

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
March 3, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-033

Construct a Limited Group Home (maximum 6 residents) and to demolish three Accessory buildings (garage and sheds)

12130 - 184 Street NW
Project No.: 357192254-002

II 1:30 P.M. SDAB-D-21-034

Operate a Major Home Based Business - Teaching up to 6 students per day and 1 employee (MINDBUSTERS), expires Jan. 22, 2026

9507 - 205 Street NW
Project No.: 382753506-001

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-21-033

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 357192254-002

APPLICATION TO: Construct a Limited Group Home (maximum 6 residents) and to demolish three Accessory buildings (garage and sheds)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 8, 2020

DATE OF APPEAL: January 28, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12130 - 184 Street NW

LEGAL DESCRIPTION: Plan 9323292 Lot 11B

ZONE: DC2.369 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

I represent Bruce Jones, who owns and resides at 18710 - 121 Avenue, which is in close proximity to the above site. As such, Mr. Jones is an affected party. Mr. Jones is appealing the decision of the Development

Officer to approve revised plans for a development at the site. The revised plans are attached. Mr. Jones does not have a copy of the stamped plans and therefore does not know the exact date of the decision. Mr. Jones learned of the decision from an email by Aidrin Escudro of the City, dated January 15, 2021 (enclosed).

The grounds of the appeal are as follows:

1. The SDAB heard an appeal with respect to the development at the site and issued a decision dated August 12, 2020 (SDAB-D-20-097).
2. In the decision, the SDAB stated: The Appellants' principal reason for appeal was that it has not been provided with the most recent drawings for the proposed development. The Board notes that only the approved drawings are before the Board. Consequently, any substantive design modifications or alteration by the Respondent would require a new Building or Development Permit or both. For instance, a different roof line would require new permits.
3. Subsequent to the hearing, at an unknown date, the Development Officer approved new drawings. These drawings had substantive design modifications or alterations, namely a different roof line.
4. Pursuant to the SDAB decision, the new drawings required a new development permit.
5. Instead, the Development Officer simply approved the new drawings without requiring a new development permit and without any notice to Mr. Jones or other affected parties.
6. Mr. Jones objects to the new drawings. The site is located at the entrance to a residential subdivision. The roof line in the approved plans before the SDAB had a more residential appearance and better fit the neighbourhood. The new roof line is more institutional in appearance and does not fit the neighbourhood.
7. Such further and other grounds as may be raised at the hearing of the appeal.

<i>General Matters</i>

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.

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...

- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

General Provisions from the DC2.369 Site Specific Development Control Provision (“DC2”):

Under section DC2.369.3.b, **Limited Group Homes** is a **Listed Use** in the **DC2**.

Section DC2.369.5.c states “Group Homes shall be developed in accordance with Section 91 of the Land Use Bylaw.”

Section DC2.369.1 states that the **General Purpose** of the **DC2** is:

To establish a Site Specific Development Control District to accommodate rural residential development on lots a minimum of 0.4 ha in size, without the full range of piped urban utility services.

The proposed District provides an interim solution to fulfil City Council's directive that Mooncrest Park be designated as a residential development, recognizing the current rural unserviced nature of the area and the long term likelihood of neighbourhood area structure plans being prepared for the Mooncrest Park Subdivision and adjacent areas, as proposed in the Kinokamau Plains Servicing Concept Design Brief.

General Provisions from the *Edmonton Land Use Bylaw 5996*:

Under section 10.2(5)(5b), **Limited Group Home** means:

development consisting of the use of a building as a facility which is recognized, authorized, licensed or certified by a public authority as a social care facility intended to provide room and board for six residents or less, exclusive of staff, for foster children or disabled persons, or for persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents either through selfhelp or professional care, guidance and supervision. The residential character of the development shall be primary, with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This Use Class does not include Extended Medical Treatment Services such as drug and alcohol addiction treatment centres. A typical use is a "half way house" of six residents or less, excluding staff.

General Provisions from the *Edmonton Zoning Bylaw 12800*:

Section 3.2(1)(q) states "Limited Group Home is deemed to be Supportive Housing, Restricted to Limited Supportive Housing."

Under section 7.3(8), **Supportive Housing** means "a residential Use with on site or off site supports to ensure the residents' day-to-day needs are met. This does not include Extended Medical Treatment Services."

Under section 6.1, **Limited Supportive Housing** means:

a Supportive Housing development with not more than six residents. This development can reasonably expect two or fewer visits by emergency services per month and is located in a freestanding structure that is purpose-built or wholly converted for that purpose.

