

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
January 6, 2016**

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

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

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I	9:00 A.M.	SDAB-D-16-005/006	Operate a Major Home Based Business - Admin office for Roofing Company, with materials stored in garage  1264 MCallister Way SW Project No.: 180756300-001
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II	10:30 A.M.	SDAB-D-16-008	Move on an office trailer and to operate an Automotive and Minor Recreational Vehicle Sales/Rentals Use.  8230 - 112 Avenue NW Project No.: 083076455-006
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***NOTE:***                    ***Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 128000.***

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-005 / 006

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

APPELLANT 1:

APPELLANT 2:

APPLICATION NO.: 180756300-001

ADDRESS OF APPELLANT 1: 1268 McAllister Way SW

ADDRESS OF APPELLANT 2: 1266 McAllister Way SW

APPLICATION TO: Operate a Major Home Based Business.  
Admin office for Roofing Company, with  
materials stored in garage

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 26, 2015

DATE OF APPEAL: December 7, 2015

NOTIFICATION PERIOD: December 3, 2015 through December 16,  
2015

RESPONDENT:

ADDRESS OF RESPONDENT: 1264 McAllister Way SW

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 1264 McAllister Way SW

LEGAL DESCRIPTION: Plan 0522608 Blk 11 Lot 45

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: MacEwan Neighbourhood Area Structure  
Plan

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***Grounds for Appeal***

**Appellant 1**

In an appeal letter dated December 7, 2015, Appellant 1 provided the following reasons for appealing the decision of the Development Authority:

This letter is in response to the Development Permit Notice #18075 6300-001 dated November 27, 2015. We are hereby appealing the above noted Development Permit.

The development permit is for an Admin office for a Roofing Company, with materials stored in the garage. We are appealing the Development Permit on the following grounds:

- Edmonton's Major Home Based Business Zoning Bylaw Regulations state for Major Home Based Businesses:

- **“You can not use mechanical or electrical equipment that creates external noise, or visible and audible interference with the home electronics of your neighbours.”**

We have already had issues with this particular neighbor using his garage as a fabrication shop for work related activities early in the morning and late into the night. If you check bylaw records you will see that phone calls have already been made in this regard. If they are allowed to store materials in the garage this will be the logical and most convenient place for any future fabrication and this problem will only increase.

- **“Your business must not generate pedestrian traffic, vehicular traffic, or parking in excess of that which is normal for your neighbourhood's zone.”**

We have already seen an increase in vehicular traffic in the neighborhood since this neighbor has moved in. On any given day there can be 2-4 additional vehicles at the residence loading and unloading materials and there is little or no consideration of how or where they park. There have also been a number of times where industrial garbage trailers are posted on the driveway but more importantly on the street, unattached to a vehicle, for days at a time.

The vehicles that are coming and going are large heavy duty trucks, some towing trailers. Most are also loud, diesel powered, and left idling for excessive periods of time on the driveway and on the street. Given that the World Health Organization in June classified diesel exhaust as a “*carcinogenic to humans*”, not to mention the fact that it stinks.

A residential neighborhood is not place for a fleet of diesel work trucks to be loading and offloading construction materials.

Allowing the garage of this house to be the storage location for the company's materials is inviting even more truck traffic into the neighborhood. Given the nature of the business this traffic will occur mostly in early morning, late at night, as well as on weekends when people are trying to rest or sleep. People come home to their residence to get away from work and business they don't want a business disruption right next door at what will essentially be a warehouse.

All this is to say this business will “ . . . **generate pedestrian traffic, vehicular traffic, or parking in excess of that which is normal for your neighbourhood's zone**”. There is no way it can't.

- **“No outdoor business activity, or outdoor storage of material or equipment associated with the business is allowed.”**

We are already experiencing materials stored on the front driveway of this house as well as up against the side of the garage. Furthermore outdoor business activity is guaranteed as there is no way to get materials in and out of the garage otherwise. This house has a very small front driveway on the street that just fits the length of the owner's truck as it is, so this is hardly a site for material loading and unloading to begin with. There will be **outdoor business activity** associated with this business.

Further to this 1264 McAllister Way SW is not a corner lot or a house with a rear detached garage. It is on a narrow lot with a front attached garage with neighbors right next door on both sides as well as up and down the street on both sides. We are two doors away at 1268 McAllister Way SW and our garage door is maybe 50 feet from the subject property. All the houses in our neighborhood are in close proximity to one another and it would be impossible to run this type of business without disturbing surrounding neighbors. Particularly as mentioned above in the early morning, late evening, weekends as most if not all of the homes in the area are built with bedrooms facing the street and noise at these times of day and the week would be very disruptive.

