

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 26, 2017**

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

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

I 9:00 A.M. SDAB-D-17-020

To construct a Semi-detached House with front entrances, fireplaces, rear uncovered decks (irregular shape) and to demolish an existing Single Detached House and rear detached Garage

9607 - 77 Avenue NW
Project No.: 232579251-001

II 11:00 A.M. SDAB-D-17-021

To operate a Major Home Based Business - Massage Therapist (SYLVIE MAINGUY'S MASSAGE THERAPY), expires December 15, 2021

2048 - Brennan Crescent NW
Project No.: 236952179-001

III 1:30 P.M. SDAB-D-17-022

To install one (1) Freestanding Minor Digital Off-premises Sign (14.6 metres by 4.3 metres Digital panel facing South, and Static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920 - 101 Street NW, existing Freestanding Off-premises Signs on 2303 - Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 - Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.)

2920 - 101 Street NW
Project No.: 230469969-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-020

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 232579251-001

APPLICATION TO: Construct a Semi-detached House with front entrances, fireplaces, rear uncovered decks (irregular shape) and to demolish an existing Single Detached House and rear detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: December 9, 2016

NOTIFICATION PERIOD: December 15, 2016 through December 29, 2016

DATE OF APPEAL: December 28, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9607 - 77 Avenue NW

LEGAL DESCRIPTION: Plan 8435ET Blk 4 Lot M

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Ritchie Neighbourhood Improvement Plan / Area Redevelopment Plan

Grounds for Appeal

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

I'm writing to appeal the approval of a semi-detached home to be located at 9607 77 Ave NW.

I believe that another semi-detached home on the street (along with the multifamily dwelling at 7704 96 st. and the semi-detached properties 9619/9621 77 Ave would not fit with the character of the neighbourhood. My family has lived in Ritchie for over 30 years and we believe that the neighbourhood is best served with the majority of new development being single family homes. Multifamily and semi-detached homes do have a place however there is density in the area. There are already two others in close proximity to this proposed development, in addition to the apartments located above the K&K Shopping Centre located on the northwest corner of 96 street and 76 ave.

From a practical standpoint, parking will become an issue as well. Our street will be impacted greatly by the Ritchie Market development on the northeast corner of 96 st and 76 ave, we fully expect parking to spill over on to our street. Adding more multifamily/semidetached homes to this end of the street will only exacerbate the problem.

<i>General Matters</i>

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 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

...

- (b) in the case of an appeal made by a person referred to in section 685(2), 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 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 140.2(8), **Semi-detached Housing** is a **Permitted Use** in the (RF3) Small Scale Infill Development Zone.

Under section 7.2(8), **Semi-detached Housing** means:

development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Secondary Suites or Duplexes.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites 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.

Development Regulations

Section 140.4(3) states:

Site regulations for Semi-detached Housing:

...

- b. on a non-Corner Lot, the minimum Site Width shall be 13.4 m, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 m.

...


Under section 6.1(102), **Site Width** means “the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.”

Development Officer's Determination:

- 1. Site Width - The width of the site is 12.9 m instead of 13.4m (Section 140.4.3.b) [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. 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: 232579251-001 Application Date: OCT 13, 2016 Printed: December 9, 2016 at 9:41 AM Page: 1 of 3								
Minor Development Permit									
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" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Property Address(es) and Legal Description(s)</td> </tr> <tr> <td style="padding: 2px;">9607 - 77 AVENUE NW Plan 8435ET Blk 4 Lot M</td> </tr> <tr> <td style="padding: 2px;">Specific Address(es)</td> </tr> <tr> <td style="padding: 2px;">Entryway: 9607 - 77 AVENUE NW</td> </tr> <tr> <td style="padding: 2px;">Entryway: 9609 - 77 AVENUE NW</td> </tr> <tr> <td style="padding: 2px;">Building: 9607 - 77 AVENUE NW</td> </tr> </table>	Property Address(es) and Legal Description(s)	9607 - 77 AVENUE NW Plan 8435ET Blk 4 Lot M	Specific Address(es)	Entryway: 9607 - 77 AVENUE NW	Entryway: 9609 - 77 AVENUE NW	Building: 9607 - 77 AVENUE NW		
Property Address(es) and Legal Description(s)									
9607 - 77 AVENUE NW Plan 8435ET Blk 4 Lot M									
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Entryway: 9607 - 77 AVENUE NW									
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Scope of Permit To construct a Semi-Detached House with front Entrances, Fireplaces, rear uncovered Decks (irregular shape) & to demolish an existing Single Detached House & rear detached Garage									
Permit Details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;"># of Dwelling Units Add/Remove: 2</td> <td style="width: 50%; padding: 2px;">Class of Permit: Class B</td> </tr> <tr> <td style="padding: 2px;">Client File Reference Number:</td> <td style="padding: 2px;">Lot Grading Needed?: Y</td> </tr> <tr> <td style="padding: 2px;">Minor Dev. Application Fee: Semi-Detached House</td> <td style="padding: 2px;">New Sewer Service Required: Y</td> </tr> <tr> <td style="padding: 2px;">Secondary Suite Included?: N</td> <td style="padding: 2px;">Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</td> </tr> </table>		# of Dwelling Units Add/Remove: 2	Class of Permit: Class B	Client File Reference Number:	Lot Grading Needed?: Y	Minor Dev. Application Fee: Semi-Detached House	New Sewer Service Required: Y	Secondary Suite Included?: N	Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 2	Class of Permit: Class B								
Client File Reference Number:	Lot Grading Needed?: Y								
Minor Dev. Application Fee: Semi-Detached House	New Sewer Service Required: Y								
Secondary Suite Included?: N	Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay								
I/We certify that the above noted details are correct. Applicant signature: _____									
Development Permit Decision Approved									
The permit holder is advised to read the reverse for important information concerning this decision.									



Project Number: **232579251-001**
 Application Date: OCT 13, 2016
 Printed: December 9, 2016 at 9:41 AM
 Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

1. This Development Permit authorizes the construction of a Semi-Detached House with front Entrances, Fireplaces, rear uncovered Decks (irregular shape) & the demolition an existing Single Detached House & rear detached Garage. The development shall be constructed in accordance with the stamped and approved drawings.
2. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$41.00.
3. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1).
4. WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2).
5. Immediately upon demolition of the buildings, the site shall be cleared of all debris.
6. The Height of the principal building shall not exceed 8.6 metres in accordance with Section 52 of the Edmonton Zoning Bylaw 12800 (Reference Section 814.3.13).
7. The Basement elevation shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey (Reference Section 814.3.16).
8. There shall be no vehicular access from the front or flanking public roadway (Reference Section 814.3.10).
9. A minimum of 4 off-street parking spaces [4 parking spaces are located inside the rear mutual detached garage] shall be used for the purpose of accommodating the vehicles of residents and visitors in connection with the Semi-Detached House (Reference Section 54.1.1.c, 54.2.1.a).
10. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw (Reference Section 140.4.15).
11. Landscaping shall be provided on a Site within 18 months of the occupancy of the Single Detached House. Trees and shrubs shall be maintained on a Site for a minimum of 42 months after the occupancy of the Single Detached House (Reference Section 55.2.1).
12. 1 deciduous tree with a minimum Caliper of 50 mm, 1 coniferous tree with a minimum Height of 2.5 m and 4 shrubs for each Dwelling shall be provided on the property. Deciduous shrubs shall have a minimum Height of 300 mm and coniferous shrubs shall have a minimum spread of 450 mm (Reference Section 55.2.1).
13. All Yards visible from a public roadway, other than a Lane, shall be seeded or sodded. Seeding or sodding may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens (Reference Section 55.2.1).
14. There shall be a maximum of 2 Dwellings on this site (Reference Section 140.4.20.b).
15. Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Planning and Engineering at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

NOTES:

- A. Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals.
- B. Any future deck enclosure or cover requires a separate development and building permit approval.
- C. Any future basement development requires development and building permit approvals.

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **232579251-001**
 Application Date: OCT 13, 2016
 Printed: December 9, 2016 at 9:41 AM
 Page: 3 of 3

Minor Development Permit

C. Any future basement development requires development and building permit approvals.

D. The applicant is advised that there may be complications in obtaining a Development Permit for a future covered or uncovered deck because of excess in Site Coverage.

E. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

F. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Variations

1. Site Width - The width of the site is 12.9 m instead of 13.4m (Section 140.4.3.b)

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Dec 09, 2016 **Development Authority:** LIANG, BENNY

Signature: _____

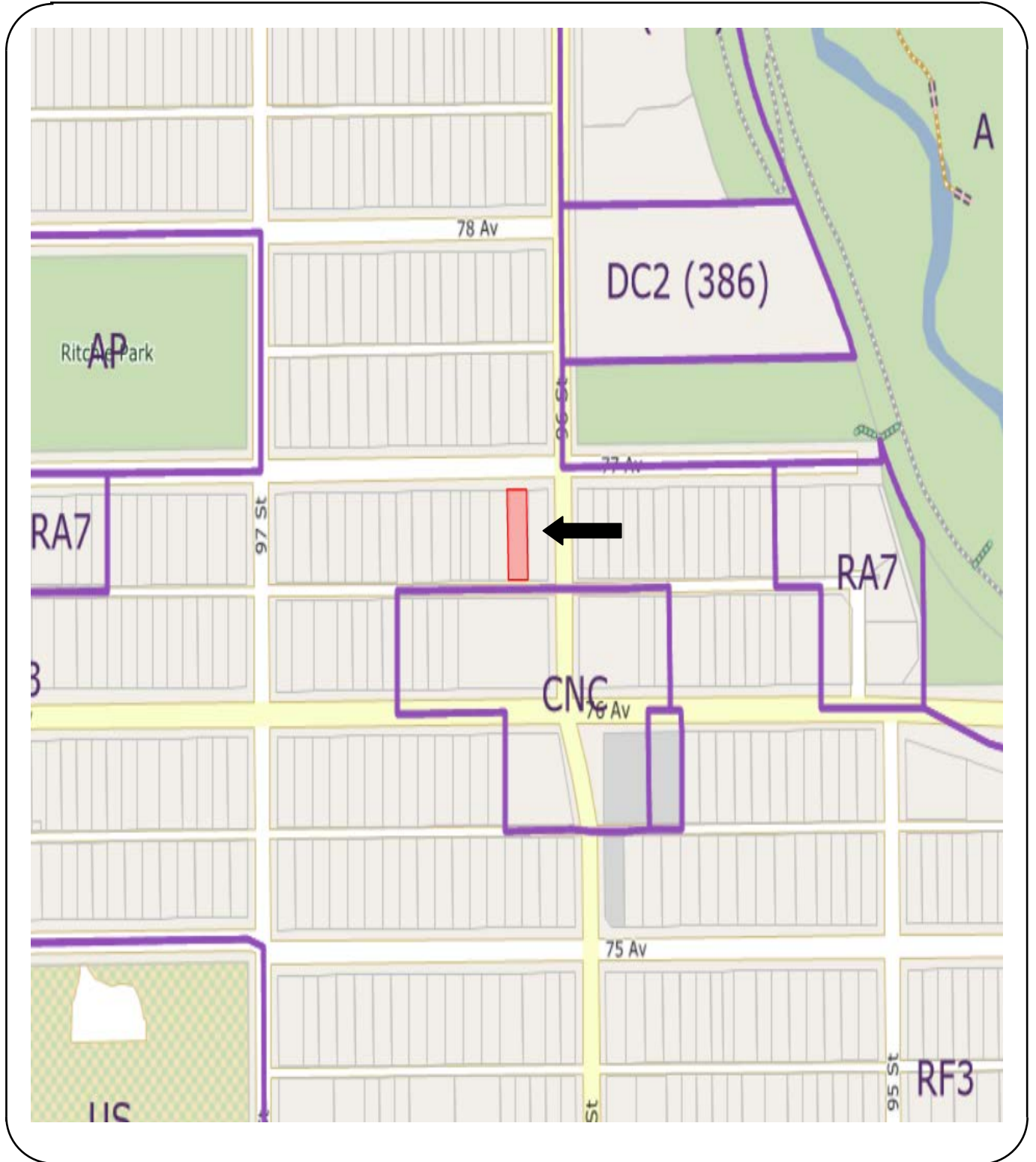
Notice Period Begins: Dec 15, 2016

Ends: Dec 29, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03676978	Oct 14, 2016
Lot Grading Fee	\$270.00	\$270.00	03676978	Oct 14, 2016
Dev. Application Fee	\$456.00	\$456.00	03676978	Oct 14, 2016
DP Notification Fee	\$41.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,333.00	\$2,292.00		
(\$41.00 outstanding)				

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-020



ITEM II: 11:00 A.M.

