

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
October 25, 2017**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

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I 9:00 A.M. SDAB-D-17-193

To install (1) Fascia Minor Digital On-premises  
Off-premises Sign

6024 - Gateway Boulevard NW  
Project No.: 239130502-001

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II 10:30 A.M. SDAB-D-17-194

To construct exterior alterations to a Single  
Detached House (construct new Parking Area in  
Side Yard and Driveway access to 102 Street)

12904 - 102 Street NW  
Project No.: 255312636-001

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III 1:30 P.M. SDAB-D-17-195

To change the Use of a portion of an existing  
building from General Industrial to a Specialty  
Foods Service Use (9 square metres of Public  
Space - Boss Pizza and Roti on Wheel)

10404 - 64 Avenue NW  
Project No.: 256829518-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-193

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 239130502-001

APPLICATION TO: Install (1) Fascia Minor Digital On-premises Off-premises Sign

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 14, 2017

DATE OF APPEAL: September 28, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6024 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 4980MC Blk 79

ZONE: (IH) Heavy Industrial 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:

The Applicant respectfully requests that the permit application be granted for at least the reasons given below. The Applicant (Lumican Corp.) is a small Canadian company who specializes in selling and installing Canadian-made LED lighting. The proposed development is this company's first sign, and due to inadvertence the sign has already been installed though not energized. Variance should be granted because a) the development is consistent with its surroundings, b) the development will not contribute to the proliferation of signs, and c) the development is consistent with the Calgary Trail Land Use Study.

The proposed development, namely a fascia-mounted minor digital sign, is consistent with the scale and architectural character of the supporting

building and the land use characteristics of the surrounding development, which is a heavy industrial (IH) zone consisting of strip malls and industrial warehouses. The present zone is not in close proximity with any residential properties or zones.

Regarding the first reason for refusal, the Applicant requests variance of section 59G.3(5)(d) and 59G.3(6)(e) of the bylaw to permit the sign to be installed 65m away from a minor digital off-premises sign towards the NE. The Applicant has committed to making the permit conditional upon removal of the freestanding static off-premises sign 42m to the south and located on the same parcel of land owned by Applicant. Thus, the proposed sign fails to lead to a proliferation of signs, because the development creates no net increase in signs within the zone. Moreover, the proposed development is on the opposite side of the road of the sign 65m to the north east, and is still close enough (165m) to the next closest sign of relevance to the south such that no gap is created for a further sign to be installed to the south without violating the 100m minimum separation distance between signs. The sign will also be dedicated in part to providing on-premises advertising, which reduces impact upon neighbouring properties and provides a direct benefit to consumers. Thus, the proposed development will neither unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring properties. Travelers who frequent the zone are accustomed to seeing digital signs in close proximity to one another, with one example of this being the sign 65m to the north east, as such sign is approximately 5m from a fascia-mounted minor digital sign. By contrast, a refusal will create unnecessary hardship and practical difficulties to the Applicant as the present fascia sign that is the subject of the proposed development will need to be removed, the wall will need to be repaired, and the custom fabricated digital sign frame will be rendered useless. In addition, the sign cannot be moved further south without losing its character as a fascia sign, because the sign is already located on the far south end of the building. A fascia sign differs from a freestanding sign in that a consumer is inherently more likely to associate advertising on a fascia sign as being located within the building supporting the fascia sign. The Applicant is a small Canadian company who would like to leverage the increased visual appeal and customer draw effect of a fascia sign to advertise its business. A refusal will thus cause further unnecessary hardship to the Applicant because the Applicant will lose the benefit of a fascia on-premises sign.

Regarding the second reason for refusal, the Applicant submits that the proposed development is consistent with section 3.4(b)(ii) of the Calgary Trail Land Use Study, and at any rate the Board is not bound by the study. The Calgary Trail Land Use Study does not forbid fascia signs - by contrast the study encourages the Applicant's proposal to replace an old static sign with a newer, modern, minor digital sign. The study also does not apply to the proposed development, which restricts "freestanding billboards", which does not describe the Applicant's proposed fascia on-premises off-premises sign. Finally, the study is not a statutory plan and thus the Board is not bound by the study.

Thus, for the reasons given above, Applicant requests variance and the granting of the sign permit application in question.

