

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
December 7, 2016**

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

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

TO BE RAISED

I 9:00 A.M. SDAB-D-16-258 Erect a Privacy Screen 8 feet in height along the Southwest portion of the property, along a Required Side Yard

9839 - 147 Street NW
Project No.: 128010578-001

II 11:00 A.M. SDAB-D-16-312 Construct a Semi-detached House with a front veranda, rooftop terraces (each 1.8 metres by 3.5 metres) and to demolish a Single Detached House and a rear detached Garage

8628 - 79 Street NW
Project No.: 230778417-001

III 1:30 P.M. SDAB-D-16-313 Operate a Major Home Based Business. (Health Enhancement Centre - Trinity Rejuvenation & Wellness Ltd - expiry November 3, 2018)

16010 - 100 Avenue NW
Project No.: 231989250-001

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-258

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

APPELLANT:

APPLICATION NO.: 128010578-001

ADDRESS OF APPELLANT: 14611 – 99 Avenue NW

APPLICATION TO: Erect a Privacy Screen 8 feet in height along the Southwest portion of the property, along a Required Side Yard

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: October 24, 2012

DATE OF APPEAL: September 22, 2016

NOTIFICATION PERIOD: Oct. 30, 2012 through Nov. 13, 2012

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9839 - 147 Street NW

LEGAL DESCRIPTION: Plan 5109HW Blk 84 Lot 21

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Owners of property at 9839 - 147 Street NW are building a fence at least 8 feet high along the northeast portion of their property currently. This fence is very close to our home and it adversely affects our property. As direct

neighbours, we were not previously notified of the present location of this fence and we wish to appeal the permit that has been granted by the City of Edmonton for the fence in 2012.

General Matters

The Subdivision and Development Appeal Board at a hearing on October 6, 2016, made and passed the following motion:

"That the appeal hearing be scheduled for December 7 or 8, 2016."

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.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

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, or

...

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

The Board is advised that the decision of the Development Officer is dated October 24, 2012. The Notice of Appeal was filed on September 22, 2016.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

Under section 7.2(9), **Single Detached Housing** means:

Development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single

Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

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

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** 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.

The Board is advised that Section 49 Fences, Walls, Gates, and Privacy Screening in Residential Zones was amended in August 22, 2016.

Development Officer's Determination

Notwithstanding Section 11.3 of this Bylaw, the Development Officer may vary the Height of the fence, wall, or gate to a maximum of 2.44 metres in order to provide additional screening from public roadways or incompatible adjacent land uses.

Variance for Section 49(6) To vary the height of the fence from 1.85 meters to 2.44 meters.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **128010578-001**
 Application Date: AUG 08, 2012
 Printed: September 22, 2016 at 10:50 AM
 Page: 1 of 2

Minor Development Permit

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	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Property Address(es) and Legal Description(s)</td> </tr> <tr> <td colspan="2" style="text-align: center;">9839 - 147 STREET NW Plan 5109HW Blk 84 Lot 21</td> </tr> <tr> <td colspan="2">Specific Address(es)</td> </tr> <tr> <td>Suite:</td> <td>9839 - 147 STREET NW</td> </tr> <tr> <td>Entryway:</td> <td>9839 - 147 STREET NW</td> </tr> <tr> <td>Building:</td> <td>9839 - 147 STREET NW RFI</td> </tr> </table>	Property Address(es) and Legal Description(s)		9839 - 147 STREET NW Plan 5109HW Blk 84 Lot 21		Specific Address(es)		Suite:	9839 - 147 STREET NW	Entryway:	9839 - 147 STREET NW	Building:	9839 - 147 STREET NW RFI
Property Address(es) and Legal Description(s)													
9839 - 147 STREET NW Plan 5109HW Blk 84 Lot 21													
Specific Address(es)													
Suite:	9839 - 147 STREET NW												
Entryway:	9839 - 147 STREET NW												
Building:	9839 - 147 STREET NW RFI												

Scope of Permit
 To erect a Privacy Screen 8ft in height along the Southwest portion of the property, along a Required Side Yard

Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area:

I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved

Subject to the Following Conditions
 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 registered to the Site. (Reference Section 5.2)

Variances
 Notwithstanding Section 11.3 of this Bylaw, the Development Officer may vary the Height of the fence, wall, or gate to a maximum of 2.44 m in order to provide additional screening from public roadways or incompatible adjacent land uses.

Variance for Section 49(6) To vary the height of the fence from 1.85 meters to 2.44meters.

