

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
February 2, 2017**

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

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

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I     9:00 A.M.     SDAB-D-17-026

Comply with an Order to cease the General Industrial Use (bulk sand bag filling, storage and shipping of sand) and remove all related materials from the property before January 12, 2017

1951 - 232 Avenue NE  
Project No.: 227359080-001

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II    11:00 A.M.     SDAB-D-17-027

Operate a Major Home Based Business (Administration Office for Drywalling company - Best Drywall & Insulation Ltd.), expires December 19, 2021

4116 - 37A Avenue NW  
Project No.: 236959342-001

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III   1:30 P.M.     SDAB-D-17-028

Add a Bar and Neighbourhood Pub (82.9 square metres of public space) to an existing General Industrial Use and to construct interior alterations - (Town Square Brewing)

2919 - Ellwood Drive SW, 2951 - Ellwood Drive SW, 2907 - Ellwood Drive SW  
Project No.: 234600718-001

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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-17-026

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 227359080-001

ORDER TO: Cease the General Industrial Use (bulk sand bag filling, storage and shipping of sand) and remove all related materials from the property before January 12, 2017

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: December 13, 2016

DATE OF APPEAL: December 26, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1951 - 232 Avenue NE

LEGAL DESCRIPTION: Plan 9723204 Lot 4A

ZONE: AG-Agricultural Zone

OVERLAY: N/A

STATUTORY PLAN: Edmonton Energy and Technology Park Area Structure Plan

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*Grounds for Appeal*

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

I am appealing this stop order due to the fact that that we are not filling any sandbags and are not bringing any sand to the property. There is just pallets of sandbags that are already filled and those cannot be seen from any angle unless you are actually on the property. The property is 8 acres and we were not aware of the fact that we needed to get a permit to do a sandbag filling project on our own land.

Once issues were brought up and we were notified we needed a city permit we applied. There were a lot of learning issues for us and the permit was denied. We have not brought any new material to the site and will not at all.

We are just asking for more time to remove the sandbags as it is impossible to have them all removed in timeline given due to weather the bags have frozen we know that if forced to move everything now more damage will be done to the roads and the neighbourhood.

<i>General Matters</i>
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**Appeal Information:**

**On November 30, 2016, the Subdivision and Development Appeal Board (SDAB-D-16-252) did not assume jurisdiction (late filing) on an appeal for a refused application to operate a Major Home Based Business (Filling Sandbags: Sandbags.ca).**

**Determining an Appeal**

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,

### **Hearing and decision**

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

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

...

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

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

- (i) the proposed development would not

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

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

and

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

### **Stop order**

**645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 5 provides the following with respect to **Approval Required for Development**:

**5.1 No Person:**

- 1. shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or
- 2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw.

Section 610.1 states that the **General Purpose** of the **AG Agricultural Zone** is to conserve agricultural and rural land use activities.

Under sections 610.2 and 610.3, a **General Industrial Use** is neither a Permitted Use nor a Discretionary Use in the (AG) Agricultural Zone.

Under section 7.5(2), **General Industrial Uses** means:

development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

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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*.

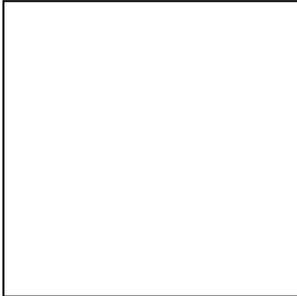
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MAILING ADDRESS:  
5th Floor, 10250 - 101 Street NW  
Edmonton, AB T5J 3P4

December 13, 2016

Our File: 227359080-001



Dear Sir/Madam:

A check with Land Titles Office discloses that you are the registered owner(s) of the property located at 1951 - 232 AVENUE NE, legally described as Plan 9723204 Lot 4A.

**LAND USE INFRACTION:**

This property is zoned AG (Agricultural Zone) in accordance with Section 610 of the Edmonton Zoning Bylaw. Our investigation revealed that a General Industrial Use (Bulk sand bag filling, storage and shipping of sand) has been developed. An application to permit this development was refused by the City of Edmonton September 2, 2016.

