

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
October 9, 2019**

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

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

I	9:00 A.M.	SDAB-D-19-171	Construct an Accessory Building (detached Garage, 5.79 metres by 3.65 metres) 9230 - 162 Street NW Project No.: 324350882-001
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II	10:30 A.M.	SDAB-D-19-172	Install (1) Minor Digital On-premises Off-premises Freestanding Sign (SIGNPATICO OUTDOOR TIM HORTONS), and to remove an existing Freestanding On-premises Sign (246871770-001) 11913 - Wayne Gretzky Drive NW Project No.: 314230342-001
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POSTPONEMENT
REQUEST

III	1:30 P.M.	SDAB-D-19-173	Increase the occupancy of an existing Child Care Service from 36 to 56 children 7610 - 167 Avenue NW Project No.: 224518430-035
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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-19-171

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 324350882-001

APPLICATION TO: Construct an Accessory Building
(detached Garage, 5.79 metres by 3.65 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 10, 2019

DATE OF APPEAL: September 11, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9230 - 162 Street NW

LEGAL DESCRIPTION: Plan 4847KS Blk 38 Lot 12

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I have put an application to build a one car garage.

Due to the fact that the two cars will not fit with the tractor, snowblower and all the tools I have.

That is one of the small reasons that I have. The big reasons is that my next door neighbour put a high fence in and now she is afraid to back up out of the driveway in case she hits the fence or the car that is parked at the end of the driveway.

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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis

licence and distances between those premises and other premises;

...

- (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 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 6.1, **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, **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.”

Section 110.1 states that the **General Purpose** of **(RF1) Single Detached Residential Zone** is “to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, 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.

Distance between an Accessory building and the lot line running parallel to any flanking public roadway

Section 50.3(5)(c) states the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building. If the principal building was developed before October 2, 1961, the distance may be reduced, if the placement of the proposed Garage is consistent with the placement of other existing Garages in the same block;

Section 814.3(3) states Side Setbacks shall be established on the following basis:

- a. where the Site Width is 12.0 metres or less, the minimum required setback shall be 1.2 metres;
- b. where a Site Width is greater than 12.0 metres and less than 18.3 metres, the Side Setback requirements of the underlying Zone shall apply;
- c. where a Site Width is 18.3 metres or wider:
 - i. Side Setbacks shall total 20 percent of the Site Width but shall not be required to exceed 6.0 metres in total;
 - ii. the minimum interior Side Setback shall be 2.0 metres, except if the requirements of the underlying Zone are greater, the underlying Zone requirements shall apply; and
 - iii. on a Corner Site, the Side Setback requirements along a flanking public roadway, other than a Lane, shall be in accordance with the requirements of the underlying Zone.

Section 110.3(10)(c) states on a Corner Site where the building faces the Front Lot Line or the Side Lot Line, the minimum Side Setback abutting the flanking Side Lot Line shall be 20 percent of the Site Width, to a maximum of 4.5 metres

Development Officer's Determination

1. Section 50.3(5)(c) The distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building.

Required: 20% of Site width (as per Section 110.3(10)(c)) = 4.27 m (20% of site width)

Proposed: 0.0 m

Deficient by: 4.27 m

Driveway Access

Section 814.3(17) states “Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue.”

Development Officer’s Determination

2. Section 814.3(17) Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue. Section 814.3(17)

Separation from rear detached Garage

Section 814.3(20) states a principal Dwelling shall be separated from a rear detached Garage by a minimum of 3.0 metres.

Development Officer’s Determination

3. Section 814.3(20) A principal Dwelling shall be separated from a rear detached Garage by a minimum of 3.0 m.

Proposed: 2.8 m

Deficient by: 0.2 m

Driveway

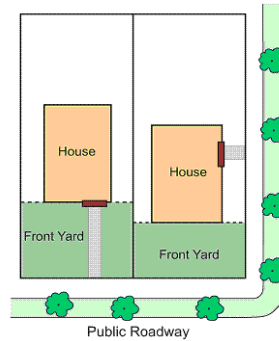
Section 54.1(4) states The Front Yard of any ground level Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- 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 metres, 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 metres 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;

Under section 6.1, **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, **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.



Development Officer's Determination

4. Section 54.1(4) The Front Yard of any ground level 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.

Proposed: 2 Driveways

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a 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 11.3 and 11.4.

Section 814.5(2) states:

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

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.

