

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
August 26, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-501

To comply with an Order to remove the sedan parked on the front lawn, and refrain from parking any vehicle in the required front yard area

10345 - 160 Street NW
Project No.: 398666748-001

II 10:30 A.M. SDAB-D-21-138

To install one (1) Minor Digital On-Premises Off-Premises Sign [Freestanding] (3 metres by 6.1 metres facing NW) (PATTISON OUTDOOR ADVERTISING)

11061 - Ellerslie Road SW
Project No.: 401583711-002

III 1:30 P.M. SDAB-D-21-139

To operate a Breweries, Wineries and Distilleries Use and interior alterations (Bent Stick Brewing)

9930 - 78 Avenue NW
Project No.: 388885907-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-501

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 398666748-001

ORDER TO: Remove the sedan parked on the front lawn, and refrain from parking any vehicle in the required front yard area before July 29, 2021

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: July 5, 2021

DATE OF APPEAL: July 29, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10345 - 160 Street NW

LEGAL DESCRIPTION: Plan 2857HW Blk 18 Lot 12

ZONE: (RF4) Semi-detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

1. I file this electronically today, Thu July 29, 2021 on the 21st day since I received the subject notification (hereafter "the Order").
2. I note that incorrect filing information was included in the Order, specifically that I could file the appeal and pay the required \$72 fee in person at Edmonton City Hall

3. On the telephone today, I learned that this is NOT the case, and the office is closed due to covid 'work-from-home' policies.
4. Therefore I have today had my bank send a money order made payable to the City of Edmonton at the mailing address in the Order via Canada Post (tracking info available upon request).
5. The basis for my appeal of the Order is that I have lived in this domicile for over 25 years (since June 1st, 1993 - Gov't proof of residence available upon request) and have been using the front driveway in the same style and manner this more than 25 years.
6. Under the basic Common Law principle that any otherwise legal activity that has been in progress for 25 years or longer is not within the authority of any level of Government to thereafter restrict or deny continued usage.
7. Further, my house was build in 1953 and the front driveway was already constructed with its gravel surface when my family purchased this house in Oct. 1988.
8. My sister Judy was the first of my family to reside here at that time in 1988, and now as her Power of Attorney due to here medical condition this address is her legal address for all communication and transactions with 3 levels of Government, Revenue Canada, and the Insurance Comppanyh from whom she receives monthly LTD payments. It is her disabled transit signs that also on on the city frontage to this property.
9. Next, my immediate neighbors who's homes have also not been repermited for infile redevelopment to this day contine to use their own front yard gravel driveways as parking for their motor vehicles.
10. This fact could not have been missed by either the By-law Officer who has attended my location at least twice since July 2021, nor the presumptive filer of the original parking complaint.
11. There are additional civil misconduct and human rights issues involved with the individual referred to in para 11. which I do NOT wish to get into with the SDAB. These issues would involve a complaint filed with the Edmonton City Poice if it becomes necessary in support of the documentation of events concerning this appeal.
12. Finally, the presumption in the Order that I would willful not comply with a City order if properly formed as so ajudged (after a civil hearing) is unwarranted.
13. The Order goes on in gorely detail of how this falsely-assumed failure to comply with the Order would result in a \$10,000 fine, up to 1 year in jail, the City constructing a barracde blocking my driveway, and finally charging me for the expense of such construction and/or filing a lien on the Title of my property.

14. This is abusive. I have been waiting for hip surgery since Oct 2019, and have suffered 2 separate covid infection illnesses since Jan 2020. I have limited mobility and need to use my driveway to park close to my door when carrying groceries in from the car.
15. During the 2-year growing season spanning this covid episode, my driveway was in lesser use due to naturally fewer trips out of the house (down to once per 6 weeks in Jan 2021).
16. It is understandable that someone new to the neighborhood would not at first glance recognise that a driveway exist in the front of my property. However, these individual(s) have NOT lived here for more than 25 years as I have, and are unfairly ignoring the extraordinary circumstances faced by our society in 2020-21.
17. You have the opportunity to correct this injustice by ruling favourably in my Appeal. I ask simpley that I be allowed to continue using my property as I have since I first moved here in June 1993 and to live quietly in peace while my sister Judy is still alive.
18. IMO, any further changes to the land use at this address should be the result of a newly issued City Development permit after I sell and move, or pass away.

Thank-you for your kind consideration in this matter.

