

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
May 26, 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-16-132

Operate a Major Home Based Business (Hair Salon - ROCC*TRENDZ INC)

10523 - 130 STREET NW
Project No.: 188096244-001

II 10:30 A.M. SDAB-D-16-133

To change the use of a Single Detached House to a Child Care Service and to construct interior alterations

14804 - 78 Street NW
Project No.: 188667407-001

TO BE RAISED

III 2:00 P.M. SDAB-D-16-062

To operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors)

9115 - 127 Avenue NW, 9035 - 127 Avenue NW
Project No.: 176691253-001

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-16-132

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

APPELLANT:

APPLICATION NO.: 188096244-001

ADDRESS OF APPELLANT: 10512 - 129 Street NW

APPLICATION TO: operate a Major Home Based Business (Hair Salon - ROCC*^TTRENDZ INC)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: April 12, 2016

DATE OF APPEAL: April 29, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 10523 - 130 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10523 - 130 Street NW

LEGAL DESCRIPTION: Plan 3875P Blk 57 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:

10523 - 130 Street does not front onto a road as it backs onto Groat Road - it fronts onto an alley and does not have any street parking or street frontage of its own. My home: 10512 - 129 Street is directly across the alley from the applicant's home. Our concern is there is insufficient parking for a Major Home Base Business. We often have congestion in this alley as it is, due to visiting people and this would make that worse. We are also concerned about the increase of pedestrian and vehicular

traffic where a one-way alley is the closest access to 10523-130 Street.
[unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

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

Appeals

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

(a) ...

(b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

The decision of the Development Authority was dated April 12, 2016. The Notice of Appeal was filed on April 29, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

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, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.3(7), **Major Home Based Business** is a **Discretionary Use** in the RF1 Single Detached Residential 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.

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

<p><i>Decision of the Development Officer</i></p>

The Development Officer referenced Section 110.3(7), and noted that Major Home Based Businesses are a Discretionary Use in the RF1 Single Detached Residential Zone. The development was approved with notices.

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: **188096244-001**
Application Date: MAR 03, 2016
Printed: May 19, 2016 at 4:05 PM
Page: 1 of 3

Application for Home Occupation

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

Applicant 	Property Address(es) and Legal Description(s) 10523 - 130 STREET NW Plan 3875P Blk 57 Lot 14
	Specific Address(es) Suite: 10523 - 130 STREET NW Entryway: 10523 - 130 STREET NW Building: 10523 - 130 STREET NW

Scope of Permit
To operate a Major Home Based Business (Hair Salon - ROCC*TRENDZ INC)

Permit Details										
<table border="0"> <tr> <td># of business related visits/day: 4</td> <td># of vehicles at one time: 1</td> </tr> <tr> <td>Administration Office Only?: N</td> <td>Business has Trailers or Equipment?: N</td> </tr> <tr> <td>Class of Permit: Class B</td> <td>Description of Business: Hair salon. Will have 4 clients a day</td> </tr> <tr> <td>Do you live at the property?: Y</td> <td>Expiry Date: 2021-04-12 00:00:00</td> </tr> <tr> <td>Outdoor storage on site?: N</td> <td></td> </tr> </table>	# of business related visits/day: 4	# of vehicles at one time: 1	Administration Office Only?: N	Business has Trailers or Equipment?: N	Class of Permit: Class B	Description of Business: Hair salon. Will have 4 clients a day	Do you live at the property?: Y	Expiry Date: 2021-04-12 00:00:00	Outdoor storage on site?: N	
# of business related visits/day: 4	# of vehicles at one time: 1									
Administration Office Only?: N	Business has Trailers or Equipment?: N									
Class of Permit: Class B	Description of Business: Hair salon. Will have 4 clients a day									
Do you live at the property?: Y	Expiry Date: 2021-04-12 00:00:00									
Outdoor storage on site?: N										

