

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
December 10, 2015**

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

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

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I 9:00 A.M. SDAB-D-15-297

To construct an Accessory Building (Shed, 2.29m x 2.29m)

11127 - 63 Avenue NW  
Project No.: 180916842-001

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II 10:30 A.M. SDAB-D-15-299

To operate a Major Home Based Business (Dog Care and Dog Walking business - AUNTIE LEAH'S DOG CARE)

16102 - 88 Avenue NW  
Project No.: 179526336-001

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***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-15-297

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

APPELLANT:

APPLICATION NO.: 180916842-001

ADDRESS OF APPELLANT: 11123 - 63 Avenue NW

APPLICATION: To construct an Accessory Building (Shed, 2.29m x 2.29m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 3, 2015

DATE OF APPEAL: November 18, 2015

NOTIFICATION PERIOD: November 10, 2015 through November 23, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 11127 - 63 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11127 - 63 Avenue NW

LEGAL DESCRIPTION: Plan 2609HW Blk 6 Lot 4

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: None

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*Grounds for Appeal*

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

The Accessory Building/Garden Shed is built to close to the property line. The Shed roof is sitting on Our Fence Post this will potentially ruin the post and disallows for proper maintenance to the fence. The fence was solely built and paid by us. The Shed roof overhangs the fence allowing water and

snow to drain into our sideyard. The Shed as seen by pictures has been erected on an elevated platform that allows viewing into our yard and kitchen. We will need to put up privacy screening lattice and this will be difficult owing to the placement of this shed. The removal of the Shed will not cause hardship for the owner but it definitely will cause hardship to us the adjacent neighbour. Additionally we believe that the shed poses a potential fire hazard to our fence and garage if the owner were to store any flammable materials in the shed.

*General Matters*

**Appeal Information:**

The decision of the Development Authority was appealed by a neighbouring property owner.

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.

**685(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 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,

**General Provisions from the *Edmonton Zoning 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, Semi-detached Housing and Duplex Housing under certain conditions.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is “is to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations”.

***Variance: Accessory Building Side Setback***

Section 50.3(4)(b) states that “an Accessory building or structure shall be located not less than 0.9 m from the Side Lot Line, except where it is a mutual Garage erected on the common property line to the satisfaction of the Development Officer, or where a Garage is placed on the common property line in accordance with the provisions of the RPL Zone, or where the Accessory Building does not exceed the permitted fence height or in the case of Garage Suites, where the minimum Side Setback shall be in accordance with Section 87”.

