

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 29, 2016**

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

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

I	9:00 A.M.	SDAB-D-16-241	Construct an Accessory Building (Shed, 1.98m x 4.57m) 9346 - 73 Avenue NW Project No.: 169544513-002
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II	10:30 A.M.	SDAB-D-16-242	Change the Use from a General Retail Store to a Minor Alcohol Sales Use. 3881 Allan Drive SW Project No.: 224504348-001
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III	1:30 P.M.	SDAB-D-16-243	Operate a Major Home Based Business (Bed and Breakfast Operation - HAPI'S PLACE) 1899 Robertson Crescent SW Project No.: 225878666-001
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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-16-241

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 169544513-002

ADDRESS OF APPELLANT: 9346 - 73 Avenue NW

APPLICATION TO: Construct an Accessory Building (Shed,
1.98m x 4.57m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 15, 2016

DATE OF APPEAL: July 28, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9346 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 1763HW Blk 12 Lot 30

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Ritchie Neighbourhood Improvement
Plan/Area Redevelopment Plan

Grounds for Appeal

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

I am appealing this because I believe it to be the wrong decision on so very many levels, which I will of course bring forth at the time of appeal.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

The decision of the Development Officer is dated July 15, 2016. The Notice of Appeal was filed on July 28, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** “is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.”

Under Section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(9) states:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or

Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

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

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

Accessory Building Side Setback

Section 50.3(4)(b) provides as follows:

4. Accessory buildings and structures shall be located on an Interior Site as follows:

...

b. an Accessory building or structure shall be located not less than 0.9 m from the Side Lot Line, except where it is a mutual Garage erected on the common property line to the satisfaction of the Development Officer, or where a Garage is placed on the common property line in accordance with the provisions of the RPL Zone, or where the Accessory building does not exceed the permitted Fence Height or in the case of Garage Suites, where the minimum Side Setback shall be in accordance with Section 87

Development Officer's Determination

1. Section 50.3(4)(b) - an Accessory building or structure shall be located not less than 0.9 m from the Side Lot Line

Proposed: 0.0m

Deficient by: 0.9m [unedited]

Accessory Building Side Setback

Section 50.3(4)(c) provides as follows:

4. Accessory buildings and structures shall be located on an Interior Site as follows:

...

c. an Accessory building or structure shall be located not less than 0.9 m from a principal building and any other Accessory building or structure;

Development Officer's Determination



2. Section 50.3(4)(c) - an Accessory building or structure shall be located not less than 0.9 m from a principal building and any other Accessory building or structure;

