

# SUBDIVISION AND DEVELOPMENT APPEAL BOARD MINUTES (SDAB)



<b>Meeting:</b>	Subdivision and Development Appeal Board (SDAB)
<b>Meeting Date:</b>	August 27, 2020
<b>Originated By:</b>	J. Knight
<b>Title:</b>	Minutes of SDAB Hearing 20-003
<b>Agenda Item No.</b>	3

## **BACKGROUND:**

Minutes of SDAB Hearing 20-003



## SUBDIVISION AND DEVELOPMENT APPEAL BOARD MINUTES

For SDAB Hearing No. 20-003

**TIME:** 6:30 pm  
**DATE:** August 27, 2020  
**PLACE:** Cochrane.ca/SDAB

Chairperson: David Helmer

Board Members: Scott Gibson-Craig  
Scott Shannon  
Patrick Wilson, Councillor

Town Staff: Adam Nordquist, Planner II  
Ryan Stewart, Acting Manager Planning Services & Civil  
Land Development  
Riley Welden, Manager of Planning

Recording Secretary: Jaylene Knight

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### 1. CALL TO ORDER

- a. Chairperson Helmer asked for a motion to open the hearing
  - i. MOVED by Scott Shannon to open the hearing  
~carried unanimously~
- b. Chairperson Helmer opened the hearing at 6:33 pm
- c. Introductions were made from the Board
- d. Chairperson Helmer asked if anyone had any objections to any member of the Board
  - i. There were no objections to any member of the Board

### 2. ADOPTION OF AGENDA

- a. The Chairperson asked if there were any amendments or additions to the Agenda
  - i. Secretary Jaylene Knight, responded that there were no additions to the agenda
- b. The Chairperson asked for a motion to adopt the Agenda
  - i. MOVED by Scott Shannon to adopt the Agenda as presented  
~carried unanimously~

### 3. FIRST APPEAL

- a. The Chairperson asked the Secretary to read out the appeal

- i. The Secretary read out the first appeal as follows:  
DP2020-069  
159 Riviera View  
Lot 27, Block 25, Plan 161 0575  
Home-Based Business, Major (Vehicle Detailing)
- ii. The Secretary stated that the Notice of Appeal had been advertised in the August 20<sup>th</sup> edition of the Cochrane Eagle as well as sent out to adjacent landowners

#### **4. OUTLINE OF HEARING PROCESS**

- a. The Chairperson outlined the hearing process for all present  
There were no concerns with the process from the Appellant, Administration or any members of the audience
- b. The Chairperson asked the Secretary if each of the affected parties had received all materials in a timely fashion.  
The Secretary replied that they had

#### **5. PRESENTATIONS**

- a. Administration:
  - i. The Chairperson called upon the Development Planner to come forward and present their report
  - ii. Development Planner, Adam Nordquist submitted a comprehensive Administrative Report and made an oral and visual presentation to the Board
  - iii. Questions were asked from the Board to Administration
- b. Appellants:
  - i. The Chairperson called upon the Appellants to make their presentations
  - ii. Catherine Blackman made an oral presentation to the Board
  - iii. Questions were asked from the Board to the Appellant
  - iv. Jill Currie and Paul Poscente made an oral presentation to the Board
  - v. Questions were asked from the Board to the Appellant
- c. Applicant:
  - i. The Chairperson called upon the Applicants to make their presentations
  - ii. Jason Wipf and Breanna Hendriks made an oral presentation to the Board
  - iii. Questions were asked from the Board to the Applicants

#### **6. QUESTIONS AND SUMMARIES**

- a. Final questions for clarification were asked
- b. Summaries were presented from Administration, the Appellants and the Applicants
- c. The Chairperson asked if all parties involved felt they were given a fair hearing
  - i. All parties agreed they were given a fair hearing

**7. CLOSE**

- a. The Chairperson advised that the Board has 15 days to reach their decision
- b. Chairperson Helmer called for a motion to go in-camera
  - i. MOVED by Scott Shannon to go in-camera  
~carried unanimously~
- c. Chairperson Helmer adjourned the hearing at 8:23 pm

**DATED** this 6 day of OCTOBER, 2020

Original signed by David Helmer

Original signed by Jaylene Knight

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David Helmer, Chairperson

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Jaylene Knight, Recording Secretary

**TOWN OF COCHRANE  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**BOARD ORDER: 20-003**

**IN THE MATTER OF THE *Municipal Government Act*, R.S.A. 2000 Chapter M-26  
(the "Act")**

**AND IN THE MATTER OF A DEVELOPMENT APPEAL** lodged by [Name], of  
[Municipal Address], Cochrane, AB (the "Appellant")

**BEFORE:**

David Helmer, Chairperson  
Scott Gibson-Craig  
Scott Shannon  
Patrick Wilson, Councillor

Jaylene Knight, Recording Secretary

This is an appeal to the Town of Cochrane Subdivision and Development Appeal Board ("SDAB") of the Development Authority, being the Notice of Decision to approve Development Permit 2020-069 for a Home-Based Business at 159 Riviera View, Plan 161 0575, Block 25, Lot 27, in the Town of Cochrane ("Town").

