

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
June 22, 2016**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-16-146

To install (2) Freestanding On-premises Signs
(GRIESBACH VILLAGE).

9704 - 137 AVENUE NW, 581 - Griesbach
Parade NW, 503 - Griesbach Parade NW
Project No.: 220651665-001

II 11:00 A.M. SDAB-D-16-147

To operate a Minor Home Based Business
(administrative office for a delivery business)

15331 - 70 Street NW
Project No.: 181620670-002

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-16-146

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 220651665-001

ADDRESS OF APPELLANT: 1400, 10303 Jasper Avenue NW/9729-54 Avenue NW

APPLICATION TO: Install (2) Freestanding On-premises Signs (GRIESBACH VILLAGE).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 25, 2016

DATE OF APPEAL: May 31, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9704 - 137 Avenue NW, 581 - Griesbach Parade NW, 503 - Griesbach Parade NW

LEGAL DESCRIPTION: Plan 1320318 Blk 27 Lot 1, Plan 1322652 Blk 27 Lot 3, Plan 1523747 Blk 27 Lot 5

ZONE: GVC-Griesbach Village Centre Zone

OVERLAY: Special Area Griesbach

STATUTORY PLAN: Griesbach Neighbourhood Area Structure Plan

Grounds for Appeal

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

1. Freestanding On-premises Signs are a Permitted Use in the (GVC) Griesbach Village Centre Zone.
2. The proposed Signs require a variance in Height, but remain well under the Sign Area prescribed by the Zoning Bylaw.
3. The proposed Signs will provide functional identification for the Centre and will not unduly interfere with the amenities of the neighbourhood, or

materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

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

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.

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.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 940.6(1) states the General Purpose of the GVC Griesbach Village Centre Zone is to allow for a mixed use of businesses, residences, and institutional uses in a village centre format promoting pedestrian orientation in accordance with the design objectives in the Griesbach Neighbourhood Area Structure Plan.

Section 940.6(3)(w) states a **Freestanding On-premises Sign** is a **Permitted Use** in the GVC Griesbach Village Centre Zone.

Under Section 7.9(4), Freestanding On-premises Signs means any Sign supported independent of a building, displaying Copy that identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Under Section 6.2(8), Freestanding Signs means any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground.

Sign Height

Section 940.6(5)(q)(i) states (in part) Signs shall comply with the regulations found in Schedule 59E of this Bylaw, with the intent to complement the pedestrian-oriented commercial environment, except that, the maximum Height of a Freestanding Sign shall be 6.0 metres.

Development Officer's Determination

Proposed: 7.5 metres
Exceeds by: 1.5 metres

Neighbourhood Area Structure Plan

The Griesbach Neighbourhood Area Structure Plan, Section 8, Implementation, states:

Additional design principles to promote a pedestrian oriented environment in the village centre area include limitations on vehicle oriented uses, building setbacks that promote interaction with sidewalk traffic, and architectural provisions. Commercial establishments will be limited in size, to promote a smaller scale village style environment with a more eclectic mix of pedestrian friendly shops and personal service uses. It will also prevent the dominance of the area and its streets by large business operations. The heights of freestanding signs will be lower than standard zones and projecting signs will be designed and located to reflect a pedestrian scale.

Development Officer's Determination

The proposed development does not comply with this section of the Griesbach Neighbourhood Area Structure Plan.

Sign Area

Section 59E.2(3)(b) states the maximum allowable Freestanding On-premises Sign Area shall be 20 square metres.

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: 220651665-001
Application Date: APR 29, 2016
Printed: May 31, 2016 at 11:15 AM
Page: 1 of 2

Application for Sign Combo Permit

This document is a Development Permit Decision for the development application described below.

