

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
June 7, 2017**

**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-17-101	Construct 1 Minor Digital Off-premises Sign (Capital Hill Dental) 14109 - Stony Plain Road NW Project No.: 245152848-001
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II	11:00 A.M.	SDAB-D-17-102	Construct an Accessory Building (7.62m x 9.45m, main floor Garage, Garage Suite on second floor), and to demolish an existing Accessory Building (5.49m x 6.4m) 7318 - 118A Street NW Project No.: 241659460-001
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NOTE: *Unless otherwise stated, all references to “section numbers” refer to
the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-101

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 245152848-001

APPLICATION TO: Construct 1 Minor Digital Off-premises Sign (Capital Hill Dental)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 8, 2017

DATE OF APPEAL: May 13, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14109 - Stony Plain Road NW

LEGAL DESCRIPTION: Plan 3669HW Blk 130 Lot 16

ZONE: (CSC) Shopping Centre 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 application meets all of the requirements of the city's bylaw.

The digital screens will not affect the proposed Mixed Use Residential development to the south as the sign faces east and west. As well, all of the manufacturer's brightness and night time illumination controls will be in place, so that the brightness of the led screens will meet the requirements set out by the city.

The city's transportation department inspected the site and approved the proposed location with respect to traffic safety and proximity to the nearest intersection.

There are no variances to city's bylaw requested in this application.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 320.3(35), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the (CSC) Shopping Centre Zone.

Under section 7.9(6), **Minor Digital Off-premises Signs** means:

any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital 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 directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

Section 320.4(8) states “Signs shall comply with the regulations found in Schedule 59E.”

Section 320.1 states that the **General Purpose** of the (CSC) **Shopping Centre Zone** is:

to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

<i>Sign Regulations – General Provisions</i>

Section 59.2(3) 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 or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or


adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

Development Officer's Determination

The proposed Minor Digital Off-premises Sign is a 'V' shaped sign oriented E/W located 50 m South of Mixed Use Residential Development. The light illumination from the Digital sign negatively impacts the use, enjoyment and value of Mixed Use Residential Development contrary to section 59.2(3). [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: 245152848-001 Application Date: APR 06, 2017 Printed: May 8, 2017 at 12:56 PM Page: 1 of 2	
<h2>Application for Sign Combo Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant		Property Address(es) and Legal Description(s) 14109 - STONY PLAIN ROAD NW Plan 3669HW Blk 130 Lot 16	
Scope of Application To construct 1 Minor Digital Off-Premises Sign (Capital Hill Dental)			
Permit Details			
ASA Sticker No./Name of Engineer: Construction Value: 72000		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: 2 Minor Digital On/Off-premises Sign: 0		Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0	
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal 1) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer. (Reference Section 59.2(3)) The proposed Minor Digital Off-premises Sign is a 'V' shaped sign oriented E/W located 50 m South of Mixed Use Residential Development. The light illumination from the Digital sign negatively impacts the use, enjoyment and value of Mixed Use Residential Development contrary to section 59.2(3). 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.			
THIS IS NOT A PERMIT			



Project Number: **245152848-001**
Application Date: APR 06, 2017
Printed: May 8, 2017 at 12:56 PM
Page: 2 of 2

