

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
March 9, 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-16-071

To change the Use from General Retail Stores to Bar and Neighbourhood Pub and to construct interior alterations (115 sq. m. of Public Space / 70 seats - BLACK DIAMOND BAR AND GRILL)

11310 - 107 Avenue NW  
Project No.: 147624860-012

---

***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-16-071

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

APPELLANT:  
APPLICATION NO.: 147624860-012

ADDRESS OF APPELLANT: 10724 – 113 Street NW

APPLICATION TO: Change the Use from General Retail Stores to Bar and Neighbourhood Pub and to construct interior alterations (115 sq. m. of Public Space / 70 seats - BLACK DIAMOND BAR AND GRILL)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: February 11, 2016

DATE OF APPEAL: February 16, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 11310 - 107 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11310 - 107 Avenue NW

LEGAL DESCRIPTION: Plan 30HW Blk 13 Lot D

ZONE: CB1 Low Intensity Business Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: Central McDougall/Queen Mary Park Area Redevelopment Plan

---

<i><b>Grounds for Appeal</b></i>
----------------------------------

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

We wish to appeal the decision of the development Board because of the Variances and/or discretionary use your board has allowed. that

the site only has 8 parking spaces instead of 52 that it requires. We own and operate the building the building directly behind the property. In this building the Bricklayers Union occupy the bottom floor and Edmonton Immigrant Services are occupying the upper floor. Parking in our area is already a big concern, not only for our building but the entire neighborhood. Allowing them to use only 8 stalls when 52 are required would only compound to the traffic and parking situation that already exist in this area. We also have concerns with the conditions of the roads in which the extra traffic will not help the numerous potholes that already exist. Our last concern is a safety issue, there are quite a large number of multi family dwellings where a number of young families live. Adding more autos will be a safety factor for their children. [unedited]

***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.

**685(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (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 the Development Officer is dated February 11, 2106. The Notice of Appeal was filed on February 16, 2016.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Pursuant to Section 330.1, the **General Purpose** of the **CB1 Low Intensity Business Zone** is to

...provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Pursuant to Section 7.4(6), “**Bars and Neighbourhood Pubs**” means:

...development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site. This Use Class typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical Uses include neighbourhood pubs, bars, beverage rooms, and cocktail lounges.

Pursuant to Section 330.2, **Bars and Neighbourhood Pubs**, for less than 200 occupants and 240 m<sup>2</sup> of public space is a **Permitted Use** in the **CB1 Low Intensity Business Zone**.

***Parking Variance***

Pursuant to Section 54.2(14) Schedule 1, parking for Bars and Neighbourhood Pubs is as follows:

1 parking space per 3.0 m<sup>2</sup> of Public Space

**Development Officer’s Determination:**

Variances

Parking – The site has 8 parking spaces, instead of 52 (Section 54.2, Schedule 1) [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: 147624860-012  
Application Date: SEP 30, 2015  
Printed: March 3, 2016 at 4:06 PM  
Page: 1 of 4

### 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.

<b>Applicant</b>  BLACK DIAMOND BAR AND GRILL 	<b>Property Address(es) and Legal Description(s)</b> 11310 - 107 AVENUE NW Plan 30HW Blk 13 Lot D  <b>Specific Address(es)</b> Entryway: 11310 - 107 AVENUE NW Entryway: 11312 - 107 AVENUE NW Building: 11310 - 107 AVENUE NW
--	---

**Scope of Permit**  
To change the Use from General Retail Stores to Bar and Neighbourhood Pub and to construct interior and exterior alterations (115 sq. m. of Public Space / 70 seats - BLACK DIAMOND BAR AND GRILL).

<b>Permit Details</b>  Class of Permit: Class B Gross Floor Area (sq.m.): 194.17 New Sewer Service Required: N Site Area (sq. m.): 603.87	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 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: **147624860-012**  
 Application Date: SEP 30, 2015  
 Printed: March 3, 2016 at 4:06 PM  
 Page: 2 of 4

## Major Development Permit

### Subject to the Following Conditions

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

#### (1) TRANSPORTATION SERVICES CONDITIONS:

1. The proposed access door (adjacent to 107 Avenue) opens over road right-of-way. The owner/applicant must enter into an Encroachment Agreement with the City. The owner/applicant must call the General Compliance and Encroachment Line at 780-496-6153 for information on the agreement.
2. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. 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/bylaws\\_licences/licences\\_permits/oscam-permit-request.aspx](http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx)
3. Any alley or sidewalk damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.
4. 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](http://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.