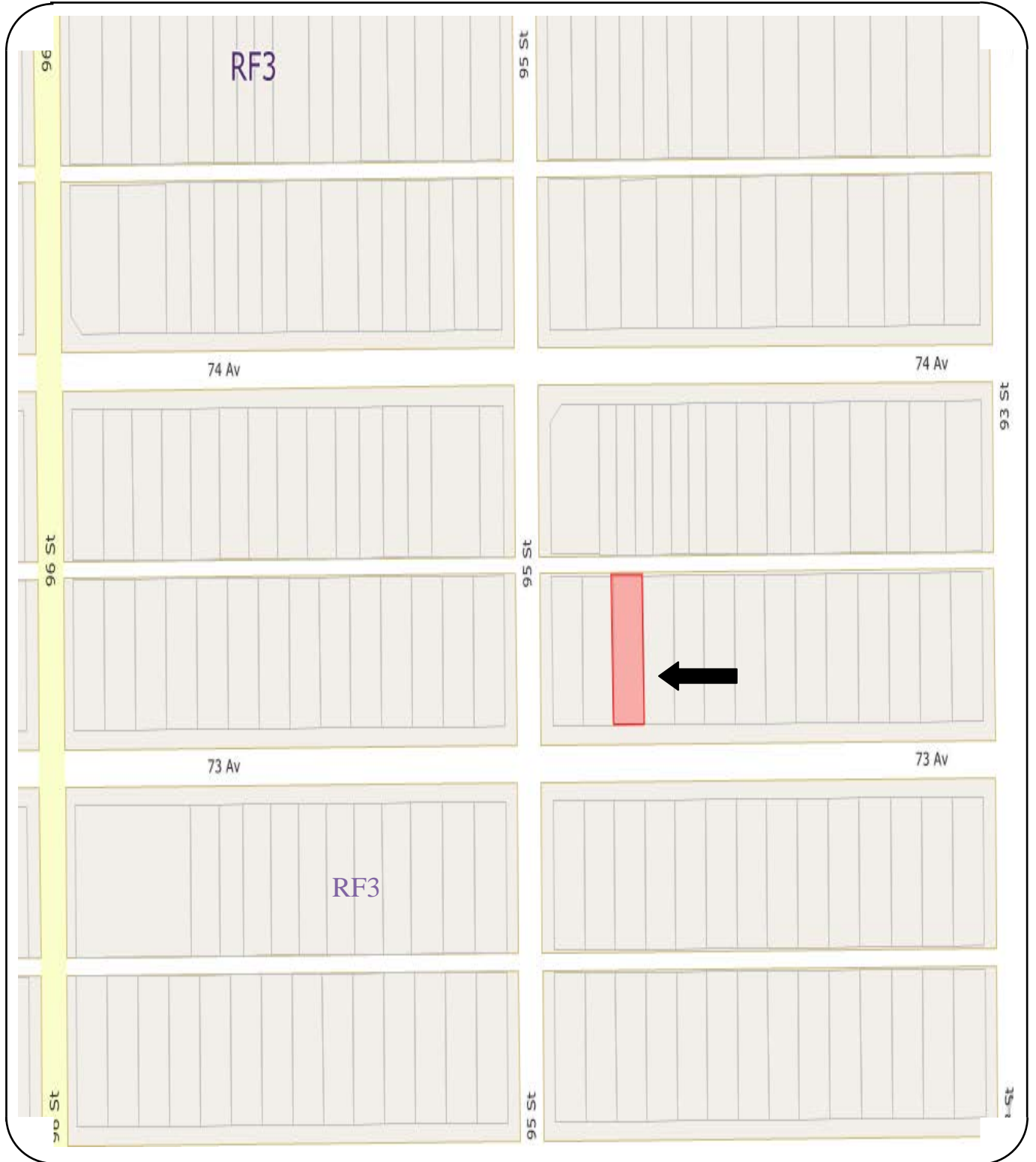
Proposed: 0.6m

Deficient by: 0.3m [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: 169544513-002 Application Date: SEP 01, 2015 Printed: September 13, 2016 at 12:08 PM Page: 1 of 1																									
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																										
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Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Accessory Buildings Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Accessory Buildings Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																							
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I/We certify that the above noted details are correct. Applicant signature: _____																										
Development Application Decision Refused Reason for Refusal 1. Section 50.2(4)(b) - an Accessory building or structure shall be located not less than 0.9 m from the Side Lot Line Proposed: 0.0m Deficient by: 0.9m 2. Section 50.2(4)(c) - an Accessory building or structure shall be located not less than 0.9 m from a principal building and any other Accessory building or structure; Proposed: 0.6m Deficient by: 0.3m 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: Jul 15, 2016 Development Authority: HAMILTON, FIONA Signature: _____																										
Fees <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>Dev. Application Fee</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">02717416</td> <td style="text-align: right;">Sep 01, 2015</td> </tr> <tr> <td>Existing Without Permit Penalty Fee</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">02717416</td> <td style="text-align: right;">Sep 01, 2015</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 1px solid black;">\$210.00</td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 1px solid black;">\$210.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$105.00	\$105.00	02717416	Sep 01, 2015	Existing Without Permit Penalty Fee	\$105.00	\$105.00	02717416	Sep 01, 2015	Total GST Amount:	\$0.00				Totals for Permit:	\$210.00	\$210.00		
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<p>THIS IS NOT A PERMIT</p>																										



