

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 10:30 A.M.
April 15, 2015**

**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-15-075	Construct exterior alterations to an existing Single Detached House (extension to front concrete Driveway 9.50 metres by 15.5 metres 199 - Dunvegan Road NW Project No.: 152514895-001
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TABLED TO MAY 6, 2015

BREAK – 10:15 A.M. TO 10:30 A.M.

II	10:30 A.M.	SDAB-D-15-071	Construct exterior alterations to an existing Automotive and Minor Recreation Vehicle Sales/Rentals development (revise previously approved landscape plan to replace landscaping with fencing) 8115 - 137 Avenue NW Project No.: 139511609-003
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LUNCH BREAK – 12:00 P.M. TO 1:00 P.M.

III	1:00 P.M.	SDAB-D-15-076	Develop an Overall Sign Design Concept for Gorman DC1 16166 (Manning Town Centre) 15812 - 34 Street NW, 15920 - 34 Street NW, 15705 - 37 Street NW, 3421 - 158 Avenue NW, 3408 - 153 Avenue NW, 15704 - 37 Street NW, 15510 - 37 Street NW, 15304 - 37 Street NW, 3404 - 158 Avenue NW Project No.: 129332249-002
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 10:30 A.M.

FILE: SDAB-D-15-071

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 139511609-003

APPLICATION TO:

Construct exterior alterations to an existing Automotive and Minor Recreation Vehicle Sales/Rentals development (revise previously approved landscape plan to replace landscaping with fencing)

DECISION OF THE DEVELOPMENT AUTHORITY:

Refused

DECISION DATE:

February 27, 2015

DATE OF APPEAL:

March 13, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:

8115 - 137 Avenue NW

LEGAL DESCRIPTION:

Plan 1428NY Blk 21 Lots 1,2U

ZONE:

CB1 Low Intensity Business Zone

OVERLAY:

N/A

STATUTORY PLAN:

N/A

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1) Developments shall provide landscaping in accordance with Section 55.4(7):

Required: 14 trees
Proposed: 1 tree
Deficiency: 13 trees

Required: 24 shrubs
Proposed: 0 shrubs
Deficiency: 24 shrubs

2) Developments shall landscape all yards and setback areas as per Section 55.4(1):

- Landscaping has not been provided on the required setback areas to the required level.

3) Developments shall provide perimeter planting as per Section 55.4(3):

- Perimeter planting has not been provided.

4) It is the Development Officer's opinion that, as the development is a Discretionary Use in the CB1 Zone, the proposed exterior alteration will have a negative visual impact on surrounding properties.

APPELLANT'S SUBMISSION

The reason for the application for development permit is that in the absence of a fence, unknown persons have come onto the premises and caused damage to the vehicles parked on the premises for sale. Vehicle windows have been broken in the past and there was a vehicle theft which occurred between February 11 and 12, 2015.

The Premises are currently being used for parking cars for sale. The required landscaping/setback will significantly reduce the area of space currently available for parking vehicle which are sold off the premises.

The opinion that the development will have a negative visual impact on surrounding properties is not reasonable. The application is for a development permit to construct a fence only. This will not have a significant impact on the visual appearance of the premises or the neighbourhood.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The Subdivision and Development Appeal Board at a hearing on March 26, 2015 made and passed the following motion:

“that the appeal hearing be scheduled for April 15 or 16, 2015, at the written request of the Appellant.”

Automotive and Minor Recreation Vehicle Sales/Rentals is a Discretionary Use in the CB1 Low Intensity Business Zone, Section 330.3(3).

Under Section 7.4(5), **Automotive and Minor Recreation Vehicle Sales/Rentals** means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships.

This Use Class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4000 kilogram or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6000 kilogram or a length of more than 6.7 metres.

The Development Officer determined the proposed exterior alteration will have a negative visual impact on surrounding properties.

Section 55.4(1) states all open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

Section 55.4(3) states any parking lot having eight or more parking spaces that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have perimeter planting. The location, length, thickness and height of such perimeter planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking area from any adjoining Residential or Commercial Zone, and enhance the view of the parking area from any adjacent public roadway or Light Rail Transit line.

