

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Friday, 9:00 A.M.
January 15, 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-16-027	Change the Use from Commercial Schools (maximum 4 students), General Retail Store and a Personal Service Shop use to Health Services and to construct interior alterations (relocate stairs, remove two overhead doors on north and south elevations and install two new doors) 7525 - 99 Street NW Project No.: 179169405-001
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II	11:00 A.M.	SDAB-D-16-028	Operate a Major Home Based Business (Administrative Office for Roofing Contractor - Matt's Roofing) 6020 - 189 Street NW Project No.: 162641149-005
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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-16-027

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

APPELLANT:

APPLICATION NO.: 179169405-001

ADDRESS OF APPELLANT:

APPLICATION TO: Change the Use from Commercial Schools (maximum 4 students), General Retail Store and a Personal Service Shop use to Health Services and to construct interior alterations (relocate stairs, remove two overhead doors on north and south elevations and install two new doors)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 1, 2015

DATE OF APPEAL: December 18, 2015

RESPONDENT: The Physi-Yogis

ADDRESS OF RESPONDENT: 7525 - 99 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7525 - 99 Street NW

LEGAL DESCRIPTION: Plan 2239X Blk 1 Lot 2

ZONE: CNC Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

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:

- Unreasonable additional parking requests.
- Increase in floor space is against original permit.
- Permitted Use is not allowed from original sale of land. [unedited]

General Matters

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 within 14 days,

(a) ...

(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.

The decision of the Development Authority was dated December 1, 2015. The Notice of Appeal was filed on December 18, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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.”

Under Section 310.2(2), **Health Services** is a **Permitted Use** in the CNC Neighbourhood Convenience Commercial Zone.

Section 7.4(24) states:

Health Services means development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical Uses include medical and dental offices, health clinics and counseling services.

Parking

Section 54.1(1)(b)(ii) states:

54.1 Off-street Parking and Loading Regulations

1. Applicability and Exceptions

...

- b. Notwithstanding the above, the regulations contained within this Section shall not apply to buildings or Uses existing at the time of the adoption of this Bylaw, except that:

...

- ii. where any building or Use undergoes a change of Use, intensity of Use or capacity and the change results in an increase in the parking requirements, the off-street parking, including parking for the disabled and visitors, shall be increased to equal or exceed the off-street parking requirements resulting from application of the provisions of this Bylaw to the entire building, structure or Use as modified in use...

Development Officer's Determination

1) Parking - No additional parking is provided for the change to a Health Services, instead of providing 8 additional parking spaces (Section 54.1.1.b.ii).

Total number of parking requirement: 14 spaces

Existing/provided: 6 spaces (including 3 tandem parking spaces)

Deficient by: 8 spaces

Previous variance granted: 4 spaces

Variance request under this application: 4 spaces [unedited]

Floor Area

Section 310.4(1) states: "The maximum Floor Area of any individual business premises for a Permitted Use shall not exceed 275 m²."

Development Officer's Determination

2) Floor Area - The total floor area of this Health Services Use will be 304.9 sq.m. instead of 275 sq.m. (Section 310.4.1)

Maximum allowance: 275 sq.m.

Proposed: 304.9 sq.m.

Exceed by: 29.9 sq.m. [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: **179169405-001**
Application Date: SEP 14, 2015
Printed: January 11, 2016 at 1:41 PM
Page: 1 of 3

Major Development Permit

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 THE PHYSI-YOGIS 	Property Address(es) and Legal Description(s) 7525 - 99 STREET NW Plan 2239X Blk 1 Lot 2 Specific Address(es) Suite: 7525 - 99 STREET NW Entryway: 7525 - 99 STREET NW Building: 7525 - 99 STREET NW
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Scope of Permit
 To change the Use from Commercial Schools (maximum 4 students), General Retail Store and a Personal Service Shop use to Health Services and to construct interior and exterior alterations (relocate stairs, remove two overhead doors on north and south elevations and install two new doors).

Permit Details Class of Permit: Class B Gross Floor Area (sq.m.): 69.52 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
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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: **179169405-001**
Application Date: SEP 14, 2015
Printed: January 11, 2016 at 1:41 PM
Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

- 1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant/owner must pay a Notification Fee of \$100.00.
- 2) No parking, loading, storage, trash collection, outdoor service or display areas shall be permitted within a required Yard and loading, storage, parking and trash collection areas shall be screened from view from any adjacent site and public roadway in accordance with Section 55 of the Zoning Bylaw.
- 3) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)
- 4) All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1(1.c))
- 5) All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction. (Reference Section 53(1))

NOTES:

- 1) The Development Permit shall NOT be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 2) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 3) Signs require separate Development Applications.
- 4) A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 5) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 6) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

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



Project Number: **179169405-001**
 Application Date: SEP 14, 2015
 Printed: January 11, 2016 at 1:41 PM
 Page: 3 of 3

Major Development Permit

Variations

- 1) Parking - No additional parking is provided for the change to a Health Services, instead of providing 8 additional parking spaces (Section 54.1.1.b.ii).
 Total number of parking requirement: 14 spaces
 Existing/provided: 6 spaces (including 3 tandem parking spaces)
 Deficient by: 8 spaces
 Previous variance granted: 4 spaces
 Variance request under this application: 4 spaces

- 2) Floor Area - The total floor area of this Health Services Use will be 304.9 sq.m. instead of 275 sq.m. (Section 310.4.1)
 Maximum allowance: 275 sq.m.
 Proposed: 304.9 sq.m.
 Exceed by: 29.9 sq.m.

