

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 11:00 A.M.
March 16, 2016**

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

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

I 9:00 A.M. SDAB-D-16-074

WITHDRAWN

To operate a Major Home Based Business
(Sculptor)

10994 - 132 Street NW
Project No.: 183182437-001

II 11:00 A.M. SDAB-D-16-075

To operate a Major Home Based Business
(Administration office for E-Commerce).

2114 - Warry Way SW
Project No.: 169369432-004

NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-074

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 183182437-001

ADDRESS OF APPELLANT: 10994 - 132 Street NW

APPLICATION TO: Operate a Major Home Based Business
(Sculptor)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 10, 2016

DATE OF APPEAL: February 23, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10994 - 132 Street NW

LEGAL DESCRIPTION: Plan 3402HW Blk 30 Lot 12

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

WITHDRAWN

ITEM II: 11:00 A.M.

FILE: SDAB-D-16-075

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

APPELLANT:

APPLICATION NO.: 169369432-004

ADDRESS OF APPELLANT: 2108 - Warry Way SW

APPLICATION TO: Operate a Major Home Based Business (Administration office for E-Commerce).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: January 28, 2016

DATE OF APPEAL: February 17, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 2114 - Warry Way SW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2114 - Warry Way SW

LEGAL DESCRIPTION: Plan 0820982 Blk 5 Lot 81

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Windermere Area Structure Plan, Windermere Neighbourhood Structure Plan

Grounds for Appeal

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

The increase of traffic on the street is disrupting the neighbourhood. When I asked the city clerk about the conditions of approval for the zoning variance the clerk stated that: No more than 2 vehicles would be parked at the location during working hours and that only 5 courier visits per week would occur. There are frequently more than 2 vehicles parked at the location on any given week day during working hours. Since the garage is used as a warehouse

vehicles are parked in the driveway and on the street. I have observed vehicles illegally parked on several occasions (blocking the driveway of a house). The Canada Post delivery vehicle visits the site more than 1 time per day.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of approval by the Development Officer is dated January 28, 2016. The Notice of Appeal was filed on February 17, 2016.

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.

Discretionary Use

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

Development Officer's Determination

1. Discretionary Use –Major Home Based Business is approved as a Discretionary Use (Section 115.3(6)). [unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



Project Number: **169369432-004**
Application Date: NOV 06, 2015
Printed: February 17, 2016 at 12:21 PM
Page: 1 of 3

Home Occupation

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.

Applicant

KIARI, OMAR



Property Address(es) and Legal Description(s)

2114 - WARRY WAY SW
Plan 0820982 Blk 5 Lot 81

Scope of Permit

To operate a Major Home Based Business (Administration office for E-Commerce).

Permit Details

of business related visits/day: 1
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: Administration office and storage for E-Commerce
Expiry Date: 2021-01-28 00:00:00

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

Applicant signature: _____

Development Permit Decision

Approved

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



Project Number: **169369432-004**
Application Date: NOV 06, 2015
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Home Occupation

Subject to the Following Conditions

1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
2. This Development Permit may be revoked or invalidated, at any time, if the Major Home Based Business as stated in the Permit Details, or if the character or appearance of the Dwelling or Accessory Building, changes.
3. The Major Home Based Business shall be operated by a resident of the Dwelling on the property and must be secondary to the residential use of the Building (Section 7.3(7)).
4. (3) parking spaces shall be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the Single Detached House or Major Home Based Business. (Section 54.1(1)(c)).
5. There shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling (section 75(1))
6. There shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings (section 75(2))
7. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (section 75(3))
8. The number of non-resident employees or business partners working on-site shall not exceed two at any one time (Section 75(4))
9. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings (Section 75(5))
10. The Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings (Section 75(6))
11. 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 (Section 75(10))
12. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on January 28, 2021

Notes:

- i. This Development Permit is not a Business Licence
- ii. Signs require separate Development Applications.
- iii. 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.

VariANCES

1. Discretionary Use -Major Home Based Buiness is approved as a Discretionary Use (Section 115.3(6)).

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

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



Project Number: **169369432-004**
Application Date: NOV 06, 2015
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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: Jan 28, 2016 Development Authority: HAMILTON, FIONA

Signature: _____

Notice Period Begins: Feb 04, 2016

Ends: Feb 17, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02895323	Nov 16, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$291.00	\$291.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-075



BUSINESS LAID OVER

SDAB-D-16-501	An appeal to demolish an existing building. <i>March 30 or 31, 2016</i>
SDAB-D-16-048	An appeal to construct a Freestanding Off-premises Sign. <i>April 6 or 7, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

180917066-001	An appeal to construct interior alterations (add 1 unit, increase from a 21 unit to a 22 unit building) to an existing Apartment Housing building, existing without permits. <i>April 6 or 7, 2016</i>
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