

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
October 30, 2019**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I 9:00 A.M. SDAB-D-19-187

To place a Temporary Sign for 90 days ending  
06-JAN-2020 for THE SIGN GURU INC.  
(Multi: Christy's Corner (13635) #3)

13635 – St. Albert Trail NW, 13503 – St. Albert  
Trail NW, 13603 – St. Albert Trail NW, 14231 -  
137 Avenue NW  
Project No.: 340487666-001

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II 10:30 A.M. SDAB-D-19-188

To convert a Single Detached House to a Child  
Care Service (maximum 35 Children) and to  
construct interior alterations

4208 - 107 Street NW  
Project No.: 339402182-002

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III 1:30 P.M. SDAB-D-19-189

To operate a Major Home Based Business  
(SUNRISE LAWN GARDEN &  
RENOVATION - Administration office and  
garage storage for a landscaping business). No  
outdoor storage. No non-resident employees or  
business partners. Expires September 11, 2021

18941 - 122 Avenue NW  
Project No.: 327462213-001

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**NOTE:** *Unless otherwise stated, all references to “Section numbers” refer to  
the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-19-187

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 340487666-001

APPLICATION TO: Place a Temporary Sign for 90 days ending 06-JAN-2020 for THE SIGN GURU INC. (Multi: Christy's Corner (13635) #3)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 3, 2019

DATE OF APPEAL: October 4, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13635 - St Albert Trail NW, 13503 – St. Albert Trail NW, 13603 – St. Albert Trail NW, 14231 - 137 Avenue NW

LEGAL DESCRIPTION: Plan 9926834 Blk 13A Lot 14, Plan 9926834 Blk 13A Lot 15, Plan 9926834 Blk 13A Lot 17, Plan 9926834 Blk 13A Lot 16

ZONE: DC2 - Site Specific Development Control Provision (1014)

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

The Sign Guru Inc. is appealing the development permit refusal in relation to this matter on the following grounds:

- 1. As per the attached Notice of Decision dated October 5, 2018 which ruled in our favor to grant 6 signs on this property we would like to formally

appeal this refused permit based on the grounds that although the property has been rezoned the actual frontage of the property has not changed and as such should not affect the number of signs on site.

2. There have been 6 signs on this site since 2013. There have been no complaints during this time.

3. Allowing 6 signs on this site will not unduly impact the amenities of the neighborhood or affect the use, value or enjoyment of neighboring properties.

4. The City's development authority has previously confirmed that it would allow variances to the duration for the signs on this property.

5. Such further and other grounds of appeal as may be presented at the hearing of the within appeal.

6. We would ask that you uphold the previous SDAB ruling at the meeting held on September 20, 2018. SDAB-D-18-150 and SDAB-D-18-151.

<b><i>General Matters</i></b>
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**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,

- (A) within 21 days after the date on which the written decision is given under section 642, [...]

**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.

**General Provisions from the Edmonton Zoning Bylaw and DC2.1014 Site Specific Development Control Provision (the "DC2"):**

Section DC2.1014.3.cc states a **Temporary On-premises Sign** is a Listed Use in the DC2 Site Specific Development Control Provision.

Section DC2.1014.4(e) states **Signs** shall comply with the regulations of **Schedule 59E** and any other provisions of the Zoning Bylaw. Development in this District shall comply the development regulations of Section 320.4 of the Zoning Bylaw. However, notwithstanding Section 59E, the maximum area of a Free Standing Sign shall be 24 square metres.

Under Section 6.2 of the *Edmonton Zoning Bylaw*, **Temporary Signs** means any On-premises or Off-premises Sign that is relocatable or removeable from a Site and used for advertising of a limited duration.

Under Section 7.9(13), **Temporary On-premises Signs** means any Sign that is relocatable or removable from a Site and used for advertising of a limited duration. The Copy on such a sign identifies or advertises a business, activity, product, service or entertainment located on the premises or Site where the Sign is displayed.

Section DC2.1014.1 states that the **General Purpose** of the **DC2** is:

To establish a Site Specific Development Control District for a range of commercial uses having site specific development regulations which will ensure compatibility with adjacent existing and proposed commercial and industrial land uses and a high standard of appearance appropriate to the site's location at the intersection of two major commercial corridors.

***Schedule 59E***

Schedule 59E.2(4)(b) states for a multiple tenant development with a Frontage of greater than 30.0 metres, one Temporary On-premises Sign shall be allowed for each 30.0 metres of Frontage with a minimum separation space of 30.0 metres between each Sign. The maximum number of Temporary On-premises Signs shall be five. Where multiple tenant Sites have a Frontage greater than 300.0 metres, the Development Officer may use discretion to increase the maximum number of Temporary On-premises Signs allowed per Site.

