

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
November 25, 2015**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-15-277

Operate a Minor Home Based Business
(Contractor - Gravel Hauling - SWEETNAM
FARMS LTD.)

20350 - 34 Street NW
Project No.: 178387031-001

II 11:00 A.M. SDAB-D-15-278

Operate a Major Home Based Business -
Jewellery Design, production and shipping

15210 - 79A Avenue NW
Project No.: 179835823-001

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-15-277

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:	
APPLICATION NO.:	178387031-001
ADDRESS OF APPELLANT:	20350 - 34 Street NW
APPLICATION TO:	Operate a Minor Home Based Business (Contractor - Gravel Hauling – Sweetnam Farms Ltd.)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	October 19, 2015
DATE OF APPEAL:	November 2, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	20350 - 34 Street NW
LEGAL DESCRIPTION:	Plan 1120417 Blk 1 Lot 2
ZONE:	AG Agricultural Zone
OVERLAYS:	North Saskatchewan River Valley and Ravine System Protection Overlay
STATUTORY PLANS IN EFFECT:	Edmonton Energy and Technology Park Area Structure Plan

Grounds for Appeal

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

Our shop is at the above address and that is where the truck is parked....year round. [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,

The decision of the Development Authority is dated October 19, 2015. The Notice of Appeal was filed on November 2, 2015. The Appeal Period expired on November 2, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Characterization of the Use

Section 610.1 provides that the **General Purpose** of the **AG Agricultural Zone** is “to conserve agricultural and rural land use activities.”

Minor Home Based Business is a **Discretionary Use** within the **AG Agricultural Zone**.

Under Section 7.3(8), **Minor Home Based Business** is defined as:

...development consisting of the Use of an approved Dwelling by a resident of that Dwelling for one or more businesses such businesses shall not require more than one business associated visit per day at the Dwelling. The business Use must be secondary to the residential Use of the building and no aspects of the business operations shall be detectable from outside the property. The Dwelling shall not be used as a workplace for non-resident employees of the business. This Use Class does not include General Retail Sales.

Section 74(5) provides that a **Minor Home Based Business** “shall not change the principal character or external appearance of the Dwelling involved”.

Pursuant to Section 7.5(2), **General Industrial Use** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Development Officer's Decision

1. The Minor Home Based Business shall not change the principal character or external appearance of the building. (Reference Section 74.5)
 - The purpose of the (AG) Agricultural Zone is to conserve agricultural and rural land use activities. The storage of equipment is classified as a General Industrial Use. This Industrial Use Class is neither a Permitted nor a Discretionary Use in the AG Zone, and would be more appropriately located in an Industrial Zone having regard the overall compatibility of the Use with the agricultural character of the area. [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: 178387031-001 Application Date: AUG 28, 2015 Printed: November 19, 2015 at 9:57 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Home Occupation</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant SWEETNAM, DONALD A. 	Property Address(es) and Legal Description(s) 20350 - 34 STREET NW Plan 1120417 Blk 1 Lot 2 Specific Address(es) Suite: 20450 - 34 STREET NW Entryway: 20450 - 34 STREET NW Building: 20450 - 34 STREET NW		
Scope of Application To operate a Minor Home Based Business (Contractor - Gravel Hauling - SWEETNAM FARMS LTD.)			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of business related visits/day: 0 Administration Office Only?: N Class of Permit: (none) Do you live at the property?: Y Outdoor storage on site?: Y </td> <td style="width: 50%; border: none; vertical-align: top;"> # of vehicles at one time: 0 Business has Trailers or Equipment?: N Description of Business: Gravel Hauling. Expiry Date: </td> </tr> </table>		# of business related visits/day: 0 Administration Office Only?: N Class of Permit: (none) Do you live at the property?: Y Outdoor storage on site?: Y	# of vehicles at one time: 0 Business has Trailers or Equipment?: N Description of Business: Gravel Hauling. Expiry Date:
# of business related visits/day: 0 Administration Office Only?: N Class of Permit: (none) Do you live at the property?: Y Outdoor storage on site?: Y	# of vehicles at one time: 0 Business has Trailers or Equipment?: N Description of Business: Gravel Hauling. Expiry Date:		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal Application to operate a Minor Home Based Business (Contractor - Gravel Hauling - SWEETNAM FARMS LTD.) is refused for the following reasons: 1. The Minor Home Based Business shall not change the principal character or external appearance of the building. (Reference Section 74.5) - The purpose of the (AG) Agricultural Zone is to conserve agricultural and rural land use activities. The storage of equipment is classified as a General Industrial Use. This Industrial Use Class is neither a Permitted nor a Discretionary Use in the AG Zone, and would be more appropriately located in an Industrial Zone having regard the overall compatibility of the Use with the agricultural character of the area. NOTES: 1. General Industrial Use means development used principally for one or more of the following activities. For instance, the storage or transshipping of materials, goods and equipment. (Reference Section 7.5(2)) 2. Major Home Based Business application derived from a Development Compliance complaint for asphalt hauling at the property zoned AG. 3. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.			
THIS IS NOT A PERMIT			



