

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
February 17, 2016**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-16-052	Construct exterior alterations (Driveway extension, 5.79m x 3.05m) to a Single Detached House, existing without permits 10129 - 84 Street NW Project No.: 180054490-006
<hr/>			
II	10:30 A.M.	SDAB-D-16-053	Construct a 2 Storey Accessory Building (Garage Suite on 2nd Floor, Garage on the main floor, 8.99m x 7.92m) and to demolish the existing rear detached Garage 8643 - 81 Street NW Project No.: 177734464-001
<hr/>			
III	1:00 P.M.	SDAB-D-16-054	Arc Envy Welding Ltd. Operate a Major Home Based Business (Home office for Welding business - ARC ENVY WELDING) 8522 - 188 Street NW Project No.: 180065913-001
<hr/>			
IV	1:00 P.M.	SDAB-D-16-055	Operate a Major Home Based Business (Administration office for mobile welding business - F-1 WELDING AND FABRICATION) 8522 - 188 Street NW Project No.: 179935126-001

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-16-052

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180054490-006

ADDRESS OF APPELLANT: 10129 - 84 Street NW

APPLICATION TO: Construct exterior alterations (Driveway extension, 5.79m x 3.05m) to a Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 14, 2016

DATE OF APPEAL: January 26, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10129 - 84 Street NW

LEGAL DESCRIPTION: Plan 4649HW Blk 57 Lot 14

ZONE: RF3 Small Scale Infill Development 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:

The reason for my appeal on this matter is the importance for the safety of my family along with pedestrians and other motorists as we exit our driveway onto 84st. This street stretches between 98 ave and 106 ave and acts as a main route for traffic to access the downtown core which makes it very busy during peak hours, as well, it maintains a steady flow throughout the day. Our home sits between 101 ave and 102 ave; At this point the street curves inward and visibility is disrupted with the tree lined boulevard (and even more so when vehicles are parked along the street). Furthermore, there is a concrete median situated to divert traffic from the twined section south of 101 ave into a single lane which creates a narrow point directly in front of our home.

I feel it is much safer to make a 3 point turn on our driveway which will allow the vehicle to exit in the forward direction. When we exit in reverse, close to 1/2 of the vehicle is on the road before we are able to have a clear view of northbound traffic . We have considered the option of reversing into our driveway, but because there is very limited space and high traffic volume, it posses to be too dangerous for not only us but all traffic as well as pedestrians.

I have spoken with my immediate neighbours along our street and not one objects with the driveway extension. In fact, they all feel its a great idea. One of the neighbours who also has a front drive stated he would have loved to have this option himself. Traffic often blows their horn in frustration when he exits.

I will provide additional documentation very soon to further explain our situation.

Thank you.

[Name of Appellant Redacted] [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.

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,

The Board is advised that the decision of approval by the Development Officer is dated January 14, 2016. The Notice of Appeal was filed on January 26, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is “to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.”

Under section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

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 to 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.

Parking Prohibited within Front Yard

Section 54.2(2)(e)(i) states:

54.2 Required Off-street Vehicular Accessory Parking

2. Location of Vehicular Parking Facilities

...

e. Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

i. parking spaces shall not be located within a Front Yard; and

ii. ...

Development Officer’s Determination

The Development Officer cited Section 54.2(2)(e)(i), and made the following determination:

Parking spaces shall not be located within a Front Yard.

Approval of Transportation Services

Section 53 states:

53 Access to Sites

1. All access locations and curb crossings shall require the approval of Transportation Services.
2. No person shall construct an access or egress for vehicles from a Site to a public roadway, if the public roadway, in the opinion of Transportation Services, carries or shall carry a heavy traffic volume or such access or egress would create an unnecessary traffic hazard, unless there is no other practical method of vehicular access to the Site and a turning space is provided on the Site connected to the access or egress, so that every vehicle leaving the Site by the egress shall face the public roadway which the access or egress enters.
3. Where the Site abuts a Lane, vehicular access to the loading space shall be provided from the Lane unless otherwise authorized by the Transportation and Streets Department.

Development Officer's Determination

The Development Officer cited Section 53 and made the following determination:

Transportation Services objects to the existing parking pad in front yard and on legal road right-of-way.

