

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
August 12, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TO BE RAISED

I 9:00 A.M. SDAB-D-20-063 Install a Freestanding Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) (1-side 2.4m x 8.8m facing north) (OUTFRONT | 852 HONG KONG CAFE)

3010 -Calgary Trail NW
Project No.: 355752431-001

II 10:30 A.M. SDAB-D-20-102 Construct exterior alterations to a Single Detached House (angled Driveway extension (right 1.75 m; left 1.24 m) with permanent planters to be used as a front patio and walkway)

13903 - 165 Avenue NW
Project No.: 361818611-002

III 1:30 P.M. SDAB-D-20-103 Operate a Major Home Based Business (General Business - Online services & deliveries - PAR AMOUR DOLLS), expires JUNE 30, 2022.

10635 - 72 Avenue NW
Project No.: 360762006-001

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-063

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 355752431-001

APPLICATION TO: Install a Freestanding Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) (1-side 2.4m x 8.8m facing north) (OUTFRONT | 852 HONG KONG CAFE)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 20, 2020

DATE OF APPEAL: May 8, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3010 - Calgary Trail NW

LEGAL DESCRIPTION: Plan 5711KS Blk A

ZONE: DC2.12 - Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

The digital sign would help the on-premise business better advertise their services. Existing landscaping would not be affected and sign would be incorporated into surroundings.

Other areas of Calgary Trail/Gateway Blvd currently have digital signage, properties on which the Calgary Trail LUS applies as well. Therefore we feel that this structure is not contrary to Study, and should be considered also.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on June 3, 2020:

That the appeal hearing be scheduled for August 12 or 13, 2020 at the written request of the Appellant and with the consent of the Development Authority.

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,

- (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, [...]

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed 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.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in

the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

General Provisions from the DC2.12 Site Specific Development Control Provision (“DC2.12”):

Section DC2.12.1 states that the **General Purpose** of DC2.12 is:

To provide a site specific development control district to accommodate commercial development on the site in a way which recognizes access constraints on the site and roadway constraints adjacent to the site, and is compatible with neighbouring residential and commercial uses.

Section DC2.12.4. states:

Signs shall be allowed in this district as provided for in Schedule 79H, and in accordance with the general provisions of Sections 79.1 to 79.9 inclusive, of the Land Use Bylaw.

Section DC2.12.4. states:

Developments in this district shall be evaluated with respect to compliance with the General Development Regulations of Sections 59 to 79 inclusive, of the Land Use Bylaw.

General Provisions from the Edmonton Land Use Bylaw 5996:

Section 14, Development Classes, states that the following classes of development are hereby established:

- 1) Class O - No Development Permit Required;
- 2) Class A - Minor Permitted Use;
- 3) Class B - Permitted Use;
- 4) Class C - Discretionary Use; and
- 5) Class D - Design Review.

Section 14.3 states

The developments included in this Class are those Permitted Uses where the regulations of this Bylaw are more complex and where the development application must be reviewed to determine its compliance with this Bylaw, or where conditions of approval or

agreements to ensure compliance are considered necessary. The Development Officer shall issue a permit, with or without conditions for the development of Permitted Uses after reviewing the application and the submission requirements of this Class to ensure compliance with the regulations of this Bylaw. This Class shall include all Permitted Use developments, including those affected by an Overlay, except those identified in Class O or Class A

Class B shall also include the following sign uses and development:

1) Canopy, Undercanopy, Facia, Freestanding and Projecting On-premise Identification or Business Identification Signs including or not including the use of manual animation, running lights, scintillating lights, manual changeable copy and time and temperature displays;

2) Facia and Freestanding General Advertising Signs; except that where such signs are to be erected in the CNC, CSC, IB or AGI Districts, or within the civic centre area defined in Sign Schedule 79G, they shall be a Class C development;

(...)

