

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
August 8, 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-19-120 To construct exterior alterations a Single Detached House (Driveway extension, adding a second driveway access)

9, 3466 - Keswick Boulevard SW  
Project No.: 311915132-001

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II 10:30 A.M. SDAB-D-19-121 To operate a Major Home Based Business (EVO AUTO DETAILING - Auto detailing services with waterless washing inside the attached Garage; maximum of one client per day; client visits are by appointment only); expires July 02, 2024

2040 - Hilliard Place NW  
Project No.: 288627593-003

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III 1:30 P.M. SDAB-D-19-122 To operate a Major Home Based Business (Minor personal vehicle detailing - YEG DETAIL BROS), expires JUNE 21, 2024

**Development Permit cancelled, no hearing**

303 - Ozerna Road NW  
Project No.: 309767066-001

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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-19-120

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 311915132-001

APPLICATION TO: Construct exterior alterations a Single Detached House (Driveway extension, adding a second driveway access)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 25, 2019

DATE OF APPEAL: July 11, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9, 3466 - Keswick Boulevard SW

LEGAL DESCRIPTION: Plan 1620200 Unit 9

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Keswick Neighbourhood Structure Plan  
Windermere Area Structure Plan

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***Grounds for Appeal***

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

- The subdivision lot sizes allow for larger, estate style homes. The style of house approved for development has 2 front attached garages, each on opposite sides of the house. Having 2 driveway accesses is necessary.
- There would be no additional impact to the neighbours or to the street.
- Location of the lot is in a cul de sac which has a decorative sculpture/sign in the middle, making street parking difficult for guests. Having 2 driveway accesses allows a small number of guests to park on site, keeping the street open and clear.

***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*:**

Section 115.1 states that the **General Purpose** of **(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 and Garden Suites.

Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the RSL Zone.

Section 6.1 provides as follows:

**Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.

**Walkway** means a path for pedestrian circulation that cannot be used for vehicular parking

***Off-street Parking and Loading Regulations***

Section 54.1(4) states:

4. The Front Yard of any ground level Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:
  - a. lead directly from the roadway to the Garage or Parking Area;
  - b. for a Garage or Parking Area with one parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;
  - c. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser; and
  - d. for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 4.3 m.

**Development Officer's Determination**

The Front Yard in any Residential Zone, may include a maximum of one Driveway.

The proposal is to have 2 Driveways leading from the street instead of 1.

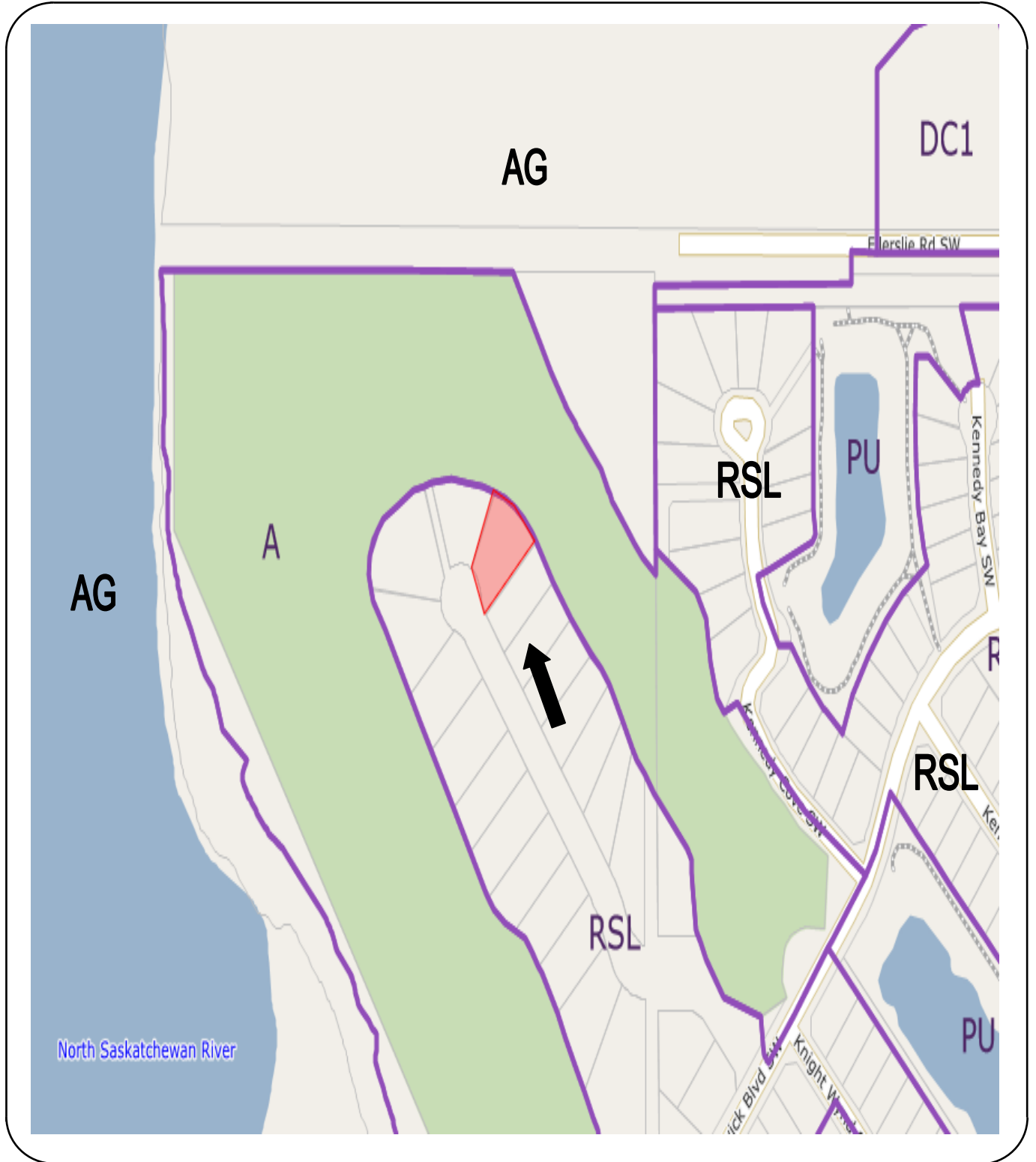
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**Notice to Applicant/Appellant**

