

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
March 21, 2018**

**Hearing Room: River Valley Room
City Hall, 1 Sir Winston
Churchill Square NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM: River Valley Room – City Hall**

I	9:00 A.M.	SDAB-D-18-042	Install (1) Minor Digital On-premises Freestanding Sign (Ellwood Medical Centre). 620 - 91 Street SW Project No.: 270048602-001
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II	11:00 A.M.	SDAB-D-18-043	Operate a Major Home Based Business (Inventing / Creating metal works - Area 51 Metalworks) 11508 - 140 Street NW Project No.: 267427900-001
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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-18-042

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 270048602-001

APPLICATION TO: Install (1) Minor Digital On-premises
Freestanding Sign (Ellwood Medical
Centre).

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 14, 2018

DATE OF APPEAL: February 27, 2018

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 620 - 91 Street SW

LEGAL DESCRIPTION: Plan 1125270 Blk 1 Lot 13

ZONE: (EIB) Ellerslie Industrial Business Zone

OVERLAY: Ellerslie Industrial Special Area

STATUTORY PLAN: Ellerslie Area Structure Plan

Grounds for Appeal

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

Signage has been refused due to "adverse impact on built environment"
The illumination of the signage does not need to exceed the surrounding street lights and other misc signage. The display will operate as a static display and can be adjusted to be dimmer at night. If the city of Edmonton wishes, the signage can be turned off during certain hours of the evening.

<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,

- (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 decision is made under section 642, [...]

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;

...

- (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 930.4(3)(32), **Minor Digital On-premises Signs** is a **Discretionary Use** in the (EIB) Ellerslie Industrial Business Zone.

Under section 7.9(8), **Minor Digital On-premises Signs** means:

any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Section 930.4(4)(12) states “Signs shall comply with the regulations found in Schedule 59J.”

Section 930.1 states that the **General Purpose** of the **Ellerslie Industrial Special Area** is:

to designate a portion of the Ellerslie Area Structure Plan as shown on Appendix I to this Section, as a Special Area and to adopt appropriate land use regulations for this Special Area in order to achieve the objectives of the Ellerslie Area Structure Plan, as adopted under Bylaw 11870, as amended.

Section 930.4(1) states that the **General Purpose** of the **(EIB) Ellerslie Industrial Business Zone** is:

to provide for light industrial businesses and high technology development that carries out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent Non-industrial Zone.

Sign Regulations – General 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

The proximity between the proposed sign location and the surrounding residential development will adversely impact the built environment.

Schedule 59J

Schedule 59J.3(1) states:

Minor Digital On-premises Signs shall be subject to the following regulations:

- a. the maximum Height shall be 8.0 m;
- b. the maximum Width shall be 8.0 m;
- c. the maximum Area shall be:

- i. ...
 - ii. 12.0 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 30.0 m²;
- d. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign as follows:


Proposed Sign Area	Minimum separation distance from Digital Signs greater than <u>8.0 m²</u> or other Off-premises Sign
Greater than <u>8.0 m²</u> to less than <u>20 m²</u>	<u>100 m</u>
<u>20 m²</u> to <u>40 m²</u>	<u>200 m</u>
Greater than <u>40 m²</u>	<u>300 m</u>

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

...

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: 270048602-001 Application Date: DEC 13, 2017 Printed: March 8, 2018 at 9:21 AM 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) 620 - 91 STREET SW Plan 1125270 Blk 1 Lot 13 Location(s) of Work Suite: 620 - 91 STREET SW Entryway: 620 - 91 STREET SW Building: 620 - 91 STREET SW
Scope of Application To install (1) Minor Digital On-premises Freestanding Sign (Ellwood Medical Centre).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 131100	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: 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. 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. (Reference Section 59.2(7)). The proximity between the proposed sign location and the surrounding residential development will adversely impact the built environment.	
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.	
THIS IS NOT A PERMIT	



Project Number: 270048602-001
Application Date: DEC 13, 2017
Printed: March 8, 2018 at 9:21 AM
Page: 2 of 2

