

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 22, 2016**

**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-16-234

To operate a Major Home Based Business (Hair salon - High Maintenance)

14860 - 35 Street NW
Project No.: 225663935-001

II 10:30 A.M. SDAB-D-16-235

To operate a Major Home Based Business (Cleaning vehicles – Omar’s Auto)

15919 - 86 Street NW
Project No.: 226789998-001

III 1:30 P.M. SDAB-D-16-236

To construct 3 Commercial Use buildings (Building A: General Retail Use, Building B: Rapid Drive-through Vehicle Service Use, Building C: General Retail Stores on main floor and Professional, Financial and Office Support Use on 2nd floor)

16720 - 76 Street NW
Project No.: 224518430-001

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-16-234

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

APPELLANT:

APPLICATION NO.: 225663935-001

APPLICATION TO: Operate a Major Home Based Business (Hair Salon – High Maintenance)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: August 12, 2016

NOTIFICATION PERIOD: August 18, 2016 through September 1, 2016

DATE OF APPEAL: August 24, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14860 - 35 Street NW

LEGAL DESCRIPTION: Plan 8121520 Blk 101 Lot 67

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

This letter is submitted as an appeal to the Development Permit issued for a Hair Salon in a residential dwelling; namely 14860 —35 street NW. Neighborhood of Kirkness.

It would be preferred if this permit were issued as a Minor Development with some conditions on parking, frequency of patrons (or time limitations), requirement to encourage safe vehicle traffic from clientele, assure the clearance of snow during winter as not to block the flow of traffic in the cul-

de-sac, nor the exit path of the homes nearby; & no signage or low key signage (no neon or lights).

My concern with this business is that it is identified as High Maintenance rather than Minor Development; and a need for limitations. The current designation results in the following concerns.

1. Safety of children in area; the cul-de-sac is frequented by children with activity involving cycling, hockey, skateboarding, scooter, water guns, ...etc. As well as a small hill to which they slide down near the roadway. Increased frequency of vehicles where clients are looking for a business could result in a child being hit. (Recommend: specified hours)

2. Business signage in a private residence in not desired in a private neighborhood; such signage can encourage break and enter situations. B & E tends to be higher when money is perceived to be located. Signage can encourage B&E where it was otherwise unlikely. (Recommend: No signage permitted)

3. Parking needs to be confined to their property, or across the street, and only one vehicle at a time. The location is important as there is little space between homes to accommodate a vehicle without it partially blocking a driveway. (Recommend: Parking limitations)

4. Snow Removal —The subject home tends to push their snow onto the road causing larger snow accumulations and making it difficult for cars to navigate through. If they are encouraging more cars in the area, they need to be responsible for keeping their driveway, and access to their home clear from snow accumulations. If not, cars will park away from the sidewalk and block the neighbors access to their own driveways. (Recommend: frontage and road access clearing as not to hinder traffic & parking)

5. Property Value — the neighborhood is already subjected to low rentals, and un-kept yards which reduce the chance of getting market value when selling a home; having High Maintenance development where signage occurs further reduces the market value. (Recommend no signage).

The applicants are good hard working people, and I have no desire to cause undue stress on their opportunity to earn extra money, however, it is important that their business services does not result in a safety issue, encourage B&E, cause undue stress on parking/access to residence driveways, nor promote externally that it is a business.

Please re-consider the application as a Minor Development, and with limitations to address the above concerns.

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.

(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, or

...

- (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.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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(7), A **Major Home Based Business** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses 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 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.

Major Home Based Business Regulations

Section 75 states the following:

A Major Home Based Business shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business 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.
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

1. Discretionary Use - a Major Home Based Business is approved as a Discretionary Use (Section 110.3.7). [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: 225663935-001 Application Date: JUL 08, 2016 Printed: August 12, 2016 at 8:26 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) 14860 - 35 STREET NW Plan 8121520 Blk 101 Lot 67
	Specific Address(es) Entryway: 14860 - 35 STREET NW Building: 14860 - 35 STREET NW
Scope of Permit To operate a Major Home Based Business (Hair salon - HIGH MAINTENANCE).	
Permit Details	
# of business related visits/day: 3 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: Hairstyling services, coloring, cutting, perming Expiry Date: 2021-08-12 00:00:00
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Permit Decision Approved	
The permit holder is advised to read the reverse for important information concerning this decision.	