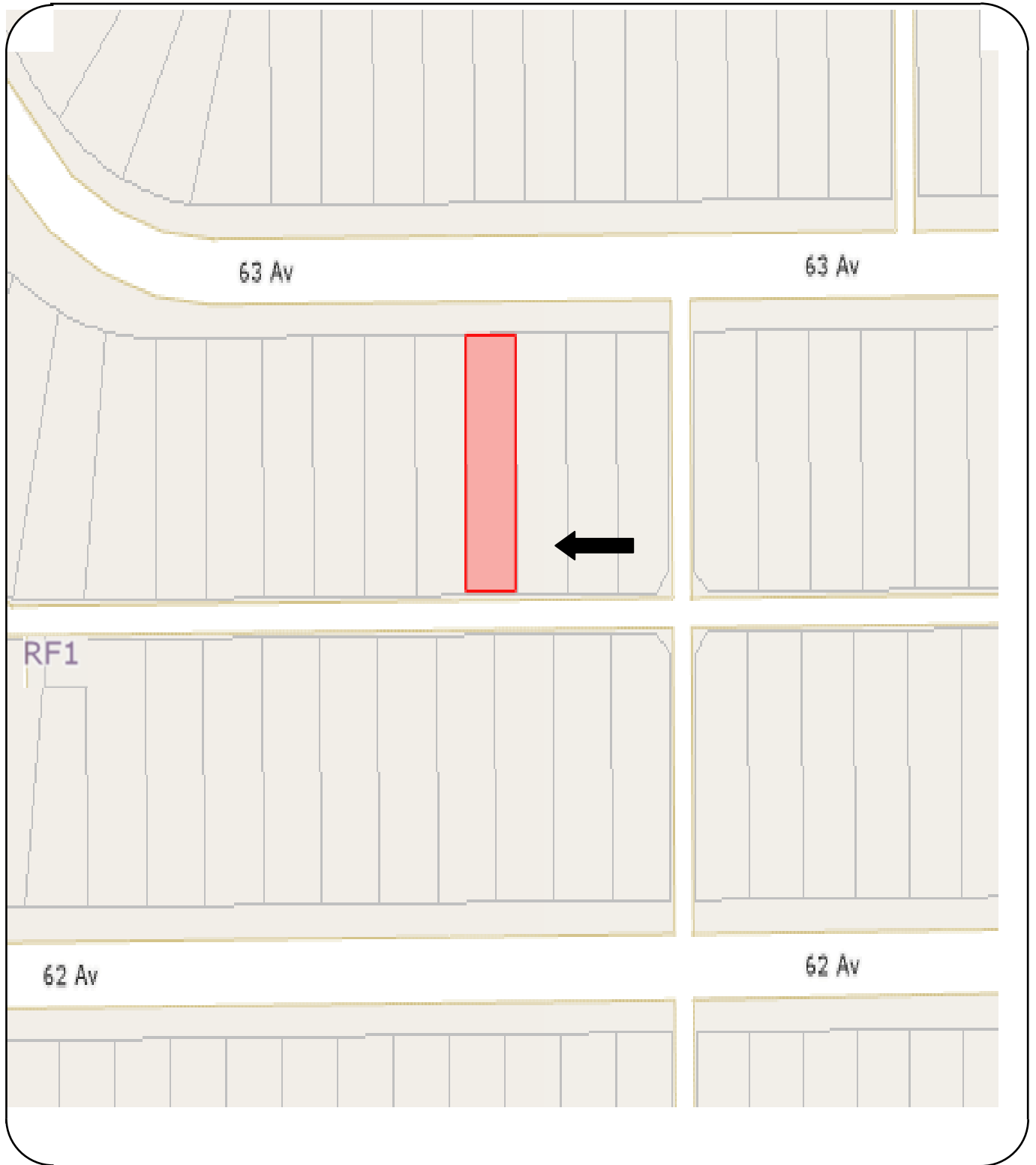
**Development Officer’s Determination**

“The Shed is 0m from the side property line instead of 0.9m.”

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.

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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-297



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 179526336-001

ADDRESS OF APPELLANT: 16102 - 88 Avenue NW

APPLICATION: To operate a Major Home Based Business  
(Dog Care and Dog Walking business -  
AUNTIE LEAH'S DOG CARE)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 5, 2015

DATE OF APPEAL: November 22, 2015

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 16102 - 88 Avenue NW

LEGAL DESCRIPTION: Plan 6594KS Blk 6 Lot 36

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: None

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*Grounds for Appeal*

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

I wish to appeal the decision of the D A for a few reasons. The first is, I have lived in this house most of my life in this house & love the area for 52 years. I have had dogs all my life. I'm not one to allow my dogs to bark all the time. I keep my front & back yard clean. I do have a dog that has Hound in him but he's really good unless he's being bugged by squirrels or magpies. But when told enough they stop. I moved back home 10 yrs ago to take care of my Dad. In Feb my dad got admitted into the Misicordia. Then on June 06 I lost my dad. Then my neighbor of 40+ years has just been diagnosed with MS & the worst kind. So he had to retire from the CITY early. He is now at home a lot more & getting more depressed each day. He called Bylaw the day after my dad passed saying my backyard was full of poop. Then 2 lady Bylaw officers came & checked the yard & took pictures, cuz there was nothing. Then the one officer had come back 2 more times & was very upset with

