

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
August 30, 2017**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-17-154

To operate a Major Home Based Business
(Administration office for janitorial services -
Costless by Kostas Ltd.)

6308 - 149 Avenue NW
Project No.: 254465184-001

II 10:30 A.M. SDAB-D-17-155

To construct a Single Detached House with
front attached Garage, veranda, balcony, rear
uncovered deck with pergola (4.88 metres by
3.05 metres), fireplace, and Basement
development (NOT to be used as an additional
Dwelling)

7806 - 142 Street NW
Project No.: 243554395-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-154

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 254465184-001

APPLICATION TO: Operate a Major Home Based Business
(Administration office for janitorial services - Costless by Kostas Ltd.)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 26, 2017

DATE OF APPEAL: August 3, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6308 - 149 Avenue NW

LEGAL DESCRIPTION: Plan 4942NY Blk 36 Lot 7

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: McLeod West Neighbourhood Area Structure Plan

Grounds for Appeal

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

I was operating my business for 24 years in Bon Accord, AB, moved to Edmonton Nov/15/2016 but I continued operating out of Bon Accord till June 15th this is when my property there was sold. Having my work vehicles parked on my drive way does not create a negative impact on traffic nor pedestrians because you can hardly noticed my vehicles when you drive by on 149 ave. Any ways this is how I earn my living and provide for my family. [unedited]

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 26, 2017. The Notice of Appeal was filed on August 3, 2017.

Determining an Appeal

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 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 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.

Traffic

Section 75(3) states that a 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”.

Development Officer’s Determination

- The proposed truck related to this business parked on the property will create negative impact on traffic and pedestrians.

Character of Dwelling

Section 75(6) states: “the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings”.

Development Officer’s Determination

- The truck changes the character of the Dwelling, because of its commercial nature.

Maximum Site Coverage



Section 45(1)(a) states: “No person shall keep in any part of a Site in any Residential Zone: any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg ”.

Development Officer’s Determination

- The subject vehicle has a GVW exceeding 4600 kg.

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: 254465184-001 Application Date: JUN 15, 2017 Printed: August 22, 2017 at 5:03 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Home Occupation</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant 	Property Address(es) and Legal Description(s) 6308 - 149 AVENUE NW Plan 4942NY Blk 36 Lot 7 Specific Address(es) Suite: 6308 - 149 AVENUE NW Entryway: 6308 - 149 AVENUE NW Building: 6308 - 149 AVENUE NW		
Scope of Application To operate a Major Home Based Business. (Administration office for janitorial services - Costless by Kostas Ltd)			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # 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 </td> <td style="width: 50%; border: none; vertical-align: top;"> # of vehicles at one time: 0 Business has Trailers or Equipment?: N Description of Business: Administration office for cleaning business - carpet, upholstery, furnace and duct cleaning and janitorial services Expiry Date: </td> </tr> </table>		# 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?: N Description of Business: Administration office for cleaning business - carpet, upholstery, furnace and duct cleaning and janitorial services Expiry Date:
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I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1.) 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) <ul style="list-style-type: none"> - The proposed truck related to this business parked on the property will create negative impact on traffic and pedestrians. 2.) Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory building. (Section 75.6) <ul style="list-style-type: none"> - The truck changes the character of the Dwelling, because of its commercial nature. 3.) No person shall keep in any part of a Site in any Residential Zone, any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg. (Section 45.1(a)) <ul style="list-style-type: none"> - The subject vehicle has a GVW exceeding 4600 kg. <p>NOTE: Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.</p>			
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.			
THIS IS NOT A PERMIT			



Application for Home Occupation

Project Number: **254465184-001**
Application Date: JUN 15, 2017
Printed: August 22, 2017 at 5:03 PM
Page: 2 of 2

Issue Date: Jul 26, 2017 Development Authority: ANGELES, JOSELITO Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$309.00	\$309.00	04209645	Jun 15, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$309.00	<u>\$309.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-154



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-155

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 243554395-001

APPLICATION TO: Construct a Single Detached House with front attached Garage, veranda, balcony, rear uncovered deck with pergola (4.88 metres by 3.05 metres), fireplace, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 8, 2017

DATE OF APPEAL: August 8, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7806 - 142 Street NW

LEGAL DESCRIPTION: Plan 1623429 Blk 17 Lot 33B

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

- Most houses in this neighbourhood have front access garages.
- Neighbours on both sides have front access to garages.
- This lot (before subdivision) had front access garage.
- The lot is reverse pie shape where the front is wide and back narrow and it makes sense to have front attached garage access, and it will fit with the look of the neighbourhood.
- The back alley is narrow and in very bad condition and access to garage from the back alley will be difficult.
- Front attached garage will give more backyard space.

- Neighbours and Community League consultation required by Development Authority are in favour on my front attached garage proposal. [content unedited; formatting altered for clarity]

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
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- (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
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The decision of the Development Officer is dated August 8, 2017. The Notice of Appeal was filed on August 8, 2017.

Determining an Appeal

Hearing and decision

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

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

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- (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 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 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential 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 in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use 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.

