

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Wednesday, 9:00 A.M. and 1:30 P.M.**  
**July 22, 2020**

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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I 9:00 A.M. SDAB-D-20-090

Operate a Major Home Based Business - Personal Service Shop - EMINENT HAIR INC

3627 - 30 Street NW  
Project No.: 361919710-001

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II 9:00 A.M. SDAB-D-20-091

Construct an Accessory building (detached garage, 7.32m x 8.23m)

6561 - 111 Street NW  
Project No.: 361614578-002

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III 9:00 A.M. SDAB-D-20-093

Install a Minor Digital Off-premises Freestanding Sign (Single Sided Facing West) (SIGNPATICO | PRESTIGE QUALITY VEHICLES)

10639 - 82 Avenue NW  
Project No.: 161550631-003

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IV 1:30 P.M. SDAB-D-20-092

Operate a Major Home Based Business (Selling antique and vintage items - CHOKOLATETIGER). Expires June 2, 2025

11141 - 64 Street NW  
Project No.: 363025946-001

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### WITHDRAWN

V 1:30 P.M. SDAB-D-20-094

Install (8) Fascia On-premises Sign (JOLLIBEE | CHICKEN-BURGERS-SPAGHETTI), and a Freestanding On-premises Sign (CLEARANCE BAR)

17104 - 90 Avenue NW  
Project No.: 363928020-001

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VI 1:30 P.M. SDAB-D-20-095

Construct a Single Detached House with rear attached Garage, Unenclosed Front Porch, rear uncovered deck (4.06 metres by 3.18 metres) and fireplace, and to demolish an existing Single Detached House and rear detached Garage

10893 - 75 Street NW  
Project No.: 356646295-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-090

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 361919710-001

APPLICATION TO: Operate a Major Home Based Business - Personal Service Shop - EMINENT HAIR INC

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 3, 2020

DATE OF APPEAL: June 23, 2020

NOTIFICATION PERIOD: June 9, 2020 through June 30, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3627 - 30 Street NW

LEGAL DESCRIPTION: Plan 9322204 Blk 38 Lot 104

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): The Meadows Area Structure Plan  
Wild Rose Neighbourhood Structure Plan

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<i>Grounds for Appeal</i>
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The Appellant provided the following reasons for appealing the decision of the Development Authority:

City file #361919710-001

I would like to appeal the development permit legally described as plan 93222044 BLK 38 Lot 104. I, as well as all parties listed below, live in this neighborhood and we have a few concerns in regards to another business being opened on our once quiet street. Our key hole location is already hosting a home-based hair salon and a group home. The traffic from the current salon has congested our streets, created massive parking and speed issues and brings a lot of strangers to our quiet street. We feel that another salon will only increase these issues and cause more frustration for the residents.

Thank you for considering this appeal,

Sandy Wilkins  
3647 30 street  
Edmonton  
T6T 1K3 (family of 5)

John Mancini - 3643 30steet-Edmonton - T6T 1K3 (family of 3)

Toni Simsienbod - 3651 30street-Edmonton -T6T 1K3 (family of 3)

Fred Ackah - 3655 30street-Edmonton -T6T 1K3 (family of 3)

Andrew and Yvonne Lennox - 3659 30street-Edmonton - T6T 1K3 (family of 4)

Gurveet S Matharu - 3675 30 street-Edmonton - T6T 1K3 (family of 5)

Doug Raugust - 3664 30 street-Edmonton - T6T 1K3(family of 3)

Toni Orins - 3660 30street -Edmonton - T6T 1K3 Family of 2)

<b><i>General Matters</i></b>
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**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 110.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RF1) Single Detached Residential 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 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential 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.”

***Discretionary Use***

**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. [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.

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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.

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	Project Number: <b>361919710-001</b> Application Date: <b>MAY 07, 2020</b> Printed: <b>June 24, 2020 at 8:40 AM</b> Page: <b>1 of 3</b>		
<h2>Home Occupation</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>			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 3627 - 30 STREET NW Plan 9322204 Blk 38 Lot 104		
<b>Scope of Permit</b> To operate a Major Home Based Business - Personal Service Shop - EMINENT HAIR INC.			
<b>Permit Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">           # of business related visits/day: 4            Administration Office Only?: N            Class of Permit: Class B            Do you live at the property?: Y            Outdoor storage on site?: N         </td> <td style="width: 50%; vertical-align: top;">           # of vehicles at one time:            Business has Trailers or Equipment?:            Description of Business: Personal service hair salon            Expiry Date: 2025-06-03 00:00:00         </td> </tr> </table>		# of business related visits/day: 4 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?: Description of Business: Personal service hair salon Expiry Date: 2025-06-03 00:00:00
# of business related visits/day: 4 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?: Description of Business: Personal service hair salon Expiry Date: 2025-06-03 00:00:00		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Jun 03, 2020 <b>Development Authority:</b> HETHERINGTON, FIONA			

## 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. 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 June 03, 2025.

### 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).

### Variations

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.



Project Number: **361919710-001**  
Application Date: MAY 07, 2020  
Printed: June 24, 2020 at 8:40 AM  
Page: 3 of 3

