# SUBDIVISION

# AND

# DEVELOPMENT APPEAL BOARD

# AGENDA

Wednesday, 9:00 A.M. September 7, 2016

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

# SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING ROOM NO. 3

Ι	9:00 A.M.	SDAB-D-16-216	Install (3) Fascia On-premises Signs (U-Store-It).
			2304 - Ellwood Drive SW Project No.: 225976925-001
Π	10:30 A.M.	SDAB-D-16-217	Construct exterior alterations to an existing General Industrial Building (Installing a wheat silo on the roof of a building and enclosing the open end of the building - Labatt's)
			4344 - 99 Street NW Project No.: 223365914-001
III	1:30 P.M.	SDAB-D-16-218	Construct a Single Detached House with front attached Garage, front veranda (2.11m x 1.22m), fireplace, rear covered deck (3.51m x
WITHDRAWN			3.66m) and to develop a Secondary Suite in the Basement
			631 - 176 Street SW Project No.: 225005154-001

Unless otherwise stated, all references to "section numbers" refer the authority under the Edmonton Zoning Bylaw 12800.

<u>ITEM I: 9:00 A</u>	<u>M.</u>	FILE: SDAB-D-16-216	
	AN APPEAL FROM THE DECISION OF THE	HE DEVELOPMENT OFFICER	
	APPELLANT:		
	APPLICATION NO.:	225976925-001	
	APPLICATION TO:	Install (3) Fascia On-premises Signs (U-Store-It).	
	DECISION OF THE DEVELOPMENT AUTHORITY:	Refused	
	DECISION DATE:	August 8, 2016	
	DATE OF APPEAL:	August 16, 2016	
	MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	2304 - Ellwood Drive SW	
	LEGAL DESCRIPTION:	Plan 0525416 Blk 3 Lot 4	
	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:

The first and second story signage areas are dedicated for tenant use, this is why we need a variance to be granted and allow these fascia signs to be passed the 75 cm limit above the floor of the third story. In order to distribute the signage evenly throughout the frontage of the building we require the building owner to have their name on the space above the 3rd story windows. As for "adversely" impacting the amenities or character of the Zone, we have designed the signs to be captivating but not overly distracting, to draw slight attention without impacting or hindering surrounding businesses. The U logo sign on the clock tower, has a smaller area, weighs less, and requires less power to run. We kindly request this sign permit be approved as is and without alteration.

# **General Matters**

#### **Appeal Information:**

The Subdivision and Development Appeal Board at a hearing on August 4, 2016, made and passed the following motion:

"That the hearing be scheduled on September 1, 2016, at the verbal request of the Appellant and with the consent of the Development Officer."

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

#### **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 930.4(2)(7), a **Fascia On-premises Sign** is a **Permitted Use** in the (EIB) Ellerslie Industrial Business Zone.

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

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

Section 930.4(1) 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.

# 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. **Development Regulations** 

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

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.



### **Regulations for Permitted Signs**

Schedule 59J.2(1) states:

Fascia On-premises Signs shall be subject to the following regulations:

- a. Fascia On-premises Signs shall only face a public roadway other than a Lane;
- b. any Fascia On-premises Sign shall not extend higher than 75 cm above the floor of the third Storey. The top of a Fascia On-premises Sign on a one Storey building or two Storey building shall not extend more than 30 cm above the building roof or parapet wall;
- c. any Fascia On-premises Sign that extends over a public right-of way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m; and
- d. Fascia On-premises Signs may be illuminated.

#### General Sign Provisions

Section 59.2(6) states:

For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.

#### **Development Officer's Determination:**

1. The subject property is zoned EIB (Ellerslie Industrial Business Zone). Signs shall comply with the regulations found in Schedule 59J (Reference Section 930.4(4)(12)). Section 59J.2(1)(b) states that any Fascia On-premises Sign shall not extend higher than 75 cm above the floor of the third Storey. The top of a Fascia On-premises Sign on a one Storey building or two Storey building shall not extend more than 30 cm above the building roof or parapet wall.

The (3) proposed Fascia On-premise Signs are located greater than 75cm above the floor of the third storey, contrary to Section 59J.2(1)(b).

