

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
March 25, 2020**

**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-20-039	Operate a Major Home Based Business (Administrative office and outdoor storage for HVAC contractor - KARMA MECHANICAL). Outdoor storage of a commercial vehicle over 4600kg 7411 - 135A Avenue NW Project No.: 117104949-003
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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-20-039

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 117104949-003

APPLICATION TO: Operate a Major Home Based Business (Administrative office and outdoor storage for HVAC contractor - KARMA MECHANICAL). Outdoor storage of a commercial vehicle over 4600kg

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 6, 2020

DATE OF APPEAL: February 27, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7411 - 135A Avenue NW

LEGAL DESCRIPTION: Plan 1428NY Blk 18 Lot 14

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

This decision will possibly close our business. We do not use the maximum weight.

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,

- (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, [...]

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 clauses (a.4) and (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) **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.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is to:

regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering

input from affected parties on the impact of a proposed variance to the Overlay regulations.

Objects Prohibited or Restricted in Residential Zones

Section 45 states:

1. No person shall keep in any part of a Site in any Residential Zone:
 - a. any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kilograms;
 - b. more than one commercial vehicle having a maximum gross vehicle weight (G.V.W.R.) of 4 600 kilograms or less, for longer than reasonably necessary while loading or unloading such vehicle.
2. For the purpose of subsection 45(1) a commercial vehicle means a vehicle that:
 - a. is intended or designed for commercial purposes; or
 - b. is used for commercial purposes.

Development Officers Determination

1. No person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg (Section 45.1.a).

Proposed: Outdoor storage of one commercial vehicle with a gross vehicle weight (G.V.W.R.) of 8 850 kg.

Home Based Business Regulations

Section 75 indicates 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.


Development Officers Determination

2. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. (Section 75.5)

Proposed: Outdoor storage of one commercial vehicle with a gross vehicle weight (G.V.W.R.) of 8 850 kg.

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.

	Project Number: 117104949-003 Application Date: JAN 15, 2020 Printed: February 6, 2020 at 2:27 PM Page: 1 of 2			
<h2 style="margin: 0;">Application for Home Occupation</h2>				
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 7411 - 135A AVENUE NW Plan 1428NY Blk 18 Lot 14 Specific Address(es) Suite: 7411 - 135A AVENUE NW Entryway: 7411 - 135A AVENUE NW			
Scope of Application To operate a Major Home Based Business (Administrative office and outdoor storage for HVAC contractor - KARMA MECHANICAL). Outdoor storage of a commercial vehicle over 4600kg.				
Permit Details				
# of business related visits/day: 0 Administration Office Only?: Y Class of Permit: Class A Do you live at the property?: Y Outdoor storage on site?:	# of vehicles at one time: Business has Trailers or Equipment?: N Description of Business: Administrative office and outdoor storage for HVAC contractor. Outdoor storage of a commercial vehicle over 4600kg. Expiry Date:			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused Issue Date: Feb 06, 2020 Development Authority: TODD, ADAM Reason for Refusal 1. No person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg (Section 45.1.a). Proposed: Outdoor storage of one commercial vehicle with a gross vehicle weight (G.V.W.R.) of 8 850 kg. 2. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. (Section 75.5) Proposed: Outdoor storage of one commercial vehicle with a gross vehicle weight (G.V.W.R.) of 8 850 kg.				
Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$327.00	\$327.00	06377781	Jan 15, 2020
THIS IS NOT A PERMIT				



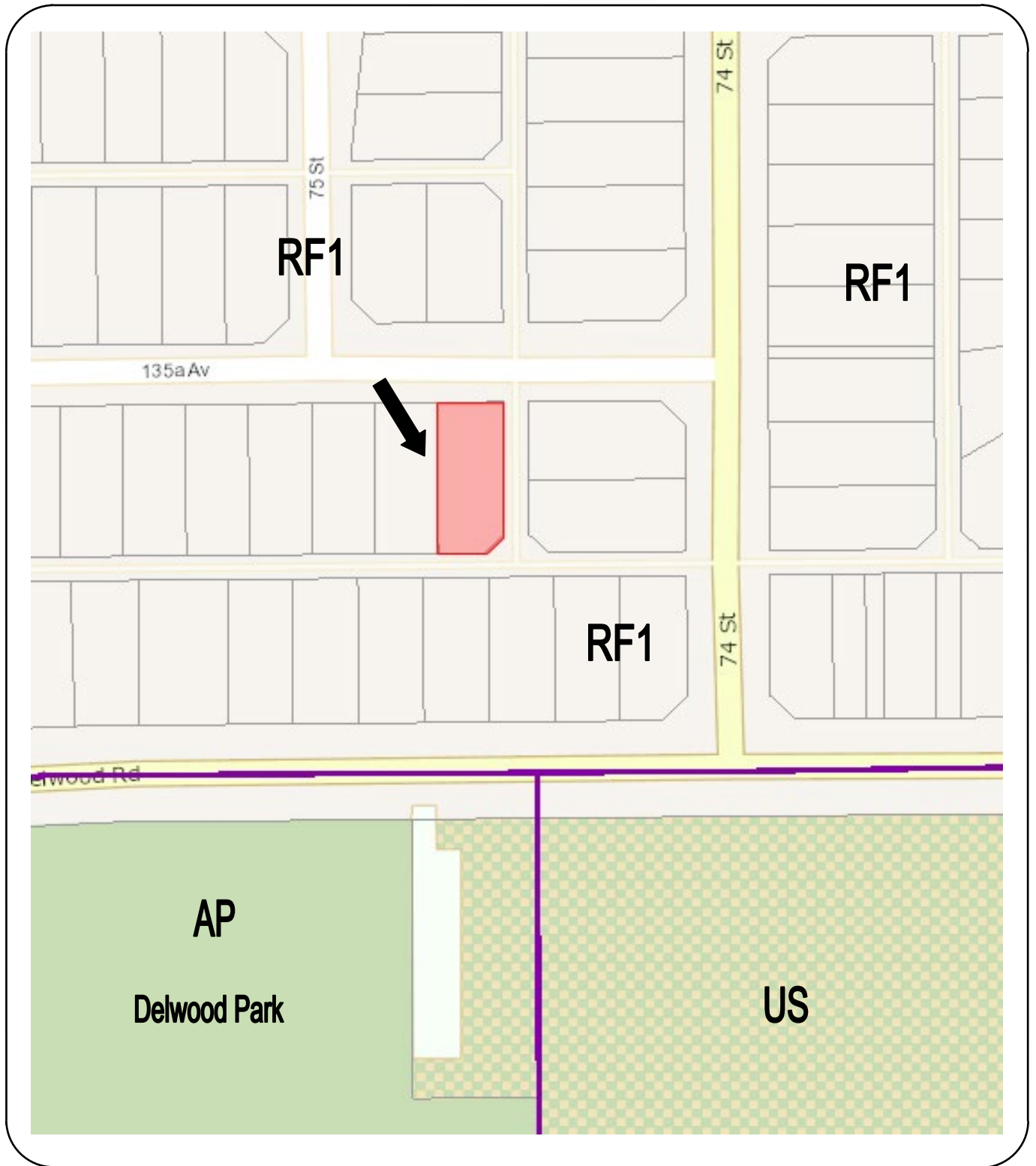
Application for Home Occupation

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Printed: February 6, 2020 at 2:27 PM
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Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$327.00</u>	<u>\$327.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-039