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.

Issue Date: Oct 24, 2012 **Development Authority:** BROOKS, JOLENE **Signature:** _____
Notice Period Begins: Oct 30, 2012 **Ends:** Nov 13, 2012

The permit holder is advised to read the reverse for important information concerning this decision.



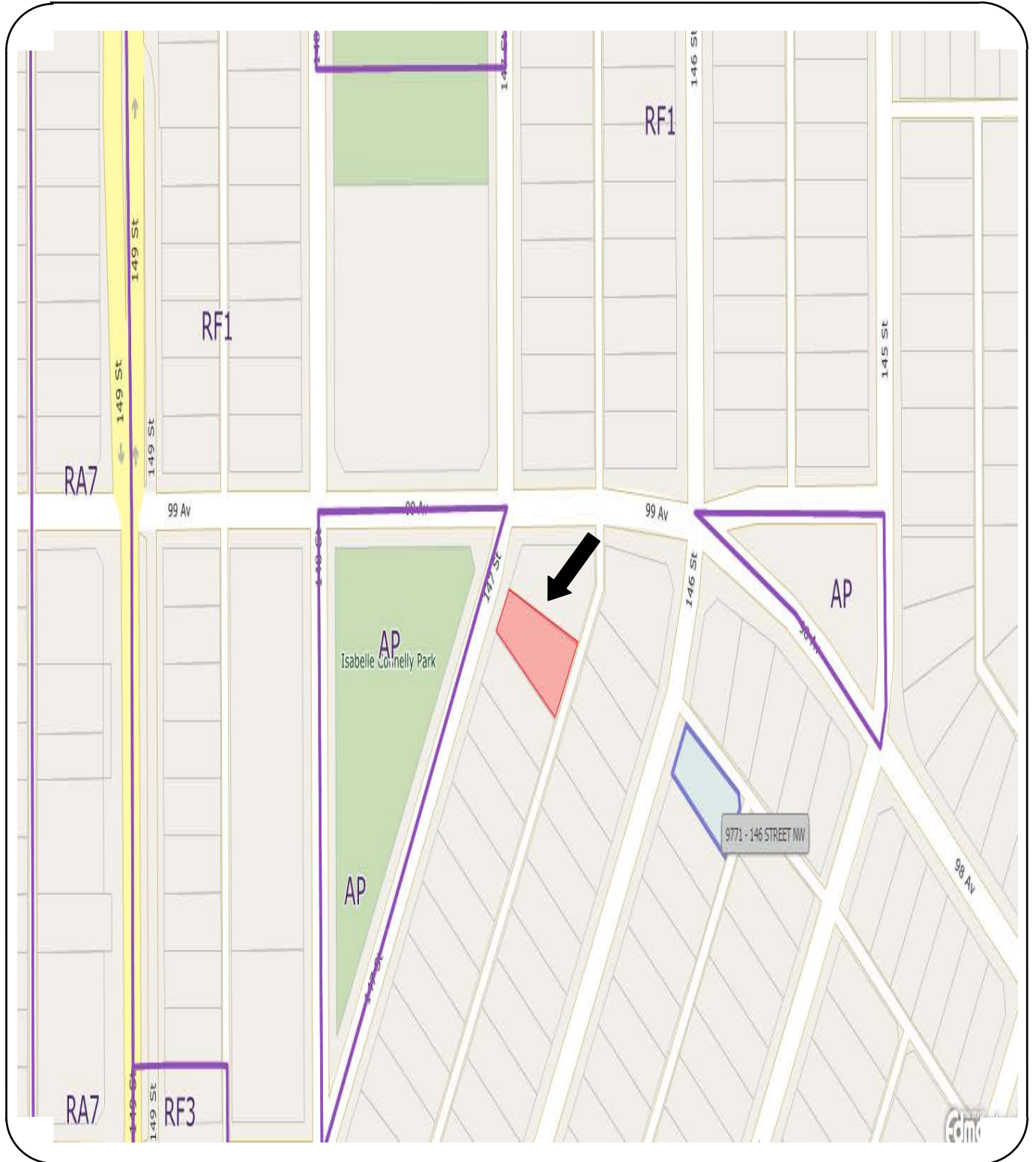
Project Number: **128010578-001**
Application Date: AUG 08, 2012
Printed: September 22, 2016 at 10:50 AM
Page: 2 of 2

Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$149.00	\$149.00	00389230	Aug 08, 2012
Total GST Amount:	\$0.00			
Totals for Permit:	\$149.00	\$149.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-258



ITEM II: 11:00 A.M.

