

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
October 28, 2015

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

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

I 9:00 A.M. SDAB-D-15-249

Change the Use from Professional, Financial,
and Office Support Services to Commercial
Schools with accessory Health Services (SAFE
Youth & Family Centre - 36 seats)

202, 4103 - 97 Street NW, 4103C - 97 Street
NW

Project No.: 178454710-001

II 1:00 P.M. SDAB-D-15-250

Change the digital panels of a Freestanding
Minor Digital On-Premises Off-Premises Sign
from [3.1 m x 3.1 m] to [6.1 m x 3.1 m] -
increase to the sign and copy areas (PARSONS
CENTRE)

2951 Ellwood Drive SW, 2907 Ellwood Drive
SW

Project No.: 073174988-005

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-15-249

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

APPELLANT:

APPLICATION NO.: 178454710-001

ADDRESS OF APPELLANT:

APPLICATION TO: Change the Use from Professional, Financial, and Office Support Services to Commercial Schools with accessory Health Services (SAFE Youth & Family Centre - 36 seats)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: September 23, 2015

DATE OF APPEAL: October 6, 2015

NOTIFICATION PERIOD: Sep 29, 2015 through Oct 12, 2015

RESPONDENT: Safe Youth & Family Centre

ADDRESS OF RESPONDENT: 4103C - 97 STREET NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 202, 4103 - 97 Street NW, 4103C - 97 Street NW

LEGAL DESCRIPTION: Plan 1321990 Unit 6, Condo Common Area (Plan 1321990)

ZONE: IB Industrial Business 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:

We are in receipt of your notice as listed above. Upon review of the decision made by the City of Edmonton we are not in agreement with your decision and this is an official appeal of the decision. The current use of the property is Professional and Office Support. Changing to Commercial Schools with accessory Health Services will not work for the current occupants of the building. When asked I was told by the tenants ?we would not have purchased and occupied the current space if the building had such the proposed zoning?. The development zoning was in place to protect the current tenants (owners) and the change could cause harm to the businesses in the space. We, the current occupants (owners) would be pleased to further discuss this matter with you. [unedited]

General Matters

Appeal Information:

The decision of the Development Authority was appealed by an adjacent property owner.

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

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

Appeals

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

(a) ...

(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.

The decision of the Development Authority was dated September 23, 2015. The Notice of Appeal Period started on September 29, 2015 and expired on October 12, 2015. The Notice of Appeal was filed on October 6, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 400.1 states that the **General Purpose** of the **IB Industrial Business Zone** is:

...to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

Under Section 400.2(10), **Professional, Financial and Office Support Services** is a **Permitted Use** in the IB Industrial Business Zone.

Section 7.4(42) defines **Professional, Financial and Office Support Services** as follows:

...development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Under Sections 400.3(6) and 400.3(14), **Commercial Schools** and **Health Services** are, respectively, **Discretionary Uses** in the IB Industrial Business Zone.

Section 7.4(10) defines **Commercial Schools** as follows:

...development used for training and instruction in a specific trade, skill, service or artistic endeavour. This Use Class does not include schools defined as Public Education Services or Private Education Services. Typical Uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.

Section 7.4(24) defines **Health Services** as follows:

...development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical Uses include medical and dental offices, health clinics and counseling services.

Permit Conditions and Variances

The Development Permit was issued with standard conditions and advisements (see pages 7-9 of this agenda). There were no variances or relaxations to the *Edmonton Zoning Bylaw*, but adjacent property owners were notified because the proposed Uses

(Commercial Schools and Health Services) are Discretionary under the IB Industrial Business Zone.

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: **178454710-001**
Application Date: AUG 31, 2015
Printed: October 20, 2015 at 12:22 PM
Page: 1 of 3

Major Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

<p>Applicant</p> <p>SAFE YOUTH & FAMILY CENTRE </p>	<p>Property Address(es) and Legal Description(s)</p> <p>4103C - 97 STREET NW Condo Common Area (Plan 1321990) 202, 4103 - 97 STREET NW Plan 1321990 Unit 6</p> <p>Specific Address(es)</p> <p>Suite: 202, 4103 - 97 STREET NW Entryway: 4103 - 97 STREET NW Building: 4103 - 97 STREET NW</p>
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Scope of Permit
To change the Use from Professional, Financial, and Office Support Services to Commercial Schools with accessory Health Services (SAFE Youth & Family Centre - 36 seats)

<p>Permit Details</p> <p>Class of Permit: Class B Gross Floor Area (sq.m.): 183.02 New Sewer Service Required: N Site Area (sq. m.): 5581.68</p>	<p>Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)</p>
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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: **178454710-001**
Application Date: AUG 31, 2015
Printed: October 20, 2015 at 12:22 PM
Page: 2 of 3

Major Development Permit

Subject to the Following Conditions

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

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback.

