

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 2, 2017**

**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-17-047

To construct exterior alterations (reduce the size of the parkade and number of parking spaces provided) to an approved Apartment House (four Storey with underground parkade, 36 Dwellings)

10125 - 84 Avenue NW
Project No.: 176858707-014

II 11:00 A.M. SDAB-D-17-048

To operate a Major Home Based Business. (Bed and Breakfast - LAMAR GWALTNEY)

9629 - 84 Avenue NW
Project No.: 226112420-001

III 2:00 P.M. SDAB-D-17-046

To install a Freestanding Minor Digital Off-premises Sign (6.1 metres by 3.0 metres - facing East/West)

17104 - 90 Avenue NW
Project No.: 223071291-002

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-17-047

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

APPELLANT:

ADDRESS OF APPELLANT: 10117 – 84 Avenue NW

APPLICATION NO.: 176858707-014

APPLICATION TO: Construct exterior alterations (reduce the size of the parkade and number of parking spaces provided) to an approved Apartment House (four Storey with underground parkade, 36 Dwellings)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: January 13, 2017

DATE OF APPEAL: February 1, 2017

NOTIFICATION PERIOD: January 19, 2017 through February 2, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10125 - 84 Avenue NW

LEGAL DESCRIPTION: Plan 1523194 Blk 78 Lot 33

ZONE: DC2.922 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

This new development permit (variance) does not follow the directions from council.

General Matters

On December 1, 2016, the Subdivision and Development Appeal Board issued a decision approving an application to construct 36 Dwellings of Apartment Housing (4-Storeys with underground parking) and to demolish 4 existing Single Detached Houses and 3 detached Garages (SDAB-D-16-286).

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 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

...

- (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.

Designation of direct control districts

641(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

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*:

Under section 3(a), **Apartment Housing** is a **listed Use** in the DC2.922 (Bylaw 17399) Site Specific Development Control Provision.

Under section 7.2(1), **Apartment Housing** means:

means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

Section 1 states the **General Purpose** of the **DC2.922 (Bylaw 17399) Site Specific Development Control Provision** is:

to establish a Site Specific Development Control Provision to accommodate a low rise residential development that is compatible in Uses, scale and character with the surrounding neighbourhood.

<i>Parking</i>

Section 720.3(3) states all Regulations in the Zoning Bylaw shall apply to development in the Direct Control Provision, unless such Regulations are specifically excluded or modified in a Direct Control Provision.

Section 54.2, Schedule 1(A)(1) states Apartment Housing requires the following minimum Number of Parking Spaces or Garage Spaces:

	Minimum	Maximum	TOD minimum	TOD maximum
Bed Sitting Room	1	N/A	0.7	1
Bachelor Suite	1	N/A	0.7	1
1 Bedroom Dwelling	1	N/A	0.8	1
2 Bedroom Dwelling	1.5	N/A	1	1.5
3 or more Bedroom Dwelling	1.7	N/A	1.25	1.75
Visitor Parking	1 per 7 Dwellings	N/A	1 per 7 Dwellings	N/A

Where such Uses contain three or more dwelling units (or where Semi-Detached Housing, Duplex Housing, or Apartment Housing consisting of fewer than three dwelling units, comprise part of a Multi-Unit Project Development) and are located within 400

metres of an existing LRT station or a future LRT station with a Council-approved Concept Plan, within 400 metres of an existing Transit Centre or a future Transit Centre with a Council-approved Concept Plan, or within 100 metres of a Transit Avenue, the following minimum parking requirements and maximum parking requirements shall apply.

The visitor parking must be readily available to an entrance of the building and be clearly identified as visitor parking.

The Development Officer may accept Tandem Parking spaces of a number that is equivalent to the total required parking minus the total number of Dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem.

Development Officer's Determination

Parking - The site has 42 parking spaces instead of 54 (Section 54.2, Schedule 1).

Class B Discretionary Development

Section 12.4(1) states this class includes all developments for which applications are required and are for a Discretionary Use or require a variance to any of the regulations of this Bylaw. This class of Development Permit also includes all applications on Sites designated Direct Control not noted in Section 12.3.

Development Officer's Determination

The Site is designated Direct Control (DC2.922). Reference Section 12.4 of the Edmonton Zoning Bylaw 12800.

