

**VILLAGE OF RYLEY**  
**NOTICE OF DECISION – DEVELOPMENT PERMIT**  
**REFUSAL**

**APPLICANT INFORMATION**Applicant: UBALDO & MARLENE SCHMITT Telephone: (778)638-1130Address: 580 BYRNE CRESCENT SW, EDMONTON, AB T6W 1E7Your application for a Development Permit for: MOBILE HOME**LAND INFORMATION**Address of property: 4915- 54 AVE, RYLEY, AB T0B 4A0Lot 9 Block 12 Registered Plan No. 4988AD

Has been REFUSED for the following reasons:

- RYLEY LAND USE BYLAW 2020-936 SECTION 70 – R2 RESIDENTIAL DISTRICT

**1. R2 PERMITTED USES & DISCRETIONARY USES DO NOT INCLUDE MOBILE HOMES**

- (i) **MODULAR HOUSING UNITS ARE PERMITTED** – A modular home is not a mobile home; These homes are often called factory-built, system-built or prefab (short for prefabricated) homes.
- (ii) Modular and manufactured homes are not the same. Manufactured homes are not placed on permanent foundations.
- (iii) CSA A277 labelling is required as a Standard Certification (not a building code).

See Attached: (1) R2 District Zoning, (2) Ryley Land Use Bylaw 2020-936 Definitions, (3) Government of Alberta Building Code Variance regarding Alberta Labeling For CSA A277 Constructed Homes.

**2. THE DEVELOPMENT AUTHORITY WILL REVIEW THIS APPLICATION FOR DEVELOPMENT IN “R2” ZONING IF PROVIDED DOCUMENTATION SHOWING “MODULAR HOME” IDENTIFICATION UNDER CSA A277 LABELING.**

April 25, 2024  
Date of Decision

April 25, 2024  
Date of Issue of Notice of Decision

  
Development Authority  
Glen Hamilton-Brown

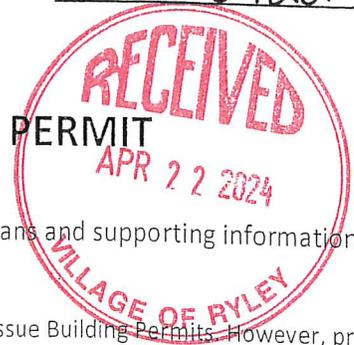
**IMPORTANT NOTICE**

The applicant or any persons who claims to be affected by the decision of the Development Authority may appeal the decision to the Development Appeal Board. The appeal shall be made in writing and shall be delivered either in person or by mail to the Secretary of the Development Appeal Board not later than 14 days after the date of Issue of Notice of Decision.

FORM A

APPLICATION NO. 2024-0422-002

VILLAGE OF RYLEY  
APPLICATION FOR DEVELOPMENT PERMIT



I hereby apply for a Development Permit in accordance with the accompanying plans and supporting information. A Site Plan as required by Section 16 of the Land Use Bylaw.

Note: This is an application for a development permit only. The Village of Ryley does not issue Building Permits. However, provincial statues including, but not restricted to the building code; electrical, plumbing and gas codes; and health and environmental regulations shall also apply.

APPLICANT INFORMATION (Please print CLEARLY)

Applicant: Ubaldo & Marlene Schmitt Telephone: 778-638-1130

Address: 580 Byrne Crescent SW Edmonton AB T6W 1E7

Registered owner of land (if different): \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

LAND INFORMATION (Please print CLEARLY)

Address of property: 4915 59 Ave

Lot 9 Block 12 Registered Plan No. 4988AD

Existing use of property: Residential dwelling on lot 10

DEVELOPMENT INFORMATION (Please print CLEARLY)

Proposed development: Mobile Home

Estimated Start Date: May 2024 Estimated Completion Date: \_\_\_\_\_

Estimated Value of Project/Construction: 30,000

DECLARATION

I hereby declare that the above information is, to the best of my knowledge, factual and correct. I hereby give consent to allow authorized persons to enter the above land in respect only to this application. I understand that applying for a development permit does not exempt me from complying with all other applicable municipal, provincial, and federal laws.