Direct Control Zone

Development Officer’s Determination

You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Land Use Bylaw and Zoning Bylaw and there are no variances to development regulations.


[unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-20-097	Construct a Limited Group Home (maximum 6 residents) and to demolish three Accessory buildings (garage and sheds).	August 12, 2020; The appeal is DENIED and the decision of the Development Authority is CONFIRMED . The development is GRANTED as approved by the Development Authority.

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: 357192254-002 Application Date: MAR 10, 2020 Printed: July 2, 2020 at 3:26 PM Page: 1 of 7										
<h2>Major Development Permit</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.											
Applicant	<table border="1"> <tr> <td colspan="2" data-bbox="812 520 1408 611"> Property Address(es) and Legal Description(s) 12130 - 184 STREET NW Plan 9323292 Lot 11B </td> </tr> <tr> <td colspan="2" data-bbox="812 615 1408 646"> Specific Address(es) </td> </tr> <tr> <td data-bbox="812 651 1408 682"> Suite: 12130 - 184 STREET NW </td> <td></td> </tr> <tr> <td data-bbox="812 686 1408 718"> Entryway: 12130 - 184 STREET NW </td> <td></td> </tr> <tr> <td data-bbox="812 722 1408 743"> Building: 12130 - 184 STREET NW </td> <td></td> </tr> </table>	Property Address(es) and Legal Description(s) 12130 - 184 STREET NW Plan 9323292 Lot 11B		Specific Address(es)		Suite: 12130 - 184 STREET NW		Entryway: 12130 - 184 STREET NW		Building: 12130 - 184 STREET NW	
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Suite: 12130 - 184 STREET NW											
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Building: 12130 - 184 STREET NW											
Scope of Permit To construct a Limited Group Home (maximum 6 residents) and to demolish three Accessory buildings (garage and sheds).											
Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="256 877 808 989"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 4027 </td> <td data-bbox="812 877 1408 989"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 4027	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)								
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 4027	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)										
Development Permit Decision Approved Issue Date: Jun 08, 2020 Development Authority: ZHOU, ROWLEY Subject to the Following Conditions <ol style="list-style-type: none"> A) Zoning Conditions: <ol style="list-style-type: none"> 1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1). 2. This Development Permit authorizes the development of a Limited Group Home (maximum 6 residents) and to demolish three Accessory buildings (garage and sheds). 3. WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6). 4. The development shall be constructed and demolished in accordance with the stamped and approved drawings. 5. An approved building permit for demolition is required prior to starting the demolition. 6. Immediately upon demolition of the building, the site shall be cleared of all debris. 7. The maximum number of residents excluding staff of the Limited Group Home shall not exceed 6. 8. The Limited Group Home shall provide continuous (24 hours, seven days a week) on-site professional care and supervision by staff licensed or certified to provide such care. 9. The Limited Group Home shall not generate pedestrian or vehicular traffic or parking in excess of what is characteristic of the District/Zone in which it is located. 10. Landscaping shall be installed and maintained in accordance with Section 55 and Section 69.4 of the Land Use Bylaw. 11. Any trash collection area, open storage area, or outdoor storage area, including any loading, unloading or vehicular service area 											



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Major Development Permit

which is visible from an adjoining site in a Residential or Commercial District, or from a public roadway other than a lane, or from a Light Rail Transit Line, shall have screen planting (Land Use Bylaw Section 69.4.4).

12. Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

13. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building to the satisfaction of the Development Officer.

14. The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6.

15. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$3,424.00 (based on 2020 rates). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

16. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall enter into a servicing agreement, which will be prepared by the Sustainable Development. The applicant/owner should contact Raghda Abdelmonem at 780-442-7042, upon issuance of the Development Permit when he/she is ready to initiate the servicing agreement and make payment.

B) Drainage Services Conditions:

This advisement identifies the drainage assessments applicable to the property located at 12130 -184 Street NW_Plan 9323292 Lot 11B; Kinokamau Plains Area).

APPLICABLE ASSESSMENTS

1. Permanent Area Contribution (PAC)

- The PACs must be paid by entering into a servicing agreement, which will be prepared by the Sustainable Development. The applicant/owner should contact Raghda Abdelmonem at 780-442-7042, upon issuance of the Development Permit when he/she is ready to initiate the servicing agreement and make payment. The assessment area is 0.4027 ha. The assessment area is obtained from the City's information computer program called POSSE.

