

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
December 3, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-167

Install (1) Fascia On-Premises Sign, and (1) Roof On-Premises Sign (SEVEN DEGREES LIQUOR STORE)

14315 - 118 Avenue NW
Project No.: 375599197-002

II 10:30 A.M. SDAB-D-20-168

WITHDRAWN

Operate a Major Home Based Business (Dog grooming services - PRINCE'S PAWS GROOMING LTD.) Expires Oct. 14, 2025

14124 - 147 Avenue NW
Project No.: 371883762-001

III 1:30 P.M. SDAB-D-20-169

Operate a Major Home Based Business (RECONEX - Administration office for construction management company); 1 client visit per day; no outdoor storage; hours of operation are from 8:00AM to 5:00PM from Monday to Friday; expires on October 21, 2025

716 - Dalhousie Way NW
Project No.: 373735856-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-167

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 375599197-002

APPLICATION TO: Install (1) Fascia On-Premises Sign, and (1) Roof On-Premises Sign (SEVEN DEGREES LIQUOR STORE)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 2, 2020

DATE OF APPEAL: November 7, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14315 - 118 Avenue NW,

LEGAL DESCRIPTION: Plan 5613HW Blk 8 Lot 1, Plan 5613HW Blk 8 Lot 1

ZONE: (CB2) General Business Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

The limit of four signs of certain kinds is extremely restrictive for this site which covers a full city block and has two large buildings. The building has a large setback from the street which makes it essential for a retail store to have a visible sign that can attract walk-in and drive-by customers. The sign is well-designed and attractive, is in no way an eyesore and has never attracted the slightest complaint or negative comment.

The visibility of the sign from the nearby Woodcroft neighbourhood is blocked by several commercial-zoned buildings. The two houses that have a sightline to the sign face the opposite direction so that only their back lane, garages and fenced back yards are visible. They are much closer to convenience store signs, fast food restaurant signs and commercial waste disposal containers, all of which have a much greater visual impact.

The development officer feels that the sign is not in keeping with the character of the building because it currently does not support another sign in this category. This is strictly a personal aesthetic judgement. The landlord and neighbouring tenants have no objection whatever to the sign. Since the number of such signs is currently limited to four, it is hard to understand how other signs of this type could exist on the building. So the argument is that the sign is out of character because there are no other signs of this class, but that no signs of this class are permitted because only four signs are allowed. Besides being a subjective judgement, it is a completely circular argument.

We are appealing because the sign has attracted no negative response whatever, is well-designed and attractive, is essential to the continued viability of the business and is fully supported by the landlord.

<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 340.2(34), a **Fascia On-premises Sign** is a **Permitted Use** in the **(CB2) General Business Zone**.

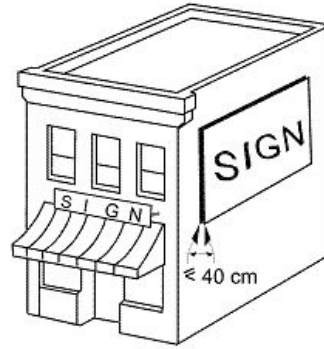
Under section 340.3(44), a **Roof On--premises Sign** is a **Discretionary Use** in the **(CB2) General Business Zone**.

Under section 7.9(1), **Fascia On-premises Sign** means “Fascia Sign, which is a Permanent Sign, displays Off-premises Advertising and contains no Digital Copy.”

Under section 7.9(12), **Roof On-premises Sign** means “a Roof Sign, which is a Permanent Sign, and displays On-premises Advertising.”

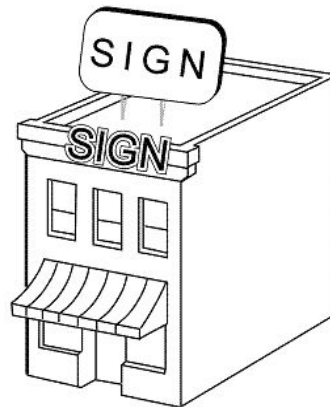
Under section 6.2, a **Fascia Sign** means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Under section 6.2, **Roof Sign** means:

a Sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.



Section 340.4(9) states “Signs shall comply with the regulations found in Schedule 59F.”

