

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
November 16, 2016**

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

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

I 9:00 A.M. SDAB-D-16-287

To construct a two storey Accessory Building (Garage Suite on second floor, Garage on main floor; 7.92 metres by 7.32 metres) and to demolish the existing rear detached Garage

7825 - 115 Street NW
Project No.: 225587628-001

II 10:30 A.M. SDAB-D-16-288

To construct an Accessory building (rear detached Garage, 11.58 metres by 3.66 metres) and to demolish an existing Accessory structure (rear detached Garage)

8411 - 148 Street NW
Project No.: 229273113-001

III 1:00 P.M. SDAB-D-16-289

To operate a Major Home Based Business (Health Enhancement Centre and Aesthetics Services - Adding three (3) part-time employees for sole proprietor business TOP CARE SPA)

11128 - 124 Street NW
Project No.: 178894883-007

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-16-287

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 225587628-001

ADDRESS OF APPELLANT: 7825 - 115 Street NW

APPLICATION TO: Construct a two storey Accessory Building (Garage Suite on second floor, Garage on main floor; 7.92 metres by 7.32 metres) and to demolish the existing rear detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 20, 2016

DATE OF APPEAL: October 25, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7825 - 115 Street NW

LEGAL DESCRIPTION: Plan 244HW Blk 3 Lot A

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

Property
7825A - 115 Street NW
Plan 244HW Blk 3 Lot A

Scope of Application
To construct a 2-story Accessory Building (Garage Suite on 2nd floor, Garage on main floor; 7.92 metres by 7.32 metres) and to demolish the existing rear detached Garage.

Reason for Refusal

1. Garage Suite Height - The Height of the Garage Suite is 7.11 metres, instead of 6.50m (Reference Section 87.2(a)(i))
2. Garage Suite Height - The ridgeline of the roof is 2.13 metres above the maximum permitted building Height, instead of 1.50m (Reference Section 50.2(c))
3. Parking - The site has 2 parking spaces, instead of 3 (Section 54.1 and Schedule 1)

Reasons for Appeal:

Context: Current detached garage is deteriorated, non-functional and is an eye-sore to the neighborhood. Our request is to demolish and replace the garage that includes a loft space. We wish to increase the value of our current property by building a two-car garage and to utilize the second level as an efficient livable area. This will help to (i) increase housing density, (ii) raise the aesthetic standard of the property and (iii) provide a fully functional garage for the property.

Refusal Statements and Response:

1. Garage Suite Height - The Height of the Garage Suite is 7.11 metres, instead of 6.50 metres (Reference Section 87.2(a)(i)).
2. Garage Suite Height - The ridgeline of the roof is 2.13 metres above the maximum permitted building Height, instead of 1.50 metres (Reference Section 50.2(c))

In keeping with the design requirements of the city to match the aesthetics and pitch of the existing main home (older style bi-level) on the same property, the height and ridgeline of the second floor of the proposed garage-suite extends beyond the height of the existing main home by at most 63 centimetres (24.8 inches).

Our preference is to NOT alter the current design of the proposed garage-suite for several reasons. Changing the roof pitch of the existing proposal to reduce the overall height will either (i) not be in keeping with the existing main home, (ii) further impinge on the livable interior space on the proposed suite (reduced functionality and practicality), or (iii) both.

At the same time, the specifications of the current proposal for the garage-suite meets all other design requirements as outlined by the city.

Further, while the proposed height of the garage-suite has a height variance of at most 63centimetres to that relative to our existing house (which is an older design), it is in fact, not higher than surrounding and neighboring homes (i.e. other existing neighboring homes are higher than that proposed for our garage-suite).

Finally, it is our opinion that the height variance will not generate any additional obstruction or negatively impact the neighborhood in any way.

We have discussed our proposal at length with property owners in our immediate vicinity (we are located on a corner block overlooking a green space). Immediate neighbors include a property to the east and a property to the south (adjacent the laneway). Both these owners have indicated no objection to the proposal. We have also conducted consultation with the wider surrounding neighborhood as required by the city.

3. Parking - The site has 2 parking spaces, instead of 3 (Section 54.1 and Schedule 1)

Regarding additional parking bay requirement; we have specifically proposed sufficient space between the new proposed garage-suite and the existing lane way (8 feet) for a parallel parking bay. This would mean there would be 3 (three) parking bays on our property. The city also provides up to an additional 2 (two) parking permits for street parking. The maximum number of bays associated with this property will be up to 5 (five).

