

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
January 27, 2022

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TO BE RAISED

I 9:00 A.M. SDAB-D-21-186

To install a Minor Digital Off-Premises Freestanding Sign (6.10 metres by 3.05 metres facing East/West)(PATTISON OUTDOOR ADVERTISING)

10360 - 111 Street NW
Project No.: 406920771-002

II 10:30 A.M. SDAB-D-22-010

To change the use of a General Retail Store to a Liquor Store, and construct interior alterations.

15802 - 100 Avenue NW
Project No.: 416096872-002

III 1:30 P.M. SDAB-D-22-009

To operate a Major Home Based Business - (Group and One on One Fitness Training and Classes with one employee and up to six client visits per day - SOUTHSIDE STRIKING ACADEMY). Expires Dec. 12, 2026

319 - Callaghan Close SW
Project No.: 416852677-001

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-186

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 406920771-002

APPLICATION TO: Install a Minor Digital Off-Premises Freestanding Sign
(6.10 metres by 3.05 metres facing East/West)(PATTISON
OUTDOOR ADVERTISING)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 19, 2021

DATE OF APPEAL: October 25, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10360 - 111 Street NW

LEGAL DESCRIPTION: Plan 1282RS Blk 11 Lot 125A

ZONE: DC1 - Direct Development Control Provision (Bylaw
18099 - Area 2)

OVERLAY: N/A

STATUTORY PLAN: 104 Avenue Corridor Area Redevelopment Plan

<i>Grounds for Appeal</i>

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

As solicitors for the Applicants, we appeal the subject refusal on the following grounds:

Whereas the Development Officer has categorized the Development Permit Application for this Sign as one to install a Minor Digital Off-Premises Freestanding Sign, the Appellants Application was made to leave as-built 1 Minor Digital Off-Premises Sign. The within Application was for a renewal of the Development Permit granted by the Board November 18, 2016 in SDAB-D-16-237.

The within Application was refused for the sole reason that it does not comply with all development regulations of the City of Edmonton Zoning Bylaw contrary to the applicable provisions of that Bylaw.

The subject Sign is located well over 200 metres distant from the Sign at 10304 - 109 Street NW contrary to the information provided by the Development Officer and upon which she based here refusal.

Throughout, the Development Officer has failed to follow the directions of Council.

Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>

The Subdivision and Development Appeal Board made and passed the following motion on November 4, 2021:

“That the appeal be postponed to January 27, 2022 at the written request of the Appellant.”

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

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

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

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

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

or

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

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

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.

General Provisions from the DC1 (Area 2 of Bylaw 18099) (“DC1”):

Under section 16.eeee, **Minor Digital Off-premises Sign** is a **Listed Use** in the **DC1**.

Section 14 states that the **General Purpose** of the **DC1** is:

To facilitate the development of a pedestrian friendly and transit-supportive area that is characterized by its mix of commercial and residential uses, directing the most intensive development around station areas while creating a sensitive transition to the south.

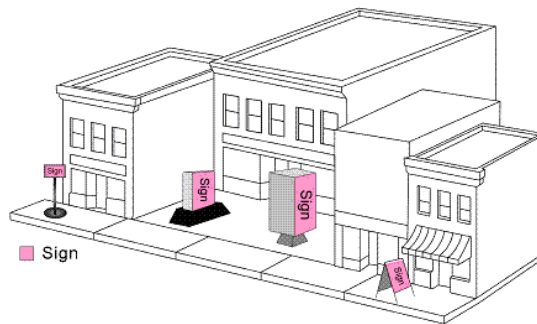
General Provisions from the Edmonton Zoning Bylaw:

Under section 7.9(6), a **Minor Digital Off-premises Sign** means:

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

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

means a Sign supported independently of a building.

**Signage (Area 2 - Charter Bylaw 18099)**

Section 21.j of the DC1 states “Major Digital Signs and Minor Digital Signs shall be permitted, only if affixed to a building.”

Development Officer's Determination

1. Reference DC1(Area 2) Bylaw 18099 - Section 21(j) - Major Digital Signs and Minor Digital Signs shall be permitted, only if affixed to a building.

Proposed: Sign is not affixed to a building contrary to the DC1 Regulation.