Application for Home Occupation

Project Number: **178387031-001**
Application Date: AUG 28, 2015
Printed: November 19, 2015 at 9:57 AM
Page: 2 of 2

Rights of Appeal

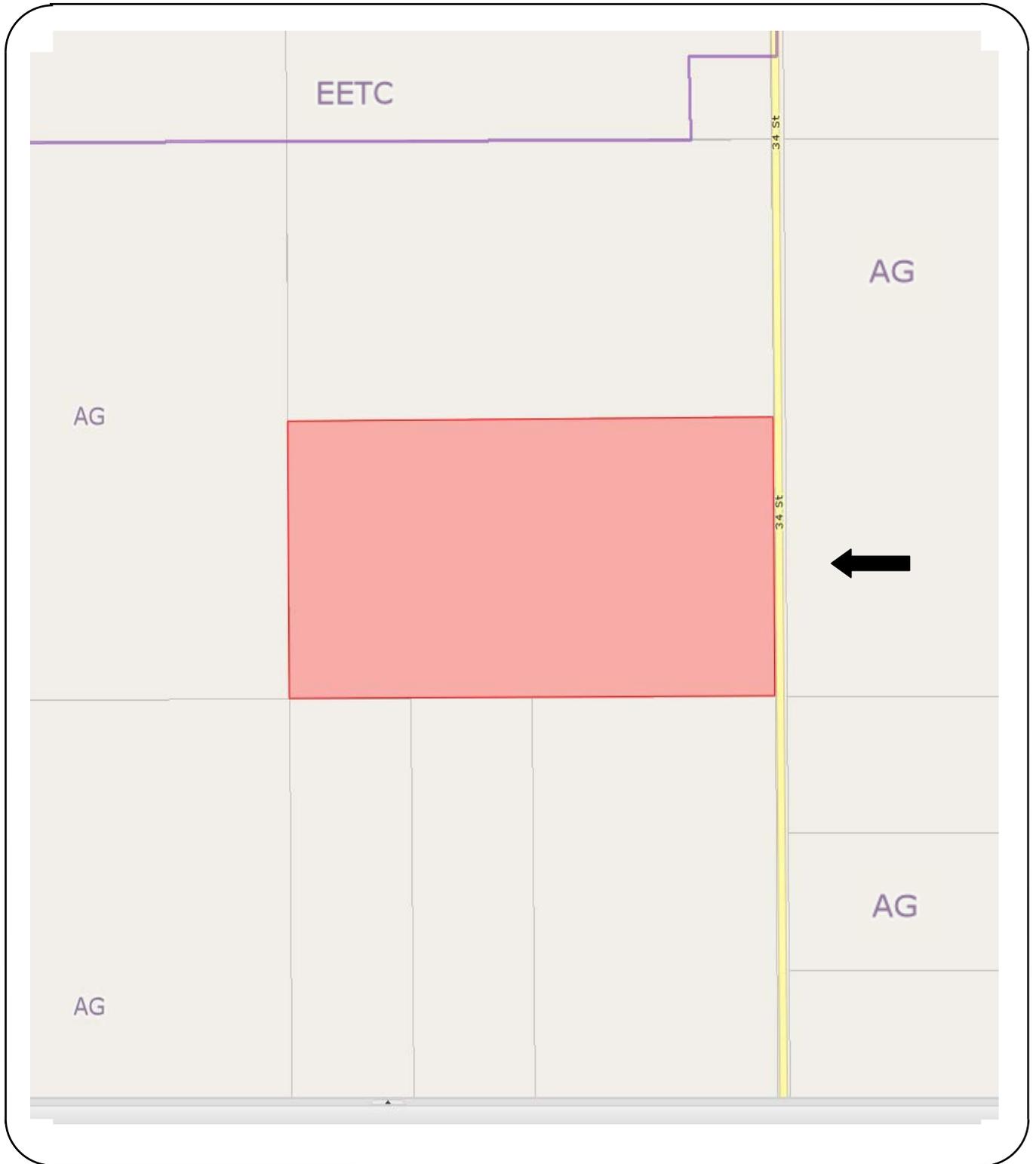
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Oct 19, 2015 **Development Authority:** YEUNG, KENNETH **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$0.00	\$114.00	02753064	Sep 17, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$0.00	\$114.00		
(overpaid by \$114.00)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-277



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-278

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

APPELLANT:

APPLICATION NO.: 179835823-001

ADDRESS OF APPELLANT: 15217 – 79A Avenue NW

APPLICATION TO: Operate a Major Home Based Business -
Jewellery Design, production and shipping

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 19, 2015

DATE OF APPEAL: October 28, 2015

NOTIFICATION PERIOD: Oct 27, 2015 through Nov 9, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 15210 - 79A Avenue NW

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15210 - 79A Avenue NW

LEGAL DESCRIPTION: Plan 5580KS Blk 3 Lot 11

ZONE: RF1 Single Detached Residential Zone

OVERLAYS: Mature Neighbourhood Overlay
Medium Scale Residential Infill Overlay

STATUTORY PLANS IN EFFECT: None

Grounds for Appeal

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

1. Overall concern for safety late night until morning. Break and enters etc. Neighbouring houses may be mistaken and broken into.

