

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
February 15, 2017**

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

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

I	9:00 A.M.	SDAB-D-17-032	Park a Recreational Vehicle in the front Driveway of a Single Detached House (2 metres by 9 metres) from January 1 to December 31. 8706 - 156A Avenue NW Project No.: 237898649-001
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II	10:30 A.M.	SDAB-D-17-033	Operate a Major Home Based Business - General Contractor (ATLAS INSULATION) - Expires January 3, 2022. 3810 - Claxton Close SW Project No.: 233184605-001
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WITHDRAWN

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-17-032

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 237898649-001

APPLICATION TO: Park a Recreational Vehicle in the front Driveway of a Single Detached House (2 metres by 9 metres) from January 1 to December 31

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 11, 2017

DATE OF APPEAL: January 23, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8706 - 156A Avenue NW

LEGAL DESCRIPTION: Plan 9423471 Blk 76 Lot 52

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Edmonton North Area Structure Plan
Belle Rive Neighbourhood Structure Plan

Grounds for Appeal

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

I wish to appeal because this does not make sense. There is not a good reason why I cannot park my trailer on my trailer pad in front of my house. I do not encroach within 2m of the curb and have plenty of room. I am able to park it between April 1 and Oct 31. I do not have access to my backyard or an alley as many homes in Edmonton do. It is not fair that i should have to pay to store my trailer in the winter months, when other do not. Thank you

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.

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

Under section 6.1(2), **Accessory** means:

when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Under section 6.1(26), **Driveway** means:

an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

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.

<p><i>Objects Prohibited or Restricted in Residential Zones</i></p>
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Section 45.3 states:

No person shall keep, in the Front Yard in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle.

Section 45.4 states:

Notwithstanding subsection 45.3, from April 1 through October 31 inclusive, on a residential Site with no rear Lane, large Recreational

Vehicles may be parked to within 2.0 m of the interior edge of the sidewalk, or within 2.0 m of the curb if there is no sidewalk:

- a. where vehicular access is solely available through the Front Yard.
- b. ...

Section 45.5 states:

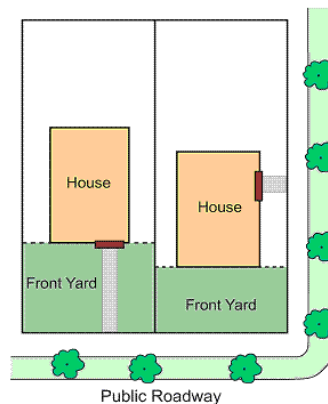
For the purposes of subsections 45.3 and 45.4, a "large Recreational Vehicle" shall include any motorhome, travel trailer, or fifth wheel trailer; any camper when it is not mounted on a truck, but placed on the ground, on a stand or otherwise stored; or any similar vehicles.

Section 45.6 states:

For the purposes of subsections 45.3 and 45.4, a "large Recreational Vehicle" shall not include: small utility trailers; camper van conversions; tent trailers; campers which are mounted in trucks; boats; snowmobiles; all-terrain vehicles; jet skis; or motorcycles and trailers to carry them.

Under section 6.1(44), **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.




Development Officer's Determination:

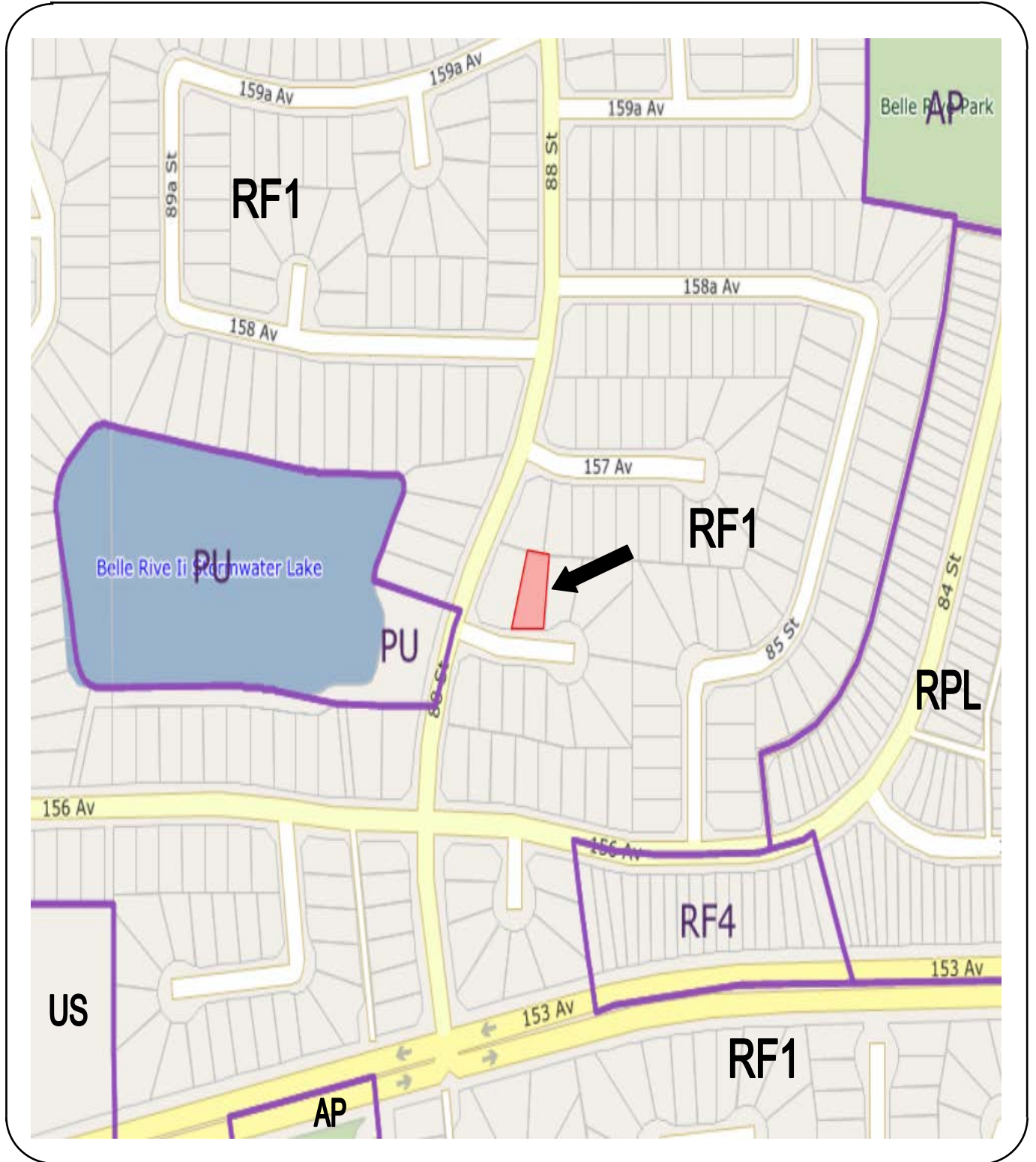
- 1.) No person shall keep, in a required Front Yard in any Residential District, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle. (Reference Section 45.2).
- 2.) On a residential site with no rear lane, large Recreational Vehicles may be parked to within 2 m (6.56 ft.) of the interior edge of the sidewalk, or within 2 m (6.56 ft) of the curb if there is no

sidewalk, from April 1 through October 31 inclusive. (Reference Section 45.3) [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. 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: 237898649-001 Application Date: DEC 20, 2016 Printed: January 24, 2017 at 9:19 AM Page: 1 of 1																														
<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) 8706 - 156A AVENUE NW Plan 9423471 Blk 76 Lot 52																														
Scope of Application To park a recreational vehicle in the front driveway of a Single Detached House (2m x 9m) from January 1 to December 31.																															
Permit Details																															
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Park RV in Front Required Yard Secondary Suite Included?: N	Class of Permit: Class B 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 Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1.) No person shall keep, in a required Front Yard in any Residential District, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle. (Reference Section 45.2). 2.) On a residential site with no rear lane, large Recreational Vehicles may be parked to within 2 m (6.56 ft.) of the interior edge of the sidewalk, or within 2 m (6.56 ft) of the curb if there is no sidewalk, from April 1 through October 31 inclusive. (Reference Section 45.3) 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.																															
Issue Date: Jan 11, 2017 Development Authority: BAUER, KERRY Signature: _____																															
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: right;">Receipt #</th> <th style="width: 10%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$165.00</td> <td style="text-align: right;">\$165.00</td> <td style="text-align: right;">03819249</td> <td style="text-align: right;">Dec 20, 2016</td> </tr> <tr> <td>DP Notification Fee</td> <td style="text-align: right;">\$41.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$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;">\$206.00</td> <td style="text-align: right; border-top: 1px solid black;">\$165.00</td> <td></td> <td></td> </tr> <tr> <td colspan="5">(\$41.00 outstanding)</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$165.00	\$165.00	03819249	Dec 20, 2016	DP Notification Fee	\$41.00				Total GST Amount:	\$0.00				Totals for Permit:	\$206.00	\$165.00			(\$41.00 outstanding)				
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-032



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-033

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

APPELLANT:

APPLICATION NO.: 233184605-001

APPLICATION TO: Operate a Major Home Based Business - General Contractor (ATLAS INSULATION) - Expires January 3, 2022

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: January 3, 2017

NOTIFICATION PERIOD: January 10, 2017 through January 24, 2017

DATE OF APPEAL: January 20, 2017

RESPONDENT: R. Graham

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3810 - Claxton Close SW

LEGAL DESCRIPTION: Plan 1027114 Blk 6 Lot 4

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Chapelle Neighbourhood Area Structure Plan

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 Development Authority for 3810 Claxton Close SW for the Major Home Based Business and Outdoor Storage trailer.

You will also be receiving supporting letters from several other neighbours.