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or

- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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.

...

(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 the decision in accordance with subsection (2.1).

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,

- (a) in the case of an appeal made by a person referred to in section 685(1)

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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 150.1 states that the **General Purpose** of the **(RF4) Semi-detached Residential Zone** is “to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Objects Prohibited or Restricted in Residential Zones

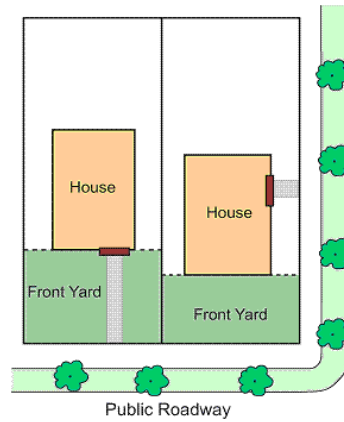
Section 45.7 states:

In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:

- a. vehicles shall not be located on the landscaped portion of the Yard; and
- b. vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

Under section 6.1, **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



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.

Citizen Services
Community Standards and Neighbourhoods

City of Edmonton
2nd Floor, Edmonton Tower
10111 - 104 Avenue NW
Edmonton, AB T5J 0J4

edmonton.ca



Date: July 5, 2021

Reference/File No: 398666748-001

ORDER

(Issued Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000 c. M-26)

TO:

RE: Municipal Address: 10345-160 Street NW, Edmonton, AB

Legal Description: Plan 2857HW Blk 18 Lot 12

Tax Roll Number: 1395516

(hereinafter referred to as "the property")

As a result of an inspection of the property on July 5, 2021:

I find that the use of the land is not in accordance with the City of Edmonton Zoning Bylaw (Bylaw 12800) as follows:

45.7 - Parking in Required Front Yard- Parking spaces/areas shall not be located within required front yards.

THEREFORE YOU ARE ORDERED TO:

Remove the sedan parked on the front lawn, and refrain from parking any vehicle in the required front yard area.

YOU MUST COMPLY WITH THIS ORDER BEFORE: July 29, 2021

Officer: Jordana EMEO #85 Telephone: 780-944-0993
Complaints and Investigations
Community Standards Branch

OFFENCE FOR NON-COMPLIANCE:

Pursuant to Section 557(a.3) of the Municipal Government Act (hereinafter referred to as the "Act") a person who contravenes or does not comply with an order under section 645 is guilty of an offence and liable to prosecution.

Pursuant to Section 566(1) of the Act a person who is guilty of an offence is liable,

- (a) to a fine of not more than \$10 000, or
 - (b) to imprisonment for not more than one year,
- or to both fine and imprisonment.

[Include the following provision if the City intends to carry out the order. Otherwise delete.]

ADDITIONAL CONSEQUENCES FOR NON-COMPLIANCE:

Pursuant to Section 646(1) of the Act if a person fails or refuses to comply with an order under section 645 the municipality may, enter on the land or building and take any action necessary to carry out the order.

Pursuant to Section 553(1)(h.1) of the Act when an order is carried out under section 646(1) the expenses and costs incurred in carrying out the order may be placed on the tax roll of the property and that amount:

- a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and
- b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

If you fail to comply with the provisions of this order the City of Edmonton will, at its election, take action to enforce the order by taking whatever actions or measures are necessary to remedy the contravention of the bylaw or to prevent the re-occurrence of the, all expenses of which will be placed on the tax roll of the property.

PROCEDURE FOR STARTING AN APPEAL OF THE ORDER

Pursuant to section 685(1) of the Act a person affected by an order under section 645 may appeal to the Subdivision and Development Appeal Board.