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

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.

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.

ADVISEMENTS:

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.

This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

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.

Signs require separate Development Applications.

Variations

No variations or relaxations to the Edmonton Zoning Bylaw were required in the approval of this Development.

REASON FOR NOTIFICATION:

Commercial Schools and Health Services are listed as Discretionary Uses in the IB (Industrial Business) Zone (Reference Section 400.3(6) & (14)).

NOTES:

Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

Unless otherwise noted, all references to 'Section' are under the authority of the Edmonton Zoning Bylaw 12800.

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.

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



Project Number: **178454710-001**
Application Date: AUG 31, 2015
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Major Development Permit

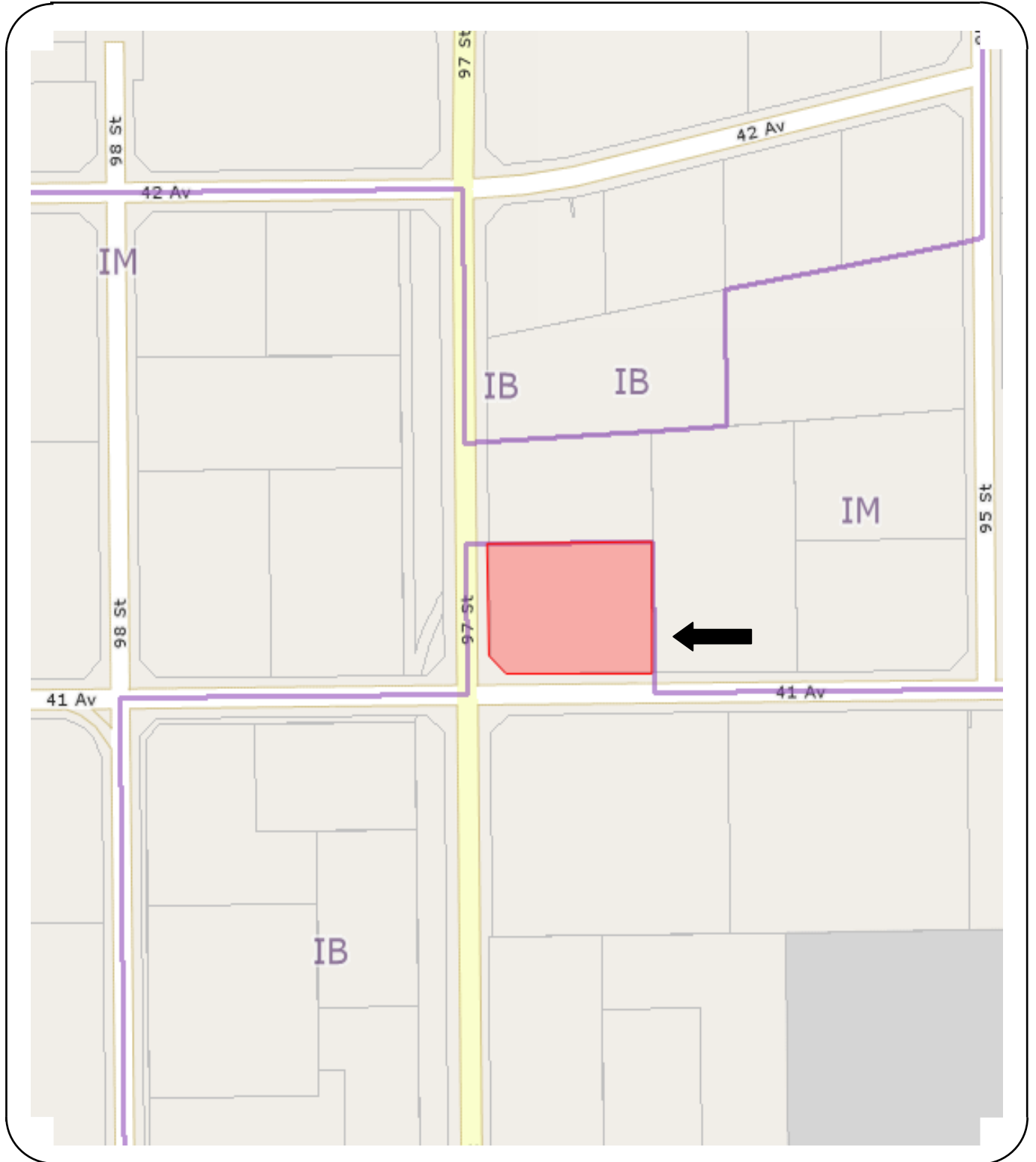
Issue Date: Sep 23, 2015 **Development Authority:** LEE, CHRISTIAN
Notice Period Begins: Sep 29, 2015 **Ends:** Oct 12, 2015