I am in the construction industry and I know that this will not be a 9 to 5, Monday to Friday business. In order to be successful this business “will need to make hay when the sun shines” and this will include early mornings, late nights and long hours. Putting a combination of tired workers, heavy trucks and the loading and off-loading of construction materials together with an active neighborhood of young children who are

regularly playing together, riding bikes, skateboarding and walking up and down the street to each other's houses is a dangerous idea.

This development permit in essence is giving permission for an industrial business to operate in a residential area. MacEwan is a sought after area for many families with children and allowing an industrial business to operate out of one of the houses would significantly change the family life dynamic that the residents cherish in their neighborhood.

Another concern is the storage of building and particularly roofing materials in a residential garage, particularly a residential garage so close to other houses. Do we know what types of materials they are storing and are there special storage or ventilation requirements for say flammable or combustible materials? And if so how will this be addressed and monitored?

It is also important to note that so far the experience with the people at 1264 McAllister Way SW has been disruptive to the quiet family friendly neighborhood that most of the surrounding neighbors have lived in for the last 5-10 years on average. They have been loud, disruptive and have had no consideration for the neighborhood or the neighbors around them. While we would still appeal the development permit regardless of who had applied we are even more opposed given the track record and behaviour of the particular applicant to date.

Allowing this application to be approved and establishing this business in our neighborhood would destroy the family friendly neighborhood all our neighbors have worked at maintaining and have invested in over many years.

We request the city reject this development permit immediately as this is not the correct location for this type of business. [unedited]

## **Appellant 2**

In an appeal letter dated December 7, 2015, Appellant 2 provided the following reasons for appealing the decision of the Development Authority:

Dear Sir/Madam,

Thank you for your development permit notice in macewan dated november 27<sup>th</sup> 2015 for Major Home Based Business – admin office for Roofing Company with materials stored in garage.

Please be advised that we have noticed increased activity in that house 1264 mcallister way sw and disturbance to the area since August 2015 when the house was sold to new owner. At first we could not understand what was going on. After a while new neighbour mentioned that he was in roofing business.

His heavy duty truck was always left idling on the drive way and few others who came with the owner into the house as well. All of this is still happening in our quiet cul-de-sac area.

If permission will be issued to run **industrial business** in residential area that would ruin the area and also have impact on families with young children.

We have play ground in walking distance, till recently our kids were safely playing outside of our houses and some neighbours even playing hockey or ball hockey right on the street when weather permits. **It was that safe!** Schools and day homes are offered in the area.

None of homes have industrial business on site. All the houses are owners occupied with families and young children. With such approval of industrial business in residential area all of families will be impacted and it will change safe family life in the neighbourhood. We care for the area and still want to live and enjoy our family oriented neighbourhood without **any industrial** businesses around.

There are other areas of the city where zoning being changed and where people have their chances to run businesses.

1264 McAllister way is **not a corner lot neither house with detached garage** where you could do all possible businesses without disturbing surrounding neighbours. It is a **lot with arm length neighbours on both sides** and we all call Macewan area “our home” – clean, friendly, safe, and peaceful for raising kids.

You are issuing permit to a house with attached garage, too small front parking pad for any industrial activities and with very close proximity to the neighbours homes.

As you know Macewan is sought after area for many families with kids and issuing development permit for industrial business out their house – you could easily ruin many nice features area can offer.

At this point we can say that we already experience next issues:

**Idling heavy duty trucks** constantly

**Loading and unloading** materials starting at **5 am and ending as late as midnight.** (this is not a home depot outlet for contractors to come here and pick up supplies)

**Noise** -loud visitors (contractors) at quiet times and beer parties after their shifts.

**Increased traffic to the area** - our cul-de-sac (especialy mornings and late evenings)

**Increased interest for criminal** activity in the area (crime will be always interested what is being stored in the garages and can disturb our life here)

Materials left on the side of the house (**junk up the area**)

**Explosive/flammable materials** stored in their garage.

Safety is a priority for us.

Many homes in the area (as well as ours) are built with **bedrooms facing street** and such business will be very disturbing for our family.

If the permit is issued -I am sure our disturbance will be way increased above reason and the area will turn out into the industrial area.

We understand that city may want to collect more tax money for the developed areas but to ruin peace of surrounding family worth much more than few extra dollars in city budget.

Please consider our concerns with this development in family oriented neighbourhood. [unedited]

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

The decision of the Development Authority was appealed by two adjacent property owners.

