

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
February 24, 2016

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-16-059	Operate a Major Home Based Business (Amin office for Renovation Contractor - Safeguard Construction Ltd, expires January 15, 2021) 8931 - 150 Street NW Project No.: 098013906-003
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II	11:00 A.M.	SDAB-D-16-060	Operate a Major Home Based Business (Administration office for construction business - CBA CONSTRUCTION LTD) 12023 - 143 Avenue NW Project No.: 185015294-001
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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-16-059

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

APPELLANT:

APPLICATION NO.: 098013906-003

ADDRESS OF APPELLANT:

APPLICATION TO: Operate a Major Home Based Business (Amin office for Renovation Contractor - Safeguard Construction Ltd, expires January 15, 2021)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: January 15, 2016

DATE OF APPEAL: February 1, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 8931 - 150 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8931 - 150 Street NW

LEGAL DESCRIPTION: Plan 3235KS Blk 2 Lot 18

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: None

Grounds for Appeal

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

Upon speaking with zoning and gaining more information on the proposed business I feel it would be better suited outside of a residence / family neighbourhood.

Material & equipment, poor signage have been issues at this residence prior to development request

- a neighbour advertising goods for service on the exterior of a home business when that home business is smack in the middle of a nice neighbourhood and residential homes is upsetting.

- concerns for effect on property value and re sale of my home. I would not have purchased a house beside an advertising business. I expect potential buyers will feel the same about coming into the neighbourhood.

-limited parking - I have leukemia. A trailer on the street will take up parking. A trailer will be an eye soar. My young family and guests do not want to view a 12 ft trailer constantly parked at the curb.

- I do not support this development. [unedited]

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

- (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 decision of the Development Officer is dated January 15, 2016. The Notice of Appeal was filed on February 1, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Section 110.1, 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.

Pursuant to Section 110.3, a **Major Home Based Business** is a **Discretionary Use** in the **RF1 Single Detached Residential Zone**.

Pursuant to 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 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. The Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Major Home Based Business – Outdoor Business Activity

Pursuant to Section 75(5), with respect to a Major Home Based Business:

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:

Variances

Outdoor business activity - Varied regulation to allow for 1 trailer (uncovered), to be parked at the site. (Reference Section 75.5) [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: 98013906-003
Application Date: NOV 30, 2015
Printed: February 18, 2016 at 4:13 PM
Page: 1 of 3

Application for Home Occupation

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

Applicant QUINOVEVA, NOE 	Property Address(es) and Legal Description(s) 8931 - 150 STREET NW Plan 3235KS Blk 2 Lot 18
	Specific Address(es) Suite: 8931 - 150 STREET NW Entryway: 8931 - 150 STREET NW

Scope of Permit
To operate a Major Home Based Business. (Amin office for Renovation Contractor - Safeguard Construction Ltd, expires January 15, 2021)

Permit Details	
# of businesss related visits/day: 0 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 0 Business has Trailers or Equipment?: Y Description of Business: Commercial and Residential Renovation and Building of decks and fences. Expiry Date: 2021-01-15 00:00:00

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

Applicant signature: _____

Development Permit Decision
Approved

THIS IS NOT A PERMIT



Project Number: **98013906-003**
Application Date: NOV 30, 2015
Printed: February 18, 2016 at 4:13 PM
Page: 2 of 3

Application for Home Occupation

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

1. This Development Permit may be revoked or invalidated, at any time, if the Major Home Based Business as stated in the Permit Details, or if the character or appearance of the Dwelling or Accessory Building, changes.
2. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
3. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
4. Parking Spaces shall be provided on the site and shall be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the Single Detached House or Major Home Based Business. (Section 54.1.1.c).
5. There shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling (section 75.1))
6. 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 (section 75.2)
7. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (section 75.3)
8. 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 (Section 75.5)
9. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on January 16, 2021.
10. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business, except for [describe vehicle/equipment that may be stored outdoors]. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings.

