

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 19, 2015**

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

Members Scheduled

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

I	9:00 A.M.	SDAB-D-15-033	Construct exterior alterations (front Driveway extension, existing without permits) 336 - Calderon Crescent NW Project No.: 163876318-001
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BREAK: 9:45 A.M. TO 10:00 A.M.

II	10:00 A.M.	SDAB-D-15-034	Construct a Single Detached House with attached Garage, front veranda, fireplaces, rear uncovered deck (5.79 metres by 4.27 metres), rear covered deck (10.06 metres by 4.27 metres), and basement development (not to be used as an additional Dwelling) 3920 - Aspen Drive West NW Project No.: 150940338-001
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LUNCH BREAK: 11:45 A.M. to 12:15 P.M.

III	12:15 P.M.	SDAB-D-15-011	<u>TO BE RAISED</u> Operate a Major Home Based Business from December 3, 2014, to December 3, 2019 (printing and applying 3M hood protection film) 344 Hunters Run NW Project No.: 163680256-001
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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-15-033

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 163876318-001

ADDRESS OF APPELLANT: 5 Natalia Way, St. Albert AB T8N7P4

APPLICATION TO: Construct exterior alterations (front Driveway extension, existing without permits)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 5, 2015

DATE OF APPEAL: January 22, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 336 - Calderon Crescent NW

LEGAL DESCRIPTION: Plan 0221258 Blk 31 Lot 21

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

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

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

54.1(4) The Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or

the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway,

not including the area used as a walkway, shall have:

a) a minimum width of 3.1 m; and

b) a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

APPELLANT'S SUBMISSION

We would like to have refused City of Edmonton permit number 163876318-001 appealed.

Because this is a hard (concrete) surface the City of Edmonton qualifies it as a driveway extension which was not the purpose of this piece of concrete. The concrete swale was put in specifically for drainage purposes as we explained to the City.

The City of Edmonton Drainage Department did not consider our development application permit at all, the statement of "we are too busy to look at your application" was made through Justin Hogberg from the City.

We attempted to have grass in this area at one time, but as the neighbors sump pump drains to this area it would get a surplus of water built up around the City manhole on this property. In order to avoid this water from getting into the manhole we put a concrete swale with a sloping grade to the gutter so the water could flow to the proper drainage area, as is depicted in the photos attached. As can be seen on the photos this property has a narrow frontage and the concrete adds to the curb appeal.

We look forward to a hearing on this matter.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct exterior alterations (front Driveway extension, existing without permits).

The site is located in a cul-de-sac off of Calderon Crescent, west of 134 Street and is zoned RSL Residential Small Lot Zone, Section 115 of the Edmonton Zoning Bylaw 12800. The site is within the Palisades Area Structure Plan, Bylaw 7464, as amended, approved by Council April 24, 1984. The site is also within the Cumberland Neighbourhood Structure Plan, Bylaw 7563, as amended, approved by Council June 19, 1984.

Section 686(1)(a)(i) of the *Municipal Government Act* states "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...after the date on which the person is notified of the order or decision or the issuance of the development permit."

The decision of refusal by the Development Officer is dated January 5, 2015. Fourteen days from the decision date is January 19, 2015 and the Notice of Appeal was filed on January 22, 2015.

The submitted Site Plan shows that the proposed Driveway extension is between the existing Driveway pad and the (south) Side Lot Line and is located in the required Front Yard.

Section 54.1(4) states the Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

- a. a minimum width of 3.1 metres; and
- b. a maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

The Development Officer determined that the proposed development does not conform to the requirements of Section 54.1(4).

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.