- types of items sold gemstone, gold silver (to have such high valued items in one home) -increase in strangers (it is a very family safe area)
- 2. Traffic safety for children as there are many children that walk to and from school as well as many elderly people that walk in the area.
 - parking in the area. There are no parking areas for non-resident people to park.
 - density of traffic might accumulate making it difficult for residents to park or make their way home
- 3. Value of homes in the area.
 - Resale value as people may not want to purchase a home near a business
- 4. More Businesses
 - there may be an increase in out-of-home run businesses that may come about wrecking what is known to be a family oriented neighbourhood as it has been for decades

It would be greatly appreciated if these items are considered before allowing this business to open. I have been part of the neighbourhood for over 20 years and I do not want any businesses that may affect our livelihood and safety. This is a very family oriented area with many families and seniors, there is no need for a jewellery shop to be in the area. [unedited]

General Matters

Appeal Information:

The decision of the Development Authority was appealed by the Appellant, Alan Noriyoshi Demachi

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

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

The decision of the Development Authority is dated October 19, 2015. The Notice of Appeal was filed on October 28, 2015. The Appeal Period expired on November 9, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Major Home Based Business

Pursuant to Section 110.3(7), a **Major Home Based Business** is a **Discretionary Use** within the **RF1 Residential Zone**.

Under Section 7.3(7), **Major Home Based Business** is defined as:

...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.

Development Officer's Decision

Discretionary Use - The proposed Major Home Based Business in RF1 Zone is approved as a Discretionary Use (Section [110.7]). [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: **179835823-001**
Application Date: SEP 24, 2015
Printed: November 20, 2015 at 9:31 AM
Page: 1 of 3

Application for Home Occupation

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

Applicant SIPONEN, SABRINA 	Property Address(es) and Legal Description(s) 15210 - 79A AVENUE NW Plan 5580KS Blk 3 Lot 11
	Specific Address(es) Suite: 15210 - 79A AVENUE NW Entryway: 15210 - 79A AVENUE NW Building: 15210 - 79A AVENUE NW

Scope of Permit
To operate a Major Home Based Business -Jewellery Design, production and Shipping.

Permit Details	
# of business related visits/day: 2 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 2 Business has Trailers or Equipment?: N Description of Business: Jewelry design, production and shipping process, all done inside the house (Sales are done through online and agents). Expiry Date: 2020-10-19 00:00:00

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

Applicant signature: _____

Development Permit Decision
Approved

THIS IS NOT A PERMIT



Project Number: **179835823-001**
Application Date: SEP 24, 2015
Printed: November 20, 2015 at 9:31 AM
Page: 2 of 3

Application for Home Occupation

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

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(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 two at any one time (Section 75.4).
5. The number of visits associated with the business shall not exceed the number approved with this application.
6. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
7. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
8. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighbourhood.
9. 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.
10. The business use shall not involve the use of commercial vehicles or vehicles weighing over 4500 kg.
11. The use of semi-trailer truck for deliveries or pick-ups is prohibited.
12. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
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 October 19 , 2015.

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).
4. Unless otherwise stated, all references to section numbers refer to the Edmonton Zoning Bvlaw 12800.

THIS IS NOT A PERMIT



Project Number: **179835823-001**
Application Date: SEP 24, 2015
Printed: November 20, 2015 at 9:31 AM
Page: 3 of 3

Application for Home Occupation

Variations

Discretionary Use - The proposed Major Home Based Business in RF1 Zone is approved as a Discretionary Use (Section [110.7]).

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: Oct 19, 2015 **Development Authority:** LAL, ECHO **Signature:** _____
Notice Period Begins: Oct 27, 2015 **Ends:** Nov 09, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02771605	Sep 24, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$291.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-278



BUSINESS LAID OVER

SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>
SDAB-D-15-236 to 241	An appeal to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-15-268	An appeal to Leave as built a Single Detached House. <i>Date to be determined</i>

APPEAL HEARINGS TO BE SCHEDULED

176994655-002	An appeal to install a Freestanding On-premises Sign/Minor Digital On-premises Sign (LaZboy) <i>December 3, 2015</i>
176406166-003	An appeal to convert a half of Semi-detached Housing to 3 Dwellings of Apartment Housing and to construct interior alterations (existing without permits, 1 Dwelling above grade, Dwellings below grade). <i>December 16, 2015</i>
160474324-004	An appeal by <u>1319416 Alberta Ltd.</u> to replace Roof Off-premises Sign with (1) roof mounted Minor Digital On-premises Off-premises Sign (1319416 ALBERTA LTD.) <i>December 16, 2015</i>
174864823-001	An appeal to convert a Single Detached House into a Limited Group Home (6 Residents). <i>December 10, 2015</i>
171838918-001	An appeal to install one Minor Digital Off-premises Sign (Icewerx). <i>January 13 or 14, 2016</i>
159269966-003	An appeal to construct an exterior alteration to an existing Single Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <i>January 21, 2016</i>