

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Tuesday, 9:00 A.M.**  
**January 19, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-21-018

Operate a Major Home Based Business  
(UPLIFTING SERVICES - Administration office  
for a general contractor). Outdoor storage of a  
trailer only during the winter. Expires on  
December 11, 2025

735 - Wheeler Road West NW  
Project No.: 379180541-001  
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**NOTE:** *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-018

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 379180541-001

APPLICATION TO: Operate a Major Home Based Business (UPLIFTING SERVICES - Administration office for a general contractor). Outdoor storage of a trailer only during the winter. Expires on December 11, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: December 11, 2020

DATE OF APPEAL: December 22, 2020

NOTIFICATION PERIOD: December 17, 2020 through January 7, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 735 - Wheeler Road West NW

LEGAL DESCRIPTION: Plan 8720543 Blk 16 Lot 7

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

Please consider this appeal and objection to the development permit issued for a home based business at 735 Wheeler Road West NW. The indoor office is of no concern, but an outdoor storage trailer is in breach of s. 75 of the Zoning Bylaw:

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;"

The outdoor storage trailer would also affect traffic flow and parking, since this home is in a cul-de-sac with limited / no parking.

Section 75.5 of the bylaw does not allow temporary outdoor storage (although I would argue 6 months out of 12 is not temporary). It prohibits all outdoor storage. Residents of the neighbourhood did not agree to a semi-permanent eyesore and disruption to traffic and parking, and the alteration to this fundamental understanding should not be permitted, particularly as it is specifically not permitted by the bylaw. I've included a map, which shows the proximity of the houses and the lack of parking and street space.

***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.

(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
  - or
  - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days 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;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

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

(i) the proposed development would not

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

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

and

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

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

Under section 110.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RF1) Single Detached Residential 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 that 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 includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

***Discretionary Use***

**Development Officer's Determination**

**You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.**

**Outdoor Storage - Outdoor storage of a trailer is allowed only during the winter. (Section 75.5).**

[unedited]

***Major Home Based Business***

Under section 75 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 cm x 30.5 cm 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 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 Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary 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.

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	Project Number: <b>379180541-001</b> Application Date: NOV 25, 2020 Printed: December 11, 2020 at 11:00 AM Page: 1 of 3		
<h2>Home Occupation</h2>			
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>	<b>Property Address(es) and Legal Description(s)</b> 735 - WHEELER ROAD WEST NW Plan 8720543 Blk 16 Lot 7  <b>Specific Address(es)</b> Suite: 735 - WHEELER ROAD WEST NW Entryway: 735 - WHEELER ROAD WEST NW Building: 735 - WHEELER ROAD WEST NW		
<b>Scope of Permit</b> To operate a Major Home Based Business (UPLIFTING SERVICES - Administration office for a general contractor). Outdoor storage of a trailer only during the winter. Expires on December 11, 2025.			
<b>Permit Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">                     # of business related visits/day:                      Administration Office Only?: Y                      Class of Permit: Class B                       Do you live at the property?: Y                      Outdoor storage on site?: Y                 </td> <td style="width: 50%; vertical-align: top;">                     # of vehicles at one time:                      Business has Trailers or Equipment?: Y                      Description of Business: Appliance and garage door repair business. Outdoor storage of a trailer only during the winter. Expires on December 11, 2025.                      Expiry Date: 2025-12-11 00:00:00                 </td> </tr> </table>		# of business related visits/day: Administration Office Only?: Y Class of Permit: Class B  Do you live at the property?: Y Outdoor storage on site?: Y	# of vehicles at one time: Business has Trailers or Equipment?: Y Description of Business: Appliance and garage door repair business. Outdoor storage of a trailer only during the winter. Expires on December 11, 2025. Expiry Date: 2025-12-11 00:00:00
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<b>Development Permit Decision</b> Approved Issue Date: Dec 11, 2020 Development Authority: ZHOU, ROWLEY			



Project Number: **379180541-001**  
 Application Date: NOV 25, 2020  
 Printed: December 11, 2020 at 11:00 AM  
 Page: 2 of 3

