

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
November 23, 2016**

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

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

TO BE RAISED

I 9:00 A.M. SDAB-D-16-252 Operate a Major Home Based Business (Filling Sandbags: Sandbags.ca)
1951 - 232 Avenue NE
Project No.: 227828340-001

TO BE RAISED

II 10:30 A.M. SDAB-D-16-264 Construct exterior alterations to an approved Accessory Building (rear detached Garage, 7.3 m x 6.1 m)
10927 - 97 Street NW
Project No.: 176981065-003

III 1:30 P.M. SDAB-D-16-298 Skyline Sign Service Ltd.
Install (1) Fascia On-premises Sign (MERCER TAVERN)
10363 - 104 Street NW
Project No.: 231127978-001

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-252

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 227828340-001

APPLICATION TO: Operate a Major Home Based Business
(Filling Sandbags: Sandbags.ca)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 2, 2016

DATE OF APPEAL: September 17, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 1951 - 232 Avenue NE

LEGAL DESCRIPTION: Plan 9723204 Lot 4A

ZONE: (AG) Agricultural Zone

OVERLAY: N/A

STATUTORY PLAN: Edmonton Energy and Technology Park
Area Structure Plan

Grounds for Appeal

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

I am appealing this decision based on the fact that the filling of the sandbags only takes place from July to October and it is being done inside our property. As noted in the inspection there is sufficient fencing and tress that neighbouring residents will not be disturbed at all. If standing on outside and looking in to the property you cannot see the sandbags. A bobcat is being used move pallets around and sandbags are being filled by hand, no machine is being used. We will be able to also provide a letter of support from our neighbours as there is not disturbance to them.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board, at a hearing on October 13, 2016, made and passed the following motion:

"That the hearing for SDAB-D-16-252 be TABLED to a later date at the written request of the Appellant and with the agreement of Mr. G. Penney, representing an affected property owner and with the agreement of Mr. B. Liang and Mr. M. Doyle, the Development Officers. The hearing will be scheduled for November 23 or November 24, 2016."

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

...

The decision of the Development Officer is dated September 2, 2016. The Notice of Appeal was filed on September 17, 2016.

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 610.3(3), a **Major Home Based Business** is a **Discretionary Use** in the (AG) Agricultural Zone.

Under sections 610.2 and 610.3, a **General Industrial Use** is **neither** a Permitted Use **nor** a Discretionary Use in the (AG) Agricultural 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 7.5(2), **General Industrial Uses** means:

development used principally for one or more of the following activities:
the processing of raw materials;

- a. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- b. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- c. the storage or transshipping of materials, goods and equipment;
- d. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- e. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Section 610.1 state that the **General Purpose** of the (AG) **Agricultural Zone** is:

...to conserve agricultural and rural land use activities.

Development Officer's Determination:

1. Section 610 - The Development Authority determines this use to be a General Industrial Use, which is neither a Permitted nor a Discretionary Use in the AG Agricultural Zone.

The proposed use should be considered a General Industrial Use because the proposed development will be used primarily for the processing of sand, and the manufacturing, storage and transshipping of sandbags. [unedited].

Major Home Based Business Regulations

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 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.

Development Officer's Determination:

2. **Section 75(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.**

Since the proposed use should be classified as a General Industrial Use and the proposed Major Home Based Business would not meet 4 regulations of Section 75, it is in the opinion of the Development Officer that such use is more appropriately located in an Industrial Zone.

3. **Section 75(4) - the number of non-resident employees or business partners working on-site shall not exceed two at any one time.**

The business employs 7-8 persons at the one time on the property to process sand and manufacture sandbags.

4. **Section 75(5) - there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business.**

Approximately 390 pallets of sandbags (totalling 21,450 sandbags weighing 386,100 kg) was stored outside during an inspection on August 28, 2016. Tandem trucks (28 cubic yards) transport sand into the property and flat-bed trucks move sandbags off the property. The amount of outdoor business activity is considered excessive for a Major Home Based Business.

5. **Section 75(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.**


Tandem trucks (28 cubic yards) and flat-bed trucks move materials and products on-and-off the property. A bobcat and a sandbag filling machine is used to process sand and manufacture sandbag. The business uses industrial equipment and vehicles, which creates external noise. There are 2 Single Detached Houses that front onto 232 Avenue NE.