Under Section 6.1, **Frontage** means, where used with reference to residential development, the lineal distance measured along the Front Lot Line; and where used with reference to non-residential development, the length of the property line of any side of a separate development which is parallel to, and abuts, a public roadway, not including a Lane, which is directly accessible from the development. The Frontage of an individual premises in a multiple occupancy development shall be considered as the total width of the bays occupied by that premises which have exposure parallel to any Frontage of the multiple occupancy development.

**Development Officer’s Determination**

1) Section DC2.1014.4(e) and 59E.2(4) - For a multiple tenant development with a Frontage of greater than 30.0 m, one Temporary On-premises Sign shall be allowed for each 30.0 m of Frontage with a minimum separation space of 30.0 m between each Sign. The maximum number of Temporary On-premises Signs shall be five.

- Allowed: 5
- Proposed: 6
- Exceeds by: 1

The Zoning Bylaw establishes the maximum number of Temporary On-premises Signs to prevent the proliferation of such signs.

***Previous Subdivision and Development Appeal Board Decisions***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAN-D-18-150/151	To place a Temporary Sign for 90 days ending 12-NOV-2018 for THE SIGN GURU INC. (Christy's Corner (Sign #5))  To place a Temporary Sign for 90 days ending 12-NOV-2018 for THE SIGN GURU INC. (Christy's Corner (Sign #6))	October 5, 2018; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority.
SDAB-D-09-064	Relocate one On-premises Freestanding Sign	May 15, 2009; No Jurisdiction.


	(Christie's Corner) on Lots 14, 15, 16, and 17, Block 13A, Plan 9926834	
SDAB-D-01-125	Construct four freestanding business identification signs (Christy's Corner) on Lot 14, Block 13A, Plan 9926834.	May 24, 2001; Refused.

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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.

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	<h2 style="margin: 0;">Application for Temporary Sign Permit</h2>	<p>Project Number: <b>340487666-001</b>                  Application Date: SEP 09, 2019                  Printed: October 3, 2019 at 11:26 AM                  Page: 1 of 2</p>										
<p>This document is a Development Permit Decision for the development application described below.</p>												
<p><b>Applicant</b></p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	<p><b>Property Address(es) and Legal Description(s)</b></p> <p>13635 - ST ALBERT TRAIL NW                  Plan 9926834 Blk 13A Lot 14</p> <p>13503 - ST ALBERT TRAIL NW                  Plan 9926834 Blk 13A Lot 15</p> <p>13603 - ST ALBERT TRAIL NW                  Plan 9926834 Blk 13A Lot 17</p> <p>14231 - 137 AVENUE NW                  Plan 9926834 Blk 13A Lot 16</p>											
<p><b>Scope of Application</b></p> <p>To place a Temporary Sign for 90 days ending 06-JAN-2020 for THE SIGN GURU INC. (Multi: Christy's Corner (13635) #3)</p>												
<p><b>Permit Details</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                 Business Name (Temp. Sign): Multi: Christy's Corner (13635) #3                  Number of Days (Temp. Sign): 90             </td> <td style="width: 50%; border: none;">                 Class of Permit: Class B                  Start Date (Temp. Sign): 2019-10-08 00:00:00             </td> </tr> </table>			Business Name (Temp. Sign): Multi: Christy's Corner (13635) #3 Number of Days (Temp. Sign): 90	Class of Permit: Class B Start Date (Temp. Sign): 2019-10-08 00:00:00								
Business Name (Temp. Sign): Multi: Christy's Corner (13635) #3 Number of Days (Temp. Sign): 90	Class of Permit: Class B Start Date (Temp. Sign): 2019-10-08 00:00:00											
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>												
<p><b>Development Application Decision</b></p> <p>Refused</p> <p><b>Issue Date:</b> Oct 03, 2019    <b>Development Authority:</b> ROWAN, ASHLEY</p> <p><b>Reason for Refusal</b></p> <p>1) For a multiple tenant development with a Frontage of greater than 30.0 m, one Temporary On-premises Sign shall be allowed for each 30.0 m of Frontage with a minimum separation space of 30.0 m between each Sign. The maximum number of Temporary On-premises Signs shall be five.</p> <p>Existing: 5                  Total: 6                  Exceeds by: 1</p> <p>The Zoning Bylaw establishes the maximum number of Temporary On-premises Signs to prevent the proliferation of such signs.</p> <p><b>Rights of Appeal</b></p> <p>The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p>												
<p><b>Fees</b></p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Temporary Sign Permit Fee</td> <td style="text-align: right;">\$94.00</td> <td style="text-align: right;">\$94.00</td> <td style="text-align: right;">875401080567001</td> <td style="text-align: right;">Sep 09, 2019</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Temporary Sign Permit Fee	\$94.00	\$94.00	875401080567001	Sep 09, 2019
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Temporary Sign Permit Fee	\$94.00	\$94.00	875401080567001	Sep 09, 2019								
<p><b>THIS IS NOT A PERMIT</b></p>												





