max Site Coverage | Principal building | Accessory building | Principal building with Attached Garage |
| Semi-detached Housing - per Dwelling | 50% | 35% | 17% | 50% |
| Semi-detached Housing - one Side Setback reduced to 0 m - per Dwelling | 53% | 38% | 17% | 53% |

Development Officers Determination

Site Coverage - The garage (Lot 26) covers 17% of the site. In total all the buildings cover 57% of the site, instead of 53% (Section 980.4.h).

[unedited]


Under section 6.1, **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade.

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.

| | | | | | |
|---|---|--------------------------|----------------------------|--------------------------------|--|
|  | <p>Project Number: 371764517-004 Application Date: OCT 29, 2020 Printed: November 19, 2020 at 3:27 PM Page: 1 of 3</p> | | | | |
| <h2>Accessory Building Permit</h2> | | | | | |
| <p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.</p> | | | | | |
| <p>Applicant</p> <div style="background-color: black; width: 100%; height: 30px;"></div> | <p>Property Address(es) and Legal Description(s)</p> <p>555 - PATERSON WAY SW Plan 1821022 Blk 14 Lot 25</p> <p>553 - PATERSON WAY SW Plan 1821022 Blk 14 Lot 26</p> | | | | |
| <p>Scope of Permit</p> <p>To construct an Accessory Building (mutual detached Garage, 10.98m x 6.10m).</p> | | | | | |
| <p>Permit Details</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Class Of Permit: Class B</td> <td style="width: 50%;">Site Area (sq. m.): 440.14</td> </tr> <tr> <td>Stat. Plan Overlay/Annex Area:</td> <td></td> </tr> </table> | | Class Of Permit: Class B | Site Area (sq. m.): 440.14 | Stat. Plan Overlay/Annex Area: | |
| Class Of Permit: Class B | Site Area (sq. m.): 440.14 | | | | |
| Stat. Plan Overlay/Annex Area: | | | | | |
| <p>Development Permit Decision</p> <p>Approved</p> <p>Issue Date: Nov 19, 2020 Development Authority: WINGET, MARK</p> | | | | | |



Project Number: **371764517-004**
 Application Date: OCT 29, 2020
 Printed: November 19, 2020 at 3:27 PM
 Page: 2 of 3

Accessory Building Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Principle Dwelling obtains a valid Development Permit for the site and the Notification Period expires in accordance to Section 21. (Reference Section 17.1)

This Development Permit authorizes the development of an Accessory Building (mutual detached Garage, 10.98m x 6.10m).

The development shall be constructed in accordance with the stamped and approved drawings.

An Accessory Building or Structure shall not exceed 4.3m in Height (Section 50.3.3 and 52.1).

All roof leaders from Accessory buildings are connected to the individual storm sewer service for each Lot or directed to drain directly to an adjacent Lane (Section 980.5 p.ix.C).

No roof leader discharge shall be directed to the maintenance easement (Section 980.5 p.ix.D).

A 0.30 m eave encroachment easement must be registered to the property with the requirement that the eaves must not be closer than 0.90 m to the eaves on the adjacent building (Section 980.5 p.ix.B.1).

ADVISEMENTS:

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 including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2).

Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

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

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Variances

Site Coverage - The garage (Lot 26) covers 17% of the site. In total all the buildings cover 57% of the site, instead of 53% (Section 980.4.h).

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Nov 26, 2020 **Ends:** Dec 17, 2020

Building Permit Decision

No decision has yet been made.