6. Section 75(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.

Up to 8 vehicles from employees enter and exit the property per day. Tandem trucks (28 cubic yards) and flat-bed trucks move materials and products on-and-off the property. The industrial nature of the traffic generated by this business is considered uncharacteristic of an Agricultural Zone. [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: 227828340-001 Application Date: AUG 09, 2016 Printed: September 2, 2016 at 3:58 PM Page: 1 of 3
<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) 1951 - 232 AVENUE NE Plan 9723204 Lot 4A
	Specific Address(es) Entryway: 1951 - 232 AVENUE NE Building: 1951 - 232 AVENUE NE
Scope of Application To operate a Major Home Based Business (Filling Sandbags – Sandbags.ca)	
Permit Details	
# of business related visits/day: 5 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: Y	# of vehicles at one time: 2 Business has Trailers or Equipment?: Y Description of Business: Filling sandbags Expiry Date:
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
THIS IS NOT A PERMIT	



Project Number: 227828340-001
Application Date: AUG 09, 2016
Printed: September 2, 2016 at 3:58 PM
Page: 2 of 3

Application for Home Occupation

Reason for Refusal

1. Section 610 - The Development Authority determines this use to be a General Industrial Use, which is neither a Permitted nor a Discretionary Use in the AG Agricultural Zone.

The proposed use should be considered a General Industrial Use because the proposed development will be used primarily for the processing of sand, and the manufacturing, storage and transshipping of sandbags.

2. Section 75(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.

Since the proposed use should be classified as a General Industrial Use and the proposed Major Home Based Business would not meet 4 regulations of Section 75, it is in the opinion of the Development Officer that such use is more appropriately located in an Industrial Zone.

3. Section 75(4) - the number of non-resident employees or business partners working on-site shall not exceed two at any one time.

The business employs 7-8 persons at the one time on the property to process sand and manufacture sandbags.

4. Section 75(5) - there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business.

Approximately 390 pallets of sandbags (totalling 21,450 sandbags weighing 386,100 kg) was stored outside during an inspection on August 28, 2016. Tandem trucks (28 cubic yards) transport sand into the property and flat-bed trucks move sandbags off the property. The amount of outdoor business activity is considered excessive for a Major Home Based Business.

5. Section 75(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.

Tandem trucks (28 cubic yards) and flat-bed trucks move materials and products on-and-off the property. A bobcat and a sandbag filling machine is used to process sand and manufacture sandbag. The business uses industrial equipment and vehicles, which creates external noise. There are 2 Single Detached Houses that front onto 232 Avenue NE.

6. Section 75(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.

Up to 8 vehicles from employees enter and exit the property per day. Tandem trucks (28 cubic yards) and flat-bed trucks move materials and products on-and-off the property. The industrial nature of the traffic generated by this business is considered uncharacteristic of an Agricultural Zone.

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: Sep 02, 2016 Development Authority: LIANG, BENNY

Signature: _____

THIS IS NOT A PERMIT



Project Number: **227828340-001**
Application Date: AUG 09, 2016
Printed: September 2, 2016 at 3:58 PM
Page: 3 of 3

Application for Home Occupation

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03508053	Aug 09, 2016
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$297.00	\$297.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-252



TO BE RAISED
ITEM II: 10:30 A.M.

FILE: SDAB-D-16-264

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176981065-003

APPLICATION TO: Construct exterior alterations to an approved Accessory Building (rear detached Garage, 7.3 metres by 6.1 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 26, 2016

DATE OF APPEAL: October 3, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10927 - 97 Street NW

LEGAL DESCRIPTION: Plan ND Blk 34 Lot 26

ZONE: DC1 (Area 5) Northwest McCauley Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Boyle Street / McCauley Area Redevelopment Plan

Grounds for Appeal

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

The Phoiographic Arts Society of Alberta (Camera Club) is an organization with over 100 members. Because of the large membership a larger building is required to perform all their activities. The reason they are exceeding the height restrictions of 3.7m is that lighting equipment that will be installed requires the extra .5m.

The reason that 14% of the area is required is that more members would be able to work together on their projects. Some properties in the area exceed the height and area requirements. We feel this building will be accepted and approved by residents in this area.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board, at a hearing on October 26, 2016, made and passed the following motion:

"That the hearing for SDAB-D-16-264 be tabled to November 23 or 24, 2016, at the written request of the Appellant and with the verbal consent of the Development Authority."

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

...