Under section 9.2(2), **Animated Sign** means:

any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign. Animated Sign does not include Flashing Signs, Rotating Signs, signs with accessory running lights or flashing lights, or electronically controlled Changeable Copy Signs such as those showing time and temperature displays.

Under section 9.2(4)(b), **Billboard** means:

a General Advertising Sign that has a sign area of more than 3.75 m² (40.35 sq. ft.). The display copy of the sign can be printed on a translucent vinyl sheet or painted on a number of plywood or light steel sections which are locked into a frame to form a single sign face.

Under section 9.2(6), **Business Identification Sign** means:

a sign identifying the name, dealer, franchise association, primary function, product or service of the commercial activity conducted

on the premises, and may include local advertising and changeable copy.

Under section 9.2(8), **Changeable Copy Sign** means:

a permanent On-premise Sign or portion of such a sign on which copy can be readily changed manually through the utilization of attachable characters, or automatically through the electronic switching of lamp banks or illuminated tubes. Changeable Copy Signs include mechanically controlled time and temperature displays.

Under Section 9.2(15), **Freestanding Sign** means “any sign supported independently of a building and permanently fixed to the ground.”

Under Section 9.2(16), **General Advertising Sign** means:

a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises where the sign is displayed and general advertising has a similar meaning. Typical General Advertising Signs includes Billboards and Junior Panels as defined in this Bylaw.

Under Section 9.2(21), **Local Advertising Sign** means:

a sign or portion of a sign on which the copy refers only to products or merchandise produced, offered for sale or obtainable at the premises on which the sign is displayed and which are related to the principal function of such premises, and local advertising has a similar meaning.

Under Section 9.2(25), **On-premise Sign** means:

a sign identifying or advertising a business, activity, service or product located on the premises where the sign is erected. On-premise Signs includes signs erected on a site to provide warning or direction to persons entering upon the site.

Development Officers Determination

Based on Section 9.2 (4b and 16) Sign Definitions, of the Land Use Bylaw 5996 that was in effect at the time DC2(12) was amended May 24, 1994.

Reference LUB: Edmonton (Alta.) - 1991-1993 - Edmonton land use bylaw, number 5996_office consolidation number 9.

Schedule 79H of the Edmonton Land Use Bylaw 5996

Schedule 79H.1(1) states the following Signs shall be allowed, subject to the Sign Regulations of this Schedule:

- a) ...
- b) ...
- c) Awning, Canopy, Under-canopy, Facia, Freestanding, Projecting and Window, On-premise Business Identification Signs and On-premise Changeable Copy and Local Advertising Signs;
- d) ...
- e) ...
- f) Facia and Freestanding General Advertising Signs;
- g) ...

Calgary Trail Land Use Study

The *City of Edmonton Charter*, 2018 Regulation, Alta Reg 39/2018 states the following:

(31) In section 616 of the Act,

(e) clause (dd) is to be read as follows:

(dd) “statutory plan” means

- (i) an intermunicipal development plan,
- (ii) a municipal development plan,
- (iii) an area structure plan,
- (iv) an area redevelopment plan, and
- (v) an additional statutory plan under section 635.1 adopted by the City under Division 4;

Development Officers Determination

1) Section 3.4.b.ii of the Calgary Trail Land Use Study: The sign is 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 Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study.

General Provisions (General Advertising Signs) of the Edmonton Land Use Bylaw 5996

Section 79.8(1)(e) states "General Advertising Signs may be illuminated provided that the lighting is concealed or shielded to minimize glare."


Development Officers Determination

2) 79.8(1)(e): General advertising signs may be illuminated provided that the lighting is concealed or shielded to minimize glare.

Proposed: The sign is illuminated (digital panel) and is not shielded to minimize glare, therefore it does not comply with Section 79.8(1)(e).