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|--|------------|-------------|-----------|--------------|
| Development Application Fee | \$120.00 | \$120.00 | 06810480 | Oct 29, 2020 |
| Building Permit Fee (Accessory Building) | \$112.00 | \$112.00 | 06810480 | Oct 29, 2020 |
| Safety Codes Fee | \$4.50 | \$4.50 | 06810480 | Oct 29, 2020 |

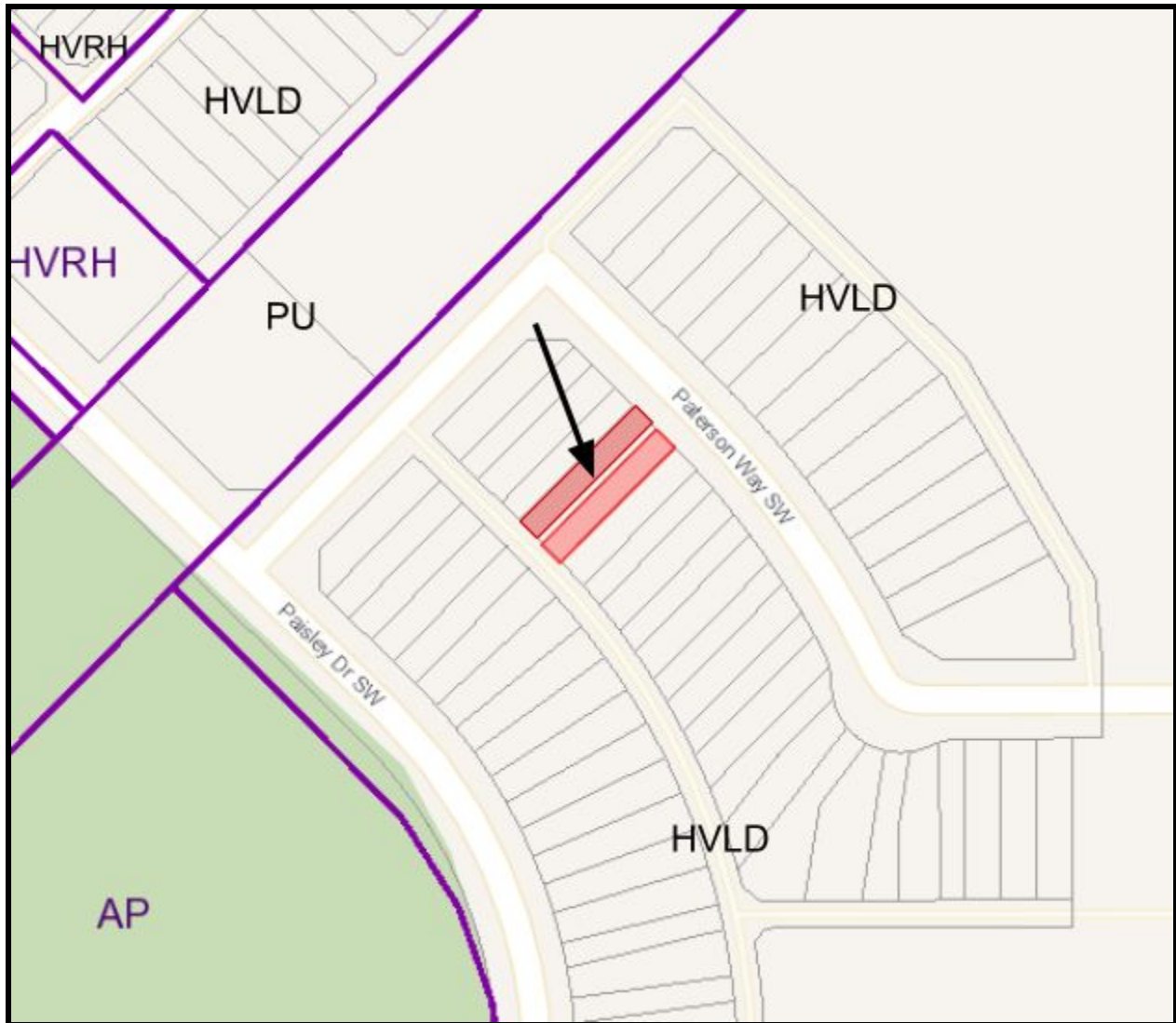


Project Number: **371764517-004**
Application Date: OCT 29, 2020
Printed: November 19, 2020 at 3:27 PM
Page: 3 of 3

Accessory Building Permit

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|--------------------|-------------------|--------------------|------------------|------------------|
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$236.50 | \$236.50 | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-007