[unedited]

Schedule 59F

Section 21.f of the DC1 states "Signs shall comply with the General Provisions of Section 59 and the regulations found in Schedule 59F of the Zoning Bylaw."

Schedule 59F.3(6)(e) states proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than 8.0 m ² or Off-premises Signs
20 m ² to 40 m ²	200 m

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

Development Officer's Determination

2. Section 59F.3(6)(e) - proposed Sign locations shall be separated from Signs with Digital Copy greater than 20.0 m² by 200 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

Area of Existing PATTISON Sign (DP 408363438-002): 32.68 m²

Location: 10304 - 109 STREET NW

Required Separation Distance: 200 m

Proposed Separation Distance: 125 m

Deficient by: 75 m

[unedited]

Schedule 59F.3(6)(j) states “proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.”

Section 17.t of the DC1 states “Building setbacks shall be as follows:

- i. a minimum 3.0 m and maximum 4.5 m from property lines Abutting a public roadway, other than a Lane.

...

Development Officer’s Determination

3. Section 59F.3(6)(j) - proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback; (a minimum 3.0 m and maximum 4.5 m from property lines Abutting a public roadway, other than a Lane.)

PROPOSED: 2.59 m From East property line
Deficient by: 0.41 m

PROPOSED: 2.16 m From SouthEast property line
Deficient by: 0.84 m

[unedited]


Previous Subdivision and Development Appeal Board Decisions


Application Number	Description	Decision
SDAB-D-16-237	Install (1) Freestanding Minor Digital Off-premises Sign (6.1 metres by 3 metres facing east / west)	November 18, 2016; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to CONDITIONS.
SDAB-D-10-090	Construct an Off-premises Freestanding Sign (Double Sided facing East/West - Digital LED Screen)	May 7, 2010; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the requirement that General Advertising Signs be purposely designed to display painted bulletins, poster panels