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-241



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-242

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 224504348-001

ADDRESS OF APPELLANT: 3881 Allan Drive SW

APPLICATION TO: Change the Use from a General Retail Store to a Minor Alcohol Sales Use.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 24, 2016

DATE OF APPEAL: September 6, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3881 Allan Drive SW

LEGAL DESCRIPTION: Plan 1321077 Blk 4 Lot 1

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: Ambleside Neighbourhood Structure Plan
Windermere Area Structure Plan

Grounds for Appeal

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

We are solicitors for Qualico Commercial, Ambleside East Shopping Centre Ltd. and their architects, Hodgson Schilf Architects Inc., Applicants in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The proposed development is a Discretionary Use in the CBI - Low Intensity Business Zone, and may require a variance with respect to the "title to title" separation requirements of section 85.6 of the Edmonton Zoning Bylaw.

2. The site to the north of the subject lands, Lot 4MR, Block 1, Plan 1320290, comprises an area of 13.58 acres / 5.50 hectares and extends to a depth of some 340 metres. A school is under construction at the northernmost part of this site and, to the extent this construction might be considered an active use of the site, that use is located approximately 270 metres north of the proposed development. The remainder of the MR site is not being actively used at this time. (A fire hall is slated to be developed on the southwest portion of the MR site.)
3. The proposed development is separated from the site to the north by a 6 foot, 6 inch developer's fence, a major grade break, a 10.06 metre wide Public Utility Lot and a 20.12 metre wide road plan (comprising the former alignment of Ellerslie Road). The proposed development backs onto these features, and access to the proposed development from the site to the north can only be gained by traversing the outer perimeter of the subject site.
4. It is the case that the proposed development could be located on the CSC parcel west of the subject site (also owned by our clients) as a Permitted Use and not subject to the provisions of section 85.6 of the Zoning Bylaw even though that lot is within 100 metres of Lot 4MR, Block 1, Plan 1320290. Our clients believe that the better location for the proposed development is the subject site, and the subject site was rezoned in the spring of 2016 to accommodate the proposed use. (Approving the current application would prevent the alcohol sales use from being developed on the referenced CSC parcel per section 85.3 of the Zoning Bylaw.)
5. The driving distance from the proposed location to the Wine and Beyond store in the Currents Shopping Centre Owing is approximately 3 kilometres. The proposed development would provide an amenity to the immediate neighbourhood without, in any way, negatively impacting on the use, enjoyment or value of neighbouring parcels of land nor on the existing amenities of the neighbourhood.
6. Such further and other reasons as may be presented at the hearing of this appeal.

<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.

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

1. the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Officer is dated August 24, 2016. The Notice of Appeal was filed on September 6, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 330.1 states that the **General Purpose** of the **CB1 Low Intensity Business Zone** “is to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.”

Under Section 330.3(20), **Minor Alcohol Sales** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Section 7.4(32) states:

Minor Alcohol Sales, means development used for the retail sale of any and all types of alcoholic beverages to the public. This Use Class may include retail sales of related products such as soft drinks and snack foods. The maximum Floor Area for this Use Class shall be no more than 275 m² per individual business premises.

Separation Distance

Section 85(6) provides as follows:

6. any Site containing Major or Minor Alcohol Sales Use Classes shall not be located closer than 100.0 m to any Site being actively used for community or recreation activities, public parks, or public or private education at the time of the application for the Development Permit for

the Alcohol Sales Use Class. Sites that are greater than 2 ha in size and that are zoned either as CSC or as DC2, are exempted from this restriction. For the purposes of this subsection only:

- a. the 100.0 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
- b. the term "community or recreation activities" is limited to Community Recreation Services Uses, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits or Religious Assembly;
- c. the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other commercial schools; and
- d. the term "public parks" is limited to park Sites zoned as AP Zone, and active recreation areas in the river valley that are zoned as A Zone; it does not include passive river valley areas and other areas zoned as A Zone...

Development Officer's Determination

1) Section 85.6: any Site containing Major or Minor Alcohol Sales Use Classes shall not be located closer than 100.0 m to any Site being actively used for community or recreation activities, public parks, or public or private education at the time of the application for the Development Permit for the Alcohol Sales Use Class.