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-008

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 373991897-001

APPLICATION TO: Operate a Major Home Based Business with up to 5 parts sale related visits per day only (A TECK TRANSMISSION PARTS & SERVICE LTD.) Expires Nov. 24, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 24, 2020

DATE OF APPEAL: December 7, 2020

NOTIFICATION PERIOD: December 1, 2020 through December 22, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 740 - 172 Street SW

LEGAL DESCRIPTION: Plan 0740386 Blk 2 Lot 10

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:

The development requests up to 5 parts deliveries per day in this neighborhood. Currently with the recent development of medium density residential housing units across the street there is nowhere to park on 172 Street. Since the development, 172 Street has an average of 15 extra vehicles parked on its street and in front of other residences. It has become too busy and most of these cars sit idle for many days. With no extra space for deliveries I am concerned they will block my driveway (happens often) and also concerned that vehicles being worked on will be left on the street causing even further property value drop for the area. I've talked to many neighbors and they are very frustrated with how busy it has become, lack of consideration shown and upset with speeding vehicles on 172 Street.

| |
|-------------------------------|
| <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.

(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. Transmission service is prohibited at this location.

[unedited]

| |
|---|
| <i>Major Home Based Business</i> |
|---|

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;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast 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.

| | | | |
|--|--|--|--|
|  | <p>Project Number: 373991897-001 Application Date: SEP 28, 2020 Printed: November 24, 2020 at 4:48 PM Page: 1 of 3</p> | | |
| <h2>Home Occupation</h2> | | | |
| <p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.</p> | | | |
| <p>Applicant</p>  | <p>Property Address(es) and Legal Description(s) 740 - 172 STREET SW Plan 0740386 Blk 2 Lot 10</p> | | |
| <p>Scope of Permit To operate a Major Home Based Business with up to 5 parts sale related visits per day only (A TECK TRANSMISSION PARTS & SERVICE LTD.) Expires Nov. 24, 2025.</p> | | | |
| <p>Permit Details</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p># of business related visits/day: 5 Administration Office Only?: N Class of Permit: Class B</p> <p>Do you live at the property?: Y Outdoor storage on site?: N</p> </td> <td style="width: 50%; vertical-align: top;"> <p># of vehicles at one time Business has Trailers or Equipment?: N Description of Business: Transmission parts sales, by appointment only.No more than 5 business related visits per day. Expiry Date: 2025-11-24 00:00:00</p> </td> </tr> </table> | | <p># of business related visits/day: 5 Administration Office Only?: N Class of Permit: Class B</p> <p>Do you live at the property?: Y Outdoor storage on site?: N</p> | <p># of vehicles at one time Business has Trailers or Equipment?: N Description of Business: Transmission parts sales, by appointment only.No more than 5 business related visits per day. Expiry Date: 2025-11-24 00:00:00</p> |
| <p># of business related visits/day: 5 Administration Office Only?: N Class of Permit: Class B</p> <p>Do you live at the property?: Y Outdoor storage on site?: N</p> | <p># of vehicles at one time Business has Trailers or Equipment?: N Description of Business: Transmission parts sales, by appointment only.No more than 5 business related visits per day. Expiry Date: 2025-11-24 00:00:00</p> | | |
| <p>Development Permit Decision Approved Issue Date: Nov 24, 2020 Development Authority: FOLKMAN, JEREMY</p> | | | |

Home Occupation

Subject to the Following Conditions

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

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. Clients visit must be by-appointment only and appointments shall not overlap.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
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 characteristic 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).
12. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on Nov. 24, 2020.

Notes:

1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

Variations

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 variations to the development regulations. Transmission service is prohibited at this location.