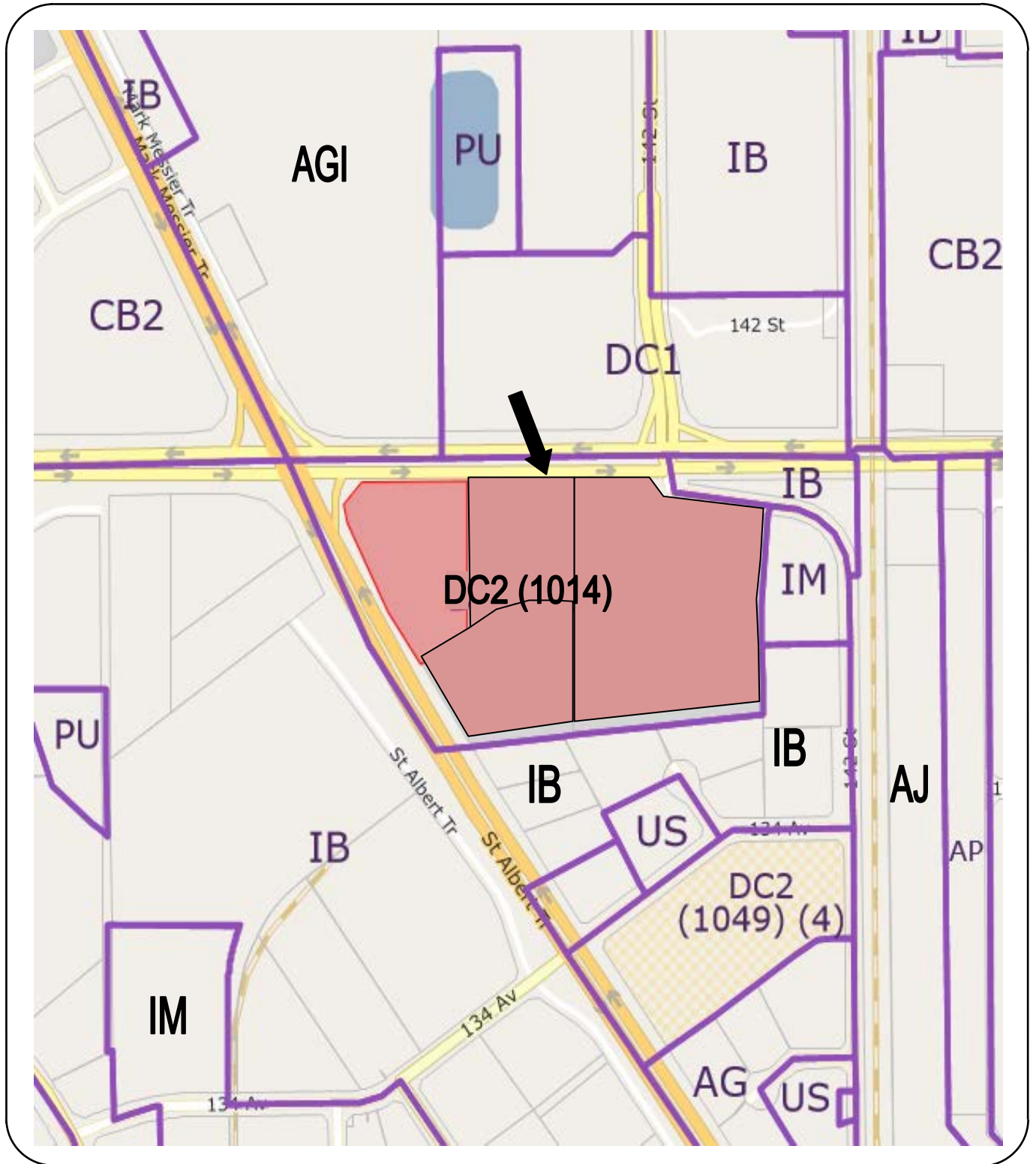
## Application for Temporary Sign Permit

Project Number: **340487666-001**  
Application Date: SEP 09, 2019  
Printed: October 3, 2019 at 11:26 AM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$94.00</u>	<u>\$94.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-187