wrongfully calling in on someone. Then I get 2 other Bylaw people come saying that I was running a business without a licence. I then tried to explain that I wasn't working & that the paperwork hadn't got there in time & that I just got the refund cheque to go back with all my paperwork as we were talking & showed them the cheque & papers. I also have the e-mail from Brandon from the first attempt at this. I am waiting to see if the brother of the one who's sick to give me a letter, cuz he has no problem with the dogs. I have letters of reference from most of the people around my house as well as from people that walk by & comment on how well behaved my dogs are. I have worked with 110 dogs a day, with no fights or minor ones & help with any bad behaviors. I'm not building anything or adding anything for my business. I take dogs for walks at the dogpark , cut nails , brush them , go for visit to the hospital , to a vets appointment , or even if they have to put down a pet .( No one should be alone or drive ??) Someone always needs an Auntie Leah to help out. I also help people understand dogs so that they can get the right kind of dog. I also take some overnight when there is an emergency or a vacation & they do not want their baby in a kennel. I hope I have my Auntie Leah's Dog Care. Thank you for your time.  
Leah

<i>General Matters</i>
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**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

- (d) fails or refuses to issue a development permit to a person,
- (e) issues a development permit subject to conditions, or
- (f) 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.

**685(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 within 14 days,

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



The Board is advised that the decision of refusal by the Development Officer is dated November 5, 2015 and the Notice of Appeal was filed 17 days later on November 22, 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 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.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is “is to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations”.

Under Section 110.3(7), **Major Home Based Business** is a **Discretionary Use** in the RF1 Single Detached Residential 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 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.

**Outdoor Storage**

Section 75(5) states that “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 Determination**

“The dogs have unlimited access between outside and in. having dos outside would be considered outdoor activity which is not allowed for a major home based business”.

**Use More Appropriately Located in Commercial or Industrial Zone**

Section 75(9) states that “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”.