Section 55.4(7) states for development consisting of Non-residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

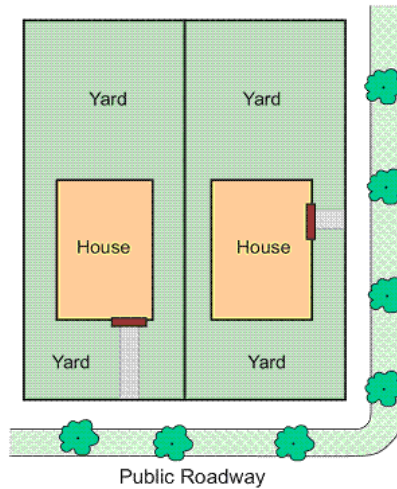
- a. one tree for each 25 square metres and one shrub for each 15 square metres of Setback at grade; and
- b. one tree for each 20 square metres and one shrub for each 10 square metres of required parking area islands. In no case shall there be less than one tree per required parking area island.

The Development Officer determined landscaping is required on all yards and setback areas. The proposed development does not provide landscaping on the required setback areas.

The Development Officer determined perimeter planting is required. The proposed development does not provide perimeter planting.

The Development Officer determined 14 trees and 24 shrubs are required. The proposed development provides 1 tree and 0 shrubs, which is deficient by 13 trees and 24 shrubs.

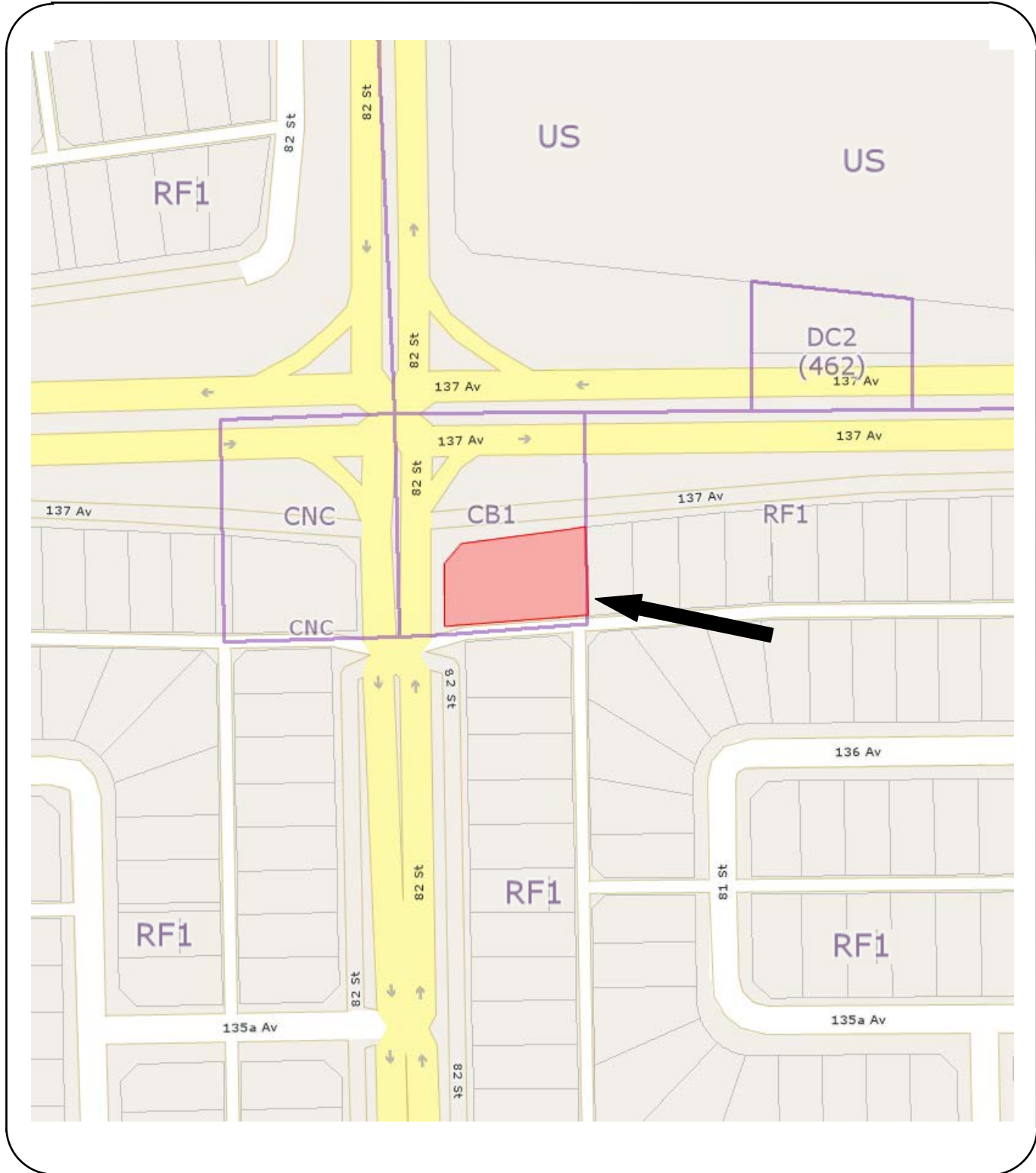
Under Section 6.1(110), **Yard** means the part of a Site unoccupied by any portion of a building or structure 1.0 metres more above grade, unless otherwise permitted in this Bylaw. A Yard is not a Setback, Amenity Area or Separation Space.