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: 180054490-006 Application Date: NOV 24, 2015 Printed: January 27, 2016 at 8:35 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 LETWIN, JASON 10129 - 84 STREET NW EDMONTON, ALBERTA CANADA T6A3P9	Property Address(es) and Legal Description(s) 10129 - 84 STREET NW Plan 4649HW Blk 57 Lot 14 Specific Address(es) Suite: 10129 - 84 STREET NW Entryway: 10129 - 84 STREET NW Building: 10129 - 84 STREET NW																									
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Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N </td> <td style="width: 50%; border: none;"> Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																							
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I/We certify that the above noted details are correct. Applicant signature: _____																										
Development Application Decision Refused Reason for Refusal Section 54.2(2)(e)(i) - Parking spaces shall not be located within a Front Yard. Section 53 - Transportation Services objects to the existing parking pad in front yard and on legal road right-of-way. 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 14, 2016 Development Authority: HETHERINGTON, FIONA Signature: _____																										
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$155.00</td> <td style="text-align: right;">\$155.00</td> <td>02912228</td> <td>Nov 24, 2015</td> </tr> <tr> <td>Existing Without Permit Penalty Fee</td> <td style="text-align: right;">\$155.00</td> <td style="text-align: right;">\$155.00</td> <td>02912228</td> <td>Nov 24, 2015</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;">\$310.00</td> <td style="text-align: right; border-top: 1px solid black;">\$310.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$155.00	\$155.00	02912228	Nov 24, 2015	Existing Without Permit Penalty Fee	\$155.00	\$155.00	02912228	Nov 24, 2015	Total GST Amount:	\$0.00				Totals for Permit:	\$310.00	\$310.00		
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THIS IS NOT A PERMIT																										



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-052



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-053

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

APPELLANT:

APPLICATION NO.: 177734464-001

ADDRESS OF APPELLANT: 8639 - 81 Street NW

APPLICATION TO: Construct a 2 Storey Accessory Building (Garage Suite on 2nd Floor, Garage on the main floor, 8.99m x 7.92m) and to demolish the existing rear detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Approved

DECISION DATE: January 12, 2016

DATE OF APPEAL: January 26, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 8643 - 81 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8643 - 81 Street NW

LEGAL DESCRIPTION: Plan 4014HW Blk 3 Lot 36

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:

1. The print that was sent to us does not present the correct picture. The development site is not on a corner lot. Please note the corrected picture and map that I attached.

2. Our 2-storey house of 1953 was built further back onto the lot than the bungalow next door. If the approved garage suite on the 2nd floor is being built, the neighbour will be looking right into our bedroom and big bathroom windows at the back.
3. If we decide to build a garage suite too in the future, the next door neighbor will complain we are blocking his view looking over the park area which is right beside our house.
4. Parking is a problem. Right now the owner has three vehicles, his tenants have four.

[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

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

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

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

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

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

The Board is advised that the decision of approval by the Development Officer is dated January 12, 2016. The Notice of Appeal was filed on January 26, 2016.

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

Under s. 110.3(3), **Garage Suite** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.2(3) States:

Garage Suite means an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use class does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 7.2(9) states:

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 6.1(2) states:

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

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 to 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.

<i>Site Coverage Variance</i>

Section 110.4(7)(a) states that Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. a.Single Detached Housing - Site greater than 300 m2	28%	12%	40%	40%

Development Officer’s Determination

The Development Officer cited Section 110.4(7)(a) and made the following determination:

The Garage Suite covers 13% of the site, instead of 12% In total all the buildings cover 31% of the site, which is less than the total maximum site coverage (40%) allowed (Section 110.4(7)(a)). [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: **177734464-001**
 Application Date: AUG 18, 2015
 Printed: January 27, 2016 at 8:53 AM
 Page: 1 of 3

Application for House Development and Building Permit

This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant WONG, ALEX 8643 - 81 STREET NW EDMONTON, ALBERTA CANADA T6C2W1	Property Address(es) and Legal Description(s) 8643 - 81 STREET NW Plan 4014HW Blk 3 Lot 36 Location(s) of Work Entryway: 8643A - 81 STREET NW Building: 8643A - 81 STREET NW
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Scope of Application

To construct a 2 Storey Accessory Building (Garage Suite on 2nd Floor, Garage on the main floor, 8.99m x 7.92m) and to demolish the existing rear detached Garage.

Permit Details

Affected Floor Area (sq. ft.): 645 Class of Permit: Class B Front Yard (m): Rear Yard (m): 3.8 Side Yard, left (m): 6.11 Site Area (sq. m.): 594.84 Site Width (m): 15.24	Building Height to Midpoint (m): 6.42 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.2 Site Depth (m): 39.03 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision

Approved

THIS IS NOT A PERMIT



Project Number: 177734464-001
Application Date: AUG 18, 2015
Printed: January 27, 2016 at 8:53 AM
Page: 2 of 3