	Project Number: 324350882-001 Application Date: JUL 03, 2019 Printed: September 10, 2019 at 9:29 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Accessory Building Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 9230 - 162 STREET NW Plan 4847KS Blk 38 Lot 12
	Location(s) of Work Entryway: 9230 - 162 STREET NW Building: 9230 - 162 STREET NW
Scope of Application To construct an Accessory Building (detached Garage, 5.79m x 3.65m).	
Permit Details	
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 632.12
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused Issue Date: Sep 10, 2019 Development Authority: HETHERINGTON, FIONA Reason for Refusal <ol style="list-style-type: none"> 1. Section 50.3(5)(c) The distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building. Required: 20% of Site width (as per Section 110.3(10)(c)) = 4.27 m (20% of site width) Proposed: 0.0 m Deficient by: 4.27 m 2. Section 814.3(17) Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue. Section 814.3(17) 3. Section 814.3(20) A principal Dwelling shall be separated from a rear detached Garage by a minimum of 3.0 m. Proposed: 2.8 m Deficient by: 0.2 m 4. Section 54.1(4) The Front Yard of any ground level 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. Proposed: 2 Driveways 	
Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.	
Building Permit Decision Refused	
THIS IS NOT A PERMIT	



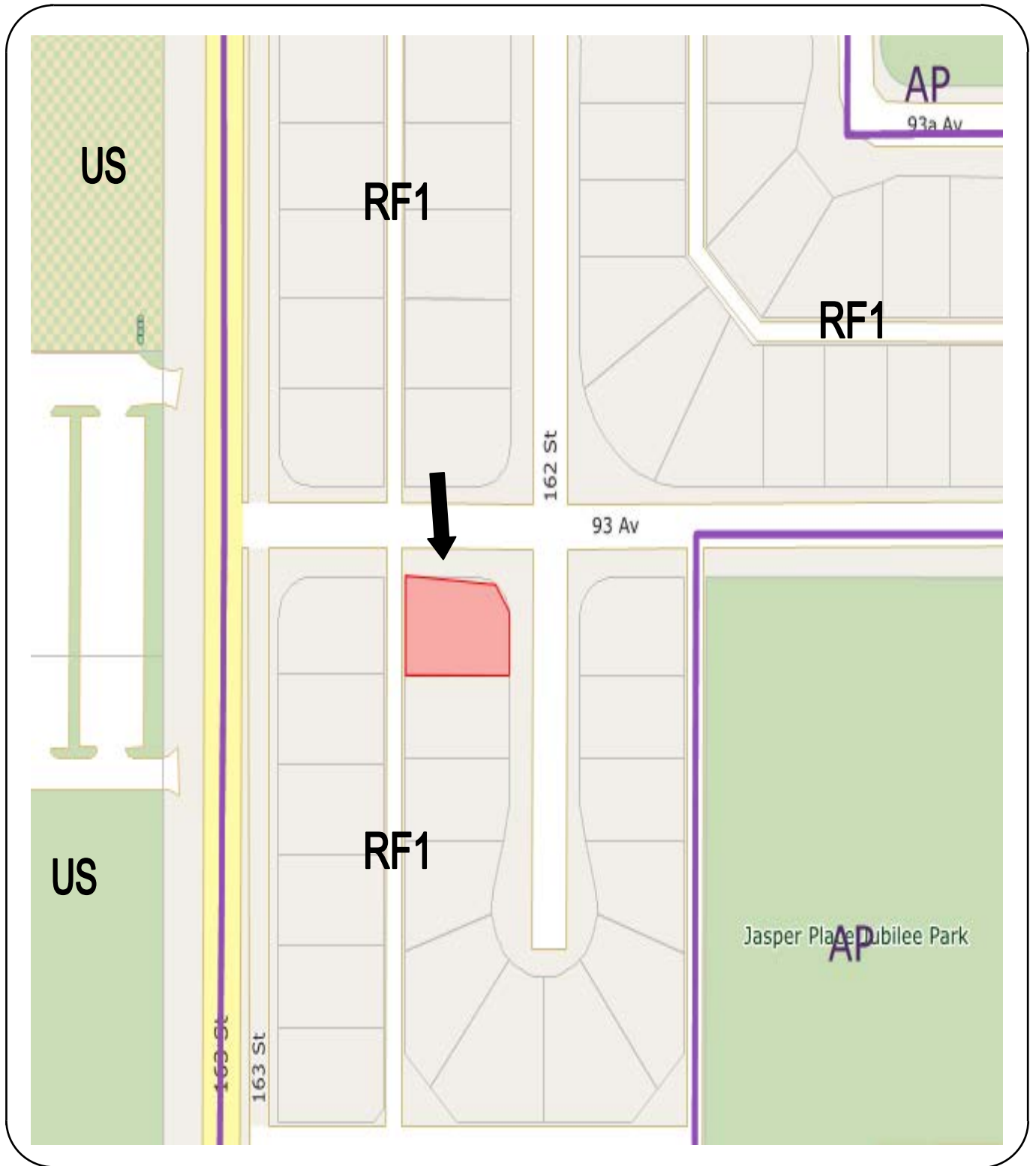
Application for Accessory Building Permit