Required separation distance: 100m

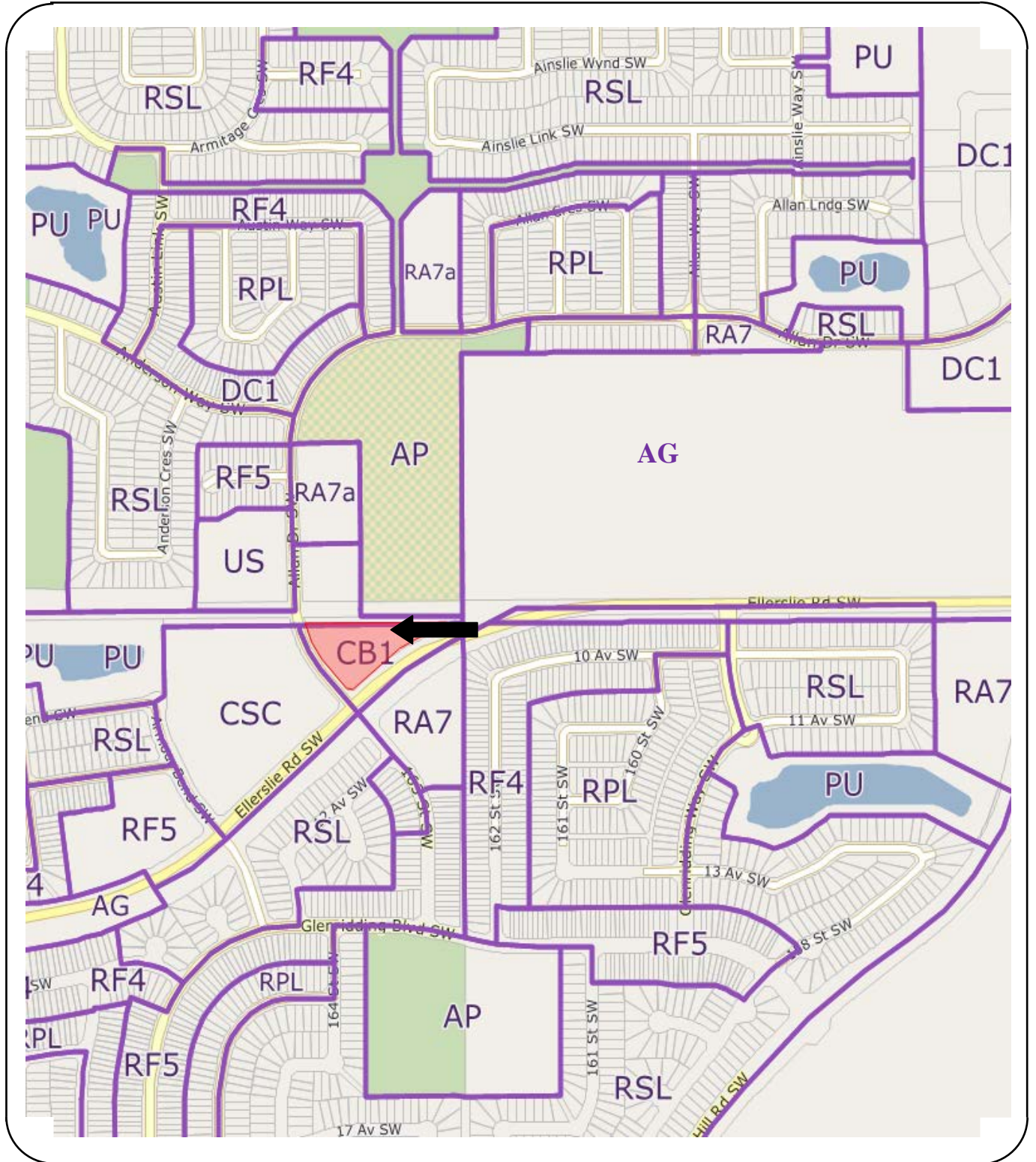
Proposed separation distance to an approved school/park site (3815 - Allan Drive, SW): 30m