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>311915132-001</b> Application Date: APR 25, 2019 Printed: June 25, 2019 at 1:17 PM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
<b>Applicant</b> <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div> <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 9, 3466 - KESWICK BOULEVARD SW Plan 1620200 Unit 9  <b>Location(s) of Work</b> Entryway: 9, 3466 - KESWICK BOULEVARD SW Building: 9, 3466 - KESWICK BOULEVARD SW																				
<b>Scope of Application</b> To construct exterior alterations a Single Detached House (Driveway extension, adding a second driveway access).																					
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Class Of Permit: Class B                      Stat. Plan Overlay/Annex Area: (none)                 </td> <td style="width: 50%; border: none;">                     Site Area (sq. m.): 1397.63                 </td> </tr> </table>		Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 1397.63																		
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I/We certify that the above noted details are correct.  Applicant signature: _____																					
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Jun 25, 2019 <b>Development Authority:</b> TESSERA, HERAN  <b>Reason for Refusal</b> The Front Yard in any Residential Zone, may include a maximum of one Driveway. (Section 54.1.4.)  The proposal is to have 2 Driveways leading from the street instead of 1.  <b>Rights of Appeal</b> 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.																					
<b>Building Permit Decision</b> Refused																					
<b>Fees</b> <table style="width: 100%; border: none; margin-top: 10px;"> <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: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$173.00</td> <td style="text-align: right;">\$173.00</td> <td>8294800860810010</td> <td>Apr 25, 2019</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$173.00</td> <td style="text-align: right; border-top: 1px solid black;">\$173.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$173.00	\$173.00	8294800860810010	Apr 25, 2019	Total GST Amount:	\$0.00				Totals for Permit:	\$173.00	\$173.00		
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Totals for Permit:	\$173.00	\$173.00																			
<b>THIS IS NOT A PERMIT</b>																					



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-120





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

APPELLANT:

APPLICATION NO.: 288627593-003

APPLICATION TO: Operate a Major Home Based Business (EVO AUTO DETAILING - Auto detailing services with waterless washing inside the attached Garage; maximum of one client per day; client visits are by appointment only); expires July 02, 2024

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: July 2, 2019

DATE OF APPEAL: July 11, 2019

NOTIFICATION PERIOD: July 9, 2019 through July 30, 2019

RESPONDENT:

ADDRESS OF RESPONDENT: 2040 - Hilliard Place NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2040 - Hilliard Place NW

LEGAL DESCRIPTION: Plan 0422201 Blk 163 Lot 61

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Hodgson Neighbourhood Area Structure Plan

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***Grounds for Appeal***

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

I am owner of property number 2047 Hilliard Place in Edmonton close to property # 2040 Hilliard Place which has a new development permit to run a car detailing business inside the garage.