***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.

**Definitions**

**616(dd)** In this Part,

“statutory plan” means an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4.

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

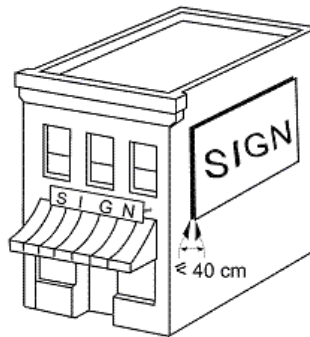
Under section 430.3(17), **Minor Digital On-premises Off-premises Signs** is a **Discretionary Use** in the (IH) Heavy Industrial Zone.

Under section 7.9(7), **Minor Digital On-premises 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 On-premises 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 may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

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;



Section 430.4(8) states “Signs shall comply with the regulations found in Schedule 59G.”

Section 430.1 states that the **General Purpose** of the **(IH) Heavy Industrial Zone** is:

to provide for industrial Uses that, due to their appearance, noise, odour, risk of toxic emissions, or fire and explosion hazards are incompatible with residential, commercial, and other land Uses. This Zone should normally be located on the interior of industrial or agricultural areas, such that it does not interfere with the safety, Use, amenity or enjoyment of any surrounding Zones.

***Schedule 59G Sign Regulations***

Schedule 59G.3(6) states:

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

- a. proposed Signs are prohibited in the civic centre area bounded by 105 Avenue to the north, the North Saskatchewan River Valley to the south, 97 Street to the east, and 100 Street to the west;
- b. the maximum Height shall be 8.0 m;
- c. the maximum Width shall be 16.0 m;
- d. the maximum Area shall be:
  - i. 65.0 m<sup>2</sup>, to a maximum of 25% wall coverage for proposed Signs that are Fascia Signs; or
  - ii. 65.0 m<sup>2</sup> 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 65.0 m<sup>2</sup>;

- e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Sign as follows:

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

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

- f. the top of proposed Signs that are Fascia Signs shall not extend more than 30 cm above the building roof or parapet wall;
- g. proposed Signs that are Fascia Signs shall have structural elements concealed from view;
- h. proposed Signs that are Fascia Signs shall not extend more than 40 cm out from the wall or structure and shall not extend beyond the horizontal limits of the wall;
- i. proposed Signs that are Fascia Signs extending over a public right-of-way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m;
- j. proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback;
- k. 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
- l. 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).



Under section 6.2(24), **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

**Development Officer's Determination**

**1) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Signs. If the proposed Sign Area is greater than 8.0m<sup>2</sup> to less than 20m<sup>2</sup> the minimum separation distance from Digital Signs greater than 8.0 m<sup>2</sup> or other Off-premises Sign shall be 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59G.3(5)(d))**

**Required Separation: 100 m**

**Proposed Separation: 65 m to Minor Digital Off-premises Sign towards NE & 42 m to Freestanding Off-premises Sign towards South.**

**In the opinion of the Development Officer, the deficiency of separation distance between the proposed and existing Digital or Off-premises Signs results in proliferation of signage contrary to the intent of Section 59G.3(6)(e) of the Edmonton Zoning Bylaw.**

**2) The proposed sign is located within the Calgary Trail Land Use Study. Section 3.4(b)(ii) of the Calgary Trail Land Use Study states that "greater attention shall be given to improving the location, siting, signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards" (billboards are considered Off-premises signs).**


**The proposed Minor Digital Off-premises Sign is contrary to Section 3.4(b)(ii) of the Calgary Trail Land Use Study. [unedited]**