The City of Edmonton has not issued a development permit to develop a General Industrial Use, which is contrary to Section 5.1 of Edmonton Zoning Bylaw 12800 and Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1.

**ORDER:**

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO:

CEASE THE GENERAL INDUSTRIAL USE (BULK SAND BAG FILLING, STORAGE AND SHIPPING OF SAND) AND REMOVE ALL RELATED MATERIALS FROM THE PROPERTY (INCLUDING BUT NOT LIMITED TO: EMPTY AND BAGGED SAND, BULK SAND PILES, SKIDS, COMMERCIAL MACHINERY, ETC.) BEFORE JANUARY 12, 2017.

**CONSEQUENCES FOR NON-COMPLIANCE:**

In the event that a person fails to comply with an Order issued under Section 645, Section 646

of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected January 13, 2017 to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

YOU ARE HEREBY NOTIFIED THAT IF YOU HAVE NOT:

CEASED THE GENERAL INDUSTRIAL USE (BULK SAND BAG FILLING, STORAGE AND SHIPPING OF SAND) AND REMOVED ALL RELATED MATERIALS FROM THE PROPERTY (INCLUDING BUT NOT LIMITED TO: EMPTY AND BAGGED SAND, BULK SAND PILES, SKIDS, COMMERCIAL MACHINERY, ETC.) BEFORE JANUARY 12, 2017.

the City may carry out the Order by entering onto the land and performing remedial actions pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the Municipal Government Act R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-423-5374.

Regards,

Michael Doyle  
Development and Zoning  
Development Services  
Phone Number: 780-423-5374  
Email Address: Michael.Doyle@edmonton.ca

**Adding  
Amounts  
Owing to tax  
roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
  - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
  - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
  - (d), (e) repealed 1999 c11 s35;
  - (f) costs associated with tax recovery proceedings related to the parcel;
  - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
  - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
  - (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board was related to the parcel;
  - (h.1) the expenses and costs of carrying out an order under section 646;
  - (i) any other amount that may be added to the tax roll under an enactment.

**Stop order**

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
  - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
  - (b) demolish, remove or replace the development, or
  - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

**Enforcement of  
stop order**

- 646(1)** If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- (2)** A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

- (3)** If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.
- Permit**
- 683** Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.
- Grounds for appeal**
- 685(1)** If a development authority
- (a) fails or refuses to issue a development permit to a person,
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under section 645,
- the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.
- (2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (3)** Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.
- Appeals**
- 686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,
- (a) in the case of an appeal made by a person referred to in section 685(1), after
    - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
    - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,
- or
- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2)** The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3)** The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing
- (a) to the appellant,
  - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
  - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4)** The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
- (a) the application for the development permit, the decision and the notice of appeal, or
  - (b) the order under section 645.
- (5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-026



ITEM II: 11:00 A.M.

FILE: SDAB-D-17-027

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

APPELLANT:

ADDRESS OF APPELLANT: 4111 – 37A Avenue NW

APPLICATION NO.: 236959342-001

APPLICATION TO: Operate a Major Home Based Business  
(Administration Office for Drywalling  
company - Best Drywall & Insulation  
Ltd.), expires December 19, 2021

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 19, 2016

DATE OF APPEAL: January 10, 2017

NOTIFICATION PERIOD: December 27, 2016 through January  
10, 2017

RESPONDENT:

ADDRESS OF RESPONDENT: 4116 - 37A Avenue NW

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 4116 - 37A Avenue NW

LEGAL DESCRIPTION: Plan 9722830 Blk 44 Lot 36

ZONE: RSL-Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Burnewood Neighbourhood  
Area Structure Plan

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*Grounds for Appeal*

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

This company has been working from this address for years. I am not sure how getting a Major Home Business permit will change their practices.

Some past/current concerns:

Excessive idling in all seasons when on/off loading supplies and workers

Drivers drive up other residential driveways, damaging city sidewalks and personal driveways (I am sure they are not responsible for all the damage, but their vehicle is the heaviest and the damage occurred after they moved in)

Drivers block other residential driveways when on/off loading or even they have just parked and blocked other driveways.