Project Number: **225663935-001**
Application Date: JUL 08, 2016
Printed: August 12, 2016 at 8:26 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 (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. Clients visit must be by-appointment only and appointments shall not overlap.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
10. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
11. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
12. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on August 12, 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).
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).

Variances

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

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: 225663935-001
Application Date: JUL 08, 2016
Printed: August 12, 2016 at 8:26 AM
Page: 3 of 3

Home Occupation

Rights of Appeal

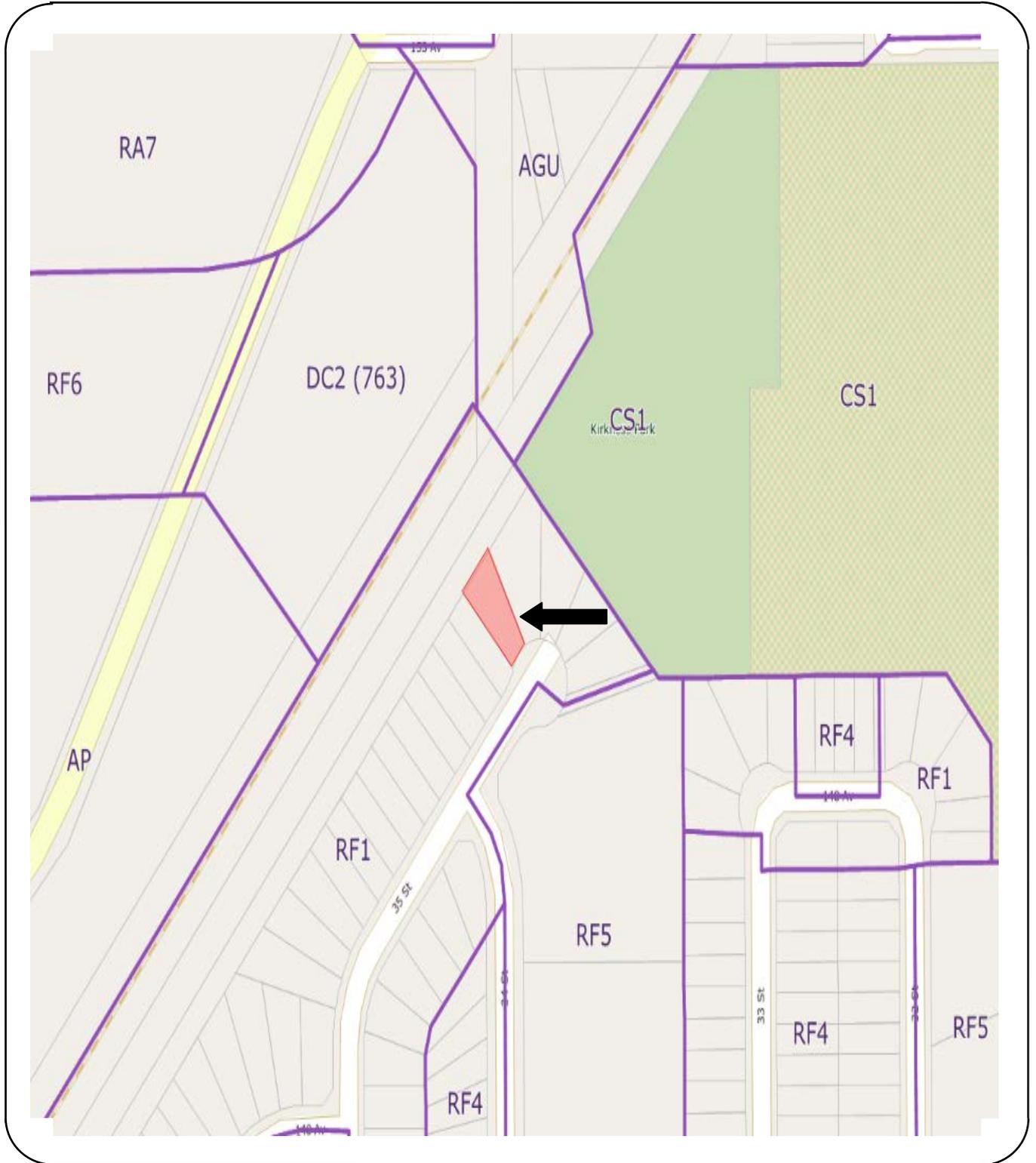
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Aug 12, 2016 Development Authority: ROBINSON, GEORGE Signature: _____
Notice Period Begins: Aug 18, 2016 Ends: Sep 01, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03427192	Jul 08, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$297.00	\$297.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-234