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.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject DC site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning 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 DC1 (Area 5) Northwest McCauley Direct Development Control Provision

Under section 8.4.16.3.10, **Single Detached** and Duplex **Housing** where lawfully existing on a site in this District on the effective date of this Bylaw on the same site only, is a **listed Use** in the DC1 (Area 5) Northwest McCauley Direct Development Control Provision.

Section 8.4.16.2 states that the **Rationale** of the **DC1 (Area 5) Northwest McCauley Direct Development Control Provision** is:

...To provide for a District which will promote the conservation and rehabilitation of the existing housing stock until this area is redeveloped for low intensity business uses in order to achieve the intent of Section 7.2.3 of this Plan.

General Provisions from the Edmonton Land Use Bylaw 5996

Under section 9.1(2), **Accessory** means, “when used to describe a use or building, a use or building naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.”

Under section 9.1(25), **Garage** means “an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

Under section 9.1(28), **Height** means:

when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

- a) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
- b) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 m (4.9 ft.) above the maximum permitted building Height of the District.”

Under section 9.1(14), **Site Coverage** means:

the total horizontal area of all buildings or structures on a site which are located at or higher than 1.0 m (3.28 ft.) above grade, including accessory buildings or structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the site. This definition shall not include:

- a) steps, eaves, cornices, and similar projections;
- b) driveways, aisles and parking lots unless they are part of a parking garage which extends 1.0 m (3.28 ft.) or more above grade; or
- c) unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m (3.28 ft.) above grade.

Under section 9.1(16), **District** means:

a specific group of listed Use Classes and Development Regulations which regulate the use and development of land within specific geographic areas of the City. The Use Classes and Development Regulations are contained in Parts II, IV and V of this Bylaw, and may be subject to the regulations contained in Part I of this Bylaw, while the geographic areas to which they apply are shown on the Land Use District Map, comprising Part III of the Bylaw.

Development Criteria of the DCI (Area 5) Northwest McCauley Direct Development Control Provision

Section 8.4.16.4 states:

The following criteria shall apply to the prescribed uses pursuant to Section 710.4 of the Land Use Bylaw.

Section 8.4.16.4.2 states “The maximum building height shall not exceed 12 m (39.4 ft.) nor 3 storeys.”

Section 8.4.16.4.8 states:

Development in this district shall be evaluated with respect to compliance with the General Development Regulations of Sections 50 to 79 inclusive, of the Land Use Bylaw.

Accessory Buildings in Residential Districts of the Edmonton Land Use Bylaw 5996

Section 61.3(2) states “In a Residential District an Accessory Building or Structure shall not exceed 3.7 m (12.0 ft.) nor one storey in Height, except as provided in Sections 61.4 and 61.5.”

Section 61.3(3) states “In a Residential District the site coverage of Accessory Buildings or Structures shall not exceed 12%, except for the RPL District, where the site coverage shall not exceed 15%.”

Accessory Buildings in Non-residential Districts of the Edmonton Land Use Bylaw 5996

Section 61.2(1) states “In any District other than a Residential District, an Accessory Building or Structure is subject to the Development Regulations for that District.”

Development Officer’s Determination:

1. An Accessory Building shall not exceed 3.7 m (Section 61.3.2 of the Land Use Bylaw 5996).


**Proposed Height = 4.2 m
Exceeds by = +0.5 m**

2. The Site Coverage of Accessory Buildings shall not exceed 12% (Section 61.3.3 of the Land Use Bylaw 5996).

**Proposed Site Coverage = 14%
Exceeds by = +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*.

	<p style="text-align: right;">Project Number: 176981065-003 Application Date: SEP 02, 2016 Printed: September 26, 2016 at 3:27 PM Page: 1 of 2</p>																				
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">Accessory Building Development and Building Permit</h1>																					
<p>This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit</p>																					
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 10927 - 97 STREET NW Plan ND Blk 34 Lot 26</p> <hr/> <p>Location(s) of Work Entryway: 10927 - 97 STREET NW Building: 10927 - 97 STREET NW</p>																				
<p>Scope of Application To construct exterior alterations to an approved Accessory Building (rear detached garage, 7.3 m x 6.1 m)</p>																					
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Building Area (sq. ft.): 480 Stat. Plan Overlay/Annex Area: Boyle Street/McCauley </td> <td style="width: 50%; border: none;"> Class of Permit: Class B Type of Accessory Building: Detached Garage (010) </td> </tr> </table> <p>I/We certify that the above noted details are correct. Applicant signature: _____</p>		Building Area (sq. ft.): 480 Stat. Plan Overlay/Annex Area: Boyle Street/McCauley	Class of Permit: Class B Type of Accessory Building: Detached Garage (010)																		
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<p>Development Application Decision Refused</p> <p>Reasons for Refusal</p> <p>1. An Accessory Building shall not exceed 3.7 m (Section 61.3.2 of the Land Use Bylaw 5996).</p> <p style="margin-left: 40px;">Proposed Height = 4.2 m Exceeds by = +0.5 m</p> <p>2. The Site Coverage of Accessory Buildings shall not exceed 12% (Section 61.3.3 of the Land Use Bylaw 5996).</p> <p style="margin-left: 40px;">Proposed Site Coverage = 14% Exceeds by = +2%</p> <p>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.</p>																					
<p>Issue Date: Sep 26, 2016 Development Authority: LIANG, BENNY Signature: _____</p>																					
<p>Fees</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">03579702</td> <td style="text-align: right;">Sep 06, 2016</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$108.00</td> <td style="text-align: right;">\$108.00</td> <td style="text-align: right;">03579702</td> <td style="text-align: right;">Sep 06, 2016</td> </tr> <tr> <td>Building Permit Fee</td> <td style="text-align: right;">\$102.00</td> <td style="text-align: right;">\$102.00</td> <td style="text-align: right;">03579702</td> <td style="text-align: right;">Sep 06, 2016</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$4.50	\$4.50	03579702	Sep 06, 2016	Dev. Application Fee	\$108.00	\$108.00	03579702	Sep 06, 2016	Building Permit Fee	\$102.00	\$102.00	03579702	Sep 06, 2016
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Dev. Application Fee	\$108.00	\$108.00	03579702	Sep 06, 2016																	
Building Permit Fee	\$102.00	\$102.00	03579702	Sep 06, 2016																	
<p>THIS IS NOT A PERMIT</p>																					



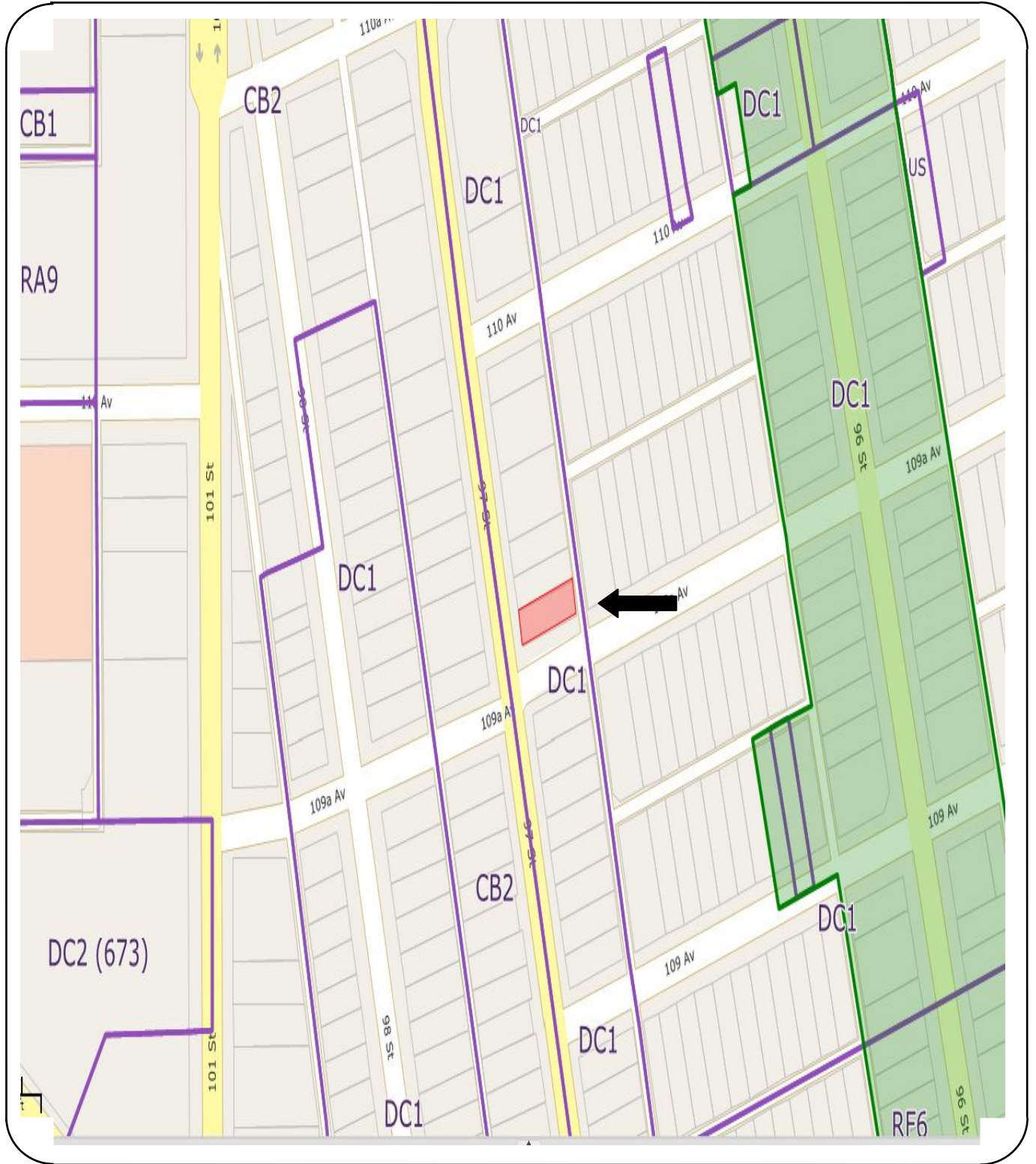
Project Number: **176981065-003**
Application Date: SEP 02, 2016
Printed: September 26, 2016 at 3:27 PM
Page: 2 of 2