If their driveway is full (due to personal vehicles) they will park their over-sized vehicle on the street, impeding two way traffic flow in the neighbourhood.

The trailer is an eyesore (other business vehicles are in the neighbourhood but they park in their garage.)

The above reasons reduce the property value of the houses in the neighbourhood (especially in today's market) and that is why I think the permit should be refused.

<p><i>General Matters</i></p>
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**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,

(b) issues a development permit subject to conditions, or

(c) issues an order under section 645,

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

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

### **Appeals**

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

(a) in the case of an appeal made by a person referred to in section 685(1), after

(i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

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

### **Hearing and Decision**

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
  - and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 115.3(6), a **Major Home Based Business** is a **Discretionary Use** in the RSL Residential Small Lot Zone.

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.

Section 115.1 state that the **General 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.

**Development Officer's Determination:**

Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 115.3.6).

Note: This business is considered major due to the storage of a trailer and business materials in the front attached Garage.

***Major Home Based Business Regulations***

75. Major Home Based Business

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

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 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 or Accessory buildings;

7. a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Class Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.
10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garage Suite or a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garage Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

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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*.

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	Project Number: <b>236959342-001</b> Application Date: DEC 06, 2016 Printed: December 19, 2016 at 3:07 PM Page: 1 of 3		
<b>Home Occupation</b>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
<b>Applicant</b>  <div style="border: 1px solid black; width: 200px; height: 40px; margin: 0 auto;"></div>	<b>Property Address(es) and Legal Description(s)</b> 4116 - 37A AVENUE NW Plan 9722830 Blk 44 Lot 36		
<b>Scope of Permit</b> To operate a Major Home Based Business (Administration Office for Drywalling company - BEST DRYWALL & INSULATION LTD), expires December 19, 2021.			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     # of business related visits/day: 0                      Administration Office Only?: Y                      Class of Permit: Class B                       Do you live at the property?: Y                      Outdoor storage on site?: N                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     # of vehicles at one time: 0                      Business has Trailers or Equipment?: Y                      Description of Business: Administration office only for drywalling company, minor storage in garage only.                      Expiry Date: 2021-12-19 00:00:00                 </td> </tr> </table>		# of business related visits/day: 0 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: 0 Business has Trailers or Equipment?: Y Description of Business: Administration office only for drywalling company, minor storage in garage only. Expiry Date: 2021-12-19 00:00:00
# of business related visits/day: 0 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: 0 Business has Trailers or Equipment?: Y Description of Business: Administration office only for drywalling company, minor storage in garage only. Expiry Date: 2021-12-19 00:00:00		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Permit Decision</b> Approved			
<b>The permit holder is advised to read the reverse for important information concerning this decision.</b>			



Project Number: **236959342-001**  
Application Date: DEC 06, 2016  
Printed: December 19, 2016 at 3:07 PM  
Page: 2 of 3

## 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. No non-resident employees or business partners shall work on-site.
5. There shall be no visits associated with the business.
6. The site shall not be used as a daily rendezvous for employees or business partners.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. Fabrications of business related materials are prohibited.
10. 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.
11. 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.
12. One non-enclosed trailer with less than 4500kg gross vehicle weight shall be parked inside the front attached Garage at all times when not at a jobsite.
13. All parking for the Dwelling and Home Based Business must be accommodated on site.
14. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
15. 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 December 19, 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).

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



Project Number: **236959342-001**  
Application Date: DEC 06, 2016  
Printed: December 19, 2016 at 3:07 PM  
Page: 3 of 3

## Home Occupation

**Variances**

Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 115.3.6).

Note: This business is considered major due to the storage of a trailer and business materials in the front attached Garage.