- The following is for information purposes and the rates are in year 2020. The final PAC amounts will be based on the prevailing rates at the time the applicant/owner pays and enters into a servicing agreement with the City.

Development Assessment Rate

Permanent Area Contributions

- CNR Intermodal Site Onsite Storm (2019 Rate) \$4,202/ha
- Master Drainage Study (NW Annex Area) (2019 Rate) \$43/ha
- Sanitary Servicing Strategy Expansion Assessment (EA) WESS (2020 Rate) \$30,563/ha

There may also be PAC over-expenditure, boundary condition & oversizing payment which can only be determined at the time the applicant/owner is ready to enter into a servicing agreement.

2. Arterial Roadway Assessment (ARA)

- Arterial Roadway Assessment (ARA) is not applicable, since the property is outside the current ARA Assessment area.

3. Sanitary Sewer Trunk Charge (SSTC)

- SSTC is applicable to the property for 2 single-family dwellings at 1,712/dwelling, which is based on our equivalency formula of 3 residents living units = One dwelling (6 resident living units / 3 [equivalency factor] = 2 single-family dwellings.
- The number of dwellings is based on the drawings submitted with the Application for Major Development Permit.



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- For information purposes, the year 2020 rate is \$1,712/ single family dwelling. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at 2nd Floor cashiers, Edmonton Service Centre, 10111 – 104 Avenue NW

Additional Notes

1. The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.
2. In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.
3. More information about the above charges can be found on the City of Edmonton's website:

a. Permanent Area Contributions

https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx

b. Sanitary Servicing Strategy Expansion Assessment

https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx

c. Arterial Roadway Assessment

https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadway-assessments.aspx

d. Sanitary Sewer Trunk Charge


https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx

B) EPCOR Conditions:

1. Prior to the turning on of the water service, the applicant must submit bacteriological test results to EPCOR Water Dispatch, and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-6800 for more information on how to provide the test results. Water Dispatch can provide information on the tie-in and commissioning procedure.
2. The applicant is required to construct approximately 215m of new water main along 183 Street NW, approximately 55m of new water main along 122 Avenue NW and two new hydrants more or less as shown in the attachment (DP357192254-002_EPCOR Water Enclosure) at their expense. This work can be undertaken either under a Servicing Agreement or under EPCOR Water Services, Inc.'s New Water Distribution Mains capital program. For more information on the EPCOR New Water program, please contact EPCOR New Water at waterdtinfrastructure@epcor.com.
- a. Fire Rescue Services (FRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment (IFPA) at development permit application to alter or lessen on-street fire protection infrastructure upgrades, assuming certain criteria are met. The applicant may request that the Development Officer/City Planner initiate this review.
- b. A new cost share pilot program has started up in 2020 which may assist in offsetting any required infrastructure upgrades for the water system. Information about the new Infill Cost Share Program can be found at www.epcor.com/infill-cost-share.
3. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.

C) Landscaping Conditions:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).

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<h2>Major Development Permit</h2>	
<p>2. Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.</p>	
<p>3. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.</p>	
<p>4. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.</p>	
<p>5. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed (www.edmonton.ca/landscapeinspectionrequest).</p>	
<p>6. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.</p>	
<p>7. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.</p>	
<p>D) Transportation Conditions:</p>	
<p>1. The owner must enter into an Agreement with the City of Edmonton for the following improvements:</p>	
<p>i. - The existing approximate 7.6 m wide culvert crossing to 184 Street must be removed and reconstructed to a 9.14 m wide culvert crossing, located 17.53 m from the south property line. Any portion of the existing access located outside of the proposed access must be removed with reconstruction of boulevard to grass.</p>	
<p>ii. - Removal of the existing approximate 6.8 m wide culvert crossing on the south side of 122 Avenue and restoration of the grassed boulevard;</p>	
<p>The Agreement must be signed PRIOR to the release of the drawings for Building Permit review. Please email development.coordination@edmonton.ca to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to the Raghda Abdelmonem (780-442-7042) of the Development Servicing Agreements Unit.</p>	
<p>Also:</p>	
<p>Engineering Drawings are required for the Agreement. The owner is also required to have a Civil Engineer submit stamped engineering drawings for approval by the City of Edmonton.</p>	
<p>The applicant must contact Loli Fernandez (780-944-7683) 72 hours prior to removal or construction within City road right-of-way.</p>	
<p>3. The proposed gate must not swing out over road right-of-way. It must either swing into the property or slide along the fence. No objects are permitted to encroach onto, over or under road right-of-way.</p>	
<p>4. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant. (To be included in all responses where there may be work within road right-of-way.)</p>	
<p>5. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance)</p>	