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

Applicant signature: _____

Development Permit Decision
Approved

THIS IS NOT A PERMIT



Project Number: **188096244-001**
Application Date: MAR 03, 2016
Printed: May 19, 2016 at 4:05 PM
Page: 2 of 3

Application for 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 (Section 7.3.7).
4. The Major Home Based Business must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building (Section 7.3.7)
5. A minimum of 3 parking spaces [2 parking spaces are available inside the attached garage, 2 parking spaces are available on the front driveway] shall be used for the purpose of accommodating the vehicles of clients and residents in connection with the Single Detached House or the Major Home Based Business (Reference Section 54.1.1.c, 54.2.1.a, and 54.2.4).
6. 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)
7. 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)
8. 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). All client visits shall be scheduled by appointment only between 11:00 AM to 7:00 PM, and no two appointments shall overlap. No dedicated waiting room for this business shall be created inside the dwelling.
9. There shall be no non-resident employees or business partners working on site.
10. 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).
11. The Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings (Section 75.6).
12. 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).
13. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on April 12, 2021.

NOTES:

- A. This Development Permit is not a Business Licence.
- B. Signs require separate Development Applications.
- C. 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.

THIS IS NOT A PERMIT



Project Number: **188096244-001**
Application Date: MAR 03, 2016
Printed: May 19, 2016 at 4:05 PM
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Application for Home Occupation

Variations

1. Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 110.3.7).

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: Apr 12, 2016 **Development Authority:** LIANG, BENNY