I and my wife totally object to this business being run from this quiet residential address. The basis for the objections are as follows.

1. The occupant of # 2040 Hilliard Place has for the last few months been running this business, I presume without permit , with several cars sometimes parked at the address and on the adjoining street in front of other neighbors properties. I have witnessed one of these vehicles, the driver of whom I believe is not a resident of our estates driving erratically from this address in what is otherwise a safe neighborhood to raise children. Many of the children in the cul de sac like to ride their bicycles around in the summer months. I do not believe that the business owner in all sincerity will adhere to the terms of the permit and will thus endanger the lives of kids in the neighborhood. Furthermore, an errant driver broke the tree in front of my house whilst we were away and despite police and the city being notified no one was caught for this incident. It was clear from that incident, which was a hit and run incident involving a driver who does not reside in the estate, that a vehicle detailing business will invite more strangers into the neighborhood with sometimes disastrous consequences as in the case of the knocked down city tree in front of my house.

2. I am not sure how the city will police the business owner to ensure that one car per day visit his garage and that the business is conducted in the garage as over the last few months, many cars typically visit this address and are washed in front of his garage using water.

3. This business, apart from endangering the lives of our kids due to the likelihood that it will invite erratic drivers and strangers to the neighborhood will also lower the standing of our otherwise beautiful neighborhood and substantially lower house prices.

I trust that the city will reconsider the approval of this development permit and withdraw it immediately.

<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(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) ...
- (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.

Section 20 of the *Edmonton Zoning Bylaw* sets out the requirements for Notification of Development Permit Decisions. Section 20.3 provides as follows:

#### **20.3 Class B Discretionary Development**

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:
  - a. each assessed owner of the Site or a part of the Site of the development;
  - b. each assessed owner of land;
  - c. the President of each Community League; and
  - d. the Executive Director of each Business Improvement Area.
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 Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

<b><u>Relevant Dates</u></b>	
Decision Issued:	July 2, 2019
Mailing Notice:	July 3, 2019
Newspaper Notice:	July 9 to July 30, 2019
Appeal Filed:	July 11, 2019

The *Municipal Government Act*, RSA 2000, c M-26 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;
- (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*:**

Section 115.1 states that the **General Purpose** of **(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 and Garden Suites.

Under section 115.3(4), **Major Home Based Business** is a **Discretionary Use** in the RSL Zone.

Section 7.3(7) 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 that 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 includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

<p><b><i>Section 75: Major Home Based Business</i></b></p>
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**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 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 Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

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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: **288627593-003**  
Application Date: MAY 28, 2019  
Printed: July 11, 2019 at 1:32 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.

<b>Applicant</b> 	<b>Property Address(es) and Legal Description(s)</b> 2040 - HILLIARD PLACE NW Plan 0422201 Blk 163 Lot 61
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**Scope of Permit**  
 To operate a Major Home Based Business (EVO AUTO DETAILING - Auto detailing services with waterless washing inside the attached Garage. Maximum of 1 client per day. Client visits are by appointment only.), expires July 02, 2024.

<b>Permit Details</b>  # of businesss related visits/day: 1 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: Auto detailing shop in the garage and also mobile using eco-friendly products.No removal of any parts of the vehicle. Expiry Date: 2024-07-02 00:00:00
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I/We certify that the above noted details are correct.  
 Applicant signature: \_\_\_\_\_

**Development Permit Decision**  
 Approved  
**Issue Date:** Jul 02, 2019    **Development Authority:** SELTZ, AARON



Project Number: **288627593-003**  
Application Date: MAY 28, 2019  
Printed: July 11, 2019 at 1:32 PM  
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. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
7. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
8. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the 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 July 02, 2024.

### 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

You are receiving this notice because a Discretionary Use Development Permit has been issued, 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 variations to development regulations.