Section 340.1 states that the **General Purpose** of the **(CB2) General Business Zone** is:

to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways. This zone also accommodates limited Residential-related uses

Schedule 59F

Schedule 59F.3(1)(h) states:

all proposed Roof On-premises Sign locations shall be reviewed in context with the surrounding development, such as (but not limited to):

the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; and any streetscape improvements.

Schedule 59F.3(1)(i) states:

The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs on a Site shall be four.

Development Officers Determination

1) Section 59F.3(1)(h): All proposed Roof On-premises Sign locations shall be reviewed in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; and any streetscape improvements;

Proposed: The proposed sign is not in context with surrounding development. It is not consistent with other signage on the building and is not in scale with the building's architecture.

2) Section 59F.3(1)(i): The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs on a Site shall be four.

Proposed: (1) Roof On-premises Sign

Existing: (3) Freestanding On-premises Signs, and (1) Minor Digital On-premises Sign

Total: (5)


Exceeds by: (1)


Note: the sign is existing without permits

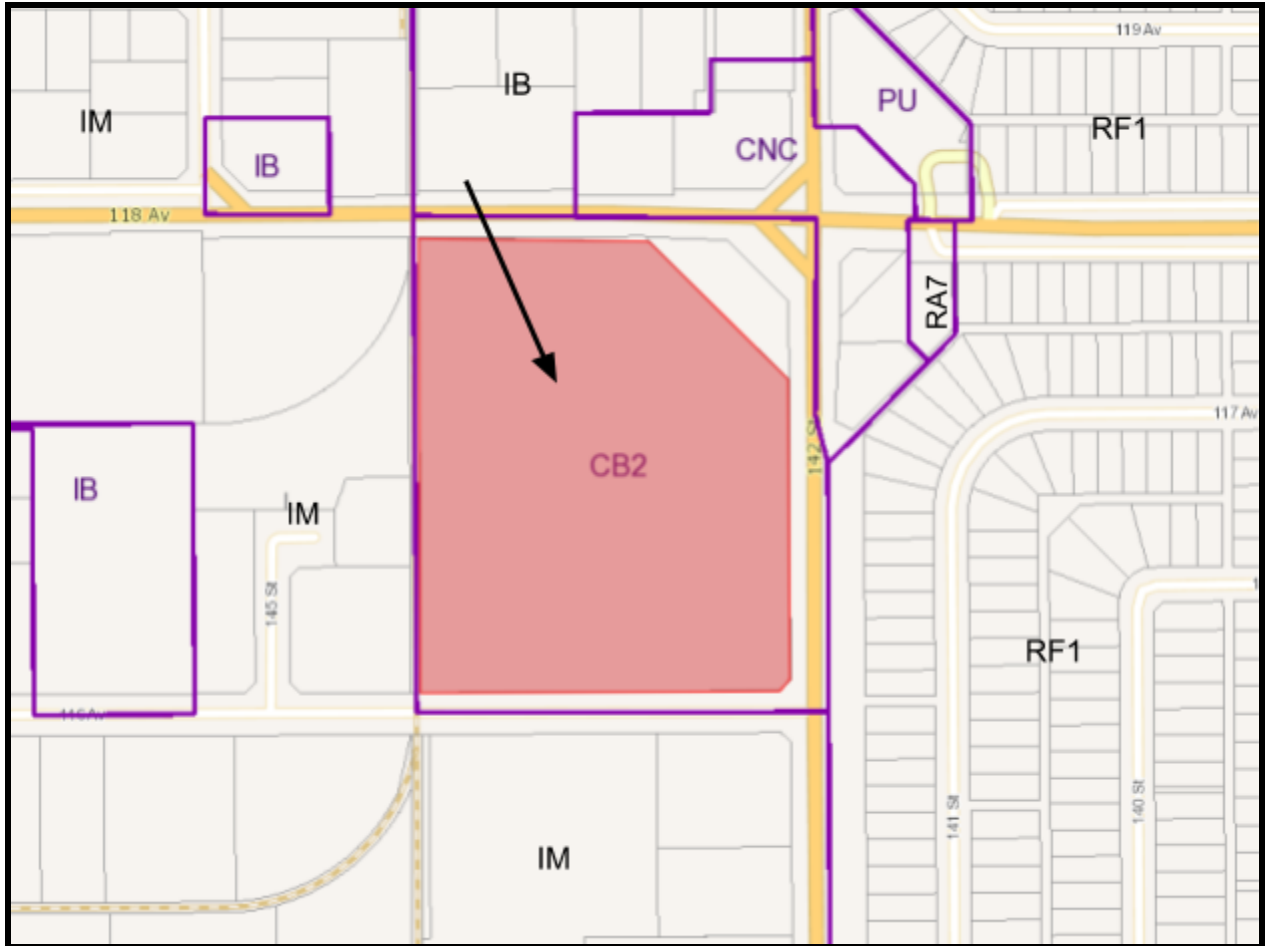
[unedited]

