

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
July 28, 2016**

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

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

TO BE RAISED

I 9:00 A.M. SDAB-D-16-149 Change the use from a General Retail Store to a Pawn Store (Cash Canada Pawn Shop).
10650 - 82 Avenue NW
Project No.: 221958128-001

II 1:30 P.M. SDAB-D-16-182 Install (1) Freestanding Minor Digital On-premises Sign (Alberta Motor Association)
10310 - G A MacDonald Avenue NW
Project No.: 183954797-002

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-149

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

APPELLANT 1:
APPELLANT 2:

APPLICATION NO.: 221958128-001

ADDRESS OF APPELLANT 1: #116, 10728 – 82 Avenue NW
ADDRESS OF APPELLANT 2: #202, 10345 – 82 Avenue NW

APPLICATION TO: Change the use from a General Retail Store to a Pawn Store (Cash Canada Pawn Shop).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 27, 2016

DATE OF APPEAL: Appellant 1 - June 3, 2016
Appellant 2 - June 14, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 8170 – 50 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10650 - 82 Avenue NW

LEGAL DESCRIPTION: Plan I Blk 65 Lots 13-15

ZONE: CB2 General Business Zone

OVERLAY: Pedestrian Commercial Shopping Street Overlay;
Whyte Avenue Commercial Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

APPELLANT 1 – Anthony Joyce

The residents in my building (The Garneau) do NOT want a pawn shop in the area for 2 reasons. First, such a business does not correspond to the nature of shops on the Avenue, which is more upscale and family-friendly. Second, we are already encountering issues with street people and a business like this would not help but hurt efforts to manage the problem.

APPELLANT 2 – Old Strathcona Business Association

On behalf of the Old Strathcona Business Association Board of Directors, representing over 600 businesses in the area, we would like to express our serious concerns over the proposed development and approval of Cash Canada Pawn Shop as a discretionary use within our business community. Our main concern is crime as it relates to the presence of these types of operations in a vibrant and active shopping and entertainment district like Old Strathcona.

There is some support that the presence of pawn shops can attract or at least create the perception of crime in neighbourhoods (McCord, Ratcliffe, Garcia, & Taylor, 2007; Brantingham & Brantingham, 1995 as cited in Bernasco & Block, 2011). For example, some research suggests that drug markets may cluster around pawn brokers and check-cashing stores because of the quick and easy access to cash that facilitates drug transactions (which tends to a cash-only market). The findings of this study found that the presence of more crime-generating or crime-attracting land uses (pawn shops were classified as crime-attracting) in a neighbourhood positively correlated with residents perceiving their neighbourhoods as more crime-ridden or disorderly (McCord, Ratcliffe, Garcia, & Taylor, 2007). Bernasco & Block (2011) found that neighbourhoods with crime attractors and generators, including such non-residential businesses (e.g. barber shops, bars, liquor stores, Laundromats) corresponds with higher crime rates in the immediate area, as well as placing their peripheral environments at risk of crime as well (i.e. if Strathcona has a lot of crime attractors within its boundaries, adjacent neighbourhoods, even those without their own crime attractors, are likely to experience increased crime too Rather than just having Strathcona become the lightning rod for ALL the crime in that area). One potential explanation for this relationship could be that “fringe banking services” are typically concentrated in low-income neighbourhoods (Kubrin, Squires, Graves, & Ousey, 2011) that tend to already face increased or disproportionate crime rates relative to more stable or affluent areas. Thus, while it may be that pawn shops don’t necessarily increase crime directly, their presence may signify neighbourhood disorder and poverty, which in turn increase crime by reducing the presence of pro-social factors (like collective efficacy among residents – the willingness/ability to act as a group to combat problems).

The research discussed above faces MANY limitations – i.e., the studies are performed in particular cities and neighbourhoods and times with often limited sample sizes. So, the findings may be reflective of peculiarities within each city. However, taken together, the general finding that pawn shops and similar businesses are correlated with increases in the occurrence of, or at least the perception of, crime is notable.

In conclusion, we hope that you will reverse the decision of the Development Officer and do not allow this discretionary use within our community.

References:

Bernasco, W., & Block, R. (2011). Robberies in Chicago: A block-level analysis of the influence of crime generators, crime attractors, and offender anchor points. *Journal of Research in Crime and Delinquency*, 48(1), pp. 33-57.

Kubrin, C. E., Squires, G. D., Graves, S.M., & Ousey, G.C. (2011). Does fringe banking exacerbate neighbourhood crime rates: Investigating the social ecology of payday lending. *Criminal & Public Policy*, 10(2), pp. 437-466.