Under Section 6.1(69), **Parking Area** means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
CONTINUED

Section 115.1 states the purpose of the RSL Residential Small Lot Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Included in the Sustainable Development Department’s POSSE system, under “Docs”, is a Memorandum dated January 5, 2015 from Karen Haromy, Senior Transportation Technician, Development Planning, Transportation Planning Branch, which indicates that Transportation Services has reviewed the development application and has provided conditions and an advisement. **A copy of the Memorandum from Transportation Services is on file.**

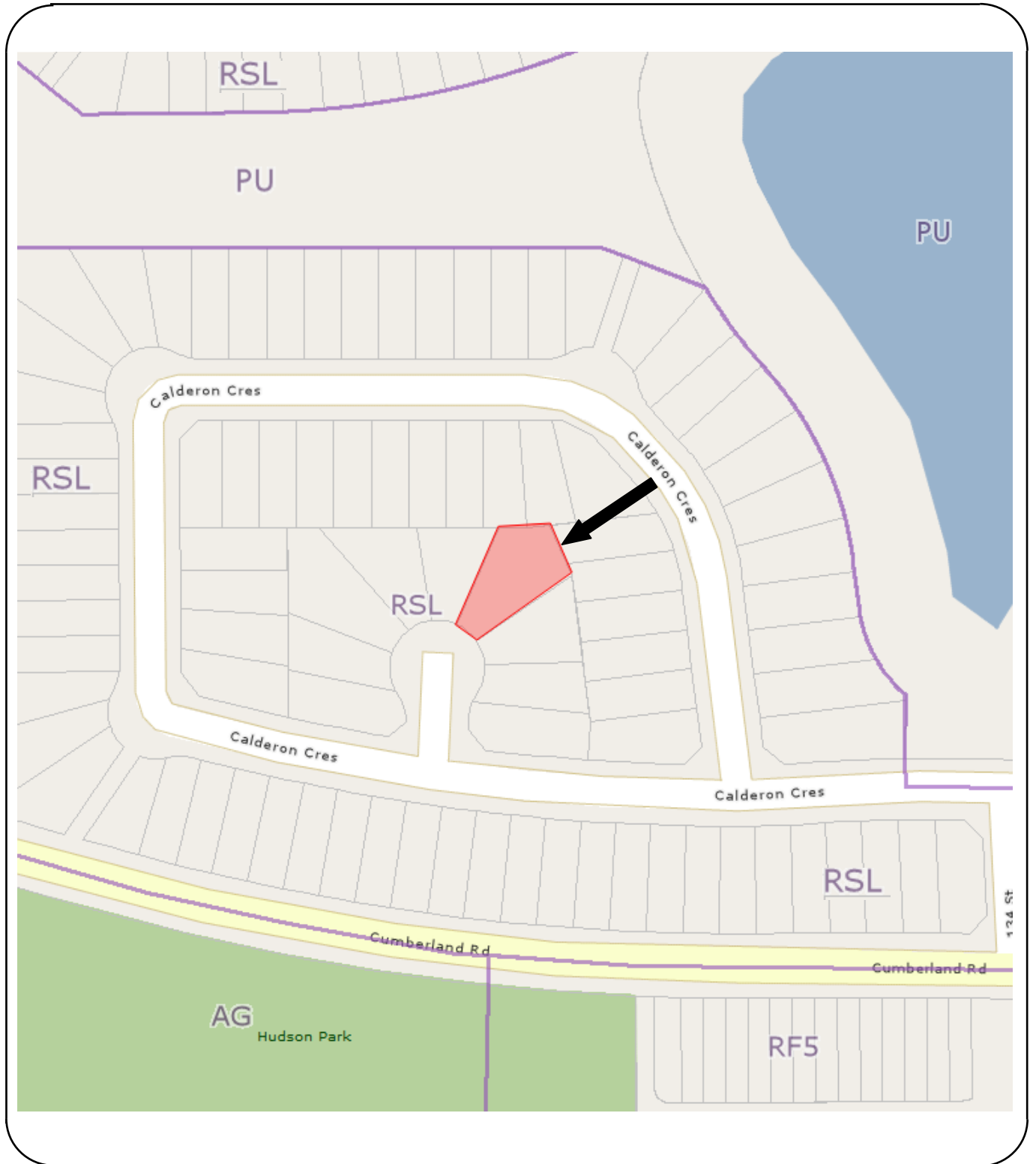
The following jobs are listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
163014690-001	Compliance Certificate	<p>November 5, 2014; Your Real Property Report, dated October 14, 2014 shows a Single Detached House with attached Garage and veranda that complies with the RSL (Residential Small Lot) Zone development regulations.</p> <p>You are also advised that a search of our files revealed no record of development approval for the Driveway extension.</p> <p>A Development Permit must be obtained for this extension. To apply for a Development Permit, you must submit the required drawings for an Exterior Alteration as outlined in the enclosed brochure, as well as the appropriate fees. Any approval or refusal is subject to the right of appeal to the Subdivision and development Appeal Board.</p> <p>You are also advised that Section 20.3(4)(a), Section 50.3(4)(b) and Section 50.3(4)(c) require that the sheds shall be located: not less than 18.0m from the Front Lot Line, at least 0.9m from the Side Lot Line, and at least 0.9m from a principal</p>