Major Development Permit

permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
 the start/finish date of project;
 accommodation of pedestrians and vehicles during construction;
 confirmation of lay down area within legal road right of way if required;
 and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.
 It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

https://www.edmonton.ca/business_economy/oscam-permit-request.aspx and
https://www.edmonton.ca/business_economy/documents/PDF/ConstructionSafety.pdf

6. Any boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

E) Infill Fire Protection Assessment Conditions

1. Edmonton Fire Rescue Services (EFRS) has reviewed the existing on-street fire protection features and building details from the Development Permit for titled lot 12130 184 Street NW. The following assessment is provided.

2. Municipal hydrants serving the subject site are required to be spaced at a maximum distance of 90m from one another, the intent of which is to ensure sufficient resources for firefighting. Currently, a hydrant is provided in proximity to the development, however, spacing to the next nearest hydrants is approximately 124m and 240m, thus significantly exceeding the 90m maximum permitted spacing.

3. Applying the Fire Underwriters Survey methodology, EFRS has calculated a required fire flow of 50L/s for the proposed development. This fire flow result is contingent on the proposed development being fully sprinkler protected to the NFPA 13R Standard, and the National Building Code 2019, Alberta Edition. Hydraulic modelling information provided by EPCOR Water has indicated that the nearest hydrant (H16751) has sufficient residual pressure to supply the required 50L/s to fire apparatus staged in proximity to the new development. As a result, under the condition that the building is sprinklered, the existing water infrastructure provides sufficient capacity and availability such that new main and hydrants would not provide any operational benefit to EFRS for this development.

4. EFRS has confirmed that if the proposed development is not provided with sprinkler protection, the existing on-street fire protection infrastructure is insufficient to support the development. In this case, new water main and hydrants (as conditioned by EPCOR Water) are required to achieve compliance with the City Standards for on-street fire protection.

Subject to the Following Adviseements

A) Zoning Adviseements:


1. Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

2. Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

3. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

4. 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 including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2).

5. A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

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<h2>Major Development Permit</h2>	
<p>6. This Development Permit is not a Business License. A separate application must be made for a Business Licence.</p> <p>B) EPCOR Advisements:</p> <ol style="list-style-type: none"> 1. No contractor or others employed by the applicant/owner may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure. 2. The site is currently not serviced with water and there are no existing water mains adjacent to the site to provide water service. <ol style="list-style-type: none"> a. Servicing from the existing 1050mm transmission water main along 184 Street NW will not be permitted. b. Please note lots in this area may experience service pressures below minimum water servicing pressure of 280 kPa based on Volume 4 of the City of Edmonton Design and Construction Standards. Developers must be made aware of this service pressure situation to design servicing and buildings accordingly. 3. For information on the provisioning of a new water service contact EPCOR Drainage, Infill Water and Sewer Servicing at wass.drainage@epcor.com or at 780-496-5444. 4. There is a severe deficiency in on-street hydrant spacing (distance between fire hydrants) adjacent to the property. City of Edmonton Standards requires hydrant spacing of 90m for the proposed zoning. Hydrant spacing in the area is approximately 222m (actual spacing) and does not meet the spacing requirement. 5. The depth of the site means that on-street fire protection will be unable to provide coverage over the complete site area. The applicant is advised to contact Fire Rescue Services for additional on-site fire protection requirements. <p>C) Fire Rescue Services Advisements:</p> <ol style="list-style-type: none"> 1. Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advisements for your implementation and information. 2. A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time). If you have any questions please contact Technical Services at cmsfpts@edmonton.ca. Reference: NFC(2019-AE) 5.6.1.3. Fire Safety Plan <ol style="list-style-type: none"> 1) Except as required in Sentence (2), prior to the commencement of construction, alteration or demolition operations, a fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site. Construction Site Fire Safety Plan Template: https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx 3. Confirm that the travel distance (not radius) from principal entrance to fire hydrant does not exceed 90 meters (non-sprinklered building) 4. Ensure that the hydrant(s) identified on the site plan are fully functional prior to construction. <p>D) Waste Management Advisements:</p> <ol style="list-style-type: none"> 1. This is a non-residential property and therefore is not mandated by Bylaw 18590 requiring the garbage and recycle service to be provided through the City Of Edmonton. This development will need to look at a private service provider for collection. 	
<p>Variations</p> <p>You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.</p> <p>Note: The proposed development complies with the Land Use Bylaw and Zoning Bylaw and there are no variations to development regulations.</p>	