## Home Occupation

### Rights of Appeal

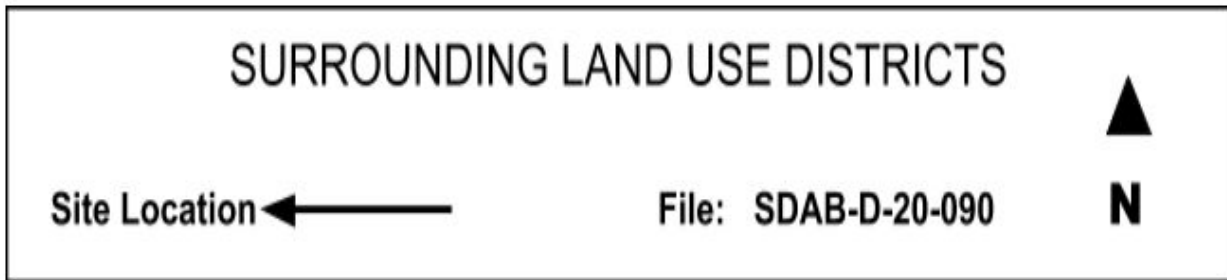
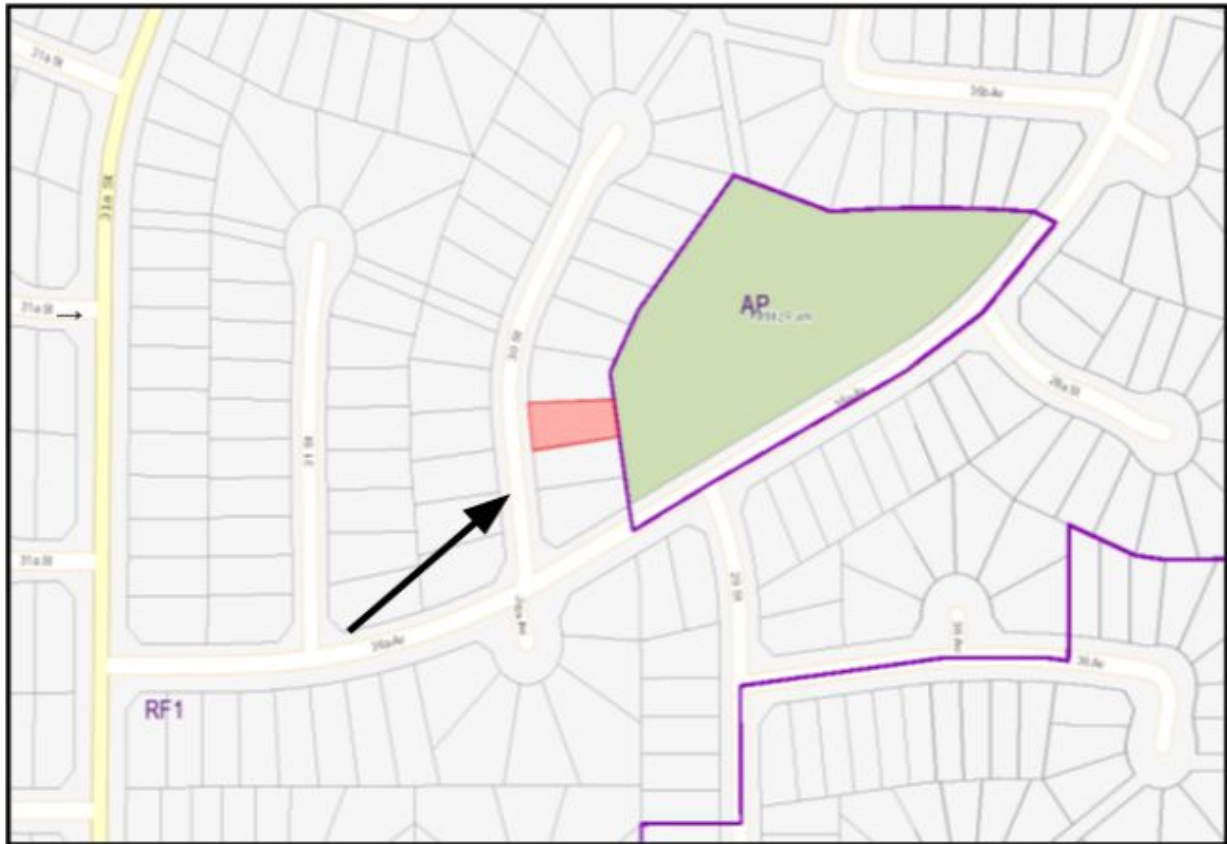
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Jun 09, 2020

Ends: Jun 30, 2020

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$0.00	\$0.00		



ITEM II: 9:00 A.M.

FILE: SDAB-D-20-091

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 361614578-002

APPLICATION TO: Construct an Accessory building (detached garage, 7.32m x 8.23m).

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 8, 2020

DATE OF APPEAL: June 25, 2020

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 6561 - 111 Street NW

LEGAL DESCRIPTION: Plan 2412HW Blk 12 Lots 85-86

ZONE: (CNC) Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

Dear Sir or Madame,

We purchased the property 6561 111 Street in mid April of 2020, it was abandoned for many months until bank foreclosed and listed it; there was no water, power and heat for over three months. I am telling you so you know the shape of the property when we bought it, our plan is to renovate the property to end up with a brand new multi-residential property. All

neighbours have been expressing their appreciation to us improving the block and the whole neighbourhood, my point is that our project will benefit our neighborhood. There was an existing double garage, the structure caved in so we had to remove it and we hope to obtain the city approval to build a new double garage that will match the building we are renovating. Having a double garage will be great benefit to our tenants and our neighbours, more parking on our lot means less street parking; our tenants will also need storage space so the garage will be great storage space beside parking. Our hope is for the city to consider our appeal, all we are doing is rebuild the double garage but with a modern design that will match the new building look after renovations. We have designed the garages very thoughtfully to ensure that they look modern, clean and simple. We appreciate in advance your understanding and assistance, we count on you to help us complete our renovations work for the benefit of all.

<b><i>General Matters</i></b>
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**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 310.3(16), **Multi-unit Housing** is a **Discretionary Use** in the **(CNC) Neighbourhood Convenience Commercial Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings. This Use does not include Blatchford Townhousing or Blatchford Stacked Row Housing.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Section 310.1 states that the **General Purpose** of the **(CNC) Neighbourhood Convenience Commercial Zone** is “to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.”

