

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
June 25, 2015**

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

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

I	9:00 A.M.	SDAB-D-15-136	Construct and operate a Residential Sales Centre 13605 - 102 Avenue NW Project No.: 168252302-005
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TABLED TO JULY 30, 2015

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-136

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

APPELLANT:

APPLICATION NO.: 168252302-005

APPLICATION TO: Construct and operate a Residential Sales Centre

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 19, 2015

DATE OF APPEAL: May 19, 2015

NOTIFICATION PERIOD: May 26, 2015 through June 8, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13605 - 102 Avenue NW

LEGAL DESCRIPTION: Plan 1521524 Blk 127 Lot 25

ZONE: RF4 Semi-detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

TABLED TO JULY 30, 2015

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

This Development Permit authorizes the operation of a Residential Sales Centre. The development shall be constructed in accordance with the stamped and approved drawings.

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This proposed building is not a Dwelling unit. The building shall not be used as a Dwelling prior to the expiration and/or cancellation of the Development Permit for the Residential Sales Centre.

This approval is valid for a period of two years. This permit will expire on April 30, 2017.

Sufficient parking shall be made available on or adjacent to the site so that parking congestion will not develop on that portion of local streets serving existing development in the vicinity of the Residential Sales Centre. (Reference Section 54.2 Schedule 1 and Section 82).

All off-premise directional signage and on-premise advertising signage, including the display of advertising copy and supergraphics on hoardings or false fronts used to enclose temporary structures, shall be in accordance with Section 59 of this Bylaw. (Edmonton Zoning Bylaw 12800)

All exterior lighting shall be developed in accordance with Section 51 and 58 of this Bylaw. (Edmonton Zoning Bylaw 12800 - Reference Section 82).

Notes:

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.

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

VARIANCE:

Section 82(2) Relaxed: Required parking spaces relaxed from 3 to 2.

Class B Discretionary Development: Residential Sales Centre is a Discretionary Use in the RF4 zone. (Section 150.3(7))

Notes:

A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

Unless otherwise stated, all references to section numbers refer to the Edmonton Zoning Bylaw 12800.

APPELLANT'S SUBMISSION

A residential sales location, otherwise known as a "show suite", has numerous negative impacts on quality of life.

1. It would have as a primary goal to attract high volumes of traffic. Going from two residences to six is already enough of a traffic, congestion, and danger factor. Converting one of the six to a commercial enterprise will multiply this problem.
2. Parking is another problem. Where is the parking for this venture? In front of our homes is the answer. The owners have asked for a relaxation of the commercial parking requirements from three spaces to two, in their own form of recognition of the problem. The service lane behind the show suite will also be subject to excessive congestion and illegal parking.
3. The 'show suite' will inevitably feature huge promotional signage. They all do. In addition to being unsightly, it will distract drivers' attention right at the Glenora School corner.

Regardless of our position on infill residential development, we must oppose this commercial venture. It could be the thin edge of the wedge that will establish a precedent for encroachment of business development in what is now a purely single-family residence community. At issue are safety for children and others and quality of life.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **Residential Sales Centre** is a Discretionary Use in the RF4 Semi-detached Residential Zone, Section 150.3(7).

Under Section 7.3(9), **Residential Sales Centre** means a permanent or temporary building or structure used for a limited period of time for the purpose of marketing residential land or buildings.

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

Section 82.2 states where Sites are located within 60.0 metres of existing development, the applicant shall demonstrate that sufficient parking is available on or adjacent to the Site so that parking congestion shall not develop on that portion of local streets serving existing development in the vicinity of the Residential Sales Centre. The Development Officer shall determine the adequacy of parking based on a requirement of 1 parking space per 20 square metres of Floor Area of the Residential Sales Centre.

The Development Officer determined the number of required parking spaces is 3. The proposed development provides 2 and a relaxation of 1 parking space was granted.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 10123 - 136 Street.

Section 82 states the following regulations shall apply to all Residential Sales Centres except those development provided for in subsections 12.2(8) and 12.2(15) of this Bylaw:

1. Sites containing Residential Sales Centres shall be located and developed such that their impacts on local roadways and surrounding residential development are minimized. In deciding upon an application, the Development Officer shall take into consideration the scale of the Residential Sales Centre, its proximity to arterial or neighbourhood collector roadways, and to occupied residential development;
2. ...;
3. the siting and development of Residential Sales Centre buildings shall comply with the regulations of the Land Use Zone applying to the Site except that:
 - a. the Development Officer may attach conditions requiring additional setbacks to minimize any adverse impacts on adjacent development;
 - b. in the case of a temporary structure, the Height of the building including any hoardings or false fronts shall not exceed one Storey or 4.0 metres; and
 - c. all curb crossings and access points shall be designed and located so as to minimize on-site and off-site traffic impacts and, in consultation with Transportation Services;
4. where a Site is located within a Residential Zone or is visible from residential development located within 60.0 m of the Site, the colour and material of the exterior finish of the temporary structure and hoardings or false fronts, excluding advertising Copy, shall be compatible with those commonly found in Residential Zones;
5. any exterior lighting shall be developed in accordance with Section 51 of this Bylaw;
6. a Development Application for a Residential Sales Centre shall be accompanied by the following information in addition to the information required by subsection 13.3 of this Bylaw:
 - a. a context plan identifying the nature of the land uses and development within a 60 metres radius of the proposed Site;
 - b. a description of the exterior finish materials and colours for any temporary sales structure including any proposed hoardings or false fronts;
 - c. drawings showing the location, area, Height, construction material, colour and method of support for any proposed on-site identification and advertising Signs, including any advertising or supergraphics that shall be displayed on a hoarding or false front; and
 - d. drawings showing the area, Height, construction materials and method of support for any proposed off-site Directional Signs that shall exceed 1.0 square metres in area 1.5 metres in Height, and a description of the proposed location for the Signs; and
7. the Development Permit for a Residential Sales Centre shall be valid for such a period of time as specified by the Development Officer having regard for the amount of land or development being marketed, but in no case shall the time period exceed two years.

Section 12.2(8) states a temporary structure, the sole purpose of which is incidental to the erection, alteration or marketing of a building for which a Permit has been granted under this Bylaw.

Section 12.2(15) states the Temporary Use of a portion of a building or structure for which a Development Permit has been granted under this Bylaw, for the marketing of the building or structure.

Under Section 6.1(34), **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.

Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Section 150.1 states that the purpose of this Zone is to provide a zone primarily for Semi-detached Housing and Duplex Housing.

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-136



BUSINESS LAID OVER

SDAB-D-15-114	An appeal by <u>Ogilvie LLP</u> to Construct a Freestanding Minor Digital On-premises Off-premises Sign <i>July 2, 2015</i>
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APPEAL HEARINGS TO BE SCHEDULED

168696143-001	An appeal by <u>127 Avenue Developments Inc.</u> to comply with a Stop Order to dismantle and remove the Freestanding Off-premises Sign from the Site. <i>July 2, 2015</i>
152684111-003	An appeal by <u>MBD Management Inc.</u> to increase the height of an approved Fascia Minor Digital On-premises Off-premises Sign <i>July 8 or 9, 2015</i>