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: Dec 01, 2015 **Development Authority:** LI, CINDY **Signature:** _____
Notice Period Begins: Dec 08, 2015 **Ends:** Dec 21, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00	\$100.00	02932555	Dec 03, 2015
Major Dev. Application Fee	\$811.00	\$811.00	02744557	Sep 14, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$911.00	\$911.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-027



ITEM II: 11:00 A.M.

FILE: SDAB-D-16-028

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

APPELLANT:

APPLICATION NO.: 162641149-005

ADDRESS OF APPELLANT:

APPLICATION TO: Operate a Major Home Based Business (Administrative Office for Roofing Contractor - Matt's Roofing)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 8, 2015

DATE OF APPEAL: December 18, 2015

RESPONDENT: Mathieu Ferland

ADDRESS OF RESPONDENT: 6020 - 189 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6020 - 189 Street NW

LEGAL DESCRIPTION: Plan 8722742 Blk 29 Lot 2

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Jamieson Place Neighbourhood Structure Plan
West Jasper Place South Area Structure Plan

Grounds for Appeal

On the Notice of Appeal form, the Appellant provided the following reasons for appealing the decision of the Development Authority:

The area is zoned RF1, single detached residential zone.

Street parking is often at a premium, and additional vehicles will add to the congestion.

More vehicles will add to the congestion at the lights on Callingwood Road.

Turning onto 189 St. from 59 Ave. can be difficult now and is a safety issue.

The 14" storage trailer parked on the driveway will decrease property values in the area.

An administration office should not need a storage trailer.

This may set a precedent for other home businesses in the same area.
[unedited]

<i>General Matters</i>

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 within 14 days,

(a) ...

(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.

The decision of the Development Authority was dated December 8, 2015. The Notice of Appeal was filed on December 18, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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.”

Under Section 110.3(7), **Major Home Based Business** is a **Discretionary Use** in the RF1 Single Detached Residential 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 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.

Variance: Outdoor Storage

The Development Officer approved the Development Permit, subject to standard conditions governing Major Home Based Businesses (see pages 15-16), with a variance to Section 75(5), which states:

A Major Home Based Business shall comply with the following... 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;

Development Officer's Determination

Outdoor storage - A 14 feet trailer, associated with the Business, is stored on the Driveway (Section 75.5). [unedited]

Notice to Applicant/Appellant

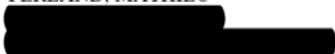
Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of 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: **162641149-005**
Application Date: MAY 20, 2015
Printed: January 11, 2016 at 3:22 PM
Page: 1 of 3

Application for Home Occupation

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

Applicant FERLAND, MATHIEU 	Property Address(es) and Legal Description(s) 6020 - 189 STREET NW Plan 8722742 Blk 29 Lot 2 Specific Address(es) Entryway: 6020 - 189 STREET NW Building: 6020 - 189 STREET NW
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Scope of Permit
To operate a Major Home Based Business (Administrative Office for Roofing Contractor - Matt's Roofing).

Permit Details # of business related visits/day: 0 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 0 Business has Trailers or Equipment?: Y Description of Business: Roofing Contractor - no business work done at home, only parks trailer Expiry Date: 2020-12-08 00:00:00
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I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

THIS IS NOT A PERMIT



Project Number: **162641149-005**
 Application Date: MAY 20, 2015
 Printed: January 11, 2016 at 3:22 PM
 Page: 2 of 3

Application for Home Occupation

Subject to the Following Conditions

A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. There shall be no business-associated visits to the Site.
5. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
6. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
7. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighbourhood.
8. 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.
9. The site shall not be used as a daily rendezvous for employees or business partners.
10. The site shall not be used by employees or business partners as a parking or storage location.
11. Fabrications of business related materials are prohibited.
12. All commercial and industrial equipment, including but not limited to Bobcats, are not permitted at the site. The equipment shall be stored at an approved storage facility.
13. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility. The Development Permit may be revoked if any commercial, industrial and overweight vehicles are parked or stored at the residential site.
14. Other enclosed or empty non-enclosed trailers with less than 4500kg gross vehicle weight shall be parked at an approved storage facility, unless a variance has been granted for an enclosed or empty non-enclosed trailer for this Major Home Based Business.
15. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
16. This approval is for a 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 December 8, 2020.

Notes:

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).

THIS IS NOT A PERMIT



Project Number: **162641149-005**
Application Date: MAY 20, 2015
Printed: January 11, 2016 at 3:22 PM
Page: 3 of 3

Application for Home Occupation

This Development Permit is not a Business License.

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

Outdoor storage - A 14 feet trailer, associated with the Business, is stored on the Driveway (Section 75.5).

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: Dec 08, 2015 **Development Authority:** XIE, JASON

Signature: _____

Notice Period Begins: Dec 15, 2015

Ends: Dec 28, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02440112	May 20, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$291.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-028



BUSINESS LAID OVER

SDAB-D-16-001	An appeal by Joseph D'Andrea to to develop a Secondary Suite in the Basement of a Single Detached House, existing without permits. <i>February 4, 2016</i>
SDAB-D-15-252	An appeal by <u>Southwest Muslim Community Centre</u> to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <i>February 10 or 11, 2016</i>
SDAB-D-15-238	An appeal by <u>Ogilvie LLP</u> to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-15-285	An appeal by <u>Sakaw Daycare</u> to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <i>March 2 or 3, 2016</i>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Singe Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <i>January 21, 2016</i>
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