**Rights of Appeal**

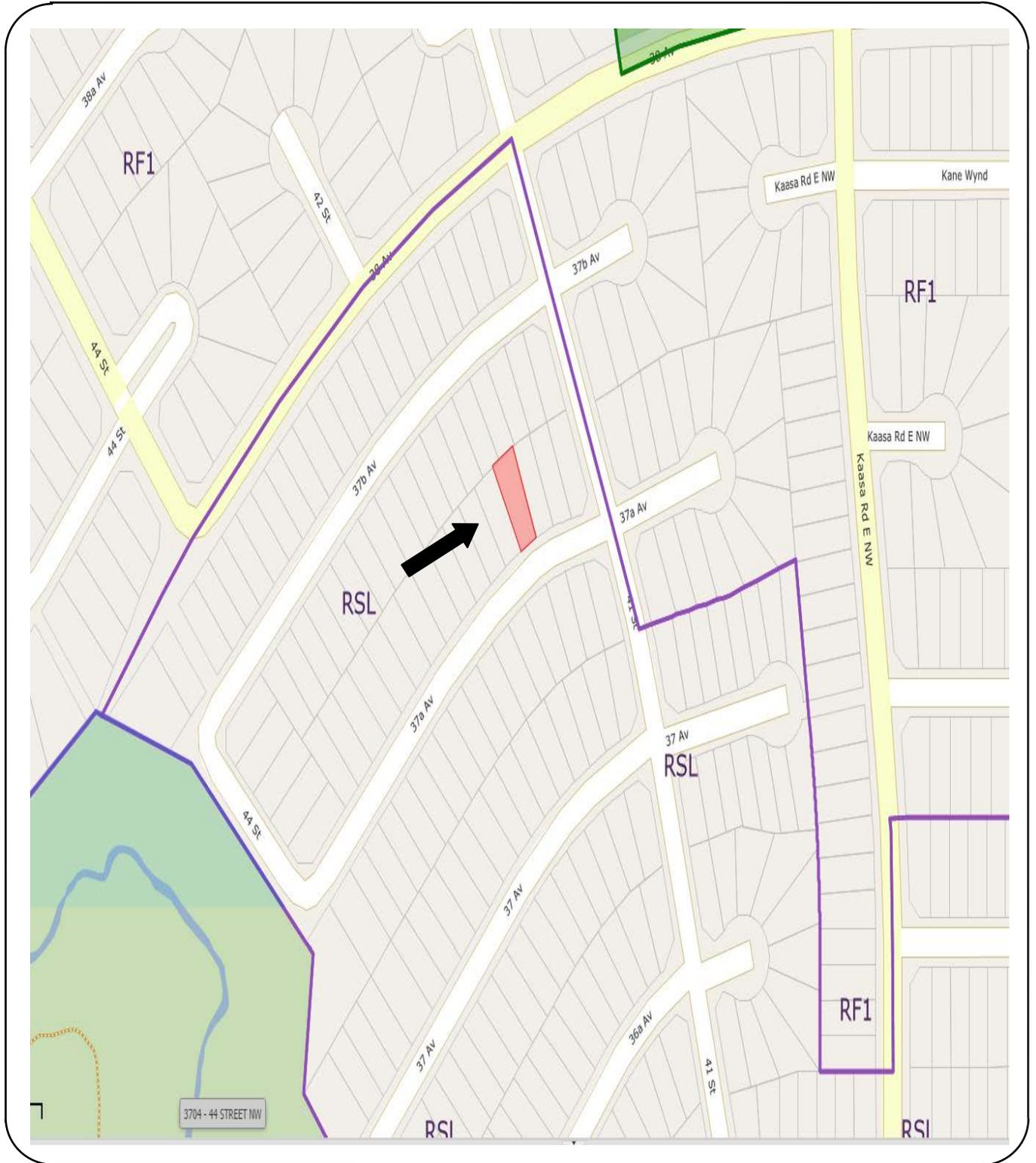
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Dec 19, 2016    Development Authority: VANDERHOEK, HEATHER    Signature: \_\_\_\_\_  
Notice Period Begins: Dec 27, 2016    Ends: Jan 10, 2017

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03795187	Dec 06, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$297.00	\$297.00		

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



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-027



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-028

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

APPELLANT:

ADDRESS OF APPELLANT: #105, 2951 Ellwood Drive SW

APPLICATION NO.: 234600718-001

APPLICATION TO: Add a Bar and Neighbourhood Pub (82.9 square metres of public space) to an existing General Industrial Use and to construct interior alterations - (Town Square Brewing)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 21, 2016