Application for Accessory Building Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$41.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$255.50	\$214.50		
(\$41.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-264



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-298

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 231127978-001

APPLICATION TO: Install (1) Fascia On-premises Sign
(MERCER TAVERN)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 19, 2016

DATE OF APPEAL: November 1, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10363 - 104 Street NW

LEGAL DESCRIPTION: Plan NB1 Blk 3 Lots 187-188

ZONE: (HA) Heritage Area Zone

OVERLAY: Special Area Downtown

STATUTORY PLAN: Capital City Downtown Plan

Grounds for Appeal

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

There are existing on premise fascia signs on the building as well as on adjacent buildings. The sign would be oriented to pedestrian traffic as well as vehicular traffic along 104 ave, heading westbound. The architectural design and finish of the sign will be a "retro" look that is similar to the existing projecting signs on the building as well it will have scintillating lights that will match an existing sign that is part of the neon museum on the Telus building across the street. The sign is also of the same design as an existing fascia sign on the south side of the building.

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*:

Fascia On-premises Signs are **neither** a Permitted Use **nor** a Discretionary Use in the (HA) Heritage Area Zone, sections 910.7(2) and 910.7(3) respectively.

Under section 7.9(2), **Fascia On-premises Signs** means:

any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. The Copy on such a Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Section 910.7(1) states that the **General Purpose** of the **(HA) Heritage Area Zone** is:

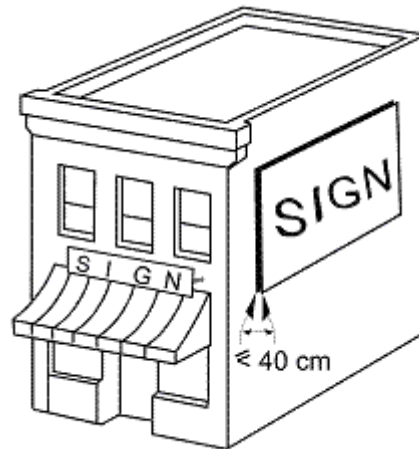
...to establish a special heritage character Zone, in which the existing concentration of historical resources shall be preserved, rehabilitated and reused, and to ensure new developments are pedestrian friendly and compatible in scale, function, built form and design continuity with the historical, architectural and urban village character of the area.

Section 910.1 states that the **General Purpose** of the **Downtown Special Area** designation is:

to designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.

Under section 6.2(7), **Fascia Signs** means:

any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed, so that the Sign does not extend more than 40 cm out from the wall or structure nor beyond the horizontal limits of the wall. Fascia Signs may or may not be permanent. This definition includes banners or any other two dimensional medium;



Sign Regulations

Section 910.7(4)(g) states “Signs shall comply with the regulations found in Schedule 59H.”