FILE: SDAB-D-17-021

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 236952179-001

APPLICATION TO: Operate a Major Home Based Business -
Massage Therapist (SYLVIE
MAINGUY'S MASSAGE THERAPY),
expires December 15, 2021

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: December 15, 2016

NOTIFICATION PERIOD: December 15, 2016 through December 29,
2016

DATE OF APPEAL: December 27, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2048 - Brennan Crescent NW

LEGAL DESCRIPTION: Plan 0221057 Blk 19 Lot 28

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Lewis Farms Area Structure Plan
Breckenridge Neighbourhood Structure
Plan

Grounds for Appeal

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

We are a typical residential neighbourhood, no any potential or necessary facility for this kind of home business. no any additional parking lot for the coming business, family with young kids in this neighbourhood too.

Reason for refusal also include, low cost for the owner to find a real business location for his family business, we don't want my neighbourhood become another china town, my home area is designed for normal family residents , not for any other purposes, any activities happen in this area should support this function instead of change this function. we don't want to see many strangers hang around our home everyday, finally i believe it will affect the value of my real estate once we have this kind of business near by our home.

<i>General Matters</i>

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 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

...

- (b) in the case of an appeal made by a person referred to in section 685(2), 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 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 115.3(6), a **Major Home Based Business** is a **Discretionary Use** in the (RSL) Residential Small Lot 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 that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales.

Section 115.1 states that the **General Purpose** of the **(RSL) Residential Small Lot Zone** is:

...to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Development Officer's Determination:

Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 115.3.6). [unedited].

Major Home Based Business Regulations

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. ...
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use 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: 236952179-001 Application Date: DEC 06, 2016 Printed: December 15, 2016 at 3:05 PM Page: 1 of 3
Home Occupation	
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 	Property Address(es) and Legal Description(s) 2048 - BRENNAN CRESCENT NW Plan 0221057 Blk 19 Lot 28
Scope of Permit To operate a Major Home Based Business - Massage Therapist (SYLVIE MAINGUY'S MASSAGE THERAPY), expires December 15, 2021.	
Permit Details	
# of business related visits/day: 5 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 1 Business has Trailers or Equipment?: N Description of Business: Therapeutic Massage on Tuesdays and Saturdays, up to 5 clients per day, by appointment only. Expiry Date: 2021-12-15 00:00:00
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Permit Decision Approved	
The permit holder is advised to read the reverse for important information concerning this decision.	



Project Number: **236952179-001**
 Application Date: DEC 06, 2016
 Printed: December 15, 2016 at 3:05 PM
 Page: 2 of 3

Home Occupation

Subject to the Following Conditions

Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

1. The business owner must live at the site. 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 (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
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 (Section 75.3).
4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. There shall be no more than 5 visits associated with the business per day.
6. Hours of operations must be between 2:00 P.M to 7:00 P.M. on Tuesdays and 10:00 A.M. to 3:00 P.M. on Saturdays.
7. Clients visit must be by-appointment only and appointments shall not overlap.
8. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
9. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
10. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
11. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
12. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
13. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on December 15, 2021

Notes:

1. 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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

Variiances

Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 115.3.6).

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: 236952179-001
Application Date: DEC 06, 2016
Printed: December 15, 2016 at 3:05 PM
Page: 3 of 3