Signature: _____

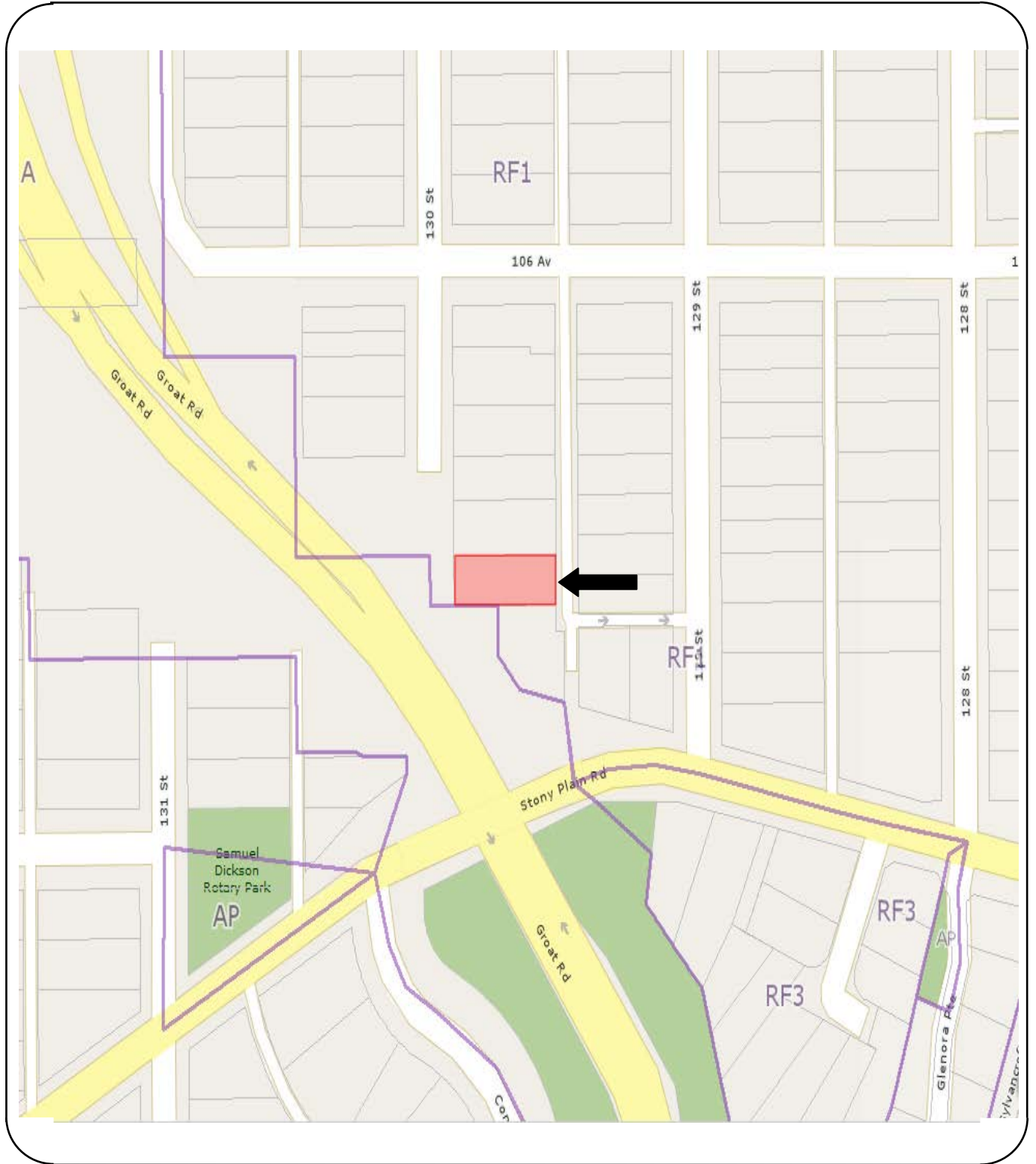
Notice Period Begins: Apr 19, 2016

Ends: May 02, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03103732	Mar 03, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$297.00	\$297.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-132



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-133

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 188667407-001

ADDRESS OF APPELLANT: 14804 - 78 Street NW

APPLICATION TO: Change the use of a Single Detached House to a Child Care Service and to construct interior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 19, 2016

DATE OF APPEAL: April 29, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14804 - 78 Street NW

LEGAL DESCRIPTION: Plan 6143NY Blk 23 Lot 9

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:

Permit Masters will be representing the applicant for this appeal. The original application proposed 37 children. Since the original submission, the applicant has changed this to be 23 children. It is the opinion of the appellant that this use intensity is not excessive, and that the business model and daily operations of the Child Care Service needs to be re-evaluated. It is also the opinion of the appellant, that this use can be properly integrated into the RF1 Zone and properly reflect the Zoning Bylaw requirements. Prior to the appeal date, we will submit a full report with evidence of our reasons for support, including proposed on site parking resolutions and neighbourhood canvassing information. Further information will likely be presented to the Board on the day of the hearing. [unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after

- (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Authority was dated March 24, 2016. The Notice of Appeal was filed on March 24, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

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, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.3(1), **Child Care Services** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.8(2) states:

Child Care Services means a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use Class typically includes daycare centres; out-of-school care centres; preschools; and dayhomes (providing child care within the care provider's residence).

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

General Purpose

The Development Officer referenced Section 110.1, the General Purpose of the RF1 Single Detached Residential Zone, and made the following determination:

1. The proposed Child Care Service is listed as a Discretionary use under the RF1 Zone. The purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions (reference Section 110.1). In the opinion of the Development Officer, the conversion of a Single Detached house to a Child Care Service with 37 children proposed, is excessive, and not in keeping with the general purpose of the RF1 Zone. [unedited]

Locational Preference

Section 80(1) states:

A Child Care Service shall comply with the following regulations:

1. in all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located:
 - a. abutting a collector or arterial road,
 - b. on a corner Site,

- c. adjacent to or in community facilities such as a school, park, church or community centre; or
- d. adjacent to commercial areas or multi-family development;

Development Officer's Determination

2. A Child Care Service shall comply with the provisions of Section 80 of the Zoning Bylaw. The proposed development does not meet the locational criteria within this low density Residential Zone, specifically:
- a) that the site does abut a collector or arterial roadway;
 - b) that the site is not adjacent to a school, park, or community centre, and;
 - c) is not adjacent to commercial areas or multi-family development (reference Section 80.1). [unedited]

Peaceful Enjoyment of the Properties of Nearby Residents

Section 80(8)(d) states:

where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:

...