Application for House Development and Building Permit

Subject to the Following Conditions

1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
2. This Development Permit authorizes the development of a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor; 7.32m x 7.32m). The development shall be constructed in accordance with the stamped and approved drawings.
3. An accessory building or structure containing a Garage Suite shall not exceed 6.5m in height. (Reference Section 6.1(49) and 87.2(a).)
4. Eave projections shall not exceed 0.46m into required yards or Separations spaces less than 1.2m. (Reference Section 44.1(b))
5. Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
6. A Garage Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.
7. Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite shall not exceed three.
8. The Garage Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
9. Garage Suites shall not be included in the calculation of densities in this Bylaw.
10. Every Driveway, off-street parking or loading space, and access provided shall be Hardsurfaced. The area required to be Hardsurfaced may be constructed on the basis of separated tire tracks, with natural soil, grass, or gravel between the tracks, but shall be constructed so that the tires of a parked or oncoming vehicle will normally remain upon the Hardsurface area (Reference Section 54.6(2)).
11. Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties (Reference Section 814.3(8))

Notes:

- i. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.
- ii. A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.
- iii. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw

Variations

1. Discretionary Use - Garage Suite is approved as a Discretionary Use (Section 110.3(3)).
2. Site Coverage - The Garage Suite covers 13% of the site, instead of 12% In total all the buildings cover 31% of the site, which is less than the total maximum site coverage (40%) allowed (Section 110.4(7)(a)).

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

THIS IS NOT A PERMIT



Project Number: **177734464-001**
 Application Date: AUG 18, 2015
 Printed: January 27, 2016 at 8:53 AM
 Page: 3 of 3

Application for House Development and Building Permit

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: Jan 12, 2016 **Development Authority:** HAMILTON, FIONA

Signature: _____

Notice Period Begins: Jan 19, 2016

Ends: Feb 01, 2016

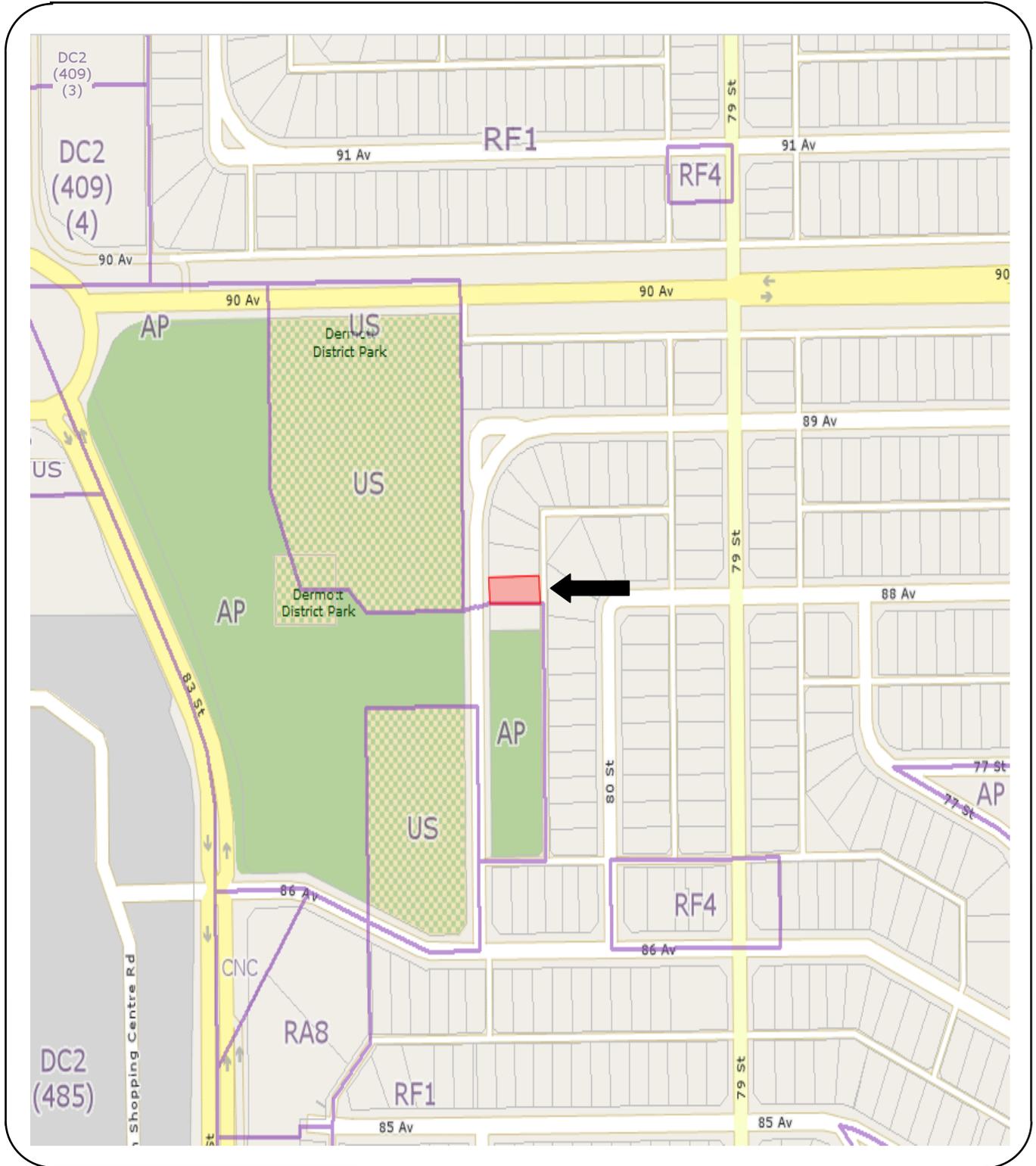
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$75.00	\$75.00	02678166	Aug 18, 2015
Lot Grading Fee	\$135.00	\$135.00	02678166	Aug 18, 2015
Safety Codes Fee	\$40.88	\$40.88	02678166	Aug 18, 2015
Sanitary Sewer Trunk Fund	\$633.00	\$633.00	02678166	Aug 18, 2015
Electrical Safety Codes Fee	\$13.02	\$13.02	02678166	Aug 18, 2015
Water Usage Fee	\$25.41	\$25.41	02678166	Aug 18, 2015
Building Permit Fee	\$1,022.00	\$1,022.00	02678166	Aug 18, 2015
Electrical Fees (House)	\$213.00	\$213.00	02678166	Aug 18, 2015
DP Notification Fee	\$100.00	\$100.00	02678166	Aug 18, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,257.31	\$2,257.31		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-053