<b><i>Discretionary Use</i></b>
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Section 50.1(3) states “Accessory Uses and buildings are discretionary in a Zone when Accessory to a principal Use which is a Discretionary Use in that same Zone and for which a Development Permit has been issued.”

**Development Officer's Determination**

**1. Discretionary Use - Accessory Uses and buildings are discretionary in a Zone when Accessory to a principal Use which is a Discretionary Use in that same Zone and for which a Development Permit has been issued (Section 50.1.3).**

**Proposed - The Garage is Accessory to the existing Multi-unit Housing, which is a Discretionary Use in the CNC Zone.**

[unedited]

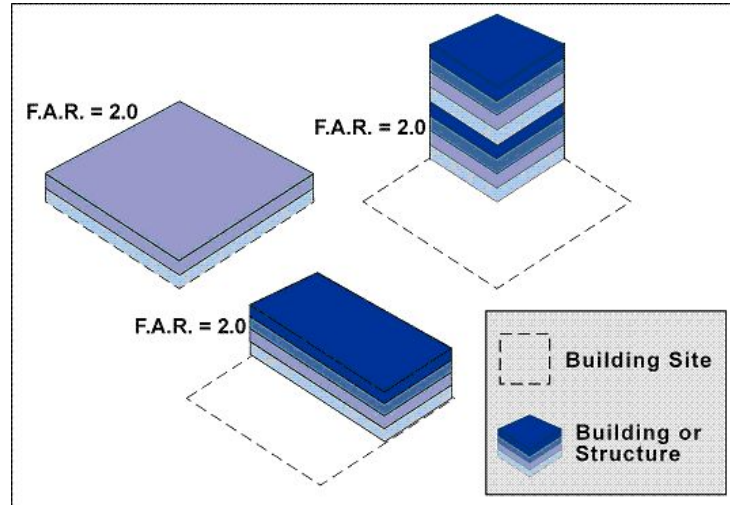
<b><i>Floor Area Ratio</i></b>
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Section 310.4(4) states "The maximum Floor Area Ratio shall be 1.0."

Under section 6.1, **Floor Area Ratio** means:

the numerical value of the Floor Area of the building or structure relative to the Site upon which it is located, excluding:

- a. Basement areas used exclusively for storage or service to the building, or as a Secondary Suite;
- b. Parking Areas below ground level;
- c. Walkways required by the Development Officer;
- d. Floor Areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the Site; and
- e. indoor Common Amenity Area, divided by the area of the Site.



Under section 6.1, **Floor Area** means:

the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

**Development Officer’s Determination**

**2. Floor Area Ratio - The maximum Floor Area Ratio shall be 1.0 (Section 310.4.4)**  
**Proposed: 1.3**  
**Exceeds by: 0.3**

[unedited]

***Side Setback***

Section 50.2 states the following with respect to Accessory Buildings in Non-residential Zones:

1. 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.
2. Notwithstanding subsection 50.2(1), an Accessory building or structure on a Site in a non-residential Zone which abuts a Site in a Residential Zone shall not be less than 1.5 m from the boundary of the Site in the Residential Zone.

Section 310.4(6) states “A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone.”

Under section 6.1, **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

**Development Officer’s Determination**

**3. Left Side Setback - A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone (Section 310.4.6).**

**Proposed: 1.2m**

**Deficient by: 1.8m**

[unedited]

***Parking***

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

**Development Officer’s Determination**

**4. Parking - The required number of parking stalls is 7 (Section 54.2 Schedule 1(A).1)**

**Proposed: 2**

**Deficient by: 5**

[unedited]

***Previous Subdivision and Development Appeal Board Decision***


Application Number	Description	Decision
SDAB-D-03-119	Construct exterior alterations to a General Retail / Apartment Building (construct pitched roof for storage)	June 20, 2003; that the appeal be DENIED and the DEVELOPMENT REFUSED.


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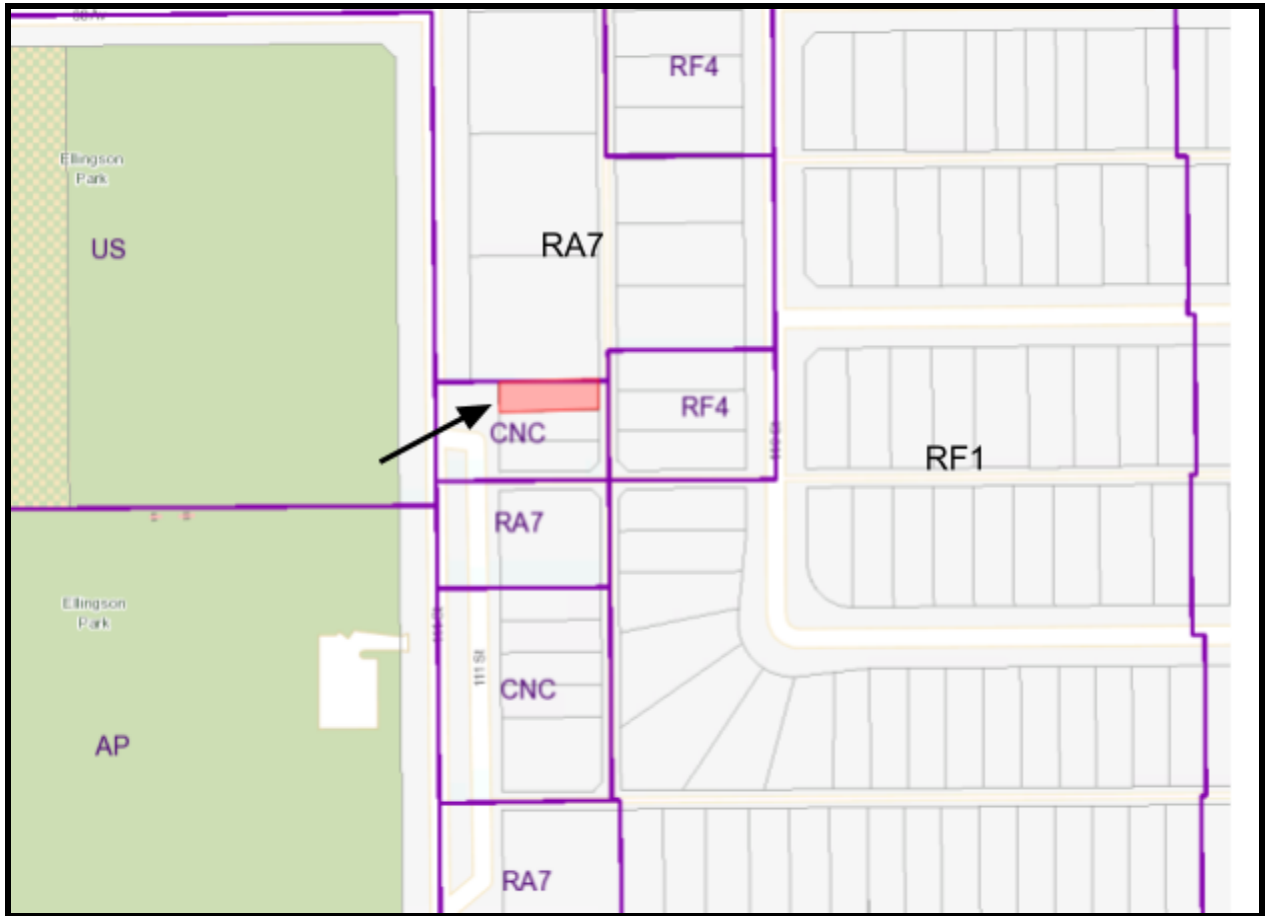
Notice to Applicant/Appellant