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$316.00	\$316.00	02712590	Aug 31, 2015
DP Notification Fee	\$100.00	\$100.00	02712590	Aug 31, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$416.00	\$416.00		

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-249



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-250

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 073174988-005

ADDRESS OF APPELLANT:

APPLICATION TO: Change the digital panels of a Freestanding Minor Digital On-Premises Off-Premises Sign from [3.1 m x 3.1 m] to [6.1 m x 3.1 m] - increase to the sign and copy areas (PARSONS CENTRE)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 24, 2015

DATE OF APPEAL: October 5, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2951 Ellwood Drive SW
2907 Ellwood Drive SW

LEGAL DESCRIPTION: Condo Common Area (Plan 1024895,0920843,0920863), Plan 0920863 Unit 19

ZONE: EIB Ellerslie Industrial Business Zone,

OVERLAY: Special Area Ellerslie Industrial

STATUTORY PLAN: Ellerslie Area Structure Plan

Grounds for Appeal

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

We are appealing this decision because we feel that the sign being cantilevered into the parking will not change the distance from the edge of the sign to the property line. There are other signs over 8.0 square metres along Parsons Road that are located within these setbacks. ***(Reasons received by email on October 21, 2015)***

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
 - ...

The decision of the Development Authority was dated July 24, 2015. The Notice of Appeal Period expired on August 7, 2015 and the Notice of Appeal was filed on October 5, 2015.

The Development Authority submitted two Canada Post Delivery Confirmation Receipts. The first Receipt showed that the decision of the Development Authority was delivered on July 29, 2015. However, this Receipt did not show a delivery confirmation signature, nor did it identify the individual who received notice.

A second Receipt showed that on October 1, 2015, W HINDMARSH provided a signature to confirm receipt of the decision of the Development Authority.

General Provisions from the *Edmonton Zoning Bylaw*:

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

...to provide for light industrial businesses and high technology development that carries out their operations such that no nuisance factor

is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent Non-industrial Zone.

Under Section 930.4(3)(30), **Minor Digital On-premises Off-premises Signs** is a **Discretionary Use** in the EIB Ellerslie Industrial Business Zone.

Section 7.9(7) defines **Minor Digital On-premises Off-premises Signs** as follows:

... 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.

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

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

Applicable Sign Schedule

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

Development Officer’s Determination

Minor Digital On-premises Off-premises Signs are a Discretionary Use in the (EIB) Ellerslie Industrial Business Zone, and references Sign Schedule 59J. Sign Schedule 59J does not address Minor Digital On-premises Off-premises Signs. The Development Authority has determined Sign Schedule 59F shall apply. [unedited]

Maximum Height

Section 59F.3(6)(b) states that “Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations... the maximum Height shall be 8.0 m”.

Development Officer’s Determination

1) The maximum Height for a Minor Digital On-premises Off-premises sign shall be 8.0 m; (Reference Section 59F.3(6)(b))

Proposed: 10 m:
Exceeds by: 2.0 m
[unedited]

Required Setback

Section 59F.3(6)(j) states that “Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations... proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback”.

Development Officer’s Determination

2) Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback; (Reference Section 59F.3(6)(j))

Proposed Sign Area (Digital Copy only): 18.61 m²
Required Setback in EIB and IB Zones: 6.0 m

Proposed Setback: 0.76 m
Deficient by: 5.24 m
[unedited]

Applicability of Sign Regulations

Section 59.1 states the following:

Any person applying to erect any Sign, or to change or relocate any existing Sign shall comply with the provisions of this Section and the applicable Sign Schedule, unless exemption from the regulations of this Section has been granted elsewhere in this Bylaw.