Schedule 59H.2(1)(c) states “the visual harmony and compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development.”


Schedule 59H.2(1)(d) states “any relevant development criteria or conditions applying to a Site as a result of its designation as a historical resource under the Historical Resources Act, 2000, or listed on the Inventory of Historical Resources of Edmonton in consultation with the City of Edmonton Heritage Planner.”

Development Officer’s Determination:

- 1. Fascia On-premises Signs are neither listed as a Permitted or Discretionary Use in the HA Zone (Heritage Area Zone). (Reference Section 910.7(2) and (3)).**
 - 2. The proposed Fascia On-premises Sign is not located in traditional signage locations to be oriented to pedestrians (first storey, pedestrian facing), not compatible or integrated with the architectural finish of the development and the design, location and appearance of other signs on the development (Reference Section 59H.2(1)(c) and 59H.2(1)(d)). [unedited].**
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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: 231127978-001 Application Date: SEP 22, 2016 Printed: October 19, 2016 at 4:22 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	Property Address(es) and Legal Description(s) 10363 - 104 STREET NW Plan NB1 Blk 3 Lots 187-188
	Location(s) of Work Entryway: 10363 - 104 STREET NW Building: 10363 - 104 STREET NW
Scope of Application To install (1) Fascia On-premises Sign (MERCER TAVERN).	
Permit Details	
ASA Sticker No./Name of Engineer: 6161 Construction Value: 5500	Class of Permit: (none) Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 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. Fascia On-premises Signs are neither listed as a Permitted or Discretionary Use in the HA Zone (Heritage Area Zone). (Reference Section 910.7(2) and (3)). 2. The proposed Fascia On-premises Sign is not located in traditional signage locations to be oriented to pedestrians (first storey, pedestrian facing), not compatible or integrated with the architectural finish of the development and the design, location and appearance of other signs on the development (Reference Section 59H.2(1)(c) and 59H.2(1)(d)).	
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: Oct 19, 2016 Development Authority: LEE, RACHEL	Signature: _____
THIS IS NOT A PERMIT	



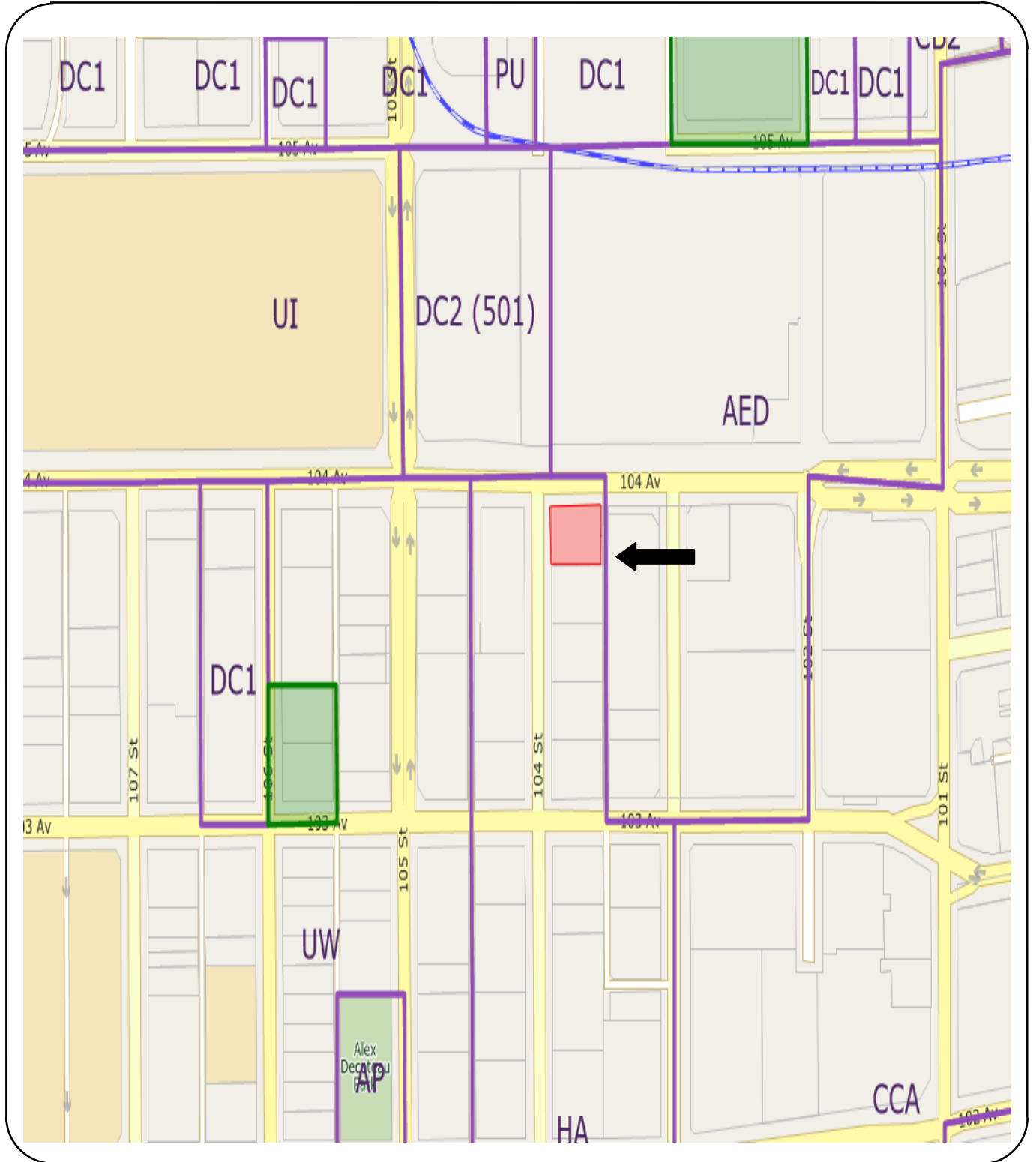
Project Number: **231127978-001**
Application Date: SEP 22, 2016
Printed: October 19, 2016 at 4:22 PM
Page: 2 of 2

Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Building Permit Fee	\$149.00	\$149.00	03638289	Sep 28, 2016
Sign Development Application Fee	\$87.00	\$87.00	03638289	Sep 28, 2016
Safety Codes Fee	\$5.96	\$5.96	03638289	Sep 28, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$241.96	\$241.96		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-16-298



N

BUSINESS LAID OVER

SDAB-D-16-273	An appeal by <u>Olga Hagodnik</u> to construct an addition (3.33m x 7.39m carport) to a Single Detached House, existing without permits. <i>November 30 or December 1, 2016</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>
SDAB-D-16-293	An appeal by <u>Pattison Outdoor Advertising</u> to install (1) Freestanding Off-premises Sign (3.0m x 6.1m facing North) (PATTISON) <i>December 1, 2016</i>
SDAB-D-16-144	An appeal by <u>Anna Bashir</u> to erect a Privacy Screen 8ft in height along the Southwest portion of the property, along a Required Side Yard. <i>December 7, 2016</i>
SDAB-D-16-263	An appeal by <u>Alexander Tilley</u> to erect a fence higher than 1.2 m in a Side Yard abutting a public roadway other than a lane. <i>December 7 or 8, 2016</i>
SDAB-D-16-293	An appeal by <u>Vishal Aggarwal</u> to change the Use of a General retail Store to a Major Alcohol Sales. <i>January 11, 2017</i>
SDAB-D-16-294	An appeal by <u>Wigalo Holdings Ltd.</u> to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18 or 19, 2016</i>
SDAB-D-16-295	An appeal by <u>Wigalo Holdings Ltd.</u> to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18 or 19, 2016</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>January 25, 2017</i>

APPEAL HEARINGS TO BE SCHEDULED

182548244-007	An appeal by <u>Stephanie Chan VS Deborah & Terence Nekolaichuk</u> to construct an Accessory Building (Shed, 3.20 metres by 3.12 metres), existing without permits <i>December 7 or 8, 2016</i>
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BUSINESS LAID OVER CONTINUED**APPEAL HEARINGS TO BE SCHEDULED- Continued**

128010578-001	An appeal by <u>Jeffrey Jirsch VS Anna Bashir</u> to erect a Privacy Screen 8ft in height along the Southwest portion of the property, along a Required Side Yard <i>December 7 or 8, 2016</i>
228839673-001	An appeal by <u>C. Jorritsma</u> to park a Recreational Vehicle in the Front Yard of a Single Detached House. <i>December 7 or 8, 2016</i>
182548244-007	An appeal by <u>D. and T. Nikolaichuk</u> to construct an Accessory Building (Shed, 3.20 m x 3.12 m), existing without permits. <i>December 7 or 8, 2016</i>