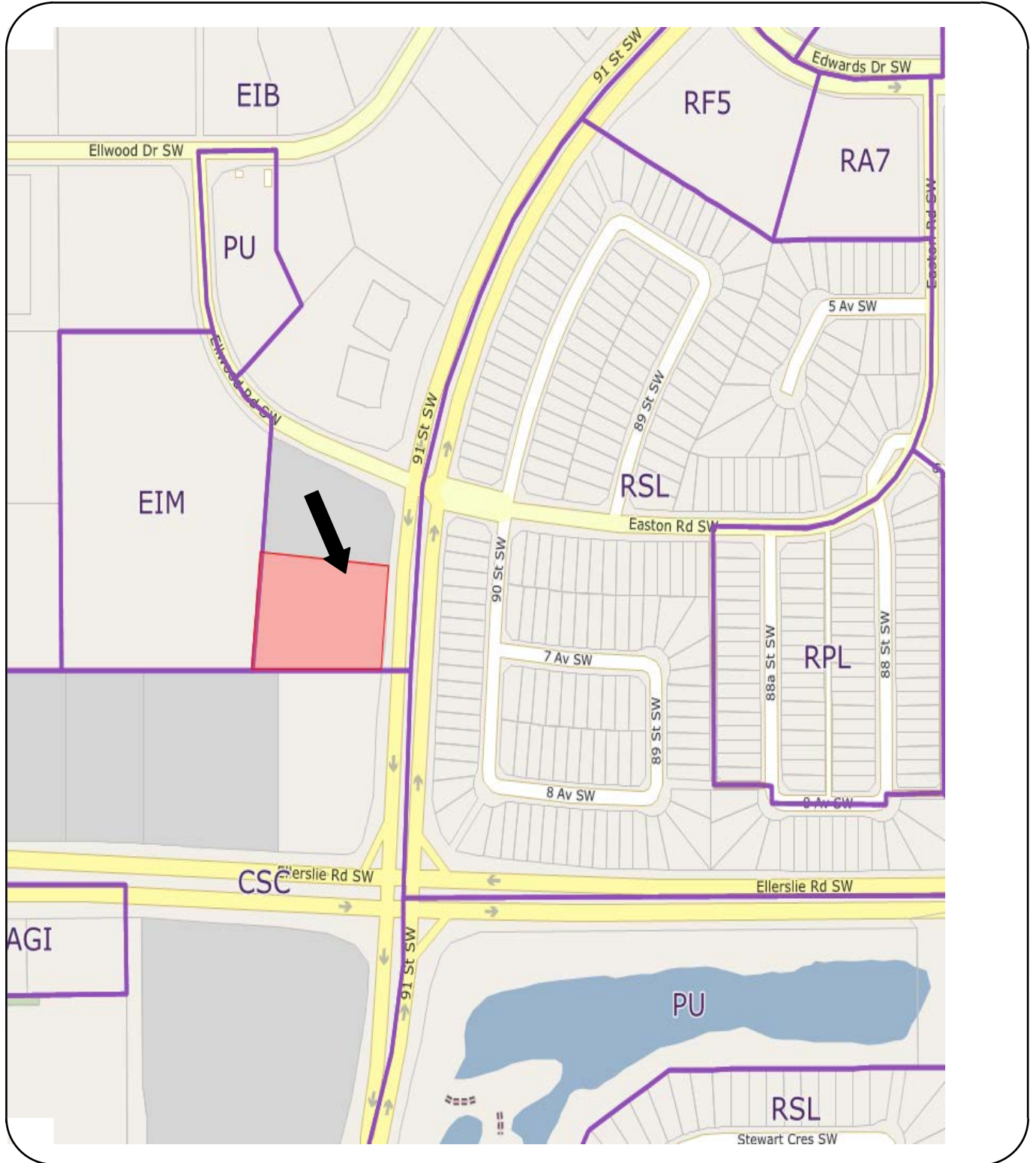
Application for Sign Combo Permit

Issue Date: Feb 14, 2018 Development Authority: MERCIER, KELSEY Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$884.00	\$884.00	04690456	Dec 14, 2017
Sign Building Permit Fee	\$1,320.00	\$1,320.00	04690456	Dec 14, 2017
Safety Codes Fee	\$52.80	\$52.80	04690456	Dec 14, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,256.80	\$2,256.80		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-042



ITEM II: 11:00 A.M.

FILE: SDAB-D-18-043

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 267427900-001

APPLICATION TO: Operate a Major Home Based Business
(Inventing / Creating metal works - Area
51 Metalworks)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 8, 2018

DATE OF APPEAL: February 23, 2018

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11508 - 140 Street NW

LEGAL DESCRIPTION: Plan 5080HW Blk 15 Lot 27

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:

More clarification on Sections 75.5, 75.6, 75.9. I believe the trailers on property currently are personal. Character or visual of garage is the same as 1989 - see file for reasons on Section 75.9.

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

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- (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 decision is made under section 642, [...]

Hearing and Decision

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

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- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
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...

- (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(5), 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.

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.

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

<i>Major Home Based Business regulations</i>

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.

Development Officer's Determination

- 1. There is outdoor storage of material or equipment associated with the business. (Section 75.5)**
- 2. The Accessory building is used as a workshop in which change the principal character of the building. (Section 75.6)**
- 3. Manufacturing or fabricating trailers or metal-related products is more appropriate 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)**