2. For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2(6))

In addition to exceeding the permitted height for Fascia On-premises Signs on a building wall, all proposed Fascia On-premises Signs do not fit with the scale, nor architectural character of the building. The existing tower was originally approved as a clock tower which blends with the characteristic of the building and was not designed for a sign. The proposed Fascia Onpremises Signs on the West and East side of the tower are oversized and encroach onto the roofline and projected architectural feature, contrary to Section 59.2(6). [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: 225976925-001 Application Date: JUL 13, 2016 Printed: August 16, 2016 at 3:55 PM Page: 1 of 2
	gn Combo Permit
This document is a Development Permit Decision for the	development application described below.
Applicant	Property Address(es) and Legal Description(s) 2304 - ELLWOOD DRIVE SW Plan 0525416 Blk 3 Lot 4
	Location(s) of Work
	Suite: 101, 2326 - ELLWOOD DRIVE SW
	Entryway: 2326 - ELLWOOD DRIVE SW
	Building: 2336 - ELLWOOD DRIVE SW
Scope of Application	
To install (3) Fascia On-premises Signs (U-Store-It)	).
Permit Details	· · · · · · · · · · · · · · · · · · ·
ASA Sticker No./Name of Engineer: 6132	Class of Permit: Class A
Construction Value: 26000	Expiry Date:
Construction value. 20000	LAPILY Daw.
Fascia Off-premises Sign: 0	Freestanding Off-premises Sign: 0
Fascia On-premises Sign: 3	Freestanding On-premises Sign: 0
Roof Off-premises Sign: 0	Projecting Off-premises Sign: 0
Roof On-premises Sign: 0	Projecting On-premises Sign: 0
Minor Digital On-premises Sign: 0	Replacement Panel on Existing Sign: 0
Minor Digital Off-premises Sign: 0	Comprehensive Sign Design: 0
Minor Digital On/Off-premises Sign: 0	Major Digital Sign: 0
J/We certify that the above noted details are correct.	
Applicant signature:	
Development Application Decision	
Refused	
	THIS IS NOT A PERMIT

dmonton				Project Number: <b>225976925-0</b> Application Date: JUL 13, 20 Printed: August 16, 2016 at 3:55
-	A	Application f	for	Page: 2 c
	Si	gn Combo P	Permit	·
Schedule 59J (Reference Se	ection 930.4(4)(12) e floor of the third	). Section 59J.2(1)(b) Storey. The top of a Fa	states that any Fasci ascia On-premises Si	nply with the regulations found in a On-premises Sign shall not extend gn on a one Storey building or two Store
The (3) proposed Fascia Or 59J.2(1)(b).	n-premise Signs are	located greater than 7	5cm above the floor	of the third storey, contrary to Section
<ol><li>For all Sign Applications the land use characteristics adversely impact the ameni</li></ol>	of surrounding dev	elopment. The Develo	pment Officer shall	architectural character of the building an refuse any Sign Application that may
Signs do not fit with the sca tower which blends with the	ale, nor architectura e characteristic of t	I character of the build he building and was no	ling. The existing to ot designed for a sign	wall, all proposed Fascia On-premises wer was originally approved as a clock a. The proposed Fascia On-premises Sign projected architectural feature, contrary to
Rights of Appeal The Applicant has the right Chapter 24, Section 683 thr				ent Application Decision, as outlined in
<u> </u>	opment Authority:	LEE, RACHEL	Sign	ature:
Sign Development Application Fee Safety Codes Fee Sign Building Permit Fee	Fee Amount \$261.00 \$10.40 \$260.00	LEE, RACHEL <b>Amount Paid</b> \$261.00 \$10.40 \$260.00	Sign Receipt # 03439003 03439003 03439003	ature: Date Paid Jul 13, 2016 Jul 13, 2016 Jul 13, 2016
Sign Development Application Fee Safety Codes Fee	Fee Amount \$261.00 \$10.40	Amount Paid \$261.00 \$10.40	Receipt # 03439003 03439003	<b>Date Paid</b> Jul 13, 2016 Jul 13, 2016
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AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER			
APPELLANT:			
APPLICATION NO .:	223365914-001		
APPLICATION TO:	Construct exterior alterations to an existing General Industrial Building (Installing a wheat silo on the roof of a building and enclosing the open end of the building - Labatt's)		
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused		
DECISION DATE:	July 28, 2016		
DATE OF APPEAL:	August 11, 2016		
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	4344 - 99 Street NW		
LEGAL DESCRIPTION:	Plan 5658MC Blk 1		
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:

The new 65,000 kg silo is designed to hold 1.5x the capacity of a delivery truck; typical for bulk material handling. This provides sufficient capacity to maintain production while receiving new material. The diameter of the silo (13 ft) is the largest dimension that can be transported and handled for a reasonable cost. There is an 8' penthouse on top of the silo shell to shelter the filter receiver and other top mounted equipment required for this process. Finally, although the silo exceeded the 14m standard it is not the highest point of the brewery and does not alter the skyline.

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

#### **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 400.2(5), a **General Industrial Use** is a **Permitted Use** in the IB Industrial Business Zone.

Under Section 7.5(2), General Industrial Uses means:

development used principally for one or more of the following activities:

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

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

### Section 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.

### **Development Regulations**

Section 400.4(5) states:

the maximum Height shall not exceed 12.0 m, in accordance with Section 52 except that the Development Officer may, notwithstanding subsection 11.4, grant a variance to permit a greater Height for a building housing a General Industrial Use up to a maximum of 14.0 m, where this is required to facilitate the industrial development of the Use involved.

# Height and Grade

Section 52.2(a) states:

In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:

in any Zone other than a Residential Zone, the following features shall not be considered for the purpose of Height determination: chimney stacks, either free-standing or roof mounted, steeples, belfries, domes, or spires, monuments, elevator housings, roof stairways, entrances, water or other tanks, ventilating equipment, skylights, fire walls, plumbing stacks, receiving or transmitting structures, masts, flag poles, clearance markers or other similar erections.