Project Number: **288627593-003**  
Application Date: MAY 28, 2019  
Printed: July 11, 2019 at 1:32 PM  
Page: 3 of 3

## Home Occupation

### Rights of Appeal

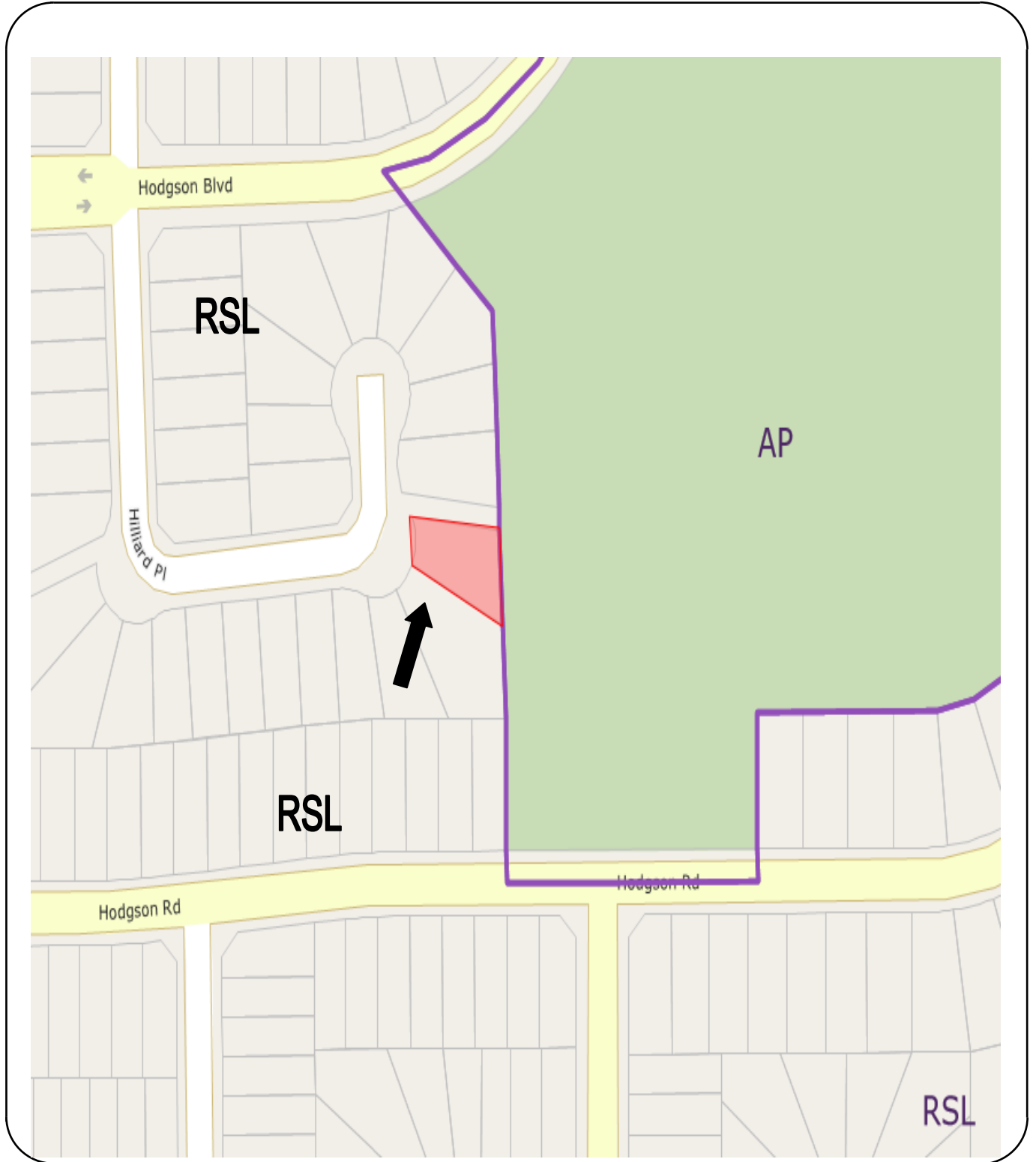
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Notice Period Begins:** Jul 09, 2019

**Ends:** Jul 30, 2019

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$321.00	\$321.00	05880205	May 28, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$321.00	\$321.00		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-121



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-122

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

APPELLANT:

APPLICATION NO.: 309767066-001

APPLICATION TO: Operate a Major Home Based Business (Minor personal vehicle detailing - YEG DETAIL BROS), expires JUNE 21, 2024

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 19, 2019

DATE OF APPEAL: July 15, 2019

NOTIFICATION PERIOD: June 25, 2019 through July 16, 2019

RESPONDENT:

ADDRESS OF RESPONDENT: 303 - Ozerna Road NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 303 - Ozerna Road NW

LEGAL DESCRIPTION: Plan 0522814 Blk 125 Lot 56

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Edmonton North Area Structure Plan  
Ozerna Neighbourhood Structure Plan

*Development Permit cancelled, no hearing*