DATE OF APPEAL: January 8, 2017

NOTIFICATION PERIOD: December 27, 2016 through January 10, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2919 - Ellwood Drive SW, 2951 - Ellwood Drive SW, 2907 - Ellwood Drive SW

LEGAL DESCRIPTION: Plan 0920863 Unit 16, Condo Common Area (Plan 1024895,0920843,0920863), Plan 0920863 Unit 19

ZONE: EIB-Ellerslie Industrial Business Zone

OVERLAY: Special Area Ellerslie Industrial

STATUTORY PLAN: Ellerslie Area Structure Plan

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*Grounds for Appeal*

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

Reasons for appeal:

1. This area was not zoned for this type of use and was intended to be a professional service based business area appealing to family members of all ages. Many of the owners in the complex purchased their commercial units based on that zoning so it is not reasonable to change that zoning now that the complex is full of residents who all followed the zoning regulations as set forth by your department at the time of purchase.
2. This type of business will cause a negative impact on the ability of existing occupants to conduct business. This location was chosen by many owner occupied units because it offers a safe place for family based services and entertainment. Why should the existing companies' ability to conduct business and attract new customers be impaired by something that was never zoned to fit in the prescribed area when they started their business? Not to mention added congestion to an already overloaded parking area.
3. There must be some regulations restricting the operation of bars and pubs within a prescribed range of existing schools and churches. In this complex alone there are at least two school based businesses that offer instructional services geared toward young children whose mean demographic age is 4-15. One of these companies even shares a wall with the proposed pub location. Within 90m of this unit there is also a church and a martial arts studio, again, all geared toward the family values and younger individuals. All businesses should be allowed to operate without being negatively impacted by those businesses operated by others around them. A family restaurant that serves alcohol where food is the main focus is far different than a pub where the focus is on selling and consuming alcohol and children are not permitted.
4. Parking - this center was originally built with inadequate parking for the number of commercial spaces allocated to it. As time has gone on the city has continually overlooked this issue and allowed larger and larger businesses with specific parking requirements to continue to occupy the spaces even though the restrictions were already far overburdened. Continually endorsing businesses with higher and higher expectation of available parking is not practical.

There is a reason that your office regulation requires 239 stalls for a business of the size/type. How can zoning reasonably expect an area already extremely short on parking to survive by introducing yet another large business to an area when you know it already has less than 75% (180/239) of the required parking stalls? Especially when that area already has 23 other businesses operating with far less parking capacity than required to the point that limited parking availability is a constant point of discussion in board meetings and the board has already been forced to define parking limitations and restrictions.

In closing, customers should not need to fight to find a parking space in order to patronize the existing businesses in this complex and they should feel safe bringing their children to the area as they have for years. The customer impression (existing and prospective) of any company should not be allowed to be negatively impacted by the introduction of a pub located in the same parking lot as businesses catering to family and children.

<i>General Matters</i>
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**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

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

**Appeals**

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

(a) in the case of an appeal made by a person referred to in section 685(1), after

(i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

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

**Hearing and Decision**

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

...

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

...

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

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

(i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
  - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 930.4(1) states the General Purpose of the EIB Ellerslie Industrial Business Zone is to provide for light industrial businesses and high technology development that carries out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent Non-industrial Zone.

***Discretionary Use***

Section 930.4(3)(3) states **Bars and Neighbourhood Pubs**, not to exceed 200 occupants nor 240 square metres of Public Space, if adjacent to or across a Lane from a Site zoned residential, is a **Discretionary Use** in the EIB Ellerslie Industrial Business Zone.

Under Section 7.4(6), **Bars and Neighbourhood Pubs** means development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site. This Use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical Uses include neighbourhood pubs, bars, beverage rooms, and cocktail lounges.

Section 930.4(5)(1)(a) states Convenience Retail Stores, Child Care Services, Specialty Food Services, Restaurants, Bars and Neighbourhood Pubs, Nightclubs and Personal Service Shops shall be sited in accordance with the following: as part of an office or industrial project where such Discretionary Uses are intended to service and support the principal industrial or office Use.

