

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
April 23, 2015**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I	9:00 A.M.	SDAB-D-15-081	Construct (3) Accessory Buildings, Accessory to an existing General Industrial Use (3 concrete silos) 22235 - 115 Avenue NW Project No.: 162509298-001
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II	1:00 P.M.	SDAB-D-15-074	Install (1) Freestanding On-premises Sign and (1) Fascia On-premises Sign (Kandath Law Office) 10905 - 73 Avenue NW Project No.: 166828870-003
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**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-15-081

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 162509298-001

ADDRESS OF APPELLANT: 22235 - 115 Avenue NW

APPLICATION TO: Construct (3) Accessory Buildings,  
Accessory to an existing General  
Industrial Use (3 concrete silos)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 19, 2015

DATE OF APPEAL: March 25, 2015

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 22235 - 115 Avenue NW

LEGAL DESCRIPTION: Plan 0020287 Blk 1 Lot 5

ZONE: IM Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Winterburn Industrial Area Structure Plan

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DEVELOPMENT OFFICER'S DECISION

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

The proposed development does not conform to the regulations of the Edmonton Zoning Bylaw, Section 420.4(4) maximum height. Proposed height is 31.6 m, maximum height of the Zone is 18 m. They are in excess of 13.6 m above the maximum height of the zone.

Section 11.4(2) of the Zoning Bylaw, the Development Officer does not have variance power to permit any building or structure in excess of the maximum height of the zone. Therefore the proposed development to construct three (3) accessory buildings is refused.

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APPELLANT'S SUBMISSION

Application to install 3 cement storage silos 32m high was refused as local zone height restriction is 18m. Applicant is a local supplier of high performance concrete to the Edmonton region? the Silo construction is necessary to meet the current infrastructure needs/ demands (bridges, overpasses, walkways, foundations, condo structures, etc) of the City of Edmonton and local developers of the region. The silos will feed the cement necessary for the current plant expansion program approved under development permit 149161706-001. An existing building on the property stands 27m.tall. Other bulk storage tanks in the local zone stand at a similar height to the proposed development.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

**General Industrial Uses** is a Permitted Use in the IM Medium Industrial Zone, Section 420.2(5).

Under Section 7.5(2), **General Industrial Uses** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Section 50.1(2) states Accessory Uses and Buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

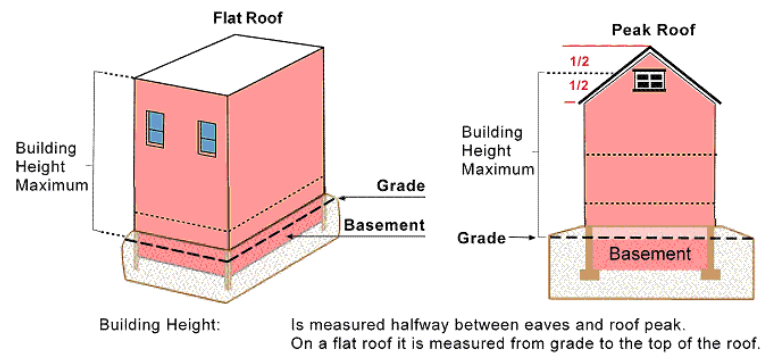
Section 50.2(1) states in any Zone other than a Residential or a Natural Area Zone, an Accessory building or structure is subject to the Development Regulations for that Zone.

Section 420.4(4) states the maximum Building Height shall be 18.0 metres.

**The Development Officer determined the maximum Building Height is 18.0 metres. The proposed development provides a Building Height of 31.6 metres, which is in excess of the maximum by 13.6 metres.**

Under Section 6.1(49), **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

- a. the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
- b. The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.