McCord, E. S., Ratcliffe, J. H., Garcia, R.M., Taylor, R. B. (2007). Nonresidential crime attractors and generators elevate perceived neighbourhood crime and incivilities. *Journal of Research in Crime and Delinquency*, 44(3), pp. 295-320.

<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.

685(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 within 14 days,

...

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

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.1 Class B Development

1. Within seven days of the issuance of a Development Permit for Class B Development, the Development Officer shall dispatch a notice by ordinary mail to:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land, wholly or partly within a distance of 60.0 m of the boundary of the Site;
 - c. the President of each Community League operating within the notification boundaries described in clause (b), above; and
 - d. the President of each Business Revitalization Zone Association operating within the notification boundaries described in clause (b) above.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

The decision of the Development Officer is dated May 27, 2016. Notice of the development was published in the Edmonton Journal on June 2, 2016. Appellant 1 filed the Notice of Appeal on June 3, 2016. Appellant 2 filed the Notice of Appeal on June 14, 2016.

On June 28, 2016, a panel of the Subdivision and Development Appeal Board held a hearing with respect to the subject development. During the course of the hearing, it was disclosed that some property owners within the 60 metre notification area did not receive notices of the appeal hearing pursuant to Section 686(3) of the *Municipal Government Act*.

To correct this error, and to ensure compliance with its statutory obligations, the Board closed the hearing, rescheduled the appeal to be heard by a fresh panel of the Board, and instructed that administrative staff of the Board reissue proper notification to all property owners within the 60 metre notification area.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

687(3) In determining an appeal, the subdivision and development appeal board

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(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*:

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.”

Under Section 340.3(25), **Pawn Stores** are a **Discretionary Use** within the CB2 General Business Zone.

Section 7.4(40) states:

Pawn Stores means development used to provide secured loans in exchange for goods offered as collateral, including the sale of such goods. This Use Class may also include the minor repair of goods sold on-Site. Typical Uses include the resale of clothing, jewelry, stereos, household goods and musical instruments in pawn. This Use Class does not include the sale of used vehicles, recreation craft or construction and industrial equipment, and does not include Flea Markets or Secondhand Stores.

Discretionary Use

The Development Officer referenced Section 340.3, which lists Pawn Stores as a Discretionary Use within the CB2 General Business Zone, and made the following determination: “Discretionary Use - The Pawn Store is approved as a Discretionary Use (Section 340.3).”

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: 221958128-001
Application Date: MAY 17, 2016
Printed: June 6, 2016 at 11:39 AM
Page: 1 of 3

Major Development Permit

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 CASHCO PW INC <div style="border: 1px solid black; height: 30px; width: 250px; margin-top: 10px;"></div>	Property Address(es) and Legal Description(s) 10650 - 82 AVENUE NW Plan I Blk 65 Lots 13-15 Specific Address(es) Suite: 10662 - 82 AVENUE NW Entryway: 10662 - 82 AVENUE NW Building: 10650 - 82 AVENUE NW
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Scope of Permit
To change the use from a General Retail Store to a Pawn Store (Cash Canada Pawn Shop).

Permit Details Class of Permit: Class B Gross Floor Area (sq.m.): 304.44 New Sewer Service Required: N/A Site Area (sq. m.): 1212.95	Contact Person: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **221958128-001**
 Application Date: MAY 17, 2016
 Printed: June 6, 2016 at 11:39 AM
 Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

- 1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1).
- 2) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.
- 3) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51 of the Edmonton Zoning Bylaw 12800).

NOTES:

- 1) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.
- 2) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 3) Signs require separate Development Applications.
- 4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- 5) A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 6) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

Variances

Discretionary Use - The Pawn Store is approved as a Discretionary Use (Section 340.3).

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.

Issue Date: May 27, 2016 **Development Authority:** WELCH, IMAI

Signature: _____

Notice Period Begins: Jun 02, 2016

Ends: Jun 15, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$323.00	\$323.00	03286753	May 17, 2016

The permit holder is advised to read the reverse for important information concerning this decision.