NOTE: Signature of Registered Landowner, or their letter of authorization, is required if different from Applicant.

Ubaldo Schmitt Applicant April 21/24 Date

Ubaldo & Marlene Registered Landowner \_\_\_\_\_ Date



# 1 Bed 1 Bath House

\$36,500

✓ Message sent to seller

See conversation

(1)

**SECTION 70 R2- RESIDENTIAL (2) DISTRICT**

The purpose of this district is to allow for the development of smaller Single Detached, Semi- Detached and Duplex dwellings as well as a limited range of complimentary uses that are compatible with residential uses.

**(1) Permitted Uses**

- a) Accessory Buildings and Uses
- b) Duplexes
- c) **Modular Housing Units**
- d) Semi-Detached Dwellings
- e) Single Detached Dwelling

**(2) Discretionary Uses**

- a) Bed and Breakfast Establishments
- b) Day Care Centres
- c) Family Care Facilities
- d) Group Care Facilities
- e) Home Occupations
- f) Public Parks
- g) Places of Worship
- h) Public Utility Building not containing Offices
- i) Secondary Suite
- j) Show Homes
- k) Shipping Containers as dwelling unit

**(3) Regulations**

- a) Minimum Lot Size: 465 m<sup>2</sup> (5000 ft<sup>2</sup>)
- b) Minimum Front Yard Setback: 6 m (20 ft)
- c) Minimum Rear Yard Setback: 7.6 m (25 ft)
- d) Side Yard Setback: A minimum of 1.5 m (5 ft) on all lots over 15 m (49 ft); and not less than 10% of the lot width on all lots 15 m (49 ft) or less.  
  
Corner lot – 4.5 m (15 ft) for side yard abutting flanking street. In lane less subdivisions where no attached garage is provided one side yard shall be a minimum of 4 m (13 ft), if there are projections into a side yard a minimum 3 m (10 ft) clear is required.
- e) Maximum Height: 10 m (32.8 ft) or 2 ½ storeys
- f) Minimum Floor Area: 56 m<sup>2</sup> (602 ft<sup>2</sup>) per dwelling unit excluding shipping containers. Minimum floor area for shipping containers used as dwelling units shall be 14.8 m<sup>2</sup> (160 ft<sup>2</sup>).  
All other uses as required by the Development Authority.
- g) Maximum Lot Coverage: 40% (total of dwelling and accessory buildings)

(2)

**LANE** means a right-of-way on which motorized vehicles are normally allowed to operate, which is 10.0 m (32.8 ft) or less, and 6.0 m (19.7 ft) or more in width, or an alley as defined in the Traffic Safety Act, RSA 2000, Chapter T-6 as amended.

**LOT** means:

- (a) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
- (b) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision.

**LOT COVERAGE** means that the percentage of the area of any lot which is covered by all buildings on the lot excluding structures such as balconies and canopies.

**LOT WIDTH** means the distance between the side property lines as measured along the minimum front yard building setback, unless otherwise specified in the Bylaw.

**MAIN BUILDING** means a building in which is conducted the main or principal use of the site on which it is erected.

**MAINTENANCE** means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building.

**MANUFACTURED HOME** means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried and which provides year round living accommodation for one or more persons and can be connected to utilities.

**MINIMUM FLOOR AREA** means usable floor area not including basement or attached garage.

**MINOR** means, where added as a descriptor to a use, a use which, due to its nature or relatively small size will, as determined by the Development Authority, have a limited impact on surrounding uses, or which is intended to serve a small or local, rather than a major or municipal, area, or which is a use located within a more substantial use which is not directly accessible from outside except through that more substantial use, such as an establishment for alcohol sales within a hotel.

**MODULAR HOUSING UNIT** means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side by side or vertically, and completed to form one or more complete dwelling units for year- round occupancy.

Zoning "RMH" Residential Manufactured Home Park

Zoning "R2" Permitted

(3)

# BUILDING CODE VARIANCE



December 2019

19-BCV-002  
Page 1 of 2

## ALBERTA LABELING FOR CSA A277 CONSTRUCTED HOMES

### PURPOSE

This variance recognizes CSA A277, "Procedure for Certification of Prefabricated Buildings, Modules, and Panels," labels (without accompaniment of an Alberta Municipal Affairs label) for factory-constructed and other off-site-constructed homes as proof of conformance with Part 9 of the National Building Code–2019 Alberta Edition (NBC(AE)).