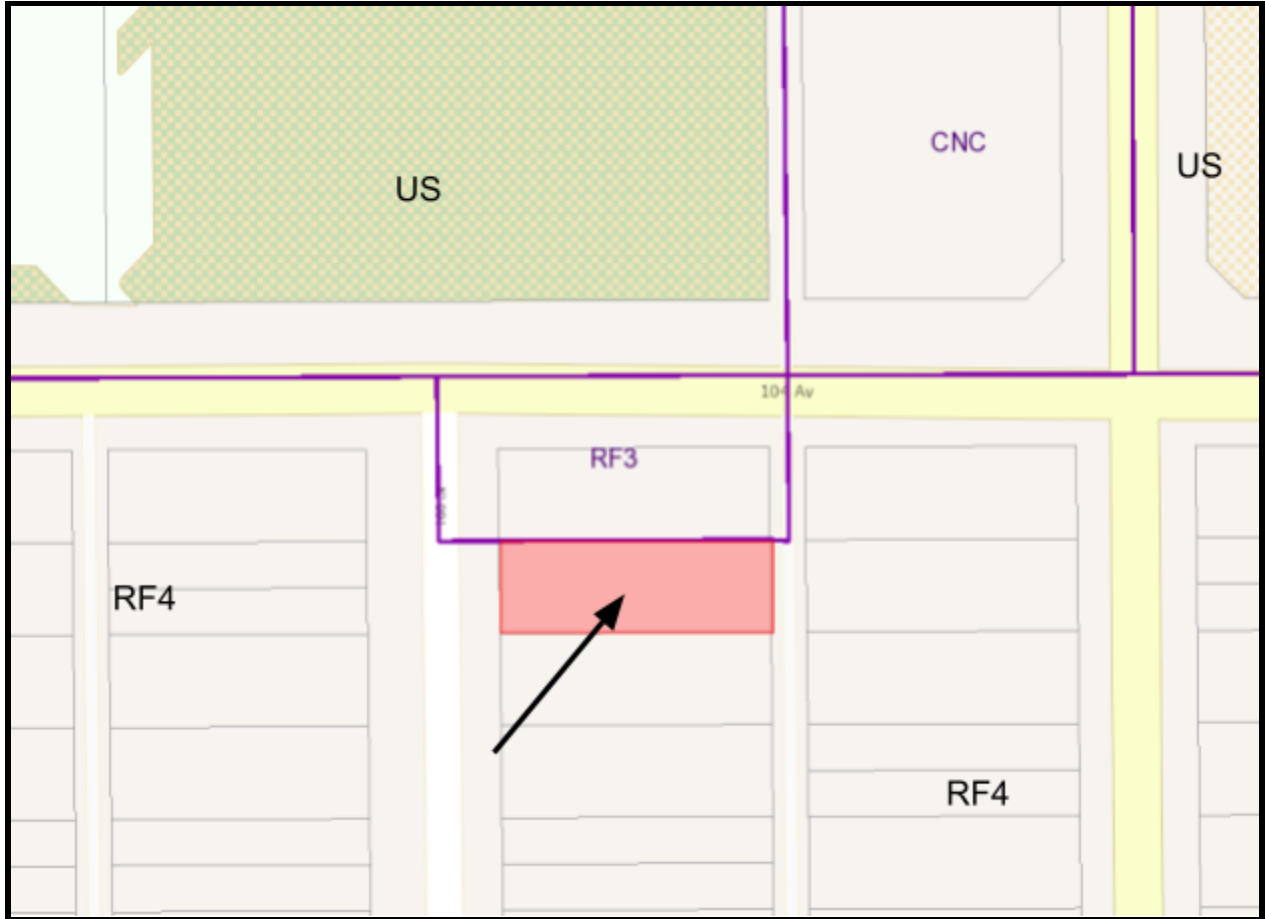
Pursuant to section 686(1) of the Act an appeal to the Subdivision and Development Appeal Board is commenced by filing a notice of the appeal, containing reasons, with the board within 21 days after the date on which the person is notified of the order under section 645.

Requests for review must be received by:

Subdivision and Development Appeal Board
Office of the City Clerk
10019 – 103 Avenue NW
Edmonton, AB T5J 0G9

Telephone: (780) 496-6079
Fax: (780) 577-3537

The Notice of Appeal must be accompanied by a cheque or money order in the sum of \$72.00 payable to the City of Edmonton or it is not considered complete and will not be processed. If you are delivering your notice of appeal in person you may pay with cash.



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-501 **N** ▲

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-138

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 401583711-002

APPLICATION TO: Install one (1) Minor Digital On-Premises Off-Premises Sign [Freestanding] (3 metres by 6.1 metres facing NW) (PATTISON OUTDOOR ADVERTISING)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 28, 2021

DATE OF APPEAL: August 3, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11061 - Ellerslie Road SW

LEGAL DESCRIPTION: Plan 0325828 Blk 3 Lot 49

ZONE: (CSC) Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: Blackmud Creek Neighbourhood Area Structure Plan

Grounds for Appeal

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

As counsel for the Applicant, we appeal on the following grounds:

- The proposed sign will face a different direction that the existing pylon sign and will be located around the bend from that sign;

- The proposed sign is to be located within the context of a large intersection accommodating 6 lanes of traffic in each direction. In and of itself, the scale of that intersection will serve to dwarf any perceived visual impact of the proposed sign;
- The proposed sign is set back 15.58 metres from the adjacent roadway across a boulevard which is maintained by the property owner; and
- Such further and other grounds as may be presented at the hearing of this appeal.