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: 355752431-001 Application Date: FEB 24, 2020 Printed: May 8, 2020 at 12:37 PM Page: 1 of 2				
<h2>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) 3010 - CALGARY TRAIL NW Plan 5711KS Blk A				
Scope of Application To install a Freestanding Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) (1-side 2.4m x 8.8m facing north) (OUTFRONT 852 HONG KONG CAFE).					
Permit Details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> ASA Sticker No./Name of Engineer: Construction Value: 200000 </td> <td style="width: 50%; padding: 5px;"> Class of Permit: Expiry Date: </td> </tr> <tr> <td style="padding: 5px;"> 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 </td> <td style="padding: 5px;"> 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 </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 200000	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
ASA Sticker No./Name of Engineer: Construction Value: 200000	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				
Development Application Decision Refused Issue Date: Apr 20, 2020 Development Authority: NOORMAN, BRENDA Reason for Refusal Based on Section 9.2 (4b and 16) Sign Definitions, of the Land Use Bylaw 5996 that was in effect at the time DC2(12) was amended May 24, 1994. Reference LUB: Edmonton (Alta.) - 1991-1993 - Edmonton land use bylaw, number 5996_office consolidation number 9. 1) Section 3.4.b.ii of the Calgary Trail Land Use Study: The sign is 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 Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study. 2) 79.8(1)(e): General advertising signs may be illuminated provided that the lighting is concealed or shielded to minimize glare. Proposed: The sign is illuminated (digital panel) and is not shielded to minimize glare, therefore it does not comply with Section 79.8(1)(e).					
THIS IS NOT A PERMIT					



Project Number: **355752431-001**
Application Date: FEB 24, 2020
Printed: May 8, 2020 at 12:37 PM
Page: 2 of 2

Application for Sign Combo Permit

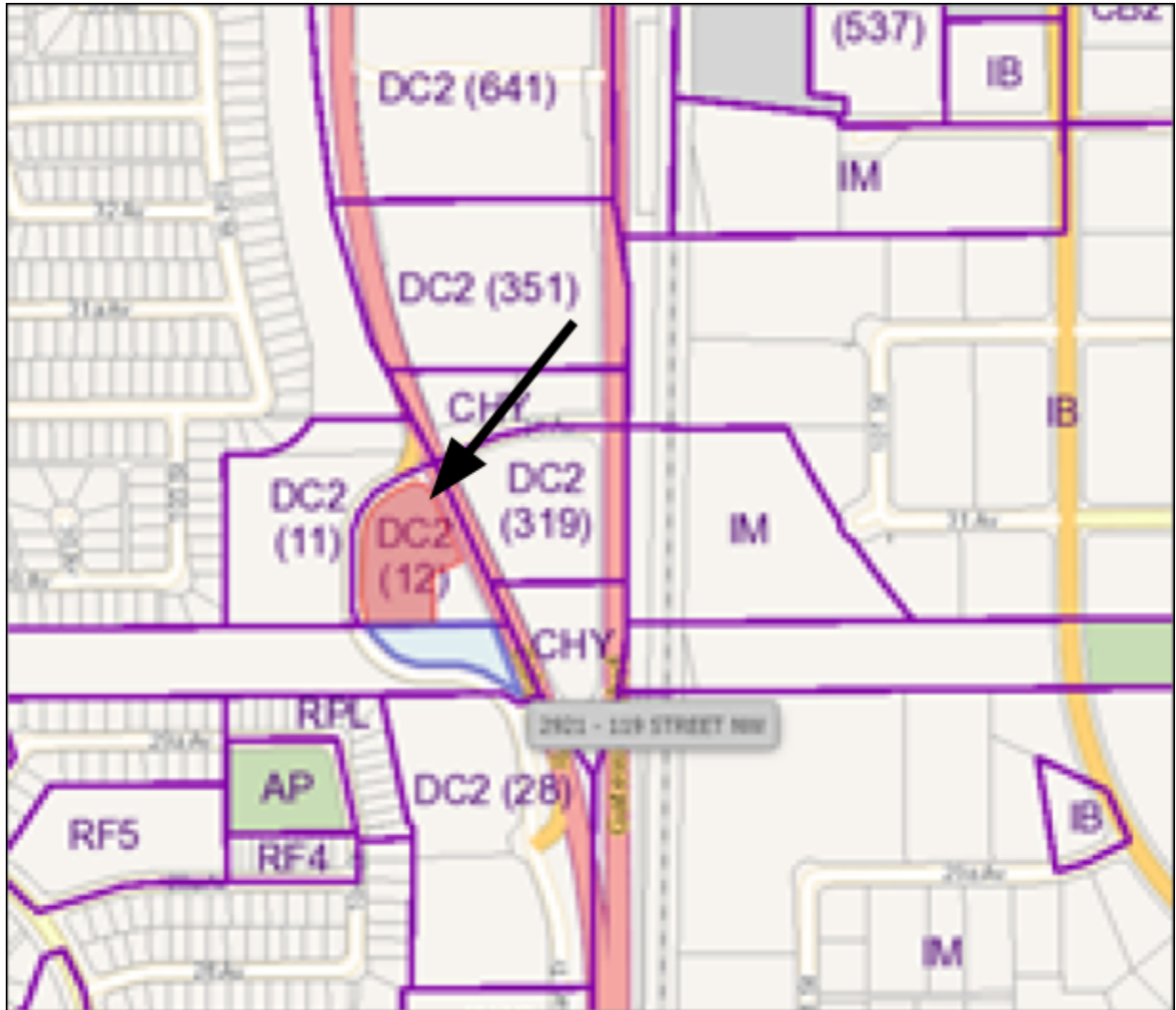
Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$86.16	\$86.16	06466036	Mar 06, 2020
Sign Building Permit Fee	\$2,154.00	\$2,154.00	06466036	Mar 06, 2020
Sign Dev Appl Fee - Digital Signs	\$467.00	\$467.00	06466036	Mar 06, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,707.16</u>	<u>\$2,707.16</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-20-063 ▲
N