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.

	<h2 style="margin: 0;">Application for Sign Permit</h2>		Project Number: 375599197-002 Application Date: OCT 15, 2020 Printed: November 9, 2020 at 8:11 AM Page: 1 of 2			
This document is a Development Permit Decision for the development application described below.						
Applicant	Property Address(es) and Legal Description(s) 14315 - 118 AVENUE NW Plan 5613HW Blk 8 Lot 1 14315 - 118 AVENUE NW Plan 5613HW Blk 8 Lot 1					
	Location(s) of Work Entryway: 14315 - 118 AVENUE NW Building: 14315 - 118 AVENUE NW					
Scope of Application To install (1) Fascia On-Premises Sign, and (1) Roof On-Premises Sign (SEVEN DEGREES LIQUOR STORE).						
Permit Details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td data-bbox="277 825 808 877" style="font-size: small;"> ASA Sticker No./Name of Engineer: 8445 Construction Value: 6000 </td> <td data-bbox="816 825 1377 877" style="font-size: small;"> Class of Permit: Expiry Date: </td> </tr> <tr> <td data-bbox="277 909 808 1098" style="font-size: small;"> Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0 Roof On-premises Sign: 1 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0 </td> <td data-bbox="816 909 1377 1098" style="font-size: small;"> Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0 </td> </tr> </table>			ASA Sticker No./Name of Engineer: 8445 Construction Value: 6000	Class of Permit: Expiry Date:	Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0 Roof On-premises Sign: 1 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
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Development Application Decision Refused Issue Date: Nov 02, 2020 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Section 59F.3(1)(h): All proposed Roof On-premises Sign locations shall be reviewed in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; and any streetscape improvements; Proposed: The proposed sign is not in context with surrounding development. It is not consistent with other signage on the building and is not in scale with the building's architecture. 2) Section 59F.3(1)(i): The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs on a Site shall be four. Proposed: (1) Roof On-premises Sign Existing: (3) Freestanding On-premises Signs, and (1) Minor Digital On-premises Sign Total: (5) Exceeds by: (1) Note: the sign is existing without permits						
THIS IS NOT A PERMIT						

	<h2>Application for Sign Permit</h2>	<p>Project Number: 375599197-002 Application Date: OCT 15, 2020 Printed: November 9, 2020 at 8:11 AM Page: 2 of 2</p>																				
<p>Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p>																						
<p>Fees</p> <table border="1"><thead><tr><th></th><th style="text-align: right;">Fee Amount</th><th style="text-align: right;">Amount Paid</th><th style="text-align: left;">Receipt #</th><th style="text-align: left;">Date Paid</th></tr></thead><tbody><tr><td>Sign Development Application Fee</td><td style="text-align: right;">\$383.00</td><td style="text-align: right;">\$383.00</td><td>014901654544001</td><td>Oct 20, 2020</td></tr><tr><td>Total GST Amount:</td><td style="text-align: right;">\$0.00</td><td></td><td></td><td></td></tr><tr><td>Totals for Permit:</td><td style="text-align: right; border-top: 1px solid black;">\$383.00</td><td style="text-align: right; border-top: 1px solid black;">\$383.00</td><td></td><td></td></tr></tbody></table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Development Application Fee	\$383.00	\$383.00	014901654544001	Oct 20, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$383.00	\$383.00		
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<p>THIS IS NOT A PERMIT</p>																						



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-20-167 ▲
N

ITEM II: 10:30 A.M.