<p>163014690-001 <i>Continued</i></p>		<p>building. The sheds must be relocated.</p> <p>Our response is based on the Real Property Report only and this letter does not include safety code compliance. Sustainable Development does not conduct independent site inspections and cannot comment on the accuracy or completeness of the Real Property Report.</p>
<p>18424129-001</p>	<p>Compliance Certificate</p>	<p>November 26, 2002; Stamped.</p>
<p>13116072-001</p>	<p>To construct a single detached house with attached garage, veranda and fireplace.</p>	<p>June 10, 2002; Approved with conditions.</p>

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.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-033



ITEM II: 10:00 A.M.

FILE: SDAB-D-15-034

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:]
APPLICATION NO.:	150940338-001
ADDRESS OF APPELLANT:	11379 - 174 Street NW, Edmonton AB T5S 1B7
APPLICATION TO:	Construct a Single Detached House with attached Garage, front veranda, fireplaces, rear uncovered deck (5.79 metres by 4.27 metres), rear covered deck (10.06 metres by 4.27 metres), and basement development (not to be used as an additional Dwelling)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	January 27, 2015
DATE OF APPEAL:	January 27, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	3920 - Aspen Drive West NW
LEGAL DESCRIPTION:	Plan 6773MC Blk 15 Lot 2
ZONE:	RF1 Single Detached Residential Zone
OVERLAY(S):	Mature Neighbourhood Overlay North Saskatchewan River Valley & Ravine System Protection Overlay
STATUTORY PLAN:	N/A

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

Section 814.3 (19)(a) - For Single Detached Housing, with no Lane access, with a front or side attached Garage, the Garage shall be developed in accordance with the following: The Garage shall be constructed to accommodate a maximum of two vehicles.

Proposed: Triple front attached garage

Exceeds by: 1 stall

Section 814.3 (11) - If vehicular access is provided from a public roadway other than a Lane, a Garage may only protrude beyond the front wall of the principal building a distance that is characteristic of the majority of existing Garages on the blockface. The Garage may have a width that does not exceed the width of the majority of existing Garages on the blockface.

Average Garage projection: 4.54m

Proposed Garage Projection: 12.80m

Exceeds by: 8.26m

APPELLANT'S SUBMISSION

The current street face of eight homes backing the river valley exists with 3 houses that have 3 car garages. This proposal makes for the fourth, exactly half the homes and is a consistent characteristic of the neighbourhood. The side drive garage doors face a park and do not adversely affect the use or enjoyment of adjacent properties or the nearest neighbor to the north. The setback distance and setting match a home recently approved and built at the end of the block seven lots over. We have submitted three different designs to address the concerns identified by neighbours consulted through the required process and subsequently reduced the variances initially identified.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct a Single Detached House with attached Garage, front veranda, fireplaces, rear uncovered deck (5.79 metres by 4.27 metres, rear covered deck (10.06 metres by 4.27 metres), and basement development (not to be used as an additional Dwelling).