Section 330.1 states the purpose of the CB1 Low Intensity Business Zone is to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

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.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-071



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-076

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

APPELLANT:

APPLICATION NO.: 129332249-002

APPLICATION TO: Develop an Overall Sign Design Concept for Gorman DC1 16166 (Manning Town Centre)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: March 6, 2015

DATE OF APPEAL: March 23, 2015

NOTIFICATION PERIOD: March 12, 2015 to March 25, 2015

RESPONDENT: Cameron Development Corporation

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15812 - 34 Street NW, 15920 - 34 Street NW, 15705 - 37 Street NW, 3421 - 158 Avenue NW, 3408 - 153 Avenue NW, 15704 - 37 Street NW, 15510 - 37 Street NW, 15304 - 37 Street NW, 3404 - 158 Avenue NW

LEGAL DESCRIPTION: SE-36-53-24-4, Plan 1123619 Blk 3 Lots 3-4, Plan 1223987 Blk 3 Lot 5, Plan 1224580 Blk 3 Lots 7-9, Plan 1423784 Blk 1 Lot 2

ZONE: DC1 Direct Development Control Provision (Gorman, Bylaw 16166)

OVERLAY: N/A

STATUTORY PLAN: Pilot Sound Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

- 1) This approval is for the Overall Sign Design Concept only. Each individual sign within the Overall Sign Design Concept will require a separate Sign Combo Permit.
- 2) Addition of digital or off-premises content to the Freestanding On-premises Signs will require an amendment to the Overall Sign Design Concept 129332249-002 and must comply with the regulations of the DC1 Gorman Direct Development Control Provision Bylaw 16166, and the Edmonton Zoning Bylaw.
- 3) Signs shall comply with the regulations found in Schedule 59E and shall be designed and located to compliment the architectural theme and context of the building. (DC1 16166.4(k))
- 4) Notwithstanding Schedule 59E, the following regulations shall apply to Freestanding On-premises Signs located adjacent to Manning Drive:
 - a) The maximum permitted height shall be 12 m, measured from the geodetic elevation of 664.182 to the top of the sign; (DC1 16166.4(l)(i))
 - b) The maximum allowable area shall be 39 m². (DC1 16166.4(l)(ii))
- 5) Notwithstanding Schedule 59E, the following regulations shall apply to Freestanding On-premises Signs, Freestanding Off-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, and Minor Digital On-premises Off-premises Signs located on site found within the site: (DC1 16166.4(m))
- 6) The maximum number shall be 11. (DC1 16166.4(m)(i))
- 7) The maximum Height of a permitted Freestanding On-premises Sign is 8.0 m. The Development Officer may use his variance power to allow a Freestanding On-premises Sign up to 10.0 m in Height if a Site zoned residential is not within 60.0 m of the commercial Site. (Reference Section 59E.2(31)(k))
- 8) The maximum allowable Freestanding On-premises Sign Area shall be 20 m². (Reference Section 59E.2(1)(b))
- 9) The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs on a Site shall be four. (Reference Section 59E.2(1)(c))
- 10) Freestanding On-premises Signs locations shall have a minimum Setback of 3.0 m where the Site shares a property line with another Site. (Reference Section 59E.2(1)(d))

11) Freestanding On-premises Signs shall have a 45.0 m radial separation distance from any other Freestanding On-premises Sign, Major Digital Sign, Minor Digital On-premises Sign, Minor Digital Off-premises Sign or Minor Digital On-premises Off-premises Sign that is a Freestanding Sign on the same Site. This excludes Digital Signs that are located on the same Freestanding Sign structure as the proposed Freestanding On-premises Sign. (Reference Section 59E.2(1)(e))

12) Freestanding On-premises Signs may be Mechanical Signs. (Reference Section 59E.2(1)(f))

13) All Freestanding Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule. (Reference Section 59.2(12))

14) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:

a) Does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic. (Reference Section 59.2(2)(a))

b) Is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic. (Reference Section 59.2(2)(b))

c) Is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways. (Reference Section 59.2(2)(c))

d) Illumination does not compete with or dull the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic. (Reference Section 59.2(2)(d))

17) No Off-Premises Advertising will be allowed on these On-Premises Signs.