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

**Grounds for Appeal**

**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) ...



- (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.

The decision of the Development Authority was dated November 26, 2015. On December 7, 2015, both Appellant 1 and 2 filed Notice of Appeal letters.

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

Section 115.1 states 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.

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

Section 7.3(7) states:

**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.

*Decision of the Development Officer*

**Board Officer's Comments:**

The Development Permit was approved with standard development conditions (see pages 10-12). The Development Officer noted that the development is for a Major Home Based Business, which is a Discretionary Use in the RSL Residential Small Lot Zone.

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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: **180756300-001**  
Application Date: OCT 10, 2015  
Printed: December 23, 2015 at 11:49 AM  
Page: 1 of 3

## Application for Home Occupation

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

**Applicant**

MONTAGNON, DAVE  


**Property Address(es) and Legal Description(s)**

1264 - MCALLISTER WAY SW  
Plan 0522608 Blk 11 Lot 45

**Scope of Permit**

To operate a Major Home Based Business. Admin office for Roofing Company, with materials stored in garage.

**Permit Details**

# of business 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: 1  
Business has Trailers or Equipment?: N  
Description of Business: Admin office for Roofing Company,  
with materials stored in garage.

Expiry Date: 2020-11-27 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: **180756300-001**  
Application Date: OCT 10, 2015  
Printed: December 23, 2015 at 11:49 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 20cm (8") x 30.5cm (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.
- 12) This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
- 13) 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 November 27, 2020.

### 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).

### Variations

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

**THIS IS NOT A PERMIT**



Project Number: **180756300-001**  
Application Date: OCT 10, 2015  
Printed: December 23, 2015 at 11:49 AM  
Page: 3 of 3