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
CONTINUED

The site is located on the west side of Aspen Drive West and north of 39A Avenue and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814. The site is also within the North Saskatchewan River Valley & Ravine System Protection Overlay, Section 811.

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

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.

The submitted Plot Plan by Pals Geomatics Corp., dated July 29, 2014 (revised January 19, 2015) shows that the subject site is irregular shaped. The proposed Single Detached House with front attached Garage is located 6.29 metres from the (east) Front Lot Line, 2.53 metres from the (north) Side Lot Line, 3.39 metres from the (south) Side Lot Line, and 17.56 metres from the (west) Rear Lot Line. Vehicular access to the front attached Garage is from Aspen Drive West.

The submitted Plot Plan provides the following information:

Site Area:	1725.76 square metres
40 percent Allowable Site Coverage:	690.30 square metres
Proposed Principal Building: (with front attached Garage)	434.49 square metres
Proposed Total Site Coverage:	434.49 square metres

Section 110.4(6)(a) states the maximum Site Coverage shall be as follows:

	Principal Dwelling building /	Accessory building	Principal building with attached Garage	Total Site Coverage
Single Detached Housing	28 percent	12 percent	40 percent	40 percent

Section 814.3(11) states if vehicular access is provided from a public roadway other than a Lane, a Garage may only protrude beyond the front wall of the principal building a distance that is characteristic of the majority of existing Garages on the blockface. The Garage may have a width that does not exceed the width of the majority of existing Garages on the blockface.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

The Development Officer determined the average Garage projection on the blockface is 4.45 metres. The proposed development provides a Garage projection of 12.80 metres, which is in excess of the average Garage projection on the blockface by 8.35 metres.

Section 814.3(19)(a) states for Single Detached Housing with a front or side attached Garage, the Garage shall be constructed to accommodate a maximum of two vehicles.

The Development Officer determined the maximum number of vehicles in the Garage is two. The proposed development provides a three vehicle Garage, which exceeds the maximum number of vehicles by one.

Section 814.3(24) states when a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 metres of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
- d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

Under Section 6.1(41), **Garage** means an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

Section 814.1 states the purpose of 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.

Section 811.1 states the purpose of this Overlay is to provide a development setback from the North Saskatchewan River Valley and Ravine System.

Section 110.1 states the 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.

Included in the Sustainable Development Department's POSSE system, under "Docs", is a Memorandum dated September 24, 2014 from Shawn McArthur, Senior Geotechnical Engineer, Engineering Services, Transportation Department. **A copy of the Memorandum from Transportation Services is on file.**