Home Occupation

Rights of Appeal

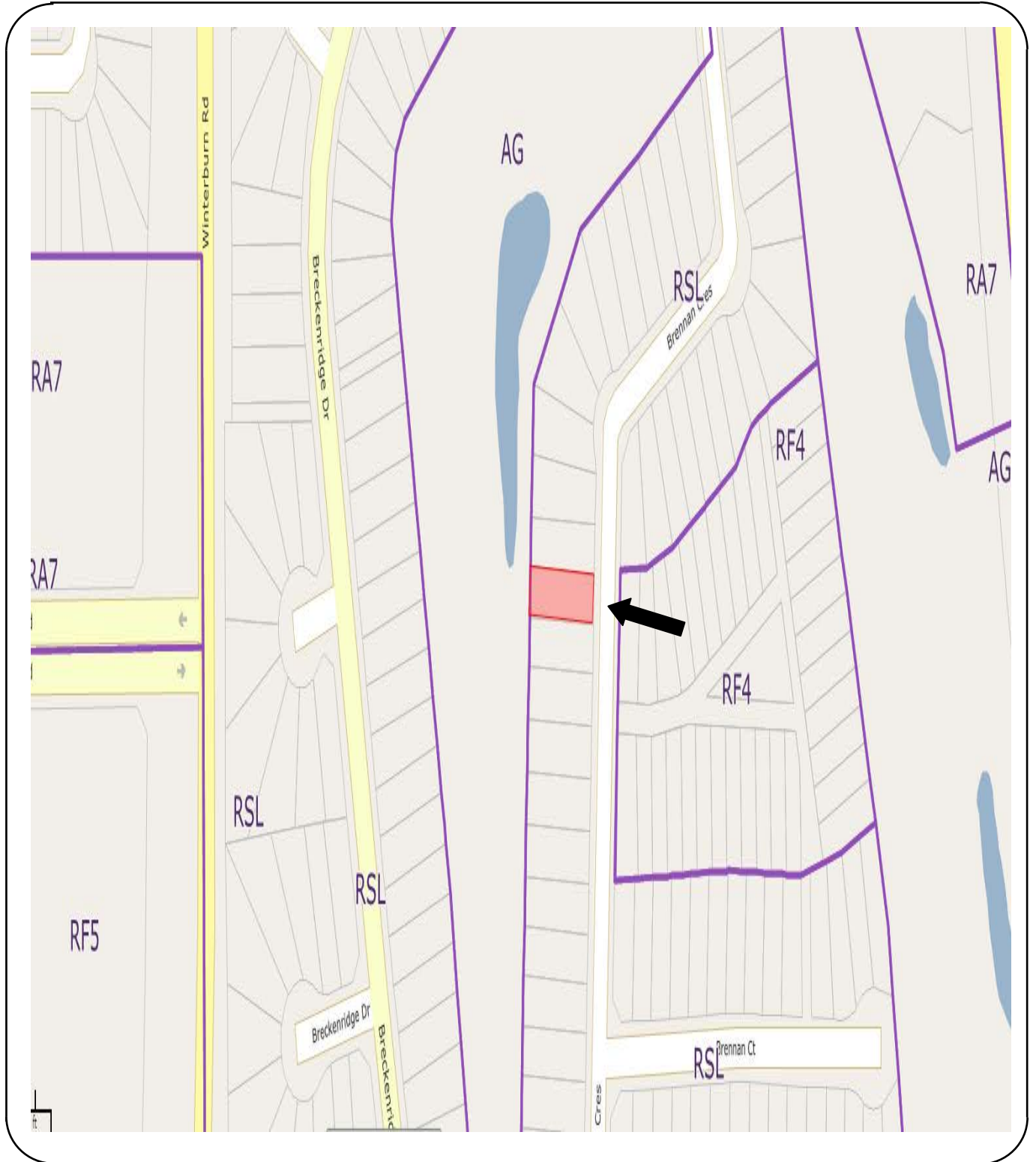
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Dec 15, 2016 Development Authority: VANDERHOEK, HEATHER Signature: _____
Notice Period Begins: Dec 22, 2016 Ends: Jan 05, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03795036	Dec 06, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$297.00	\$297.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-021



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-022

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 230469969-001

APPLICATION TO: Install one (1) Freestanding Minor Digital Off-premises Sign (14.6 metres by 4.3 metres Digital panel facing South, and Static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920 - 101 Street NW, existing Freestanding Off-premises Signs on 2303 - Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 - Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 18, 2016

DATE OF APPEAL: November 23, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2920 - 101 Street NW

LEGAL DESCRIPTION: Plan 0923583 Blk 2 Lot 3B

ZONE: (IM) Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. Minor Digital Off-premises Signs are a Discretionary Use in the IM Zone.
2. The proposed digital sign will replace an existing, aging billboard of the same size on the site and several other billboards in the vicinity which have stood for many years.
3. The proposed sign is not inconsistent with the directions of the Calgary Trail Land Use Study and the exchange of older billboards for a new, digital sign supports the objectives of that Study.
4. The proposed sign does not, in any conceivable way, "dominate" the subject 4% acre site. Moreover, the proposed sign is the same size and shape of the old sign it is replacing.
5. The proposed sign is actually set further back from the roadway than two of the signs it is replacing, and will not pose any threat to motorists.
6. No variances are required for the placement of the proposed sign, and the proposed sign meets all of the requirements of the applicable Sign Schedule.
7. Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>

Appeal Information:

The Board is advised that the Appellant signed a waiver to have the appeal hearing scheduled for January 26, 2017.

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 12800 (“the Bylaw”) and the Municipal Government Act

Under section 420.3(12) of the *Bylaw*, a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the (IM) Medium Industrial Zone.