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: 176858707-014
Application Date: DEC 16, 2016
Printed: February 2, 2017 at 8:53 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 <div style="border: 1px solid black; width: 200px; height: 40px;"></div>	Property Address(es) and Legal Description(s) 10125 - 84 AVENUE NW Plan 1523194 Blk 78 Lot 33
	Specific Address(es) Entryway: 10125 - 84 AVENUE NW Building: 10125 - 84 AVENUE NW

Scope of Permit
To construct exterior alterations (reduce size of parkade and number of parking spaces provided) to an approved Apartment House (4 Storey with underground parkade, 36 Dwellings).

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)

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: **176858707-014**
 Application Date: DEC 16, 2016
 Printed: February 2, 2017 at 8:53 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. All conditions, notes and advisements from Development Permit 176858707-001 shall continue to apply to this site. Updated Urban Transportation Conditions and Advisements are below. If there is a conflict between a condition, note or advisement from Development Permit 176858707-001 and the below, the below shall take precedence.
3. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$102.00.

URBAN TRANSPORTATION CONDITIONS OF APPROVAL:

1. The proposed retaining wall bordering the underground parkade ramp must not exceed a height of 0.3 m for a distance of 3 m from the property line and no portion of the wall may encroach onto road right-of-way. Should the owner/applicant wish to increase this height, adequate sight line data must be provided to ensure vehicles can safely exit the parkade.
2. The proposed decorative screen wall and landscape planters must not exceed a height of 0.3 m for a distance of 3 m from the alley/driveway to ensure adequate sight lines can be met.
3. Any underground parking access card devices must be located on site, a minimum of 3 m inside the property line.
4. There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must contact to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant. Please contact Bonnie Fermanuk of Community Services (780-496-4960).
5. There may be utilities within 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 clearances as specified by the utility companies. Alberta One-Call (1-800-242 3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
6. 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
 - confirmation if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx

7. Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Planning and Engineering, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalks and boulevard will be inspected by Transportation Planning and Engineering prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

URBAN TRANSPORTATION ADVISEMENTS:

1. The existing connector sidewalks (4 total) adjacent to the subject site that tie into the City sidewalk from the south side of 84 Avenue should be removed and the boulevard restored to grass.
2. Prior to any permits (OSCAM / Hoarding Permits) being issued for work on road rights-of-way, the developer/applicant may be required to provide notification to surrounding property owners, residents, business owners and stakeholders, to the satisfaction of Sustainable Development and Transportation Planning and Engineering. The purpose of the notification is to advise the groups

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



Project Number: **176858707-014**
 Application Date: DEC 16, 2016
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Major Development Permit

identified of the scope of the proposed project and is to include general information about the project, the impacts on road rights-of-way, including anticipated construction timelines, closure of sidewalks and roadways, changes to street furniture and trees, affected by construction. Please note this requirement is for notification only. The developer/applicant is responsible for all costs associated with notification. For more information about the requirements related to the notification, please contact James Rocky (780-496-6878) of Transportation Planning and Engineering.

3. Garbage enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way.
4. Any advertising signs for the development must be located entirely within private property.
5. The Strathcona Neighbourhood is scheduled for Neighbourhood Renewal between 2019 and 2022. For more information, please contact Dale Lehman at 780-423-7441.

Variances

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

1. The Site is designated Direct Control (DC2.922). Reference Section 12.4 of the Edmonton Zoning Bylaw 12800.
2. Parking - The site has 42 parking spaces instead of 54 (Section 54.2, Schedule 1).

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: Jan 13, 2017 Development Authority: McLELLAN, ANDREW Signature: _____
 Notice Period Begins: Jan 19, 2017 Ends: Feb 02, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$102.00	\$102.00	03863358	Jan 16, 2017
Major Dev. Application Fee	\$340.00	\$340.00	03813691	Dec 16, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$442.00	\$442.00		

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

ITEM II: 11:00 A.M.

FILE: SDAB-D-17-048

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

APPELLANT:

ADDRESS OF APPELLANT: 9633 – 84 Avenue NW

APPLICATION NO.: 226112420-001

APPLICATION TO: Operate a Major Home Based Business.
(Bed and Breakfast - LAMAR GWALTNEY)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: January 16, 2017

DATE OF APPEAL: February 6, 2017

NOTIFICATION PERIOD: January 24, 2017 through February 7, 2017

RESPONDENT:

ADDRESS OF RESPONDENT: 9629 - 84 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9629 - 84 Avenue NW

LEGAL DESCRIPTION: Plan 1320860 Blk X Lot 10B

ZONE: RF2-Low Density Infill Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

It is unclear to me how an application like this would be passed without first consulting the community at large.