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 339402182-002

APPLICATION TO: Convert a Single Detached House to a Child Care Service (maximum 35 Children) and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 7, 2019

DATE OF APPEAL: October 7, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4208 - 107 Street NW

LEGAL DESCRIPTION: Plan 1452TR Blk 24 Lot 25

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Duggan Neighbourhood Area Structure Plan

***Grounds for Appeal***

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

The reasons for appeal are as follows:

It is stated in the letter of refusal that the child care service will cause noise and increased traffic of vehicles. When explained to the officer that most staff will be using public transportation even myself as the location is extremely close to Southgate LRT station and a bus stop is on the corner of the street. Making it ideal for using public transportation and one of the main reasons of choosing that location to begin with. In that area, the house is adjacent to an apartment complex so the area is used to high traffic. Also on that street is a seniors home, and residential houses, in addition to a school across the road. That area has high car volume as it is. Additionally, the house has two staff parking and 2 spots for pick and drop off with a potential for a third on the grass beside the garage. The house has ample street parking

for temporary pick and drop off that is not seasonal and can be used all year round for pick and drop off. The community is not worried about the parking and are really supportive of the daycare.

As for the noise in that area, while doing my community outreach all the neighbors were supporting and so excited to have a potential daycare in that house; Additionally the neighbors that are directly impacted by the daycare told me they prefer to hear children laughing and playing then people using that house to rent out to students. Not one of the neighbors is concerned with the noise and all support having a daycare in the house.

**General Matters**

**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, [...]

**Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;

- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
  - and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

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

Under section 7.8(2) **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 typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care

providing child care to seven or more children within the care provider's residence.

***General Purpose***

Under section 110.1, the **General Purpose** of the **(RF1) Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

Under section 814.1, the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

**Development Officer's Determination**

The proposed development, Child Care Service is listed as a Discretionary Use in the RF1 (Single Detached Residential Zone, reference Section 110.3(1)). Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer.

In the opinion of the Development Officer, the proposed development is not a suitable Use in the context of the site, and refused for the following reasons:

1. Section 110.1 - 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, Garden Suites, Semi-detached Housing and Duplex Housing.

In the opinion of the Development Officer, the scale of the proposed conversion of the Single Detached House to a Child Care Service with 35 children does not meet the General Purpose of the RF1 Zone. The scale of the proposed Child Care Service will generate a negative impact, specifically noise, and increased vehicular traffic for pick up and drop of children, uncharacteristic of the existing low density single detached residential district, immediately to the west, south and north side of the neighborhood.

***Parking***

Under section 54.2 Schedule 1(A)(29) the following **parking spaces** are required for Child Care Services:

- a) Passenger pick-up/drop-off spaces shall be provided at the rate of 2 pick-up/drop-off spaces for the first 10 children, plus 1 additional pick-up/drop-off space for every 10 additional children.
  - i) Passenger pick-up/drop-off spaces shall be designed with signs to reserve the parking spaces for Child Care Services pick-up/drop-off, to the satisfaction of the Development Officer.
  - ii) Passenger pick-up/drop-off space shall be located as close as possible to the main entrance used by the Child Care Service, and shall not be located further than 100 m from the main entrance used by the Child Care Service. The distance between the farthest parking space in the pick-up/drop-off area and the main entrance of the Child Care Service shall be measured along the shortest publicly accessible pedestrian route.
  - iii) An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied with the proposal.
- b) employee parking shall be provided at the rate of:
  - i) 1 parking space per 100.0 m<sup>2</sup> of Floor Area; or
  - ii) 1 parking space per 360.0 m<sup>2</sup> of Floor Area where the Child Care Service is proposed within 400 m of an LRT Station, Transit Centre, Transit Avenue, or all Lots within the boundaries of the Oliver Area Redevelopment Plan, as adopted by Bylaw 11618, as amended, or all Lots within the boundaries of the Strathcona Area Redevelopment Plan, as adopted by Bylaw 11890, as amended; or
  - iii) Where the Child Care Service is for a dayhome/group family care providing care to 7 or more children within the residence of the child care provider, 1 parking space for each non-resident employee, in addition to the parking required for the principal Dwelling. Where a Front Yard Driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this Driveway as the provision of a parking space that is in tandem.

**Development Officer's Determination**

2. Parking:

- a) Section 54.2 Schedule 1(A)(29) - 3 employee parking spaces and 5 Passenger pick-up/drop-off spaces to be provided on-site.