Deficient by: 70m [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: 224504348-001 Application Date: JUN 23, 2016 Printed: September 13, 2016 at 2:43 PM Page: 1 of 1																									
<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) 3881 - ALLAN DRIVE SW Plan 1321077 Blk 4 Lot 1 Specific Address(es) Entryway: 16220 - ELLERSLIE ROAD SW Building: 16220 - ELLERSLIE ROAD SW																									
Scope of Application To change the Use from a General Retail Store to a Minor Alcohol Sales Use.																										
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 271 New Sewer Service Required: N Site Area (sq. m.): 8500 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 271 New Sewer Service Required: N Site Area (sq. m.): 8500	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)																							
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Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$323.00</td> <td style="text-align: right;">\$323.00</td> <td>03431726</td> <td>Jul 11, 2016</td> </tr> <tr> <td>DP Notification Fee</td> <td style="text-align: right;">\$102.00</td> <td style="text-align: right;">\$102.00</td> <td>03431726</td> <td>Jul 11, 2016</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$425.00</td> <td style="text-align: right; border-top: 1px solid black;">\$425.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$323.00	\$323.00	03431726	Jul 11, 2016	DP Notification Fee	\$102.00	\$102.00	03431726	Jul 11, 2016	Total GST Amount:	\$0.00				Totals for Permit:	\$425.00	\$425.00		
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Total GST Amount:	\$0.00																									
Totals for Permit:	\$425.00	\$425.00																								
THIS IS NOT A PERMIT																										



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-242



N

ITEM III: 1:30 P.M.

FILE: SDAB-D-16-243

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

APPELLANT:

APPLICATION NO.: 225878666-001

ADDRESS OF APPELLANT:

APPLICATION TO: Operate a Major Home Based Business (Bed and Breakfast Operation - HAPI'S PLACE)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: August 18, 2016

DATE OF APPEAL: September 6, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 1899 Robertson Crescent SW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1899 Robertson Crescent SW

LEGAL DESCRIPTION: Plan 0322852 Blk 4 Lot 26

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Rutherford Neighbourhood Area Structure Plan

Grounds for Appeal

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

We are property owners who are close neighbors to the property of 1899 Robertson Crescent SW. We are writing together to appeal the granting of the Development Permit for a Major Home Based Business (Bed and Breakfast Operation) to this property. We are concerned that this business will cause unreasonable detriment to us as well as our neighborhood. Our reasons are listed below.

1. Does not match the neighborhood's character

As shown in the google map below, our neighborhood is right next to Johnny Bright K-9 School (1899 Robertson Crescent SW itself is less than 500 meters to the school). It is truly a family neighborhood and almost all the households have kids that are aged 1-14 years old. Families live here because of its convenient location to the K-9 School and its family friendly nature, not because of its business potential. Running a Major Home Based Business and having strangers come in the neighborhood everyday does not match our neighborhood's character and is not what the home owners want.

2. Safety Concerns to the Children

Our neighborhood is close to a K-9 school and it is on a quiet crescent as shown in the following map. There are more children walking through and running around in our neighborhood than a typical Edmonton neighborhood. Having a Bed & Breakfast business will naturally bring more vehicle and traffic to the neighborhood. More vehicle and more traffic will statistically increase the traffic risk to the children living in our neighborhood and the children walking through our neighborhood daily. As parents, we would not appreciate any unnecessary traffic risk to our children due to the opening of a Bed & Breakfast operation.

3. Parking Issues

The property of 1899 Robertson Crescent SW only has two parking stalls for two vehicles, and any more vehicles from its owner or customers will have to park on the street. The current street parking is meant to service the need of the home owners and their visitors only. There is insufficient parking for a major business.

In addition, the current parking spaces are limited already. As mentioned earlier, most home owners in our neighborhood have children and often have friends and families coming by. Oftentimes, friends and families have to park their vehicle further away and then walk to the house that they are visiting. Having a business take away valuable parking spaces is not in the best interest of the homeowners in our neighborhood.