<i>General Matters</i>

Appeal Information:

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

...

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.

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.

Under section 110.3(3), a **Garage Suite** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Under section 7.2(3), **Garage Suite** means:

an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

<i>Height</i>

Section 87.2(a) states the maximum Height shall be as follows: Garage containing a Garage Suite (above Grade):

- i. 6.5 metres or up to 1.5 metres greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4 degree) or greater.

Section 52(2)(c) states where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or overlay, or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officer's Determination:

Garage Suite Height - The Height of the Garage Suite is 7.11 metres, instead of 6.50 metres (Reference Section 87.2(a)(i))

Garage Suite Height - The ridge line of the roof is 2.13 metres above the maximum permitted building Height, instead of 1.50m (Reference Section 50.2(c))

Parking

Section 54.2, Schedule 1(A)(2), states a Garage Suite requires 1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling.

Tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.

Section 54.2, Schedule 1(A)(3), states Single Detached Housing requires 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.

Development Officer's Determination

Parking - The site has 2 parking spaces, instead of 3 (Section 54.1 and Schedule 1)

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: **225587628-001**
 Application Date: JUL 07, 2016
 Printed: November 4, 2016 at 9:58 AM
 Page: 1 of 2

Application for 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

Applicant PROCTOR, SPENCER 7825 - 115 STREET EDMONTON, ALBERTA CANADA T6G1N6	Property Address(es) and Legal Description(s) 7825 - 115 STREET NW Plan 244HW Blk 3 Lot A Location(s) of Work Entryway: 7825A - 115 STREET NW Building: 7825A - 115 STREET NW
--	--

Scope of Application

To construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor; 7.92m x 7.32m) and to demolish the existing rear detached Garage.

Permit Details

Affected Floor Area (sq. ft.): 1248
 Class of Permit:
 Front Yard (m):
 Rear Yard (m):
 Side Yard, left (m):
 Site Area (sq. m.):
 Site Width (m):

Building Height to Midpoint (m):
 Dwelling Type: Garage Suite
 Home Design Type:
 Secondary Suite Included?: N
 Side Yard, right (m):
 Site Depth (m):
 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Reason for Refusal

1. Garage Suite Height - The Height of the Garage Suite is 7.11m, instead of 6.50m (Reference Section 87.2(a)(i))
2. Garage Suite Height - The ridge line of the roof is 2.13m above the maximum permitted building Height, instead of 1.50m (Reference Section 50.2(c))
3. Parking - The site has 2 parking spaces, instead of 3 (Section 54.1 and Schedule 1)

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: Oct 20, 2016 **Development Authority:** LANGILLE, BRANDON **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee	\$1,238.00	\$1,238.00	03423984	Jul 07, 2016
Lot Grading Fee	\$135.00	\$135.00	03423984	Jul 07, 2016
Safety Codes Fee	\$49.52	\$49.52	03423984	Jul 07, 2016

THIS IS NOT A PERMIT



Project Number: **225587628-001**
Application Date: JUL 07, 2016
Printed: November 4, 2016 at 9:58 AM
Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Temporary Gas Heat Fee	\$100.00	\$100.00	03423984	Jul 07, 2016
Electrical Fees (House)	\$236.00	\$236.00	03423984	Jul 07, 2016
Electrical Safety Codes Fee	\$13.94	\$13.94	03423984	Jul 07, 2016
Water Usage Fee	\$30.25	\$30.25	03423984	Jul 07, 2016
Electrical Fee (Service)	\$77.00	\$77.00	03423984	Jul 07, 2016
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03423984	Jul 07, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$2,572.71</u>	<u>\$2,572.71</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-287



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 229273113-001

ADDRESS OF APPELLANT: 8411 - 148 Street NW

APPLICATION TO: Construct an Accessory building (rear detached Garage, 11.58 metres by 3.66 metres) and to demolish an existing Accessory structure (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 26, 2016

DATE OF APPEAL: October 28, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8411 - 148 Street NW

LEGAL DESCRIPTION: Plan 1884KS Blk 6 Lot 22

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:

Permit application was denied because of the distance between the property line and the accessory building (garage). A variance was granted for the distance between the garage and house.