### DISCUSSION

In light of CSA A277, "Procedure for Certification of Prefabricated Buildings, Modules, and Panels," already being a prescribed requirement in Sentence 2.4.5.1.(2) of Division C of the NBC(AE) for factory-constructed and other off-site-constructed buildings, constructors certified under CSA A277 do not require provincial labels for the homes they produce.

The CSA A277 standard provides the process for an independent certification agency to review the quality system of a constructor and periodically conduct unannounced audits of the constructor's quality system to verify ongoing compliance. Sentence 2.4.5.1.(2) of Division C of the NBC(AE) states that CSA A277 certification confirms "the building complies with the technical requirements, or objectives and functional statements, of this Code."

A factory-constructed building bearing a CSA A277 certification label of an accredited certification agency indicates the building is constructed in compliance with the CSA A277 standard and the building construction is deemed to comply with the NBC(AE).

There is no prescriptive requirement for the Alberta Label for factory-constructed homes; however, the requirement for Alberta Labels on factory-constructed homes has been the normal practice by industry and regulatory stakeholders in addition to the CSA A277 labeling. A variance to provide assurance that factory-constructed homes certified under CSA A277 provide equivalent safety performance to the Alberta Label will be of assistance for both industry and authorities having jurisdiction.

### CODE REFERENCES

#### Article 2.4.5.1. (Division C) states:

##### 2.4.5.1. Factory-Built Assemblies

1) Where a component of a *building* is assembled off the *building* site in such a manner that it cannot be reviewed on site, off-site reviews shall be carried out to determine compliance with this Code.

2) Except as provided in Sentence (3), factory-constructed and other off-site-constructed

Unless stated otherwise, all Code references in this STANDATA are to Division B of the National Building Code-2019 Alberta Edition

Issue of this STANDATA is authorized by  
the Provincial Building Administrator

[Original Signed]  
Paul Chang



*buildings* that are constructed after 01 April 2019 shall be certified in accordance with CSA A277, "Procedure for Certification of Prefabricated Buildings, Modules, and Panels," by an organization accredited for this purpose by the Standards Council of Canada, to confirm that the *building* complies with the technical requirements, or objectives and functional statements, of this Code.

**Notes to Part 1, A-1.1.1.1.(2) states:**

In Alberta, a certification and labeling program based on CSA A277, "Procedure for Certification of Prefabricated Buildings, Modules, and Panels," is used for factory-constructed homes. The use of a label issued by Alberta Municipal Affairs confirms compliance with the requirements of Part 9 of the NBC(AE).

The labeling program for factory-constructed homes is a cooperative effort between Alberta Municipal Affairs and third-party certification agencies accredited by the Standards Council of Canada. Third-party certification agencies conduct periodic audits of the manufacturing plants, review the building plans, inform the manufacturer of deficiencies, and distribute labels.

All new factory-constructed homes carry two labels:

- (1) a CSA label to verify that the home was built by a certified manufacturer under a quality assurance program, and
- (2) a provincial label to confirm the home was designed and built to Part 9 of the NBC(AE) as a single-family dwelling.

The provincial labels are only applied to factory-constructed homes that are fully completed in the factory. Unfinished factory-constructed homes sold to owners to be completed on-site do not receive provincial labels. In this situation, only CSA A277 labels are applied and owners must then obtain all necessary permits for the work remaining to be completed.

**APPLICATION**

This variance applies to any building indicating compliance to the NBC(AE) in accordance to the certification listing of the manufacturer under the CSA A277 program, constructed on or after December 16, 2019.

**VARIANCE**

This variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by the Safety Codes Act.

1. Factory-constructed homes bearing a CSA A277 certification label are considered acceptable verification that the home was designed and built in compliance with Part 9 of the NBC(AE).
2. The Alberta-specific label is not required in addition to the CSA A277 certification label and applicable specification sheet.

This VARIANCE is applicable throughout the province of Alberta.