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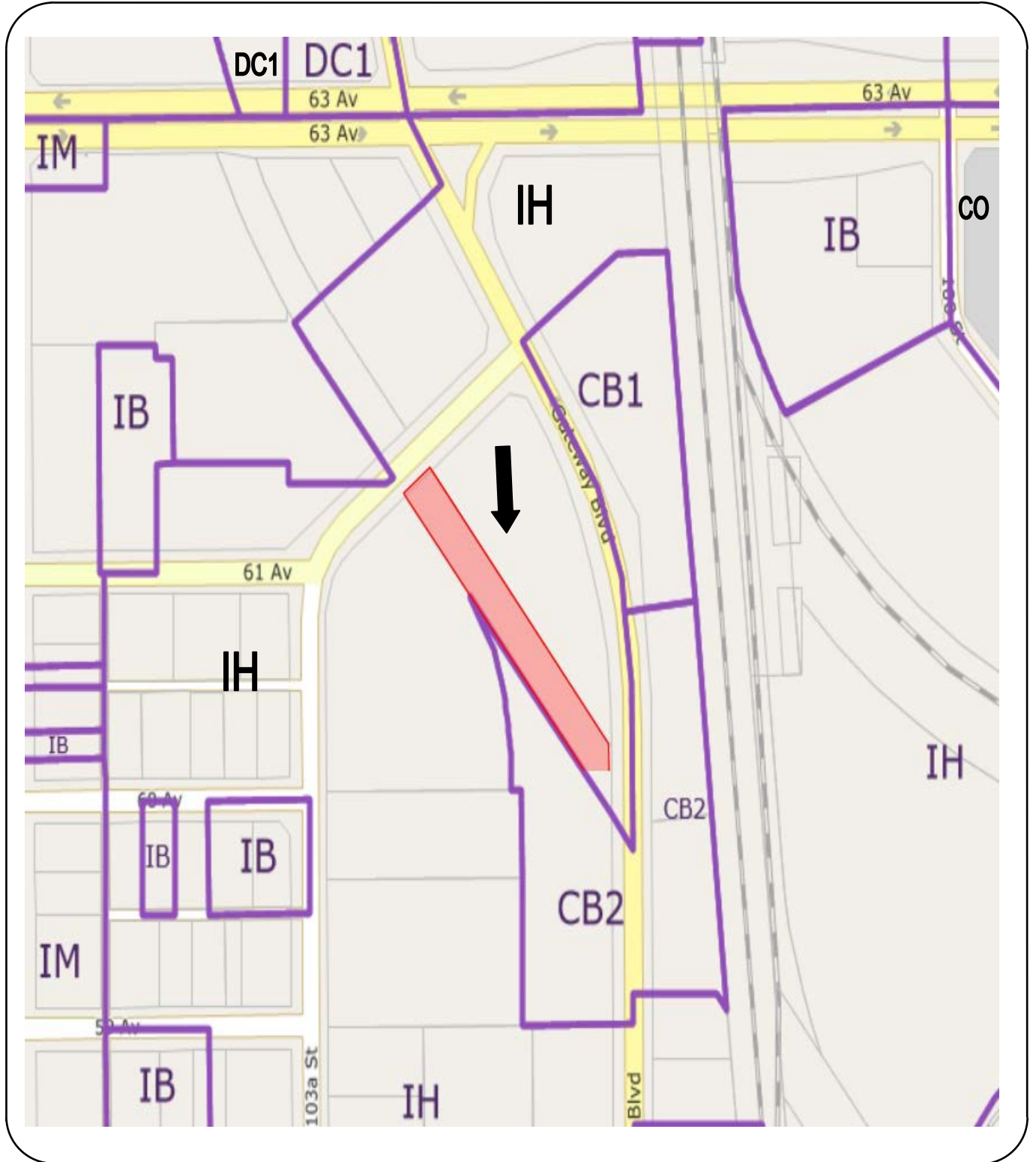
**Notice to Applicant/Appellant**

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*.

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	Project Number: <b>239130502-001</b> Application Date: JAN 13, 2017 Printed: September 28, 2017 at 2:25 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.	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 6024 - GATEWAY BOULEVARD NW Plan 4980MC Blk 79
	<b>Location(s) of Work</b> Building: 6024 - GATEWAY BOULEVARD NW
<b>Scope of Application</b> To install (1) Fascia Minor Digital On-premises Off-premises Sign	
<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: Construction Value: 25000	Class of Permit: Class B 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: 1 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: _____	
<b>Development Application Decision</b> Refused	
<b>THIS IS NOT A PERMIT</b>	