Applicant

ELECTRA SIGN LTD

Property Address(es) and Legal Description(s)

9704 - 137 AVENUE NW
Plan 1320318 Blk 27 Lot 1
581 - GRIESBACH PARADE NW
Plan 1322652 Blk 27 Lot 3
503 - GRIESBACH PARADE NW
Plan 1523747 Blk 27 Lot 5

Scope of Application

To install (2) Freestanding On-premises Signs (GRIESBACH VILLAGE).

Permit Details

ASA Sticker No./Name of Engineer:
Construction Value: 78000

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: 0
Minor Digital On/Off-premises Sign: 0

Freestanding Off-premises Sign: 0
Freestanding On-premises Sign: 2
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

THIS IS NOT A PERMIT



Project Number: **220651665-001**
 Application Date: APR 29, 2016
 Printed: May 31, 2016 at 11:15 AM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

Reasons for Refusal:

1. Signs shall comply with the regulations found in Schedule 59E of this Bylaw, with the intent to complement the pedestrian-oriented commercial environment, except that: the maximum Height of a Freestanding Sign shall be 6.0 m; (Reference Section 940.6(5)(q)(i).

Proposed: 7.5 m
 Exceeds by: 1.5 m

2. Additional design principles to promote a pedestrian oriented environment in the village centre area include limitations on vehicle oriented uses, building setbacks that promote interaction with sidewalk traffic, and architectural provisions. Commercial establishments will be limited in size, to promote a smaller scale village style environment with a more eclectic mix of pedestrian friendly shops and personal service uses. It will also prevent the dominance of the area and its streets by large business operations. The heights of freestanding signs will be lower than standard zones and projecting signs will be designed and located to reflect a pedestrian scale. (Reference Section 8. Implementation of the Griesbach Neighbourhood Area Structure Plan (NASP), Statutory Plan, Bylaw 12936 (as amended) adopted by Council in March 2002.)

The proposed development does not comply with this section of the Griesbach NASP.

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.

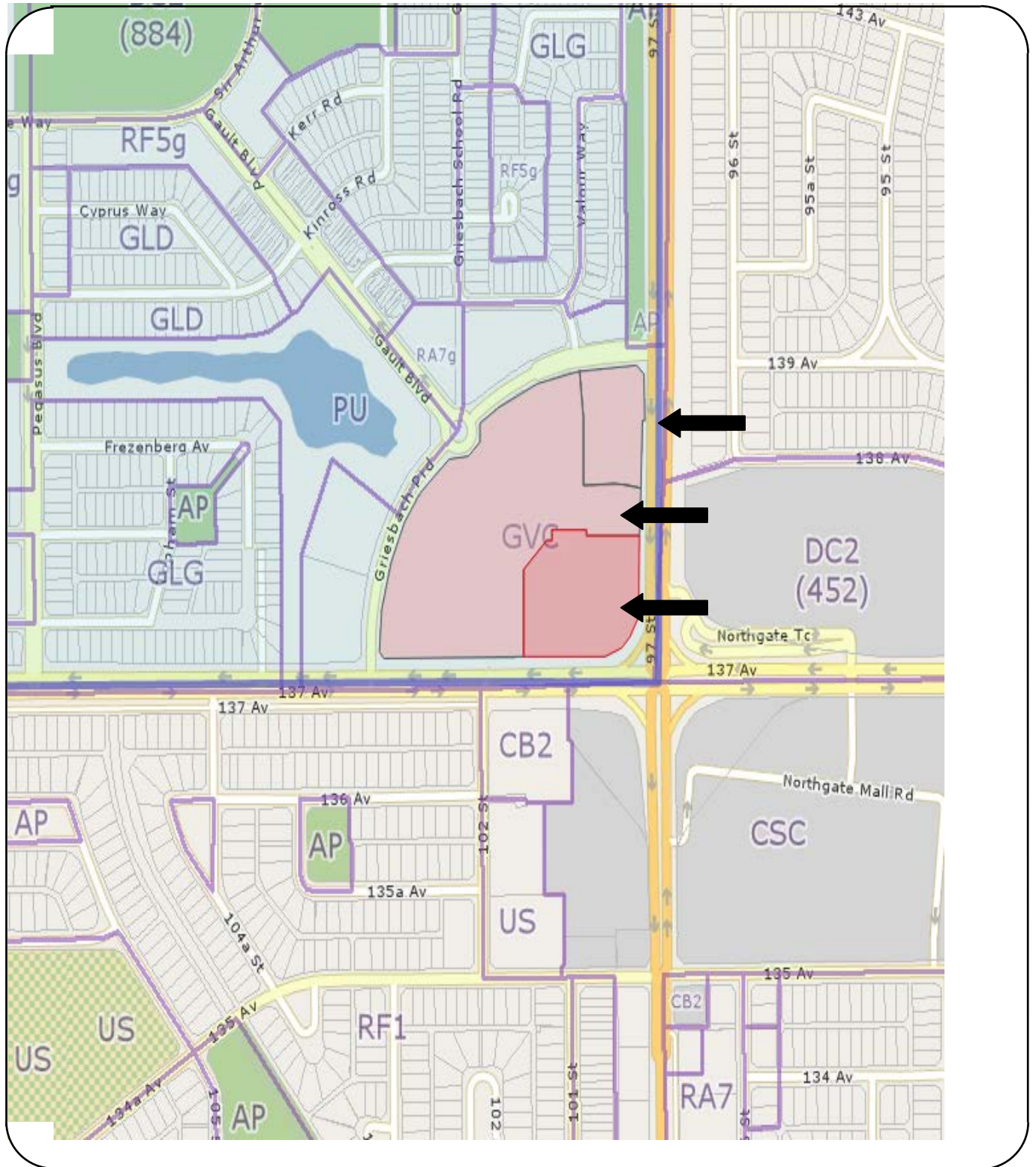
Issue Date: May 25, 2016 Development Authority: AHUJA, SACHIN