- d. in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment;

Development Officer's Determination

The Development Officer referenced Section 80(8)(d) and made the following determination:

In the opinion of the Development Officer, the rear yard of the site adjacent other single detaching, with the number of children proposed, would have a negative impact to residences with respect to noise. [unedited]

Vehicular Parking Requirement

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

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Community, Educational, Recreational and Cultural Service Use Classes	
33. Child Care Services	1 parking space for the first 2 employees, plus 0.5 spaces per additional employee

Section 54.1(2)(f) states that “Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking.”

Section 6.1(102) defines **Tandem Parking** as “two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle”.

Development Officer’s Determination

- 4. Off-street parking spaces shall be provided in accordance to Section 54.2, Schedule 1(33).
- Proposed number of employees: 4
- Required off-street parking spaces: 2
- Proposed: 1
- Deficient by: 1 space

Tandem Off-street parking spaces are not considered for the proposed Child Care Service. Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking. (Section 54.1.2.f). Two (2) additional off street parking spaces located on the front driveway, are located on City Right-of-Way and cannot be considered to meet Section 54 [unedited]

Required On-Site Drop-Off Spaces

Section 80(6) states:

parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, drop-off parking shall be provided as follows:

- a. a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;
- b. each drop-off space shall be a minimum of 2.6 m in width and a minimum of 5.5 m in length; and
- c. the drop-off area shall be located within 60.0 m from the main entrance of the Child Care Service facility;

Development Officer's Determination

The Development Officer referenced Section 80(6)(a) and made the following determination:

Required on-site drop off spaces: 4

Proposed: none

Deficient by: 4 drop off spaces

The applicant has indicated and proposed 4 drop off spaces that are located on City Road right-of way that does not comply with Section 80.6.a [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: **188667407-001**
Application Date: MAR 15, 2016
Printed: May 19, 2016 at 4:13 PM
Page: 1 of 2

Application for Major Development Permit

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

Applicant 	Property Address(es) and Legal Description(s) 14804 - 78 STREET NW Plan 6143NY Blk 23 Lot 9
	Specific Address(es) Suite: 14804 - 78 STREET NW Entryway: 14804 - 78 STREET NW Building: 14804 - 78 STREET NW

Scope of Application
To change the use of a Single Detached House to a Child Care Service and to construct interior alterations.

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **188667407-001**
 Application Date: MAR 15, 2016
 Printed: May 19, 2016 at 4:13 PM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

1. The proposed Child Care Service is listed as a Discretionary use under the RF1 Zone. The purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions (reference Section 110.1). In the opinion of the Development Officer, the conversion of a Single Detached house to a Child Care Service with 37 children proposed, is excessive, and not in keeping with the general purpose of the RF1 Zone.

2. A Child Care Service shall comply with the provisions of Section 80 of the Zoning Bylaw. The proposed development does not meet the locational criteria within this low density Residential Zone, specifically:

- a) that the site does abut a collector or arterial roadway;
- b) that the site is not adjacent to a school, park, or community centre, and;
- c) is not adjacent to commercial areas or multi-family development (reference Section 80.1).

3. In a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment (reference Section 80.8.d). In the opinion of the Development Officer, the rear yard of the site adjacent other single detaching, with the number of children proposed, would have a negative impact to residences with respect to noise.