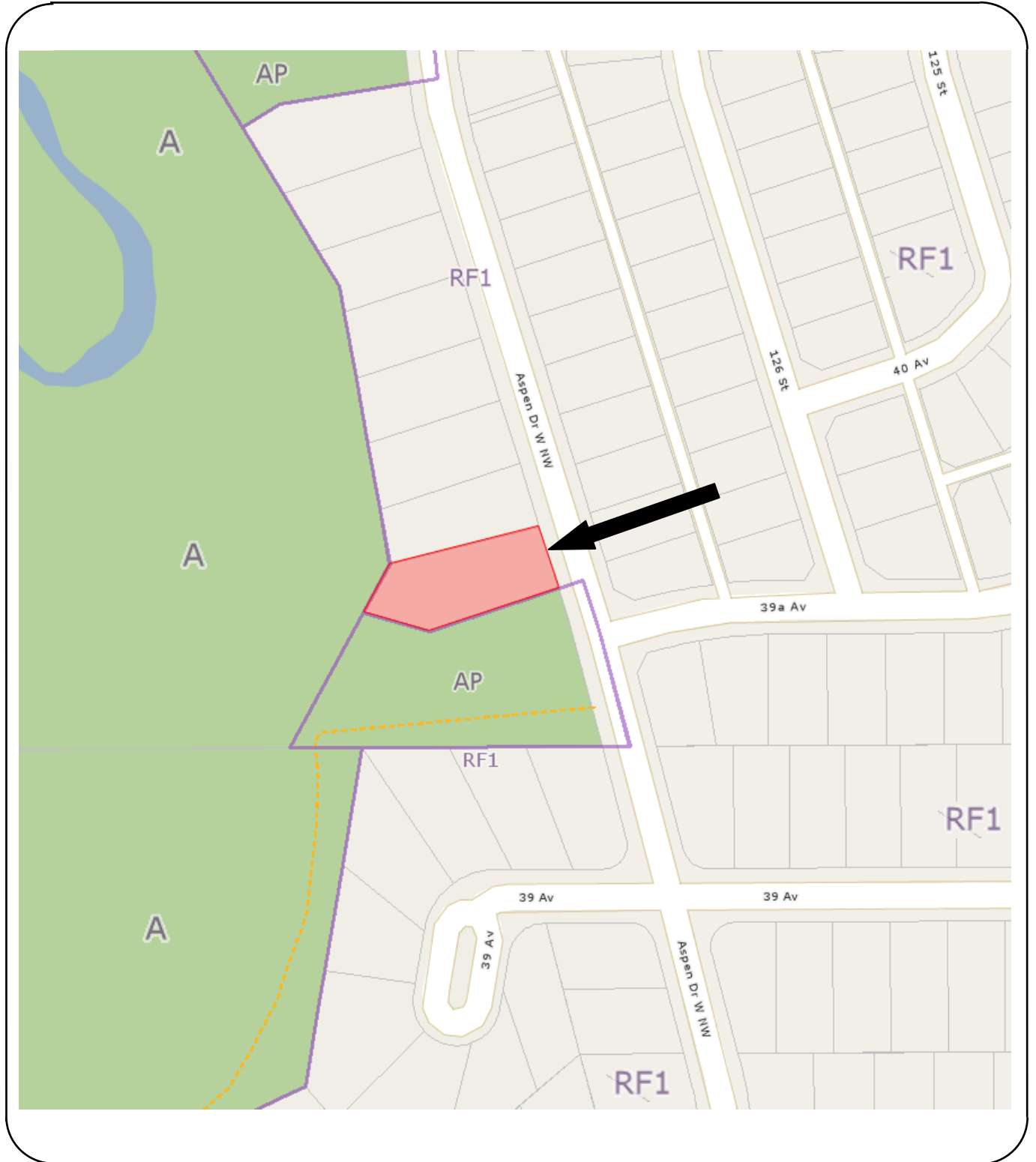
SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
CONTINUED

The following permit application is listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
150929091-001	To demolish a Single Detached House and rear detached Garage	March 19, 2014; Approved with conditions.

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.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-034



TO BE RAISED

ITEM III: 12:15 P.M.

FILE: SDAB-D-15-011

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

APPELLANT:

APPLICATION NO.: 163680256-001

APPLICATION TO: Operate a Major Home Based Business
from December 3, 2014 to December 3,
2019 (printing and applying 3M hood
protection film)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: December 3, 2014

NOTIFICATION PERIOD: December 9, 2014 to December 22, 2014

DATE OF APPEAL: December 17, 2014

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 344 - Hunters Run NW

LEGAL DESCRIPTION: Lot 7, Block 3, Plan 9623659

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Haddow Neighbourhood Area Structure
Plan