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-054

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180065913-001

ADDRESS OF APPELLANT: 8522 - 188 Street NW

APPLICATION TO: Operate a Major Home Based Business
(Home office for Welding business - ARC ENVY WELDING)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 23, 2015

DATE OF APPEAL: January 20, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8522 - 188 Street NW

LEGAL DESCRIPTION: Plan 8220615 Blk 72 Lot 9

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Aldergrove Neighbourhood Structure Plan, West Jasper Place North Area Structure Plan

Grounds for Appeal

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

1. The original application made by the Appellant was to operate a MINOR home based business. The City of Edmonton arbitrarily and internally without consultation with the Appellant, changed the application from a MINOR home based business to a MAJOR home based business. This business is not operated at the premises, therefore, there is absolutely no requirement for extra parking spaces for the Appellant, his business or his “customers” as he does not conduct any welding activities at near or around his place of residence.

This is a mobile operation and currently all of the business as it pertains to welding is conducted elsewhere and in various locations throughout the Province of Alberta.

2. The business operation at the home was/is strictly for administration/paperwork, specifically, the Appellant stores the corporation's paper records (business receipts) in a filing cabinet in his bedroom. There are no welding business activities conducted on the premises either personally or for any other person or persons. In fact, to be clear, the actual bookkeeping and administration of this business is conducted in the Province of British Columbia by a hired bookkeeper and accountant, so in fact NO business activities occur at the address in the City of Edmonton; however as the Appellant was advised that he was required to obtain a business license just due to the fact that he "has" a business, he did what was asked of him and applied for the minor business license to satisfy the requirements, and be "above board."

3. The commercial vehicle as described in the Refusal is a Dodge Ram 3500 pick up truck. It is not a commercial vehicle, nor is it registered or licensed as such. It is registered and licensed to the Appellant personally, not in the name of the corporation. The only time the vehicle is "on site" at the address listed for the business is after work hours, on holidays and weekends, when the Appellant returns home to his place of residence to live.

4. There is no storage of any hazardous materials at or near the premises at any time.

5. The reasons for refusal of the business license as indicated by the City of Edmonton are rejected and denied by the Appellant in its entirety.

[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

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

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

The Board is advised that the decision of approval by the Development Officer is dated December 23, 2015. The Notice of Appeal was filed on January 20, 2016. The Development Authority provided confirmation from Canada Post that the appellant received notice of the permit decision on January 6, 2016.

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:

A **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 included Bed and Breakfast Operations but does not include General Retail Stores.

<i>Outdoor Business Activity</i>

Section 75(5) states:

75. Major Home Based Business

...