4. Off-street parking spaces shall be provided in accordance to Section 54.2, Schedule 1(33).

Proposed number of employees: 4
 Required off-street parking spaces: 2
 Proposed: 1
 Deficient by: 1 space

Tandem Off-street parking spaces are not considered for the proposed Child Care Service. Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking. (Section 54.1.2.f). Two (2) additional off street parking spaces located on the front driveway, are located on City Right-of-Way and cannot be considered to meet Section 54

5. A separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children (Section 80.6.a)

Required on-site drop off spaces: 4
 Proposed: none
 Deficient by: 4 drop off spaces

The applicant has indicated and proposed 4 drop off spaces that are located on City Road right-of way that does not comply with Section 80.6.a

Rights of Appeal

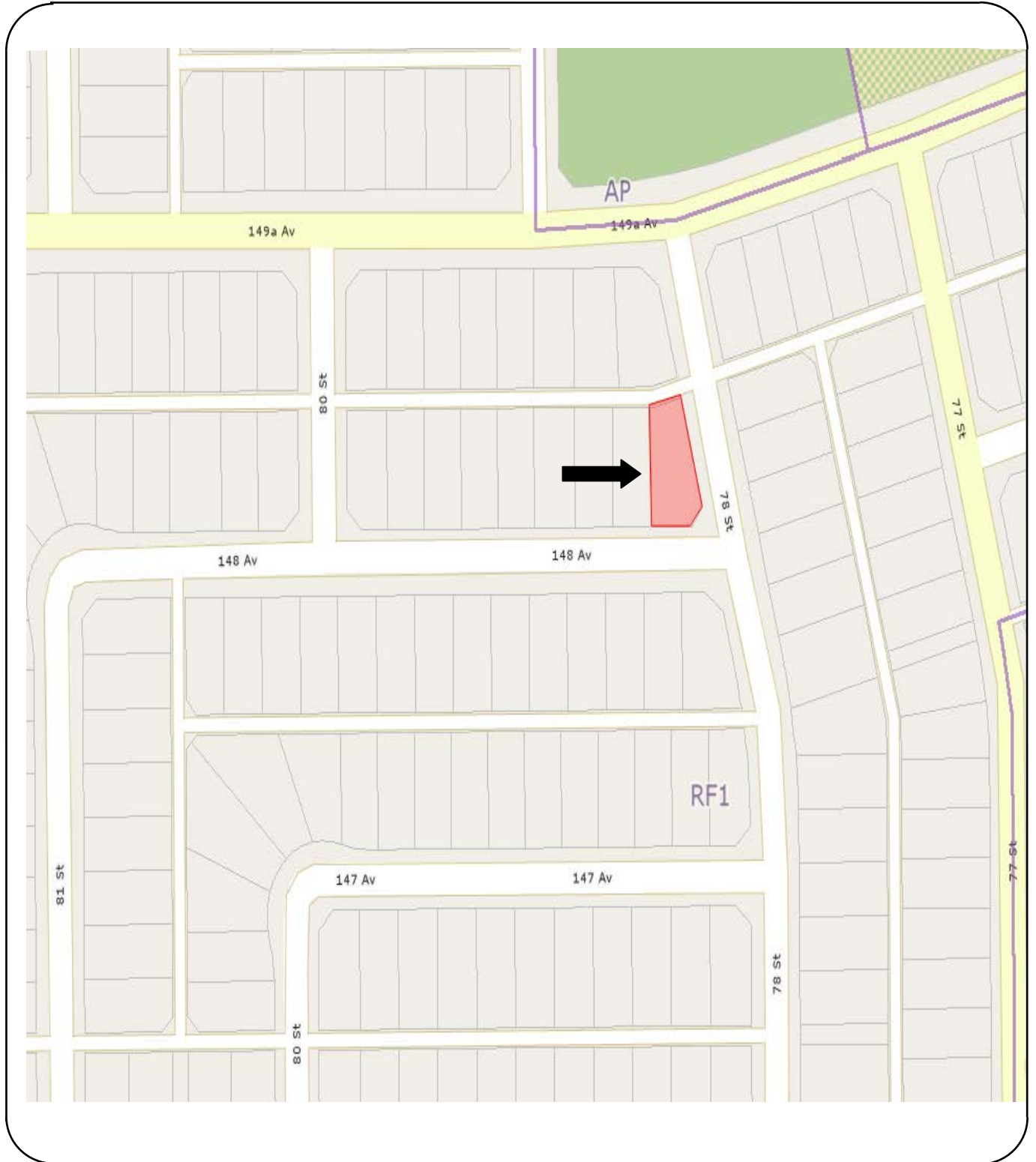
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Apr 19, 2016 **Development Authority:** MARTELLUZZI, ELIZABETH **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$323.00	\$323.00	03131508	Mar 15, 2016
DP Notification Fee	\$102.00	\$102.00	03131508	Mar 15, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$425.00	\$425.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-16-133