4. Who are the Potential Customers

Our neighborhood is not close to any scenery, or park or museum in Edmonton and it would not typically attract tourists. Business people usually stay in hotel. Other than price, we don't see much other motivation for a person to choose to stay in a Bed & Breakfast in our neighborhood.

If price is the main attractive point, we have a few unanswered questions:

- Did the owner of 1899 Robertson Crescent do any market survey to find out who are the potential customers?

- Would low price accommodation increase the chances of having unwelcome person stay in our neighborhood?
- Does this Bed & Breakfast business have any plan for security/medical equipment/procedure in place to prevent and help with any emergency?

Conclusion

We oppose running a Major Home Based Business (Bed and Breakfast Operation) at 1899 Robertson Crescent SW, and we ask SDAB to reject such Development Permit.

<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.

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

Appeals

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

...

- (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*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.1 Class B Development

1. Within seven days of the issuance of a Development Permit for Class B Development, the Development Officer shall dispatch a notice by ordinary mail to:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land, wholly or partly within a distance of 60.0 m of the boundary of the Site;
 - c. the President of each Community League operating within the notification boundaries described in clause (b), above; and
 - d. the President of each Business Revitalization Zone Association operating within the notification boundaries described in clause (b) above.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

The decision of the Development Officer is dated August 18, 2016. Notice of the development was published in the *Edmonton Journal* on August 25, 2016. The Notice of Appeal was filed on September 6, 2016.

Determining an Appeal

The *Municipal Government Act* states the following:

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*:

Section 115.1 states that the **General Purpose** of the **RSL Residential Small Lot Zone** is:

... to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Under Section 115.3(6), **Major Home Based Business** is a **Discretionary Use** in the RSL Residential Small Lot Zone.

Section 7.2(6) states:

Major Home Based Business means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Section 6.1(11) defines **Bed and Breakfast Operation** as “a Dwelling where temporary sleeping accommodations, with or without meals, are provided for remuneration to members of the public”.

Discretionary Use: Major Home Based Business

Section 75 of the *Edmonton Zoning Bylaw* provides as follows:

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 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 115.3.6).

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: **225878666-001**
Application Date: JUL 12, 2016
Printed: August 18, 2016 at 10:46 AM
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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)

1899 - ROBERTSON CRESCENT SW
Plan 0322852 Blk 4 Lot 26

Scope of Permit

To operate a Major Home Based Business (Bed and Breakfast Operation - HAPT'S PLACE).

Permit Details

of business related visits/day: 2
Administration Office Only?: N
Class of Permit: Class B
Do you live at the property?: Y
Outdoor storage on site?: N

of vehicles at one time: 2
Business has Trailers or Equipment?: N
Description of Business: Bed and Breakfast Operation with two Sleeping Units.
Expiry Date: 2021-08-18 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: **225878666-001**
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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. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
6. The number of temporary sleeping accommodations on-site shall not exceed two. Cooking facilities are prohibited within temporary sleeping accommodations (Section 75.7).
7. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
8. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
9. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
10. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
11. 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 18, 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).

Variations

1. Discretionary Use - a Major Home Based Business is approved as a Discretionary Use (Section 115.3.6).

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



Project Number: **225878666-001**
Application Date: JUL 12, 2016
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Home Occupation