Under section 7.9(6) of the *Bylaw*, **Minor Digital Off-premises Signs** means:

any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

Section 420.4(5) of the *Bylaw* states “Signs shall comply with the regulations found in Schedule 59G.”

Section 420.1 of the *Bylaw* 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.

Under section 6.1(104) of the *Bylaw*, **Statutory Plan** means:

for the purpose of this Bylaw only, any plan defined as a Statutory Plan by the Municipal Government Act, or any planning policy document approved by City Council by resolution having specific impact on a defined geographic area such as a neighbourhood.

Under section 616(dd) of the *Municipal Government Act*, “**statutory plan**” means:

an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4.

Development Officer’s Determination:

1) A freestanding Minor Digital Off-Premises sign is listed as a Discretionary Use within the (IM) Medium Industrial Zone. The sign is also located within the Calgary Trail Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study:

"Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards."

The proposed freestanding Minor Digital Off-Premises sign at this location is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study. [unedited].

<i>Sign Regulations</i>

Section 59.2(6) of the *Bylaw* states:

For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.

Development Officer's Determination:

The size of the proposed Minor Digital Off-premises Sign dominates the site and is excessive in scale relative to the site. As a result, the proposed Minor Digital Off-premises Sign does not take into regard, the land use characteristics or compliments the surrounding development. [unedited].

Section 59.2(7) of the *Bylaw* states:

For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

Development Officer's Determination:

The Minor Digital Off-premises Sign is designed and intended to attract the attention of drivers travelling along Gateway Boulevard and 23 Avenue and is located at the driver decision point where 23 Avenue merges onto Gateway Boulevard. The scale, lighting and location of the sign intentionally makes it a distraction to drivers adversely impacting the built environment. (Reference Section 59.2(6) and (59.2(7)). [unedited].

Schedule 59G of the Bylaw

Schedule 59G.3(6) of the *Bylaw* states:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- a. proposed Signs are prohibited in the civic centre area bounded by 105 Avenue to the north, the North Saskatchewan River Valley to the south, 97 Street to the east, and 100 Street to the west;
- b. the maximum Height shall be 8.0 m;
- c. the maximum Width shall be 16.0 m;
- d. the maximum Area shall be:
 - i. ...
 - ii. 65.0 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 65.0 m²;
- e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than <u>8.0 m²</u> or other Off-premises Sign
Greater than <u>8.0 m²</u> to less than <u>20 m²</u>	<u>100 m</u>
<u>20 m²</u> to <u>40 m²</u>	<u>200 m</u>
Greater than <u>40 m²</u>	<u>300</u>


The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

- f. ...
- g. ...
- h. ...
- i. ...

- j. proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback;
- k. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and
- l. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

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: 230469969-001 Application Date: SEP 13, 2016 Printed: November 18, 2016 at 12:13 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 2950 - CALGARY TRAIL NW Plan 8522461 Blk 23 Lot A 2303 - GATEWAY BOULEVARD NW Plan CE1 Blk RLY Lot 52 2920 - 101 STREET NW Plan 0923583 Blk 2 Lot 3B
	Location(s) of Work Entryway: 2920 - 101 STREET NW Building: 2920 - 101 STREET NW
Scope of Application To install (1) freestanding Minor Digital Off-premises Sign (14.6m x 4.3m digital panel facing South, and static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920-101 Street, existing Freestanding Off-premises Signs on 2303 Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.)	
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: 1 Minor Digital On/Off-premises Sign: 0	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
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
THIS IS NOT A PERMIT	



Project Number: **230469969-001**
 Application Date: SEP 13, 2016
 Printed: November 18, 2016 at 12:13 PM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1) A freestanding Minor Digital Off-Premises sign is listed as a Discretionary Use within the (IM) Medium Industrial Zone. The sign is also located within the Calgary Trail Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study: "Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards."

The proposed freestanding Minor Digital Off-Premises sign at this location is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study.

2) For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2(6)).

The size of the proposed Minor Digital Off-premises Sign dominates the site and is excessive in scale relative to the site. As a result, the proposed Minor Digital Off-premises Sign does not take into regard, the land use characteristics or compliments the surrounding development.

3) For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment. (Reference Section 59.2(7)).

The Minor Digital Off-premises Sign is designed and intended to attract the attention of drivers travelling along Gateway Boulevard and 23 Avenue and is located at the driver decision point where 23 Avenue merges onto Gateway Boulevard. The scale, lighting and location of the sign intentionally makes it a distraction to drivers adversely impacting the built environment. (Reference Section 59.2(6) and (59.2(7)).