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$522.00	\$522.00	03241927	Apr 29, 2016
Safety Codes Fee	\$31.20	\$31.20	03241927	Apr 29, 2016
Sign Building Permit Fee	\$780.00	\$780.00	03241927	Apr 29, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,333.20	\$1,333.20		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-146



ITEM II: 11:00 A.M.

FILE: SDAB-D-16-147

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 181620670-002

ADDRESS OF APPELLANT: 15331 - 70 Street NW

APPLICATION TO: Operate a Minor Home Based Business
(administrative office for a delivery
business)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 13, 2016

DATE OF APPEAL: May 28, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15331 - 70 Street NW

LEGAL DESCRIPTION: Plan 8923055 Blk 50 Lot 70

ZONE: RF1-Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Edmonton North Area Structure Plan
Ozerna Neighbourhood Structure Plan

Grounds for Appeal

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

My appeal is regarding my pickup truck I use it as personal vehicle I don't run any business at my home I can explain much better in front of the board please there has been a lot of misunderstanding please give me date I come in front of board thanks

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.

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.

The decision of refusal by the Development Officer is dated May 13, 2016. Fourteen days from the decision date is May 27, 2016 and the Notice of Appeal was filed on May 28, 2016.

It should be noted, Sustainable Development has submitted to the SDAB a Canada Post Registered Mail Delivery, dated June 6, 2016 that confirms the notice of refusal was delivered on May 21, 2016. A copy of the Canada Post Registered Mail Delivery is on file.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states 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, Semi-detached Housing and Duplex Housing under certain conditions.

Section 110.3(7) states 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 such businesses 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 Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Section 110.2(2) states a Minor Home Based Business is a Permitted Use in the RF1 Single Detached Residential Zone.

Under Section 7.3(8), Minor Home Based Business means development consisting of the Use of an approved Dwelling by a resident of that Dwelling for one or more businesses such businesses shall not require more than one business associated visit per day at the Dwelling. The business Use must be secondary to the residential Use of the building and no aspects of the business operations shall be detectable from outside the property. The Dwelling shall not be used as a workplace for non-resident employees of the business. This Use Class does not include General Retail Sales.