Rights of Appeal

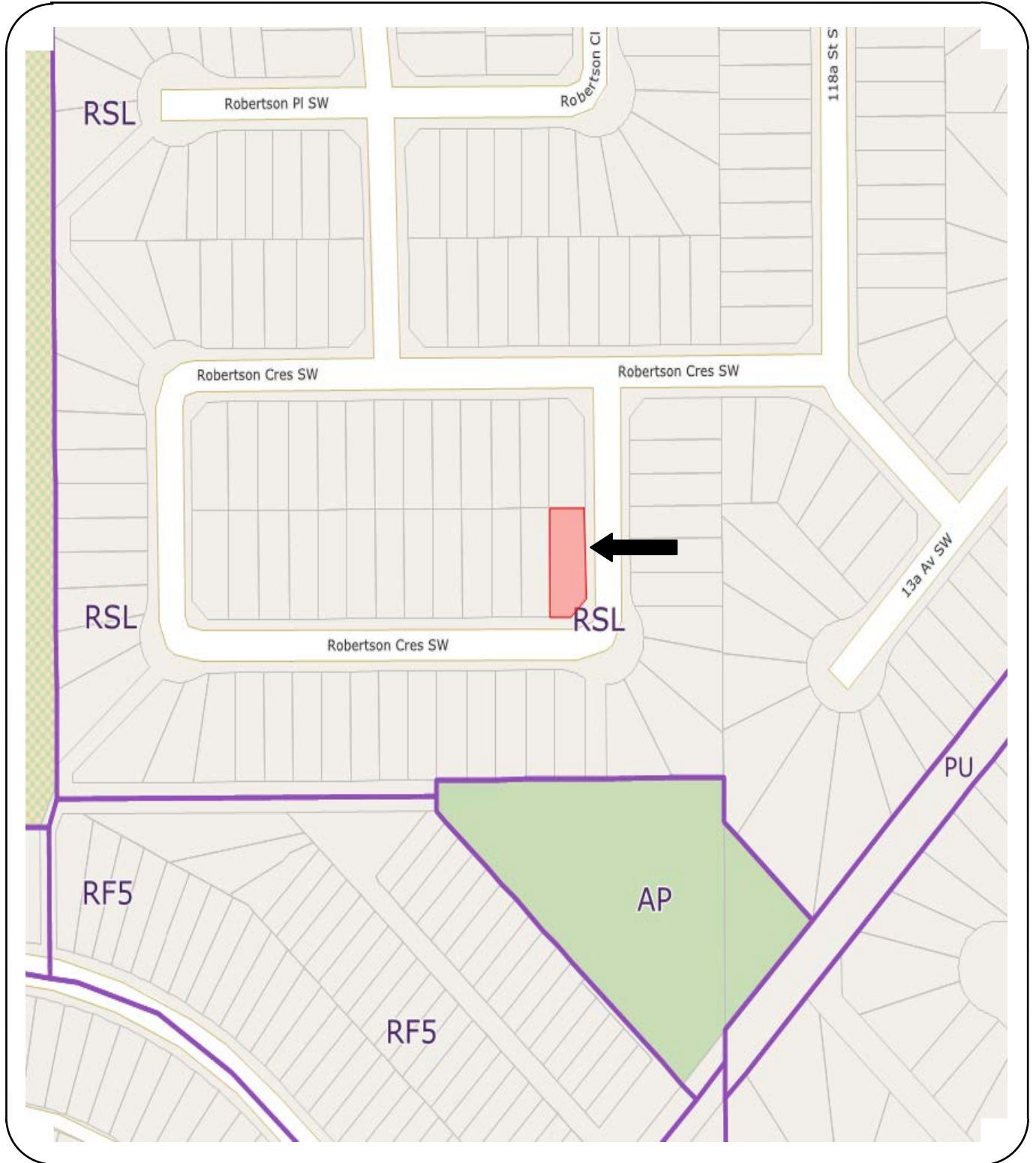
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Aug 18, 2016 **Development Authority:** ROBINSON, GEORGE **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	03436033	Jul 12, 2016
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
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-16-243



BUSINESS LAID OVER

SDAB-D-16-205	An appeal by <u>Rossdale Community League & Gabe Shelley VS Edmonton Fire Rescue Services</u> 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 by <u>1665481 Alberta Ltd.</u> 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 by <u>Zhan (Jake) Chang (The Little Gym)</u> 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 by <u>Stantec Consulting Ltd.</u> 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 by <u>Kiewit Energy Canada Corp</u> 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

188282372-001	An appeal by <u>Kennedy Agrios</u> 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 by <u>Kennedy Agrios</u> 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>