Project Number: **324350882-001**
Application Date: JUL 03, 2019
Printed: September 10, 2019 at 9:29 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee (Accessory Building)	\$110.00	\$110.00	05962223	Jul 03, 2019
Safety Codes Fee	\$4.50	\$4.50	05962223	Jul 03, 2019
Development Application Fee	\$118.00	\$118.00	05962223	Jul 03, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$232.50</u>	<u>\$232.50</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-171



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-172

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 314230342-001

APPLICATION TO: Install (1) Minor Digital On-premises Off-premises Freestanding Sign (SIGNPATIO OUTDOOR | TIM HORTONS), and to remove an existing Freestanding On-premises Sign (246871770-001)

POSTPONEMENT REQUEST

DECISION OF THE DEVELOPMENT AUTHORITY: *Refused*

DECISION DATE: August 20, 2019

DATE OF APPEAL: September 14, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11913 - Wayne Gretzky Drive NW

LEGAL DESCRIPTION: Plan 0728378 Blk 7 Lot 31

ZONE: CO-Commercial Office Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Montrose / Santa Rosa Area Redevelopment Plan

Grounds for Appeal

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

We are asking for your consideration that Schedule 59f for this Commercial Office zone (CO) is more applicable and appropriate for the following reasons:

The Main Street Overlay refers to "pedestrian-oriented character" and for this parcel it is located between two major roadways with little pedestrian traffic. Adjacent to the proposed display location is the high volume, 4 lane, southbound roadway of Wayne Gretzky Drive and to the west of the roadway is the old Northlands Ice Coliseum (whose use has considerably lessened),

Northlands expansive parking lot and the railway tracks. To the east of the parcel is the high volume, 4 lane, northbound roadway of Wayne Gretzky Drive.

The Main Street Overlay refers to "proximity to residential" and in this case there is no adjacent residential to the west, north and south and to the east the nearest residential is 1 1/2 blocks away, with the northbound Wayne Gretzky Drive and a commercial strip of buildings in between and acting as a buffer. The Main Street Overlay refers to "proximity to transit-oriented residential" and in this case the nearest transit station is over 350 m to the northwest, located on the other side of Northlands Coliseum.

The Main Street Overlay refers to "... by providing visual interest, transparent storefront displays and amenities for pedestrians". Unlike other areas of Edmonton where the Main Street overlay also applies to (i.e. Whyte Avenue) this area is not one for providing an attractive, vibrant and walkable commercial street with numerous store fronts and neighborhood amenities for pedestrians.

Immediately adjacent to the north of the proposed display, and the direction the display is facing, is City-owned land that will not be developed. Further north are industrial warehouses. To the south is the Coliseum Inn, a destination requiring vehicular traffic.

Prior to this parcel being developed there was an Off-Premises sign located on this site that was double-sided and whose size was in accordance with Section 59f for CO, in particular having a sign area of up to 65 sq. m. Proposed display is located well over 50 m from nearest intersection. We are not aware of any concerns or issues regarding our application from surrounding businesses.

<i>General Matters</i>

Appeal Information:

The Board is advised that the Appellant requested the matter be scheduled on September 26, 2019.

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

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- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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

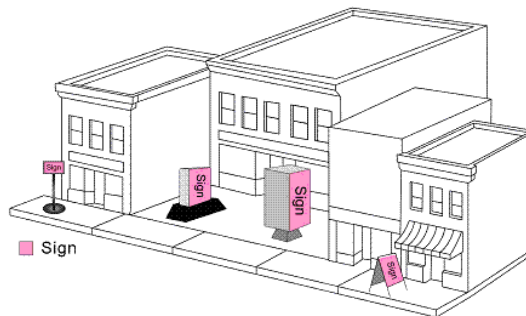
- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 360.3(28), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **(CO) Commercial Office Zone**.

Under section 7.9(7), **Minor Digital Off-premises Signs** “means a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.”

Under section 6.2, **Freestanding Signs** “means a Sign supported independently of a building.”