Project Number: **357192254-002**
 Application Date: MAR 10, 2020
 Printed: July 2, 2020 at 3:26 PM
 Page: 7 of 7

Major Development Permit

Rights of Appeal

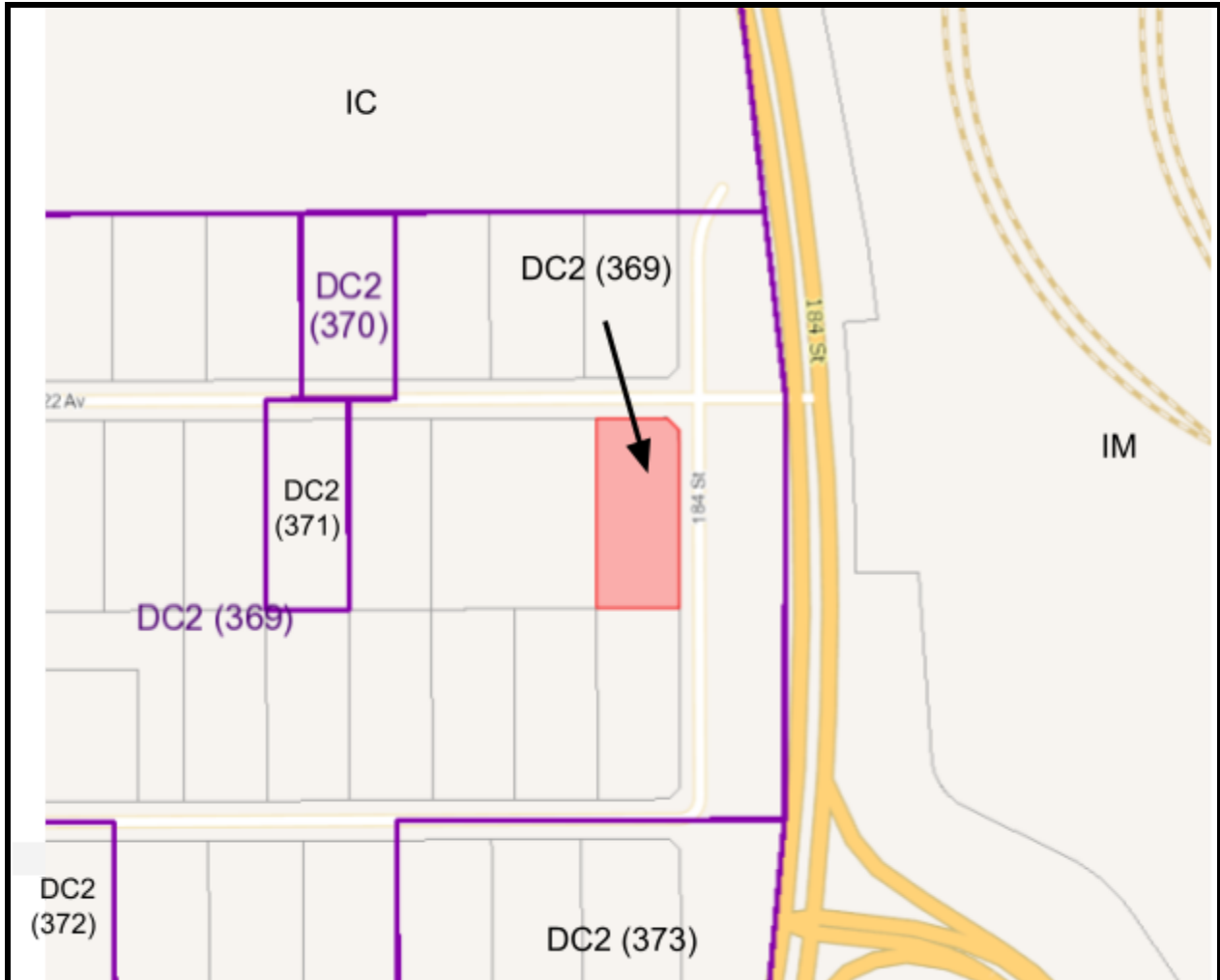
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Jun 16, 2020

Ends: Jul 07, 2020

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$864.00	\$864.00	06486161,0647173	Mar 23, 2020
Development Permit Inspection Fee	\$528.00	\$528.00	06486161	Mar 23, 2020
Lot Grading Fee	\$240.00	\$240.00	06486161	Mar 23, 2020
Sanitary Sewer Trunk Fund 2012+	\$3,424.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,056.00	\$1,632.00		
(\$3,424.00 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-21-033** ▲
N

ITEM II: 1:30 P.M.