ITEM II: 10:30 A.M.

FILE: SDAB-D-20-102

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 361818611-002

APPLICATION TO: Construct exterior alterations to a Single Detached House (angled Driveway extension (right 1.75 m; left 1.24 m) with permanent planters to be used as a front patio and walkway)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 15, 2020

DATE OF APPEAL: July 15, 2020

NOTIFICATION PERIOD: June 23, 2020 through July 14, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13903 - 165 Avenue NW

LEGAL DESCRIPTION: Plan 1424049 Blk 70 Lot 57

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Carlton Neighbourhood Structure Plan
Palisades Area Structure Plan

<i>Grounds for Appeal</i>

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

Hello,

I would like to file an appeal for the city file # 361818611-002. The resident of 13903-165 Avenue northwest poured concrete approximately 3 weeks ago prior to approval (2020 June 17).

My concerns include the following:

- 1)The guidelines for a driveway width is 5.5m wide (Section 54.1.4) but they poured their concrete to 8.5m wide
- 2)The concrete height is approximately 8 inches higher then my property which is already causing significant flooding.
- 3) The grading has not been done properly
- 4) Now that there is no front lawn where will all of the snow go in the winter. We currently already have an issue with the front since it is very narrow already - If this extension is being used for parking which is what he told us then there will be no room for snow.
- 5) During this current time of increase rain, there is no proper drainage made thus causing flooding of water on my property.

Thanks for taking the time to investigate this appeal.

<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,

(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 subdivision and development appeal board

...

(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 (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 115.3(2), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

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 and Garden Suites.”

<i>Driveway Width</i>

It should be noted that on June 23, 2020 Council passed Charter Bylaw 19275 that amended the parking requirements.