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-235

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

APPELLANT:

APPLICATION NO.: 226789998-001

APPLICATION TO: Operate a Major Home Based Business.
(Cleaning vehicles – Omar’s Auto)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: August 19, 2016

NOTIFICATION PERIOD: August 25, 2016 through September 7, 2016

DATE OF APPEAL: August 30, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15919 - 86 Street NW

LEGAL DESCRIPTION: Plan 9722455 Blk 70 Lot 85

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Belle Rive Neighbourhood Structure Plan.
Edmonton North Area Structure Plan

Grounds for Appeal

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

Issues and Concerns

- Does the landlord know about the business
- Does the landlord have a permit for the upper and lower suite for this rental property
- Does the landlord pay extra taxes for the two rental suites in this dwelling
- The basement suite is currently listed to be rented. Where is the new tenant supposed to park their vehicle? This would be a high traffic property with two families, a business and customers coming to this property

- Will the business owner be required to pay taxes for this business
- Is the landlord required have extra insurance for this proposed business
- Will the business owner be required to have insurance
- Will the business owner be required have liability insurance for this business, should something explode or for neighbours being exposed to harmful fumes
- Explain what an auto cleaning business is. Washing vehicles only or detailing, heavy duty mechanic repairs
- What are the hours of operation and how many days a week
- How may vehicles per day will the business be servicing
- Where are the chemicals and dirty cloths, sponges, etc. be disposed
- Who will maintain the property, driveway, city sidewalks
- Will the business owner be working for or with cash. With the business owner having that much money at hand or even with him when taking it to the bank he could be potentially robbed. Therefore exposing himself and the neighbours to the criminal element

This is a quiet safe neighborhood with young children, adults and pets. This business is located next to a walkway leading to the neighbourhood playground.

Concerns and liability issues

- Water and Chemicals running down the driveway and city sidewalks,
- Chemicals being poured in the sewer
- In the winter, chemical and ice buildup on the city sidewalk and drain next to the walkway
- Fumes pollution
- Parking, noise and heavy traffic

Who do we as neighbors address our concerns to once the business is in full operation should the business owner not comply with the rules?

We the residences and taxpayers live in a single-family dwelling neighbourhood. Will our property taxes be decreased because the definition of our neighbourhood is being altered?

Major Home-Based Business Zoning Bylaw Regulations:

Major Home-Based Businesses are those businesses that are visible and may involve the customer coming to the home or some other use of the property that is not typical of a residential area. Major home occupations will allow more business visits and also allow you to have employees.

Typical businesses are hair dressers or lawn maintenance companies.

The following regulations apply:

- There can be more than one visit to your home each day because of your business.
- Your business can not have an exterior display or advertisement other than an identification plaque or sign that is a maximum of 20 centimetres by 30.5 centimetres in size.
- You cannot use mechanical or electrical equipment that creates external noise, or visible and audible interference with the home electronics of your neighbours.
- Your business must not generate pedestrian traffic, vehicular traffic, or parking in excess of that which is normal for your neighbourhood's zone.
- There can only be two non-resident employees or business partners working on-site any one time.

- No outdoor business activity, or outdoor storage of material or equipment associated with the business is allowed.
- Your business can not change the principal character or external appearance of the residential property.
- This type of business cannot be located in homes that have a secondary suite.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

...

- (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.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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(7), A **Major Home Based Business** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses 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 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.

Major Home Based Business Regulations

Section 75 states the following:

A Major Home Based Business shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business 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.
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

1. Discretionary Use - A Major Home Based Business is approved as a Discretionary Use in the RF1 Zone (Section 110.3). [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: 226789998-001
Application Date: JUL 25, 2016
Printed: September 2, 2016 at 12:44 PM
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) 15919 - 86 STREET NW Plan 9722455 Blk 70 Lot 85
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Scope of Permit
To operate a Major Home Based Business. (Cleaning vehicles - OMAR'S AUTO)

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: 1 Business has Trailers or Equipment?: N Description of Business: cleaning vehicles Expiry Date: 2021-08-19 00:00:00

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

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **226789998-001**
 Application Date: JUL 25, 2016
 Printed: September 2, 2016 at 12:44 PM
 Page: 2 of 3

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)

This Development Permit authorizes the operation of a Major Home Based Business. (Cleaning vehicles - OMAR'S AUTO).