Mature Neighbourhood Overlay Community Consultation

Section 814.3(24) of the Mature Neighbourhood Overlay provides as follows:

24. When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
- d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

Driveway

Section 814.3(10) states:

10. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and
- a. Treed Landscaped Boulevard is present along the roadway adjacent to the property line;
 - b. the Site Width is less than 15.5 m; or
 - c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Development Officer's Determination

1. Driveway - The driveway is located off of 142 Street NW (front) instead of the alley (Section 814.3.10).

Garage Protrusion

Section 814.3(11) states:



If vehicular access is provided from a public roadway other than a Lane, a Garage may only protrude beyond the front wall of the principal building a distance that is characteristic of the majority of existing Garages on the blockface. The Garage may have a width that does not exceed the width of the majority of existing Garages on the blockface.

Development Officer's Determination

2. Garage - The front garage projects 4.27m from the house and is 6.71m wide, which differs from most of the other garages along the street (Section 814.3.11).

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: 243554395-001 Application Date: MAR 17, 2017 Printed: August 23, 2017 at 10:42 AM Page: 1 of 2																									
House Development and Building Permit																										
This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit																										
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Issue Date: Aug 08, 2017 Development Authority: ROBINSON, GEORGE Signature: _____																										
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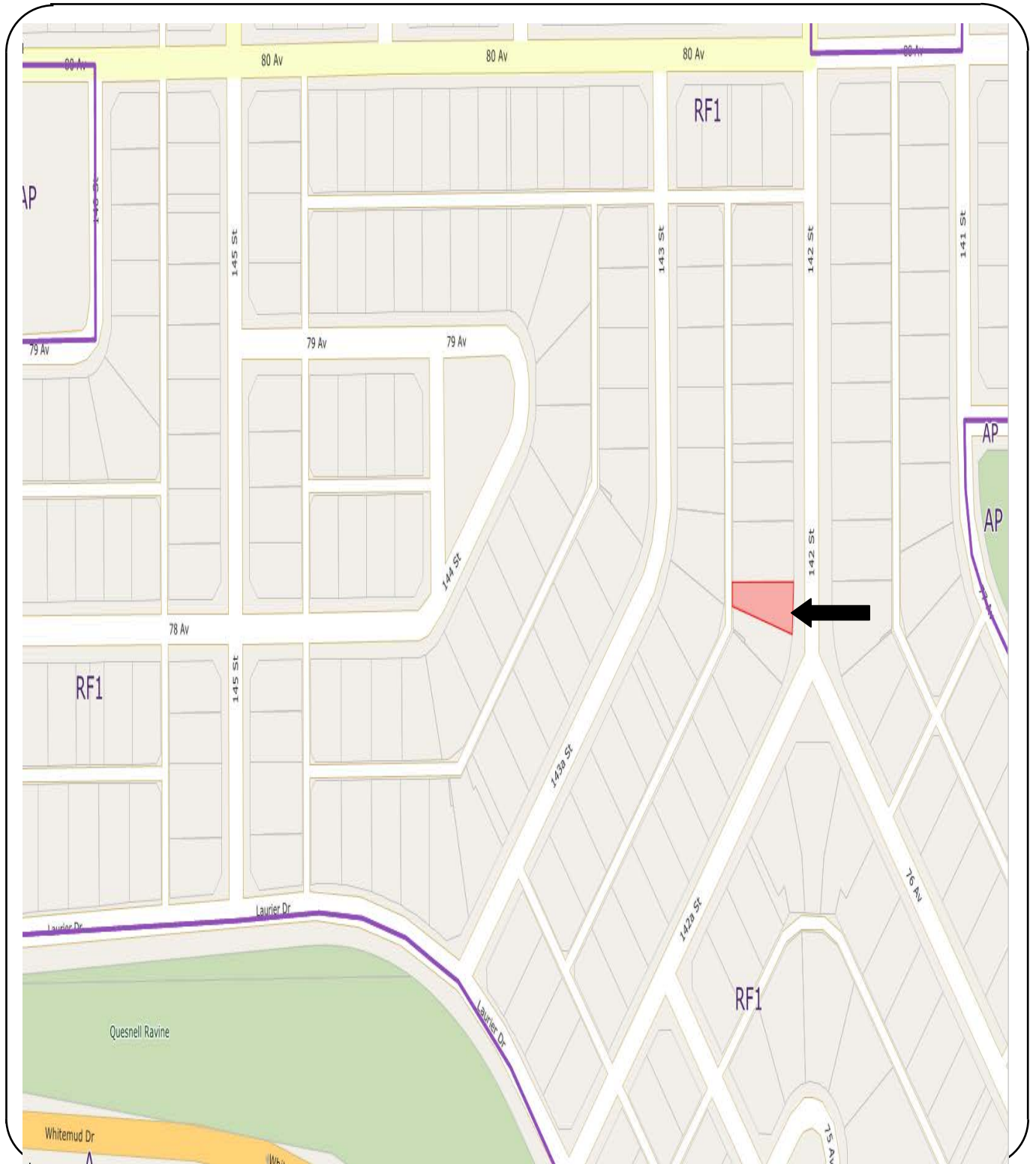


Project Number: **243554395-001**
Application Date: MAR 17, 2017
Printed: August 23, 2017 at 10:42 AM
Page: 2 of 2

House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee	\$2,353.00	\$2,353.00	03985574	Mar 17, 2017
Electrical Fees (House)	\$317.00	\$317.00	03985574	Mar 17, 2017
Water Usage Fee	\$72.60	\$72.60	03985574	Mar 17, 2017
Electrical Fee (Service)	\$79.00	\$79.00	03985574	Mar 17, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$4,638.90</u>	<u>\$4,638.90</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-155