A hearing to consider the appeal was convened by the SDAB on August 27, 2020, commencing at 6:30 pm via video conferencing. The live stream was available for viewing on the Town's website at [Cochrane.ca/SDAB](http://Cochrane.ca/SDAB).

## I. BACKGROUND

Development Permit application DP2020-069 is for a Home-Based Business, Major (Vehicle Detailing) located at 159 Riviera View. The subject property is designated as Residential Single Detached Dwelling District (R-1) where Home-Based Business is listed as a discretionary use. In accordance with Section 3.1.1c) of the Land Use Bylaw 01/2004 ("LUB"), the Development Officer shall consider and decide on applications for development permits for home-based businesses.

The Development Officer approved the application for reasons listed in Section III Review of Submissions below.

The Appellants appealed this decision as per section 685(1) of the *Municipal Government Act, RSA 2000, c. M-26* ("Act"), 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.

## II. DETERMINATION OF THE BOARD

The Appeals are denied and the decision of the Development Authority is upheld as per the reasons outlined in section IV Decision.

## III. REVIEW OF SUBMISSIONS

### a) Development Officer

Mr. Adam Nordquist submitted a comprehensive Administrative Report and provided an oral presentation to the Board.

The Development Permit application was for the development of a Home-Based Business, Major (Vehicle Detailing) located at 159 Riviera View in an R-1 District where the purpose and intent is:

"provide for single-detached residential development. New neighbourhoods will be designed to provide for integrated and varied lot sizes. A limited number of these lots may also contain accessory suites or garden suites."

The floor plan and site plan were found to be compliant with the regulations set out in Section 11.24.2 of the LUB, specifically:

- The garage has an area of 49m<sup>2</sup>. The total residence has a gross floor area of 318m<sup>2</sup>. The business will be conducted entirely within the garage and will occupy 16% of the gross floor area.
- No alterations to the building have been proposed as part of the application
- The business will be conducted entirely within the garage to minimize any disturbances to neighbouring properties. All proposed products are non-toxic, scent free, and pH neutral. The applicant will be responsible for preventing any runoff from entering the Town's sewer system. On site vehicle washing is prohibited as a condition of approval.

- All materials would be stored within the garage.
- The application proposed one (1) client visit per day between the hours of 9:00am to 6:00pm
- No delivery vehicles have been proposed as part of this application.
- The application currently has four (4) parking stalls onsite; two (2) in the garage and two (2) on the driveway. A total of three (3) stalls are required for the residence and the home-based business.
- The applicant is the resident/property owner
- No deliveries have been proposed as part of this application.
- No signage has been proposed as part of this application

The development of home-based businesses aligns with the following guiding policy documents:

- *Cochrane Sustainability Plan*  
Pathway 6 – Our Local Economy is Healthy & Diverse  
Pathway 7 – Everyone has an opportunity to pursue their potential in Cochrane
- *Municipal Development Plan*  
Section 8

The DP application was circulated to internal departments and external agencies for comment; no objections were received. Safety Codes made the note that the work could not include automotive repairs. This was made a condition of the development permit. Protective Services (Fire) recommended the installation of a 10lb ABC fire extinguisher in the garage.

The Development Authority issued the Notice of Decision approving the application, subject to eighteen (18) conditions and four (4) advisory notes, on July 13, 2020.

#### b) Appellant 1

Ms. Blackman provided a written submission and made an oral presentation outlining her grounds for appealing the Development Authority's decision to approve the development permit application with existing terms in the Notice of Decision.

- Ms. Blackman requested that adjustments to the terms in the Notice of Decision be made to mirror the initial Development Permit Application.
- Ms. Blackman expressed concern regarding the 13 hour day/365 day a year permit as well as the number of vehicle visits decreased to a maximum of 3 vehicles per day.
- 9am to 6pm was originally requested and the Town approved 7am to 8pm.

The Appellant is requesting the Board overturn the Development Authority's decision to approve the development permit with existing terms in the Notice of Decision.

#### c) Appellant 2

Ms. Currie provided a written submission and made an oral presentation outlining her grounds for appealing the Development Authority's decision to approve the development permit application.

- Ms. Currie noted that the development permit as presented would cause irreparable harm to the community, to property values and the safety of the residents.
- Ms. Currie noted concerns that the Town of Cochrane awarded a permit that allowed 6 times the volume of vehicles as was requested by the applicant.
- Ms. Currie outlined concerns more on the awarded permit and less so on the original application.
- The volume of vehicles allowed was identified as an issue as it would considerably increase traffic volumes in the neighbourhood.
- Ms. Currie advised she would have less concerns with the permit if the Town had awarded based on the application and not expanded hours or vehicle visits.
- Ms. Currie requested additional information on what constitutes "in the confines of the garage", whether it would require garage doors open or closed as the decision stipulates that the business shall not create any nuisance by way of dust or noise, which was felt to be impossible with the garage door open.
- Ms. Currie noted the high volume potential unacceptably increases risk to children in the area due to increased volume and speed of vehicle traffic and that Riviera View community was not designed to accommodate the additional business traffic as the applicants business does have a direct impact on traffic numbers.
- Ms. Currie questioned the relevance of some of the applicants written arguments that the flexibility of the hours was required due to his working schedule outside of the home-based business.
- Ms. Currie also questioned the approved development permit hours as they were in contradiction to what was in the original application.
- Ms. Currie noted she was hoping for some compromise on the awarding of the development permit due to it being a discretionary use within the district.