FILE: SDAB-D-20-168

WITHDRAWN

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 371883762-001

APPLICATION TO: Operate a Major Home Based Business (Dog grooming services - PRINCE'S PAWS GROOMING LTD.) Expires Oct. 14, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: October 14, 2020

DATE OF APPEAL: November 7, 2020

NOTIFICATION PERIOD: October 20, 2020 through November 10, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14124 - 147 Avenue NW

LEGAL DESCRIPTION: Plan 0624832 Blk 37 Lot 195

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Cumberland Neighbourhood Structure Plan
Palisades Area Structure Plan

Grounds for Appeal

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

I acknowledge receipt of the letter dated, October 15, 2020 with the city file # 371883762-001 regarding a development permit being considered for a Major Home Based Business (Dog Grooming Services PRINCES PAWS GROOMING LTD.) which expires on October 14, 2025.

Please consider this email as formal notice of my intent to appeal this application for the reasons including but not limited to decreased property value, increase traffic in an already congested neighborhood, parking/potential bylaw infractions, safety issues because of increased flow through traffic and aggravation home owners who will be unable to park in front of their houses.

I have taken a sampling of pictures of the neighborhood over the past week and it would appear that the occupants of 14124 147 avenue do not have a dedicated parking stall for potential patrons of their business as they do not park in their garage and have two vehicles registered to the home. Therefore, overflow customer traffic will be forced to double park or in front of other home owners properties. Parking is already an issue in this neighborhood with a high volume of complaints. At least four homes next to the potential business location dont use their garage to store vehicles and have 4 to 5 vehicles depending on who is visiting for long durations which creates a nuisance for the other home owners. Allowing this business license will only worsen the parking issue in the neighborhood and lead to more complaints and bad feelings.

Home based businesses also have a history of decreasing property values and not everyone appreciates dogs barking as they come and go from the house in question.

I would like to note that I was never consulted by the occupants of the home to sign a letter in support of their business which tells me they are not interested in obtaining a social license from the neighborhood.

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.

[unedited]

Major Home Based Business


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.

	Project Number: 371883762-001 Application Date: SEP 01, 2020 Printed: October 14, 2020 at 4:53 PM Page: 1 of 3		
<h2>Home Occupation</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	Property Address(es) and Legal Description(s) 14124 - 147 AVENUE NW Plm 0624832 Blk 37 Lot 195		
Scope of Permit To operate a Major Home Based Business (Dog grooming services - PRINCE'S PAWS GROOMING LTD.) Expires Oct. 14, 2025.			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of business related visits/day: 3 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N </td> <td style="width: 50%; vertical-align: top;"> # of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Small dog grooming salon. Expiry Date: 2025-10-14 00:00:00 </td> </tr> </table>		# of business related visits/day: 3 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Small dog grooming salon. Expiry Date: 2025-10-14 00:00:00
# of business related visits/day: 3 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Small dog grooming salon. Expiry Date: 2025-10-14 00:00:00		
Development Permit Decision Approved Issue Date: Oct 14, 2020 Development Authority: FOLKMAN, JEREMY			



Project Number: **371883762-001**
 Application Date: SEP 01, 2020
 Printed: October 14, 2020 at 4:53 PM
 Page: 2 of 3

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. Pets shall be kept indoor for the duration of the stay and overnight stay is prohibited.
9. No noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
10. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
11. 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.
12. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
13. 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 Oct. 14, 2025.

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).



Project Number: **371883762-001**
 Application Date: SEP 01, 2020
 Printed: October 14, 2020 at 4:53 PM
 Page: 3 of 3

Home Occupation

VariANCES

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.