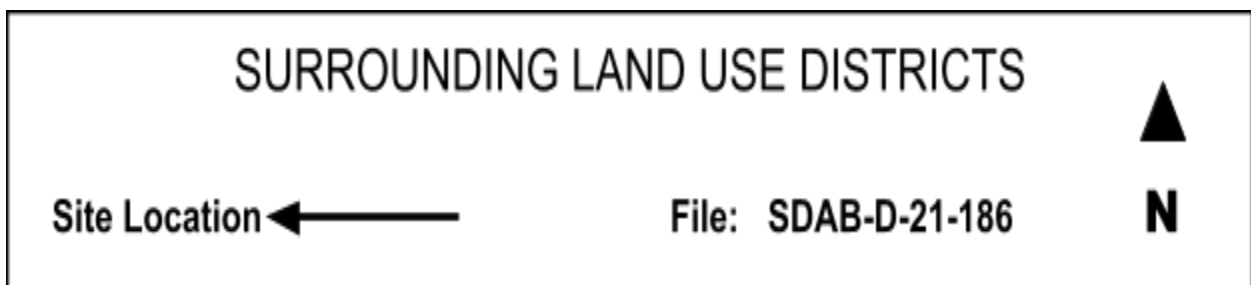
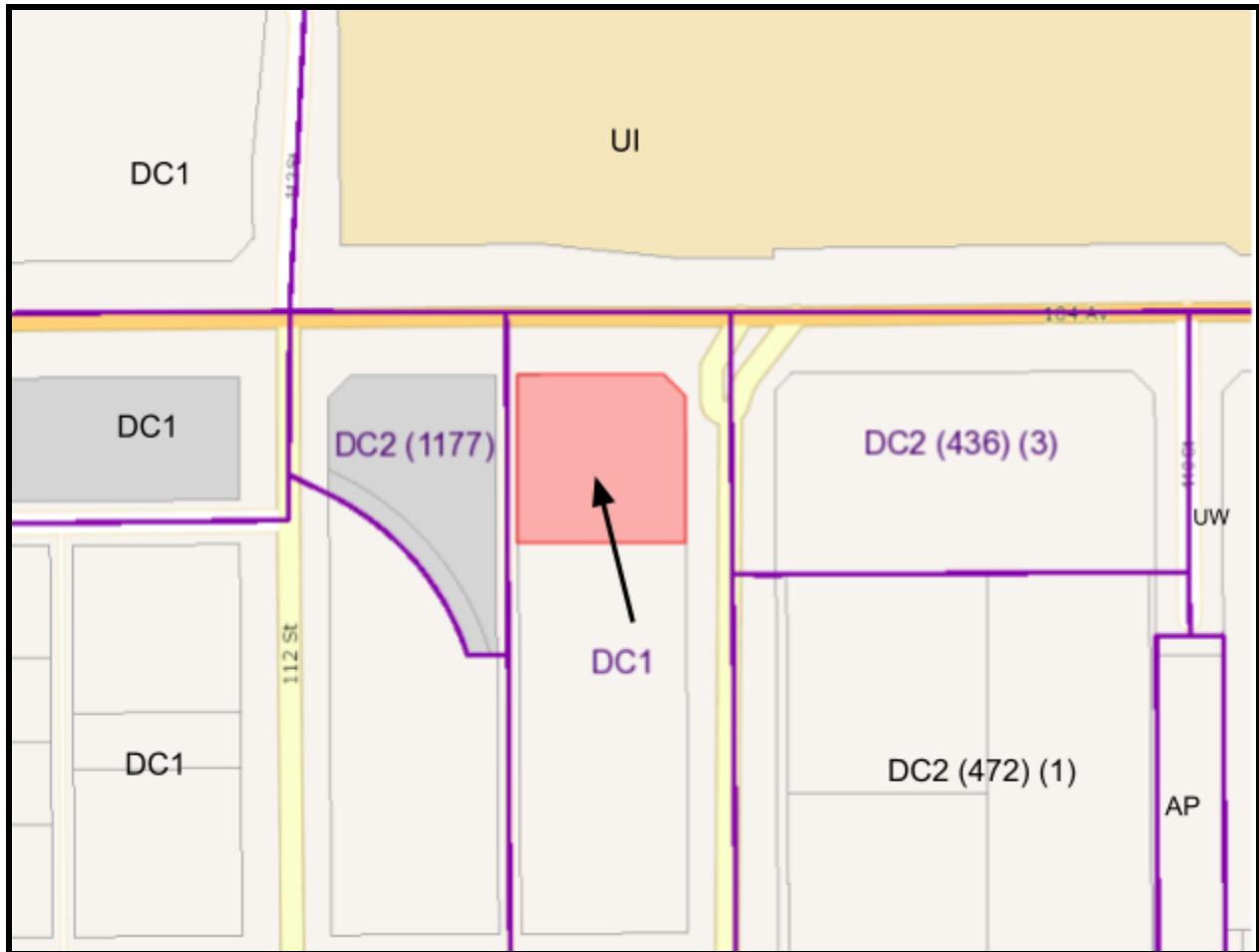
		or vinyl backlit panels be waived subject to conditions.
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Notice to Applicant/Appellant

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.

	Application for Sign Permit		Project Number: 406920771-002 Application Date: AUG 30, 2021 Printed: October 19, 2021 at 8:26 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 10360 - 111 STREET NW Plan 1282RS Blk 11 Lot 125A		
Scope of Application To install a Minor Digital Off-Premises Freestanding Sign (6.10 m x 3.05 m facing E/W)(PATTISON OUTDOOR ADVERTISING)			
Permit Details			
ASA Sticker No./Name of Engineer: Construction Value: 100000		Class of Permit: Expiry Date:	
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 2 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 Refined Issue Date: Oct 19, 2021 Development Authority: MERCIER, KELSEY			
THIS IS NOT A PERMIT			