Our existing garage is 0.9 metres from the fence which is appropriate for the bylaws and overlays. Our planned new garage will be re-built in the same location, only lengthened towards the back alley to accommodate two vehicles in tandem. Our fence however is constructed more on our neighbour's property, beyond the property line. Therefore our garage is 0.9 metres from the fence but only 0.45 metres from the property line.

On our neighbours side of the fence is their own garage, where they have two; one facing forward and one facing the lane. Therefore we believe it would be wasted space to add an additional 0.45 metres between our garages to satisfy this requirement. This would only service to reduce the backyard available to us, and make entry into the proposed new garage from the front more difficult given the curved entry you would have to take along the driveway into the garage. Our neighbours and community have no objections whatsoever.

<i>General Matters</i>

Appeal Information:

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

...

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

- (C) unduly interfere with the amenities of the neighbourhood, or

- (D) 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.

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.

Under section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Section 50.1(2) states Accessory Uses and buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

Distance from Principal Building

Section 814.3(22) states a principal building shall be separated from a rear detached Garage by a minimum of 3.0 metres.

Development Officer's Determination

Garage location - The distance from the rear detached Garage to the Single Detached House is 1.80 metres, instead of 3.0 metres (Section 814.3.22)

Accessory Building Setback

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

Development Officer's Determination

Accessory Building Setback - The rear detached Garage is 0.45 metres from the side property line, instead of 0.9 metres. (Section 50.3.4.b)

Community Consultation

Section 814.3(24) states 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 metres 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.

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: **229273113-001**
 Application Date: AUG 25, 2016
 Printed: October 31, 2016 at 8:30 AM
 Page: 1 of 1

Application for Accessory Building 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

Applicant HESHIKA, BENJAMIN 8411 - 148 STREET NW EDMONTON, ALBERTA CANADA T5R0Z7	Property Address(es) and Legal Description(s) 8411 - 148 STREET NW Plan 1884KS Blk 6 Lot 22 Location(s) of Work Entryway: 8411 - 148 STREET NW Building: 8411 - 148 STREET NW
--	--

Scope of Application
 To construct an Accessory building (rear detached Garage, 11.58m x 3.66m) and to demolish an existing Accessory structure (rear detached Garage).

Permit Details

Building Area (sq. ft.): 456 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: (none) Type of Accessory Building: Detached Garage (010)
---	--

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

Reasons for Refusal
 Garage location - The distance from the rear detached Garage to the Single Detached House is 1.80m, instead of 3.0m (Section 814.3.22)

 Accessory Building Setback - The rear detached Garage is 0.45m from the side property line, instead of 0.9 m. (Section 50.3.4.b)