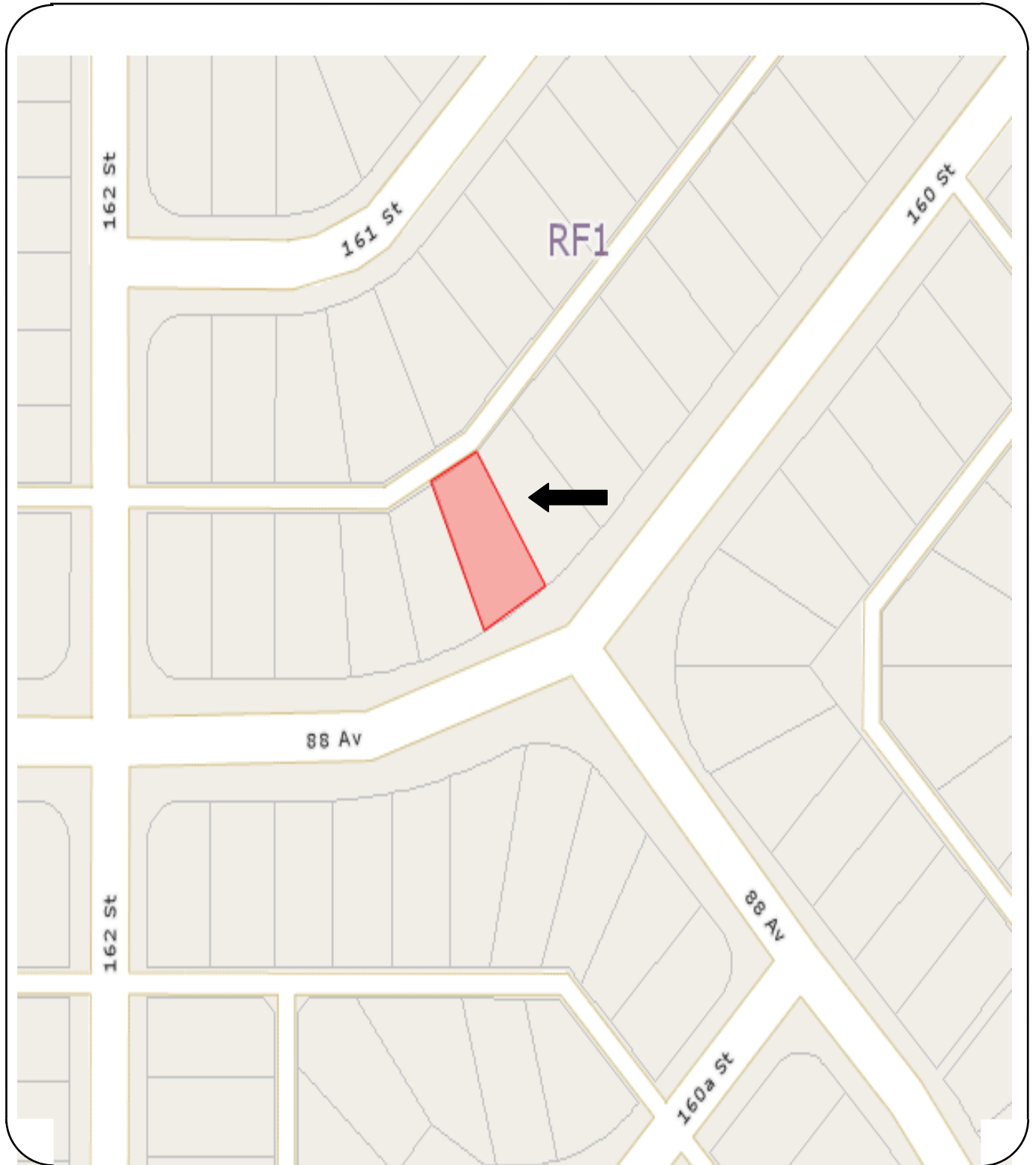
**Development Officer's Determination**

“There are various complaints on the property regarding the amount of dogs, defecation and excessive barking. Therefore, in the opinion of the development officer it is not compatible with a residential area, and would be more appropriate for a commercial or industrial zone”.

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.

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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-299



**BUSINESS LAID OVER**

SDAB-D-15-280	An appeal to construct a Minor Impact Utility Services Use Building (EPCOR Training facility) <i>January 6, 2016</i>
SDAB-D-15-293	An appeal to construct exterior alterations to a Professional, Financial and Office Support Services Use building (Karst Properties Parking Expansion – Proposed New Parking Lot Layout) <i>January 7, 2016</i>
SDAB-D-15-298	An appeal to erect an over height Fence (5.44 m in length on west property line at 2.44 m in Height) in the Rear Yard of a Single Detached House <i>January 13 or 14, 2016</i>
SDAB-D-15-247	An appeal to 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>
SDAB-D-15-236 to 241	An appeal 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>February 17 or 18, 2016</i>
SDAB-D-15-252	An appeal to change the se 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>February 10 or 11, 2016</i>
SDAB-D-15-268	An appeal to Leave as built a Single Detached House. <i>Date to be determined</i>

**APPEAL HEARINGS TO BE SCHEDULED**

<b>176406166-003</b>	An appeal to convert a half of Semi-detached Housing to 3 Dwellings of Apartment Housing and to construct interior alterations (existing without permits, 1 Dwelling above grade, Dwellings below grade). <i>December 16, 2015</i>
<b>160474324-004</b>	An appeal to replace Roof Off-premises Sign with (1) roof mounted Minor Digital On-premises Off-premises Sign (1319416 ALBERTA LTD.) <i>December 16, 2015</i>
<b>163727651-001</b>	An appeal to operate a Temporary Non-Accessory Parking Lot for two years (December 2015 to December 2017) <i>January 6 or 7, 2016</i>
<b>176013858-001</b>	An appeal to construct a Single Detached House with a rear attached Garage, a front veranda, fireplace, basement development (NOT to be used as an additional Dwelling) <i>January 13 or 14, 2016</i>

<b>171838918-001</b>	An appeal to install one Minor Digital Off-premises Sign (Icewerx). <i>January 13 or 14, 2016</i>
<b>159269966-003</b>	An appeal 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>