	<h2 style="margin: 0;">Application for Sign Permit</h2>	<p>Project Number: 406920771-002 Application Date: AUG 30, 2021 Printed: October 19, 2021 at 8:26 AM Page: 2 of 2</p>																				
<p>Reason for Refusal</p> <p>1. Reference DC1(Area 2) Bylaw 18099 - Section 21(j) - Major Digital Signs and Minor Digital Signs shall be permitted, only if affixed to a building.</p> <p>Proposed: Sign is not affixed to a building contrary to the DC1 Regulation.</p> <p>2. Section 59F.3(6)(e) - proposed Sign locations shall be separated from Signs with Digital Copy greater than 20.0 m² by 200 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.</p> <p>Area of Existing PATTISON Sign (DP 408363438-002): 32.68 m² Location: 10304 - 109 STREET NW Required Separation Distance: 200 m Proposed Separation Distance: 125 m Deficient by: 75 m</p> <p>3. Section 59F.3(6)(j) - proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback; (a minimum 3.0 m and maximum 4.5 m from property lines Abutting a public roadway, other than a Lane.)</p> <p>PROPOSED: 2.59 m From East property line Deficient by: 0.41 m</p> <p>PROPOSED: 2.16 m From SouthEast property line Deficient by: 0.84 m</p> <p>Rights of Appeal THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.</p>																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fees</th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Development Application Fee - Digital Signs</td> <td style="text-align: right;">\$1,800.00</td> <td style="text-align: right;">\$1,800.00</td> <td style="text-align: right;">14411000750J001</td> <td style="text-align: right;">Aug 30, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$1,800.00</td> <td style="text-align: right;">\$1,800.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fees	Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Development Application Fee - Digital Signs	\$1,800.00	\$1,800.00	14411000750J001	Aug 30, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$1,800.00	\$1,800.00		
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<p>THIS IS NOT A PERMIT</p>																						



ITEM II: 10:30 A.M.

FILE: SDAB-D-22-010

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 416096872-002

APPLICATION TO: Change the use of a General Retail Store to a Liquor Store, and construct interior alterations.

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 17, 2021

DATE OF APPEAL: December 31, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15802 - 100 Avenue NW

LEGAL DESCRIPTION: Plan 1822191 Blk 2C Lot 38

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

- 1) As a discretionary use within the Low Intensity Business Zone (CB1) District, the proposed Liquor Store is reasonably compatible with surrounding uses, given the circumstances;
- 2) In accordance with section 687(3)(d) of the MGA, the proposed Liquor Store 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

The proposed Liquor Store conforms with the use(s) prescribed for the subject land or building in the City of Edmonton Zoning Bylaw 12800.

In accordance with sections 687(3)(c) and (d) of the MGA, the remedy sought from the Board on this appeal is the following:

- The decision of the Development Authority to refuse 416096872-002 (Major Development Permit) be revoked and that the Board issue a decision granting a Development Permit for the proposed Liquor Store.

Further details and evidence supporting our reasons for appeal will be submitted to the SDAB prior to the scheduled hearing date.

<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 the decision in accordance with subsection (2.1).

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

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

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

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

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 330.3(16), a **Liquor Store** is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.4(30) **Liquor Stores** means “development used for the retail sale of any and all types of alcoholic beverages to the public for off-site consumption. This Use may include retail sales of related products such as soft drinks and snack foods.”

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses, and limited Residential-related 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.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

<i>Section 85 - Liquor Stores</i>
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1. **Any Liquor Store shall not be located less than 500 m from any other Liquor Store.**
2. Notwithstanding subsection 85(1), a Liquor Store may be located less than 500 m from any other Liquor Store if located:
 - a. outside the boundary shown in Appendix 1 to Section 85, provided:
 - i. the Liquor Stores are located on separate Sites, and
 - ii. at least one Liquor Store is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3.
3. For the purposes of Section 85, the 500 m separation distance shall be measured from the closest point of the Liquor Store to the closest point of any other approved Liquor Store.
4. Any Site containing a Liquor Store shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the Liquor Store. Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, are exempt from this restriction. For the purposes of this subsection only:
 - a. the 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
 - b. the term "community or recreation activities" is limited to Community Recreation Services, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits, or Religious Assembly;
 - c. the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools; and
 - d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 85(4).

6. Notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9).
7. When the Development Officer receives an application for a Development Permit that is for the purpose of accommodating the temporary relocation of an approved Liquor Store within 500 m of its original location, a variance to subsection 85(1) or subsection 85(2) may be granted where:
 - a. the application for the Development Permit is for a Temporary Development, in order to limit the introduction of an additional Liquor Store within 500 m of the original approved Development Permit;
 - b. the temporary location for any Liquor Store is not within 500 m of any legally conforming Liquor Store; and
 - c. the application for a Development Permit will not result in a total Floor Area for a Liquor Store that is 10.0% greater than the Floor Area of the existing approved Liquor Store, to a maximum increase of 50 m².
8. When a Development Officer receives an application for a Development Permit that is for the purpose of accommodating the reversion of an existing approved Liquor Store back to its original location on a Site, a variance of subsection 85(1) or subsection 85(2) may only be granted where the application for the reversion is submitted to the Development Officer within 5 years of the date of vacating the original location and the application will not result in a total Floor Area that is greater than the original approved Liquor Store.
9. The issuance of a Development Permit which contains a variance pursuant to subsection 85(7) shall be issued as a Temporary Development for a duration of up to 5 years or less, to be determined by the Development Officer.
10. The Development Officer may require lighting, signage or screening measures that ensure the proposed development is compatible with adjacent or nearby Residential Uses or Commercial Uses.
11. Liquor Stores shall include the following to allow for natural surveillance to promote safe surroundings:
 - a. Customer access is oriented to:
 - i. a public or internal roadway, other than a Lane;
 - ii. a shopping centre parking lot in front of the store; or
 - iii. a mall access that allows visibility from the interior of the mall into the store.

- b. Premises located at ground level shall include:
 - i. Ample transparency to maintain sight lines into and out of the premises. To ensure transparency and sight lines are maintained:
 - 1. Not more than 10% of the windows may be covered by Signs, the remainder shall be clear, untinted, and free from obstruction.
 - ii. Outdoor lighting is required to provide a well-lit environment for pedestrians entering and exiting the premises and to illuminate the property. The Development Officer shall require the applicant to provide a plan showing the location and details of perimeter lighting to ensure adequate lighting.
 - iii. Landscaping shall be located such that it does not obstruct sight lines into the premises.

Development Officer's Determination

1. Section 85.1: Any Liquor Store shall not be located less than 500 m from any other Liquor Store.

Proposed: There are two (2) existing Liquor Stores (Minor Alcohol Sales) within 500 m to the proposed Liquor Store, contrary to Section 85.1.

(Section 85.2 states that a Liquor Store may be located less than 500 m from any other Liquor Store, however, the proposed development does not meet the Site Criteria of Section 85.2.a)

Required separation distance: 500 m

Proposed separation distance to the existing Liquor Store at 16102 - Stony Plain Road: 405 m

Deficient by: 95 m

Proposed separation distance to the existing Liquor Store at 15636 - Stony Plain Road: 297 m

Deficient by: 203 m

[unedited]

Notice to Applicant/Appellant

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

		Project Number: 416096872-002 Application Date: NOV 28, 2021 Printed: December 17, 2021 at 11:41 AM Page: 1 of 2											
<h2>Application for Major Development Permit</h2>													
This document is a Development Permit Decision for the development application described below.													
Applicant 2087208 ALBERTA LTD 		Property Address(es) and Legal Description(s) 15802 - 100 AVENUE NW Plan 1822191 Blk 2C Lot 38 Specific Address(es) Suite: 15808 - 100 AVENUE NW Entryway: 15808 - 100 AVENUE NW Building: 15802 - 100 AVENUE NW											
Scope of Application To change the use of a General Retail Store to a Liquor Store, and construct interior alterations.													
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class of Permit: Class B Gross Floor Area (sq.m): New Sewer Service Required: Site Area (sq. m.): </td> <td style="width: 50%;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>				Class of Permit: Class B Gross Floor Area (sq.m): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)								
Class of Permit: Class B Gross Floor Area (sq.m): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)												
Development Application Decision Refused Issue Date: Dec 17, 2021 Development Authority: XU, HAILEE Reason for Refusal 1. Section 85.1: Any Liquor Store shall not be located less than 500 m from any other Liquor Store. Proposed: There are two (2) existing Liquor Stores (Minor Alcohol Sales) within 500 m to the proposed Liquor Store, contrary to Section 85.1. (Section 85.2 states that a Liquor Store may be located less than 500 m from any other Liquor Store, however, the proposed development does not meet the Site Criteria of Section 85.2.a) Required separation distance: 500 m Proposed separation distance to the existing Liquor Store at 16102 - Stony Plain Road: 405 m Deficient by: 95 m Proposed separation distance to the existing Liquor Store at 15636 - Stony Plain Road: 297 m Deficient by: 203 m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.													
Fees <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th>Fee Amount</th> <th>Amount Paid</th> <th>Receipt #</th> <th>Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td>\$528.00</td> <td>\$528.00</td> <td>194684080244001</td> <td>Dec 02, 2021</td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$528.00	\$528.00	194684080244001	Dec 02, 2021
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THIS IS NOT A PERMIT													