Rights of Appeal

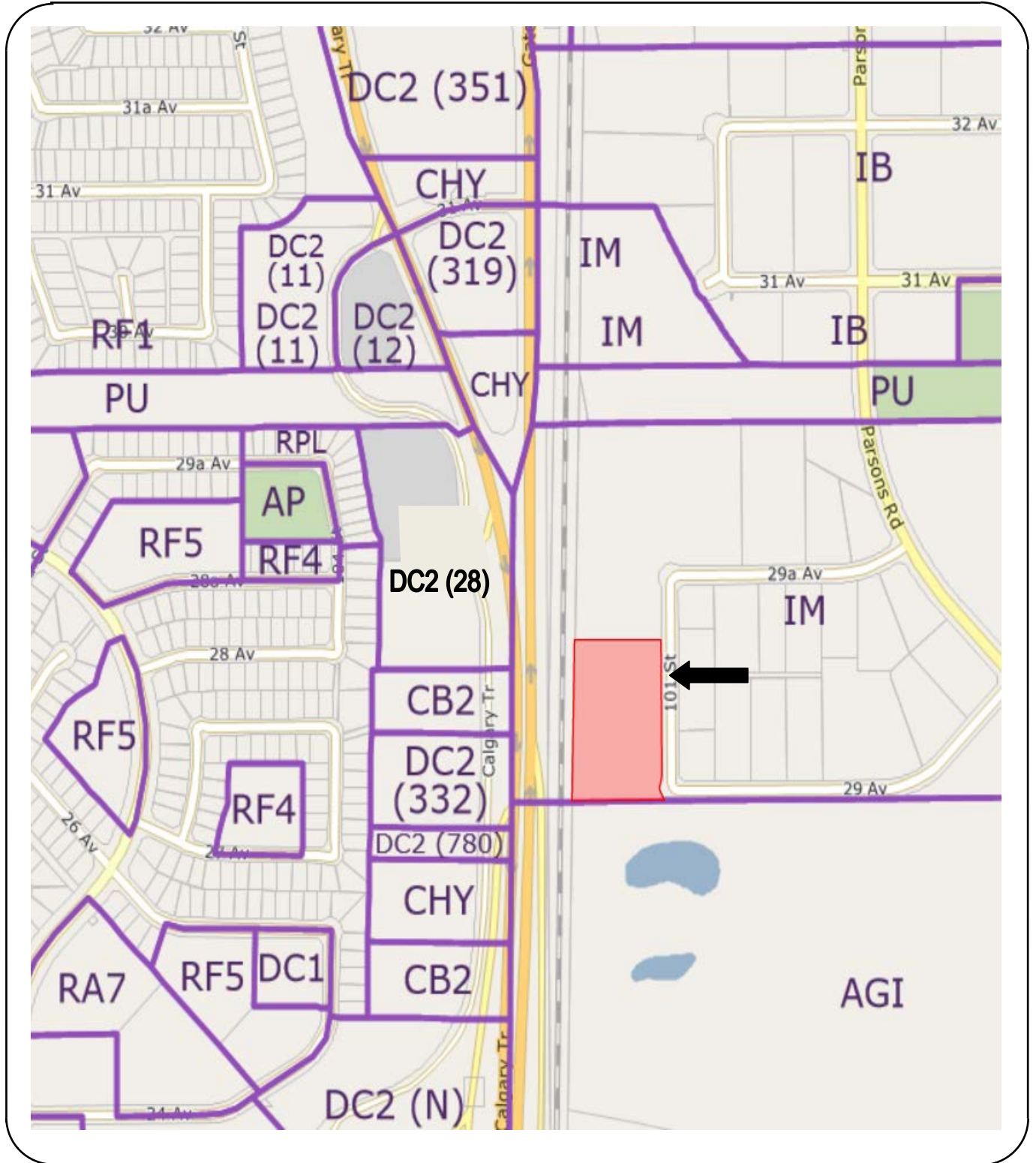
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 18, 2016 **Development Authority:** NOORMAN, BRENDA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$40.00	\$40.00	03617640	Sep 20, 2016
Sign Building Permit Fee	\$1,000.00	\$1,000.00	03617640	Sep 20, 2016
Sign Dev Appl Fee - Digital Signs	\$425.00	\$425.00	03617640	Sep 20, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,465.00	\$1,465.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-022