The Appellant is requesting the Board overturn the Development Authority's decision to approve the development permit with existing terms in the Notice of Decision.

d) Appellant 3

Mr. Poscente provided a written submission, with supporting photos, and made an oral presentation outlining his grounds for appealing the Development Authority's decision to approve the development permit application with existing terms in the Notice of Decision.

- Mr. Poscente noted that equal application of the Bylaw should not be awarded simply for ease of use but be specific for each business that applies.
- Mr. Poscente noted a large number of children in the area and the concerns regarding the increase to 200 additional vehicles in the area will affect safety of children in the area.

- Mr. Poscente noted that the permit is attached to the home, and although the current applicant has advised there will be low volume, the concern is the permit stays with the property and there is no guarantee that the next owner will follow the same guidelines and it will have a significant effect on the property values in the area due to the noise and increased traffic.

The Appellant is requesting the Board overturn the Development Authority's decision to approve the development permit with existing terms in the Notice of Decision.

e) Applicant

Mr. Wipf provided a written submission and made an oral presentation to the Board in response to the Appellants' concerns:

- Mr. Wipf commented that he would be happy if the permit could sit with the applicant and not continue on with the property.
- Mr. Wipf noted that prior to understanding he needed a permit for his home-based business he had been detailing without neighbours seeing an impact to the area. From when his application was submitted, he has not been detailing vehicles during this time.
- Mr. Wipf's schedule does not allow for a set time for the detailing, and so the flexibility is an important part of the permit to allow him to run his home-based business around his full-time job.
- Mr. Wipf and Ms. Hendricks also want to sustain property values as they are also residents of the area.
- Mr. Wipf reassured the appellants and the Board that they would abide by the rules and conditions as outlined in the Notice of Decision.
- Mr. Wipf also confirmed that he would not be washing cars as part of his service as they would be required to be washed prior to drop off. Any changes to this condition would require an additional development permit in the future.
- Ms. Hendricks noted that it would be unfair for additional constraints to be applied to their business as they have paid their fees and followed the process similar to other Home-Based Businesses within the Town and should have the same rules as other similar businesses.
- Mr. Wipf also advised he would be able to accommodate the restrictions to 2 vehicles per day should the board require that restriction.
- Mr. Wipf stated in the original application that he was looking for a 9am to 6pm timeframe despite the Town's bylaw allowing for longer hours but would be fine with an 8am to 6pm should the board change the hours within the Notice of Decision.

#### IV. DECISION

The Board reviewed all evidence and arguments, written and oral, submitted by the parties when making its decision.

The Board is satisfied that this application meets the requirements as outlined in Section 14.24.2 of the LUB for a Home-Based Business (Major).

The Land Use Bylaw encourages Home-Based Businesses and provides for a wide range of hours of operation for every business and it's up to the individual business owner of when they operate their business, as they are not mandated by the Town to operate for the full 13 hours as outlined in the Notice of Decision. The applicant has stated that he is only operating between 9am and 6pm and the Board was satisfied that the hours of operation, including weekends and statutory holidays as outlined in the Notice of Decision conditions will not cause an undue impact to the parking or safety of residents.

The Board determined that conditions within the permit were sufficient to address waste removal and noise complaints.

The Board did not consider the development permit staying with applicant, as suggested by all parties as it is contrary to the Town's Bylaw and as such not an option to consider.

The Board considered the written submission of the appellants specific to the property valuation and did not find that the submission sufficiently supported the appellants argument for determining a decrease in property value as it was not provided by a professional appraiser.

The Board considered issues identified by the Appellants in regard to noise and dust and feel that the provisions to monitor the permit are in place with the conditions as set out in the Notice of Decision and additional Town Bylaws that can be duly enforced.

In summary, the Appellants failed to convince the Board that the proposed development would unduly interfere with the enjoyment, well-being and safety, or any other aspect with that neighbourhood, including property values.

## CONCLUSION

For the reasons set out above, the appeal is denied, and the decision of the Development Authority is upheld. A development permit shall be issued.

**Dated** this 11 day of September 2020

Original signed by David Helmer

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David Helmer, Chairperson

Original signed by Jaylene Knight

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Jaylene Knight, Recording Secretary

*An appeal of this Decision, on a question of law or jurisdiction, may be made to the Alberta Court of Appeal in accordance with section 688 of the Municipal Government Act, RSA 2000, c.M-26 within 30 days of the date of this Decision.*