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.

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(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 the decision in accordance with subsection (2.1).

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 - (i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(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*:

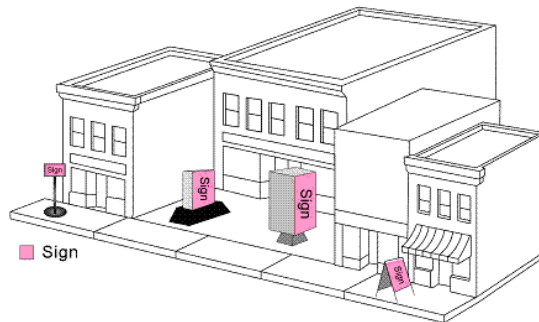
Under section 320.3(36), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **(CSC) Shopping Centre Zone**.

Under section 7.9(7), a **Minor Digital On-premises Off-premises Sign** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, a **Freestanding Sign** means:

means a Sign supported independently of a building.



Section 320.4(8) states “Signs shall comply with the regulations found in Schedule 59E.”

Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is:

to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

Sign Regulations - General Provisions

Section 59.2(21) states:

Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure.

Development Officer's Determination

1) Section 59.2(21): Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure.

**PROPOSED: separation from proposed sign to existing Freestanding (SOBEY'S) sign on site: 28.4 m
DEFICIENT BY: 16.6 m**

The Zoning Bylaw establishes the separation distances between Freestanding Signs to prevent the proliferation of such signs.

[unedited]

Schedule 59E - Setback

Schedule 59E.3(5)(i) states "proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback."

Under section 6.1, **Setback** means "the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space."

Development Officer's Determination

2) Section 59E.3(5)(i): proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback;


REQUIRED SETBACK: 320.4(3): A minimum Setback of 6.0 m shall be required where a Site Abuts a public roadway, other than a Lane, or the property line of a Site in a Residential Zone.

**PROPOSED: 5 m abutting a public roadway
DEFICIENT BY: 1 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.

	<h2>Application for Sign Permit</h2>		Project Number: 401583711-002 Application Date: JUL 06, 2021 Printed: August 3, 2021 at 7:29 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 11061 - ELLERSLIE ROAD SW Plan 0325828 Blk 3 Lot 49		
Scope of Application To install (1) Minor Digital On-Premises Off-Premises Sign [Freestanding] (3m x 6.1m facing NW) (PATTISON OUTDOOR ADVERTISING).			
Permit Details			
ASA Sticker No./Name of Engineer: Construction Value: 100000	Class of Permit: Expiry Date:		
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 1	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0		
Development Application Decision Refused Issue Date: Jul 28, 2021 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Section 59.2(21): Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure. PROPOSED: separation from proposed sign to existing Freestanding (SOBEY'S) sign on site: 28.4 m DEFICIENT BY: 16.6 m The Zoning Bylaw establishes the separation distances between Freestanding Signs to prevent the proliferation of such signs. 2) Section 59E.3(5)(i): proposed Signs with an Area greater than 8.0 m ² shall not be located within any Setback; REQUIRED SETBACK: §20.4(3): A minimum Setback of 6.0 m shall be required where a Site Abuts a public roadway, other than a Lane, or the property line of a Site in a Residential Zone. PROPOSED: 5 m abutting a public roadway DEFICIENT BY: 1 m			
THIS IS NOT A PERMIT			



Application for Sign Permit

Project Number: **401583711-002**
Application Date: JUL 06, 2021
Printed: August 3, 2021 at 7:29 AM
Page: 2 of 2