FILE: SDAB-D-16-312

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 230778417-001

APPLICATION TO: Construct a Semi-detached House with a front veranda, rooftop terraces (each 1.8 metres by 3.5 metres) and to demolish a Single Detached House and a rear detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 23, 2016

DATE OF APPEAL: November 24, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8628 - 79 Street NW

LEGAL DESCRIPTION: Plan 4014HW Blk 4 Lot 14

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Southeast Area Plan

Grounds for Appeal

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

My fiancé and I would like to build a side by side duplex on our property located at 8628-79 Street. We would like to build our dream house, so that we can live in it personally and raise a family. We were aware that our design did not adhere to the location requirements of the RF1 zoning, so we personally went door to door to all of our neighbours within a 60m radius, to solicit their opinions. Attached is the feedback received from soliciting the neighbors on Friday, October 21st. I went door knocking between 5:00 PM to 6:30 PM, because, I believed this to be the most opportune time for everyone to be home. Also included is a replica of the documents that I either handed out to everyone, or left in their mailbox.

Additionally, I spoke with a city planner, and we discussed additional reasons why it would be reasonable to allow a Side by Side duplex to be built on this property. Please see below;

We are close to TOD Development (Transit Oriented Development) Area. (see attached maps)

- The property is just outside of the 400m radius to promote higher density homes in proximity to
- The new LRT line that will be built.
- It will take 9 minutes to walk to the new Bonnie Doon LRT station from our house when the new Valley Line LRT is completed.
- It will take 13 minutes to walk to the new Holyrood LRT station from our house when the new Valley Line LRT is completed.

There is enough Amenity Space in our neighborhood to allow for higher density homes. We are next to a large park and green space.

There is a side by side Duplex across the street from our property (to the north). It is on the corner, however another side by side duplex on the block will not "look out of place" because it will be in proximity.

The city planner looked into the RF4 zoning that is existing on the block, and advised that it has been there for decades (to the south). There are side by side duplexes built on these properties as well.

We believe that this is a reasonable development for our neighbourhood. We know that the city is proposing a large development in Holyrood that consists of apartment towers and townhouses, which is located a mere 900m away from our property.

All of the reasons above showcase that it is reasonable to allow a side by side duplex development on our property. Please consider this in our appeal.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or

- (c) issues an order under section 645,

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

...

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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(10), **Semi-detached Housing** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Under section 7.2(8), **Semi-detached Housing** means:

development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

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:

...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.

Locational Criteria

Section 110.4(4) Semi-detached Housing and Duplex Housing shall only be located:

- a. on Corner Sites;
- b. on Sites abutting an arterial or service road;
- c. where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or
- d. where a minimum of one Side Lot Line:
 - i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use, or

- ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 metres wide.

Development Officer's Determination

The proposed Semi-Detached House does not meet the location criteria for the RF1 Zone (Section 110.4.4)

Projection


Section 44.1(a) states verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, may project into a required Setback or Separation Space, provided such projections do not exceed 0.6 metres in the case of Setbacks or Separation Spaces of 1.2 metres or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 metres above Grade.

Development Officer's Determination

Projection – The distance from the veranda and eaves to the property line along 79 Street (front lot line) is 7.58 metres, instead of 8.35 metres (Section 44.1(a)).

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 230778417-001 Application Date: SEP 16, 2016 Printed: November 24, 2016 at 1:25 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 8628 - 79 STREET NW Plan 4014HW Blk 4 Lot 14 Specific Address(es) Entryway: 8628 - 79 STREET NW Entryway: 8630 - 79 STREET NW Building: 8628 - 79 STREET NW		
Scope of Application To construct a Semi-detached House with a front veranda, rooftop terraces (each 1.8m x 3.5m) and to demolish a Single Detached House and a rear detached Garage.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: (none) Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:
# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal 1. The proposed Semi-Detached House does not meet the location criteria for the RF1 Zone (Section 110.4.4) Semi-Detached Housing shall only be located: a) on Corner Sites; b) on Sites abutting an arterial or service road; c) where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or d) where a minimum of one Side Lot Line: i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use, or ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 m wide. The subject property does not meet any of the location criteria requirements. 2. Projection – The distance from the veranda and eaves to the property line along 79 Street (front lot line) is 7.58m, instead of 8.35m (Section 44.1(a)).			
Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.			
THIS IS NOT A PERMIT			