- 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;

Development Officer’s Determination

The Development Officer cited Section 75(5) and made the following determination:

On Site, there is outdoor storage of business equipment, welding machine and fuel tanks, on the back of the business vehicle, a RAM 3500 truck. [unedited]

Parking

Pursuant to Subsection 8 of Section 54.2 Schedule 1 of the *Edmonton Zoning Bylaw*, parking requirements for a Major Home Based Business are as follows:

8. Major Home Based Business Except:	1 parking space in addition to parking required for primary Dwelling.
a. Bed and Breakfast	1 parking space per guest room is required in addition to the parking required for the primary Dwelling.

Development Officer’s Determination

The Development Officer cited Section Subsection 8 of Section 54.2 Schedule 1 and made the following determination:

For a Major Home Based Business, 1 parking space is required in addition to parking required for the Dwelling.

Required: 3 parking spaces
Proposed: 2 parking spaces
Deficient by: 1 parking space

[unedited]

Vehicle on Site

Section 45(1)(a) states:

45. Objects Prohibited or Restricted in Residential Zones

1. No person shall keep in any part of a Site in any Residential Zone:

- a. any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R) exceeding 4 600 kg;

...

Development Officer's Determination

The Development Officer cited Section 45(1)(a) and made the following determination:

The truck is a commercial vehicle with a G.V.W.R. that exceeds 4600 kg, and is kept on the Site. [unedited]

Change to principal character or external appearance prohibited

Section 75(6) states:

75. A Major Home Based Business shall comply with the following regulations:

...

6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;

Development Officer's Determination

The Development Officer cited Section 75(6) and made the following determination:

The outdoor storage of business equipment, keeping of a commercial vehicle, and deficiency in required parking spaces, changes the principal character and external appearance of the Dwelling. [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: **180065913-001**
Application Date: SEP 29, 2015
Printed: January 21, 2016 at 8:16 AM
Page: 1 of 2

Application for Home Occupation

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

Applicant DAUENHAUER, RHYS 8522 - 188 STREET NW EDMONTON, ALBERTA T5T 4Y7	Property Address(es) and Legal Description(s) 8522 - 188 STREET NW Plan 8220615 Blk 72 Lot 9
	Specific Address(es) Suite: 8522 - 188 STREET NW Entryway: 8522 - 188 STREET NW Building: 8522 - 188 STREET NW

Scope of Application

To operate a Major Home Based Business (Home office for Welding business - ARC ENVY WELDING)

Permit Details

of business related visits/day: 0

Administration Office Only?: Y

Class of Permit: (none)

Do you live at the property?: Y

Outdoor storage on site?: N

of vehicles at one time: 0

Business has Trailers or Equipment?: N

Description of Business: Mail delivered to this address for a welding company

Expiry Date:

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **180065913-001**
 Application Date: SEP 29, 2015
 Printed: January 21, 2016 at 8:16 AM
 Page: 2 of 2

Application for Home Occupation

Reason for Refusal

1. Section 75.5 - There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business.

- On Site, there is outdoor storage of business equipment, welding machine and fuel tanks, on the back of the business vehicle, a RAM 3500 truck.

2. Section 54.2.8 - For a Major Home Based Business, 1 parking space is required in addition to parking required for the Dwelling.

Required: 3 parking spaces
 Proposed: 2 parking spaces
 Deficient by: 1 parking space

3. Section 45.1.a - No person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4600 kg.

- The truck is a commercial vehicle with a G.V.W.R. that exceeds 4600 kg, and is kept on the Site.

4. Section 75.6 - The Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings.

- The outdoor storage of business equipment, keeping of a commercial vehicle, and deficiency in required parking spaces, changes the principal character and external appearance of the Dwelling.

Based on the above, in the opinion of the Development Officer, the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment or value of neighbouring property owners.

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.