TO BE RAISED
ITEM III: 2:00 P.M.

FILE: SDAB-D-16-062

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176691253-001

APPLICATION TO: Operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 13, 2016

DATE OF APPEAL: January 27, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9115 - 127 Avenue NW, 9035 - 127 Avenue NW

LEGAL DESCRIPTION: Plan 0520041 Blk 60A Lot 8, Plan 0520041 Blk 60A Lot 9

ZONE: DC2.864

OVERLAY: N/A

STATUTORY PLAN: CN Intermodal Facility and Area ARP

Grounds for Appeal

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

[No reasons were provided at the time that the appeal was filed.]

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

The decision of the Development Authority is dated January 13, 2016. The Notice of Appeal was filed on January 27, 2016.

At a hearing on February 24, 2016, the Subdivision and Development Appeal Board (“SDAB”) tabled the matter to March 22 or 23, 2016.

At a hearing on March 23, 2016, the SDAB tabled the matter to April 20 or 21, 2016.

At a hearing on April 20, 2016, the SDAB tabled the matter to May 25 or 26, 2016.

Direct Control Districts

The *Municipal Government Act* states:

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(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.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 2.7 of the *Edmonton Zoning Bylaw* states:

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.

Automotive/Minor Recreation Vehicle Sales/Rentals is a listed Use under DC2.864.3(c).

Section 7.4(5) states:

Automotive and Minor Recreation Vehicle Sales/Rentals means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships. This Use Class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4 000 kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6 000 kg or a length of more than 6.7 m.

Development in Accordance with Site Plan

DC2.864.4(a) states: "Development of the Site shall be in general accordance with the Site Plan attached to this provision, as Appendix I."

Development Officer's Determination

The Development Officer referenced DC2.864.4(a) and made the following determination:

The proposed location and orientation of the mobile trailer is not in general accordance with the Site Plan of Appendix I. [unedited]

Materials Used

DC2.864.4(l) states:

All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the Site be improved where such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.

Section 57.2(1) of the *Edmonton Zoning Bylaw* states:

In all non-industrial developments, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, that materials shall be used that ensure that the standard of the proposed buildings and structures shall be similar to, or better than, the standard of surrounding development.

Development Officer's Determination

The Development Officer referenced DC2.864.4(l) and Section 57.2 of the *Edmonton Zoning Bylaw*, and made the following determination:

Based on site visit, the proposed building, identified as a modular unit on the site plan, is existing and is not in good repair, and is not finished with durable materials to maintain a high level of appearance of the development throughout the life of the project. [unedited]

Hardsurfacing and Curbing of Parking and Loading Spaces

Section 54.6(3) states:

3. Commercial and Industrial Zones
 - a. Every off-street parking or loading space provided or required in any Commercial Zone, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing

permit applies, shall be Hardsurfaced if the access is from a public roadway which is Hardsurfaced.

- b. Every off-street parking or loading space provided or required in an Industrial Zone, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing permit applied, shall be Hardsurfaced if such area lies in front of the principal building. Any area at the rear or the side of the principal building provided or required for off-street parking or loading space need not be Hardsurfaced, but shall be of such a surface that shall minimize the carrying of dirt or foreign matter upon the highway.