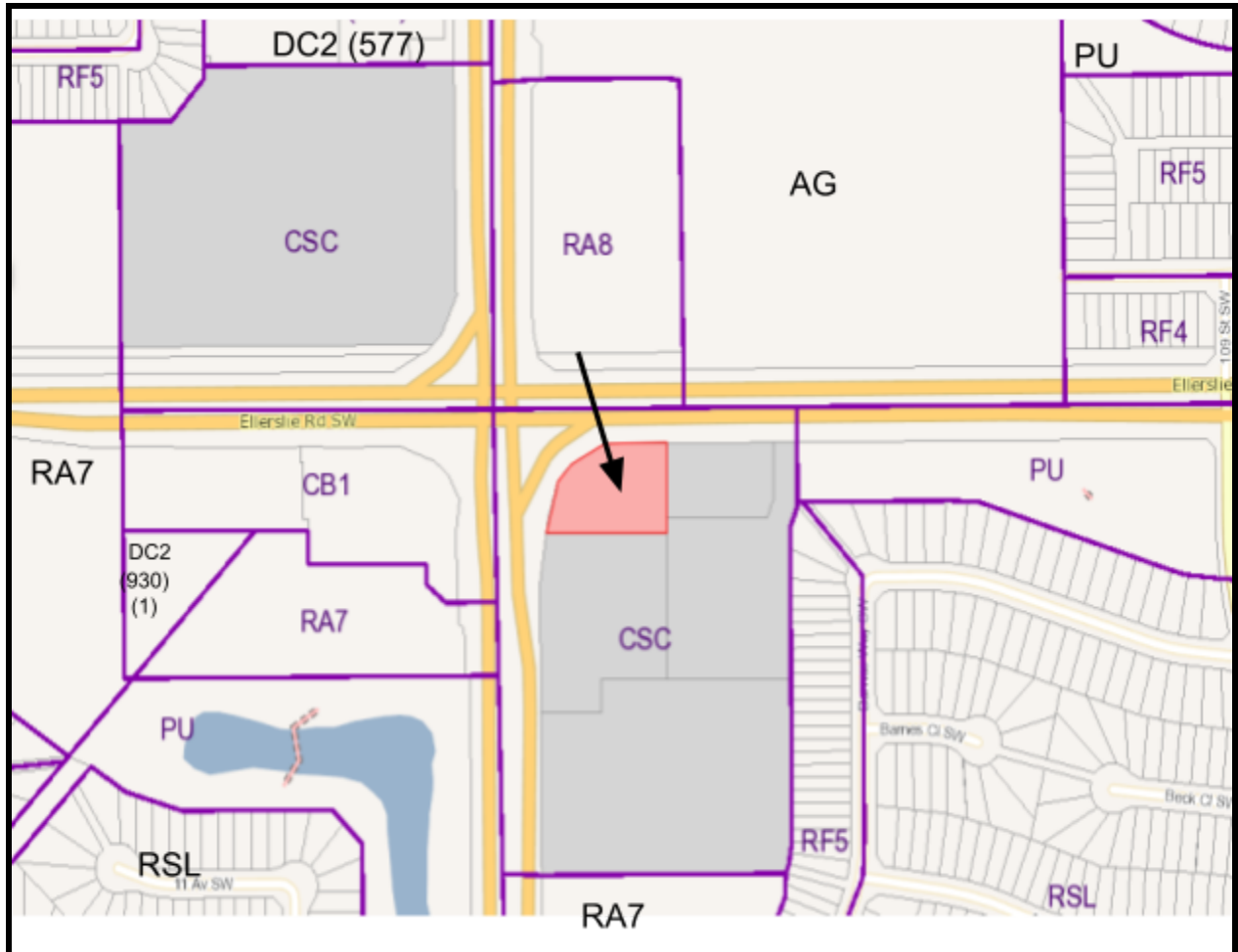
Rights of Appeal

THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee - Digital Signs	\$900.00	\$900.00	12132409266J001	Jul 06, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$900.00</u>	<u>\$900.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-138 **N** ▲

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-139

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 388885907-002

APPLICATION TO: Operate a Breweries, Wineries and Distilleries Use and interior alterations (Bent Stick Brewing)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: July 8, 2021

DATE OF APPEAL: August 2, 2021

NOTIFICATION PERIOD: July 15, 2021 through August 5, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9930 - 78 Avenue NW

LEGAL DESCRIPTION: Plan 1750R Blk 35 Lots 16-28

ZONE: (IM) Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Strathcona Junction Area Redevelopment Plan

Grounds for Appeal

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

Parking, garbage, Safety, Policing and social issues.

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.

...

(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 the decision in accordance with subsection (2.1).

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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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 420.2(2), **Breweries, Wineries and Distilleries** is a **Permitted Use** in the **(IM) Medium Industrial Zone**.