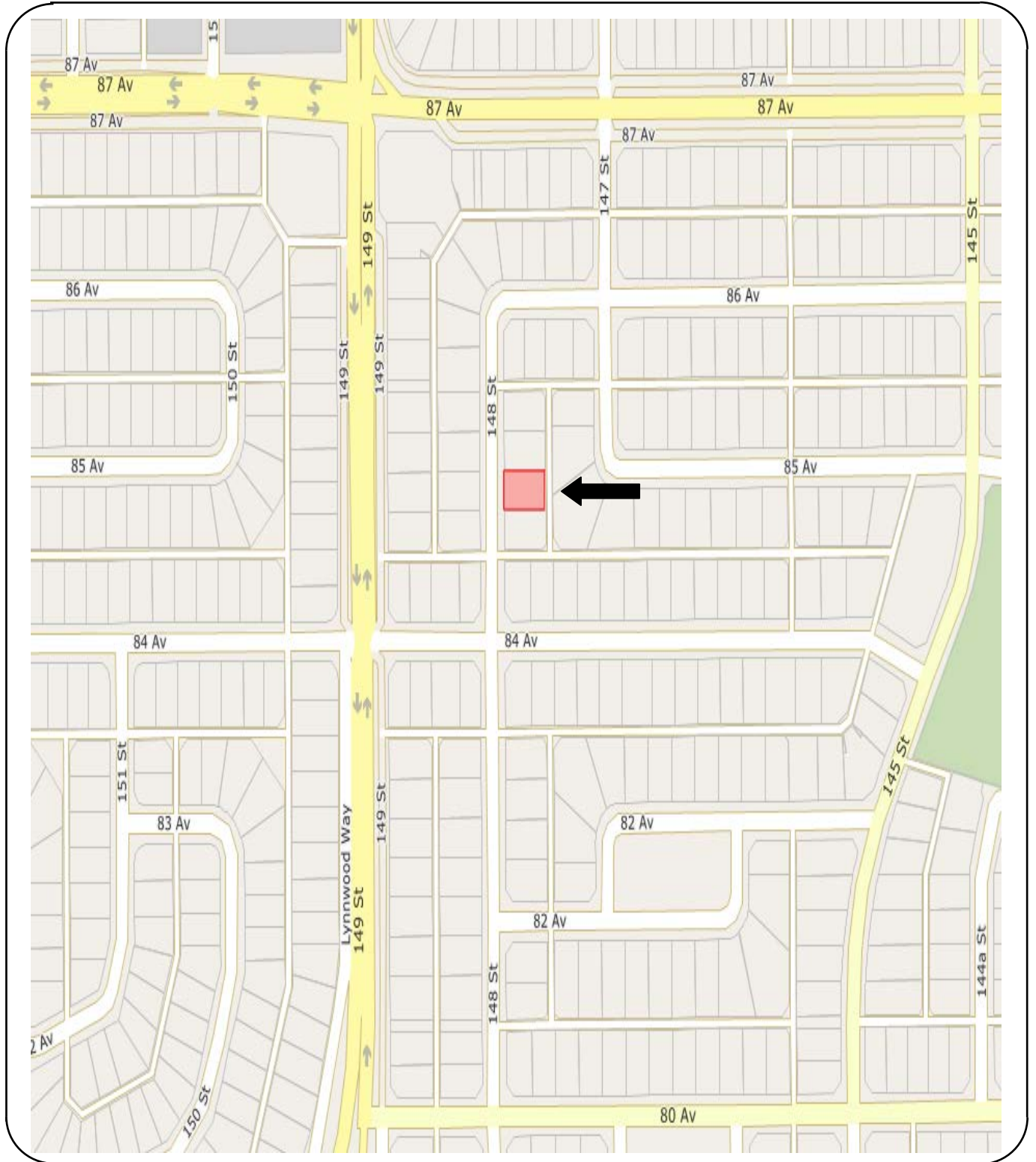
Rights of Appeal
 The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Oct 26, 2016 **Development Authority:** PIHOOJA, KATHERINE **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	03552204	Aug 25, 2016
Dev. Application Fee	\$108.00	\$108.00	03552204	Aug 25, 2016
Building Permit Fee	\$102.00	\$102.00	03552204	Aug 25, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$214.50	\$214.50		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-288



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-289

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 178894883-007

ADDRESS OF APPELLANT: 11128 - 124 Street NW

APPLICATION TO: Operate a Major Home Based Business (Health Enhancement Centre and Aesthetics Services - Adding three (3) part-time employees for sole proprietor business - TOP CARE SPA)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 20, 2016

DATE OF APPEAL: October 25, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11128 - 124 Street NW

LEGAL DESCRIPTION: Plan 2531AB Blk 4 Lot 6

ZONE: RA8-Medium Rise Apartment Zone

OVERLAY: Medium Density Residential Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

I feel this business is appropriate for this location. I only use 2 rooms. Not all employees there at the same time. No more than 2 at a time.

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

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 220.3(7), a **Major Home Based Business** is a **Discretionary Use** in the RA8 Medium Rise Apartment Zone.

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

development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales. Section 160.1 states that the **General Purpose** of the **RF5 Row Housing Zone** is to provide for relatively low to medium density housing, generally referred to as Row Housing.

General Purpose

Section 220.1 states the **General Purpose** of the RA8 Medium Rise Apartment Zone is to provide for Medium Rise Apartments.

Development Officer's Determination

General Purpose - In the opinion of the Development Officer, this proposed Development does not comply with the General Purpose of the RA8 (Medium Rise Apartment) Zone (Section 220.1).

Number of Employees

Section 75.4 states the number of non-resident employees or business partners working on-site shall not exceed two at any one time

Development Officer's Determination

Employees - The number of non-resident employees proposed is three (3) which is in excess of the allowable two (2) for a Major Home Based Business (Section 75.4).