	Project Number: <b>239130502-001</b> Application Date: JAN 13, 2017 Printed: September 28, 2017 at 2:25 PM Page: 2 of 2																														
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<p><b>Reason for Refusal</b></p> <p>1) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m2 or Off-premises Signs. If the proposed Sign Area is greater than 8.0m2 to less than 20m2 the minimum separation distance from Digital Signs greater than 8.0 m2 or other Off-premises Sign shall be 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59G.3(5)(d))</p> <p>Required Separation: 100 m                  Proposed Separation: 65 m to Minor Digital Off-premises Sign towards NE &amp; 42 m to Freestanding Off-premises Sign towards South.</p> <p>In the opinion of the Development Officer, the deficiency of separation distance between the proposed and existing Digital or Off-premises Signs results in proliferation of signage contrary to the intent of Section 59G.3(6)(e) of the Edmonton Zoning Bylaw.</p> <p>2) The proposed sign is located within the Calgary Trail Land Use Study. Section 3.4(b)(ii) of the Calgary Trail Land Use Study states that "greater attention shall be given to improving the location, siting, signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards" (billboards are considered Off-premises signs).</p> <p>The proposed Minor Digital Off-premises Sign is contrary to Section 3.4(b)(ii) of the Calgary Trail Land Use Study.</p> <p><b>Rights of Appeal</b>                  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><b>Issue Date:</b> Sep 14, 2017     <b>Development Authority:</b> AHUJA, SACHIN     <b>Signature:</b> _____</p>																															
<p><b>Fees</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 10%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Dev Appl Fee - Digital Signs</td> <td style="text-align: right;">\$442.00</td> <td style="text-align: right;">\$442.00</td> <td>03859331</td> <td>Jan 13, 2017</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$10.00</td> <td style="text-align: right;">\$10.00</td> <td>03859331</td> <td>Jan 13, 2017</td> </tr> <tr> <td>Sign Building Permit Fee</td> <td style="text-align: right;">\$250.00</td> <td style="text-align: right;">\$250.00</td> <td>03859331</td> <td>Jan 13, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$702.00</td> <td style="text-align: right; border-top: 1px solid black;">\$702.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Dev Appl Fee - Digital Signs	\$442.00	\$442.00	03859331	Jan 13, 2017	Safety Codes Fee	\$10.00	\$10.00	03859331	Jan 13, 2017	Sign Building Permit Fee	\$250.00	\$250.00	03859331	Jan 13, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$702.00	\$702.00		
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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-193



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-194

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 255312636-001

APPLICATION TO: Construct exterior alterations to a Single Detached House (construct new Parking Area in Side Yard and Driveway access to 102 Street)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 25, 2017

DATE OF APPEAL: September 5, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12904 - 102 Street NW

LEGAL DESCRIPTION: Plan 4022MC Blk 8 Lot 1

ZONE: (RF4) Semi-Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

This hand delivered letter is to confirm my intention to continue with the process to obtain approval for a curb crossing and driveway entrance off 102 Street.

As stated in my application, the purpose of this request is to provide off-street disabled parking and wheel chair access to the home front door.

This neighbourhood is a duplex housing area of the city where most property owners are absentee land-lords. It will be necessary for you to obtain the name and addresses of property owners within a 60 metre radius of my home.

*General Matters*

**Appeal Information:**

**The Board is advised that the Appellant waived his right to be heard by the Board within 30 days.**

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

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**Hearing and Decision**

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

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- (a.1) must comply with the land use policies 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 150.2(7), **Single Detached Housing** is a **Permitted Use** in the (RF4) Semi-Detached Residential Zone.

Under section 6.1(2), **Accessory** means, “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1(31), **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1(77), **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1(119), **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 150.1 states that the **General Purpose** of the **(RF4) Semi-Detached Residential Zone** is “to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Mature Neighbourhood Overlay Development Regulations***

Section 814.3(17) states:

Regardless of whether a Site has existing vehicular access from a public roadway, other than a Lane, no such access shall be permitted to continue where an Abutting Lane exists.

**Development Officer's Determination:**

**1. Driveway - The proposed Driveway is located off 102 Street (front) instead of the abutting lane (Section 814.3.10). This Site has a Treed Landscaped Boulevard, Site Width less than 15.5 m; and fewer than 50% of the blockface have front or flanking access. [unedited]**

***Access to Sites***

Section 53 provides the following with respect to *Access to Sites*:

1. All access locations and curb crossings shall require the approval of Transportation Services.
2. No person shall construct an access or egress for vehicles from a Site to a public roadway, if the public roadway, in the opinion of Transportation Services, carries or shall carry a heavy traffic volume or such access or egress would create an unnecessary traffic hazard, unless there is no other practical method of vehicular access to the Site and a turning space is provided on the Site connected to the access or egress, so that every vehicle leaving the Site by the egress shall face the public roadway which the access or egress enters.
3. Where the Site abuts a Lane, vehicular access to the loading space shall be provided from the Lane unless otherwise authorized by Transportation Services.