Under section 7.5(2), **Breweries, Wineries and Distilleries** means:

the manufacturing of beer, wine, spirits or other alcoholic beverages. This Use may include the sale of alcoholic beverages to the public for consumption within the premises. Retail sales of alcoholic beverages for consumption off-Site shall be limited to alcoholic beverages that are manufactured on-Site. Accessory activities may include the preparation and sale of food, and storage, packaging, bottling, canning and shipping of products manufactured within the premises.

Section 420.1 states that the **General Purpose** of the **(IM) Medium Industrial Zone** is:

to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Section 99 - Breweries, Wineries and Distilleries

Schedule 99.1 states “Breweries, Wineries and Distilleries may include a maximum total of 80 m² of Public Space, where beer, wine, spirits and other alcoholic beverages or alcoholic products are consumed within the premises.”

Under section 6.1, **Public Space** means:

space that is part of an establishment, which is open to the public and not restricted to only employees. Public Space includes any private non-sale hospitality area where products manufactured within the premises are provided to private groups for tasting and sampling. This definition does not include kitchens, administration offices, food or drink preparation areas.

Development Officer's Determination


**1) Public Space - The proposed Breweries, Wineries and Distilleries
Use has 92m2 of public space instead of 80m2 (Section 99)**


[unedited]


Notice to Applicant/Appellant

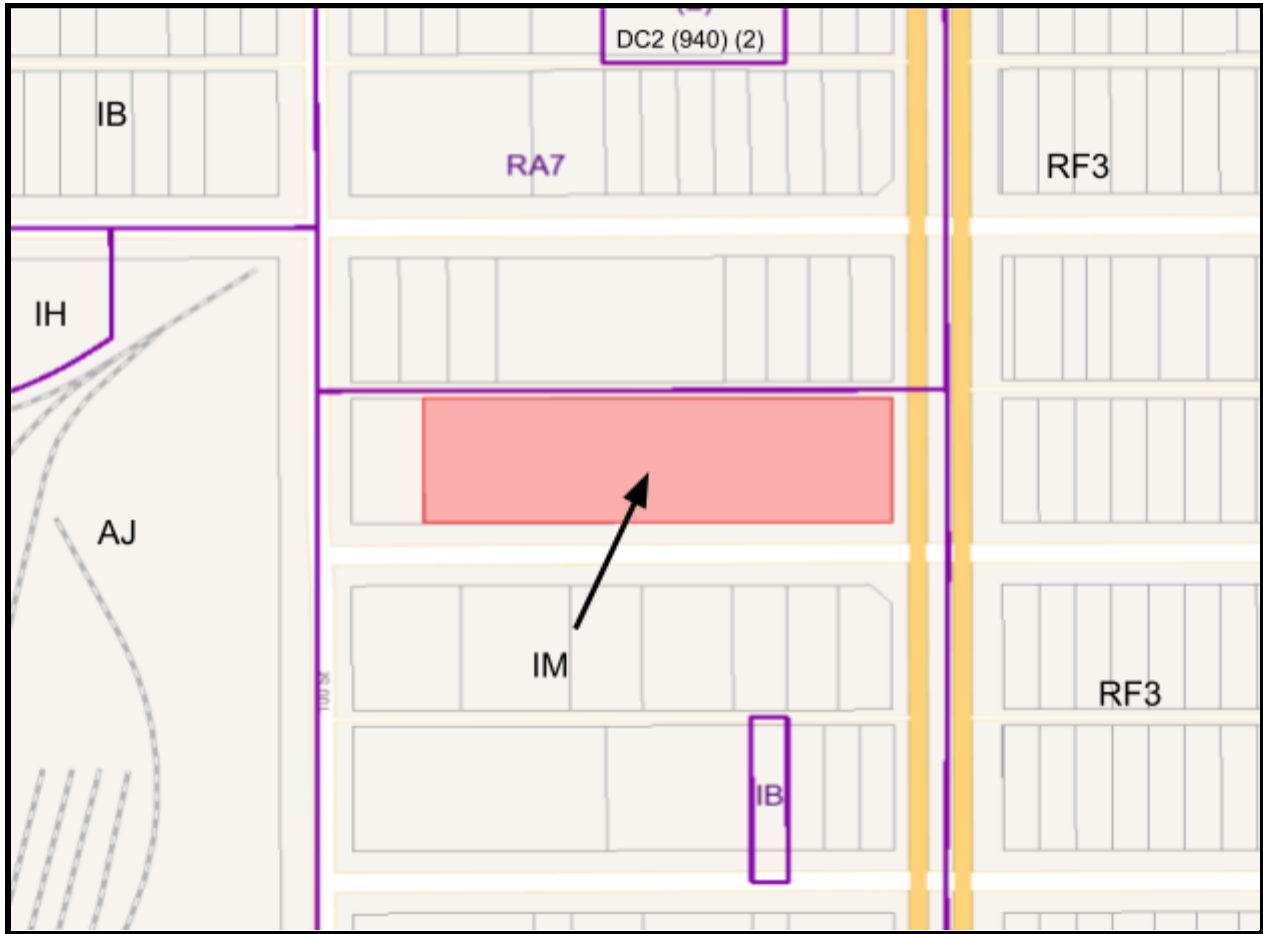
Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 388885907-002 Application Date: MAR 10, 2021 Printed: August 3, 2021 at 7:48 AM Page: 1 of 4												
<h2>Major Development Permit</h2>													
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	<table border="1"> <tr> <td colspan="2" data-bbox="818 436 1349 464"> Property Address(es) and Legal Description(s) </td> </tr> <tr> <td colspan="2" data-bbox="818 464 1349 520"> 9930 - 78 AVENUE NW Plan 1750R Blk 35 Lots 16-28 </td> </tr> <tr> <td colspan="2" data-bbox="818 527 1349 554"> Specific Address(es) </td> </tr> <tr> <td data-bbox="818 554 1349 581">Suite:</td> <td data-bbox="899 554 1349 581">9926 - 78 AVENUE NW</td> </tr> <tr> <td data-bbox="818 581 1349 609">Entryway:</td> <td data-bbox="899 581 1349 609">9926 - 78 AVENUE NW</td> </tr> <tr> <td data-bbox="818 609 1349 636">Building:</td> <td data-bbox="899 609 1349 636">9930 - 78 AVENUE NW</td> </tr> </table>	Property Address(es) and Legal Description(s)		9930 - 78 AVENUE NW Plan 1750R Blk 35 Lots 16-28		Specific Address(es)		Suite:	9926 - 78 AVENUE NW	Entryway:	9926 - 78 AVENUE NW	Building:	9930 - 78 AVENUE NW
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Scope of Permit To operate a Breweries, Wineries and Distilleries Use and interior alterations (Bent Stick Brewing)													
Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="298 768 805 867"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): </td> <td data-bbox="818 768 1349 867"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Strat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Strat. Plan Overlay/Annex Area: (none)										
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Development Permit Decision Approved Issue Date: Jul 08, 2021 Development Authority:BUCCINO, SAMANTHA													