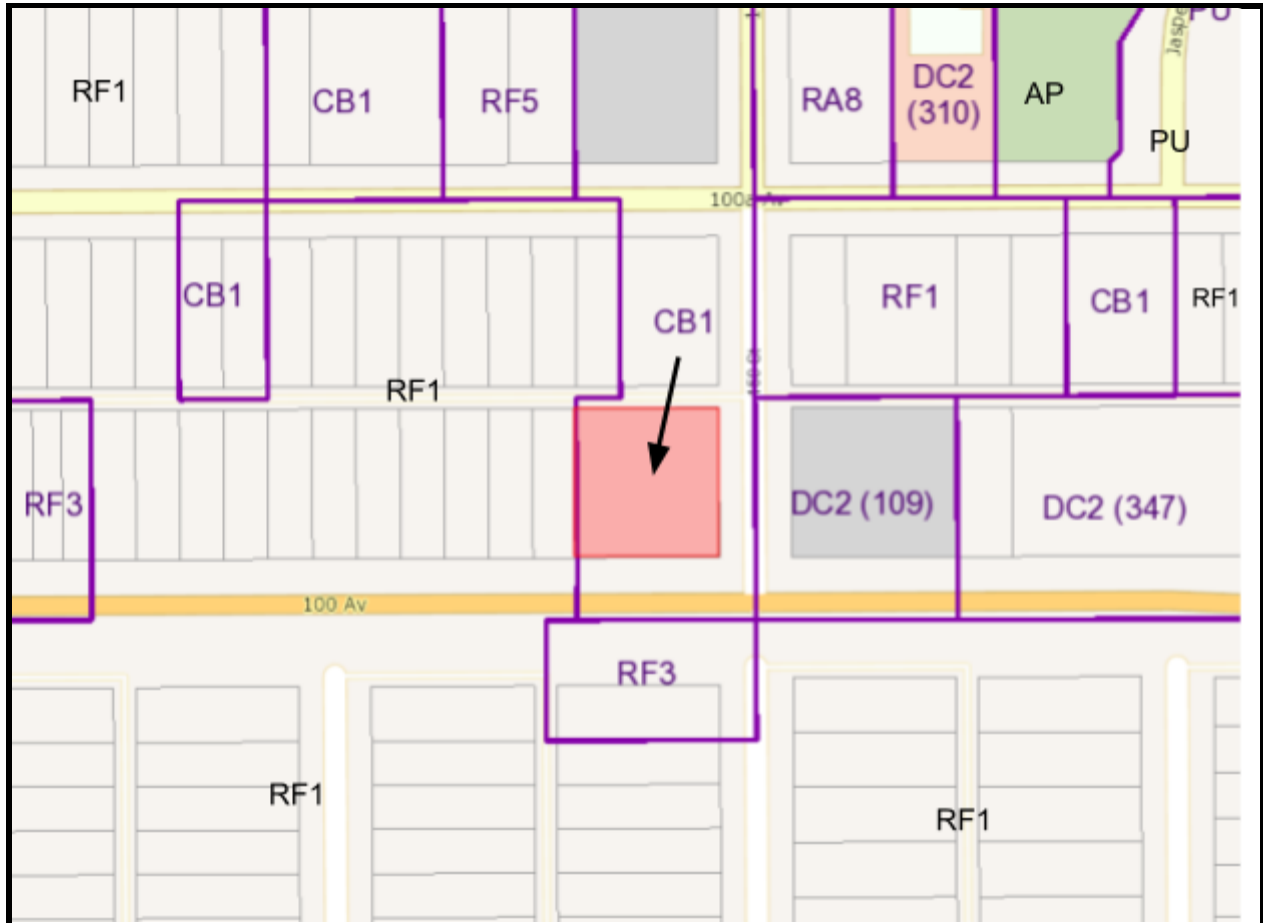
Application for Major Development Permit