**Development Officer's Determination:**

**2. Transportation Services objects to the proposed Driveway location (Section 53). [unedited]**



***Off-street Parking and Loading Regulations***

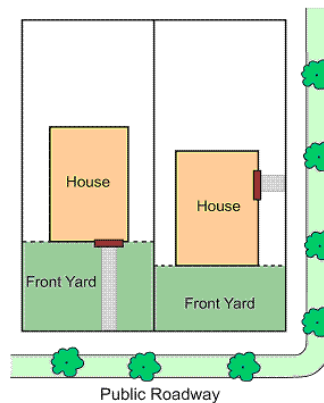
Section 54.1(4) states:

The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- b. for a Garage or Parking Area with one parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;
- c. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser; and
- d. ...

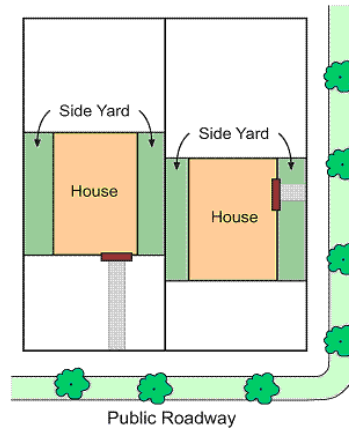
Under section 6.1(46), **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1(100), **Side Yard** means:

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



**Development Officer's Determination:**

**3. Maximum number of Driveways allowed in any Residential Zone shall be one Section (54.1(4)) [unedited]**

***Community Consultation***

Section 814.5(1) of the Mature Neighbourhood Overlay states the following with respect to **Proposed Variances**:

When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and

- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) of the Mature Neighbourhood Overlay states:


<b>Tier #</b>	<b>Recipient Parties</b>	<b>Affected Parties</b>	<b>Regulation of this Overlay to be Varied</b>
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(17) – Driveway Access

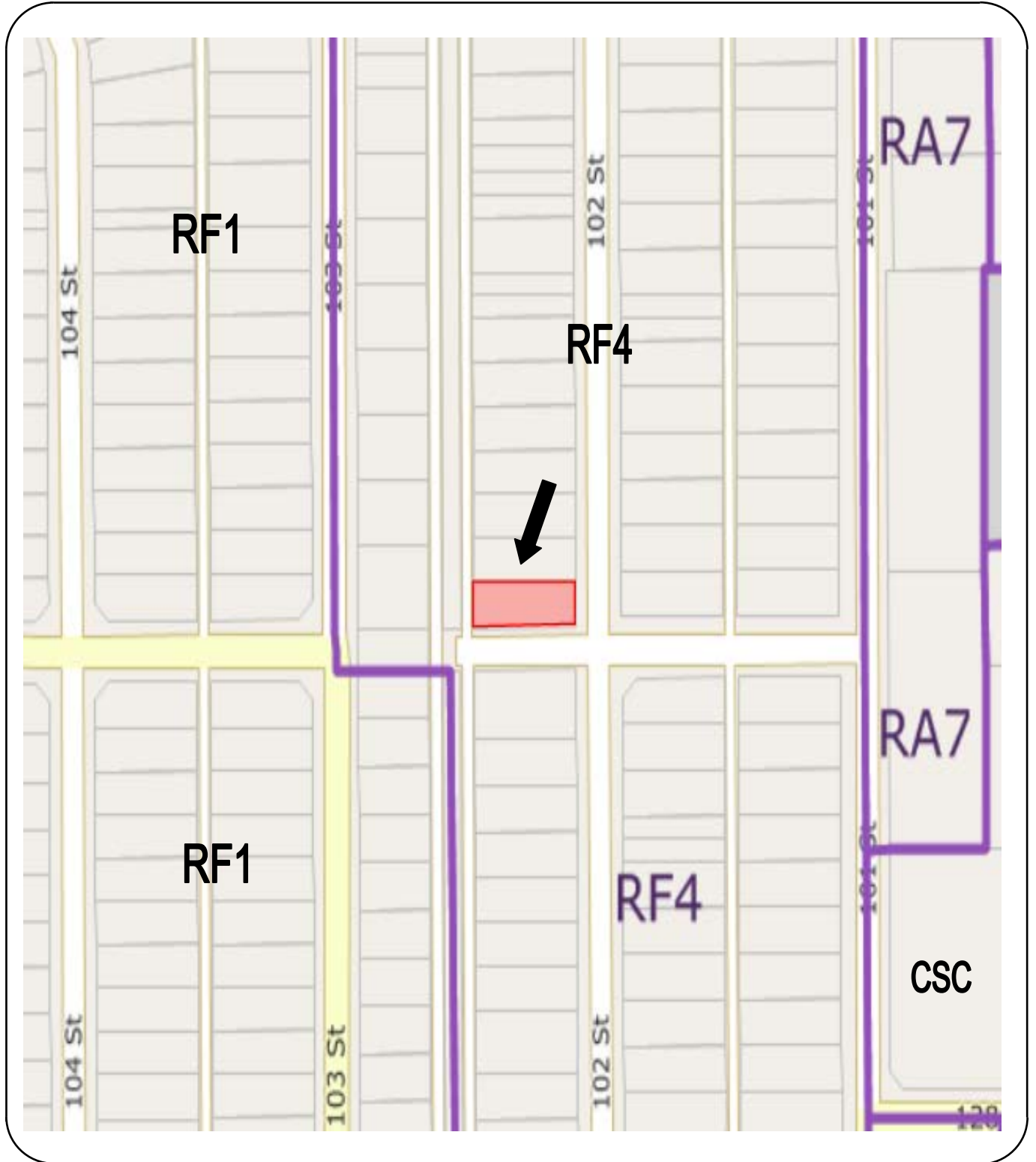
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Notice to Applicant/Appellant