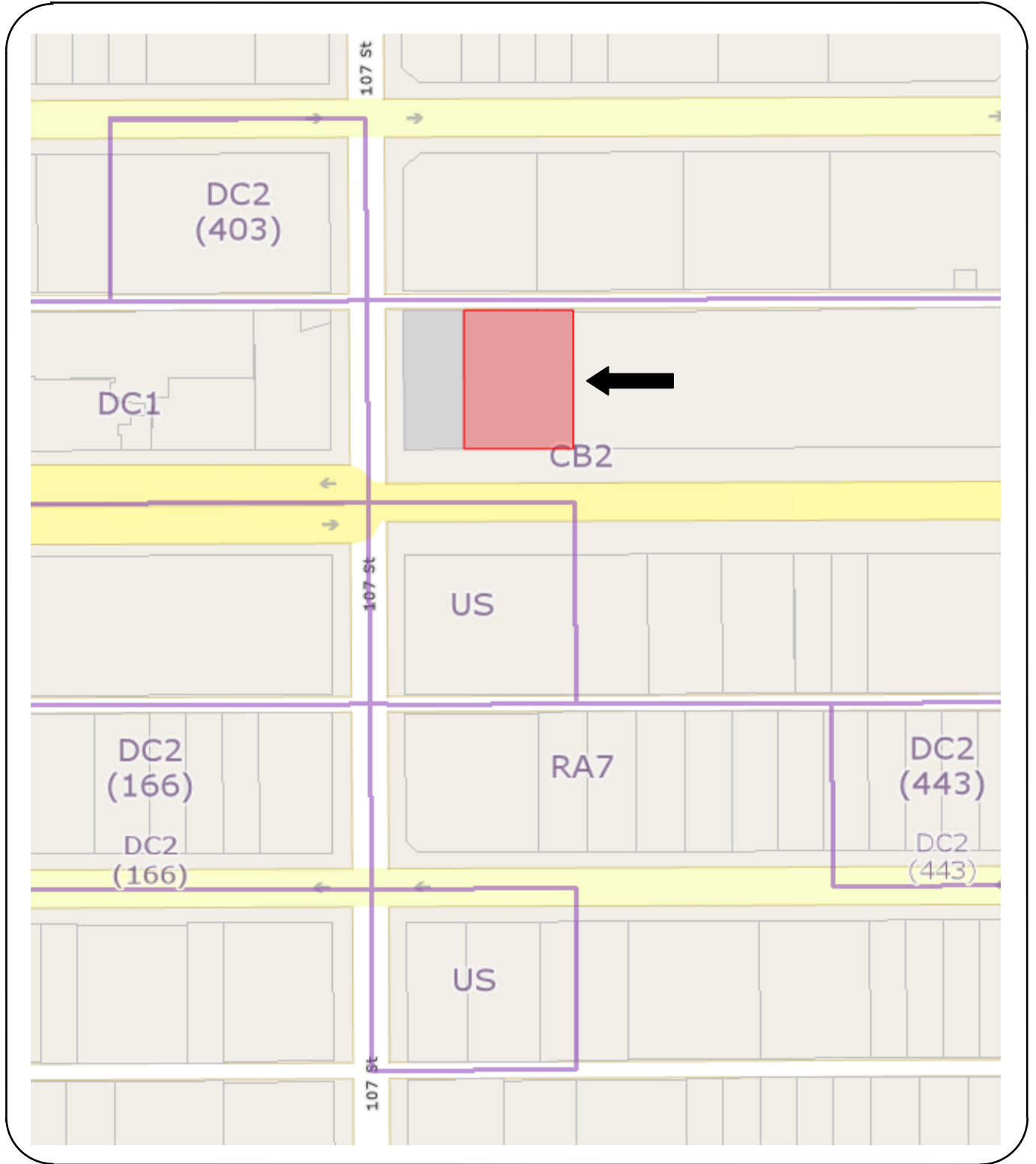
Project Number: **221958128-001**
Application Date: MAY 17, 2016
Printed: June 6, 2016 at 11:39 AM
Page: 3 of 3

Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$102.00	\$102.00	03289662	May 18, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$425.00	\$425.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-149

▲
N

ITEM II: 1:30 P.M.

FILE: SDAB-D-16-182

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 183954797-002

ADDRESS OF APPELLANT: 10310 G A MacDonald Avenue NW

APPLICATION TO: Install (1) Freestanding Minor Digital On-premises Sign (Alberta Motor Association)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 15, 2016

DATE OF APPEAL: June 29, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10310 G A MacDonald Avenue NW

LEGAL DESCRIPTION: Plan 9422746 Blk F Lot 9

ZONE: DC2 Site Specific Development Control Provision (345)

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

1. The existing freestanding on-premises sign has been in place for approximately 9 years.
2. The existing sign replaced a pre-existing sign which had similar height; the previous sign had been in place for over 10 years.
3. Removal and replacement of the existing sign would be an undue hardship.
4. Signage of similar or taller height exists on neighbouring and nearby properties.
5. The existing sign is visually appealing and not obtrusive.

6. The existing sign does not unduly interfere with any surrounding amenities, nor affect the use, enjoyment or value of neighbouring parcels of land.
7. DC2-345.4.h. provides the Development Officer with the ability to grant relaxations to the height restrictions on signage found in section 79D.2(c).
8. Alternatively, the by-law in force at the time the existing sign was erected was by-law 12800 (2007), which provided in 7.9.3 that the Development Officer had the discretion to allow a freestanding on-premises sign up to 10.0 m in height. [unedited]

<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.