Proposed: 2 employee parking spaces in Garage and 2 Passenger pick-up/drop-off spaces on Driveway

Deficient by: 1 employee parking space and 3 Passenger pick-up/drop-off spaces

b) Section 54.2 Schedule 1(A)(29.a(iii)) - An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied with the proposal.

The City's Transportation Operations does not support an on-street loading zone within the subject residential area for the proposed non-residential development. In the opinion of the Development Officer, the parking deficiency is significant and would have a negative impact on the surrounding properties, uncharacteristic of the residential area, and with respect to traffic and on-street parking congestion.


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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.

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	Project Number: <b>339402182-002</b> Application Date: AUG 27, 2019 Printed: October 8, 2019 at 7:36 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 4208 - 107 STREET NW Plan 1452TR Blk 24 Lot 25  <b>Specific Address(es)</b> Suite: 4208 - 107 STREET NW Entryway: 4208 - 107 STREET NW Building: 4208 - 107 STREET NW		
<b>Scope of Application</b> To convert a Single Detached House to a Child Care Service (maximum 35 Children) and to construct interior alterations.			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit:                      Gross Floor Area (sq.m.):                      New Sewer Service Required:                      Site Area (sq. m.): 620.4                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings:                      Stat. Plan Overlay/Annex Area: Main Street Overlay                 </td> </tr> </table>		Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): 620.4	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Main Street Overlay
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): 620.4	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Main Street Overlay		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Oct 07, 2019 <b>Development Authority:</b> XU, HAILEE			
<b>THIS IS NOT A PERMIT</b>			



Project Number: **339402182-002**  
 Application Date: AUG 27, 2019  
 Printed: October 8, 2019 at 7:36 AM  
 Page: 2 of 2

## Application for Major Development Permit

**Reason for Refusal**

The proposed development, Child Care Service is listed as a Discretionary Use in the RF1 (Single Detached Residential Zone, reference Section 110.3(1)). Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer.

In the opinion of the Development Officer, the proposed development is not a suitable Use in the context of the site, and refused for the following reasons:

1. Section 110.1 - 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, Garden Suites, Semi-detached Housing and Duplex Housing.

In the opinion of the Development Officer, the scale of the proposed conversion of the Single Detached House to a Child Care Service with 35 children does not meet the General Purpose of the RF1 Zone. The scale of the proposed Child Care Service will generate a negative impact, specifically noise, and increased vehicular traffic for pick up and drop of children, uncharacteristic of the existing low density single detached residential district, immediately to the west, south and north side of the neighborhood.

2. Parking:

a) Section 54.2 Schedule 1(A)(29) - 3 employee parking spaces and 5 Passenger pick-up/drop-off spaces to be provided on-site.

Proposed: 2 employee parking spaces in Garage and 2 Passenger pick-up/drop-off spaces on Driveway  
 Deficient by: 1 employee parking space and 3 Passenger pick-up/drop-off spaces

b) Section 54.2 Schedule 1(A)(29.a(iii)) - An on-street loading zone shall satisfy a portion of the passenger pick-up/drop-off parking space requirement without a variance if the Development Officer, after consultation with Transportation Operations, is satisfied with the proposal.

The City's Transportation Operations does not support an on-street loading zone within the subject residential area for the proposed non-residential development. In the opinion of the Development Officer, the parking deficiency is significant and would have a negative impact on the surrounding properties, uncharacteristic of the residential area, and with respect to traffic and on-street parking congestion.