	Project Number: 388885907-002 Application Date: MAR 10, 2021 Printed: August 3, 2021 at 7:48 AM Page: 2 of 4
<h2>Major Development Permit</h2>	
Subject to the Following Conditions	
Zoning Conditions:	
1) This Development Permit authorizes the continuation of a Breweries, Wineries and Distilleries Use and interior alterations (Bent Stick Brewing). The development shall be constructed in accordance with the stamped and approved drawings. Any revisions to the approved plans requires a separate Development Permit application.	
2) The Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled. (Section 17.1(1)(a))	
3) The Development Permit shall not be valid unless and until the time for filing a notice of appeal to the Subdivision and Development Appeal Board as specified in subsection 21(1) of the Zoning Bylaw and the Municipal Government Act has passed. (Section 17.1(1)(b))	
4) The waste collection bins must be screened from view from the public roadway (Section 55.5(6))	
5) 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. (Section 51)	
6) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 to the satisfaction of the Development Officer.	
7) There shall be no outdoor manufacturing activities, or unenclosed outdoor storage of material or equipment associated with the business. (Reference subsection 99(5))	
Transportation Conditions:	
8) Any proposed permanent objects including concrete steps, railings, planters, garbage pad/enclosure, etc. must NOT encroach into or over/under road right-of-way.	
9) Any proposed landscaping for the development must be provided entirely on private property. No additional landscaping or improvements will be permitted in the boulevard along 78 Avenue.	
10) There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.	
11) Any alley, boulevard or sidewalk damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw.	
12) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:	
a) the start/finish date of project; b) accommodation of pedestrians and vehicles during construction; c) confirmation of lay down area within legal road right of way if required; d) and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: https://www.edmonton.ca/business_economy/oscam-permit-request.aspx and https://www.edmonton.ca/documents/PDF/ConstructionSafety.pdf	
Subject to the Following Advise ments	