Development Officer’s Determination

In the previous decision for a sign on this site, the Development Authority exercised discretion to allow the sign, because it was retrofitted into the existing cabinet. This application would be considered a new sign as the size of the sign has changed (increased sign and copy area) and is extending beyond the existing cabinet.

Any person applying to erect any Sign, or to change or relocate any existing Sign shall comply with the provisions of this Section and the applicable Sign Schedule. (Reference Section 59.1) [unedited]

Notice to Applicant/Appellant


Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: 73174988-005
Application Date: NOV 24, 2014
Printed: October 20, 2015 at 2:08 PM
Page: 1 of 2

Application for Sign Combo Permit

This document is a Development Permit Decision for the development application described below.

Applicant PARSONS CENTRE 	Property Address(es) and Legal Description(s) 2951 - ELLWOOD DRIVE SW Condo Common Area (Plan 2907 - ELLWOOD DRIVE SW Plan 0920863 Unit 19
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Scope of Application
 To change the digital panels of a Freestanding Minor Digital On-Premises Off-Premises Sign from [3.1 m x 3.1 m] to [6.1 m x 3.1 m]
 - increase to the sign and copy areas (PARSONS CENTRE).

Permit Details	
Class of Permit: Expiry Date: Num. Temp., Fascia or Temporary Signs: 0 Sign Permit Label No. :	Construction Value: 130000 Num. of Freestanding, Projecting or Roof Signs: 0 Number of Additional Signs: Sign Type: Minor Digital On-premises Off-premises Sign

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

THIS IS NOT A PERMIT



Project Number: **73174988-005**
 Application Date: NOV 24, 2014
 Printed: October 20, 2015 at 2:08 PM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

Minor Digital On-premises Off-premises Signs are a Discretionary Use in the (EIB) Ellerslie Industrial Business Zone, and references Sign Schedule 59J. Sign Schedule 59J does not address Minor Digital On-premises Off-premises Signs. The Development Authority has determined Sign Schedule 59F shall apply.

The reasons for refusal are as follow:

1) The maximum Height for a Minor Digital On-premises Off-premises sign shall be 8.0 m; (Reference Section 59F.3(6)(b))

Proposed: 10 m;
 Exceeds by: 2.0 m

2) Proposed Signs with an Area greater than 8.0 m2 shall not be located within any Setback; (Reference Section 59F.3(6)(j))

Proposed Sign Area (Digital Copy only): 18.61 m2
 Required Setback in EIB and IB Zones: 6.0 m

Proposed Setback: 0.76 m
 Deficient by: 5.24 m

In the previous decision for a sign on this site, the Development Authority exercised discretion to allow the sign, because it was retrofitted into the existing cabinet. This application would be considered a new sign as the size of the sign has changed (increased sign and copy area) and is extending beyond the existing cabinet.

Any person applying to erect any Sign, or to change or relocate any existing Sign shall comply with the provisions of this Section and the applicable Sign Schedule. (Reference Section 59.1)