Application for Sign Combo Permit

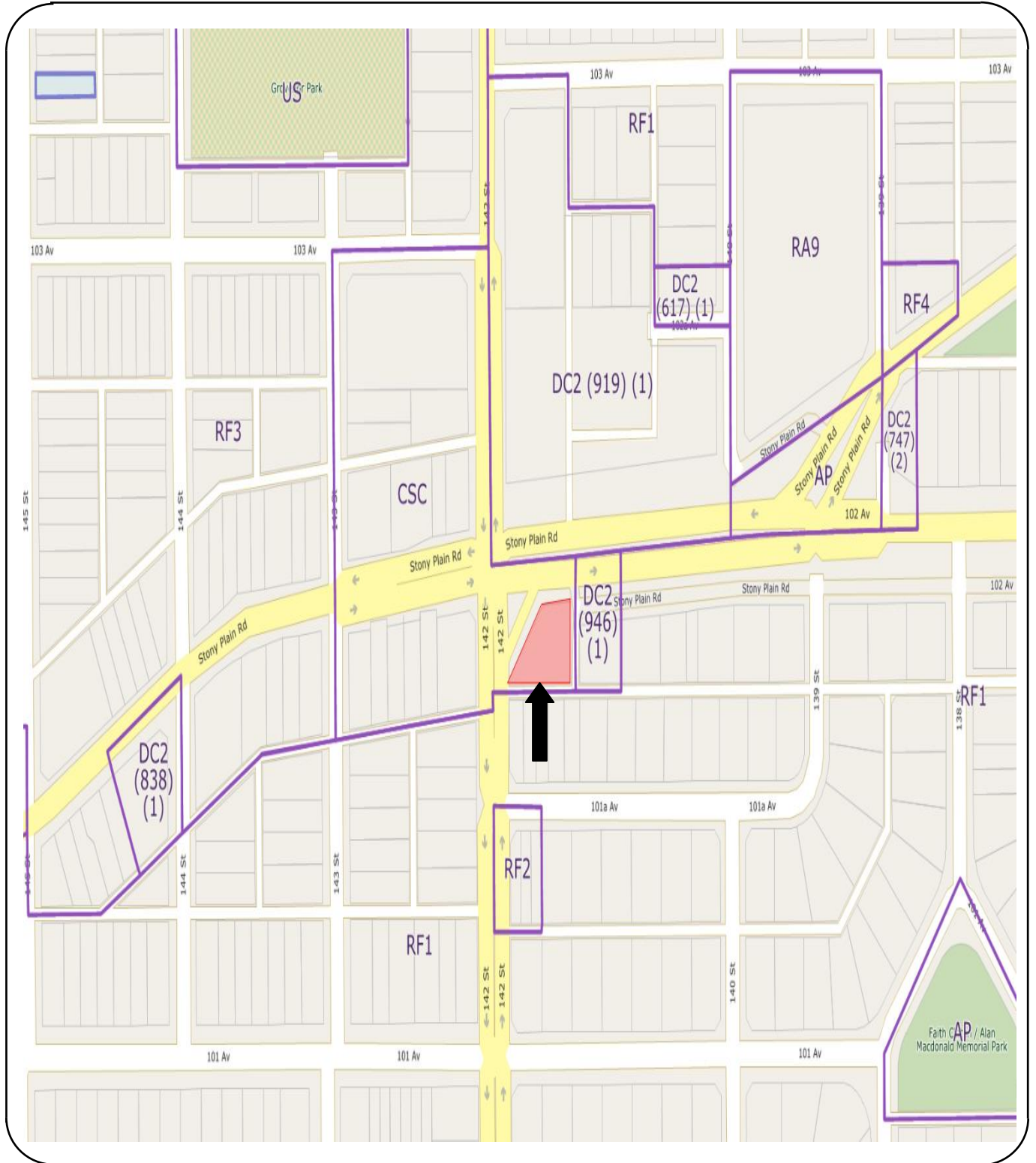
Issue Date: May 08, 2017 Development Authority: AHUJA, SACHIN

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$884.00	\$884.00	04034807	Apr 06, 2017
Safety Codes Fee	\$28.80	\$0.00		
Sign Building Permit Fee	\$720.00	\$0.00		
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,632.80	\$884.00		
(\$748.80 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-101



ITEM II: 11:00 A.M.

FILE: SDAB-D-17-102

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 241659460-001

APPLICATION TO: Construct an Accessory Building (7.62m x 9.45m, main floor Garage, Garage Suite on second floor), and to demolish an existing Accessory Building (5.49m x 6.4m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 12, 2017

DATE OF APPEAL: May 15, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7318 - 118A Street NW

LEGAL DESCRIPTION: Plan 2938HW Blk 10 Lot 7

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan / Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

We wish to appeal the decision of the Development Authority for these reasons: We know of 4 garage suites with the same design and have been approved, two of which have been built, one of which is in the same neighbourhood of the proposed development, Belgravia.

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

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Hearing and Decision

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

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- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

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- (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 110.3(3), a **Garage Suite** is a **Discretionary Use** in the (RF1) Single Detached Residential Zone.

Under section 7.2(3), **Garage Suite** means:

an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 110.4(5) states “Garage Suites and Garden Suites shall comply with Section 87 of this Bylaw.”

Section 110.1 states that the **General Purpose** of the **(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, Semi-detached Housing and Duplex Housing under certain conditions.

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

to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Height

Section 87.2 states:

the maximum Height shall be as follows:

- a. Garage containing a Garage Suite (above Grade):
 - i. 6.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4°) or greater.
 - ii. 5.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4°).


Under section 6.1(53), **Height** means “a vertical distance between two points.”