Project Number: **230778417-001**
Application Date: SEP 16, 2016
Printed: November 24, 2016 at 1:25 PM
Page: 2 of 2

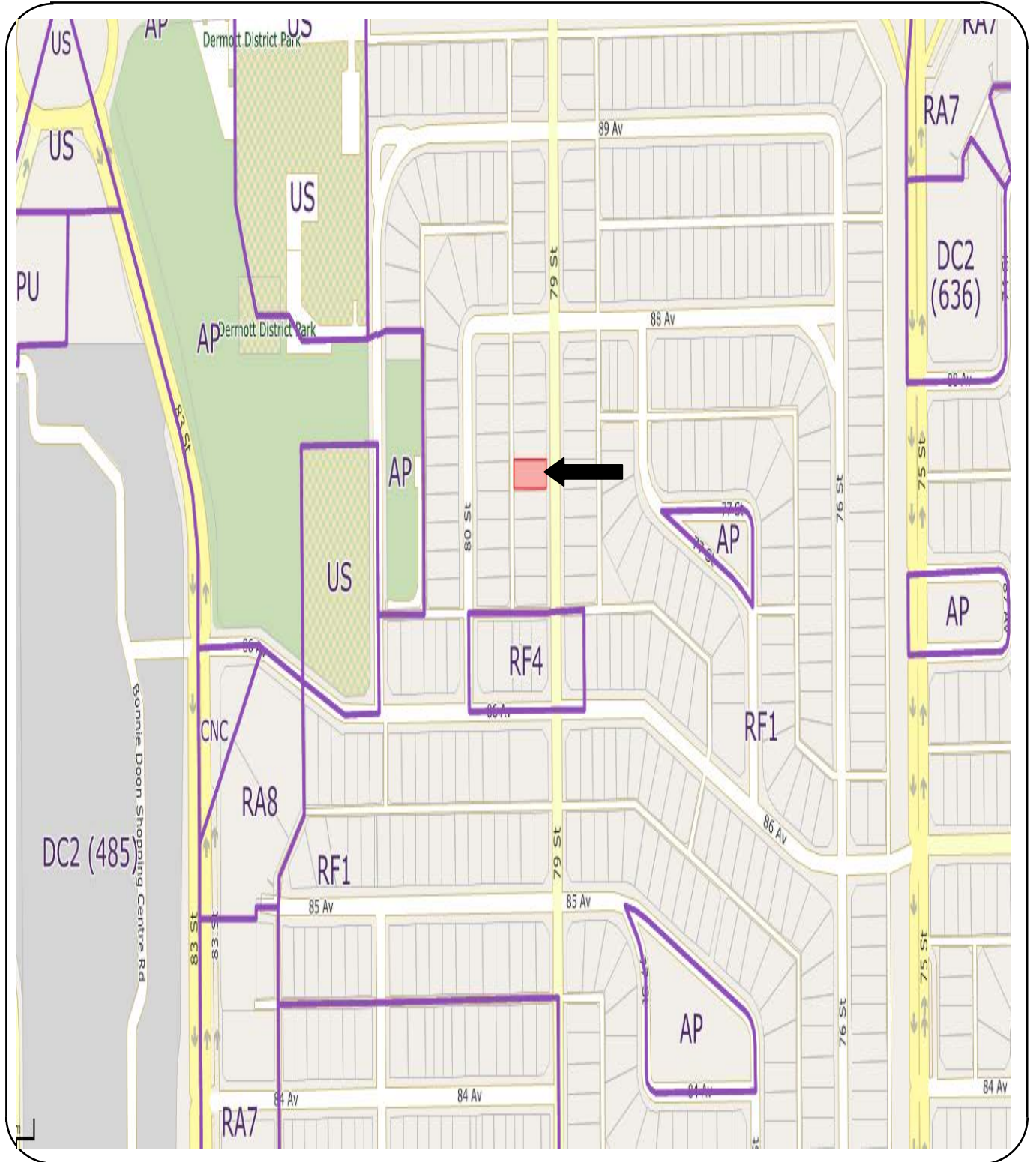
Application for Minor Development Permit

Issue Date: Nov 23, 2016 **Development Authority:** PIHOOJA, KATHERINE **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$270.00	\$270.00	03608555	Sep 16, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03608555	Sep 16, 2016
Dev. Application Fee	\$456.00	\$456.00	03608555	Sep 16, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,292.00	\$2,292.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-312



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-313

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

APPELLANT:

APPLICATION NO.: 231989250-001

ADDRESS OF APPELLANT: 16008 - 100 Avenue NW

APPLICATION TO: Operate a Major Home Based Business.
(Health Enhancement Centre - Trinity Rejuvenation & Wellness Ltd - expiry November 3, 2018)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 3, 2016

DATE OF APPEAL: November 22, 2016

NOTIFICATION PERIOD: Nov 10, 2016 through Nov 24, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 16010 - 100 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16010 - 100 Avenue NW

LEGAL DESCRIPTION: Plan 6144AH Blk 3C Lot 5

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

As per my Bylaw complaint Reference# 230679842-001 I have serious concerns about the business that is in question. I own the property right next door 16008-100 Ave. NW.

This business has been already operating without permit since September and hence my Bylaw complaint. They have already put up signage without approval and have refused to take it down. The clientele that this business has been "servicing" has been of questionable character. I am questioning what kind of "massage service" they are providing in a residential neighborhood. The clientele and the occupants of the home in questions have been loud and obnoxious at time. There has been obvious increase in traffic that has been disruptive and occupies the street parking for our guests. Lastly, there is concerns about the impact of a business like this on my property value. This is a residential neighborhood and we have no interest in commercial/retail traffic activities right next door to our home. [unedited]

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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(2), after the date on which the notice of the issuance of the permit was given *in accordance with the land use bylaw*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.2 Class B Development

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land;
 - c. the President of each Community League; and
 - d. the President of each Business Revitalization Zone.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

The decision of the Development Officer is dated November 3, 2016. Notice of the development was published in the *Edmonton Journal* on November 10, 2016. The Notice of Appeal was filed on November 22, 2016.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(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*:

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.

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

Section 7.3(7) states:

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.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** 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.

Major Home Based Business

Section 75 provides as follows:

75. Major Home Based Business

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 Class 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 Garage Suite or 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 Garage 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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **231989250-001**
Application Date: OCT 04, 2016
Printed: November 28, 2016 at 4:16 PM
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Application for Home Occupation

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

Applicant 	Property Address(es) and Legal Description(s) 16010 - 100 AVENUE NW Plan 6144AH Blk 3C Lot 5 Specific Address(es) Entryway: 16010 - 100 AVENUE NW Building: 16010 - 100 AVENUE NW
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Scope of Permit
To operate a Major Home Based Business. (Health Enhancement Centre - Trinity Rejuvenation & Wellness Ltd - expiry November 3, 2018)

Permit Details # of business related visits/day: 4 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: 1 Business has Trailers or Equipment?: N Description of Business: Two massage beds and performs relaxation message. She goes to their own home and her own home. work on Saturdays. 2 rooms in the basement Expiry Date: 2018-11-03 00:00:00
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
Appealed to SDAB

THIS IS NOT A PERMIT



Project Number: **231989250-001**
Application Date: OCT 04, 2016
Printed: November 28, 2016 at 4:16 PM
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Application for 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 neighbourhood.
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 November 3, 2018.

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).

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.