Pedestrian or Vehicular Traffic or Parking

Section 75.3 states 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.

Development Officer's Determination

The proposed truck related to this business parked on the property will create negative impact on traffic and pedestrians.

Principal character or external appearance of the Dwelling

Section 75.6 states the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings.

Development Officer's Determination

The truck changes the character of the Dwelling, because of its commercial nature.

Compatibility of the Use

Section 75.9 states the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

Development Officer's Determination

This business is appropriate in a commercial zone.

Objects Prohibited or Restricted in Residential Zones

Section 45.(1)(a) states no person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kilograms.

Section 45.2 states for the purpose of subsection 45(1) a commercial vehicle means a vehicle that:

- a. is intended or designed for commercial purposes; or
- b. is used for commercial purposes.

Development Officer's Determination

The subject vehicle has a gross vehicle weight of 5998 kilograms and is used for commercial purposes.

Minor Home Based Business

74. A Minor Home Based Business shall comply with the following regulations:
1. there shall be no exterior signage, display or advertisement other than a business identification plaque or Sign 10.0 centimeters by centimeters 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 Minor Home Based Business shall not employ any person on-site other than a resident of the Dwelling;
 4. there shall be no outdoor business activity, or outdoor storage of materials or equipment associated with the business allowed on the Site. Indoor storage shall only be allowed inside the Dwelling;
 5. the Minor Home Based Business shall not change the principal character or external appearance of the Dwelling involved; and
 6. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Class Minor Home Based Business shall include a description of the business to be undertaken in the Dwelling, an indication of the anticipated number of business visits per week and details for the provision of parking.

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: 181620670-002
Application Date: NOV 09, 2015
Printed: June 7, 2016 at 10:36 AM
Page: 1 of 2

Application for Home Occupation

This document is a Development Permit Decision for the development application described below.

Applicant N'DRI, KOUAME GEORGES <input type="text"/>	Property Address(es) and Legal Description(s) 15331 - 70 STREET NW Plan 8923055 Blk 50 Lot 70 Specific Address(es) Suite: 15331 - 70 STREET NW Entryway: 15331 - 70 STREET NW Building: 15331 - 70 STREET NW
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Scope of Application
To operate a Minor Home Based Business (administrative office for a delivery business).

Permit Details # of business related visits/day: 0 Administration Office Only?: Y Class of Permit: Class A Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 0 Business has Trailers or Equipment?: N Description of Business: administrative office for a delivery business 20ft total flat bed truck for delivery being parked on driveway Expiry Date:
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **181620670-002**
 Application Date: NOV 09, 2015
 Printed: June 7, 2016 at 10:36 AM
 Page: 2 of 2

Application for Home Occupation

Reason for Refusal

- 1.) 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)
 - The proposed truck related to this business parked on the property will create negative impact on traffic and pedestrians.

- 2.) Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory building. (Section 75.6)
 - The truck changes the character of the Dwelling, because of its commercial nature.

- 3.) 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. (Section 75.9)
 - This business is appropriate in a commercial zone.

- 4.) No person shall keep in any part of a Site in any Residential Zone, any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg. (Section 45.1(a))
 - The subject vehicle has a GVW of 5998 kg and is used for commercial purposes.