Variance:

The Development Officer deems the proposed signage development to comply with Section (4)(k) and (i) of the DC1 Gorman Direct Development Control Provision Bylaw 16166.

APPELLANT'S SUBMISSION

I am making an application of appeal for signage permit for this development based on the following:

1. The number of signs already approved for this development should be considered excessive, no more signs should be approved for this development, if they wish to add additional signs it should reduce the number of free standing signs that have already been approved.
2. The Signage is not only excessive in numbers, but excessive in size and is very distracting to drivers and should be considered a safety risk to the driving public.
3. The number of signs that have been approved should be reduced or at least capped at a lower number for the life of the project.
4. All future and existing signs should be unlit. These large signs are very distracting especially considering they are lit 24 hours a day. Neighboring residents do not get any reprieve at all.
5. They have single handedly destroyed the aesthetics of our neighborhood while adversely affecting property values. I am considering seeking compensation in this area at a future time.

The number of signs proposed and/or approved for this development is excessive, and, it is unreasonable for anybody to expect the neighboring residents to tolerate any more signage in this area. This development has showed little to no regard for the neighboring residents when compared to other more tasteful developments in our city. I am doubtful that the appeal board will be able to find a more aggressive signage program for any development in the City of Edmonton of similar size. I will continue to work on my position and do further research into this matter due to the short appeal period I have not had time to thoroughly prepare. Hopefully I will be able to upload more information and facts at a later date.

I am looking forward to resolving this matter in a way that will favor residents in the area.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Section 641(4) of the *Municipal Government Act*, Chapter M-26 states despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority following the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Freestanding On-premises Signs is a listed Use in the DC1 Direct Development Control Provision (Gorman, Bylaw 16166), Section 3(gg).

Under Section 7.9(4), **Freestanding On-premises Signs** means any Sign supported independent of a building, displaying Copy that identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Section 4(k) of the DC1 Direct Development Control Provision - Gorman, Bylaw 16166, states Signs shall comply with the regulations found in Schedule 59E and shall be designed and located to compliment the architectural theme and context of the building.

Section 4(l) of the DC1 Direct Development Control Provision - Gorman, Bylaw 16166, states, notwithstanding Schedule 59E, the following regulations shall apply to Freestanding On- and Off-premises Signs located adjacent to Manning Drive:

- i. the maximum permitted height shall be 12 metres, measured from the geodetic elevation of 664.182 to the top of the sign;
- ii. the maximum allowable area shall be 39 square metres.

Section 4(m) of the DC1 Direct Development Control Provision - Gorman, Bylaw 16166, states, notwithstanding Schedule 59E, the following regulations shall apply to Freestanding On-premises Signs, Freestanding Off-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, and Minor Digital On-premises Off-premises Signs:

- i. the maximum number shall be 11, of which the maximum number of Major or Minor Digital Freestanding On- and Off-premises Signs shall be 4.