DEVELOPMENT OFFICER'S DECISION

“APPROVED – The proposed development is approved 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 may be revoked or invalidated, at any time, if the Home Based Business as stated in the Permit Details, or if the character or appearance of the Dwelling or Accessory Building, changes. This includes mechanical or electrical equipment used which creates external noise or interference with home electronic equipment in adjacent Dwellings. (Reference Section 23.5)
3. Any expansion of the business such as an increase in customers, addition of employees, changes to the hours of operation, or additional equipment requires that a new Development Permit MUST be obtained.
4. This approval is for a 5 year period ONLY from the date of this decision. A new Development Permit must be applied for to continue to operate the business from this location after December 3rd, 2019.
5. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 centimetres (8 inches) by 30.5 centimetres (12 inches) in size located on the dwelling.
6. The business Use must be secondary to the residential Use of the building and no aspects of the business operations shall be detectable from outside the property.
7. Only 1 employee shall work at the site at one time; any increase in employees working on site will require a separate Development Permit application and approval.
8. There shall only be one client vehicle at the site at one time; client visits shall not overlap.
9. All work associated with the Major Home Based Business must occur within the attached garage.
10. No client or employee vehicles shall be stored on neighbouring properties nor shall they be stored on the public road right-of-way.
11. The hours of operation for the Major Home Based Business must be from 9am - 5pm; any change in operation hours will require a new Development Permit.
12. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

13. The business Use shall not involve the use of commercial vehicles or vehicles weighing over 4500 kg.
14. The business Use must maintain the privacy and enjoyment of adjacent residences and the character of the neighbourhood.
15. No commodity(ies) shall be displayed on the premises.
16. There shall be no outdoor storage of materials associated with the business.
17. All parking for the Home Based Business must be accommodated on site. Parking on the street in conjunction with this Home Based Business is not permitted. All parking related to the business shall take place at an approved private property location (Reference Section 54.2(2)(a) of the Edmonton Zoning Bylaw).
18. There is absolutely no outdoor business-related activities at any time.
19. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility when not in use. The Development Permit will be revoked if any commercial, industrial and overweight vehicles are parked/stored on the Residential Site.
20. Residential properties do not store dangerous goods.
21. 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.”

APPELLANT'S SUBMISSION

“In our neighbourhood, Mr. Nissamnka Wijayanayaka is known as VJ, and we will refer to him as such throughout.

There are 4 main reasons for appeal:

1. The proposed business is for the benefit of a person (a relative or family friend of VJ) who does not live at 344 Hunters Run and is not the home owner. It does not seem reasonable that a Major Home Based Business permit should be granted to someone who is not the homeowner and not even a resident of the street.

APPELLANT'S SUBMISSION (CONTINUED)

As an aside, in discussions, VJ seemed unaware that the application had been submitted in November (leaving us wondering who had actually filled out the application). He also expressed surprise that the application had been approved by the city at all and commented that this business would be more suited to an industrial area.

2. Term #10 of the Permit specifies that “no client or employee vehicles ... shall be stored on the public right of way.” But this Term does not fully address the parking issue.

Family Parking – VJ and his family commonly park five (5) vehicles at their residence now, typically 2 in the garage, 2 on the driveway and 1 on the street. In order to access the garage (where Term #9 specifies that all work “must occur”) at least four (4) vehicles will have to be parked elsewhere, almost certainly on the street.

VJ has not respected the city’s parking bylaws to this point, often parking a vehicle in front of his home in the current winter ‘no parking’ zone, and in summer leaving a vehicle parked in the street for extended periods of time, weeks at least, and at times without a current license. VJ has told me that no one can tell him where to park.

Employee Parking – As the actual business owner/operator does not live at the residence it is likely that he will drive to work, adding one (1) more vehicle.

Customer Parking – In most automotive businesses, customers leave their vehicles at the start of the day and pick them up at the end of the day. If we assume 3 jobs per day (as specified in the permit) there will be three (3) additional vehicles to be parked somewhere in the area. This is directly contrary to Term #8, “There shall only be one client vehicle at the site at one time; client visits shall not overlap.

In consequence, it is clear to us that Term #10, “No client or employee vehicles shall be stored on neighbouring properties nor shall they be stored on the public road right-of-way” and Term #17, “Parking on the street in conjunction with this Home based business is not permitted), will not be complied with.

There is not a lot of on-street parking on Hunters Run, and even less so with the current one side winter parking ban. We have no doubt there will be ongoing parking issues, which is contrary to the terms of the permit.