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.

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	Project Number: <b>361614578-002</b> Application Date: MAY 05, 2020 Printed: June 8, 2020 at 2:53 PM Page: 1 of 2												
	<h2 style="margin: 0;">Application for Major Development Permit</h2>												
This document is a Development Permit Decision for the development application described below.													
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 6561 - 111 STREET NW Plan 2412HW Blk 12 Lots 85-86												
	<b>Specific Address(es)</b> Entryway: 6561 - 111 STREET NW Building: 6561 - 111 STREET NW												
<b>Scope of Application</b> To construct an Accessory building (detached garage, 7.32m x 8.23m).													
<b>Permit Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">                     Class of Permit: Class B                      Gross Floor Area (sq. m.):                      New Sewer Service Required:                      Site Area (sq. m.):                 </td> <td style="width: 50%; vertical-align: top;">                     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)												
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Jun 08, 2020 <b>Development Authority:</b> ZHOU, ROWLEY <b>Reason for Refusal</b> <ol style="list-style-type: none"> <li>1. Discretionary Use - Accessory Uses and buildings are discretionary in a Zone when Accessory to a principal Use which is a Discretionary Use in that same Zone and for which a Development Permit has been issued (Section 50.1.3).                      Proposed - The Garage is Accessory to the existing Multi-unit Housing, which is a Discretionary Use in the CNC Zone.</li> <li>2. Floor Area Ratio - The maximum Floor Area Ratio shall be 1.0 (Section 310.4.4)                      Proposed: 1.3                      Exceeds by: 0.3</li> <li>3. Left Side Setback - A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone (Section 310.4.6).                      Proposed: 1.2m                      Deficient by: 1.8m</li> <li>4. Parking - The required number of parking stalls is 7 (Section 54.2 Schedule 1(A).1)                      Proposed: 2                      Deficient by: 5</li> </ol> <b>Rights of Appeal</b> 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.													
<b>Fees</b> <table border="0" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"></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>Major Dev. Application Fee</td> <td style="text-align: right;">\$981.00</td> <td style="text-align: right;">\$981.00</td> <td style="text-align: right;">956634448705001</td> <td style="text-align: right;">May 17, 2020</td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$981.00	\$981.00	956634448705001	May 17, 2020
	Fee Amount	Amount Paid	Receipt #	Date Paid									
Major Dev. Application Fee	\$981.00	\$981.00	956634448705001	May 17, 2020									
<b>THIS IS NOT A PERMIT</b>													

	<b>Application for Major Development Permit</b>				Project Number: <b>361614578-002</b> Application Date: MAY 05, 2020 Printed: June 8, 2020 at 2:53 PM Page: 2 of 2
<b>Fees</b>					
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>	
Total GST Amount:	\$0.00				
Totals for Permit:	<u>\$981.00</u>	<u>\$981.00</u>			
<b>THIS IS NOT A PERMIT</b>					



**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←                      **File: SDAB-D-20-091**                      ▲  
**N**



ITEM III: 9:00 A.M.

FILE: SDAB-D-20-093

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 161550631-003

APPLICATION TO: Install a Minor Digital Off-premises Freestanding Sign (Single Sided Facing West) (SIGNPATICO | PRESTIGE QUALITY VEHICLES)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 5, 2020

DATE OF APPEAL: June 24, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10639 - 82 Avenue NW

LEGAL DESCRIPTION: Plan I Blk 64 Lots 9-10

ZONE: (CB2) General Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

---

***Grounds for Appeal***

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

With respect to adjusting the sign height, we sent a crew out to measure the existing sign and it was determined the total height from grade to top of the freestanding sign is in 267" (6.78 m). See attached sign drawing. Based on this we are requesting a variance 0.78 m (approximately 30 inches) in relation to the height. Signpatico Outdoor purchased this sign from another

company and from what we understood the height of the sign has not changed since it was first installed. Therefore, with the sign being there for a number of years it is our opinion a variance request of 30 inches is not unreasonable. In addition, it would be costly to remove existing pole, supply new pole, new concrete base and construction labour and vehicles. Furthermore, it would be disruptive to the tenants used car sales business and customer traffic.