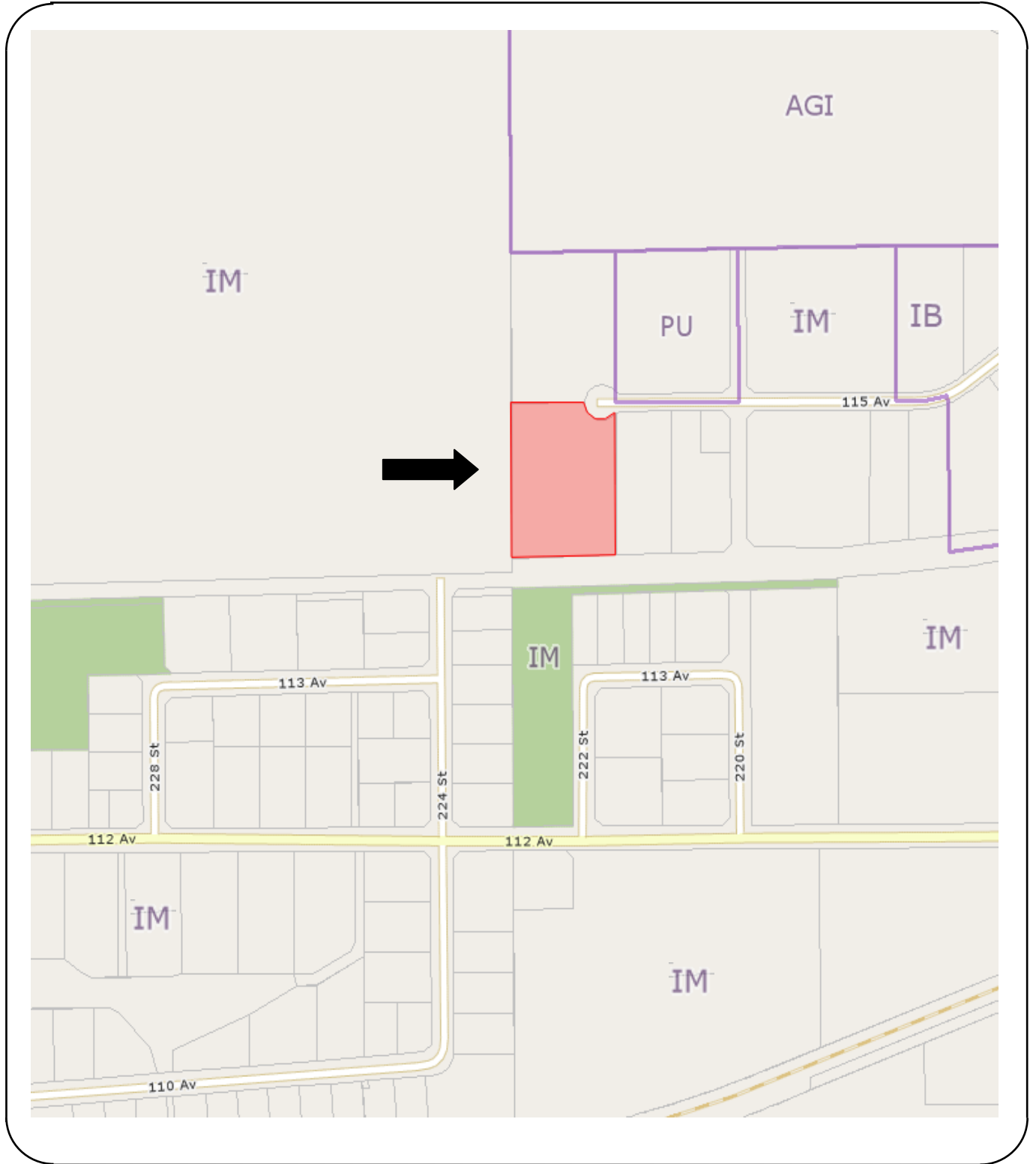
Section 420.1 states the purpose of the IM Medium Industrial Zone is to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally 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.

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#### 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.