**Development Officer's Determination**

Discretionary Use - Bar and Neighborhood Pub is approved as a Discretionary Use (Section 930.4).

***Parking***

Section 54.2, Schedule 1(A)(14) states Bar and Neighborhood Pub requires 1 parking space per 3.0 square metres of Public Space.

Under Section 6.1(82), **Public Space** means space that is part of an establishment, which is open to the public and not restricted to only employees. This definition does not include kitchens, administrative offices, food or drink preparation areas.

**Development Officer's Determination**

Parking - The site has 180 parking stalls, instead of 239 (Section 54.2 and Schedule 1)

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**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*.

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Project Number: **234600718-001**  
 Application Date: NOV 07, 2016  
 Printed: January 9, 2017 at 8:28 AM  
 Page: 1 of 2

## Major Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

<p><b>Applicant</b></p> <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	<p><b>Property Address(es) and Legal Description(s)</b></p> <p>2951 - ELLWOOD DRIVE SW                  Condo Common Area (Plan                  2907 - ELLWOOD DRIVE SW                  Plan 0920863 Unit 19                  2919 - ELLWOOD DRIVE SW                  Plan 0920863 Unit 16</p> <hr/> <p><b>Specific Address(es)</b></p> <p>Suite: 2919 - ELLWOOD DRIVE SW                  Entryway: 2919 - ELLWOOD DRIVE SW                  Building: 2907 - ELLWOOD DRIVE SW</p>		
<p><b>Scope of Permit</b></p> <p>To add a Bar and Neighbourhood Pub (82.9 sq.m. of public space) to an existing General Industrial Use and to construct interior alterations - (Town Square Brewing)</p>			
<p><b>Permit Details</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> <p>Class of Permit: Class B                      Gross Floor Area (sq.m.): 236.9                      New Sewer Service Required: N                      Site Area (sq. m.): 1888.9</p> </td> <td style="width: 50%; border: none; vertical-align: top;"> <p>Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings: 0                      Stat. Plan Overlay/Annex Area: (none)</p> </td> </tr> </table>		<p>Class of Permit: Class B                      Gross Floor Area (sq.m.): 236.9                      New Sewer Service Required: N                      Site Area (sq. m.): 1888.9</p>	<p>Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings: 0                      Stat. Plan Overlay/Annex Area: (none)</p>
<p>Class of Permit: Class B                      Gross Floor Area (sq.m.): 236.9                      New Sewer Service Required: N                      Site Area (sq. m.): 1888.9</p>	<p>Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings: 0                      Stat. Plan Overlay/Annex Area: (none)</p>		
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>			
<p><b>Development Permit Decision</b></p> <p>Approved</p>			

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



Project Number: **234600718-001**  
 Application Date: NOV 07, 2016  
 Printed: January 9, 2017 at 8:28 AM  
 Page: 2 of 2

## Major Development Permit

**Subject to the Following Conditions**

- 1) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)
- 2) A new development permit application is required to increase the approved public space.
- 3) Any modification to the existing accesses requires the review and approval of Transportation Planning and Engineering.

**DEVELOPMENT SERVICES ADVISEMENTS:**

- 1) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 2) Signs require separate Development Applications.
- 3) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 5) 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
- 6) 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)

**Variances**

- 1) Discretionary Use - Bar and Neighborhood Pub is approved as a Discretionary Use (Section 930.4).
- 2) Parking - The site has 180 parking stalls, instead of 239 (Section 54.2 and Schedule 1)