	Project Number: 388885907-002 Application Date: MAR 10, 2021 Printed: August 3, 2021 at 7:48 AM Page: 3 of 4
<h2>Major Development Permit</h2>	
<p>Zoning Advisements:</p> <ol style="list-style-type: none"> 1) 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. 2) Signs require separate Development Permit applications. 3) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence. 4) 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. 5) 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 including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Reference subsection 5.2) Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended <p>Fire Rescue Services Advisements:</p> <ol style="list-style-type: none"> 6) Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advice for your implementation and information. <p>Prior to the commencement of construction, alteration or demolition operations, a fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site. Construction Site Fire Safety Plan Template https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time). If you have any questions please contact Technical Services at cmsfpts@edmonton.ca. Reference: NFC(2019-AE) 5.6.1.3. Fire Safety Plan</p> <p>Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction. Reference: NFC(2019-AE) 5.6.3.6. Hydrant Access</p> <ol style="list-style-type: none"> 1) Hydrants on construction, alteration, or demolition site shall <ol style="list-style-type: none"> a) be clearly marked with a sign, b) be accessible, and c) have an unobstructed clearance of not less than 2 m at all times. <p>Ensure that the building's Sprinkler Fire Department Connection is located in accordance with NBC(2019-AE) 3.2.5.15, and that the travel distance (not radius) from Fire Department Connection to fire hydrant does not exceed 45m. Reference: NBC(2019-AE) 3.2.5.15. Fire Department Connections</p> <ol style="list-style-type: none"> 2) The fire department connection for an automatic sprinkler system shall be located so that the distance from the fire department connection to a hydrant is not more than 45 m and is unobstructed. 3) The fire department connection referred to in Sentences (1) and (2) shall be located no closer than 3 m and no further than 15 m from the principal entrance to the building. <p>Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route. Reference: NBC(2019-AE) 3.2.4.8 Annunciator and Zone Indication</p> <ol style="list-style-type: none"> 1) The Fire Alarm Annunciator Panel shall be installed in close proximity to a building entrance that faces a street or an access route 	

	Project Number: 388885907-002 Application Date: MAR 10, 2021 Printed: August 3, 2021 at 7:48 AM Page: 4 of 4																				
Major Development Permit																					
<p>for fire department vehicles.</p> <p>Partial Occupancy Conditions as per the NFC(2019-AE) 5.6.1.12. For additional information please see: Occupancy of Buildings Under Construction STANDATA – 06BCB002-Occupancy of Buildings Under Construction http://www.municipalaffairs.alberta.ca/documents/14-BCB-004-14-FCB-003-OccupancyofBuildingsUnderConstructionV10.pdf Reference: NFC(2019-AE) 5.6.1.12. Fire Separations in Partly Occupied Buildings 1) Where part of a building continues to be occupied, the occupied part shall be separated from the part being demolished or constructed by a fire separation having a fire-resistance rating of not less than 1 h. Reference: NFC(2019-AE) 2.7.1.6. Means of Egress Means of egress shall be maintained in good repair and free of obstructions.</p> <p>Ensure that the protection of adjacent properties has been provided in accordance with Edmonton Fire Rescue Services Adjacent Property Protection Guidelines and NFC(2019-AE) 5.6.1.2. For additional information please see: Adjacent Property Protection https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx</p> <p>Variations 1) Public Space - The proposed Breweries, Wineries and Distilleries Use has 92m² of public space instead of 80m² (Section 99)</p> <p>Rights of Appeal This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act. Notice Period Begins: Jul 15, 2021 Ends: Aug 05, 2021</p>																					
Fees																					
	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: left;">Receipt #</th> <th style="width: 10%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$375.00</td> <td style="text-align: right;">\$375.00</td> <td style="text-align: left;">08936093</td> <td style="text-align: left;">Mar 18, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$375.00</td> <td style="text-align: right; border-top: 1px solid black;">\$375.00</td> <td></td> <td></td> </tr> </tbody> </table>		Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$375.00	\$375.00	08936093	Mar 18, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$375.00	\$375.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-21-139** **N** ▲