Section 54.3(3) states the following with respect to Vehicle Parking Design for Low-density Residential:

The Front Yard of any ground level Dwelling that is not part of a Multi-Unit Project Development, or in the case of a corner Site, either the Front Yard or the flanking Side Yard, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- b. for a Garage or Parking Area with one Vehicle Parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;
- c. for a Garage or Parking Area with two or more Vehicle Parking spaces, the width of the garage or parking area or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less; and
- d. have a maximum width of 4.3 m for any Site Zoned RF1 that has a Site Width less than 10.4 m.


Under section 6.1, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Development Officer’s Determination

Driveway Width - The driveway is 8.5m wide, instead of 5.5m (Section 54.1.4). [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: 361818611-002 Application Date: MAY 06, 2020 Printed: June 15, 2020 at 7:50 AM Page: 1 of 2		
<h2>Driveway Extension Permit</h2>			
<p>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.</p>			
Applicant	Property Address(es) and Legal Description(s) 13903 - 165 AVENUE NW Plan 1424049 Blk 70 Lot 57		
Scope of Permit To construct exterior alterations to a Single Detached House (angled Driveway extension (right 1.75 m; left 1.24 m) with permanent planters to be used as a front patio and walkway).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none) </td> <td style="width: 50%;"> Site Area (sq. m.): 439.83 </td> </tr> </table>		Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 439.83
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 439.83		
Development Permit Decision Approved Issue Date: Jun 15, 2020 Development Authority: TESSERA, HERAN Subject to the Following Conditions This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21. (Reference Section 17.1) This Development Permit authorizes the development of Single Detached House (angled Driveway extension (right 1.75 m; left 1.24 m) with permanent planters to be used as a front patio and walkway). The development shall be constructed in accordance with the stamped and approved drawings. The driveway extension can not be used as parking space, as parking spaces shall not be located within a Front Yard in a Residential Zone (section 54.2.2.e.i) As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Reference Section 57.3(1)). ADVISEMENTS: 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 Section 5.2) Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800. Variances Driveway Width - The driveway is 8.5m wide, instead of 5.5m (Section 54.1.4).			



Project Number: **361818611-002**
Application Date: MAY 06, 2020
Printed: June 15, 2020 at 7:50 AM
Page: 2 of 2

Driveway Extension Permit

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.

Notice Period Begins: Jun 23, 2020

Ends: Jul 14, 2020

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$176.00	\$176.00	953239047011001	May 06, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$176.00	\$176.00		



SURROUNDING LAND USE DISTRICTS			▲
Site Location ←	File: SDAB-D-20-102		N

ITEM III: 1:30 P.M.

FILE: SDAB-D-20-103

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 360762006-001

APPLICATION TO: Operate a Major Home Based Business (General Business - Online services & deliveries - PAR AMOUR DOLLS), expires JUNE 30, 2022.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 24, 2020

DATE OF APPEAL: July 14, 2020

NOTIFICATION PERIOD: June 30, 2020 through July 21, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10635 - 72 Avenue NW

LEGAL DESCRIPTION: Plan 5718AE Blk 13 Lot 15

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I received an appeal notice late last week as we own the property across the street. We wanted to bring it to your attention.

We have concerns about this business being approved in the neighborhood as it is described as a major general business that provides online services and deliveries.

One of the initial problems has to do with the generic title of the services which neglect to state that they will be renting adult entertainment products. Given that the business has a rental component it appears that the application should fall under the commercial business license category and not under the general business guidelines. This may require additional information as part of the application for this type of business located within a residential housing area.

A secondary concern has been related to the use of the property over the last several months. Neighbors and the renters of our property have noticed that the property has become known as a party house and has had increased traffic and parking difficulties during these times. The yard has also been unkempt with building materials left outside and on the boulevard. This has recently been cleared up.

The other concern that has been expressed by neighbors on 107 Street has to do with insufficient parking for the residents. The application has noted that there are 0 parking spaces available to the business instead of 2. However, there is typically 2-5 vehicles parked on the Street, either next to the house or across the street.

Another question is in relation to the type of signage that will be on the business storefront and where will it be located?

The website associated with this business name is below.
<https://paramourdolls.com/>

<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,

- (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 subdivision and development appeal board

...