Development Officer's Determination

The Development Officer referenced Section 54.6(3) and made the following determination:

The proposed parking lot is a gravel parking lot and not is hardsurfaced, contrary to Section 54.6.a and b. [unedited]

Landscaping

Section 55.4(3) states:

Any parking lot having eight or more parking spaces that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have perimeter planting. The location, length, thickness and Height of such perimeter planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking area from any adjoining Residential or Commercial Zone, and enhance the view of the parking area from any adjacent public roadway or Light Rail Transit line.

Development Officer's Determination

The Development Officer referenced Section 55.4(3) and made the following determination:

The proposed Site has more than eight parking spaces visible from a public roadway. The proposed Landscaping Plan along 127 Ave. does not provide substantial interruption of the view of the parking area from the Residential Zone. [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: **176691253-001**
Application Date: JUL 29, 2015
Printed: February 11, 2016 at 1:14 PM
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Application for Major Development Permit

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

Applicant

1101731 ALBERTA LTD

Property Address(es) and Legal Description(s)

9115 - 127 AVENUE NW
Plan 0520041 Blk 60A Lot 8
9035 - 127 AVENUE NW
Plan 0520041 Blk 60A Lot 9

Scope of Application

To operate a Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors).

Permit Details

Class of Permit: Class B
Gross Floor Area (sq.m.): 73.37
New Sewer Service Required: N/A
Site Area (sq. m.): 6059.68

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

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

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **176691253-001**
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Application for Major Development Permit

Reason for Refusal

1) Development of the Site shall be in general accordance with the Site Plan attached to this provision, in accordance to Appendix I (Reference DC2.864(4)(a)):

The proposed location and orientation of the mobile trailer is not in general accordance with the Site Plan of Appendix I.

2) All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the Site be improved where such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development (Reference DC2.864(4)(l))

In all non-industrial developments, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, that materials shall be used that ensure that the standard of the proposed buildings and structures shall be similar to, or better than, the standard of surrounding development. (Section 57.2)

Based on site visit, the proposed building, identified as a modular unit on the site plan, is existing and is not in good repair, and is not finished with durable materials to maintain a high level of appearance of the development throughout the life of the project.

3) Every off-street parking or loading space provided or required in any Commercial Zone, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing permit applies, shall be Hardsurfaced if the access is from a public roadway which is Hardsurfaced.

Every off-street parking or loading space provided or required in an Industrial Zone, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing permit applied, shall be Hardsurfaced if such area lies in front of the principal building. Any area at the rear or the side of the principal building provided or required for off-street parking or loading space need not be Hardsurfaced, but shall be of such a surface that shall minimize the carrying of dirt or foreign matter upon the highway. (Reference Section 54.6.3.a and b):

The proposed parking lot is a gravel parking lot and not is hardsurfaced, contrary to Section 54.6.a and b.

4) Any parking lot having eight or more parking spaces that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have perimeter planting. The location, length, thickness and height of such perimeter planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking area from any adjoining Residential or Commercial Zone, and enhance the view of the parking area from any adjacent public roadway or Light Rail Transit line (Reference Section 55.4.3):

The proposed Site has more than eight parking spaces visible from a public roadway. The proposed Landscaping Plan along 127 Ave. does not provide substantial interruption of the view of the parking area from the Residential Zone.

Rights of Appeal

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

Issue Date: Jan 13, 2016 **Development Authority:** BUCCINO, SAMANTHA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$316.00	\$316.00	02625568	Jul 29, 2015