3. The application of 3M protective film requires that the vehicle surface be prepared by washing and in some circumstances by application of solvents (to remove road debris and wax for example). For practical and health and safety reasons it is unlikely that these tasks could be carried out in the enclosed garage of this residence and are more likely to be carried out on the driveway or in the street, with much greater impact on adjacent

APPELLANT'S SUBMISSION (CONTINUED)

properties than is implied by the permit. This is another reason why this type of business is usually carried out in a commercial or industrial area and not a residence.

As such, it is evident that Term #9, "All work associated with the Major Home Based Business must occur within the attached garage" and Term #18 "There is absolutely no outdoor business-related activities at any time" cannot be complied with either.

4. Hunters Run is a very quiet residential area, a circle in fact, where there is not a lot of traffic, and where non-residents have little business. The nature of the proposed Major Home Based Business will invite strangers to come for estimates, and because of the time taken to apply the hood protective film, customers may be driven elsewhere (resulting in even more traffic), or left to wander in the neighbourhood (where there is literally no place to go, creating a potential security issue) for an extended period. Alternatively, if the business provides a waiting area in the garage, one (1) more vehicle will have to be parked elsewhere.

Finally, deliveries and warrantee work would add additional traffic to the neighbourhood.

Most of us bought our homes in this neighbourhood because it is quiet and secure and that feature is to be taken from us."

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to operate a Major Home Based Business from December 3, 2014 to December 3, 2019 (printing and applying 3M hood protection film).

The site is located on the south side of Hunters Run, west of Riverbend Road, south of Heath Road and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the Hadow Neighbourhood Area Structure Plan, under Bylaw 10452, approved by City Council on July 22, 1993.

The Subdivision and Development Appeal Board at a hearing on January 21, 2015 made and passed the following motion:

"that the appeal hearing be TABLED TO FEBRUARY 18 or 19, 2015 at the non-appearance of the Respondent."

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

Under Section 7.3(7), **Major Home Based Business** means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

The Home Based Business Application indicates the proposed business activities on site are printing and applying 3M hood protection film using a graphtec plotter printer stored in the basement of the house. There will be 1 vehicle at a time, all work done inside the garage. There is no outdoor storage on site. There are 10 client visits per week; 2 client visits per day; 5 employee visits per week; and 1 employee visit per day. There is 1 client, courier and employee vehicle at one time. There are 4 vehicles registered to the property and there are 2 driveway parking spaces.

This application was approved by the Development Officer subject to conditions.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 340 – Hunters Run and on behalf of neighbouring property owners.

Section 75 states that 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 centimetres by 30.5 centimetres 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 of Accessory buildings;
7. ...
8. in addition to the information requirements of subsection 13.2 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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

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.

Section 54.2 Schedule 1(A)(3) states Single Detached Housing requires a minimum of 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.

Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.