## Home Occupation


### Subject to the Following Conditions

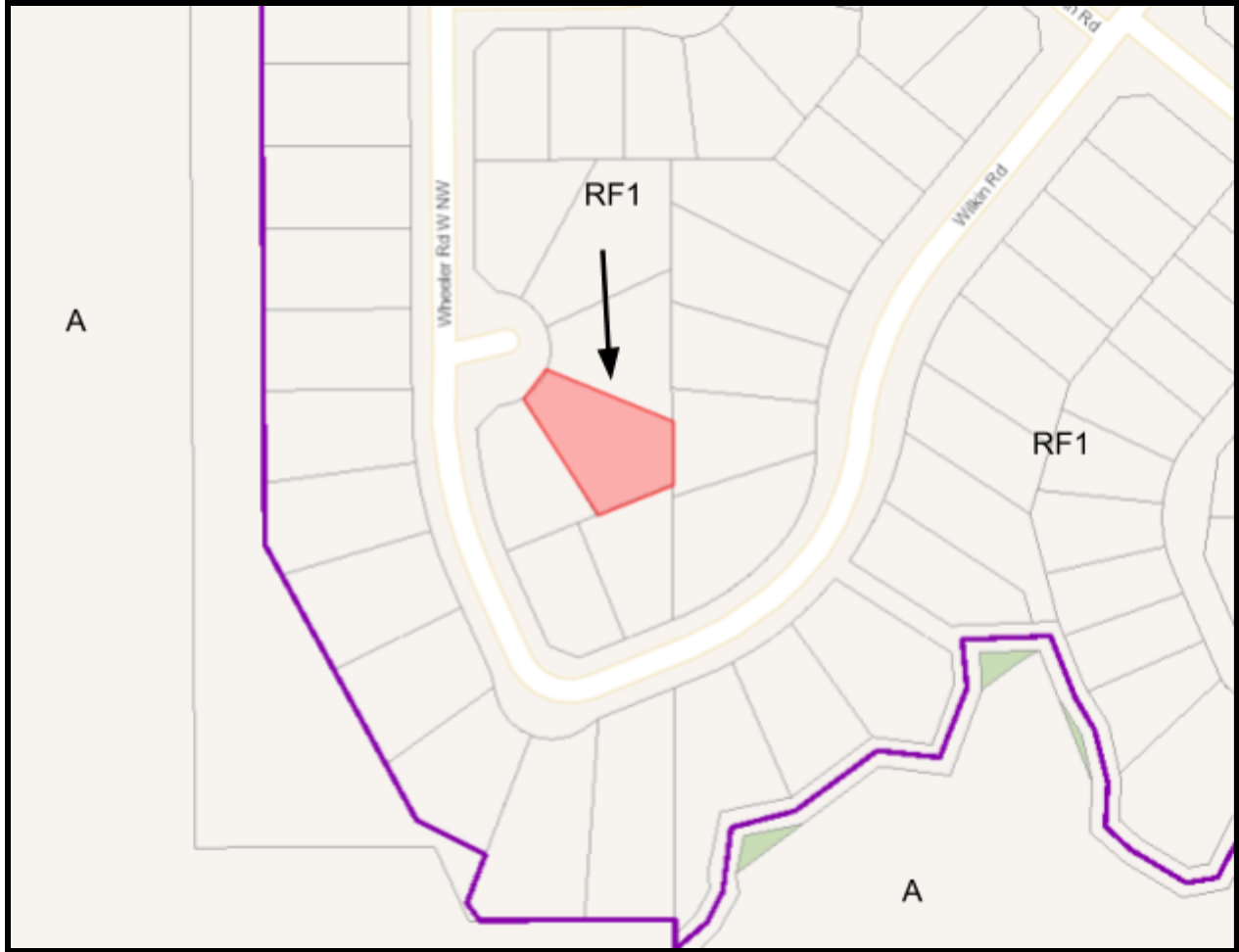
Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

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. There shall be no non-resident employees or business partners working on-site.
5. There shall be no client visits associated with the business.
6. The site shall not be used as a daily rendezvous for employees or business partners.
7. The site shall not be used by employees or business partners as a parking, storage or working location.
8. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business except for a trailer stored outside only during the winter (Section 75.5). The trailer must be stored inside the garage during the spring, summer, and autumn.
9. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
10. Fabrications of business related materials are prohibited.
11. All commercial and industrial equipment, including but not limited to Bobcats and Sea-cans, are not permitted at the site. The equipment shall be stored at an approved storage facility.
12. 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.
13. Any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceed 4600 kg is prohibited in a Residential Zone (Section 45.1.a).
14. 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.
15. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
16. 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 11, 2025.

### 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).

	Project Number: <b>379180541-001</b> Application Date: NOV 25, 2020 Printed: December 11, 2020 at 11:00 AM Page: 3 of 3																				
<h2 style="margin: 0;">Home Occupation</h2>																					
<p>2. This Development Permit is not a Business License.</p> <p>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).</p> <p>4. This Development Permit is for an Administration Office and outdoor storage of a trailer during the winter only.</p> <p><b>Variations</b>                  You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.</p> <p>Outdoor Storage - Outdoor storage of a trailer is allowed only during the winter. (Section 75.5).</p> <p><b>Rights of Appeal</b>                  This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p> <p><b>Notice Period Begins:</b> Dec 17, 2020      <b>Ends:</b> Jan 07, 2021</p>																					
<b>Fees</b>																					
	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 30%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 20%;">Receipt #</th> <th style="text-align: left; width: 15%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$327.00</td> <td style="text-align: right;">\$327.00</td> <td>033849038015001</td> <td>Dec 07, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$327.00</td> <td style="text-align: right; border-top: 1px solid black;">\$327.00</td> <td></td> <td></td> </tr> </tbody> </table>		Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$327.00	\$327.00	033849038015001	Dec 07, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$327.00	\$327.00		
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**SURROUNDING LAND USE DISTRICTS**

Site Location ←      File: SDAB-D-21-018      ▲  
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