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*.

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	Project Number: <b>255312636-001</b> Application Date: JUN 27, 2017 Printed: August 25, 2017 at 11:35 AM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 12904 - 102 STREET NW Plan 4022MC Blk 8 Lot 1																				
<b>Scope of Application</b> To construct exterior alterations to a Single Detached House (construct new Parking Area in Side Yard and Driveway access to 102 Street).																					
<b>Permit Details</b>																					
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area:																				
I/We certify that the above noted details are correct.  Applicant signature: _____																					
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1. Driveway - The proposed Driveway is located off 102 Street (front) instead of the abutting lane (Section 814.3.10). This Site has a Treed Landscaped Boulevard, Site Width less than 15.5 m; and fewer than 50% of the blockface have front or flanking access.  2. Transportation Services objects to the proposed Driveway location (Section 53).  3. Maximum number of Driveways allowed in any Residential Zone shall be one Section (54.1(4)). <b>Rights of Appeal</b> 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.																					
<b>Issue Date:</b> Aug 25, 2017 <b>Development Authority:</b> HETHERINGTON, FIONA <b>Signature:</b> _____																					
<b>Fees</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: right;">Receipt #</th> <th style="width: 10%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$166.00</td> <td style="text-align: right;">\$166.00</td> <td style="text-align: right;">04242866</td> <td style="text-align: right;">Jun 27, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$166.00</td> <td style="text-align: right; border-top: 1px solid black;">\$166.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$166.00	\$166.00	04242866	Jun 27, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$166.00	\$166.00		
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Dev. Application Fee	\$166.00	\$166.00	04242866	Jun 27, 2017																	
Total GST Amount:	\$0.00																				
Totals for Permit:	\$166.00	\$166.00																			
<b>THIS IS NOT A PERMIT</b>																					



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-194



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-195

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

APPELLANT:

APPLICATION NO.: 256829518-001

APPLICATION TO: Change the Use of a portion of an existing building from General Industrial to a Specialty Foods Service Use (9 square metres Public Space - Boss Pizza and Roti on Wheel)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: September 7, 2017

NOTIFICATION PERIOD: September 14, 2017 through September 28, 2017

DATE OF APPEAL: September 27, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10404 - 64 Avenue NW

LEGAL DESCRIPTION: Plan 3553P Blk 33 Lot 8

ZONE: DC1 Direct Development Control Provision (Bylaw 16136)