THIS IS NOT A PERMIT



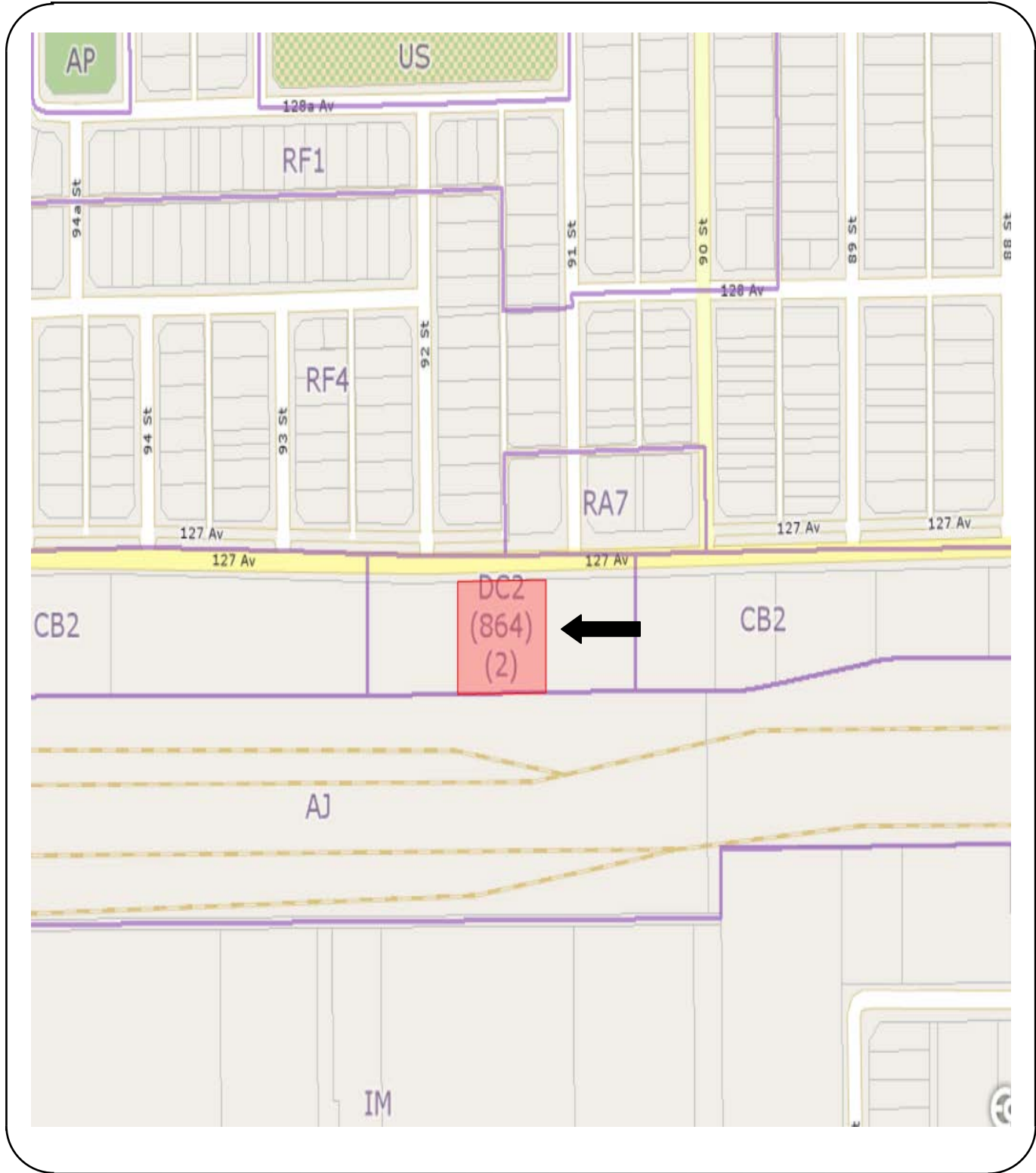
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Application for Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00	\$100.00	02625568	Jul 29, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$416.00	\$416.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-062



BUSINESS LAID OVER

SDAB-D-16-114	An appeal to install 3 Fascia On-Premises Signs (Spasation), existing without permits. <i>June 1 or 2, 2016</i>
SDAB-D-16-120	An appeal to construct a Single Detached House with attached Garage, veranda, fireplace, rear balcony (irregular shape, 4.25 m by 2.22 m) and basement development (NOT to be used as an additional Dwelling) <i>June 9, 2016</i>