This Development Permit may be revoked or invalidated, at any time, if the Home Based Business as stated in the Permit Details, or if the character or appearance of the Dwelling or Accessory Building, changes. This includes mechanical or electrical equipment used which creates external noise or interference with home electronic equipment in adjacent Dwellings. (Reference Section 75.2)

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. (Reference Section 75.1)

This approval is for a 5 year period ONLY from the date of this decision. A new Development Permit must be applied for to continue to operate the business from this location.

There shall be no more than two business associated visit per day at the Dwelling, with a total of 10 visits per week. 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 number of non-resident employees or business partners working on-site shall not exceed two at any one time. (Reference Section 75.4)

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. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced. (Reference Section 75.2)

No person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg or more than one commercial vehicle having a maximum gross vehicle weight (G.V.W.R.) of 4 600 kg or less, for longer than reasonably necessary while loading or unloading such vehicle. (Reference Section 45.1)

The business Use must maintain the privacy and enjoyment of adjacent residences and the character of the neighbourhood.

No commodity shall be displayed on the premises.

Clients visits must be by-appointment only and appointments shall not overlap with each other.

A new Development Permit must be obtained should the business change or expand.

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. (Reference Section 75.5)

All parking for the Home Based Business must be accommodated on site. Parking on the street in conjunction with this Home Based Business is not permitted.

All commercial, industrial and overweight vehicles shall be parked at an approved storage facility when not in use. The Development Permit will be revoked if any commercial, industrial and overweight vehicles are parked/stored on the Residential Site.

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 (Reference Section 75.10)

Advisements:

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **226789998-001**
 Application Date: JUL 25, 2016
 Printed: September 2, 2016 at 12:44 PM
 Page: 3 of 3

Home Occupation

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

Variances

Discretionary Use - A Major Home Based Business is approved as a Discretionary Use in the RF1 Zone (Section 110.3)

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: Aug 19, 2016 **Development Authority:** LANGILLE, BRANDON **Signature:** _____

Notice Period Begins: Aug 25, 2016 **Ends:** Sep 07, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03468754	Jul 25, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$297.00	\$297.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-235



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-236

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 224518430-001

APPLICATION TO: Construct 3 Commercial Use buildings (Building A: General Retail Use, Building B: Rapid Drive-through Vehicle Service Use, Building C: General Retail Stores on main floor and Professional, Financial and Office Support Use on 2nd floor)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 26, 2016

DATE OF APPEAL: August 26, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16720 - 76 Street NW

LEGAL DESCRIPTION: Plan 0423131 Blk 1 Lot 1

ZONE: CNC Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN(S): Edmonton North Area Structure Plan
Schonsee Neighbourhood Structure Plan

Grounds for Appeal

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

The Appellants have been advised that the Development Officer considers each parking space within the proposed car wash to be considered one individual “Bay.” It is the Appellants position that the proposed building is a Bay and that the subdivision of the space within the “Bay” does not create additional “Bays” but rather areas more correctly called “spaces.”

The Appellant will submit previous Rapid Drive-through Vehicle Service Uses have been approved within the CNC zone with two or more stalls within a single bay, one such example is the Blue Quill Car Wash which was the subject of an Application before this Board and the definition of the bay used was similar to the one used by the Appellant.

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 by the Development Officer is dated June 24, 2016. The Notice of Appeal was filed on July 13, 2016.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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 310.2(4), **Professional, Financial and Office Support Services** are a **Permitted Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 310.3(8), **General Retail Stores** are a **Discretionary Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 310.3(17), **Rapid Drive-through Vehicle Services** are a **Discretionary Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 7.4(42), **Professional, Financial and Office Support Services** means:

development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Under section 7.4(22), **General Retail Stores** means:

development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use Class does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Garden Centres, Pawn Stores, Major Alcohol Sales, Minor Alcohol Sales, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

Under section 7.4(43), **Rapid Drive-through Vehicle Services** means:

development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes (including self-service car wash), rapid lubrication shops, or specialty repair establishments. This use class does not include automated teller machines.