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**SURROUNDING LAND USE DISTRICTS**

 Site Location

File: SDAB-D-15-081



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-074

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 166828870-003

ADDRESS OF APPELLANT: 10905 - 73 Avenue NW

APPLICATION TO: Install (1) Freestanding On-premises Sign and (1) Fascia On-Premises Sign (Kandath Law Office)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 16, 2015

DATE OF APPEAL: March 25, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10905 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 5718AE Blk 29 Lot 27

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

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DEVELOPMENT OFFICER'S DECISION

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

Revised Decision:

A Major Home Based Business shall have 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 (Reference Section 75.1).

Proposed Fascia Sign: 182.8 cm x 122 cm  
Proposed Fascia Sign Area: 2.23 m2  
Exceeds by: 2.17 m2

Freestanding On-premises Sign - Not Permitted as per Section 75.1.

Note: Previous Development Permit (166828870-001) has been cancelled as the permit was issued in material error (Reference Section 17.2(1)(d)).

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#### APPELLANT'S SUBMISSION

I run a Law firm out of the premises. I have been very beneficial to this community as many of the local residents have already used my services. The signage that I am requesting will not in any shape or manner effect the layout of this area. This property is located on the Southwest corner of 109 Street and 73 Avenue. This property is right on 109 Street and 73 Avenue. As well, it is within the 109 Street development corridor approved in 2013. There are multiple businesses and offices in the surrounding area especially on 72 Avenue. These businesses and churches all have large permanent signs. Some of them are permanent steel structures. I can provide pictures of the surrounding areas

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#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **Major Home Based Business** is a Discretionary Use in the RA7 Low Rise Apartment Zone, Section 210.3(9).

**Fascia On-premises Signs** is a Permitted Use in the RA7 Low Rise Apartment Zone, Section 210.2(8).

Under Section 7.9(2) **Fascia On-premises Signs** means any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. The Copy on such a Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

**Freestanding On-Premises Signs** is a Discretionary Use in the RA7 Low Rise Apartment Zone, Section 210.3(16).

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 75 states 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 centimetres by 30.5 centimetres in size located on the Dwelling.



**The Development Officer determined only a Fascia On-premises Sign no larger than 0.20 metres by 0.305 metres is allowed. The proposed development provides a Fascia On-premises Sign measuring 1.828 metres by 1.22 metres, which is in excess of the maximum by 1.62 metres by 0.915 metres and exceeds the maximum area by 2.17 square metres**

**The proposed development also provides a Freestanding On-premises Sign, which is not permitted as per Section 75.1.**

Under Section 6.2(24), **Sign Area** means the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

Under Section 6.2(11), **Identification Signs** means a Sign which contains only the name and addresses of a building, Site, premises or occupants and the activity carried on in the building, Site or premises, but does not include any other advertising Copy.

Section 210.1 states the purpose of the RA7 Low Rise Apartment Zone is to provide a Zone for Low Rise Apartments.

Section 823.1 states the purpose of the Medium Scale Residential Infill Overlay is to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