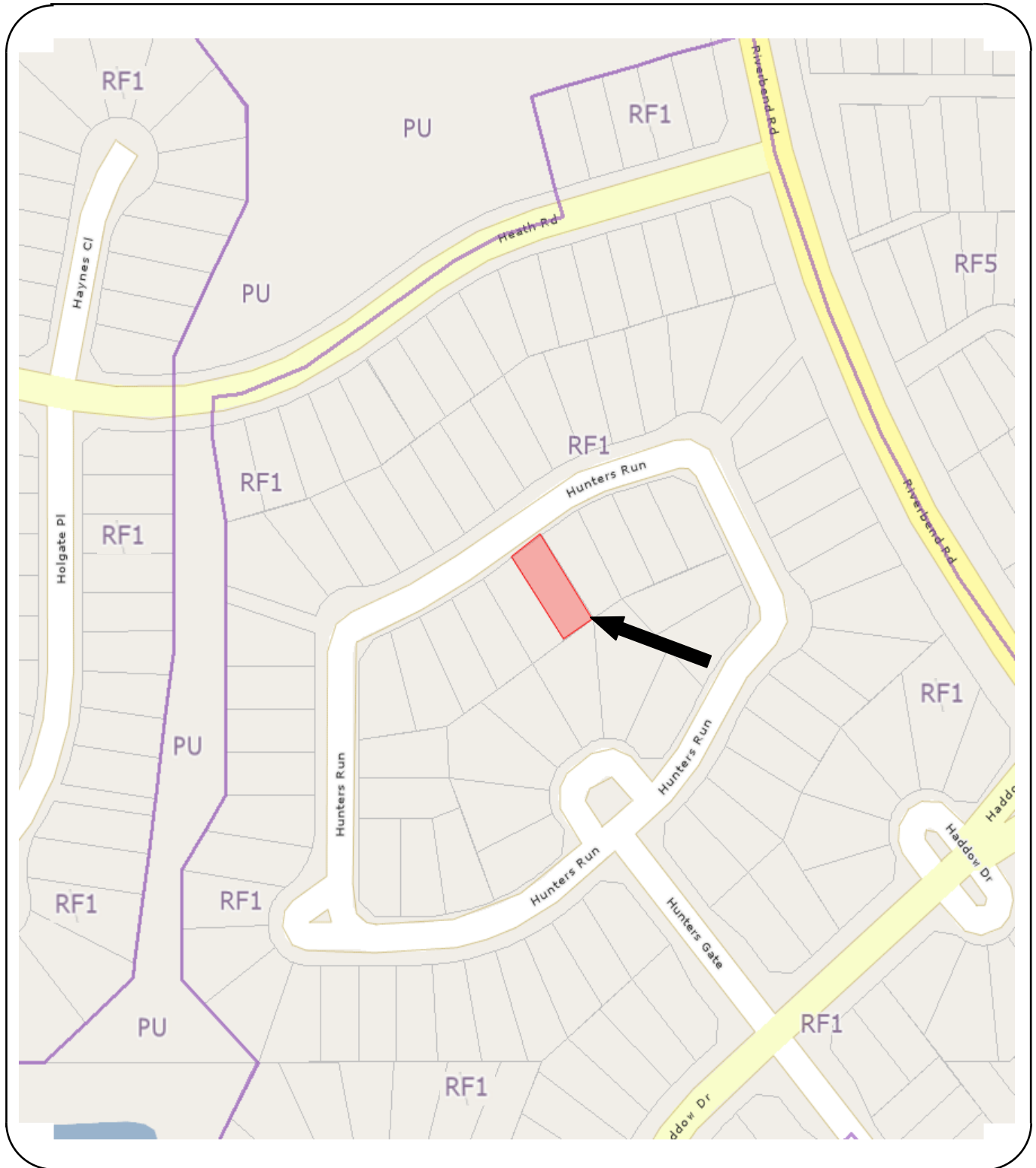
Section 54.2 Schedule 1(A)(8) states a Major Home Based Business requires a minimum of 1 parking space in addition to parking required for primary Dwelling.

Section 54.2(4)(a)(i) states all required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and except as provided below, each required off-street parking space shall be a minimum of 2.6 metres width with a minimum clear length of 5.5 metres exclusive of access drives or aisles, ramps, columns. Parking spaces shall have a vertical clearance of at least 2.0 metres. For parallel parking, the length of the parking spaces shall be increased to 7.0 metres, except that an end space with an open end shall be a minimum length of 5.5 metres.

Section 110.1 states that the purpose of the Single Detached 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.

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.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-011



BUSINESS LAID OVER

SDAB-D-15-031	An appeal by <u>McCoy Real Estate Ltd.</u> VS <u>Hartwig Architecture</u> to construct a 250 Dwelling Unit Apartment Housing Development with ground floor commercial units (General Retail Stores) and underground parkade (Corners 1). <i>February 25, 2015</i>
SDAB-D-15-019	An appeal by <u>Art Lab</u> to construct an Accessory Building (detached Garage, 4.88 metres by 6.10 metres). <i>March 5, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

161242059-003	An appeal by <u>Tom Parada</u> to construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits. <i>March 12, 2015</i>
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