I did not build a house in this community so that I could be next to a hotel. This type of commercial use brings many types of people into the community that do not respect the community or neighbors and have no stake in keeping a neighborhood friendly and clean. I have frequently witnessed renters at this property, their kids and dogs running through adjacent properties, littering, and disposing of cigarette butts into Mill Creek and storm drains. As noted in the approval, there are NOT enough legal parking spacing to accommodate this type of business in the area and the constant extra coming and going adds more traffic and danger to the area for children in the form of cars as well as unknown transient people. Again, especially because the people coming and going have no connections to the neighbors or neighborhood. I feel a long term rental situation would be acceptable and would be better suited for the area. I am not in support of a hotel business here and I am not in support of breaking a bylaw to accommodate it.

<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.

(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,

- (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

...

- (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.

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*:

Under section 120.3(6), a **Major Home Based Business** is a **Discretionary Use** in the **RF2 Low Density Infill 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.

Under section 6.1(11), **Bed and Breakfast Operation** means a Dwelling where temporary sleeping accommodations, with or without meals, are provided for remuneration to members of the public

Section 120.1 state that the **General Purpose** of the **RF2 Low Density Infill Zone** is to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.

Parking

Section 54.2, Schedule 1(A)(8)(a) states Bed and Breakfast requires 1 parking space per guest room is required in addition to the parking required for the primary Dwelling.

Section 54.2, Schedule 1(A)(3) states Single Detached Housing requires 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space. Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.

Development Officer's Determination:

Parking - The Site has 3 parking spaces, instead of 4 (Section 54.2 and Schedule 1.8.a)

Major Home Based Business Regulations

75. Major Home Based Business


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 centimetres by 30.5 centimetres 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 Class 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 Garage Suite or 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 Garage Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.
-

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: 226112420-001 Application Date: JUL 14, 2016 Printed: February 6, 2017 at 2:53 PM Page: 1 of 3		
Home Occupation			
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 <div style="border: 1px solid black; width: 200px; height: 30px; margin: 10px auto;"></div>	Property Address(es) and Legal Description(s) 9629 - 84 AVENUE NW Plan 1320860 Blk X Lot 10B Specific Address(es) Suite: 9629 - 84 AVENUE NW Entryway: 9629 - 84 AVENUE NW Building: 9629 - 84 AVENUE NW		
Scope of Permit To operate a Major Home Based Business. (Bed and Breakfast - LAMAR GWALTNEY)			
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: 1 Business has Trailers or Equipment?: N Description of Business: Rental of basement suite short or long term. Bed and Breakfast. Airbnb. Expiry Date: 2022-01-16 00:00:00 </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: 1 Business has Trailers or Equipment?: N Description of Business: Rental of basement suite short or long term. Bed and Breakfast. Airbnb. Expiry Date: 2022-01-16 00:00:00
# 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: 1 Business has Trailers or Equipment?: N Description of Business: Rental of basement suite short or long term. Bed and Breakfast. Airbnb. Expiry Date: 2022-01-16 00:00:00		
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: 226112420-001
Application Date: JUL 14, 2016
Printed: February 6, 2017 at 2:53 PM
Page: 2 of 3

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. The number of non-resident employees or business partners working on-site shall not exceed two at any one time (Section 75.4).
5. The number of visits associated with the business shall not exceed the number approved 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 neighbourhood.
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. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
11. 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 ****January/16/2022****.
12. The number of temporary sleeping units for Bed and Breakfast on-site shall not exceed two. Cooking facilities are prohibited within temporary sleeping units. (Section 75.7).

Notes:

1. This Bed and Breakfast operation is within the Secondary Suite. It shall not be shared with the principal Dwelling.
2. The total maximum number of adults for this Bed & Breakfast operation is 4.
3. 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).
4. This Development Permit is not a Business License.
5. 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).

VariANCES

Parking - The Site has 3 parking spaces, instead of 4 (Section 54.2 and Schedule 1.8.a)

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: Jan 16, 2017 Development Authority: ANGELES, JOSELITO

Signature: _____

Notice Period Begins: Jan 24, 2017

Ends: Feb 07, 2017

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-048



ITEM III: 2:00 P.M.