Under section 6.2, **On-Premises Advertising** means:

Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.

Under section 6.2, **Off-Premise Sign** means:

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 360.1 states that the **General Purpose** of the **(CO) Commercial Office Zone** **US) Urban Services Zone** is “to provide for medium intensity office, commercial and

residential development in the inner city, around Light Rail Transit station areas or other locations offering good accessibility by both private automobile and transit.”

Section 819.5(2) states “Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw.”

<i>General Provisions</i>

Section 59.2(2) states Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:

- a. does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic;
- b. is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic;
- c. is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways; and
- d. illumination does not compete with or dull the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic.

Development Officer’s Determination

1. Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic, or other traffic conflict points such as intersections (Reference Section 59.2(2)).

Subdivision Planning has reviewed the proposed Minor Digital Sign location and HAS CONCERNS for the oversized digital sign (14.4m x 4.16m). While the proposed digital Sign is located outside the Transportation Association of Canada's (TAC) cone of vision for the rightmost southbound lane on Wayne Gretzky Road, the oversized sign will still be in the direct driver's field of view on a downhill lane and upstream of a major signalized intersection and the size and proximity of the sign may draw drivers' attention away from the major intersection.

Height

Section 819.5(2)(a) of the Main Streets Overlay states “the maximum Height of a Freestanding Sign shall be 6.0 metres, as measured from Grade to the top of the Freestanding Sign.”

Development Officer’s Determination

2. The maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign (Reference Section 819.5(2)(a)).

Proposed Height: 8.0 m
Maximum Height: 6.0 m
Exceeds by: 2.0 m

Sign Width

Schedule 59E.3(5)(b) states:

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

...

b. the maximum Width shall be 8.0 m;

...

Under section 6.2, **Width** means “that horizontal distance measured across the face of the Sign perpendicular to the Height of the Sign.”

Development Officer’s Determination

3. the maximum Width of a Minor Digital On-premises Off-premises Sign shall be 8.0 m (Reference Section 59E.3(5)(b)).

Proposed Width: 14.4 m
Maximum Width: 8.0 m
Exceeds by: 6.40 m

Maximum Area

Schedule 59E.3(5) states:

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

...

c. the maximum Area shall be:

i. ...

ii. 20 square metres for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 square metres;

...

Under section 6.2, **Copy** means “the letters, graphics or characters that make up the message on the Sign face.”

Under section 6.2, **Copy Area** means “the total area of one or more geometric shapes, which contain all of the Copy on a Sign.”

Under section 6.2, **Digital Copy** means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, **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

4. the maximum Area of a Minor Digital On-premises Off-premises Sign that are Freestanding Signs is 20 m² (Reference Section 59E.3(5)(c)(ii)).

Proposed Area: 59 m²
Maximum Area: 20 m²
Exceeds by: 39 m²

Separation Distance

Under Section 59E.3(5)(d) proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than 8.0 m ² or Off-premises Signs
Greater than 8.0 m ² to less than 20 m ²	100 metres
20 m ² to 40 m ²	200 metres
Greater than 40 m ²	300 metres

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

Development Officer’s Determination

5. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m² or Off-premises Signs greater than 20m² by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Area of Existing AXE MUSIC Sign (DP 099203830-003): 10 m²
 Location: 11919 - WAYNE GRETZKY DRIVE NORTHBOUND NW
 Required Separation Distance: 300 m
 Proposed Separation Distance: 77.3 m
 Deficient by: 223 m

Area of Existing PATTISON Sign (DP 251435170-001): 18.6 m²
 Location: 7300 – 116 AVENUE NW
 Required Separation Distance: 300 m
 Proposed Separation Distance: 296 m
 Deficient by: 4 m

Community Consultation

Section 819.5(3) states “When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.”


Section 819.4(15) states When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

- a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 metres of the Site of the proposed development, and the President of each affected Community League

- and each Business Improvement Area Association operating within the distance described above 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 mailed, unless the Development Officer receives feedback from all specified recipients; 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 Section 11.3.

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.