## Application for Home Occupation

### 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:** Nov 26, 2015    **Development Authority:** BACON, KIRK

**Signature:** \_\_\_\_\_

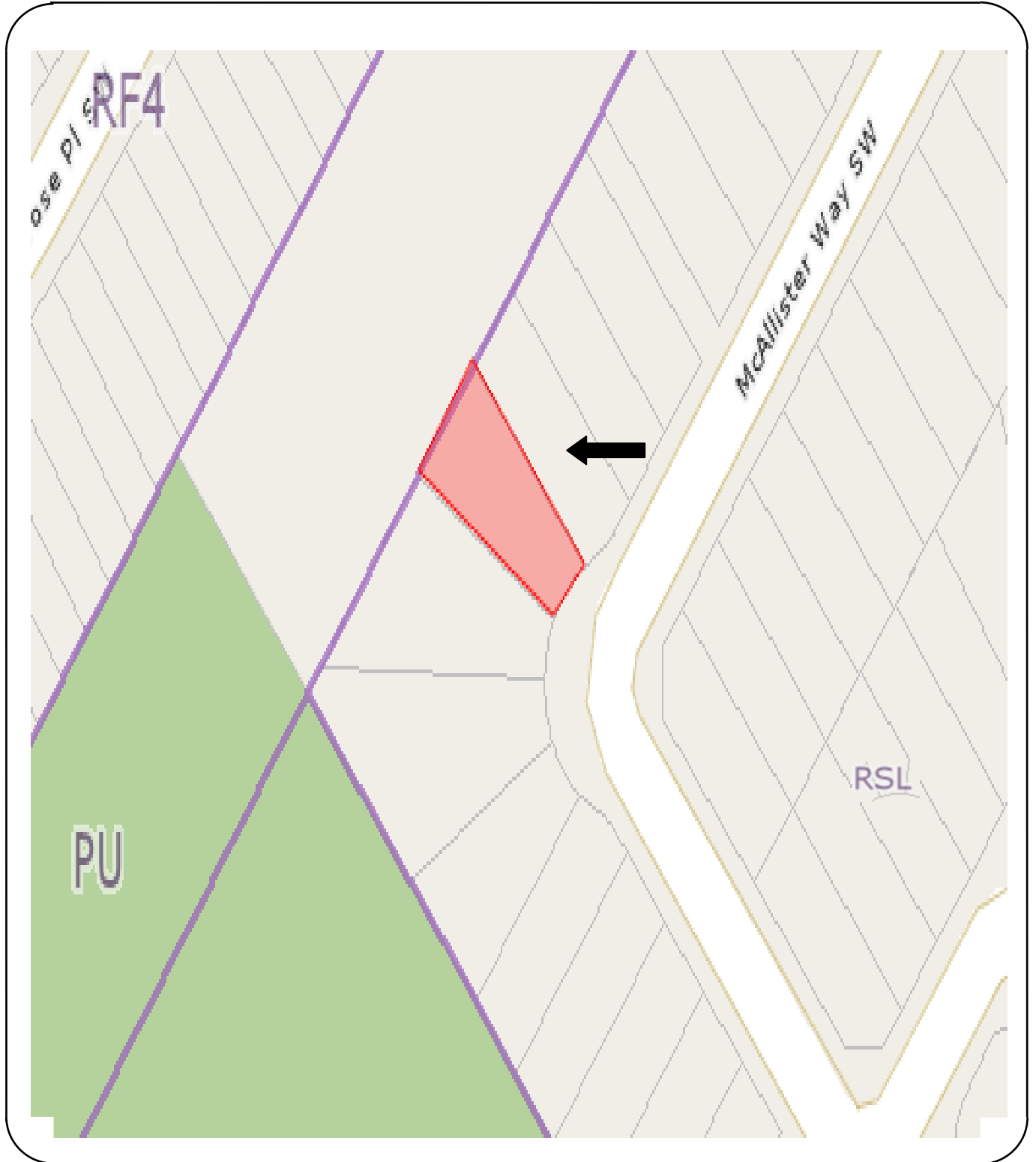
**Notice Period Begins:** Dec 03, 2015

**Ends:** Dec 16, 2015

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$291.00	\$291.00	02847210	Oct 26, 2015
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$291.00	\$291.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-005/006



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-008

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 083076455-006

ADDRESS OF APPELLANT: 8230 - 112 Avenue NW

APPLICATION TO: Move on an office trailer and to operate an Automotive and Minor Recreational Vehicle Sales/Rentals Use.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 30, 2015

DATE OF APPEAL: December 7, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8230 - 112 Avenue NW

LEGAL DESCRIPTION: Plan 5733HW Blk 9 Lot 3

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: Stadium Station Area Redevelopment Plan

***Grounds for Appeal***

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

ZONING AND BUISNESS LISCENSE [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.

**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
  - ...

The decision of the Development Authority was dated November 30, 2015. The Notice of Appeal was filed on December 7, 2015.

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

Section 330.1 states that the **General Purpose** of the **CB1 Low Intensity Business Zone** is:

... to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Under Section 330.3(5), **Automotive and Minor Recreation Vehicle Sales/Rentals** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Section 7.3(7) states:

**Automotive and Minor Recreation Vehicle Sales/Rentals** means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships.



This Use Class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4 000 kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6 000 kg or a length of more than 6.7 m.

***Discretion of the Development Officer***

Section 11.2(6) states:

The Development Officer shall receive all applications for development and:

...

6. may refuse or approve, with or without conditions, with or without changes in the design of the development, or with or without the imposition of regulations more restrictive than those required by the specific Zone or General Development Regulations of this Bylaw, an application for development of a Discretionary Use, having regard to the regulations of this Bylaw and the provisions of any applicable Statutory Plan;

With respect to Permit Conditions imposed by the Development Officer, Section 15(7) states:

If an applicant applies for a Development Permit for a structure that encroaches on City owned property, the Development Officer may impose conditions requiring the applicant to mitigate the impact of the encroachment, including compensation, indemnities, insurance and a duty to remove the encroaching structure on receipt of notice. If the Development Officer does not impose such a condition on an encroaching structure, this shall not be construed as granting the applicant a right to encroach and the applicant may require a separate encroachment agreement.

**Development Officer's Determination**

1. Section 11.2(6) - An Automotive and Minor Recreation Vehicle Sales/Rentals Use is Discretionary in the (CB1) Low Intensity Business Zone. Development of this Site is guided by the Stadium Station Area Redevelopment Plan (ARP). The proposed Site is located in Sub-Area 4. It is the intent of this area to provide for medium rise apartment residential development with ancillary commercial uses. The commercial portion of North Cromdale west of 82 Street will be limited to neighbourhood commercial uses. An auto-oriented development of an Automotive and Minor Recreation Vehicle Sales/Rentals is not supported by the Plan. [unedited]

2. Section 15(7) - If an applicant applies for a Development Permit for a structure that encroaches on City owned property, the Development Officer may impose conditions requiring the applicant to mitigate the impact of the encroachment, including compensation, indemnities, insurance and a duty to remove the encroaching structure on receipt of notice.