Rights of Appeal

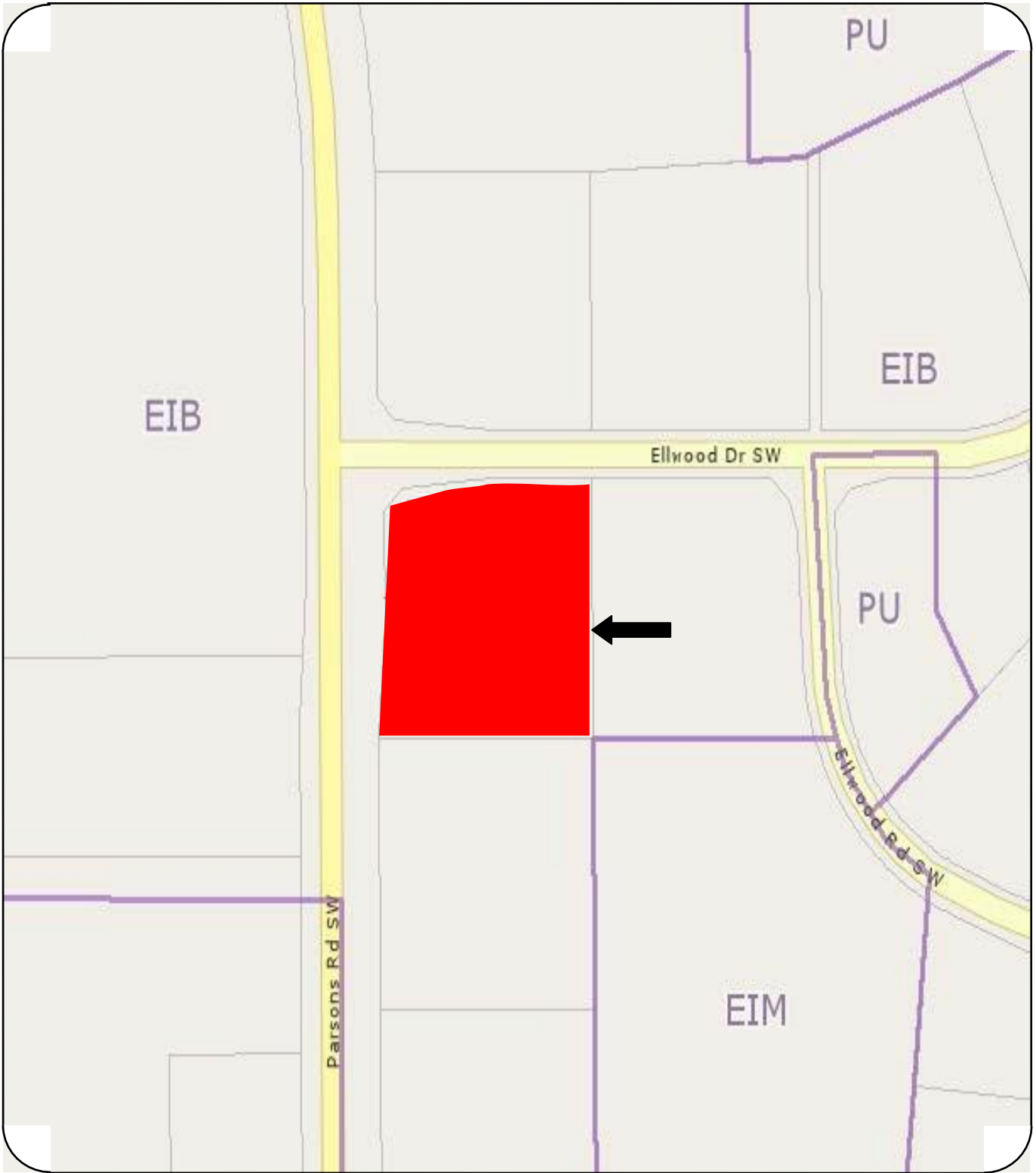
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jul 24, 2015 **Development Authority:** NOORMAN, BRENDA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$50.96			
Sign Building Permit Fee	\$1,274.00			
Sign Dev Appl Fee - Digital Signs	\$832.00	\$832.00	02087764	Nov 24, 2014
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,156.96	\$832.00		
(\$1,324.96 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-250



BUSINESS LAID OVER

SDAB-D-15-242	An to install (1) Freestanding Off-premises Sign <i>November 12, 2015</i>
SDAB-D-15-236 to 241	An appeal to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>November 19, 2015</i>
SDAB-D-15-246	An appeal to construct exterior alterations (driveway extension, 9.0m x 1.52 m) to an existing Single Detached House. <i>November 18 or 19, 2015</i>
SDAB-D-15-251	An appeal to construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor; 10.06m x 9.14m) <i>November 26, 2015</i>
SDAB-D-15-252	An appeal to change the Use from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre) <i>November 25 or 26, 2015</i>
SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

175784462-002	An appeal to construct exterior alterations (front yard concrete extension, 1.20m x 5.30m) to a Single Detached House, existing without permits. <i>November 12, 2015</i>
178546662-001	An appeal to change the Use of a General Retail Store to Minor Alcohol Sales (LIQUOR SHOPPE) <i>November 18 or 19, 2015</i>
159269966-003	An appeal to construct an exterior alteration to an existing Single Detached House, (driveway extension 2.8m x 8.4m) existing without permits. <i>November 19, 2015</i>