FILE: SDAB-D-17-046

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 223071291-002

APPLICATION TO: Install a Freestanding Minor Digital Off-premises Sign (6.1 metres by 3.0 metres - facing East/West)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 2, 2017

DATE OF APPEAL: February 7, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17104 - 90 Avenue NW

LEGAL DESCRIPTION: Plan 8220508 Blk 30 Lot 9

ZONE: CSC-Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: Summerlea Neighbourhood Area Structure Plan

Grounds for Appeal

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

Sign has been approved at current location by transportation. Pole is outside setback. Previous development officer allowed overhang in setback. No issues with traffic ever.

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, or

...

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 12800*

Under section 320.3(34), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **CSC Shopping Centre Zone**.

Under section 7.9(6), **Minor Digital Off-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 Off-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 directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

Section 320.4(8) states “Signs shall comply with the regulations found in Schedule 59E.”

Section 320.1 states that the **General Purpose** of the **CSC Shopping Centre Zone** is:

...to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

Sign Regulations

Section 59E.3(5)(i) states proposed Signs with an Area greater than 8.0 square metres shall not be located within any Setback.

Section 320.4(3) states a minimum Setback of 6.0 metres shall be required where a Site abuts a public roadway, other than a Lane, or the property line of a Site in a Residential Zone.

Development Officer's Determination:

A minimum Setback of 6.0 metres shall be required where a Site abuts a public roadway, other than a Lane (Section 320.4(3)).

Proposed Minor Digital Off-premises Signs with an Area greater than 8.0 square metres shall not be located within any Setback (Section 59E.3(5)(i)).

Required Setback: 6 metres

Proposed Setback: 0.27 metres

Deficient by: 5.73 metres

The existing Minor Digital Off-premises Sign does not have a valid Development Permit, for the reason that it does not comply with the approved plans of Development Permit No.133066843-002 issued on April 16, 2013. See attachment 1.

Section 17.1 states that when a Development Permit Application has been approved by the Development Officer, the Development Permit shall not be valid unless and until, any conditions of approval, except those of a continuing nature, have been fulfilled.

<i>Schedule 59E of the Bylaw</i>

Schedule 59E.3(5) states:

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

- a. the maximum Height shall be 8.0 metres;
- b. the maximum Width shall be 8.0 metres;
- c. the maximum Area shall be:
 - i. ...
 - ii. 20.0 square metres 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 20.0 square metres;

- d. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 square metres or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 square metres or other Off-premises Sign
Greater than 8.0 m ² to less than 20 m ²	100 m
20 m ² to 40 m ²	200 m
Greater than 40 m ²	<u>300</u>

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

e. ...

f. ...

g. ...

h. ...


- i. proposed Signs with an Area greater than 8.0 square metres shall not be located within any Setback;

- j. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and

- k. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

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: 223071291-002 Application Date: NOV 22, 2016 Printed: February 2, 2017 at 2:12 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 <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 17104 - 90 AVENUE NW Plan 8220508 Blk 30 Lot 9
Scope of Application To install a Freestanding Minor Digital Off-premises Sign (6.1 m x 3 m -facing E/W).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 25000	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: 2 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) A minimum Setback of 6.0 m shall be required where a Site abuts a public roadway, other than a Lane (Section 320.4(3)). Proposed Minor Digital Off-premises Signs with an Area greater than 8.0 m ² shall not be located within any Setback (Section 59E.3(5)(i)). Required Setback: 6m Proposed Setback: 0.27m Deficient by: 5.73m The existing Minor Digital Off-premises Sign does not have a valid Development Permit, for the reason that it does not comply with the approved plans of Development Permit No.133066843-002 issued on April 16, 2013. See attachment 1. Section 17.1 states that when a Development Permit Application has been approved by the Development Officer, the Development Permit shall not be valid unless and until, any conditions of approval, except those of a continuing nature, have been fulfilled.	
THIS IS NOT A PERMIT	



Project Number: **223071291-002**
 Application Date: NOV 22, 2016
 Printed: February 2, 2017 at 2:12 PM
 Page: 2 of 2