Use Compatibility

Section 75.9 states 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

Development Officer's Determination

Use Compatibility - In the opinion of the Development Officer, this use would be more appropriately located in a Commercial or Industrial Zone and is not compatible with the residential character of the area (Section 75.9).

Major Home Based Business Regulations

Section 75 states the following:

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

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

8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Class Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.
10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garage Suite or a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garage Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

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: **178894883-007**
 Application Date: SEP 23, 2016
 Printed: November 4, 2016 at 10:25 AM
 Page: 1 of 2

Application for Home Occupation

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

Applicant QIN, XIAO L. 1, 11128 - 124 STREET NW EDMONTON, ALBERTA T5M 0J6	Property Address(es) and Legal Description(s) 11128 - 124 STREET NW Plan 2531AB Blk 4 Lot 6 Specific Address(es) Suite: 1, 11128 - 124 STREET NW Entryway: 11128 - 124 STREET NW Building: 11128 - 124 STREET NW
---	--

Scope of Application

To operate a Major Home Based Business (Health Enhancement Centre and Aesthetics Services. Adding three (3) part-time employees for sole proprietor business Qin Xiao o/a TOP CARE SPA).

Permit Details

of business related visits/day: 12
 Administration Office Only?: N
 Class of Permit: Class B

of vehicles at one time: 3
 Business has Trailers or Equipment?: N
 Description of Business: Health Enhancement Centre and Aesthetics Services (facials and waxing) with three (3) employees and up to nine (9) clients visits per day Monday through Sunday. Employees would be working part-time and only working up to five days in the week.

Do you live at the property?: Y
 Outdoor storage on site?: N

Expiry Date:

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Reason for Refusal

1. General Purpose - In the opinion of the Development Officer, this proposed Development does not comply with the General Purpose of the RA8 (Medium Rise Apartment) Zone (Section 220.1).
2. Employees - The number of non-resident employees proposed is three (3) which is in excess of the allowable two (2) for a Major Home Based Business (Section 75.4).
3. Use Compatibility - In the opinion of the Development Officer, this use would be more appropriately located in a Commercial or Industrial Zone and is not compatible with the residential character of the area (Section 75.9).

