



**EDMONTON  
TRIBUNALS**

*Subdivision &  
Development  
Appeal Board*

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Date: June 21, 2018  
Project Number: 278888519-001  
File Number: SDAB-D-18-080

**Notice of Decision**

- [1] On June 7, 2018, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **May 9, 2018**. The appeal concerned the decision of the Development Authority, issued on April 17, 2018, to approve the following development:

**Add Accessory Automotive and Equipment Repair Shop Use (HITEC FUEL SYSTEMS INC) to existing General Industrial Use (Qualico Glass).**

- [2] The subject property is on Plan 1751KS Blk 7 Lot 23, located at 14710 - 115 Avenue NW, within the (IM) Medium Industrial Zone.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the approved Development Permit;
  - The Development Officer’s written submission;
  - The Appellant’s written submission; and
  - An online response from a property owner who is neutral.
- [4] The following exhibit was presented during the hearing and forms part of the record:
- Exhibit A – A written submission read by the Appellant.

**Preliminary Matters**

- [5] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[7] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

### **Summary of Hearing**

*i) Position of the Appellant, Mr. J. Young, representing McLean Young Construction*

[8] Mr. Young's business has been at this location for the last 45 years.

[9] He is concerned with the number of parking spaces calculated by the Development Officer for the proposed development. The original development permit did not provide for sufficient off-street parking.

[10] In Mr. Young's opinion, a retail type business that he believes the development will be used for will require several parking spaces. To this end, increased clients parking on 115 Avenue will be an issue.

[11] Mr. Young stated that if access to the overhead doors is maintained, there will not be enough for the 11 parking spaces that the Development Officer determined that are available on the subject Site.

[12] He noted that he has not reviewed the proposed plans outlining the proposed parking spaces.

[13] He assumed that perhaps parking would be provided in the front setback once ATCO Gas has removed trees in that area but he is of the opinion, that even with this effort that space would not be feasible for parking.

[14] The glass business next to his business is constantly moving material in and out of their business which has added to the on-going congestion concern.

[15] There is an insulation business west of his property that does not have on-site parking. That business has 22 employees that park on the street which further exaggerates the congestion as well.

[16] Mr. Young submits that he is not opposed to a business on this site but is concerned with the size of the business, and the needed parking that would come with its size. He stated that the subject Site is approximately 6000 square feet. He is concerned that a business this large will increase the number of employees which will add to the already congested on-street parking.

[17] He is concerned that the business will sell merchandise, which will increase the number of customer visits to the property and increase the issue in parking.

[18] He believes the business is currently operating and because of this, vehicles cannot easily access the rear of his property.

[19] In response to questions by the Board, Mr. Young stated the following:

- a. His business has four employee parking spaces and two can be in tandem. However, the two tandem parking spaces need to be left open to access the loading dock. The business has four on-street parking spaces.
- b. He has one business condominium bay in this area.
- c. He confirmed that the insulation company is immediately west of the subject Site.
- d. He has counted up to 22 vehicles parked on the street for the subject Site.
- e. He does not believe parking will take place in the building on the subject Site.
- f. He referred to an aerial photograph showing the loading dock for his business.

*ii) Position of the Development Officer, Mr. M. Harrison*

[20] The Development Authority provided a written submission and did not attend the hearing.

*iii) Position of the Respondent, Mr. R. Valliere, representing Hitec Fuel Systems Inc.*

[21] Mr. Valliere referred to the proposed plans showing the area and stated that vehicles can be parked in the receiving area of the subject Site.

[22] Employees of the business park on the street so the business does not need on-site parking.

[23] The business is not a retail facility and will not be selling merchandise.

[24] Vehicles are picked up at the customer's location, brought to the Site to be repaired, and returned to the customer. Storage of vehicles does not take place on the subject Site or on the street. Only 3 or 4 vehicles are worked on at a time.

[25] He confirmed that the building is approximately 4000 square feet.

- [26] He stated that the owner has approximately three quarters of the area for his business.
- [27] He stated that the business does not need the amount of parking that the City is allowing them to have. The business only needs parking for his employees who he noted park on the street.
- [28] In response to questions by the Board, Mr. Vailliere stated the following:
- a. Mr. Vailliere clarified that the glass business has 4 employees. The glass business does mostly commercial work which is done off site.
  - b. He confirmed that the proposed business does not have any walk-in customers.
  - c. The owner of the property that he rents from parks on 115 Avenue and there are always cars parked on the street.
  - d. He confirmed that he parks across the street from the subject Site and employees park on the street. The owner of the property usually parks one vehicle at the rear of the building. However, tandem parking could be done at the rear of the building if it was needed.
  - e. The subject Site does not have a loading dock and parking at the rear of the building is not needed as the overhead door is at the rear of the building.

*iv) Rebuttal of the Appellant, Mr. J. Young*

- [29] Mr. Young stated that without a parking lot layout, the Board should refer back to the Development Officer's calculations.
- [30] In his opinion, 11 vehicles will not fit in the area outlined as the parking area on the survey. He believes the survey diagram is not correct.
- [31] He noted that there are garbage bins that take up space in the proposed parking area.
- [32] He stated that it is difficult for service trucks to access the property as the glass business always has trucks loaded with equipment.
- [33] In his opinion, the subject Site is being used as a storage area and will continue to be used this way.
- [34] He submits in conclusion that on-site parking is limited and therefore this development should not go ahead.

**Decision**

[35] The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **GRANTED** as applied for to the Development Authority.

In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The minimum required 18 on-site parking spaces per section 54.2, schedule 1(A)(12) and (27) is varied to permit a deficiency of 7 parking spaces, thereby decreasing the minimum required on-site parking spaces to 11.
2. The minimum required 1 on-site loading space per section 54.4, schedule 3(1) is waived.
3. Section 54.1(2)(f) is waived to allow Tandem Parking at the rear of the building.

**Reasons for Decision**

[36] The proposed Automotive and Equipment Repair Shop is a Discretionary Use in the (IM) Medium Industrial Zone.

[37] In granting the variance for 1 loading space, the Board recognizes that the business is to support Hitec Fuel Systems Inc. The subject building has a large overhead rear door to allow for loading of vehicles.

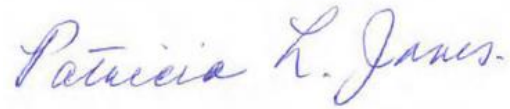
[38] Based on the evidence submitted, vehicles that are being repaired are not stored outside at the subject Site and 3 to 4 vehicles are worked on at a time inside the building.

[39] Based on the evidence submitted, the business does not have walk-in customers and does not sell retail merchandise.

[40] The proposed business with the glass business should not require additional on-street parking. The Board deems that with this variance in parking, there is sufficient existing on-site parking with additional off-site parking available, based on photographic evidence.

[41] The Board acknowledges the parking congestion concerns of the Appellant. However, the Board notes that there are several businesses operating along 115 Avenue from 148 Street and there was no evidence provided that there was congestion directly created from the subject businesses.

- [42] Based on the above, it is the opinion of the Board that the proposed development will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.



Ms. P. Jones, Presiding Officer  
Subdivision and Development Appeal Board

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by Development & Zoning Services, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a 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.*



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## **SDAB-D-18-081**

### **Application No. 271496304-001**

An appeal to construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), rear covered deck, Rooftop Terrace, Unenclosed Front Porch, and to demolish an existing Single Detached House, located at 9716 - 96 Street NW, was **TABLED TO JUNE 21, 2018.**