With respect to the east side of the sign being in proximity to the adjacent residential development at 1031 82 Avenue N.W. as presented to the Planner during the application process, Signpatico Outdoor turned the east display off a number of months ago and is not part of Signpatico's inventory to sell. In addition, Signpatico will remove the east display of the sign structure as a condition of a new permit renewal. See attached sign diagram. As a result of this east display no longer in use there is no intrusion of unwarranted light. In addition, and as per existing developments along Whyte Avenue and other commercial corridors, it is not uncommon for residential developments to coexist with retail, car dealerships, signage, etc. along commercial thoroughfares. We don't believe the intent of the developer of the adjacent residential development was to start seeing permits for signage, or for that matter the used car business, being refused because of their entry onto the commercial thoroughfare and its eclectic mix of businesses and signage.

<b><i>General Matters</i></b>
-------------------------------

**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 340.3(40), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **(CB2) General Business Zone**.

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

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, a **Freestanding Sign** means “a Sign supported independently of a building.”

Under section 6.2, **Off-Premise Sign** means

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 340.1 states that the **General Purpose** of the **(CB2) General Business Zone** is “to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.”

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.

***Main Streets Overlay - Height***

Section 819.5(2) states:

Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw, except that:

- a. the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.

...

Under section 6.2, **Height** Signs means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

**Development Officers Determination**

**1. Section 819.3(13(a)) - The maximum Height of a Freestanding Sign shall be 6.0 m.**

**Proposed Height: 6.8 m**

**Exceeds by: 0.8 m**

[unedited]

***Main Streets Overlay - Community Consultation***

Section 819.5(3) states “When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.”

Section 819.5(15) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

- a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association operating within the distance described above to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed, unless the Development Officer receives feedback from all specified recipients; and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3.

***Section 59 - General Sign Provisions***

Section 59.2(7) states:

For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict

points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

**Development Officer’s Determination**

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

**In the opinion of the Development Officer the location of the proposed Sign will impact the residential development at 10631 - 82 AVENUE NW, because of the Signs scale in proximity residential windows, and the intrusion of of unwanted light within the residential units located to directly to the east of the Sign.**

[unedited]

***Previous Subdivision and Development Appeal Board Decision***

Application Number	Description	Decision
SDAB-D-20-053	To install a Minor Digital Off-premises Freestanding Sign (Single Sided Facing West) (SIGNPATICO   PRESTIGE QUALITY VEHICLES)	May 13, 2020; The Board does not assume jurisdiction.


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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.

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	<h2>Application for Sign Combo Permit</h2>		Project Number: <b>161550631-003</b> Application Date: NOV 28, 2019 Printed: June 5, 2020 at 11:55 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10639 - 82 AVENUE NW Plan I Blk 64 Lots 9-10		
<b>Scope of Application</b> To install a Minor Digital Off-premises Freestanding Sign (Single Sided Facing West) (SIGNPATICO   PRESTIGE QUALITY VEHICLES).			
<b>Permit Details</b>			
ASA Sticker No./Name of Engineer: Construction Value: 0	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		
<b>Development Application Decision</b>			
Refused			
<b>Issue Date:</b> Jun 05, 2020 <b>Development Authority:</b> MERCIER, KELSEY			
<b>Reason for Refusal</b>			
1. Section 819.3(13(a)) - The maximum Height of a Freestanding Sign shall be 6.0 m.			
Proposed Height: 6.8 m Exceeds by: 0.8 m			
2. Section 59.2(7) - For all Sign Applications for Minor Digital Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.			
In the opinion of the Development Officer the location of the proposed Sign will impact the residential development at 10631 - 82 AVENUE NW, because of the Signs scale in proximity residential windows, and the intrusion of of unwanted light within the residential units located to directly to the east of the Sign.			
<b>Rights of Appeal</b>			
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.			
<b>THIS IS NOT A PERMIT</b>			