FILE: SDAB-D-21-034

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT(S):

APPLICATION NO.: 382753506-001

APPLICATION TO: Operate a Major Home Based Business - Teaching up to 6 students per day and 1 employee (MINDBUSTERS), expires Jan. 22, 2026

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 22, 2021

DATE OF APPEAL(S): February 1 and 2, 2021

NOTIFICATION PERIOD: January 28, 2021 through February 18, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9507 - 205 Street NW

LEGAL DESCRIPTION: Plan 1125611 Blk 40 Lot 18

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Lewis Farms Area Structure Plan
Webber Greens Neighbourhood Structure Plan

Grounds for Appeal

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

B. Huns

To Whom It May Concern,

I am writing to express my profound disappointment regarding the above file. On January 25, 2021, I was in receipt of a letter indicating that the city had approved a major home-based business two doors down from my home prior to consulting myself and my neighbours. Per the Development permit notice letter this business is to consist of 6 students and 1 employee. I am then to understand that everyday there will be a minimum of 7 vehicles coming into our cul-de-sac in the morning and afternoon. I am also writing to inform you that the same residence of 9507 – 205 St is also currently running a home-based AirBnB business for approximately the past four years. I question whether the city was aware of the AirBnB business when they granted approval of the MINDBUSTERS' business? Would the city permit two businesses to operate simultaneously within the same residence without prior consultation with the neighbours within the community?

I am filing an appeal for the following reasons:

1) I intentionally purchased a home in a residential cul-de-sac so that our family could live in a quiet area without a stream of strange vehicles passing in front of our home daily. We live in a small residential cul-de-sac. There are roughly 22 plus kids under the age of 10 living in the cul-de-sac that play in the area. Families that live in the cul-de-sac drive cautiously into the area knowing that there are children playing out and about in the cul-de-sac. It is entirely unacceptable to allow the expected number of vehicles from both businesses to flow through the said cul-de-sac. Lewis Estates is a residential community with designated business areas. A residential cul-de-sac is not designed to accommodate commercial traffic that two home based businesses would generate.

2) Secondly the approval of this application would set a precedent whereby others in the cul-de-sac with similar intentions would seek approval of the same and expect the same consideration and approval of their application. I along with my fellow neighbours have paid a considerable amount for our homes and are paying considerable amount in taxes yearly to live in this residential community. I take great offence of the city's approval of this home-based business prior to seeking consent from those who actively live in this cul-de-sac. Please note, had I wanted to live near businesses I would have purchased a lot near or across from a strip mall or commercial area. What is to stop others from establishing businesses. Could you imagine the traffic in our cul-desac if the city continues to blindly approve of more of these home-based businesses without consulting the residents prior? Note, I am not opposed to home-based businesses. Take a consulting company for example where maybe one client comes through a day. But when the volume is 8 plus vehicles from one residential home that is just ridiculous.

In addition, where is the home-based business going to accommodate parking for their clientele where on street parking is already an issue in the cul-de sac?

3) As a resident of the community, I would like to know the age of the students for the home-based business. If the students are minors, the parents of the students should be informed that an AirBnB is operating from the same residence. As a parent, I am sure that those parents would want to know that their children are being exposed to strangers that parents are not aware of. What type education are they providing and what curriculum are they following along with age of students? If this is a school, how can the city approve something that is under the purview of the provincial government?

4) Regards to Safety.

a) Does the residence meet fire code regulations for schools.

b) During the time of covid, would the student be able to meet the 2 m social distancing that is required of all educational facilities?

I ask that the city reconsider their hasty approval and redirect the applicant to a commercial area or a strip mall where traffic is expected, parking is ample and they can pay the appropriate business tax.

N. Gratton

I am writing today to express my appeal to the permit that was given to a residence in our cul-de-sac. File 382753506-001 for address 9507 205 street NW in Webber greens.

It seems a permit has already been issued to this homeowner for a home run business. I cannot express how disappointed I am in the fact this permit 1/ has been issued at all, or 2/ was issued without prior input from the other residences on this street. There is a total of 17 homes in the cul-de-sac, and so far, nobody I have discussed this matter with is on board with this development. I cannot believe an area that we researched so much for only 6 years ago, and paid TOP dollar for, and continue to do so with RESIDENTIAL TAXES, was rezoned for business reasons without input from the residences.