Notes:

1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

Variations

Outdoor business activity - Varied regulation to allow for 1 trailer (uncovered), to be parked at the site. (Reference Section 75.5)

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

THIS IS NOT A PERMIT



Application for Home Occupation

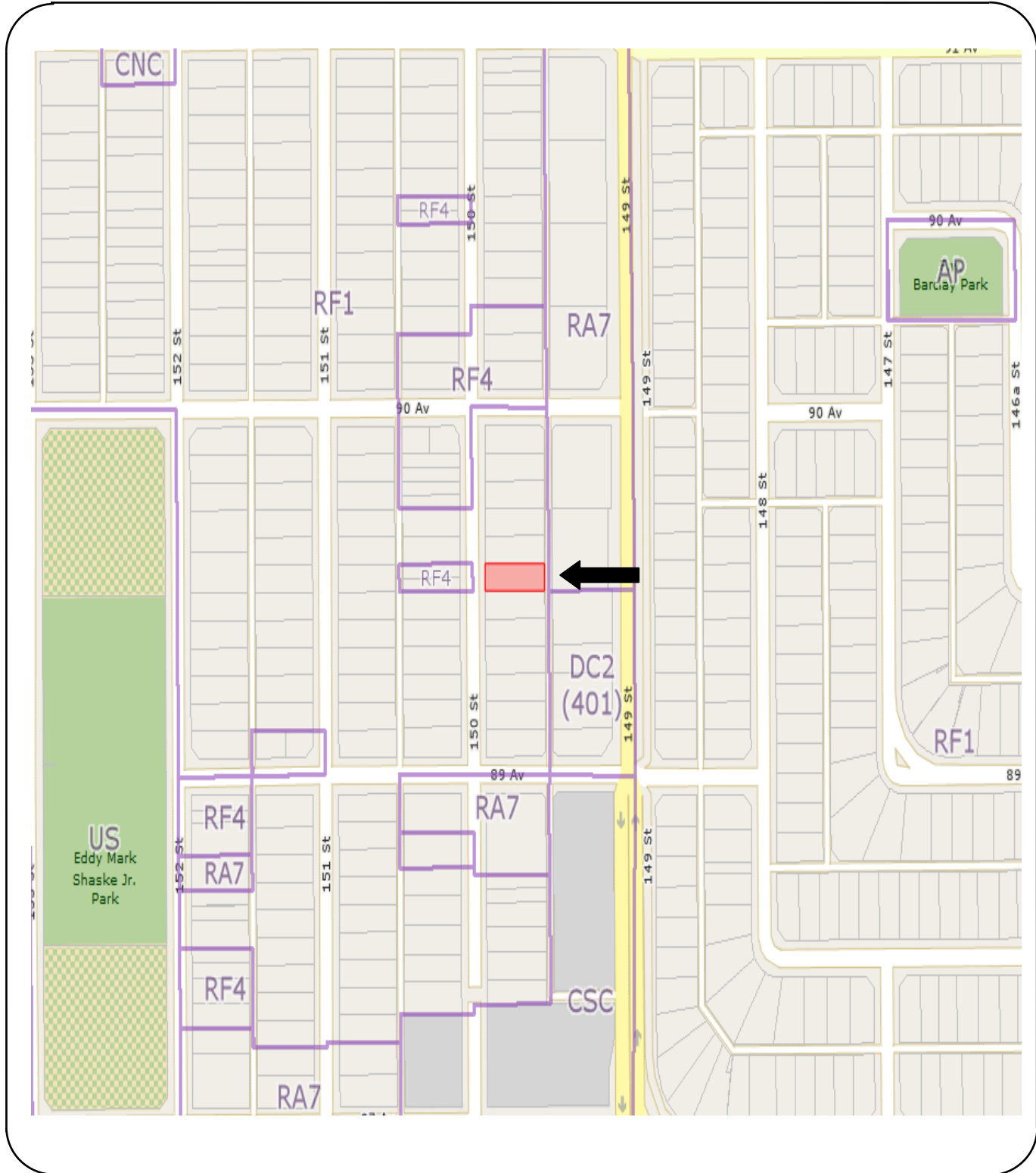
Project Number: **98013906-003**
Application Date: NOV 30, 2015
Printed: February 18, 2016 at 4:13 PM
Page: 3 of 3

Issue Date: Jan 15, 2016 Development Authority: BAUER, KERRY Signature: _____
Notice Period Begins: Jan 21, 2016 Ends: Feb 03, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02943348	Dec 08, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$291.00	<u>\$291.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-059



ITEM II: 11:00 A.M.