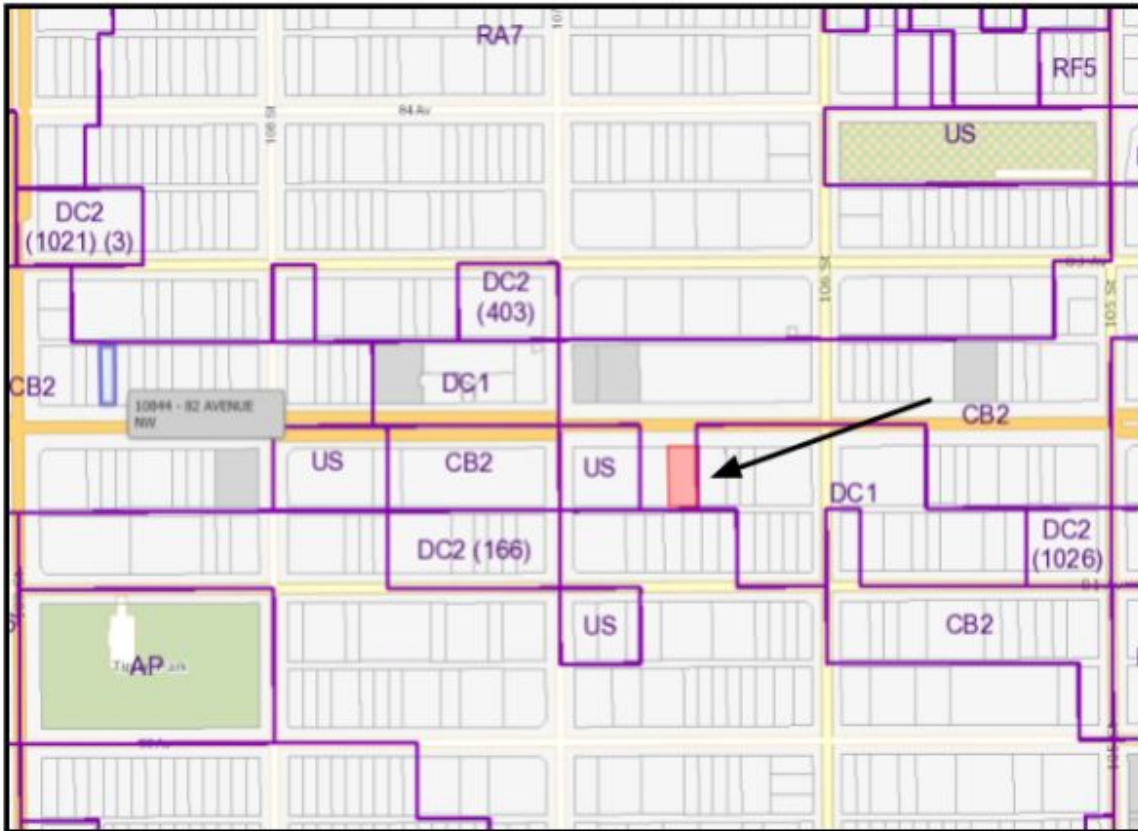
## Application for Sign Combo Permit

Project Number: **161550631-003**  
Application Date: NOV 28, 2019  
Printed: June 5, 2020 at 11:55 AM  
Page: 2 of 2

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Dev Appl Fee - Digital Signs	\$458.00	\$916.00	06344281	Dec 23, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$458.00</u>	<u>\$916.00</u>		
(overpaid by (\$458.00))				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-093

▲  
**N**

ITEM IV: 1:30 P.M.

FILE: SDAB-D-20-092

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 363025946-001

APPLICATION TO: Operate a Major Home Based Business (Selling antique and vintage items - CHOKOLATETIGER). Expires June 2, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 2, 2020

DATE OF APPEAL: June 25, 2020

NOTIFICATION PERIOD: June 9, 2020 through June 30, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11141 - 64 Street NW

LEGAL DESCRIPTION: Plan 4065AE Blk 1 Lot 4

ZONE: (RF1) Single Detached Residential 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:

This letter of appeal is written in response to a development permit that has been approved for a property located at 11141 - 64 Street, Neighborhood - Highlands, Zoning RF1 Residential.

The development permit to operate this business was approved at the Discretion of the development officer, as Major Home-Based Business selling antiques and vintage items.

The development officer erred in his decision as this use is not a use that falls within the Major Home Based Business classification. It is a Secondhand Store found within Section 7.4 of the zoning bylaws under Commercial uses as described in Section 7.4(47) Secondhand Stores and is below:

**7.4 (47) Secondhand Stores means development used for the retail or consignment sale of secondhand personal or household goods, including the minor repair of goods sold on-site. Typical Uses Include clothing, jewelry, book and antique stores. This Use does not include the sale of used vehicles, recreation craft or construction and industrial equipment, and does not include Flea Markets or Pawn Stores.**

The use is not a permitted use in any residential zones. It is a discretionary use within the CB1 and CB2 commercial zones and is only a permitted use in a CB3 Commercial Mixed Business Zone. This clearly supports why this use should not have been approved at 11141- 64 Street.

The letter issued by the development officer also indicated there were no overlays. The Mature Neighborhood Overlay is in effect which was also an error.

This use will attract additional nonresidential traffic both through people parking and coming to the home to sell items to be resold on the property, as well as customer traffic to 64 Street.

Parking is only allowed on the west side of the road on 64 Street. The development officer has indicated the business will be web based and have no more than 4 visits a day on an appointment basis only. We do not believe that will be the case.

Once this business becomes established and known there will be customers driving to the location without appointment, as the business operator has no means of controlling walk-in business until someone is at the door. Same may happen with sellers. The applicant is not able to monitor or control all visits to the business.

The Highlands Neighborhood Planning Study is still in effect and applicable to this area. Some of the things most important to Highland residents at the time of the study was completed were keeping the residential character of the neighborhood and providing safe, convenient street parking for the residents and

keeping commercial development within the commercially zoned areas located the community. Highlands residents want the same things today.

It is our feeling that this use may be a good use but only located in a zone where it is a permitted use.

For these reasons we strongly object to this development permit being granted and ask the SDAB not to allow it.

I did not collect signatures from 4 properties which are rented to Tenants. All signatures on the uploaded documents are from Property owners.

***General Matters***

**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 110.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RF1) Single Detached Residential 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 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential 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>Discretionary Use</i>
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**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]**

***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.

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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.

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	Project Number: <b>363025946-001</b> Application Date: MAY 22, 2020 Printed: June 2, 2020 at 5:02 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.			
<b>Applicant</b>	<table border="1"> <tr> <td data-bbox="813 457 1404 548"> <b>Property Address(es) and Legal Description(s)</b>                      11141 - 64 STREET NW                      Plan 4065AE Blk 1 Lot 4                 </td> </tr> <tr> <td data-bbox="813 554 1404 657"> <b>Specific Address(es)</b>                      Entryway: 11141 - 64 STREET NW                      Building: 11141 - 64 STREET NW                 </td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b> 11141 - 64 STREET NW Plan 4065AE Blk 1 Lot 4	<b>Specific Address(es)</b> Entryway: 11141 - 64 STREET NW Building: 11141 - 64 STREET NW
<b>Property Address(es) and Legal Description(s)</b> 11141 - 64 STREET NW Plan 4065AE Blk 1 Lot 4			
<b>Specific Address(es)</b> Entryway: 11141 - 64 STREET NW Building: 11141 - 64 STREET NW			
<b>Scope of Permit</b> To operate a Major Home Based Business (Selling antique and vintage items - CHOKOLATETIGER). Expires June 2, 2025.			
<b>Permit Details</b> <table border="1" style="width: 100%;"> <tr> <td data-bbox="212 787 808 947">                     # of business related visits/day: 4                      Administration Office Only?: N                      Class of Permit: Class B                       Do you live at the property?: Y                      Outdoor storage on site?: N                 </td> <td data-bbox="813 787 1404 947">                     # of vehicles at one time:                      Business has Trailers or Equipment?: N                      Description of Business: Online sales - up to 4 customer visits per day by appointment only.                      Expiry Date: 2025-06-02 00:00:00                 </td> </tr> </table>		# of business related visits/day: 4 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: Online sales - up to 4 customer visits per day by appointment only. Expiry Date: 2025-06-02 00:00:00
# of business related visits/day: 4 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: Online sales - up to 4 customer visits per day by appointment only. Expiry Date: 2025-06-02 00:00:00		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Jun 02, 2020 <b>Development Authority:</b> FOLKMAN, JEREMY			

## 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 4500 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 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 June 2, 2025.