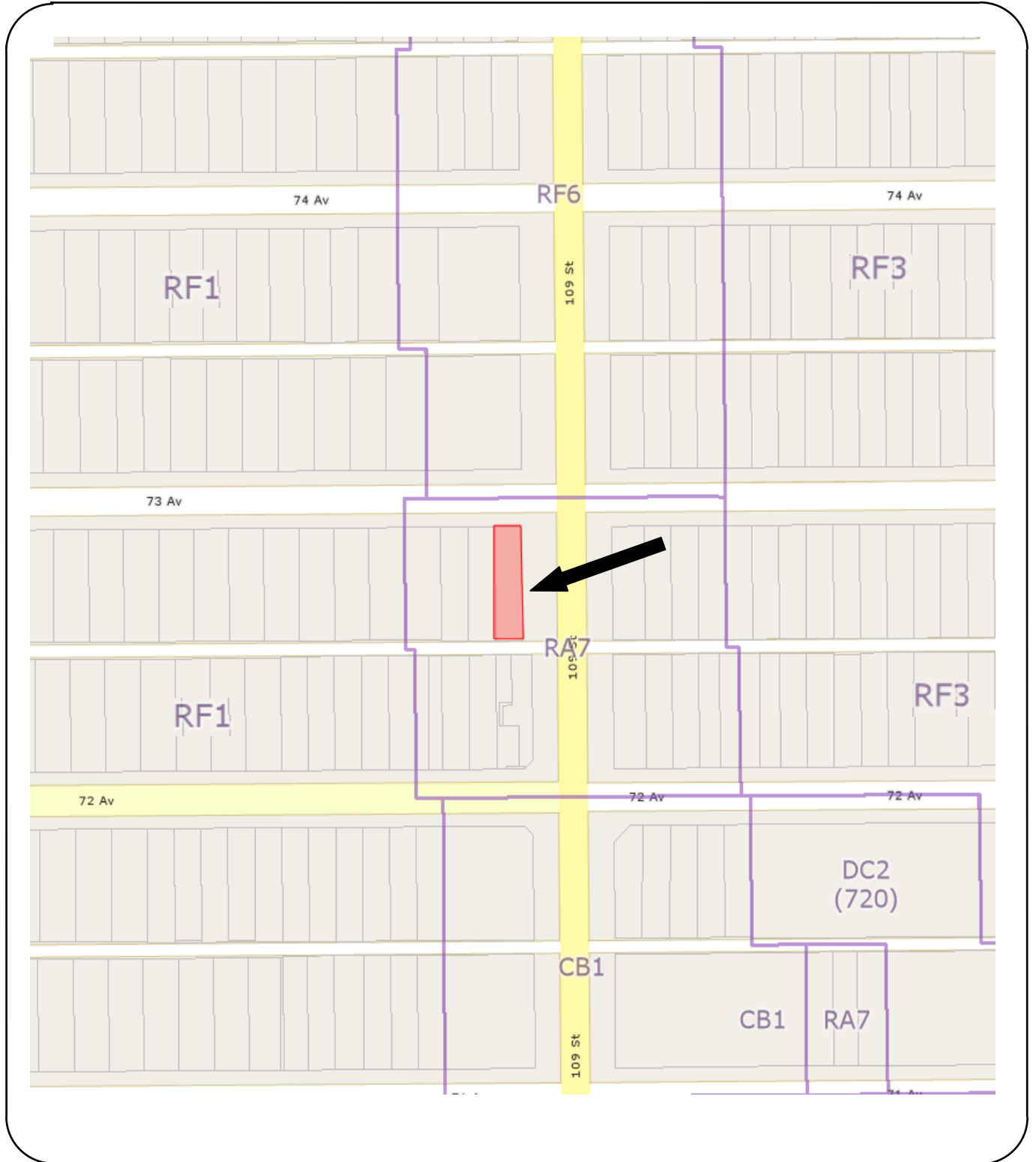
The following permit applications were appealed to the Subdivision and Development Appeal Board:

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
151219046-003 <b>SDAB-D-15-026</b>	To operate a Major Home Based Business (Administration office and equipment storage for landscaping services)	February 20, 2015; the appeal be DENIED and the decision of approval by the Development Authority CONFIRMED subject to conditions.
134196563-002 <b>SDAB-D-13-044</b>	Operate a Major Home Based Business (Law Office).	March 22, 2013; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the requirement that a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite as per Section 75(10) be waived, subject to conditions.

NOTICE TO APPLICANT/APPELLANT

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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-074



**BUSINESS LAID OVER**

<b>SDAB-D-15-075</b>	An appeal by D. Bourgeois 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**

<b>154362913-002</b>	An appeal by Gill Gurdeep to construct exterior alterations to a Single Detached House (driveway extension) – existing without permits <i>May 7, 2015</i>
<b>159253875-001; LDA14-0384</b>	An appeal by Stantec Consulting Ltd. / Frederick A. Laux, Q.C., Barrister & Solicitor to create 31 Single Detached Residential lots, 46 Semi-detached Residential Lots and 30 Row Housing Lots. <i>May 20, 2015</i>