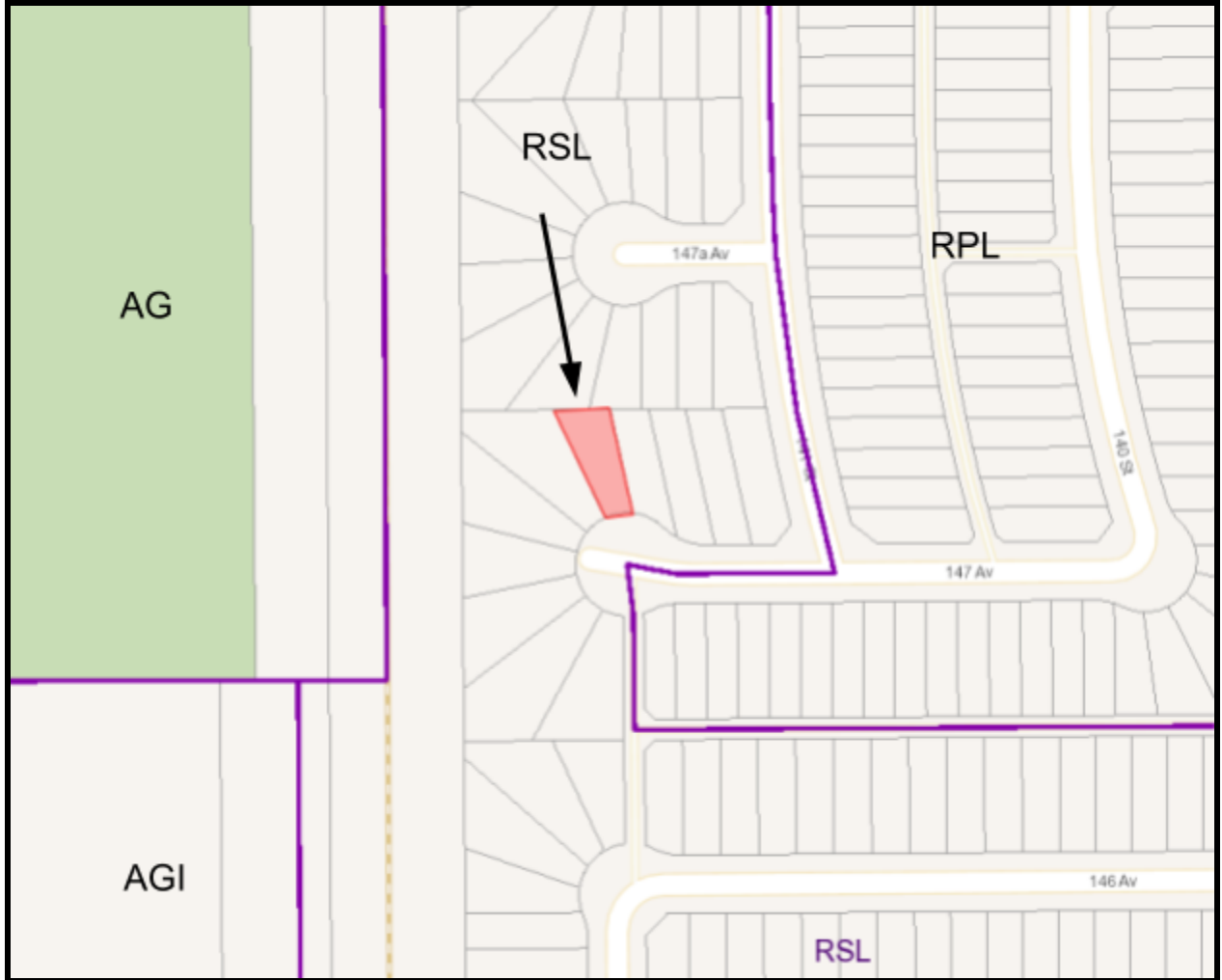
Rights of Appeal

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: Oct 20, 2020 **Ends:** Nov 10, 2020

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$327.00	\$327.00	0035980289010010	Sep 21, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$327.00	\$327.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-168

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ITEM III: 1:30 P.M.

FILE: SDAB-D-20-169

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 373735856-001

APPLICATION TO: Operate a Major Home Based Business (RECONEX - Administration office for construction management company); 1 client visit per day; no outdoor storage; hours of operation are from 8:00AM to 5:00PM from Monday to Friday; expires on October 21, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: October 21, 2020

DATE OF APPEAL: November 9, 2020

NOTIFICATION PERIOD: October 27, 2020 through November 17, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 716 - Dalhousie Way NW

LEGAL DESCRIPTION: Plan 0124723 Blk 56 Lot 19

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Donsdale Neighbourhood Structure Plan
West Jasper Place (South) Area Structure Plan

Grounds for Appeal

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

A home based business would increase traffic in the neighborhood. Many children play within Donsdale, its an added risk with drivers unfamiliar with the neighborhood and the likelihood for children to be on the street playing hockey or basketball.