- *The Transportation Services Department has indicated that along the west property line the existing trailer, fence and port-a-potty encroach into the City owned right-of-way. A licence of occupation is required in order for these structures to remain where they are. [emphasis added]*

### ***Site Access***

Section 53(1) states that “All access locations and curb crossings shall require the approval of Transportation Services.”

### **Development Officer’s Determination**

3. Section 53(1) - All access locations and curb crossings shall require the approval of Transportation Services.

- *The Transportation Services Department has indicated that the existing 9.2 m access to 112 Avenue located west of the main entrance must be closed by removing the existing gate and continuing the fence along the property line. [emphasis added]*

### ***Minimum Setback***

Section 330.4(3) states:

A minimum Setback of 3.0 m shall be required where a Site abuts a public roadway, other than a Lane except:

- a. where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, buildings shall be built at the property line of the Site;

### **Development Officer’s Determination**

4. Section 330.4(3) - A minimum Setback of 3.0 m shall be required where a Site abuts a public roadway.

- *A 3.0 m Setback is required adjacent to 112 Avenue NW. [emphasis added]*

<b><i>Use of Setback</i></b>
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Section 330.4(5) states:

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Vehicular parking, loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or Light Rail Transit lines in accordance with the provisions of subsection 55.4 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service or display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw.

**Development Officer's Determination**

5. Section 330.4(5) - No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Vehicular parking, loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or Light Rail Transit lines in accordance with the provisions of subsection 55.4 of this Bylaw.

*- The existing display area is located within the required 3.0 m Setback, abutting 112 Avenue NW. Vehicular parking is located to the front of the building. The parking area is not screened from the public roadway, adjacent vacant lot to the east and the LTR Line to the west in accordance with this Section 55.4. [emphasis added]*

<b><i>Hardsurfacing and Lighting</i></b>
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Section 330.5(2)states:

The following regulations shall apply to Automotive and Minor Recreational Vehicle Sales/Rentals and Convenience Vehicle Rentals developments:

- ...
- c. all storage, display or parking areas shall be hardsurfaced in accordance with subsection 54.6(1) of this Bylaw;

...

  - d. lighting for the display area shall be mounted on lamp standards and no exposed bulbs or strings of lights shall be used.

**Development Officer’s Determination**

6. Section 330.5(2)(c) - All storage, display or parking areas shall be hardsurfaced in accordance with subsection 54.6(1) of this Bylaw.

- *The Site has a mixed of gravel, concrete and asphalt. The term "Hardsurfaced" means asphalt or concrete.* [emphasis added]

7. Section 330.5(2)(e) - Lighting for the display area shall be mounted on lamp standards and no exposed bulbs or strings of lights shall be used.

- *Lighting of the Site needs to be described.* [emphasis added]

<b><i>Parking</i></b>
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Section 54.1(1)(c) states:

All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.

Section 54.2(2)(b) states:

For all other Uses [other than residential developments], parking spaces may be provided on a Site located remotely, but no further than 120.0 m from the Site. Such distance shall be measured along the shortest public pedestrian route from the nearest point of the parking area to the nearest point of the Site where the building or Use is located. *Where off-site parking is provided pursuant to this provision, the development shall be considered as Class B Development.* [emphasis added]

Section 54.2(4)(a) states, in part, that “All required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and shall conform to the following minimum dimensions [as set out in subsections i. through viii.]”.

Section 54.2 Schedule 1 – Vehicular Parking Requirement provides the following:

<b>Schedule 1(A) Areas outside of the Downtown Special Area</b>	
<b>Use of Building or Site</b>	<b>Minimum Number of Parking Spaces or Garage Spaces Required</b>
<b>Commercial Use Classes</b>	

12. Any development within a Commercial Use Class not listed separately in this table, with a Floor Area of:	
a. less than 4 500 m <sup>2</sup> b. 4 500m <sup>2</sup> - 9 000m <sup>2</sup> c. 9 000 m <sup>2</sup> - 28 000 m <sup>2</sup> d. greater than 28 000 m <sup>2</sup>	1 parking space per 40.0 m <sup>2</sup> of Floor Area 1 parking space per 33.3 m <sup>2</sup> of Floor Area 1 parking space per 28.5 m <sup>2</sup> of Floor Area 1 parking space per 25.0 m <sup>2</sup> of Floor Area

**Development Officer’s Determination**

8. Sections 54.2, Schedule 1(12), 54.2(4)(a) & 54.1(1)(c) - All required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and shall conform to the following minimum dimensions of Section 52.4(4). Where off-street parking facilities or loading facilities are provided when not required, the location, design and operation of such facilities shall comply with all the regulations of this Bylaw.

