



EDMONTON  
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*Subdivision &  
Development  
Appeal Board*

*10019 - 103 Avenue NW  
Edmonton, AB T5J 0G9  
P: 780-496-6079  
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[sdab@edmonton.ca](mailto:sdab@edmonton.ca)  
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## **SDAB-D-18-183**

### **Application No. 254068398-012**

An appeal to construct exterior alterations to a Single Detached House (adding a cantilever to west elevation, and increase the size of existing east cantilever), existing without permits, located at 7606A - 149 Street NW was **WITHDRAWN**.



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## **SDAB-D-18-174**

### **Application No. 260998990-001**

An appeal to construct a Single Detached House with rear attached Garage, Basement development (NOT to be used as an additional Dwelling), covered rear deck (3.66m x 4.88m), fireplace, veranda (7.32m x 2.0m/ 3.81m), located at 9831 - 143 STREET NW was **TABLED TO DECEMBER 11, 12, 2018 or JANUARY 3, 2019.**



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Date: December 5, 2018  
Project Number: 280399154-001  
File Number: SDAB-D-18-182

**Notice of Decision**

- [1] The Subdivision and Development Appeal Board (the “Board”) at a hearing on November 1, 2018, made and passed the following motion:

“That SDAB-D-18-182 TABLED to November 21 or 22, 2018 at the written request of the Respondent and with verbal agreement from the Appellant.”

- [2] On November 22, 2018, the Board made and passed the following motion:

“That SDAB-D-18-182 be raised from the table.”

- [3] On November 22, 2018, the Board heard an appeal that was filed on October 5, 2018. The appeal concerned the decision of the Development Authority, issued on October 1, 2018, to approve the following development:

**Operate a Major Home Based Business (Personal Service Shop - jewellery and custom dresses, maximum 1 client per day), expires October 1, 2023**

- [4] The subject property is on Plan 9122906 Blk 16 Lot 12, located at 527 – Jellett Way NW, within the RF1 Single Detached Residential Zone. The Burnewood Neighbourhood Area Structure Plan applies to the subject property.

- [5] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the approved Development Permit;
- The Development Officer’s written submissions;
- The Appellant’s written submissions;
- The Respondent’s written submissions; and
- Online responses.

**Preliminary Matters**

- [6] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [7] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [8] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the "*Municipal Government Act*").

**Summary of Hearing***i) Position of the Appellant, Ms. Turigan*

- [9] Ms. Turigan is concerned with parking and noise in the neighbourhood.
- [10] She believed there are 6 people living at the subject Site and there have been noise issues in the past with the subject Site.
- [11] She noted there are other individuals living at the subject Site that are involved with the business.
- [12] Ms. Turigan acknowledged that the Board cannot address noise concerns.
- [13] It was noted that there are discrepancies in the paperwork regarding who owns the property as the names on the one application is different from the permit.
- [14] The Presiding Officer indicated that the Respondent is listed on the application and lives at the premises based on the evidence submitted. The Presiding Officer stated that the applicant only needs to be a resident and not an owner.
- [15] Ms. Turigan stated that she does not believe there are sufficient parking spaces to accommodate the Major Home Based Business.
- [16] The Presiding Officer outlined the parking spaces requirements for the subject Site.
- [17] Ms. Turigan provided the following information in response to questions by the Board:
- a. She could not confirm if the business is already operating.
  - b. To her knowledge, the Major Home Based Business has not impacted the neighbourhood at this point. Her concerns are more for what may occur in the future based on past dealings.

- c. She does not have an issue with the business but wanted clarification on what a Major Home Based Business entails.
- d. She noted that there is limited parking on the street with no parking in the round-about area in the cul-de-sac.
- e. Generally, she believed that the neighbourhood is quiet and the street is not busy.

*ii) Position of the Development Officer, Mr. Yeung*

[18] The Development Authority did not appear at the hearing and the Board relied on Mr. Yeung's written submission.

*iii) Position of the Respondent, Ms. Dhaliwal*

[19] Ms. Dhaliwal was not in attendance at the hearing. She made clear from an email that she would not be able to attend and gave her consent for the hearing to proceed in her absence. The Board proceeded with the hearing and considered her written submission when making their decision.

## **Decision**

[20] The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **GRANTED** as approved by the Development Authority, subject to the following **CONDITIONS**:

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

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(7)).
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. The number of non-resident employees or business partners working on-site shall not exceed one at any one time.
5. The site shall not be used as a daily rendezvous for employees or business partners.
6. The site shall not be used by employees or business partners as a parking or storage location.
7. Maximum business associated visits shall not exceed 1 per day.
8. Client visit must be by-appointment only and appointments shall not overlap.
9. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
10. No person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, of a maximum gross vehicle weight (G.V.W.) exceeding 4 600 kg. (Reference Section 45.1(a)).
11. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
12. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighbourhood.
13. 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.
14. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
15. This approval is for a 5 year period from the date of this decision. This Development Permit expires on **December 5, 2023**. Should the business continue to locate at this location, an extension of Development Permit must be approved prior to **December 5, 2023**.

NOTES:

1. 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.

2. This Development Permit is not a Business License.

### **Reasons for Decision**

- [21] The Respondent made application for and received a Development Permit with conditions to operate a Major Home Based Business (Personal Service Shop - jewellery and custom dresses, maximum 1 client per day), which is a Discretionary Use in the RFI Single Detached Residential Zone.
- [22] A neighbouring property owner appealed the approval of the Development Permit, who believed the proposed business will increase the traffic and parking in the cul-de-sac and noise impacts.
- [23] Major and Minor Home Based Businesses are allowed in residential areas as long as they will not change the character of the residence or adversely affect the neighbourhood. As such, the Board does not agree with the Appellant that this type of business would negatively impact the neighbourhood based on the evidence provided regarding the type of business in question. The Board finds that this particular home based business is compatible in this residential area.
- [24] The Board acknowledges that the Appellant indicated that she is not opposed to a business per se but rather the noise and parking associated with the subject Site.
- [25] Section 75.3 of the *Edmonton Zoning Bylaw* states that “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.”
- [26] The Board notes that Jellet Way is a cul-de-sac which is not a busy road. However, the Board finds that an additional vehicle associated with the business will not have any impact on traffic in this area.
- [27] Section 54.2 Schedule 1(A)(8) stipulates that a Major Home Based Business requires 1 parking space in addition to parking required for the principal Dwelling. The Board notes that the Site does meet the necessary requirement of one additional parking space.
- [28] This permit is for a Major Home Based Business that can be operated every day even though the Board found that the Respondent, based on the evidence submitted, will usually have one client visit per week and the majority of the business is online based.
- [29] The Board notes that the Development Permit has been approved for a period of five years. This will allow sufficient time for neighbouring property owners to assess the impact of the proposed development and report any violations of the conditions to Bylaw Enforcement. This will result in appropriate actions, which could include the cancellation of the approved Development Permit.

[30] The Board is satisfied that compliance with all of the conditions in the Development Permit as proposed, and noted above, will ensure that the proposed development is reasonably compatible with surrounding uses and will not unduly interfere with the amenities of the neighbourhood nor will it materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.



Mr. B. Gibson, Presiding Officer  
Subdivision and Development Appeal Board

Board Members in Attendance:

Ms. G. Harris; Mr. J. Jones; Mr. A. Bolstad; Mr. C. Buyze

CC:

City of Edmonton, Development & Zoning Services, Attn: Mr. Yeung / Mr. Wen



**Important Information**

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

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.*