The street parking is limited, the owner of 716 Dalhousie Way believes he owns the street parking directly in front of his home, he threatens, harasses, and is bullying neighbors to ensure they do not park in front of his home. With clients now attending his home he is likely to get more aggressive, he already calls City bylaw and makes false claims about vehicles parked in front of his home, a drain on City resources.

<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 110.3(4), a **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 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 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.

<i>Discretionary Use</i>

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 Zoning Bylaw and there are no variances to development regulations.

[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.

	Project Number: 373735856-001 Application Date: SEP 24, 2020 Printed: November 9, 2020 at 11:08 AM Page: 1 of 3		
<h2>Home Occupation</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	Property Address(es) and Legal Description(s) 716 - DALHOUSIE WAY NW Plan 0124723 Blk 56 Lot 19		
Scope of Permit To operate a Major Home Based Business (RECONEX - Administration office for construction management company). 1 client visit per day. No outdoor storage. Hours of operation are from 8:00AM to 5:00PM from Monday to Friday. Expires on October 21, 2025.			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of business related visits/day: 2 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N </td> <td style="width: 50%; vertical-align: top;"> # of vehicles at one time: Business has Trailers or Equipment?: N Description of Business: Administration office for a construction management company. 1 visit per day by appointment only with no overlapping appointments. 1 non-resident employee. No outdoor storage. Hours of operation are from 8:00AM to 5:00PM from Monday to Friday. Expires on October 21, 2025. Expiry Date: 2025-10-21 00:00:00 </td> </tr> </table>		# of business related visits/day: 2 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: Business has Trailers or Equipment?: N Description of Business: Administration office for a construction management company. 1 visit per day by appointment only with no overlapping appointments. 1 non-resident employee. No outdoor storage. Hours of operation are from 8:00AM to 5:00PM from Monday to Friday. Expires on October 21, 2025. Expiry Date: 2025-10-21 00:00:00
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Development Permit Decision Approved Issue Date: Oct 21, 2020 Development Authority: ZHOU, ROWLEY			



Project Number: **373735856-001**
 Application Date: SEP 24, 2020
 Printed: November 9, 2020 at 11:08 AM
 Page: 2 of 3