Application for Sign Combo Permit

Rights of Appeal

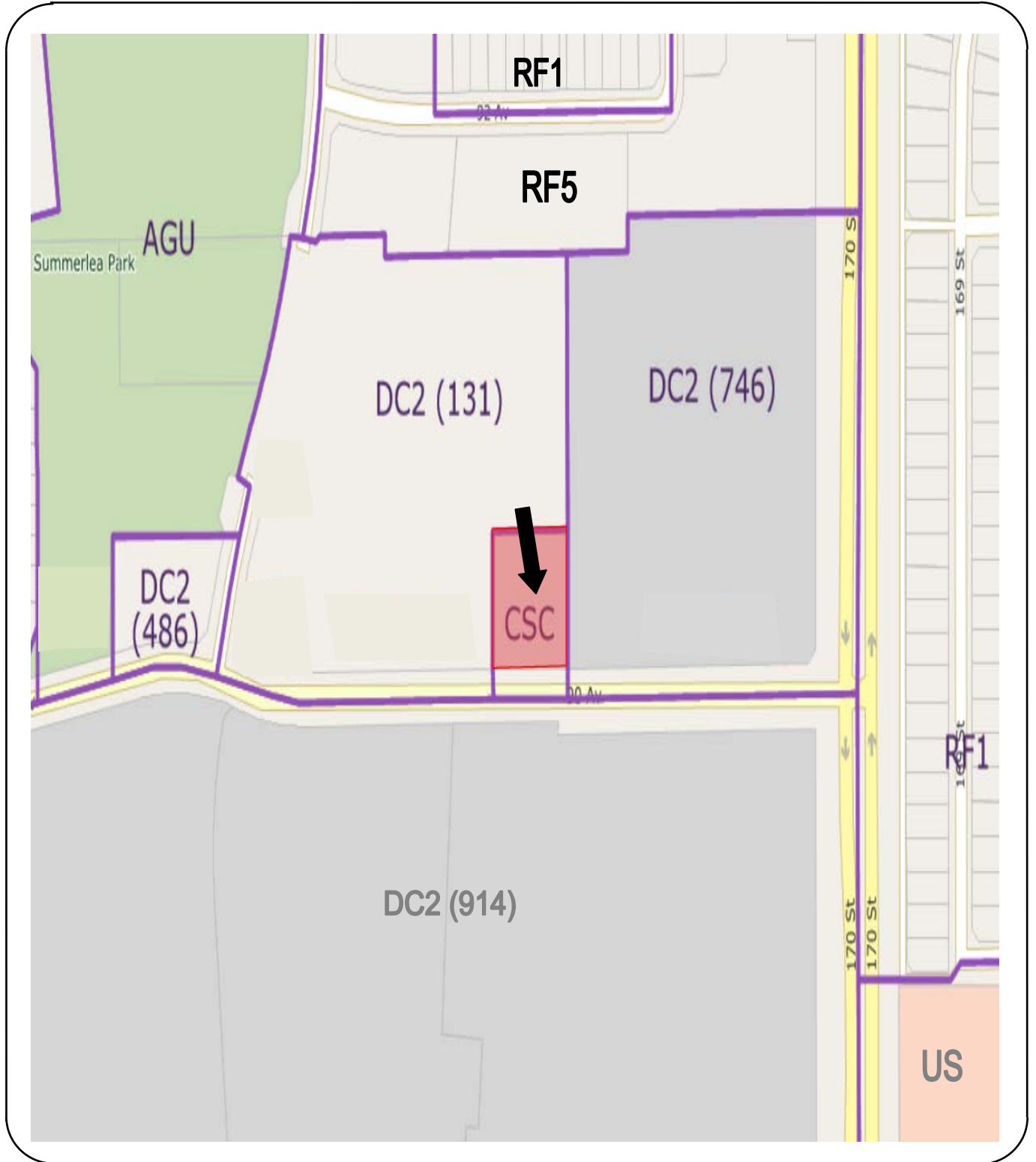
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Feb 02, 2017 **Development Authority:** AHUJA, SACHIN **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Dev Permit Penalty Fee	\$850.00	\$850.00	03765304	Nov 22, 2016
Sign Building Permit Fee	\$250.00	\$250.00	03765304	Nov 22, 2016
Existing Without Building Permit Penalty Fee	\$250.00	\$250.00	03765304	Nov 22, 2016
Safety Codes Fee	\$10.00	\$10.00	03765304	Nov 22, 2016
Sign Dev Appl Fee - Digital Signs	\$850.00	\$850.00	03765304	Nov 22, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,210.00	\$2,210.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-046