- *The proposed development requires two designated vehicular parking spaces. Vehicle parking is occurring all over the lot with no clearly designated parking spaces.* [emphasis added]

***Loading Spaces***

Section 54.4 Schedule 3 – Loading Spaces Requirement provides the following:

*Bylaw 17422  
November 16, 2015  
Effective Date: December 1, 2015*

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
1. Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services	Less than 465 m <sup>2</sup>	1
	465 m <sup>2</sup> to 2 300 m <sup>2</sup>	2
	Each additional 2 300 m <sup>2</sup> , or fraction thereof	1 additional

**Development Officer’s Determination**

9. Section 54.4, Schedule 3(1) - Loading shall be provided in accordance with Section 54.4.

Required: 1  
 Proposed: 0  
 Deficient: 1

***Bicycle Parking***

Section 54.3 Schedule 2 – Bicycle Parking Requirements provides the following:

Use of Building or Site	Minimum Number of Bicycle Parking Spaces
1. All Residential and Residential-Related Use Classes of 20 Dwellings or more, and all Non-residential Use Classes outside the boundaries of the Downtown Area Redevelopment Plan.	5% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces with 5 Bicycle Parking spaces being the minimum to be provided.
2. Administration Use and Educational Facilities	10% of the number of vehicular parking spaces required under Schedule 1, with 5 Bicycle Parking spaces being the minimum number of spaces to be provided.
3. All Residential and Residential-Related Use Classes of 20 Dwellings or more, and all Non-residential Use Classes within the boundaries of the Downtown Area Redevelopment Plan	20% of the number of vehicular parking spaces required under Schedule 1 to a maximum of 50 Bicycle Parking spaces, with 5 Bicycle Parking spaces being the minimum to be provided.

**Development Officer’s Determination**

10. Section 54.3, Schedule 2(1) - Bicycle parking shall be provided in accordance with Section 54.3.

Required: 5  
 Proposed: 0  
 Deficient: 5

***Landscaping***

Section 55.4(1) states:

All open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

Section 55.7(1)(a) states:

For development consisting of Non-residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

- a. one tree for each 25 m<sup>2</sup> and one shrub for each 15 m<sup>2</sup> of Setback at Grade;

**Development Officer's Determination**

11. Sections 55.4(1) & (7)(a) - Setback areas shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. For development consisting of Non-residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of one tree for each 25 m<sup>2</sup> and one shrub for each 15 m<sup>2</sup> of Setback at Grade.

Required Setback Area abutting 112 Avenue NW: 141.78 m<sup>2</sup>

Trees:

Required: 6

Proposed: 0

Deficient: 6

Shrubs:

Required: 10

Proposed: 0

Deficient: 10

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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: 83076455-006  
Application Date: OCT 07, 2015  
Printed: December 23, 2015 at 1:16 PM  
Page: 1 of 3

## Application for Major Development Permit

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

<b>Applicant</b>  OMAR SALAME 	<b>Property Address(es) and Legal Description(s)</b> 8230 - 112 AVENUE NW Plan 5733HW Blk 9 Lot 3  <b>Specific Address(es)</b> Building: 8230 - 112 AVENUE NW
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### Scope of Application

To move on an office trailer and to operate an Automotive and Minor Recreational Vehicle Sales/Rentals Use.

### Permit Details

Class of Permit:  
Gross Floor Area (sq.m): 35.75  
New Sewer Service Required: Y  
Site Area (sq. m): 1066.16

Contact Person:  
Lot Grading Needed?: Y  
NumberOfMainFloorDwellings: 0  
Stat. Plan Overlay/Annex Area: (none)

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

Applicant signature: \_\_\_\_\_

### Development Application Decision

Refused

**THIS IS NOT A PERMIT**



Project Number: **83076455-006**  
 Application Date: OCT 07, 2015  
 Printed: December 23, 2015 at 1:16 PM  
 Page: 2 of 3

## Application for Major Development Permit

**Reason for Refusal**

1. Section 11.2(6) - An Automotive and Minor Recreation Vehicle Sales/Rentals Use is Discretionary in the (CB1) Low Intensity Business Zone. Development of this Site is guided by the Stadium Station Area Redevelopment Plan (ARP). The proposed Site is located in Sub-Area 4. It is the intent of this area to provide for medium rise apartment residential development with ancillary commercial uses. The commercial portion of North Cromdale west of 82 Street will be limited to neighbourhood commercial uses. An auto-oriented development of an Automotive and Minor Recreation Vehicle Sales/Rentals is not supported by the Plan.