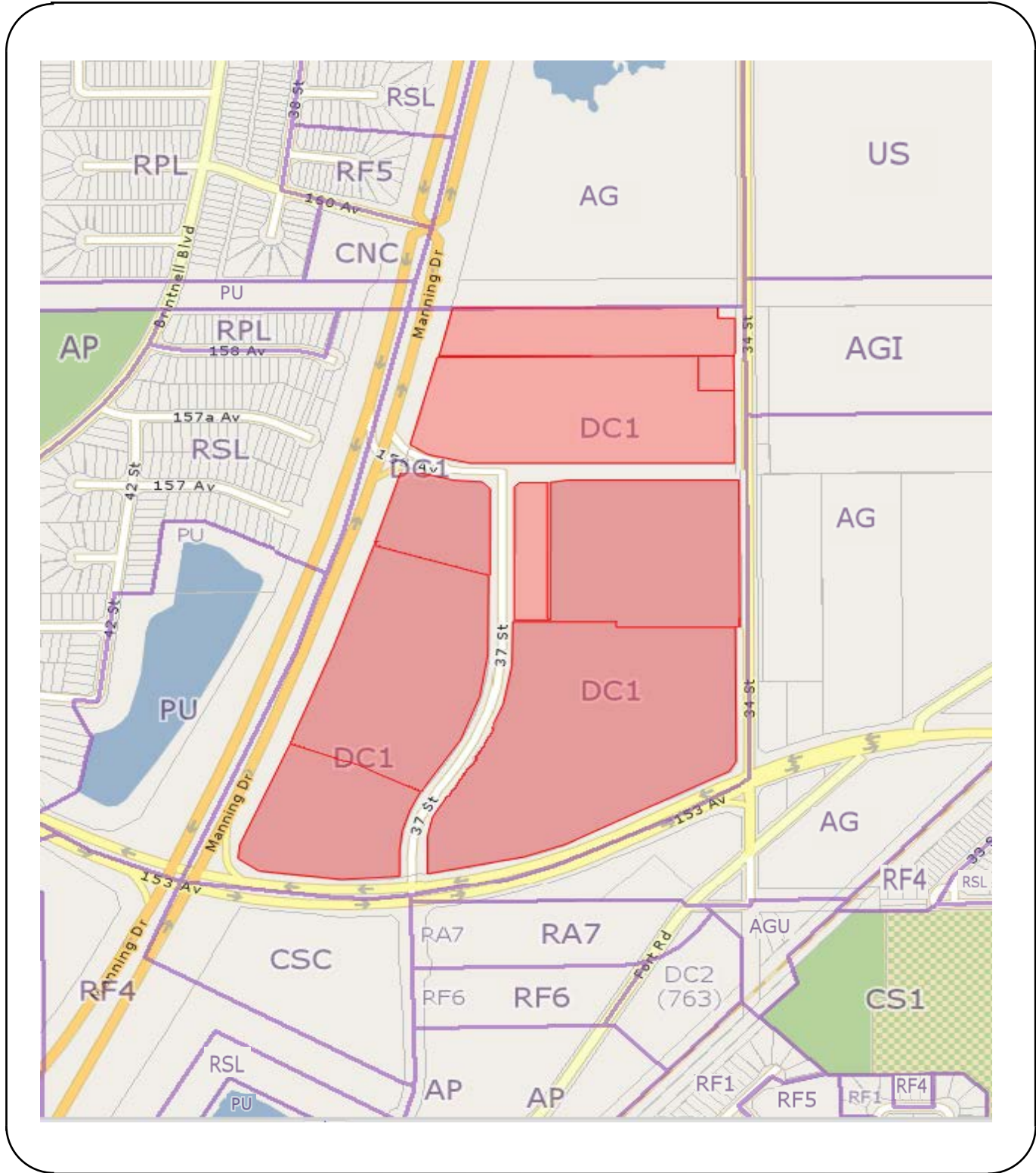
Schedule 59E.2(3) states Freestanding On-premises Signs shall be subject to the following regulations:

- a. the maximum Height of a permitted Freestanding On-premises Sign is 8.0 metres. The Development Officer may use his variance power to allow a Freestanding On-premises Sign up to 10.0 metres in Height if a Site zoned residential is not within 60.0 metres of the commercial Site;
- b. the maximum allowable Freestanding On-premises Sign Area shall be 20 square metres;
- c. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs on a Site shall be four;
- d. Freestanding On-premises Signs locations shall have a minimum Setback of 3.0 metres where the Site shares a property line with another Site;
- e. Freestanding On-premises Signs shall have a 45.0 metres radial separation distance from any other Freestanding On-premises Sign, Major Digital Sign, Minor Digital On-premises Sign, Minor Digital Off-premises Sign or Minor Digital On-premises Off-premises Sign that is a Freestanding Sign on the same Site. This excludes Digital Signs that are located on the same Freestanding Sign structure as the proposed Freestanding On-premises Sign; and
- f. Freestanding On-premises Signs may be Mechanical Signs.

Section 1 of the DC1 Direct Development Control Provision - Gorman, Bylaw 16166, states the purpose of the Provision is to accommodate a commercial shopping centre with development controls and urban design regulations and guidelines to establish a high quality urban environment. Commercial, retail and offices uses shall be included and will be developed as larger shopping complexes, a main street and stand-alone pads comprehensively designed to improve the pedestrian and shopping environment.

NOTICE TO APPLICANT/APPELLANT

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SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-076



BUSINESS LAID OVER

SDAB-D-15-075	An appeal to construct exterior alterations to an existing single detached house (extension to front concrete driveway 9.50 metres x 15.5 metres <i>May 6, 2015</i>
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APPEAL HEARINGS TO BE SCHEDULED