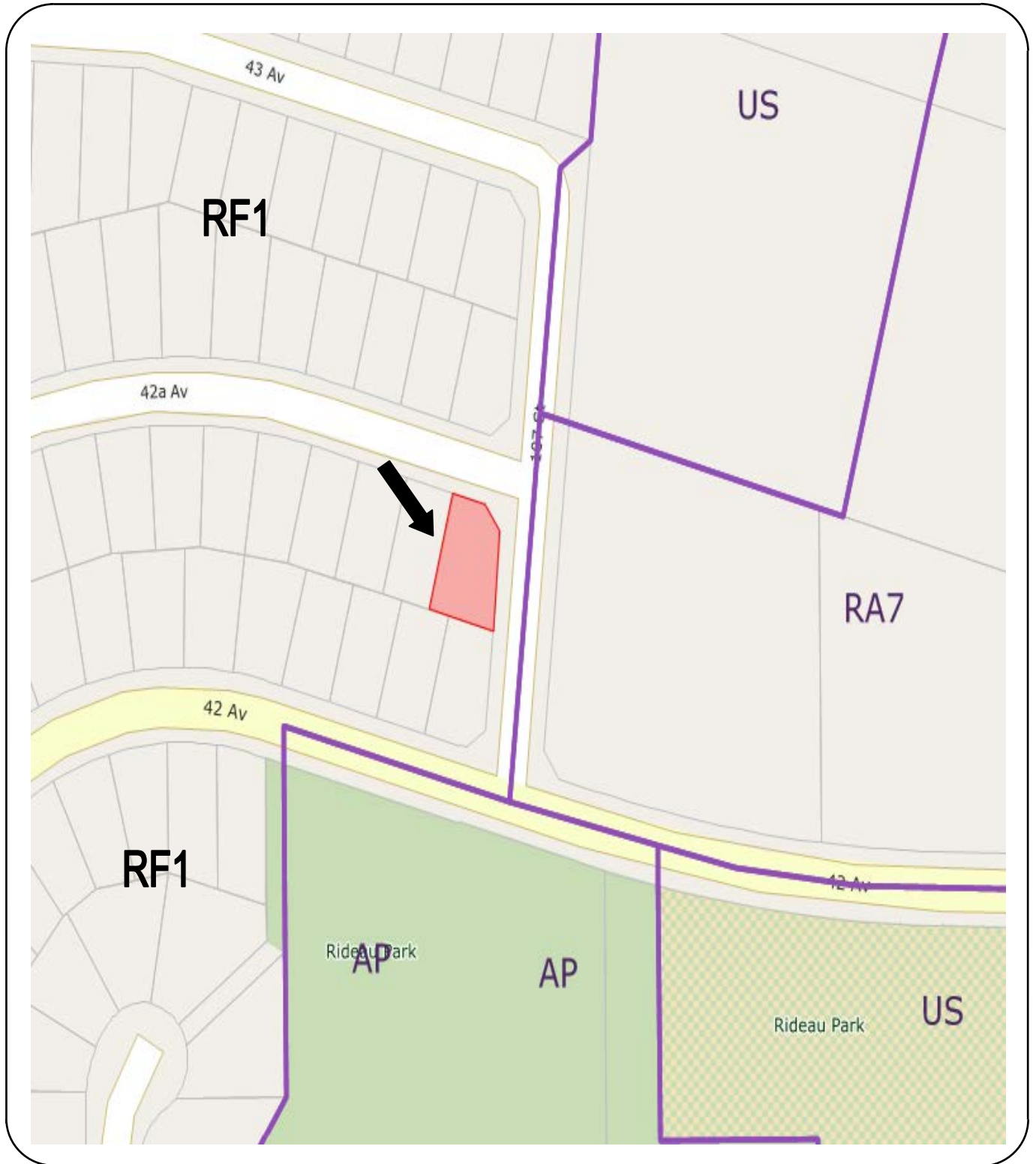
**Rights of Appeal**

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$331.00	\$331.00	87264007150Z001	Aug 29, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$331.00	\$331.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-188



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-189

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

APPELLANT:

APPLICATION NO.: 327462213-001

APPLICATION TO: Operate a Major Home Based Business (SUNRISE LAWN GARDEN & RENOVATION - Administration office and garage storage for a landscaping business). No outdoor storage. No non-resident employees or business partners. Expires September 11, 2021

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: September 11, 2019

DATE OF APPEAL: October 8, 2019

NOTIFICATION PERIOD: September 17, 2019 through October 8, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 18941 - 122 Avenue NW

LEGAL DESCRIPTION: Plan 0024535 Blk 8 Lot 17

ZONE: DC2-Site Specific Development Control Provision (369)

OVERLAY: N/A

STATUTORY PLAN: Kinokamau Plains Area Structure Plan

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*Grounds for Appeal*

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

Sunrise Lawn & Garden has been operating at 18941 – 122 Avenue since April 2017.

In this two and a half year time, we have witnessed the additional noise, traffic, dust and at times smoke this business has generated. Bylaw Enforcement has had to deal with infractions at this site. This large scale business is not suited and does not belong in our residential community.

<i>General Matters</i>
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**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 *Edmonton Zoning Bylaw*:**

Under section DC2.369.3.d, a **Major Home Occupation** is a **Listed Use** in the **DC2 Site Specific Development Control Provision**.

Under Section 10.2(6) of the *Land Use Bylaw*, **Home Occupation, Major** means development consisting of the use of an approved Dwelling or accessory building by a resident of that Dwelling for one or more business(es) which business(es) may generate more than one (1) 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 and/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 or Professional Offices.

Under Section 3.2(c) of the *Edmonton Zoning Bylaw*, Major Home Occupation or Homecraft is deemed to be Major Home Based Business.