2. Section 15(7) - If an applicant applies for a Development Permit for a structure that encroaches on City owned property, the Development Officer may impose conditions requiring the applicant to mitigate the impact of the encroachment, including compensation, indemnities, insurance and a duty to remove the encroaching structure on receipt of notice.

- The Transportation Services Department has indicated that along the west property line the existing trailer, fence and port-a-potty encroach into the City owned right-of-way. A licence of occupation is required in order for these structures to remain where they are.

3. Section 53(1) - All access locations and curb crossings shall require the approval of Transportation Services.

- The Transportation Services Department has indicated that the existing 9.2 m access to 112 Avenue located west of the main entrance must be closed by removing the existing gate and continuing the fence along the property line.

4. Section 330.4(3) - A minimum Setback of 3.0 m shall be required where a Site abuts a public roadway.

- A 3.0 m Setback is required adjacent to 112 Avenue NW.

5. Section 330.4(5) - No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Vehicular parking, loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or Light Rail Transit lines in accordance with the provisions of subsection 55.4 of this Bylaw.

- The existing display area is located within the required 3.0 m Setback, abutting 112 Avenue NW. Vehicular parking is located to the front of the building. The parking area is not screened from the public roadway, adjacent vacant lot to the east and the LTR Line to the west in accordance with this Section 55.4.

6. Section 330.5(2)(c) - All storage, display or parking areas shall be hardsurfaced in accordance with subsection 54.6(1) of this Bylaw.

- The Site has a mixed of gravel, concrete and asphalt. The term "Hardsurfaced" means asphalt or concrete.

7. Section 330.5(2)(e) - Lighting for the display area shall be mounted on lamp standards and no exposed bulbs or strings of lights shall be used.

- Lighting of the Site needs to be described.

8. Sections 54.2, Schedule 1(12), 54.2(4)(a) & 54.1(1)(c) - All required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and shall conform to the following minimum dimensions of Section 52.4(4). Where off-street parking facilities or loading facilities are provided when not required, the location, design and operation of such facilities shall comply with all the regulations of this Bylaw.

- The proposed development requires two designated vehicular parking spaces. Vehicle parking is occurring all over the lot with no clearly designated parking spaces.

9. Section 54.4, Schedule 3(1) - Loading shall be provided in accordance with Section 54.4.

Required: 1  
 Proposed: 0

**THIS IS NOT A PERMIT**



Project Number: **83076455-006**  
 Application Date: OCT 07, 2015  
 Printed: December 23, 2015 at 1:16 PM  
 Page: 3 of 3

## Application for Major Development Permit

Deficient: 1

10. Section 54.3, Schedule 2(1) - Bicycle parking shall be provided in accordance with Section 54.3.

Required: 5  
 Proposed: 0  
 Deficient: 5

11. Sections 55.4(1) & (7)(a) - Setback areas shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. For development consisting of Non-residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of one tree for each 25 m<sup>2</sup> and one shrub for each 15 m<sup>2</sup> of Setback at Grade.