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: 314230342-001 Application Date: MAY 21, 2019 Printed: September 16, 2019 at 10:48 AM Page: 1 of 3
This document is a Development Permit Decision for the development application described below.		
Applicant SIGNPATICO OUTDOOR INC	Property Address(es) and Legal Description(s) 11913 - WAYNE GRETZKY DRIVE NW Plan 0728378 Blk 7 Lot 31	
Scope of Application To install (1) Minor Digital On-premises Off-premises Freestanding Sign (SIGNPATICO OUTDOOR TIM HORTONS), and to remove an existing Freestanding On-premises Sign (246871770-001).		
Permit Details		
ASA Sticker No./Name of Engineer: Construction Value: 125000	Class of Permit: Expiry Date:	
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 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 Issue Date: Aug 26, 2019 Development Authority: MERCIER, KELSEY		
THIS IS NOT A PERMIT		



Application for Sign Combo Permit

Project Number: **314230342-001**
 Application Date: MAY 21, 2019
 Printed: September 16, 2019 at 10:48 AM
 Page: 2 of 3

Reason for Refusal

1. Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic, or other traffic conflict points such as intersections (Reference Section 59.2(2)).

Subdivision Planning has reviewed the proposed Minor Digital Sign location and HAS CONCERNS for the oversized digital sign (14.4m x 4.16m). While the proposed digital Sign is located outside the Transportation Association of Canada's (TAC) cone of vision for the rightmost southbound lane on Wayne Gretzky Road, the oversized sign will still be in the direct driver's field of view on a downhill lane and upstream of a major signalized intersection and the size and proximity of the sign may draw drivers' attention away from the major intersection.

2. The maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign (Reference Section 819.5(2)(a)).

Proposed Height: 8.0 m
 Maximum Height: 6.0 m
 Exceeds by: 2.0 m

3. the maximum Width of a Minor Digital On-premises Off-premises Sign shall be 8.0 m (Reference Section 59E.3(5)(b)).

Proposed Width: 14.4 m
 Maximum Width: 8.0 m
 Exceeds by: 6.40 m

4. the maximum Area of a Minor Digital On-premises Off-premises Sign that are Freestanding Signs is 20 m² (Reference Section 59E.3(5)(c)(ii)).

Proposed Area: 59 m²
 Maximum Area: 20 m²
 Exceeds by: 39 m²

5. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m² or Off-premises Signs greater than 20m² by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Area of Existing AXE MUSIC Sign (DP 099203830-003): 10 m²
 Location: 11919 - WAYNE GRETZKY DRIVE NORTHBOUND NW
 Required Separation Distance: 300 m
 Proposed Separation Distance: 77.3 m
 Deficient by: 223 m

Area of Existing PATTISON Sign (DP 251435170-001): 18.6 m²
 Location: 7300 – 116 AVENUE NW
 Required Separation Distance: 300 m
 Proposed Separation Distance: 296 m
 Deficient by: 4 m

Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

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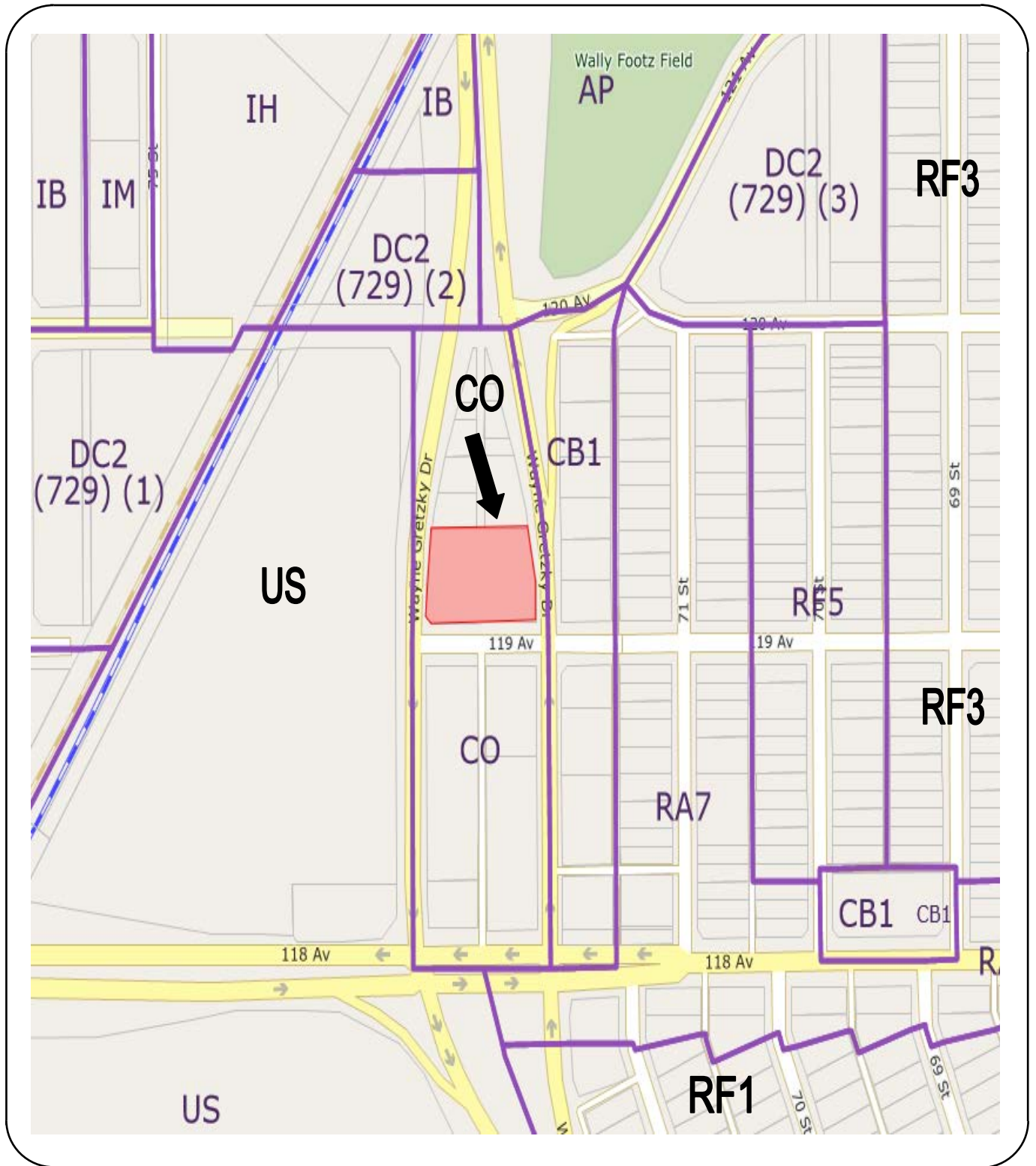
Application for Sign Combo Permit