### 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: **363025946-001**  
Application Date: MAY 22, 2020  
Printed: June 2, 2020 at 5:02 PM  
Page: 3 of 3

## Home Occupation

### 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.

### Rights of Appeal

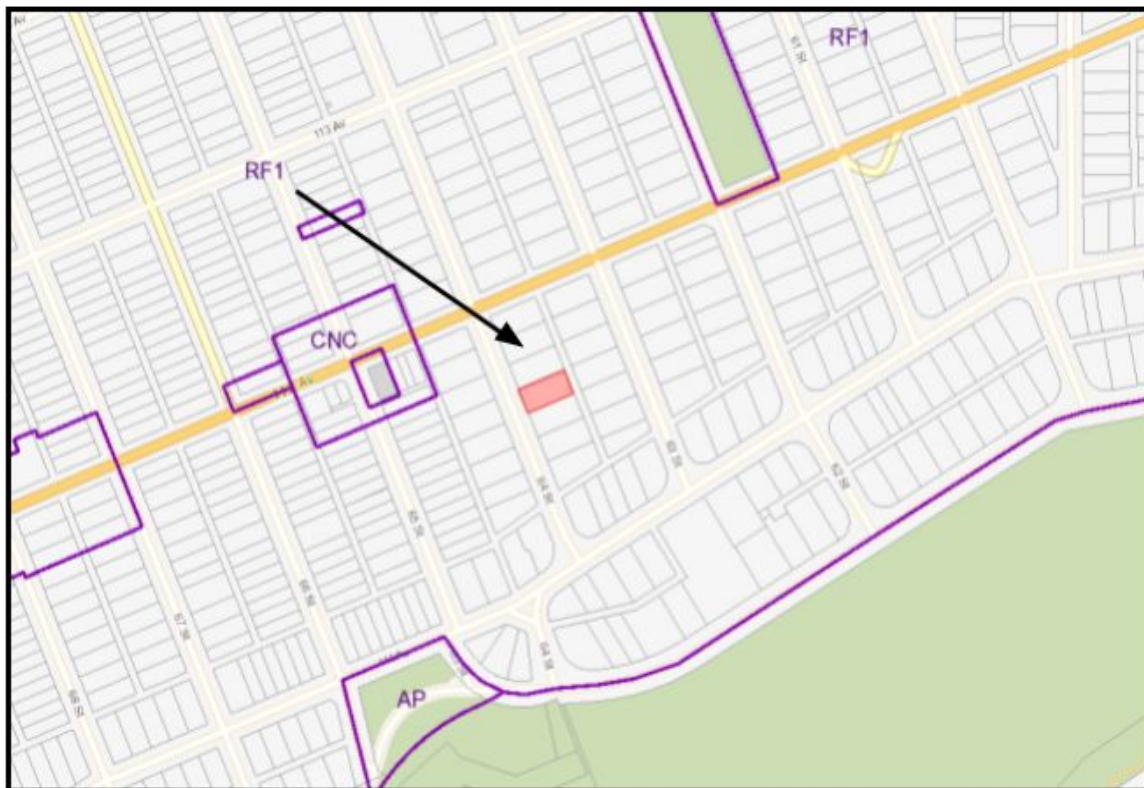
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Notice Period Begins:** Jun 09, 2020

**Ends:** Jun 30, 2020

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$327.00	\$327.00	960070236397001	May 27, 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-20-092     ▲  
N

# WITHDRAWN

ITEM V: 1:30 P.M.

FILE: SDAB-D-20-094

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY

APPELLANT:

APPLICATION NO.: 363928020-001

APPLICATION TO: Install (8) Fascia On-premises Sign (JOLLIBEE | CHICKEN-BURGERS-SPAGHETTI), and a Freestanding On-premises Sign (CLEARANCE BAR)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 10, 2020

DATE OF APPEAL: June 29, 2020

NOTIFICATION PERIOD: June 16, 2020 through July 7, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17104 - 90 Avenue NW

LEGAL DESCRIPTION: Plan 8220508 Blk 30 Lot 9

ZONE:

OVERLAY:

STATUTORY PLAN:

ITEM VI: 1:30 P.M.

FILE: SDAB-D-20-095

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 356646295-002

APPLICATION TO: Construct a Single Detached House with a rear attached Garage, Unenclosed Front Porch, rear uncovered deck (4.06 metres by 3.18 metres) and fireplace, and to demolish an existing Single Detached House and rear detached Garage.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 18, 2020

DATE OF APPEAL: June 29, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10893 - 75 Street NW

LEGAL DESCRIPTION: Plan 4587AK Blk 10 Lots 31-32

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Cromdale / Virginia Park Area Redevelopment Plan

***Grounds for Appeal***

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



The property at 10893 75 street plan a covered walkway from house to garage as high as garage. Their is going to be north view blockage. My house resale value will decrease. I require \$1900.00 reduction in my house taxes for their covered walkway. Their garage at lane going to be 1.5 meters from north property which their will be no room to pile my snow in winter time. Epcor has wooden pole on lane at my north property line at lane. They are going to have 6 meters of dead space at their north property line. I require 5 meters north of my property line to place my snow adjacent to lane. Our family has own our property since 1947 and have place snow along lane north of our property line.