Under section 7.3(7) of the *Edmonton Zoning Bylaw*, **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 DC2.369.4.k** states Development in this District shall be evaluated with the respect to compliance with the General Development Regulations of Sections 50 to 79 inclusive of the *Land Use Bylaw*.

**Section DC2.369.5.b** states **Major Home Occupations** shall be in accordance with **Section 85** of the *Land Use Bylaw*.

Section 369.1 states the **General Purpose** of **DC2.369** is to establish a Site Specific Development Control District to accommodate rural residential development on lots a minimum of 0.4 hectares 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.

***Major Home Based Business Regulations – Edmonton Zoning Bylaw***

75. Major Home Based Business

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 centimetres by 30.5 centimetres in size located on the Dwelling.;
- 2) there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
- 3) the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
- 4) the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
- 5) there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
- 6) the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
- 7) a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
- 8) in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Class 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.

<b><i>Major Home Based Business Regulations – Land Use Bylaw</i></b>
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85. Major Home Occupation

A Major Home Occupation 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 (8") x 30.5 cm (12") in size located on the Dwelling;
- 2) there shall be no mechanical or electrical equipment used which creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
- 3) the Major Home Occupation shall not, in the opinion of the Development Officer, generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the District in which it is located;
- 4) the number of non-resident employees or business partners working on-site shall not exceed two (2) 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 Occupation 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 Occupation shall have a maximum of two (2) Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
- 8) in addition to the information requirements of Section 15.1 of this Bylaw, each application for a Development Permit for the Use Class Home Occupation, Major shall include a description of the business to be undertaken at the premise, 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 Occupation shall not be allowed if, in the opinion of the Development Officer, such use would be more appropriately located in a

Commercial or Industrial District 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 Garage Suite or 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 Garage Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

**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 Zoning Bylaw and there are no variances to development regulations.

***Previous Subdivision and Development Appeal Board Decision***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-17-157	To operate a Major Home Based Business (General contractor for landscaping company - Sunrise Lawn & Garden Renovation).	September 14, 2017; Appeal allowed. Decision of the Development Officer revoked. The Development is refused

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**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.

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Project Number: **327462213-001**  
 Application Date: AUG 08, 2019  
 Printed: October 8, 2019 at 10:47 AM  
 Page: 1 of 3

## Home Occupation

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)**

18941 - 122 AVENUE NW  
 Plan 0024535 Blk 8 Lot 17

**Specific Address(es)**

Suite: 18941 - 122 AVENUE NW  
 Entryway: 18941 - 122 AVENUE NW

**Scope of Permit**

To operate a Major Home Based Business (SUNRISE LAWN GARDEN & RENOVATION - Administration office and garage storage for a landscaping business). No outdoor storage. No non-resident employees or business partners. Expires September 11, 2021.

**Permit Details**

# of business related visits/day: 0  
 Administration Office Only?: N  
 Class of Permit: Class B

# of vehicles at one time: 0  
 Business has Trailers or Equipment?: Y  
 Description of Business: Administration office and garage storage for a landscaping business. No outdoor storage. No non-resident employees or business partners. Expires September 11, 2021  
 Expiry Date: 2021-09-11 00:00:00

Do you live at the property?: Y  
 Outdoor storage on site?: N

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

Applicant signature: \_\_\_\_\_

**Development Permit Decision**

Approved

**Issue Date:** Sep 11, 2019 **Development Authority:** ZHOU, ROWLEY



Project Number: **327462213-001**  
Application Date: AUG 08, 2019  
Printed: October 8, 2019 at 10:47 AM  
Page: 2 of 3

## 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(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 (Land Use Bylaw Section 85.1 and Zoning Bylaw 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 (Land Use Bylaw Section 85.3 and Zoning Bylaw Section 75.3).
4. There shall be no non-resident employees or business partners working on-site.
5. There shall be no client visits associated with the business.
6. The site shall not be used as a daily rendezvous for employees or business partners.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Land Use Bylaw Section 85.5 and Zoning Bylaw Section 75.5). All business related equipment shall be stored in the principal dwelling or the accessory building.
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. Fabrications of business related materials are prohibited.
10. Any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceed 4600 kg is prohibited in a Residential Zone (Section 45.1.a.).
11. All commercial and industrial equipment, including but not limited to Bobcats, are not permitted at the site. The equipment shall be stored at an approved storage facility.
12. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility. The Development Permit may be revoked if any commercial, industrial and overweight vehicles are parked or stored at the residential site.
13. One or more business related trailer shall be parked at at 4514 - 101 Ave or another approved storage facility.
14. 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.
15. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
16. This approval is for a 2 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 September 11, 2021.