Required Setback Area abutting 112 Avenue NW: 141.78 m<sup>2</sup>

Trees:  
 Required: 6  
 Proposed: 0  
 Deficient: 6

Shrubs:  
 Required: 10  
 Proposed: 0  
 Deficient: 10

**Rights of Appeal**

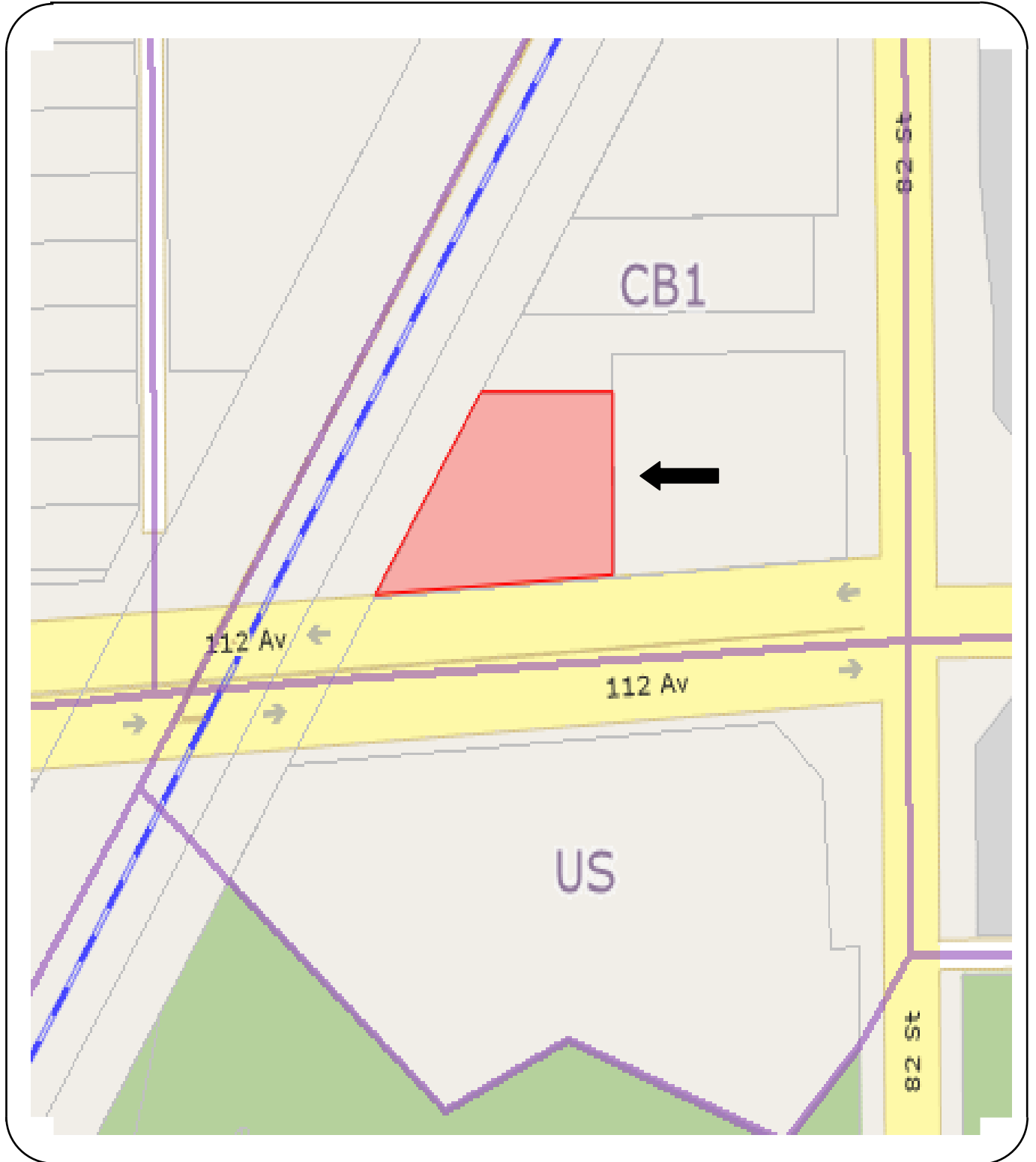
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Nov 30, 2015    **Development Authority:** PEACOCK, ERICA    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund 2012+	\$762.40			
Lot Grading Fee	\$220.00	\$220.00	02805196	Oct 07, 2015
Major Dev. Application Fee	\$811.00	\$811.00	02805196	Oct 07, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,793.40	\$1,031.00		
(\$762.40 outstanding)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-008



***BUSINESS LAID OVER***

SDAB-D-15-298	An appeal by <u>Peter Rausch VS Davut Gokce</u> to erect an over height Fence (5.44 m in length on west property line at 2.44 m in Height) in the Rear Yard of a Single Detached House <b><i>January 13 or 14, 2016</i></b>
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). <b><i>March 9 or 10, 2016</i></b>
SDAB-D-15-238	An appeal by <u>Ogilvie LLP</u> to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <b><i>February 17 or 18, 2016</i></b>
SDAB-D-15-252	An appeal by <u>Southwest Muslim Community Centre</u> to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <b><i>February 10 or 11, 2016</i></b>
SDAB-D-15-268	An appeal by <u>Ken Chen / Ogilvie LLP</u> to Leave as built a Single Detached House. <b><i>January 15, 2016</i></b>
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 <b><i>March 2 or 3, 2016</i></b>

***APPEAL HEARINGS TO BE SCHEDULED***

176013858-001	An appeal by <u>Abington Homes Ltd.</u> to construct a Single Detached House with a rear attached Garage, a front veranda, fireplace, basement development (NOT to be used as an additional Dwelling) <b><i>January 13 or 14, 2016</i></b>
171838918-001	An appeal by <u>Icwerx Consulting Inc.</u> to install one Minor Digital Off-premises Sign (Icwerx). <b><i>January 13 or 14, 2016</i></b>
159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Single Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <b><i>January 21, 2016</i></b>