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

Rights of Appeal

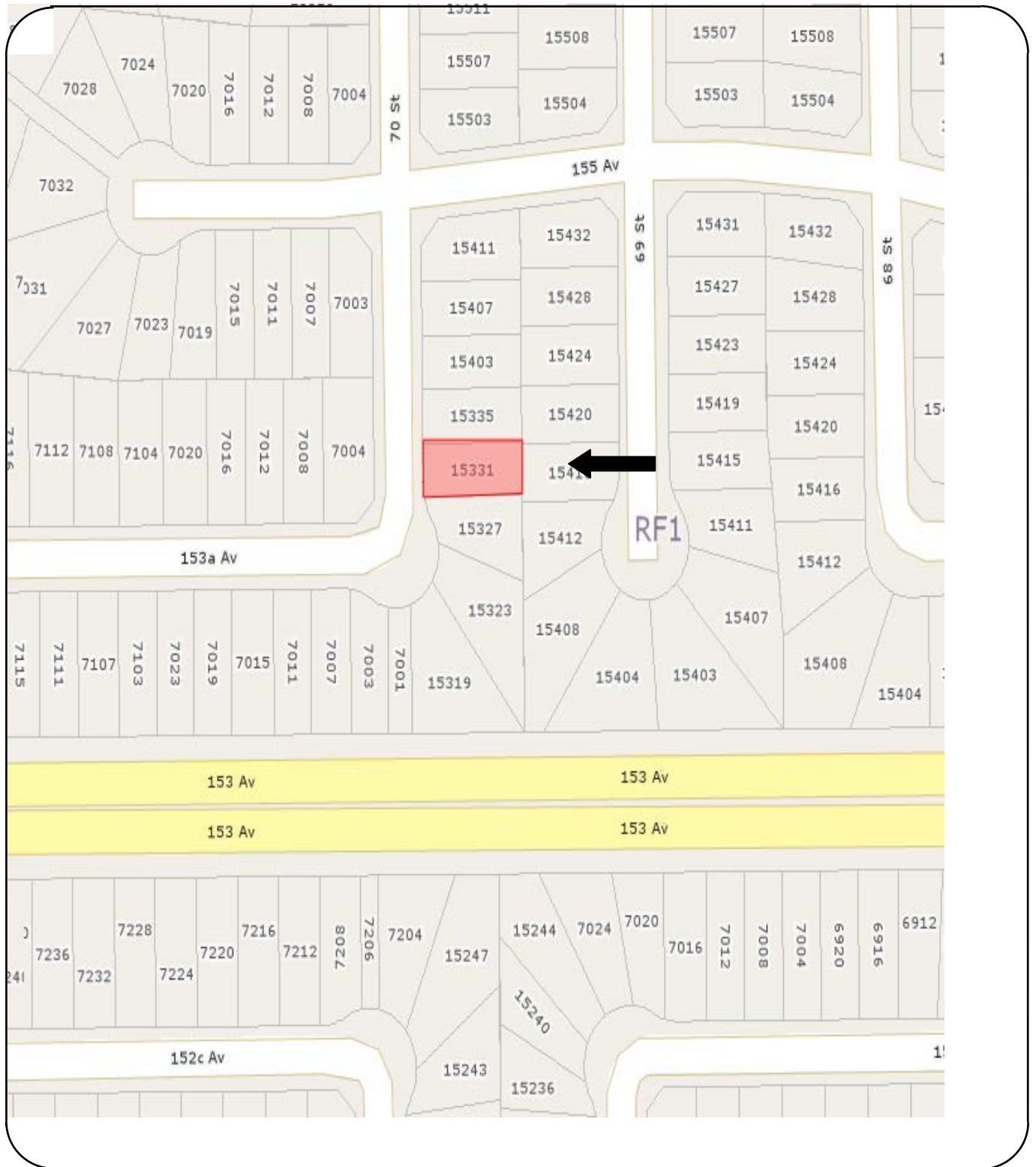
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: May 13, 2016 Development Authority: ANGELES, JOSELITO Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$114.00	\$114.00	02881406	Nov 09, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$114.00	\$114.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-16-147



BUSINESS LAID OVER

SDAB-D-16-120	An appeal 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 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 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

99312099-004	An appeal regarding a Stop Order issued for the property located at 6520 – 8 Street NW. <i>July 13, 2016</i>
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