<b><i>General Matters</i></b>
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**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 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential 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.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

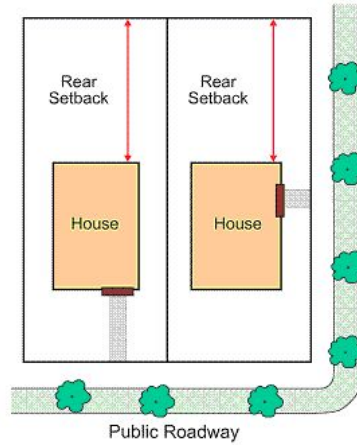
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

<b><i>Rear Setback</i></b>
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Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



**Development Officers Determination**

**Reduced Rear Setback - The distance from the house to the rear property line (abutting the alley) is 3.9m instead of 14.6m (Section 814.3.4).**

[unedited]

***Rear attached Garage***

Section 814.3(19) states “Rear attached Garages shall not be allowed.”

**Development Officers Determination**

**Rear Attached Garage - The rear garage is allowed to be attached, instead of detached (Section 814.3.19).**

[unedited]

***Mature Neighbourhood Overlay - Community Consultation***

Section 814.5(1) states:

When the Development Officer receives a Development Permit Application for a new principal building or new Garden Suite that does not comply with any regulation contained within this

Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:


<b>Tier #</b>	<b>Recipient Parties</b>	<b>Affected Parties</b>	<b>Regulation of this Overlay Proposed to be Varied</b>
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) – Rear Setback  814.3(19) – Rear Attached Garage

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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.

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	Project Number: <b>356646295-002</b> Application Date: MAR 04, 2020 Printed: June 25, 2020 at 3:52 PM Page: 1 of 3		
<h2>Minor Development Permit</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.			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10893 - 75 STREET NW Plan 4587AK Blk 10 Lots 31-32  <b>Specific Address(es)</b> Entryway: 10893 - 75 STREET NW Building: 10893 - 75 STREET NW		
<b>Scope of Permit</b> To construct a Single Detached House with rear attached Garage, Unenclosed Front Porch, rear uncovered deck (4.06m x 3.18m) and fireplace, and to demolish an existing Single Detached House and rear detached Garage.			
<b>Permit Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">                     # of Dwelling Units Add/Remove: 0                      # of Secondary Suite Dwelling Units To Construct:                      Client File Reference Number:                      Minor Dev. Application Fee: Single Detached House                      Secondary Suite Included?: N                 </td> <td style="width: 50%; vertical-align: top;">                     # of Primary Dwelling Units To Construct: 1                      Class of Permit: Class B                      Lot Grading Needed?:                      New Sewer Service Required: N                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Jun 18, 2020 <b>Development Authority:</b> SELTZ, AARON  <b>Subject to the Following Conditions</b> This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1).  This Development Permit authorizes the development of a Single Detached House with rear attached Garage, Unenclosed Front Porch, rear uncovered deck (4.06m x 3.18m) and fireplace, and to demolish an existing Single Detached House and rear detached Garage.  The development shall be constructed in accordance with the stamped and approved drawings.  WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6).  Landscaping shall be installed and maintained in accordance with Section 55.  Frosted or translucent glass treatment shall be used on windows to minimize overlook into adjacent properties (Section 814.3.8).  The development shall be demolished in accordance with the stamped and approved drawings.  An approved building permit for demolition is required prior to starting the demolition.  Immediately upon demolition of the building, the site shall be cleared of all debris.  The residential access to 109 Avenue NW was extended to the adjacent north-south alley with the neighbourhood renewal in Virginia Park. The access must be removed and the curb, gutter and sidewalk reconstructed and the boulevard restored to City of Edmonton Complete Streets Design and Construction Standards. The owner/applicant must obtain a Curb Fill Permit to remove the			

## Minor Development Permit

access, available from Development Services, 2nd Floor, 10111 - 104 Street.

The alley flare adjacent to the north-south alley must be reconstructed to City of Edmonton Complete Streets Design and Construction Standards. This must be included on the plot plan when the application for the removal of the access is submitted for the curb crossing fill in permit. The owner/applicant must contact Loli Fernandez (loli.fernandez@edmonton.ca) 72 hours prior to removal or construction within City road right-of-way.

There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction the owner/applicant must contact citytrees@edmonton.ca to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.

Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

### ADVISEMENTS:

There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearance as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7423); www.digshaw.ca) should be contacted at least 2 weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.

Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right-of-way if required;
- and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage the boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:  
[https://www.edmonton.ca/business\\_economy/licences\\_permits/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/licences_permits/oscam-permit-request.aspx) and  
<https://www.edmonton.ca/documents/ConstructionSafety.pdf>

Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

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.

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 (Section 5.2).

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.



Project Number: **356646295-002**  
 Application Date: MAR 04, 2020  
 Printed: June 25, 2020 at 3:52 PM  
 Page: 3 of 3

## Minor Development Permit

**Variations**

Reduced Rear Setback - The distance from the house to the rear property line (abutting the alley) is 3.9m instead of 14.6m (Section 814.3.4).

Rear Attached Garage - The rear garage is allowed to be attached, instead of detached (Section 814.3.19).

**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 18, 2020      **Ends:** Jul 09, 2020

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$502.00	\$502.00	933299082083001	Mar 04, 2020
Development Permit Inspection Fee	\$211.00	\$211.00	933299082083001	Mar 04, 2020
Lot Grading Fee	\$148.00	\$148.00	933299082083001	Mar 04, 2020
Total GST Amount:	\$0.00			
<b>Totals for Permit:</b>	<b>\$861.00</b>	<b>\$861.00</b>		





**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←      File: SDAB-D-20-095      ▲  
**N**