Development Officer’s Determination

Garage Suite Height - The Height of the proposed Garage Suite is 6.48m, instead of 5.50m (Section 87.2) [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: 241659460-001 Application Date: FEB 21, 2017 Printed: May 12, 2017 at 12:08 PM Page: 1 of 2																																								
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This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit																																									
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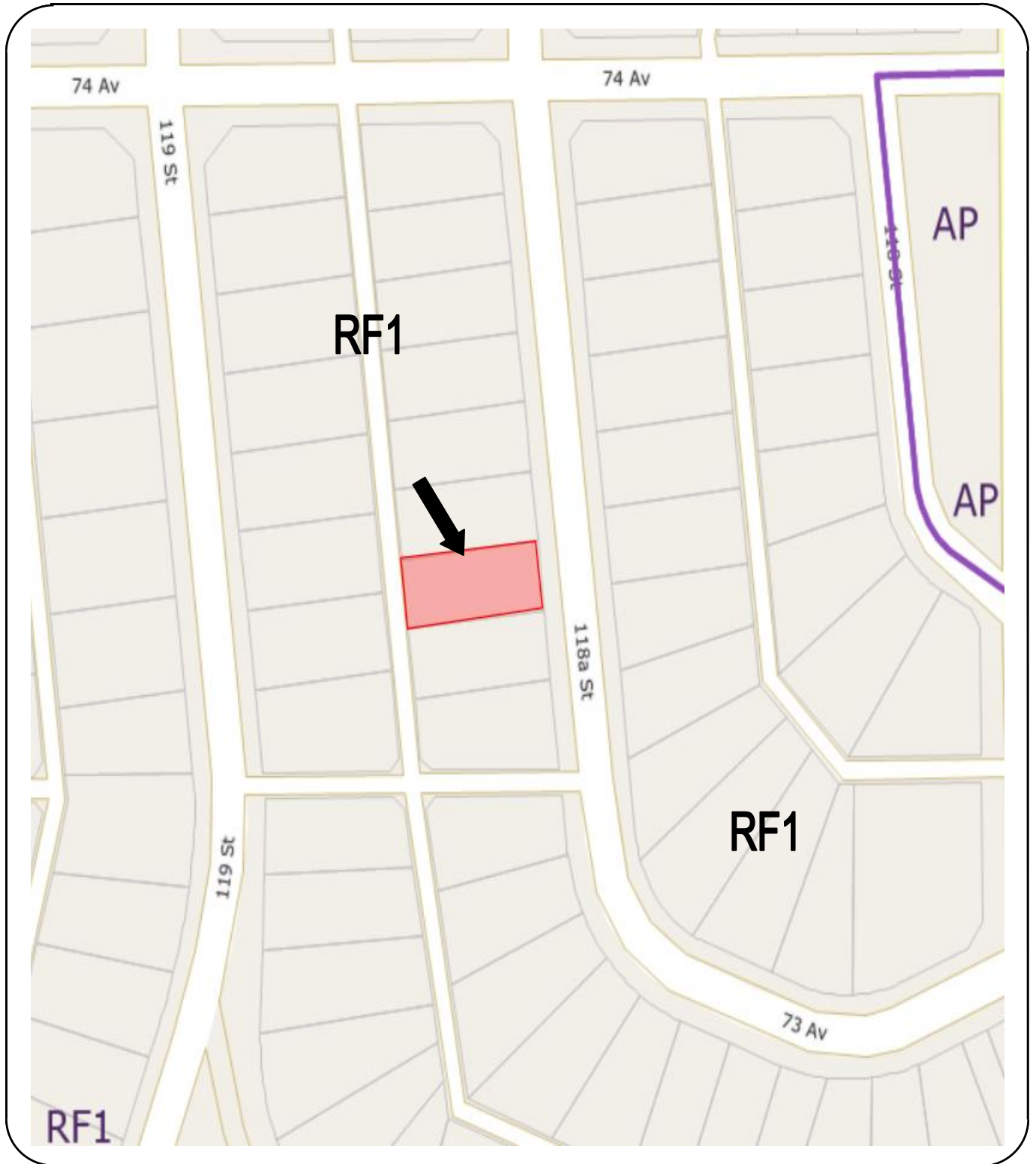
Project Number: **241659460-001**
Application Date: FEB 21, 2017
Printed: May 12, 2017 at 12:08 PM
Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$0.00			
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$2,140.39	<u>\$2,140.39</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-102