OVERLAY: N/A

STATUTORY PLAN: Strathcona Junction Area Redevelopment Plan

***Grounds for Appeal***

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

The development permit approved allows the Specialty Food Service Space to have 0 parking stalls onsite. According to Zoning Bylaw 12800, Section 54.2, there should be "1 parking space per 3.6 m<sup>2</sup> of public

space" and the proposed space has 9m<sup>2</sup> of public space. This proposed Specialty Food Service Space is to have two food establishments (Boss Pizza and Roti on Wheel), and will most likely have car traffic. With the approval of zero required parking spaces for this space, these cars will be forced to park on the adjacent residential avenue (64 avenue). As a resident on this avenue, it is constantly full of cars during the day and night from employees of the surrounding businesses on 104 street that do not have employee parking (Balloon Store, Midas, NAPA, etc.). This allowance for this food space to not have parking will only further clog this avenue for residents. This appeal asks the committee to require the proposed Space to allot parking spaces for the businesses, or to place signs on 64 avenue allowing resident parking only.

<b><i>General Matters</i></b>
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**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 3.11 of the DC1 Direct Development Control Provision (Bylaw 16136), **Specialty Food Services** is a **listed Use**.

Under section 7.4(49), **Specialty Food Services** means:

development where limited types of prepared foods and beverages, excluding alcoholic beverages, are offered for sale to the public, for consumption within the premises or off the Site. This Use typically relies primarily on walk-in clientele, and includes coffee, donut, bagel or sandwich shops, ice cream parlours, and dessert shops.

Under section 6.1(87), **Public Space** means:

space that is part of an establishment, which is open to the public and not restricted to only employees. Public Space includes any private non-sale hospitality area where products manufactured within the premises are provided to private groups for tasting and sampling. This definition does not include kitchens, administration offices, food or drink preparation areas.

Section 1 of the **DC1 Direct Development Control Provision (Bylaw 16136)** states:

The purpose of this Provision is to provide transition for the area to become a pedestrian-oriented, urban style commercial mixed Use area, while respecting the character of 104 Street and Gateway Boulevard. This Provision enhances the pedestrian environment by incorporating pedestrian scaled architecture, amenities and landscaping. It allows for industrial, commercial and limited residential Uses.

***Parking***

Section 7.o states:

The following development regulations shall apply to parking:

- i. the minimum vehicular parking requirements of Section 54.2, Schedule 1 of the Zoning Bylaw shall not be exceeded by more than 10% for surface parking lots to the satisfaction of the Development Officer and Transportation Services.
- ii. development will locate and organize vehicular parking to improve the safety and attractiveness of adjacent streets and any open spaces by:

- A. integrating any above-ground parking structures with building design, and having commercial or other active Uses at grade facing adjacent streets, parks and open spaces;
- B. ...

Section 54.2, Schedule 1(A)(24) states Specialty Food Services requires a minimum of 1 parking space per 9.6 square metres of public space.

Section 54.1(2)(h) states:

In the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit.

**Development Officer's Determination:**

**Parking - There are 0 stalls on Site, instead of 6 (Section 54.2 Schedule1) [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*.

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Project Number: **256829518-001**  
 Application Date: JUL 07, 2017  
 Printed: September 27, 2017 at 11:45 AM  
 Page: 1 of 2

## 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>	<b>Property Address(es) and Legal Description(s)</b> 10404 - 64 AVENUE NW Plan 3553P Blk 33 Lot 8
	<b>Specific Address(es)</b> Entryway: 6404 - 104 STREET NW Building: 10404 - 64 AVENUE NW

**Scope of Permit**  
 To change the Use of a portion from General Industrial to a Specialty Foods Service Use (9m2 Public Space - Boss Pizza and Roti on Wheel)

<b>Permit Details</b>	
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: **256829518-001**  
 Application Date: JUL 07, 2017  
 Printed: September 27, 2017 at 11:45 AM  
 Page: 2 of 2

## Major Development Permit

**Subject to the Following Conditions**

1. 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)
2. Any increase in Public Space will require a separate Development Permit application.
3. Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

**NOTES :**

- 1) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
- 2) Signs require separate Development Applications.
- 3) 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.
- 4) 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.
- 5) 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
- 6) 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 - There are 0 stalls on Site, instead of 6 (Section 54.2 Schedule1)