Under section 6.1(49), Height means "a vertical distance between two points."

#### **Development Officer's Determination**

The maximum Height shall not exceed 14 m [(Reference Section 400.4(5)] Proposed: 19.4 m Excessive by: 5.4 m [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: 223365914 Application Date: JUN 0 Printed: July 28, 2016 at 8	7, 2016
	A	Application	for	Page:	1 of 1
	Majo	r Developm	ent Permit		
This document is a Development l	<b>v</b>	-			
-					
Applicant			perty Address(es) an 4344 - 99 STREET N Plan 5658MC E		
		Spe	cific Address(es)		
		Suite		'ENUE NW	
		Entry	way: 10119 - 45 AV		
			ing: 10119 - 45 AV		
Scope of Application					
		neral Industrial Buildi	ng (Installing a whea	t silo on the roof of a building and	
Permit Details					
Class of Permit:		Cont	act Person:		
Gross Floor Area (sq.m.):			Brading Needed?: N/A		
New Sewer Service Required: N/A			NumberOfMainFloorDwellings: 0		
Site Area (sq. m.):		Stat.	Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted de	tails are correct.				
Applicant signature:					
Development Application Decis Refused	ion				
Reason for Refusal The maximum Height s Proposed: 19.4 m Excessive by: 5.4 m	hall not exceed 14 m	[(Reference Section 4	00.4(5)]		
<b>Rights of Appeal</b> The Applicant has the ri Chapter 24, Section 683				nent Application Decision, as outlined	l in
Issue Date: Jul 28, 2016 De	velopment Authority	KOWAL, PAUL	Sigr	ature:	
Fees					
	Fee Amount	Amount Paid	Receipt #	Date Paid	
Major Dev. Application Fee	\$340.00	\$340.00	03340984	Jun 07, 2016	
Total GST Amount: Totals for Permit:	\$0.00 \$340.00	\$340.00			
		THIS IS NOT A PE	RMIT		





Hearing Date: Wednesday, September 7, 2016 ITEM III: 1:30 P.M.

#### FILE: SDAB-D-16-218

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

**APPELLANT:** 

**APPLICATION NO.:** 

**APPLICATION TO:** 

225005154-001

Construct a Single Detached House with front attached Garage, front veranda (2.11m x 1.22m), fireplace, rear covered deck (3.51m x 3.66m) and to develop a Secondary Suite in the Basement

DECISION OF THE DEVELOPMENT AUTHOR THE STOLON DATE: Development Author The July 26, 2016 Autom 1, 20

NOTIFICATION PERIOD:

**RESPONDENT:** 

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:

LEGAL DESCRIPTION:

ZONE:

**OVERLAY:** 

STATUTORY PLAN(S):

Approved with Conditions

2016

August 2, 2016 to August 16, 2016

Wildrose Country Development &

Construction Ltd.

631 - 176 Street SW

Plan 1125904 Blk 7 Lot 1

**RSL** Residential Small Lot Zone

N/A

Windermere Area Structure Plan Windermere Neighbourhood Structre Plan

18

# **BUSINESS LAID OVER**

CDADD1C004			
SDAB-D-16-204	An appeal by <u>Omer Moyen</u> to develop a Secondary Suite in the basement of a		
	Single Detached House, existing without permits		
	September 21 or 22, 2016		
SDAB-D-16-192	An appeal by Vishal Kapoor to change the Use from General Retail to Minor		
	Alcohol Sales (AKP Liquors)		
	September 21 or 22, 2016		
SDAB-D-16-205	An appeal by Rossdale Community League & Gabe Shelley VS Edmonton		
	Fire Rescue Services to continue and intensify the use of an existing		
	Protective and Emergency Services Use (Fire Station 21 with a 24/7 crew)		
	and to allow interior and exterior alterations		
	October 6, 2016		
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd</u> . to create 78 Single Detached residential		
	lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3)		
	Public Utility lots from SE 13-51-25-4		
	October 31, 2016		
SDAB-D-16-144	An appeal by Kiewit Energy Canada Corp to construct 6 Accessory General		
	Industrial Use buildings - existing without permits (Kiewit Energy Canada		
	Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building)		
	November 30 or December 1, 2016		

# APPEAL HEARINGS TO BE SCHEDULED

178340926-011	An appeal by Habitat Studio & Workshop Ltd. to construct a two-storey
178340920-011	
	Accessory Building (rear detached Garage - 8.99 metres by 9.60 metres)
	September 21 or 22, 2016
169544513-002	An appeal by Michael Skare to construct an Accessory Building (Shed 1.98m
	x 4.57 m).
	September 28 or 29, 2016
188282372-001	An appeal by <u>Kennedy Agrios</u> to change the use from general Retail to a Bar
	and Neighbourhood Pub (maximum of 400 occupants and 691 square metres
	of Public Space)
	November 2 or 3, 2016
188283359-001	An appeal by <u>Kennedy Agrios</u> to change the use from a Flea Market Use to a
	Night Club and Major Amusement Establishment (1757 square metres of
	Public space)
	November 23 or 24, 2016