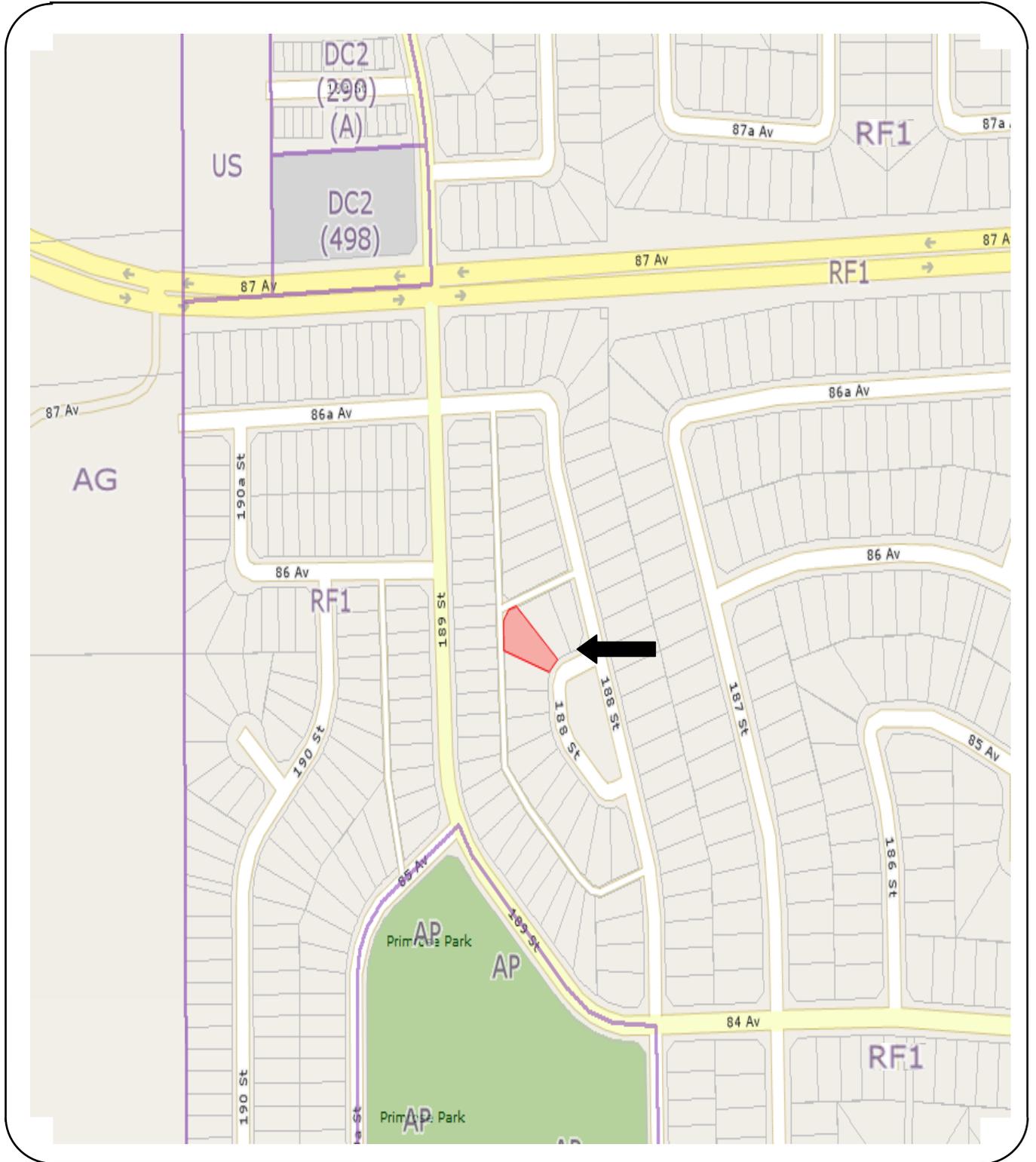
Issue Date: Dec 23, 2015 **Development Authority:** XIE, JASON

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$114.00	02848003	Oct 26, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$114.00		
(\$177.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-054



ITEM IV: 1:00 P.M.

FILE: SDAB-D-16-055

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 179935126-001

ADDRESS OF APPELLANT: 8522 - 188 Street NW

APPLICATION TO: Operate a Major Home Based Business
(Administration office for mobile welding
business - F-1 WELDING AND
FABRICATION)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 23, 2015

DATE OF APPEAL: January 20, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8522 - 188 Street NW

LEGAL DESCRIPTION: Plan 8220615 Blk 72 Lot 9

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Aldergrove Neighbourhood Structure
Plan, West Jasper Place North Area
Structure Plan

Grounds for Appeal

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

1. The original application made by the Appellant was made because there was a business incorporated with an address located with in the City of Edmonton., and the Bylaw enforcement individual incidated that it was prudent that a business license be applied for. Therefore, the Appellant made application to operate a MINOR home based business. The City of Edmonton arbitrarily and internally without consultation with the Appellant, and without

investigation as to whether this business was even in operation, changed the application from a MINOR home based business to a MAJOR home based business. This business is not operated AT ALL currently, anywhere in the Country let alone the City of Edmonton, and therefore, there is absolutely no requirement for a business license let alone extra parking spaces for the Appellant, his business or his “customers” as he does not conduct any business activities whatsoever at this time.

2. There is absolutely NO storage of any business equipment; there is no welder or any business equipment held in the back of the 3500 Dodge Ram pickup registered and licensed by the Appellant. The vehicle does not have any decals or markings indicating it is a vehicle used for any purpose other than a personal motor vehicle. The Appellant is currently employed by a separate corporation and the use of his 3500 Dodge Ram vehicle is to take him to and from his place of employment, and for his own personal use and enjoyment, absolutely.