Project Number: **314230342-001**
Application Date: MAY 21, 2019
Printed: September 16, 2019 at 10:48 AM
Page: 3 of 3

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$52.85	\$52.85	05889834	May 31, 2019
Sign Building Permit Fee	\$1,321.25	\$1,321.25	05889834	May 31, 2019
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05889834	May 31, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,832.10</u>	<u>\$1,832.10</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-172



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-173

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 224518430-035

APPLICATION TO: Increase the occupancy of an existing Child Care Service from 36 to 56 children

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 13, 2019

DATE OF APPEAL: September 16, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7610 - 167 Avenue NW

LEGAL DESCRIPTION: Plan 1623424 Unit 2

ZONE: CNC-Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: Edmonton North Area Structure Plan
Schonsee Neighbourhood Structure Plan

Grounds for Appeal

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

This development application was only for a increase in capacity, the building is already approved for a child care, and the play space is already approved as well. This expansion will only require 2 additional pick up/drop off parking stalls, one which is adjacent to the daycare building and we seek a variance for the second required stall.

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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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 310.3(3) **Child Care Services** is a **Discretionary Use** in the (CNC) **Neighbourhood Convenience Commercial Zone**.

Under section 7.8(2) **Child Care Services** means

“a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider’s residence.”

Under section 310.1 the **General Purpose** of the (CNC) **Neighbourhood Convenience Commercial Zone** is:

“to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.”

Development Officer’s Determination

The proposed development, a Child Care Service, is listed as a Discretionary Use in the CNC Zone. Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer. In the opinion of the Development Officer, the proposed development is not a suitable use in the context of the site, and refused for the following reasons:

Location requirements

Under section 80.2(a)(v) no portion of Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for the following Uses:

- v. Rapid Drive-through Vehicle Services

Under section 7.4(44) **Rapid Drive-through Vehicle Services** means

“development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within their vehicle or waits on the premises. Typical Uses include automatic or coin operated car washes (including self-service car wash), rapid lubrication shops, or specialty repair establishments. This Use does not include automated teller machines.”

Development Officer’s Determination

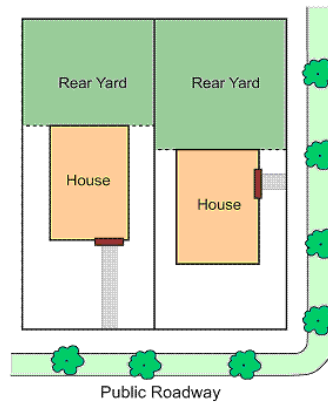
1. Section 80.2(a)(v) - No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for Rapid Drive-through Vehicle Services.