- (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 (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 140.3(5), a **Major Home Based Business** is a **Discretionary Use** in the **(RF3) Small Scale Infill Development 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, Cannabis Retail Sales or Cannabis Production and Distribution.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale 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.

Discretionary Use

It should be noted that on June 23, 2020 Council passed Charter Bylaw 19275 that removed the minimum parking requirements.

Development Officer’s Determination

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Sections 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Parking - The site has 0 parking spaces, instead of 2 (Section 54.2 and Schedule 1(A).3 & 8)

[unedited]

Major Home Based Business


Under section 75 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. a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
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 Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary 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.

	Project Number: 360762006-001 Application Date: APR 24, 2020 Printed: June 24, 2020 at 1:19 PM Page: 1 of 3				
<h2>Home Occupation</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 data-bbox="812 449 1395 541"> Property Address(es) and Legal Description(s) 10635 - 72 AVENUE NW Plan 5718AE Blk 13 Lot 15 </td> </tr> <tr> <td data-bbox="812 541 1395 667"> Specific Address(es) Suite: 10635 - 72 AVENUE NW Entryway: 10635 - 72 AVENUE NW Building: 10635 - 72 AVENUE NW </td> </tr> </table>	Property Address(es) and Legal Description(s) 10635 - 72 AVENUE NW Plan 5718AE Blk 13 Lot 15	Specific Address(es) Suite: 10635 - 72 AVENUE NW Entryway: 10635 - 72 AVENUE NW Building: 10635 - 72 AVENUE NW		
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Specific Address(es) Suite: 10635 - 72 AVENUE NW Entryway: 10635 - 72 AVENUE NW Building: 10635 - 72 AVENUE NW					
Scope of Permit To operate a Major Home Based Business (General Business - Online services & deliveries - PAR AMOUR DOLLS), expires JUNE 30, 2022.					
Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="266 827 509 903"> # of business related visits/day: 10 Administration Office Only?: N Class of Permit: Class B </td> <td data-bbox="818 827 1208 1003"> # of vehicles at one time: Business has Trailers or Equipment?: N Description of Business: Web based love doll delivery service. Garage acting as storage and cleaning facility. No clients permitted to the home. No outdoor activity permitted. Garage door to remain closed while business is in operation. Expiry Date: 2022-06-30 00:00:00 </td> </tr> <tr> <td data-bbox="266 978 483 1029"> Do you live at the property?: Y Outdoor storage on site?: N </td> <td></td> </tr> </table>		# of business related visits/day: 10 Administration Office Only?: N Class of Permit: Class B	# of vehicles at one time: Business has Trailers or Equipment?: N Description of Business: Web based love doll delivery service. Garage acting as storage and cleaning facility. No clients permitted to the home. No outdoor activity permitted. Garage door to remain closed while business is in operation. Expiry Date: 2022-06-30 00:00:00	Do you live at the property?: Y Outdoor storage on site?: N	
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Do you live at the property?: Y Outdoor storage on site?: N					
Development Permit Decision Approved Issue Date: Jun 24, 2020 Development Authority: WINGET, MARK					



Project Number: **360762006-001**
Application Date: APR 24, 2020
Printed: June 24, 2020 at 1:19 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. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
7. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
8. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
9. 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.
10. The business use shall not involve the use of commercial vehicles or vehicles weighing over 4600 kg.
11. The use of semi-trailer truck for deliveries or pick-ups is prohibited.
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 2 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 ****JUNE 30, 2022****.

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).