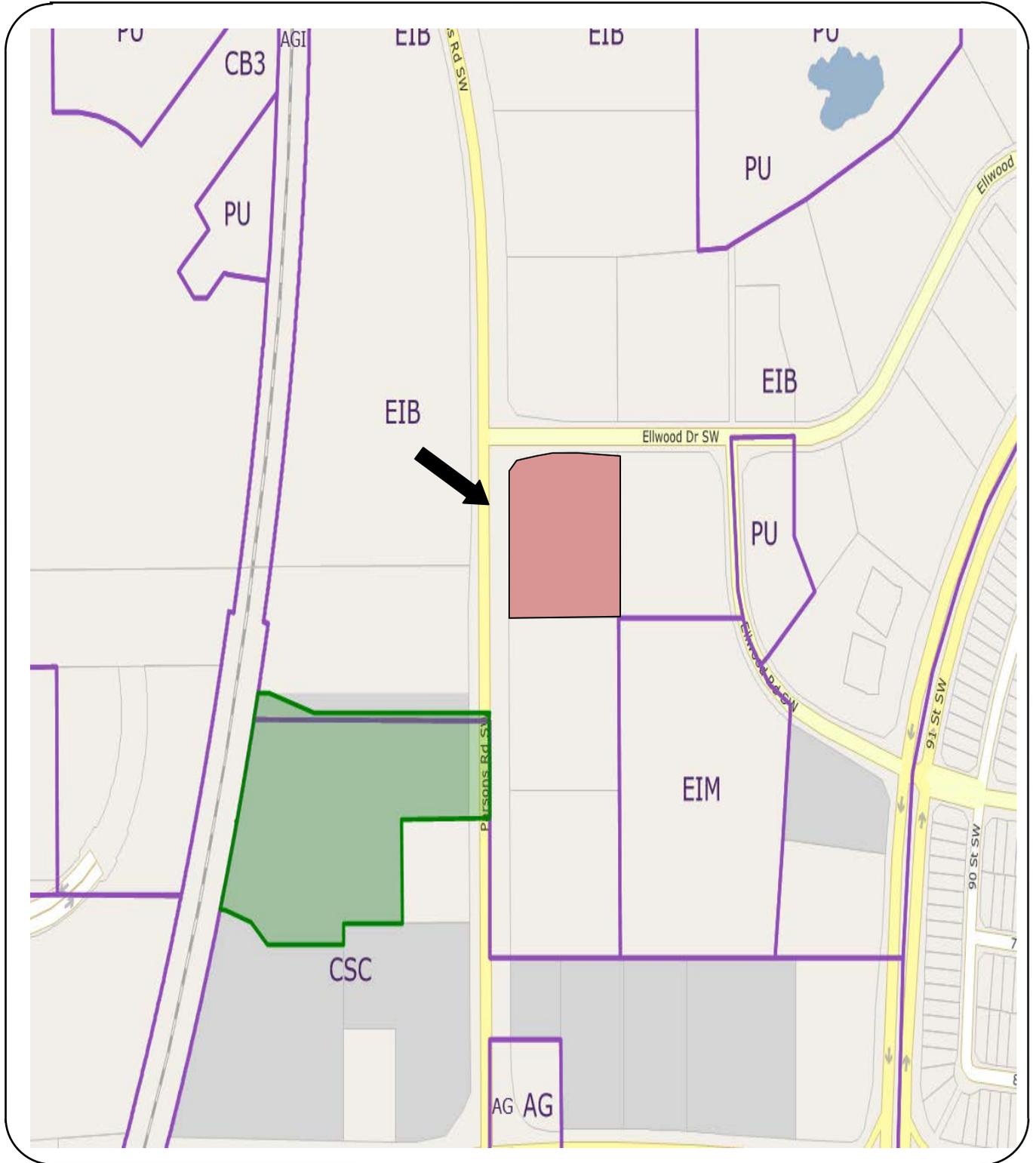
**Rights of Appeal**

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

**Issue Date:** Dec 21, 2016    **Development Authority:** CHAN, CALVIN    **Signature:** \_\_\_\_\_  
**Notice Period Begins:** Dec 27, 2016    **Ends:** Jan 10, 2017

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$102.00	\$102.00	03734062	Nov 07, 2016
Major Dev. Application Fee	\$323.00	\$323.00	03734062	Nov 07, 2016
Total GST Amount:	\$0.00			
<b>Totals for Permit:</b>	<b>\$425.00</b>	<b>\$425.00</b>		

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



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-028