Notwithstanding that the building for the proposed Child Care Service is not adjacent to the bay of the Rapid Drive-through Vehicle Services building, the drive aisle for the queuing spaces is adjacent to the building bay of the Child Care Service. In the opinion of the Development Officer, the proximity of the drive aisle to the Child Care Service would create a greater safety concern than the building bay.

Negative Impacts

Under section 310.4(9) where Uses, that may in the opinion of the Development Officer, create negative impacts such as noise, light or odours which may be noticeable on adjacent properties, and where the Site containing such Uses is directly adjacent to Sites used or zoned for residential activities, the Development Officer may, at the Development Officer's discretion, require that these potential impacts be minimized or negated. This may be achieved through a variety of measures including: Landscaping; berming or screening, which may exceed the requirements of Section 55 of this Bylaw; noise attenuation measures such as structural soundproofing; downward direction of all exterior lighting on to the proposed development; and any other measures as the Development Officer may deem appropriate.

Under section 6.1 **Rear Yard** means the portion of a Site abutting the Rear Lot Line extending across the full width of the Site, situated between the Rear Lot Line and the nearest wall of the principal building, not including projections.



Development Officer's Determination

2. Section 310.4.9 - Where Uses, that may in the opinion of the Development Officer, create negative impacts such as noise, light or odours which may be noticeable on adjacent properties, and where the Site containing such Uses is directly adjacent to Sites used or zoned for residential activities, the Development Officer may, at the Development Officer's discretion, require that these potential impacts be minimized or negated.

The location of the outdoor play space is immediately adjacent to the Rear Yards of existing Single Detached Houses.

Site Conditions and Parking Requirements

Under section 80.2(d) where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the applicant shall design the building, entrances, playspaces, landscaping, and Fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer.

Under Section 54.2, Schedule 1(A), subsection 29(a)(ii) passenger pick-up/drop-off space shall be located as close as possible to the main entrance used by the Child Care Service, and shall not be located further than 100 m from the main entrance used by the Child Care Service. The distance between the farthest parking space in the pick-up/drop-off area and the main entrance of the Child Care Service shall be measured along the shortest publicly accessible pedestrian route.

Development Officer's Determination

3. Section 80.2(d) - Where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the applicant shall design the building, entrances, playspaces, landscaping, and Fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer.

Section 54.2, Schedule 1(A), subsection 29(a)(ii) - Passenger pick-up/drop-off space shall be located as close as possible to the main entrance used by the Child Care Service.


The proposed location of the passenger pick-up/drop-off spaces requires children to cross the access aisle associated with a Rapid Drive-through Vehicle Service. This creates a safety concern and is contrary to Section 80.2(d) and Section 54.2, Schedule 1(A), subsection 29(a)(ii).

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-19-073	To change the Use from General Retail Stores to Child Care Services (36 Children).	June 7, 2019; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to conditions.
SDAB-D-18-100	To change the Use from General Retail Stores to Child Care Services (78 Children).	August 2, 2018; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is REFUSED.

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.

	Project Number: 224518430-035 Application Date: JUL 02, 2019 Printed: September 13, 2019 at 8:43 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Major Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 7610 - 167 AVENUE NW Plan 1623424 Unit 2
	Specific Address(es) Suite: 7630 - 167 AVENUE NW Entryway: 7630 - 167 AVENUE NW Building: 7630 - 167 AVENUE NW
Scope of Application To increase the occupancy of an existing Child Care Service from 36 to 56 children.	
Permit Details	
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: 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 Application Decision Refused Issue Date: Sep 13, 2019 Development Authority: KENNEDY, CLARK	
THIS IS NOT A PERMIT	



Project Number: **224518430-035**
 Application Date: JUL 02, 2019
 Printed: September 13, 2019 at 8:43 AM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

The proposed development, a Child Care Service, is listed as a Discretionary Use in the CNC Zone. Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer. In the opinion of the Development Officer, the proposed development is not a suitable use in the context of the site, and refused for the following reasons:

1. Section 80.2(a)(v) - No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for Rapid Drive-through Vehicle Services.

Notwithstanding that the building for the proposed Child Care Service is not adjacent to the bay of the Rapid Drive-through Vehicle Services building, the drive aisle for the queuing spaces is adjacent to the building bay of the Child Care Service. In the opinion of the Development Officer, the proximity of the drive aisle to the Child Care Service would create a greater safety concern than the building bay.