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or...

The decision of the Development Officer is dated June 15, 2016. The Notice of Appeal was filed on June 29, 2016.

Determining an Appeal

Hearing and decision

687(3) In determining an appeal, the subdivision and development appeal board

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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*:

Section 2.345.1 states that the **General Purpose** of **DC2.345** is:

To establish a Site Specific Development Control District for an office building and highway commercial uses with an increased building height and floor area ratio for the office component over that permitted by the CHY District, and with landscaping and setback requirements to implement the appearance objectives of the Calgary Trail Land Use Study and the Major Commercial Corridor Overlay.

Freestanding Minor Digital On-premises Sign is **not** a Listed Use within the DC2.345 Direct Control District.

However, Section DC2.345.4(i) provides that “Signs may be allowed in this District as provided for in Schedule 79D and in accordance with the general provisions of Section 79.1 to 79.9, inclusive, of the Land Use Bylaw.”

Section 79 of the current *Edmonton Zoning Bylaw 12800* addresses Group Homes and Limited Group Homes. As DC2.345 was passed by City Council on May 16, 1994, the previous *Land Use Bylaw 5996* applies to the subject development.

Maximum Height

Schedule 79D.2(1)(c) of the *Land Use Bylaw 5996* provides as follows:

All On-premise Business Identification, Changeable Copy and Local Advertising Signs shall comply with the general regulations for On-premise Signs of Section 79.7, subject to the following additional regulations and exceptions:

...

- c) the maximum Height of a Freestanding Sign shall be 8 m (26.2 ft.) for a business premise or multiple occupancy business development having frontage of at least 30 m (98.4 ft.);

Section 11.4(2) of the *Edmonton Zoning Bylaw 12800* states:

In approving an application for a Development Permit pursuant to Section 11.3, the Development Officer shall adhere to the following... except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations...

Development Officer's Determination

- 1) The maximum Height of a Freestanding Sign shall be 8 m for a business premise or multiple occupancy business development having frontage of at least 30 m (79D.2(c))



Proposed Height 8.99 m

Exceeds by: 0.99 m

As per Section 11.4(2), the Development Authority cannot grant a variance to height.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 183954797-002 Application Date: MAY 19, 2016 Printed: June 15, 2016 at 2:57 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant 	Property Address(es) and Legal Description(s) 10310 - G A MACDONALD AVENUE NW Plan 9422746 Blk F Lot 9
Scope of Application To install (1) Freestanding Minor Digital On-premises Sign (Alberta Motor Association).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 65395	Class of Permit: Class A 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: 2 Minor Digital Off-premises Sign: 0 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
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused Reason for Refusal 1) The maximum Height of a Freestanding Sign shall be 8 m for a business premise or multiple occupancy business development having frontage of at least 30 m (79D.2(c)) Proposed Height 8.99 m Exceeds by: 0.99 m As per Section 11.4(2), the Development Authority cannot grant a variance to height. Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.	
Issue Date: Jun 15, 2016 Development Authority: AHUJA, SACHIN Signature: _____	
THIS IS NOT A PERMIT	



Project Number: **183954797-002**
Application Date: MAY 19, 2016
Printed: June 15, 2016 at 2:57 PM
Page: 2 of 2

Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Dev Permit Penalty Fee	\$850.00	\$850.00	03293248	May 19, 2016
Safety Codes Fee	\$26.40	\$26.40	03293248	May 19, 2016
Sign Building Permit Fee	\$660.00	\$660.00	03293248	May 19, 2016
Existing Without Building Permit Penalty Fee	\$660.00	\$660.00	03293248	May 19, 2016
Sign Dev Appl Fee - Digital Signs	\$850.00	\$850.00	03293248	May 19, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,046.40	\$3,046.40		

THIS IS NOT A PERMIT

BUSINESS LAID OVER

SDAB-D-16-120	An appeal by <u>The House Company</u> to construct a Single Detached House with attached Garage, veranda, fireplace, rear balcony (irregular shape, 4.25 metres by 2.22 metres) and Basement development (NOT to be used as an additional Dwelling) <i>August 3, 2016</i>
SDAB-D-16-136	An appeal by <u>Bill Co. Incorporated</u> to extend the duration of a Freestanding Minor Digital Off-premises Sign (3.05m x 10.37m Single Sided Facing South) <i>August 17 or 18, 2016</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

189288219-004	An appeal by <u>Moroz Law Office</u> to leave as built an Accessory Building <i>August 17, 2016</i>
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