Project Number: **373991897-001**
Application Date: SEP 28, 2020
Printed: November 24, 2020 at 4:48 PM
Page: 3 of 3

Home Occupation

Rights of Appeal

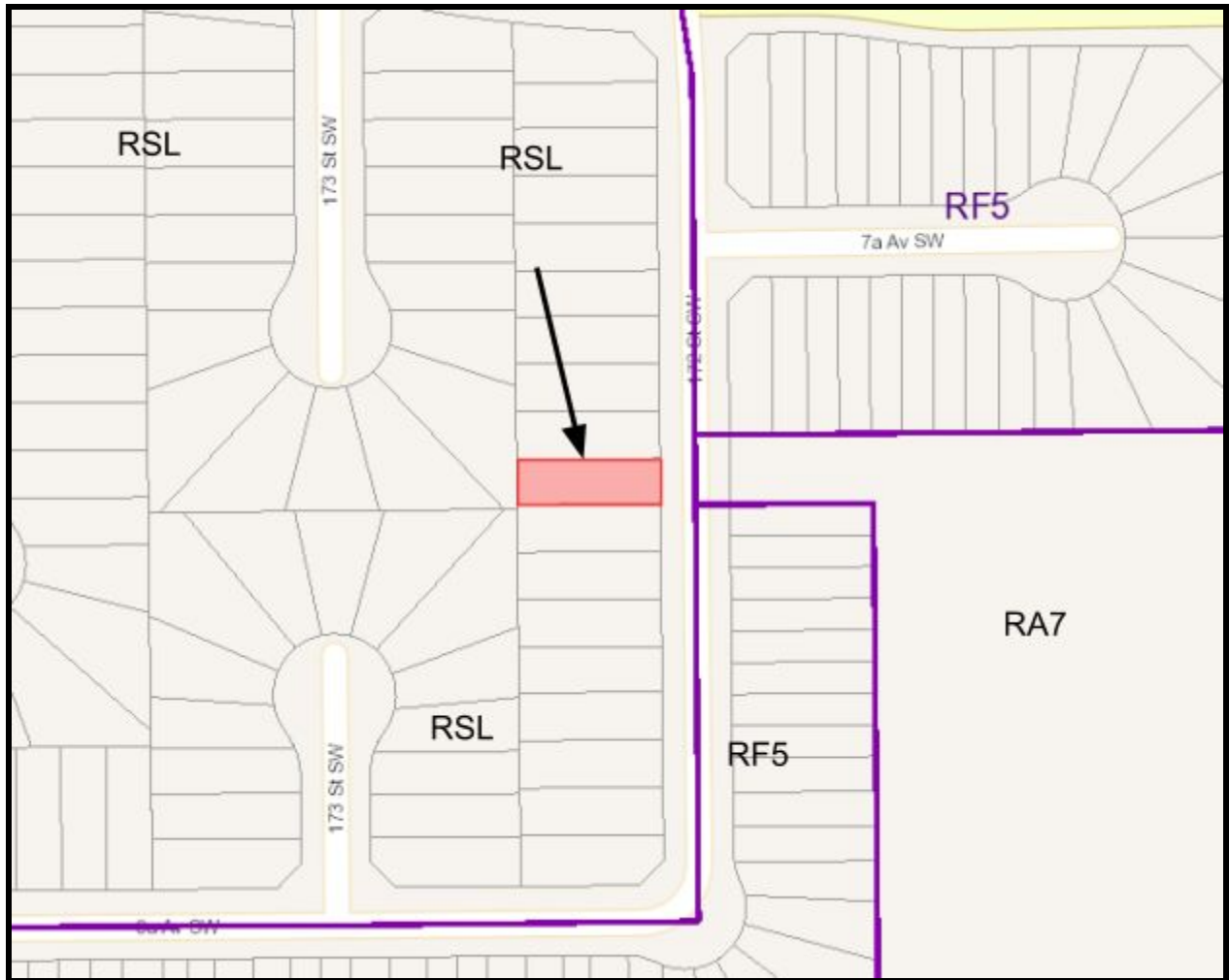
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Dec 01, 2020

Ends: Dec 22, 2020

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|----------------------|-------------------|--------------------|------------------|------------------|
| Dev. Application Fee | \$327.00 | \$327.00 | 00842808306J001 | Oct 02, 2020 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$327.00 | \$327.00 | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-008