I know of at least 21 children in this cul-de-sac. As it is, we had decided to move out of a street type residence to move to a cul-de-sac in an estate area, due to the fact we wanted a safer neighborhood, with much less car traffic. The business proposed says up to 7 people for the business. This means at least 14 more vehicles coming and going more than the traffic we have on a regular basis. Also, with vehicles who do not live on the block, so their attention and knowledge of the kids will be much reduced. Not to mention, this property has already been running a VRBO out of their home for a few years. Many times (even before it was legalized) having their tenants sitting in their vehicles at very late hours of the night smoking pot in their vehicles. Every Neighbour I have talked to was already against even this. Now they want to run a second business out of their home.

Don't even get me started on parking. The downside to a cul-de-sac, as we were aware of moving in, is parking. Whenever we have visitors (outside of COVID times) they already have to park quite a distance away, due to the lack of parking.... There is 100% NO CHANCE there is 7 or 8 extra parking spots on our street. Meaning they will be using the parking that many people (including young women and quite a few older populations, who shouldn't have to walk in the dark on ice to get to and from their own HOMES.

As a business owner myself, I struggle every day employing 15- 20 electricians in what has been a very difficult market in the last 4 years. I have always kept my business in a proper location. I pay in the neighborhood of 20,000 per month to have an office, small warehouse and all the overhead that goes with it. Part of me thinks that if this neighbor gets to run their business out of their home, I would like the same opportunity. However, I would prefer our neighborhood to be kept as a residential area. I am VERY concerned about the precedent this will set in our area. I am convinced if this is allowed to go through, we will have many more "home" businesses pop up that bring to much traffic and people, that have no need of being in our cul-de-sac. This business could be located in any number of vacant small strip mall areas, or small commercial spaces, or any number of spaces that need a tenant... Heck, I myself would love to lease a portion of my business space to something like this business, and I would gladly accept them, and at a very decent rent.

I am begging you to consider the thoughts of the rest of the population when it comes to this matter. We choose this neighborhood for its low traffic, higher end homes. We paid MUCH more than average for the homes in this area, as well as much higher taxes than average homes in this city. Businesses that have multiple customers a day ABSOLUTELY belong in buildings made for businesses. There is no doubt about this. I would not be opposed to a true home business in the area. Businesses like a remote bookkeeper, personal accountant or things of a similar nature that would, at most have a client coming by once a day. But a business with 6 to 7 full time clients per day is absolutely not something that should be kept in a home. By no means do I wish to interfere with how a business is run, but this is 100% directly effecting the safety, traffic, and noise levels in my home, as well as all the homes around us.

I would like to go on record in saying that I am absolutely opposed to this development. I have tried to log on to the site to log a formal appeal, but I think one of my Neighbours has already done this, meaning I also cannot. I would gladly pay the appeal fee to open multiple appeals, as I know at least 4 of my other Neighbours would.

Please let me know if and what other actions I can take to stop this from happening. I will continue this appeal until my voice is heard as well as the voice of the majority of this neighborhood.

<i>General Matters</i>

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 115.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RSL) Residential Small Lot 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 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 and Garden Suites.

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 may have more than two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units.
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.

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: 382753506-001 Application Date: JAN 04, 2021 Printed: January 22, 2021 at 4:16 PM 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.			
Applicant	Property Address(es) and Legal Description(s) 9507 - 205 STREET NW Plan 1125611 Blk 40 Lot 18		
Scope of Permit To operate a Major Home Based Business - Teaching up to 6 students per day and 1 employee (MINDBUSTERS). Expires Jan. 22, 2026.			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of business related visits/day: 6 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N </td> <td style="width: 50%; vertical-align: top;"> # of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Classes teaching children coding, science, robotics. Up to 6 students per day and 1 employee. Expiry Date: 2026-01-22 00:00:00 </td> </tr> </table>		# of business related visits/day: 6 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Classes teaching children coding, science, robotics. Up to 6 students per day and 1 employee. Expiry Date: 2026-01-22 00:00:00
# of business related visits/day: 6 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Classes teaching children coding, science, robotics. Up to 6 students per day and 1 employee. Expiry Date: 2026-01-22 00:00:00		
Development Permit Decision Approved Issue Date: Development Authority: FOLKMAN, JEREMY			

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(6)).
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. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. There shall be no more than 6 children at any one time and overnight stay is prohibited.
7. With the exception of a child outdoor play space, there shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
10. 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.
11. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
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 Jan. 22, 2026.