Project Number: **416096872-002**
Application Date: NOV 28, 2021
Printed: December 17, 2021 at 11:41 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$528.00	\$528.00		

THIS IS NOT A PERMIT



ITEM III: 1:30 P.M.FILE: SDAB-D-22-009AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 416852677-001

APPLICATION TO: Operate a Major Home Based Business - (Group and One on One Fitness Training and Classes with one employee and up to 6 client visits per day - SOUTHSIDE STRIKING ACADEMY). Expires Dec. 12, 2026

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: December 12, 2021

DATE OF APPEAL: December 26, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 319 - Callaghan Close SW

LEGAL DESCRIPTION: Plan 0722281 Blk 1 Lot 17

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Callaghan Neighbourhood Area Structure Plan

Grounds for Appeal

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

The homeowner has been operating fitness classes for almost a year prior to this permit approval. In that time, the amount of traffic has substantially increased in the neighbourhood resulting in a severe parking shortage

during the times they have clients. In addition, the clients are consistently blocking driveways in the neighbourhood and repeated complaints to homeowner have not yielded any remedy to the situation. Also, the increased traffic has resulted in instances of clients loitering outside neighbourhood homes, speeding through the culdesac and operating vehicles in an unsafe manner (i.e. performing "donuts" at the end of the culdesac). Their operation to date has had multiple clients per session and multiple sessions per day which is contrary to the 6 clients allowed by the new permit. It seems unlikely that they will now decrease their client base to be in compliance with the new permit. As conversations with the homeowner have not improved the situation, this permit should be revoked.

<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 the decision in accordance with subsection (2.1).

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

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

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
- or
- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 115.3(4), 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, Cannabis Retail Sales or Cannabis Production and Distribution.

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

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

<i>Section 75 - Major Home Based Business</i>
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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 may have more than two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units;
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.

Development Officer's Determination


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

Note: The proposed development complies with the Bylaw, and there are no variances to the development regulations.

[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: 416852677-001 Application Date: DEC 05, 2021 Printed: December 12, 2021 at 4:40 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 		Property Address(es) and Legal Description(s) 319 - CALLAGHAN CLOSE SW Plan 0722281 Blk 1 Lot 17	
Scope of Permit To operate a Major Home Based Business - (Group and One on One Fitness Training and Classes with one employee and up to 6 client visits per day - SOUTHSIDE STRIKING ACADEMY). Expires Dec. 12, 2026.			
Permit Details			
# of business related visits/day: 6 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: Business has Trailers or Equipment?: N Description of Business: Fitness services such as small group classes and one one personal training. Expiry Date: 2026-12-12 00:00:00	
Development Permit Decision Approved Issue Date: Dec 12, 2021 Development Authority: FOLKMAN, JEREMY			



Project Number: **416852677-001**
 Application Date: DEC 05, 2021
 Printed: December 12, 2021 at 4:40 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(6)).
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. Clients visit must be by-appointment only and appointments shall not overlap.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
10. 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.
11. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
12. 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 Dec. 12, 2026.


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).

Variances

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

Note: The proposed development complies with the Bylaw, and there are no variances to the development regulations.

	<div>Project Number: 416852677-001 Application Date: DEC 05, 2021 Printed: December 12, 2021 at 4:40 PM Page: 3 of 3</div> <h2 style="text-align: center;">Home Occupation</h2>																				
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: Dec 16, 2021 Ends: Jan 06, 2022																					
Fees <table><thead><tr><th></th><th>Fee Amount</th><th>Amount Paid</th><th>Receipt #</th><th>Date Paid</th></tr></thead><tbody><tr><td>Dev. Application Fee</td><td>\$327.00</td><td>\$327.00</td><td>19705708542E001</td><td>Dec 07, 2021</td></tr><tr><td>Total GST Amount:</td><td>\$0.00</td><td></td><td></td><td></td></tr><tr><td>Totals for Permit:</td><td>\$327.00</td><td>\$327.00</td><td></td><td></td></tr></tbody></table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$327.00	\$327.00	19705708542E001	Dec 07, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$327.00	\$327.00		
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