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: Oct 20, 2016

Development Authority: LEE, CHRISTIAN

Signature: _____

THIS IS NOT A PERMIT



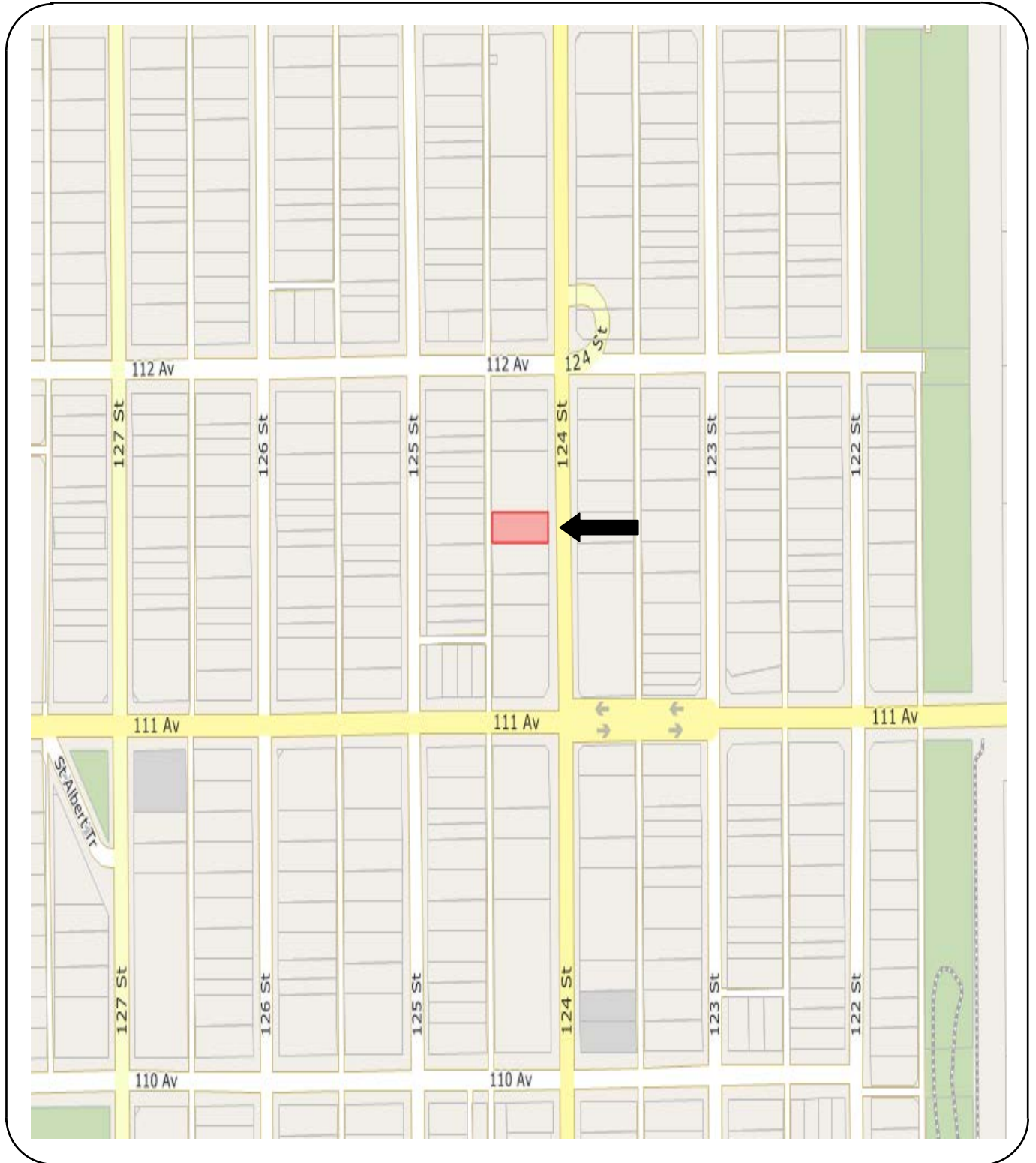
Application for Home Occupation

Project Number: **178894883-007**
Application Date: SEP 23, 2016
Printed: November 4, 2016 at 10:25 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03624682	Sep 23, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$297.00	\$297.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-289



BUSINESS LAID OVER

SDAB-D-16-252	An appeal to operate a Major Home Based Business (Filling Sandbags – Sandbags.ca) <i>November 23 or 24, 2016</i>
SDAB-D-16-263	An appeal to erect a fence higher than 1.2 m in a Side Yard abutting a public roadway other than a lane. <i>December 7 or 8, 2016</i>
SDAB-D-16-264	An appeal to construct exterior alterations to an approved Accessory Building (rear detached garage, 7.3 m x 6.1 m). <i>November 23 or 24, 2016</i>
SDAB-D-16-267	An appeal to change the Use from Warehouse Sales to Restaurants (170 seats) and to construct interior alterations <i>November 23 or 24, 2016</i>
SDAB-D-16-273	An appeal to construct an addition (3.33m x 7.39m carport) to a Single Detached House, existing without permits. <i>November 30 or December 1, 2016</i>
SDAB-D-16-144	An appeal to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>
SDAB-S-14-001	An appeal by 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>January 25, 2017</i>

APPEAL HEARINGS TO BE SCHEDULED

000413016-003	An appeal to comply with a Stop Order to Cease the Non-Accessory Parking, REMOVE all meters, signage and material related to parking and REFRAIN from allowing Non-Accessory Parking. <i>November 17, 2016</i>
000413016-004	An appeal to Comply with a Stop Order to Cease the Non-Accessory Parking, REMOVE all meters, signage and material related to parking and REFRAIN from allowing Non-Accessory Parking. <i>November 17, 2016</i>
188283359-001	An appeal to change the use from a Flea Market Use to a Night Club and Major Amusement Establishment (1757 square metres of Public space) <i>November 23 or 24, 2016</i>

BUSINESS LAID OVER CONTINUED

116341262-007	An appeal to construct a 2 Storey Accessory Building (Garage Suite on second floor, Garage on main floor, 10.36m x 6.81m), existing without permits <i>November 23 or 24, 2016</i>
182548244-007	An appeal to construct an Accessory Building (Shed, 3.20 metres by 3.12 metres), existing without permits <i>December 7 or 8, 2016</i>
128010578-001	An appeal to erect a Privacy Screen 8ft in height along the Southwest portion of the property, along a Required Side Yard <i>December 7 or 8, 2016</i>