3. There is no business either administrative or otherwise conducted at the premises. NIL tax returns have been filed yearly by an accountant which is located in the Province of British Columbia since the corporation was incorporated because it is simply sitting in limbo and is not in operation. However as the Appellant was advised by the Bylaw agents for the City that he was required to obtain a business license just due to the fact that he “has” a business listed at the address in the City with the corporate records, he did what was asked of him and applied for the minor business license to satisfy the requirements, and be “above board.”

3. The commercial vehicle as described in the Refusal is a Dodge Ram 3500 pick up truck. It is not a commercial vehicle, nor is it registered or licensed as such. It is registered and licensed to the Appellant personally, not in the name of the corporation. As indicated it is a personal use vehicle only and there is absolutely no indication of any business activity of any sort surrounding this vehicle.

4. There is no storage of any hazardous materials at or near the premises at any time in relation to this Appellant or the business which he had incorporated and since left in limbo and has not operated since its incorporation.

5. The reasons for refusal of the business license as indicated by the City of Edmonton are rejected and denied by the Appellant in its entirety.

6. The requirement of the application for a business license for this business, F1 Welding & Fabrication Ltd. should be struck, until such time as and IF the Appellant begins operation of this business..

[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

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

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

The Board is advised that the decision of approval by the Development Officer is dated December 23, 2015. The Notice of Appeal was filed on January 20, 2016. As of February 8th, 2016, the SDAB had not yet received confirmation of notice delivery.

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:

A **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 included Bed and Breakfast Operations but does not include General Retail Stores.

Outdoor Business Activity

Section 75(5) states:

75. Major Home Based Business

...

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;

Development Officer’s Determination

The Development Officer cited Section 75(5) and made the following determination:

On Site, there is outdoor storage of business equipment, welding machine and fuel tanks, on the back of the business vehicle, a RAM 3500 truck. [unedited]

Parking

Pursuant to Subsection 8 of Section 54.2 Schedule 1 of the *Edmonton Zoning Bylaw*, parking requirements for a Major Home Based Business are as follows:

<p>8. Major Home Based Business Except:</p> <p>a. Bed and Breakfast</p>	<p>1 parking space in addition to parking required for primary Dwelling.</p> <p>1 parking space per guest room is required in addition to the parking required for the primary Dwelling.</p>
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Development Officer's Determination

The Development Officer cited Subsection 8 of Section 54.2 Schedule 1 and made the following determination:

For a Major Home Based Business, 1 parking space is required in addition to parking required for the Dwelling.

Required: 3 parking spaces
Proposed: 2 parking spaces
Deficient by: 1 parking space
[unedited]

Vehicle on Site

Section 45(1)(a) states:

45. Objects Prohibited or Restricted in Residential Zones

1. No person shall keep in any part of a Site in any Residential Zone:

a. any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R) exceeding 4 600 kg;

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Development Officer's Determination

The Development Officer cited Section 45(1)(a) and made the following determination:

The truck is a commercial vehicle with a G.V.W.R. that exceeds 4600 kg, and is kept on the Site. [unedited]

Change to principal character or external appearance prohibited

Section 75(6) states:

75. A Major Home Based Business shall comply with the following regulations:

...

6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;

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Notice to Applicant/Appellant

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Application for Home Occupation

Project Number: **179935126-001**
 Application Date: SEP 26, 2015
 Printed: January 21, 2016 at 8:15 AM
 Page: 1 of 2

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

Applicant DAUENHAUER, EVAN M. 8522 - 188 STREET NW EDMONTON, ALBERTA T5T 4Y7	Property Address(es) and Legal Description(s) 8522 - 188 STREET NW Plan 8220615 Blk 72 Lot 9 Specific Address(es) Suite: 8522 - 188 STREET NW Entryway: 8522 - 188 STREET NW Building: 8522 - 188 STREET NW
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Scope of Application

To operate a Major Home Based Business (Administration office for mobile welding business - F-1 WELDING AND FABRICATION)

Permit Details

of business related visits/day: 0
 Administration Office Only?: Y
 Class of Permit: (none)

 Do you live at the property?: Y
 Outdoor storage on site?: N

of vehicles at one time: 0
 Business has Trailers or Equipment?: N
 Description of Business: Mail delivered, paperwork for mobile welding company.

 Expiry Date:

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **179935126-001**
 Application Date: SEP 26, 2015
 Printed: January 21, 2016 at 8:15 AM
 Page: 2 of 2

Application for Home Occupation

Reason for Refusal

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- The truck is a commercial vehicle with a G.V.W.R. that exceeds 4600 kg, and is kept on the Site.