Section 310.1 states that the **General Purpose** of the **(CNC) Neighbourhood Convenience Commercial Zone** is:

...to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.

(CNC) Neighbourhood Convenience Commercial Zone Regulations

Section 310.5(2) states:

The following regulations shall apply to Rapid Drive-through Vehicle Services developments:

- a. the total number of bays shall not exceed one for any given Site.

Loading Spaces Requirement

Section 54.2, Schedule 3 states the following:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
1. Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services	Less than <u>465 m²</u>	1
	<u>465 m²</u> to <u>2 300 m²</u>	2
	Each additional <u>2 300 m²</u> , or fraction thereof	1 additional
2. Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes	Up to <u>2 800 m²</u>	1
	Each additional <u>2 800 m²</u> or fraction thereof	1 additional

Development Officer's Determination

1. Section 310.5(2)(a) - The total number of bays for a Rapid Drive-through Vehicle Services development shall not exceed one for any given Site.

Allowable bays : 1

Proposed bays: 8

Exceeds by : 7 bays

2. Section 54.2, Schedule 3 - The overall number of required loading spaces for the Site is 3.

Required loading spaces : 3 space

Proposed loading spaces : 2 (existing)

Deficient: by : 1 space [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: 224518430-001 Application Date: JUN 23, 2016 Printed: August 26, 2016 at 3:34 PM 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.				
Applicant	Property Address(es) and Legal Description(s) 16720 - 76 STREET NW Plan 0423131 Blk 1 Lot 1			
Scope of Application To construct 3 commercial use buildings (Building A: General Retail Use, Building B: Rapid Drive-through Vehicle Service Use, Building C: General Retail Stores on main floor and Professional Financial and Office Support Use on 2nd floor).				
Permit Details				
Class of Permit: Gross Floor Area (sq.m.): 1973.9 New Sewer Service Required: Y Site Area (sq. m.): 7629.34	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused Reason for Refusal 1. Section 310.5(2)(a) - The total number of bays for a Rapid Drive-through Vehicle Services development shall not exceed one for any given Site. Allowable bays : 1 Proposed bays: 8 Exceeds by : 7 bays 2. Section 54.2, Schedule 3 - The overall number of required loading spaces for the Site is 3. Required loading spaces : 3 space Proposed loading spaces : 2 (existing) Deficient: by : 1 space 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: Aug 26, 2016 Development Authority: SHAH, NIKHIL Signature: _____				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$220.00	\$220.00	03383159	Jun 23, 2016
THIS IS NOT A PERMIT				



Project Number: **224518430-001**
Application Date: JUN 23, 2016
Printed: August 26, 2016 at 3:34 PM
Page: 2 of 2

Application for Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$893.00	\$893.00	03383159	Jun 23, 2016
Dev. Application Fee for GFA	\$1,350.00	\$1,350.00	03383159	Jun 23, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$2,463.00</u>	<u>\$2,463.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-236



BUSINESS LAID OVER

SDAB-D-16-213	An appeal to construct a Semi-detached House with front verandas and to demolish the existing Single Detached House <i>September 28 or 29, 2016</i>
SDAB-D-16-205	An appeal to continue and intensify the use of an existing Protective and Emergency Services Use (Fire Station 21 with a 24/7 crew) and to allow interior and exterior alterations <i>October 6, 2016</i>
SDAB-D-16-214	An appeal to comply with a Stop Order to immediately cease the use of the basement as Secondary Suites and Decommission the Secondary Suite. <i>October 6, 2016</i>
SDAB-D-16-225	An appeal to change the use of a portion of a Professional, Financial and Office Support Service to an Indoor Participant Recreation Service <i>October 12 or 13, 2016</i>
SDAB-S-14-001	An appeal to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>October 31, 2016</i>
SDAB-D-16-144	An appeal to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

169544513-002	An appeal to construct an Accessory Building (Shed 1.98m x 4.57 m). <i>September 28 or 29, 2016</i>
188282372-001	An appeal to change the use from general Retail to a Bar and Neighbourhood Pub (maximum of 400 occupants and 691 square metres of Public Space) <i>November 2 or 3, 2016</i>
188283359-001	An appeal to change the use from a Flea Market Use to a Night Club and Major Amusement Establishment (1757 square metres of Public space) <i>November 23 or 24, 2016</i>