### 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).



Project Number: **327462213-001**  
 Application Date: AUG 08, 2019  
 Printed: October 8, 2019 at 10:47 AM  
 Page: 3 of 3

## Home Occupation

- 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. This Development Permit is for an Administration Office and storage of business related equipment in the accessory building only.

**Variances**

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 Zoning Bylaw and there are no variances to development regulations.

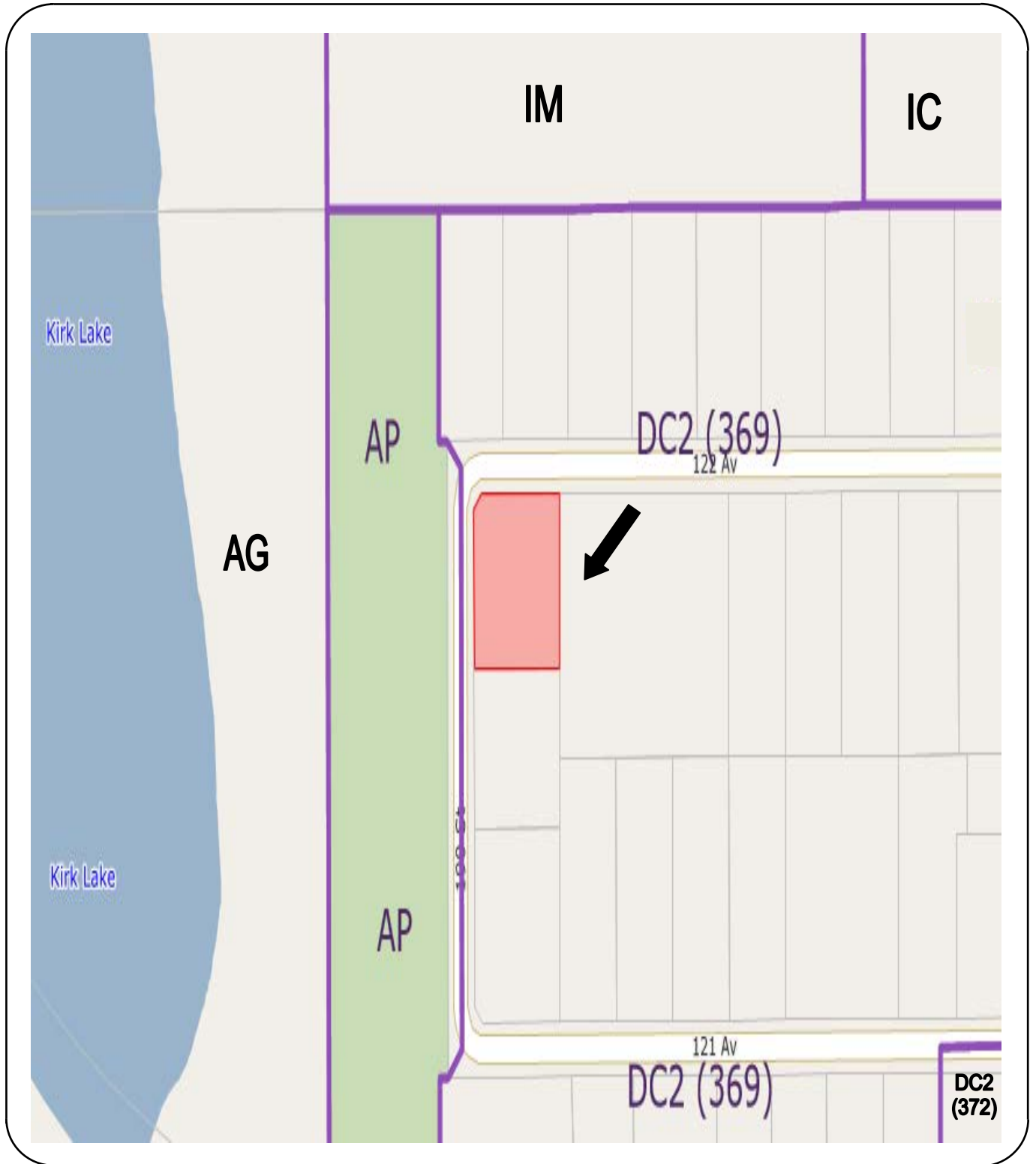
**Rights of Appeal**

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:** Sep 17, 2019      **Ends:** Oct 08, 2019

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Development Fees	\$321.00	\$321.00	06087866	Aug 23, 2019
Dev. Application Fee	\$0.00			
Total GST Amount:	\$0.00			
<b>Totals for Permit:</b>	<b>\$321.00</b>	<b>\$321.00</b>		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-189