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).

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.

Notice Period Begins: Jan 28, 2021

Ends: Feb 18, 2021

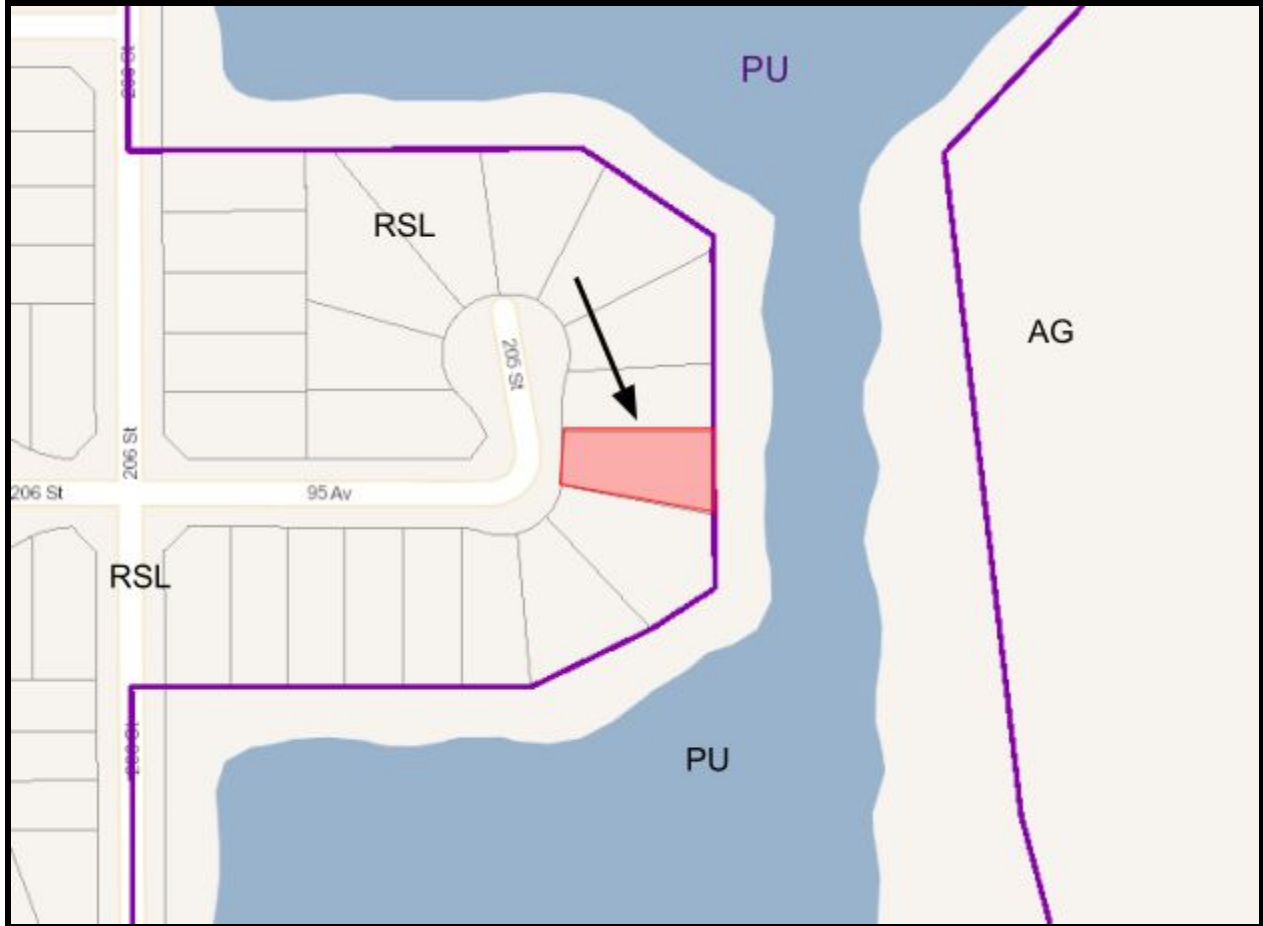


Project Number: **382753506-001**
Application Date: JAN 04, 2021
Printed: January 22, 2021 at 4:16 PM
Page: 3 of 3

Home Occupation

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$327.00	\$327.00	04535408796G001	Jan 08, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$327.00</u>	<u>\$327.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-034

▲
N