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. 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: 267427900-001 Application Date: NOV 17, 2017 Printed: March 8, 2018 at 9:52 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Home Occupation</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 11508 - 140 STREET NW Plan 5080HW Blk 15 Lot 27 Specific Address(es) Suite: 11508 - 140 STREET NW Entryway: 11508 - 140 STREET NW Building: 11508 - 140 STREET NW		
Scope of Application To operate a Major Home Based Business (Inventing / Creating metal works - Area 51 Metalworks).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of business related visits/day: 1 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%; border: none; vertical-align: top;"> # of vehicles at one time: 2 Business has Trailers or Equipment?: Y Description of Business: building trailers, inventing, working with metals and hand tool in the rear detached garage. Expiry Date: </td> </tr> </table>		# of business related visits/day: 1 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: 2 Business has Trailers or Equipment?: Y Description of Business: building trailers, inventing, working with metals and hand tool in the rear detached garage. Expiry Date:
# of business related visits/day: 1 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: 2 Business has Trailers or Equipment?: Y Description of Business: building trailers, inventing, working with metals and hand tool in the rear detached garage. Expiry Date:		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1. There is outdoor storage of material or equipment associated with the business. (Section 75.5) 2. The Accessory building is used as a workshop in which change the principal character of the building. (Section 75.6) 3. Manufacturing or fabricating trailers or metal-related products is more appropriate 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) 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: Feb 08, 2018 Development Authority: LAI, ECHO Signature: _____			
THIS IS NOT A PERMIT			



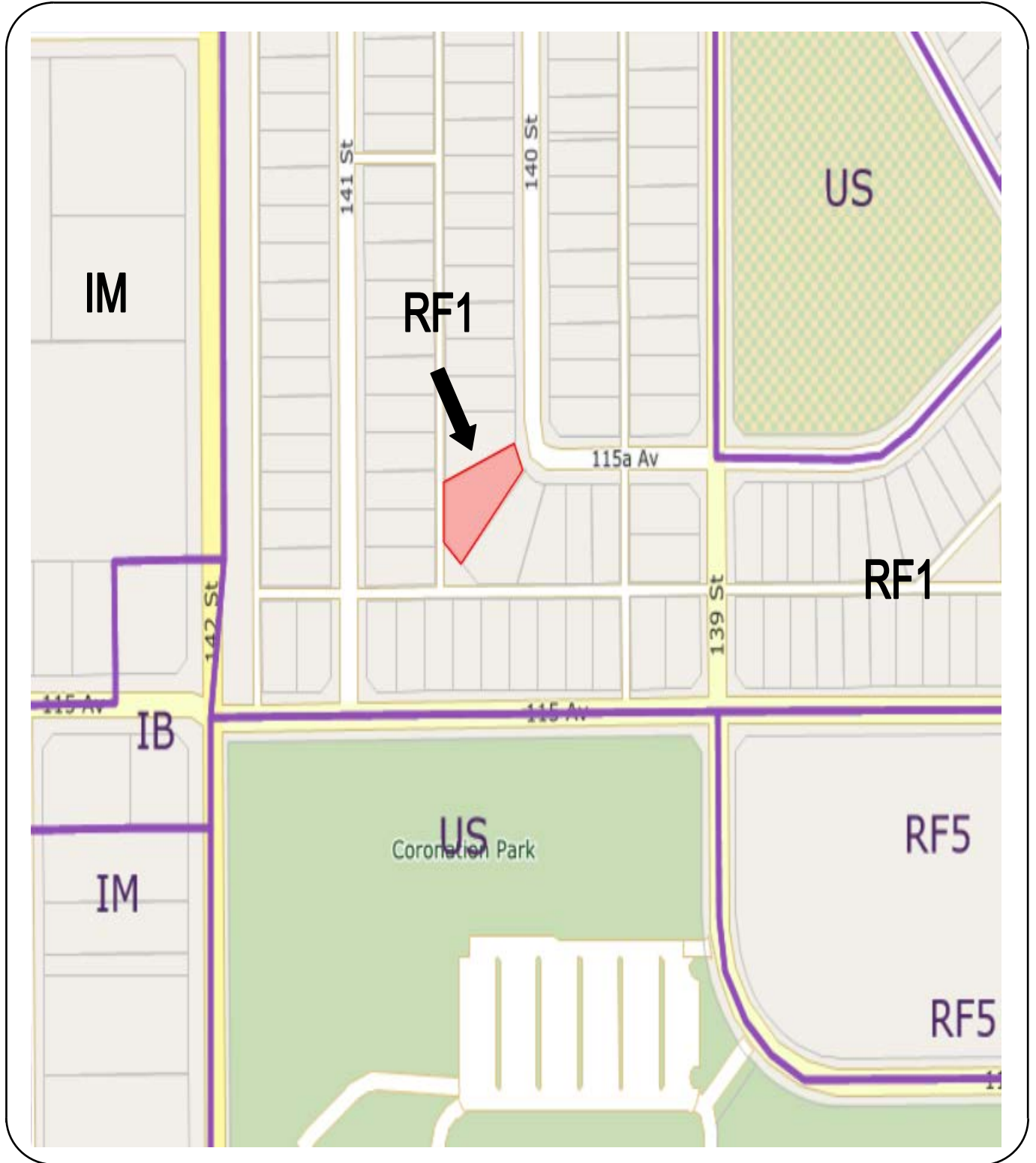
Application for Home Occupation

Project Number: **267427900-001**
Application Date: NOV 17, 2017
Printed: March 8, 2018 at 9:52 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$309.00	\$309.00	173028001001204V	Nov 17, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$309.00	<u>\$309.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-043



N