Home Occupation


Subject to the Following Conditions

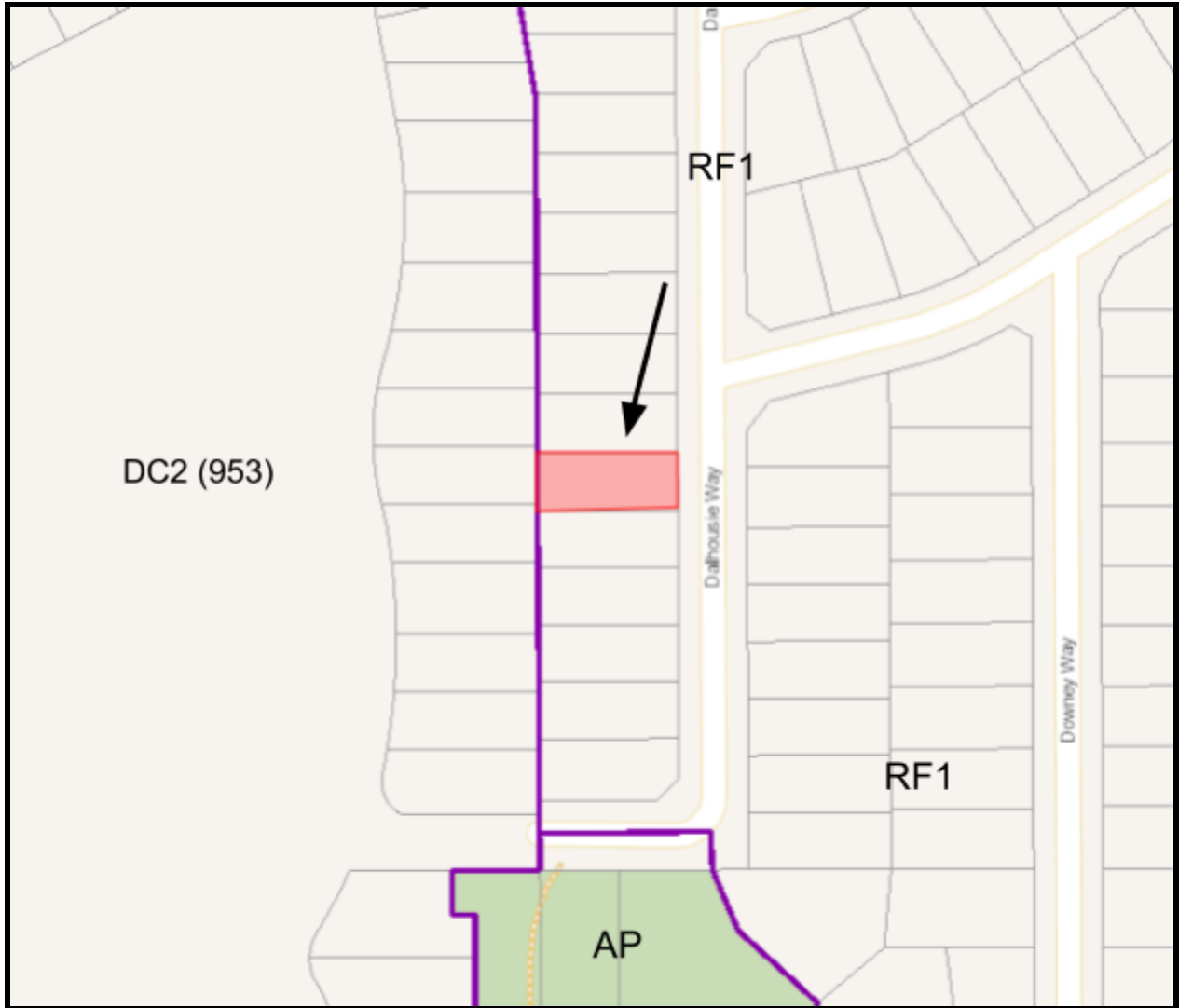
Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

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. There shall be no more than 1 non-resident employees or business partners working on-site.
5. There shall be no more than 1 client visit associated with the business per day.
6. The site shall not be used as a daily rendezvous for employees or business partners.
7. The site shall not be used by employees or business partners as a parking, storage or working location.
8. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5). All business related materials must be stored inside the dwelling/garage or an accessory building or at an approved off site storage facility.
9. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
10. Fabrications of business related materials are prohibited.
11. All commercial and industrial equipment, including but not limited to Bobcats, Sea-cans and trailers, are not permitted at the site. The equipment shall be stored at an approved storage facility.
12. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility. The Development Permit may be revoked if any commercial, industrial and overweight vehicles are parked or stored at the residential site.
14. Any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceed 4600 kg is prohibited in a Residential Zone (Section 45.1.a.).
15. 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.
16. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
17. 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 October 21, 2025.

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).

	Project Number: 373735856-001 Application Date: SEP 24, 2020 Printed: November 9, 2020 at 11:08 AM Page: 3 of 3																
<h2 style="margin: 0;">Home Occupation</h2>																	
<p>2. This Development Permit is not a Business License.</p> <p>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).</p> <p>4. This Development Permit is for an Administration Office only.</p> <p>Variances 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.</p> <p>Note: The proposed development complies with the Zoning Bylaw and there are no variances to development regulations.</p> <p>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.</p> <p>Notice Period Begins: Oct 27, 2020 Ends: Nov 17, 2020</p>																	
Fees																	
	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Fee Amount</th> <th style="text-align: left; border-bottom: 1px solid black;">Amount Paid</th> <th style="text-align: left; border-bottom: 1px solid black;">Receipt #</th> <th style="text-align: left; border-bottom: 1px solid black;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$327.00</td> <td style="text-align: right;">\$327.00</td> <td style="text-align: right;">06756738</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td style="text-align: right; border-top: 1px solid black;">Sep 29, 2020</td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 1px solid black;">\$327.00</td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 1px solid black;">\$327.00</td> <td></td> </tr> </tbody> </table>	Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$327.00	\$327.00	06756738	Total GST Amount:	\$0.00		Sep 29, 2020	Totals for Permit:	\$327.00	\$327.00	
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SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-20-169** ▲
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