2. Section 310.4.9 - Where Uses, that may in the opinion of the Development Officer, create negative impacts such as noise, light or odours which may be noticeable on adjacent properties, and where the Site containing such Uses is directly adjacent to Sites used or zoned for residential activities, the Development Officer may, at the Development Officer's discretion, require that these potential impacts be minimized or negated.

The location of the outdoor play space is immediately adjacent to the Rear Yards of existing Single Detached Houses.

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and

Section 54.2, Schedule 1(A), subsection 29(a)(ii) - Passenger pick-up/drop-off space shall be located as close as possible to the main entrance used by the Child Care Service.

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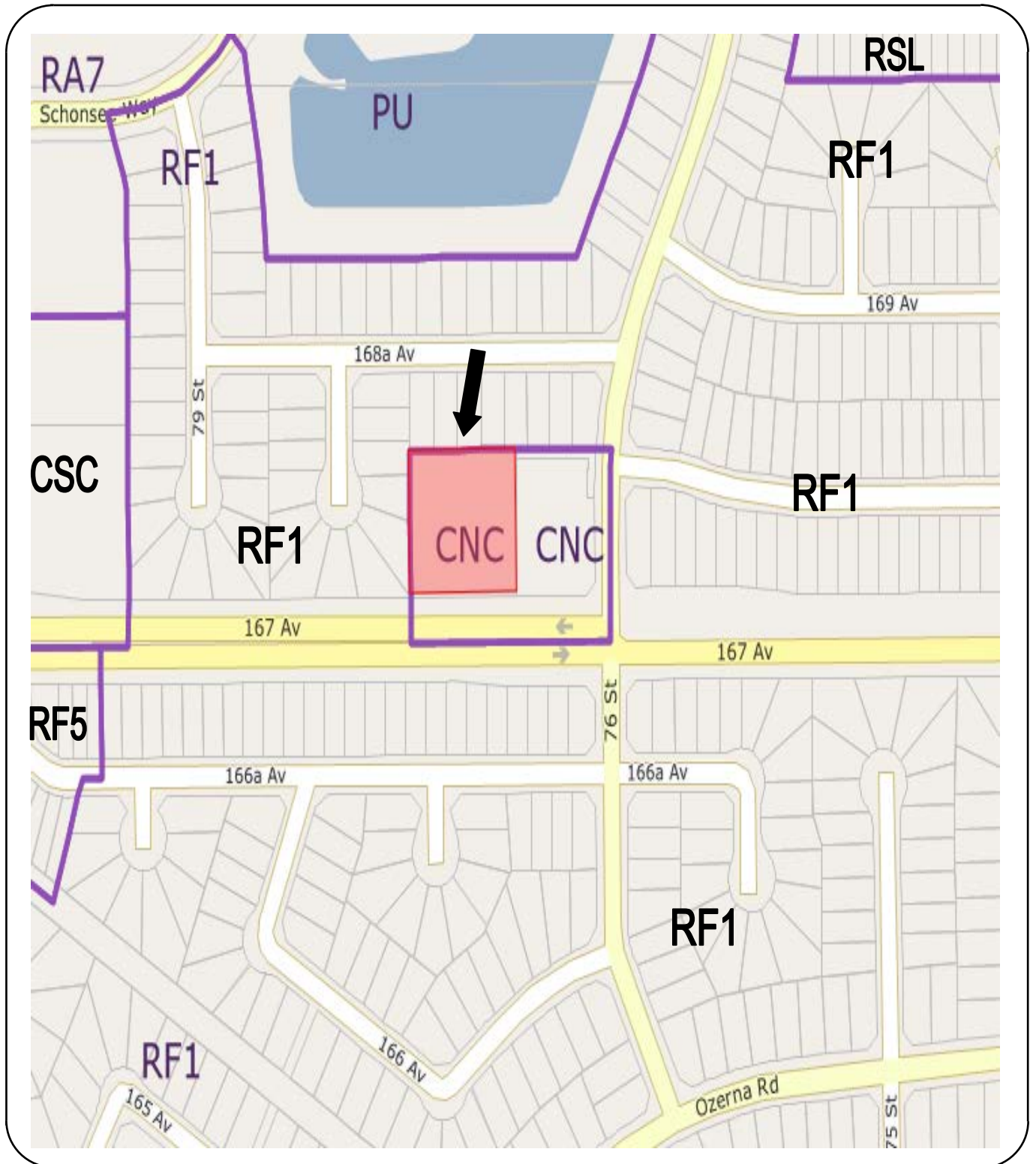
Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$331.00	\$331.00	05959250	Jul 02, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$331.00	\$331.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-173