THIS IS NOT A PERMIT



Application for Home Occupation

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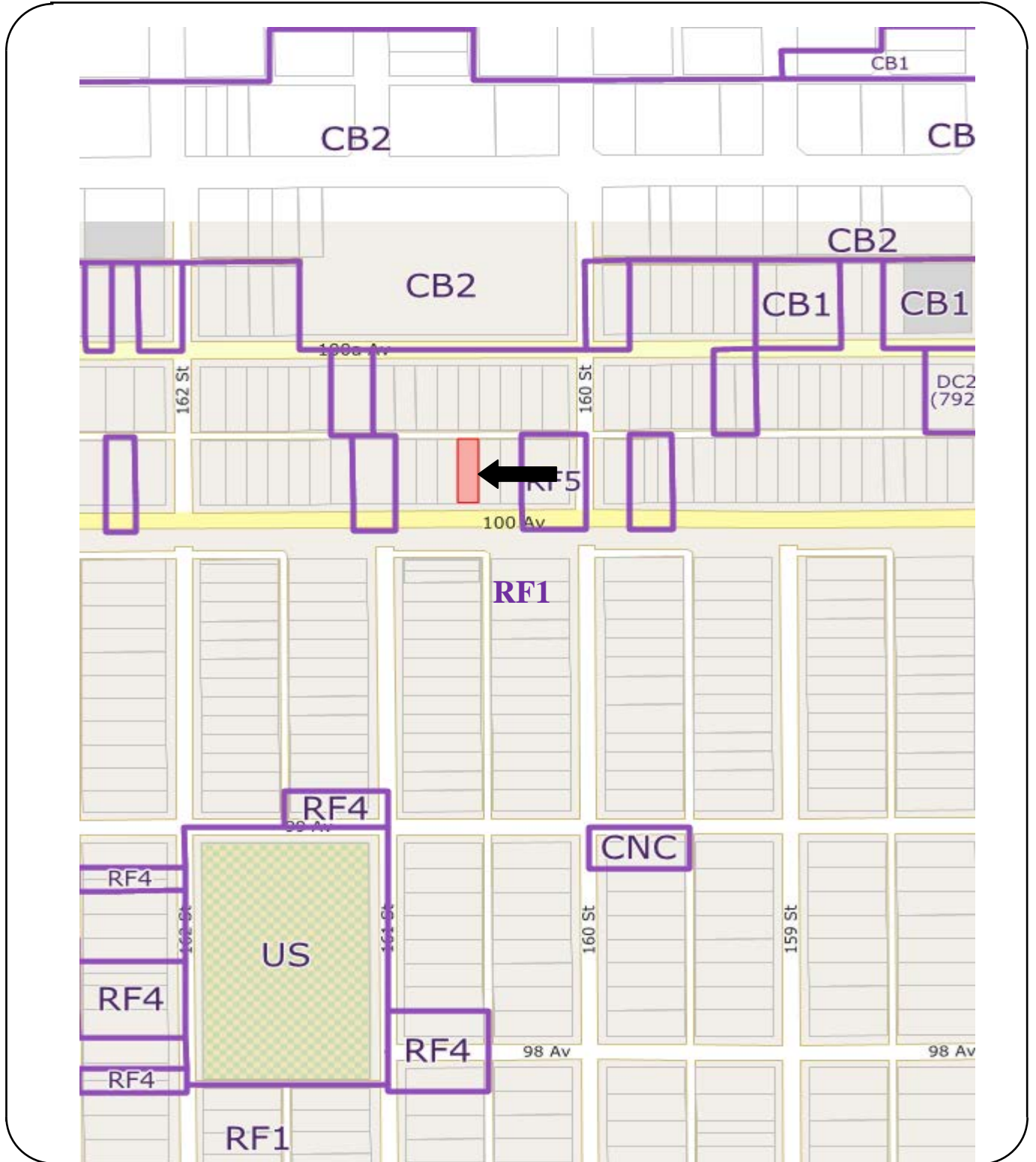
Issue Date: Nov 03, 2016 Development Authority: BAUER, KERRY
Notice Period Begins: Nov 10, 2016 Ends: Nov 24, 2016

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03653209	Oct 04, 2016
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$297.00	\$297.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-313



BUSINESS LAID OVER

SDAB-D-16-293	An appeal by <u>Vishal Aggarwal</u> to change the Use of a General retail Store to a Major Alcohol Sales. <i>January 11, 2017</i>
SDAB-S-16-003	An appeal by <u>Stantec Consulting Ltd.</u> to create (1) additional rural residential lot <i>January 11, or 12, 2017</i>
SDAB-D-16-294	An appeal by <u>Wigalo Holdings Ltd.</u> to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18 or 19, 2017</i>
SDAB-D-16-295	An appeal by <u>Wigalo Holdings Ltd.</u> to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18 or 19, 2017</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>January 25, 2017</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>February 2017</i>

APPEAL HEARINGS TO BE SCHEDULED

231692613-001	An appeal by <u>Loan Star Jewellery & Loans; and Inglewood Business Association VS Cash Canada</u> to change the use of a Restaurant to a Pawn Store, a Secondhand Store and a Professional, Financial and Office Support Service, and to construct interior alterations. (Cash Canada) <i>January 4 or 5, 2017</i>
230469969-001	An appeal by <u>Pattison Outdoor Advertising / Ogilvie LLP</u> to install (1) freestanding Minor Digital Off-premises Sign (14.6m x 4.3m digital panel facing South, and static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920-101 Street, existing Freestanding Off-premises Signs on 2303 Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.) <i>January 26, 2017</i>
152674334-001	An appeal by <u>A&E Architectural & Engineering Group Inc.</u> to construct an Auctioneering Establishments building and operate an Auctioneering Establishment on the entire Site (including existing storage building and shed), and demolish an existing storage building (Osman Auction Inc.) <i>February 22, 2017</i>