**Rights of Appeal**

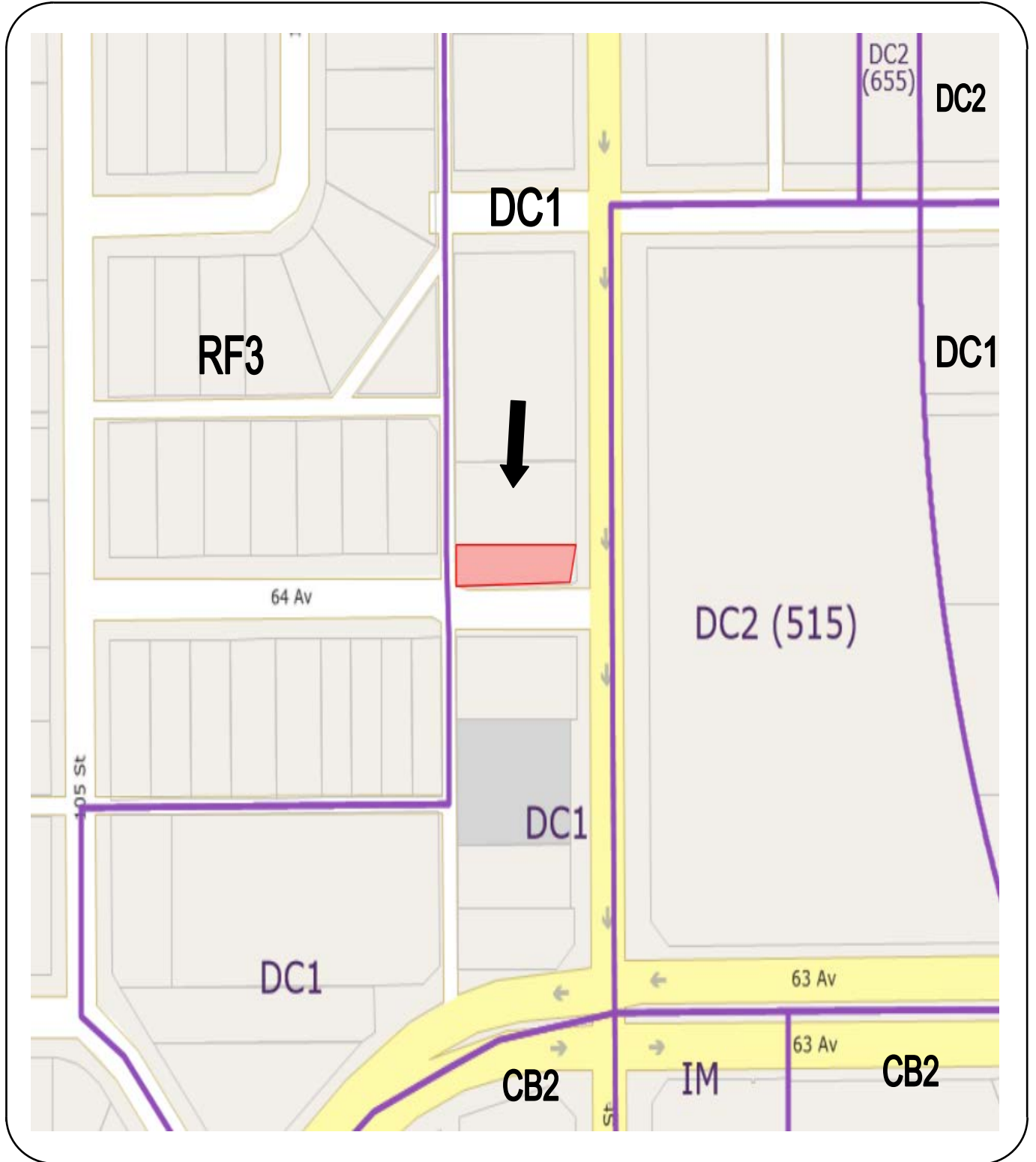
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Sep 07, 2017    Development Authority: BUCCINO, SAMANTHA    Signature: \_\_\_\_\_  
 Notice Period Begins: Sep 14, 2017    Ends: Sep 28, 2017

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$271.00	\$271.00	04273919	Jul 07, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$271.00	\$271.00		

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



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-195