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Based on the above, in the opinion of the Development Officer, the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment or value of neighbouring property owners.

Rights of Appeal

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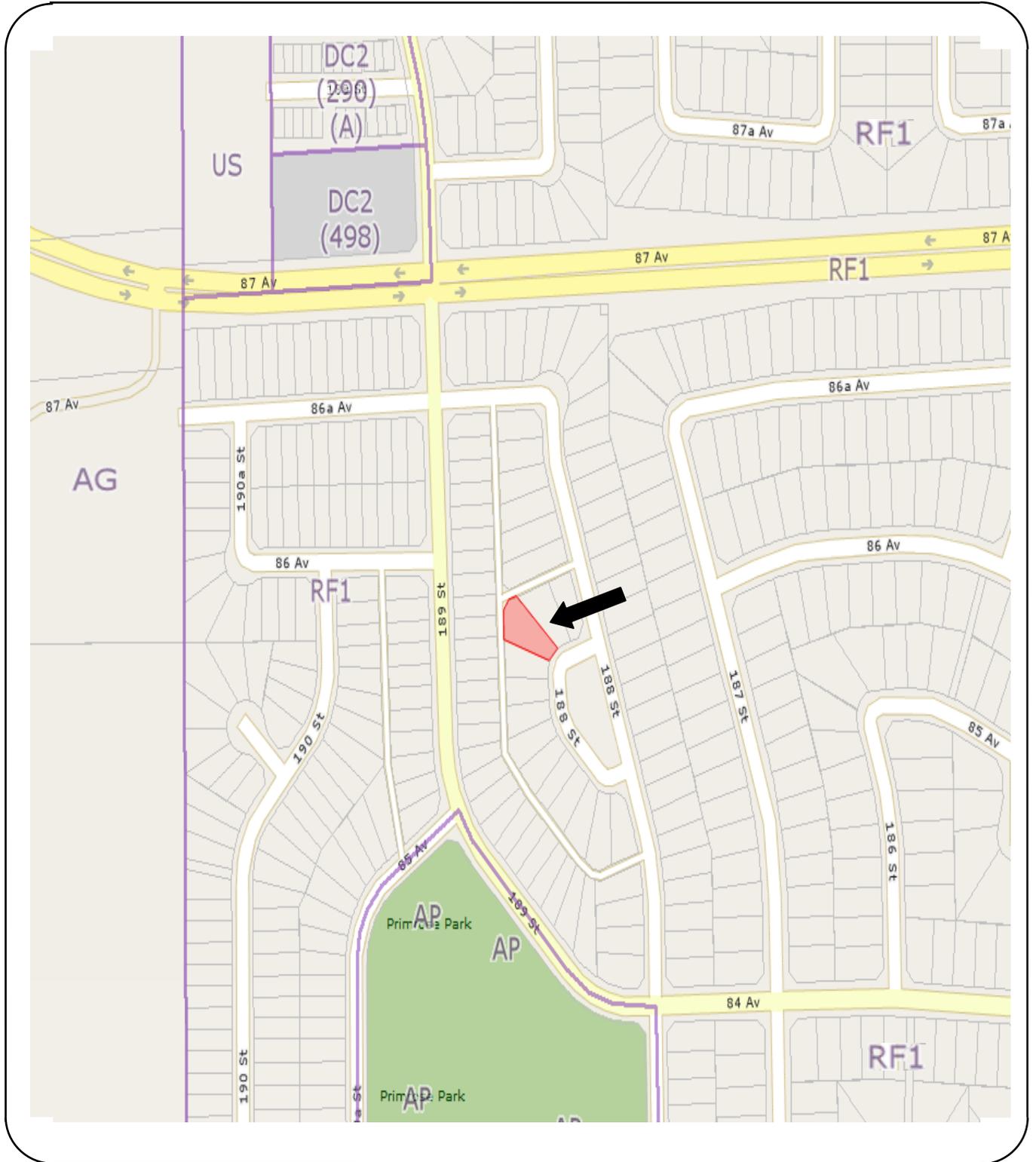
Issue Date: Dec 23, 2015 **Development Authority:** XIE, JASON

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$114.00	02848564	Oct 26, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$114.00		
(\$177.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-055



BUSINESS LAID OVER

SDAB-D-15-285	An appeal by <u>Sakaw Daycare</u> to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <i>March 2 or 3, 2016</i>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>
SDAB-D-16-501	An appeal by <u>Darren Crocker / Brownlee LLP</u> to demolish an existing building. <i>March 30 or 31, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

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