#### ADVISEMENTS:

The Development Officer asked for Transportation Services opinion on the parking relaxation which is understood to be in the order of 44 parking stalls. The Development Officer has indicated that the on-site parking requirement for the building including this development is 52 parking spaces and 8 parking spaces are provided. This current application represents an increase of 40 spaces to the existing parking relaxation approved for this site.

In reviewing applications with parking variances, Transportation Services recognizes that although on-site parking is regulated by the Zoning Bylaw, there are ties between development related parking and the transportation system. Transportation Services refers to industry standard, local conditions and City Policies to identify potential impacts associated with the proposed parking variance.

Transportation Services has reviewed the parking variance justification form submitted by the applicant and understands that the actual parking demand associated with this business may be different from the parking requirements associated with the bylaw and that there are opportunities for shared-use parking and reduced mode-split to auto at this site. It is also noted that this is a recently constructed building and the number of on-site parking stalls associated with this development is fixed. Transportation Services notes that the Parking Management group is currently conducting an on-street parking study for the Queen Mary Park neighbourhood to address on-street parking management initiatives in the area. The study has not been finalized however, it is noted that on-street parking in the Queen Mary Park neighbourhood is at a premium.

#### (2) DEVELOPMENT REVIEW CONDITIONS :

The development shall comply to the Section 330 (CB1)Low Intensity Business Zone of the Edmonton Zoning Bylaw.

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Reference Section 330.4(5).

Immediately upon demolition/ alterations of the building, the site shall be cleared of all debris.

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)

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



Project Number: **147624860-012**  
 Application Date: SEP 30, 2015  
 Printed: March 3, 2016 at 4:06 PM  
 Page: 3 of 4

## Major Development Permit

All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. Reference Section 54.1(1) (c)

Parking spaces for the disabled shall be provided in accordance with the Alberta Building Code in effect at the time of the Development Permit application, for which no discretion exists and be identified as parking spaces for the disabled through the use of appropriate signage, in accordance with Provincial standards. Reference Section 54.1(3)

Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

**NOTES :**

- 1) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence. You must require Development and Building permit approvals prior to issue a Business Licence.
- 2) Signs require separate Development Applications.
- 3) 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.
- 4) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 5) A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 6) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

**Variations**

Parking - The site has 8 parking spaces, instead of 52 (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: Feb 11, 2016    Development Authority: SHAH, NIKHIL    Signature: \_\_\_\_\_  
 Notice Period Begins: Feb 18, 2016    Ends: Mar 02, 2016

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$316.00	\$316.00	02788393	Sep 30, 2015

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





Project Number: **147624860-012**  
Application Date: SEP 30, 2015  
Printed: March 3, 2016 at 4:06 PM  
Page: 4 of 4

## Major Development Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
DP Notification Fee	\$100.00	\$100.00	02788393	Sep 30, 2015
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$416.00	\$416.00		

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



**SURROUNDING LAND USE DISTRICTS**

Site Location 

File: SDAB-D-16-071



**BUSINESS LAID OVER**

SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>
SDAB-D-16-048	An appeal to construct a Freestanding Off-premises Sign <i>March 9 or 10, 2016</i>
SDAB-D-16-049	An appeal to develop a Parking Area Accessory to an existing Apartment House. <i>March 9 or 10, 2016</i>
SDAB-D-16-050	An appeal to install (1) Fascia On-premises Sign (Boardwalk) <i>March 16, 2016</i>
SDAB-D-16-062	An appeal to operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors). <i>March 23, 2016</i>
SDAB-D-16-501	An appeal to demolish an existing building. <i>March 30 or 31, 2016</i>

**APPEAL HEARINGS TO BE SCHEDULED**

--	--