Project Number: **360762006-001**
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Home Occupation

VariANCES

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Sections 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Parking - The site has 0 parking spaces, instead of 2 (Section 54.2 and Schedule 1(A).3 & 8)

Rights of Appeal

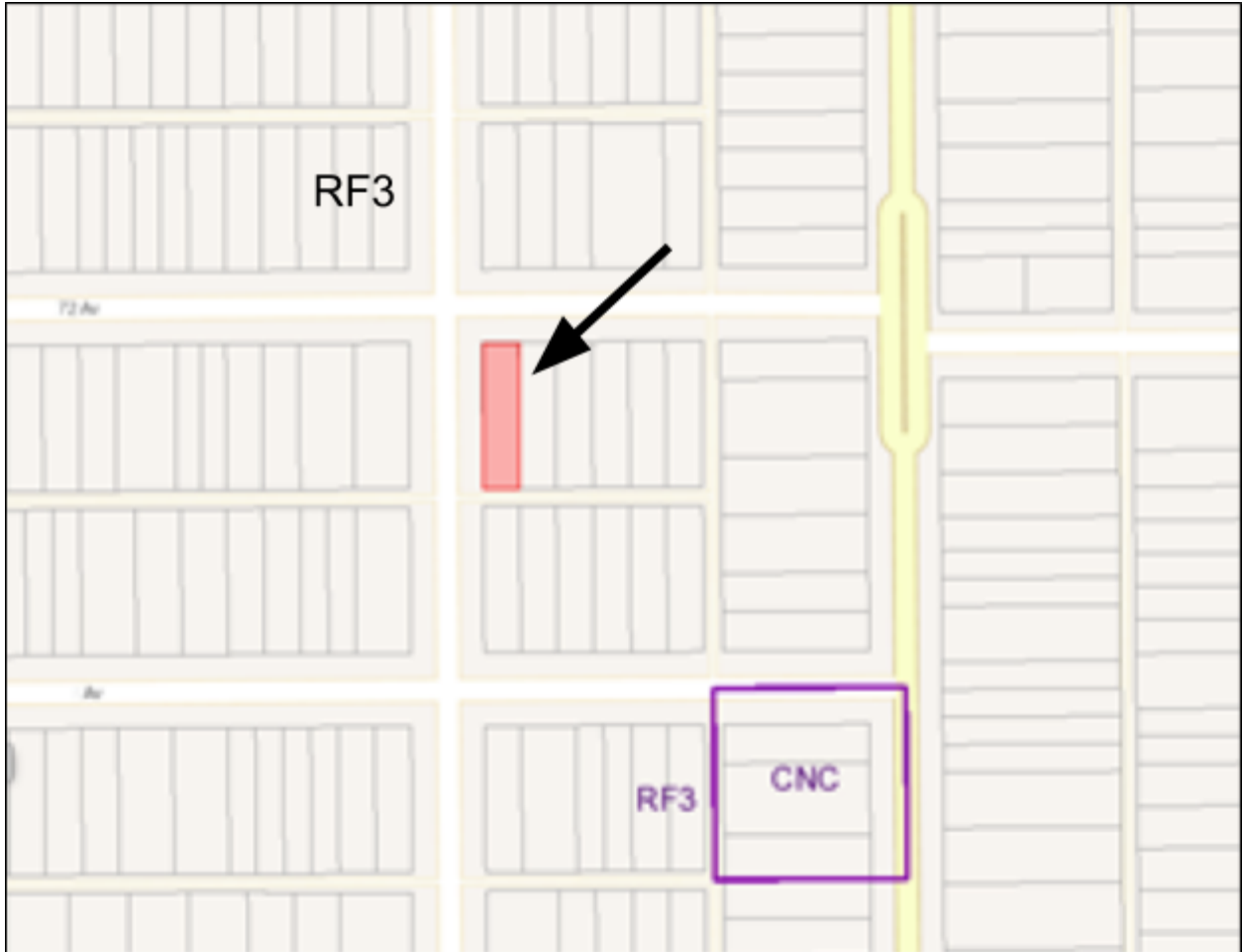
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Jun 30, 2020

Ends: Jul 21, 2020

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$327.00	\$327.00	950661174381001	Apr 29, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$327.00</u>	<u>\$327.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-20-103** ▲
N