FILE: SDAB-D-16-060

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

APPELLANT:

APPLICATION NO.: 185015294-001

ADDRESS OF APPELLANT:

APPLICATION TO: Operate a Major Home Based Business (Administration office for construction business - CBA CONSTRUCTION LTD)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: January 18, 2016

DATE OF APPEAL: January 28, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 12023 - 143 AVENUE NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12023 - 143 AVENUE NW

LEGAL DESCRIPTION: Plan 7721588 Blk 30 Lot 4

ZONE: RF1 Single Detached Residential Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: None

Grounds for Appeal

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

I wish to appeal this permit at 12023-143 Ave. There are currently issues with materials being burnt in the same Resident Owners fire pit (located within 60 metres of our condominium complex). Our condominium common area is adjacent to this Resident Owner's back yard.

Frequent burning of various material and treated wood has resulted in smoke creating nuisance and negative health issues for at least three of our resident owners with Asthma. Based on this, I wish to file an Appeal against approval of this home based Construction business. [unedited]

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.

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,

- (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 decision of the Development Officer is dated January 18, 2016. The Notice of Appeal was filed on January 28, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Section 110.1, 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.

Pursuant to Section 110.3, a **Major Home Based Business** is a **Discretionary Use** in the **RF1 Single Detached Residential Zone**.

Pursuant to 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 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. The Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Development Officer’s Determination:

1. Discretionary Use - Major Home Based Business is approved as a Discretionary Use in the RF1 Single Detached Residential Zone (Section 110.3.7). [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: 185015294-001
Application Date: DEC 23, 2015
Printed: February 19, 2016 at 10:42 AM
Page: 1 of 3

Application for Home Occupation

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

Applicant CORTES, ANGELA 	Property Address(es) and Legal Description(s) 12023 - 143 AVENUE NW Plan 7721588 Blk 30 Lot 4 Specific Address(es) Entryway: 12023 - 143 AVENUE NW Building: 12023 - 143 AVENUE NW
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Scope of Permit
To operate a Major Home Based Business (Administration office for construction business - CBA CONSTRUCTION LTD).

Permit Details # of business related visits/day: 1 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 1 Business has Trailers or Equipment?: N Description of Business: Administration work. Storage in the attached garage of small hand tools. Employees will be coming by 1-2 times a week to get tools from the garage. Expiry Date: 2021-01-18 00:00:00
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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: 185015294-001
Application Date: DEC 23, 2015
Printed: February 19, 2016 at 10:42 AM
Page: 2 of 3

Application for Home Occupation

Subject to the Following Conditions

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

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. The site shall not be used as a daily rendezvous for employees or business partners.
5. The site shall not be used by employees or business partners as a parking or storage location.
6. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
7. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
8. Fabrications of business related materials are prohibited.
9. All commercial and industrial equipment, including but not limited to Bobcats, are not permitted at the site. The equipment shall be stored at an approved storage facility.
10. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility. The Development Permit may be revoked if any commercial, industrial and overweight vehicles are parked or stored at the residential site.
11. One or more enclosed or empty non-enclosed trailer with less than 4500kg gross vehicle weight shall be parked at an approved storage facility, unless a variance has been granted for an enclosed or empty non-enclosed trailer for this Major Home Based Business.
12. All parking for the Dwelling and Home Based Business must be accommodated on site, unless a parking variance has been granted for this Major Home Based Business.
13. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
14. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on January 18, 2021.

Notes:

1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

THIS IS NOT A PERMIT



Project Number: 185015294-001
Application Date: DEC 23, 2015
Printed: February 19, 2016 at 10:42 AM
Page: 3 of 3

Application for Home Occupation

Variances

1. Discretionary Use - Major Home Based Business is approved as a Discretionary Use in the RF1 Single Detached Residential Zone (Section 110.3.7).

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 18, 2016 Development Authority: ROBINSON, GEORGE Signature: _____
Notice Period Begins: Jan 26, 2016 Ends: Feb 08, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02995196	Jan 08, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$291.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-060



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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