

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
May 7, 2015**

**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-15-089	Construct a General Industrial Use building (Building 4), 2 additions (Buildings 2 & 3) and a surface Parking Area on an existing General Industrial development (Allwest Auto Parts); existing without permits 4415 - 76 Avenue NW Project No.: 113079430-001
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LUNCH BREAK: 11:30 A.M. TO 12:30 P.M.

II	12:30 P.M.	SDAB-D-15-090	Construct (1) Fascia On-premises Sign and (1) Freestanding Minor Digital On-premises Sign 2225 - 66 Street NW Project No.: 168465932-001
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III	3:00 P.M.	SDAB-D-15-091	Construct exterior alterations to a Single Detached House (Driveway extension) - existing without permits 17420 - 108 Street NW Project No.: 154362913-002
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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-15-089

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 113079430-001

APPLICATION TO: Construct a General Industrial Use building (Building 4), 2 additions (Buildings 2 & 3) and a surface parking area on an existing General Industrial development (Allwest Auto Parts); existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 2, 2015

DATE OF APPEAL: April 9, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4415 - 76 Avenue NW

LEGAL DESCRIPTION: Plan 3777HW Lot 2, Plan 1223062 Blk 1 Lot 2A

ZONE: IM Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$11,166.20. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the property owner shall enter into a Servicing Agreement to pay the following Permanent Area Contribution Assessments:

- Mill Creek/Fulton Creek Offsite Storm: \$3,737/ha
- There may also be PAC over-expenditure payment which can only be determined at the time the applicant/owner is ready to enter into a servicing agreement.
- Expansion Assessment is not applicable, since the property is outside the current Expansion Assessment area.

The PACs must be paid by entering into a servicing agreement, which will be prepared by the Sustainable Development. The applicant should immediately contact Steve Jensen at 780-944-7673 when he/she is ready to initiate the servicing agreement and make payment.

The assessment area is 1.9312 ha. The assessment area is obtained from the City's information computer program called POSSE.

The final PAC amounts will be based on the prevailing rates at the time the applicant/owner pays and enters into a servicing agreement with the City.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into a Municipal Improvement Agreement with the City for the following improvements:

- removal of the existing concrete on the City road right-of-way (boulevard) between the center and eastern access to 76 Avenue and restoration of the boulevard.

Engineering Drawings are not required for this Agreement. However, construction must meet the City of Edmonton Design and Construction Standards. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Mohammed Bashar (780-496-1799) including an irrevocable Letter of Credit in the amount of \$18,000.00 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature.

All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction. Reference Section 53(1).

The existing center commercial access (2nd access from the west property line) to 76 Avenue, located 25 m from the west property line, must be removed and the curb & gutter constructed and the boulevard restored, as shown on the Enclosure.

The existing concrete on the City road right-of-way (boulevard) between the center and easterly access to 76 Avenue must be removed and the boulevard restored, as shown on the Enclosure.

The existing easterly and westerly accesses from the site to 76 Avenue and existing access to 74 Avenue are acceptable and can remain. Any modification to these existing accesses requires the review and approval of Transportation Services.

There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

Any hoarding or construction taking place on road right-of-way requires an OSCAM permit. The owner must call Transportation Operations at 780-442-6458 to arrange for the permit.

Any boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

The applicant/owner shall provide parking for People with Disabilities (a minimum of 1 space) in accordance to Section 54.1(3) and to the satisfaction of the Development Officer.

All activities or operations of the proposed development shall comply to the standards prescribed by the Province of Alberta pursuant to the Environmental Protection and Enhancement Act and the regulations pertaining thereto.

Any indoor sales, display, or office area, shall not exceed 33% of the gross floor area per tenant. [Reference Section 95(1)].

The development shall comply to the performance standards for the IM District in accordance to Section 57 of the Edmonton Zoning Bylaw.

No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the required 3.0 m yards. (Reference Section 420.4(3).)

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.

Notes:

- Signs require separate Development Applications.
- 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.
- 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.

VARIANCE:

Section 420.4(3) relaxed - Allow parking to encroach into the 3.0 m Setback requirement abutting 76 Avenue.

Notes:

- A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4.
- Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires in accordance with Sections 21.1 and 17.1.

APPELLANT'S SUBMISSION

The changes outlined in the permit to access the property on 76 Avenue will have a negative effect on our business and disrupt traffic. We have trucks with long trailers coming into our yard and with the changes on the permit it would make it hard to get into. The existing access works the best for what we do.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

General Industrial Uses is a Permitted Use in the IM Medium Industrial Zone, Section 420.2(5).

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.

This application was approved by the Development Officer subject to conditions.

The conditions imposed by the Development Officer have been appealed by the Applicant, specifically:

The existing center commercial access (2nd access from the west property line) to 76 Avenue, located 25 metres from the west property line, must be removed and the curb and gutter constructed and the boulevard restored, as shown on the Enclosure.

The existing concrete on the City road right-of-way (boulevard) between the center and easterly access to 76 Avenue must be removed and the boulevard restored, as shown on the Enclosure.

Section 420.4(2) states a minimum Setback of 3.0 metres shall be required where any lot line of a Site abuts a public roadway, other than a Lane. If any lot line of the Site abuts a property line of a Residential Zone, a minimum Setback of 6.0 metres shall be required.

Section 420.4(3) states no parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback.

The Development Officer determined a 3.0 metre Setback is required where the Site abuts 76 Avenue. The proposed development provides parking spaces within the (north) Setback, contrary to Section 420.4(3) and the Development Officer waived this requirement.

Section 53 provides the following with regard to Access to Sites:

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

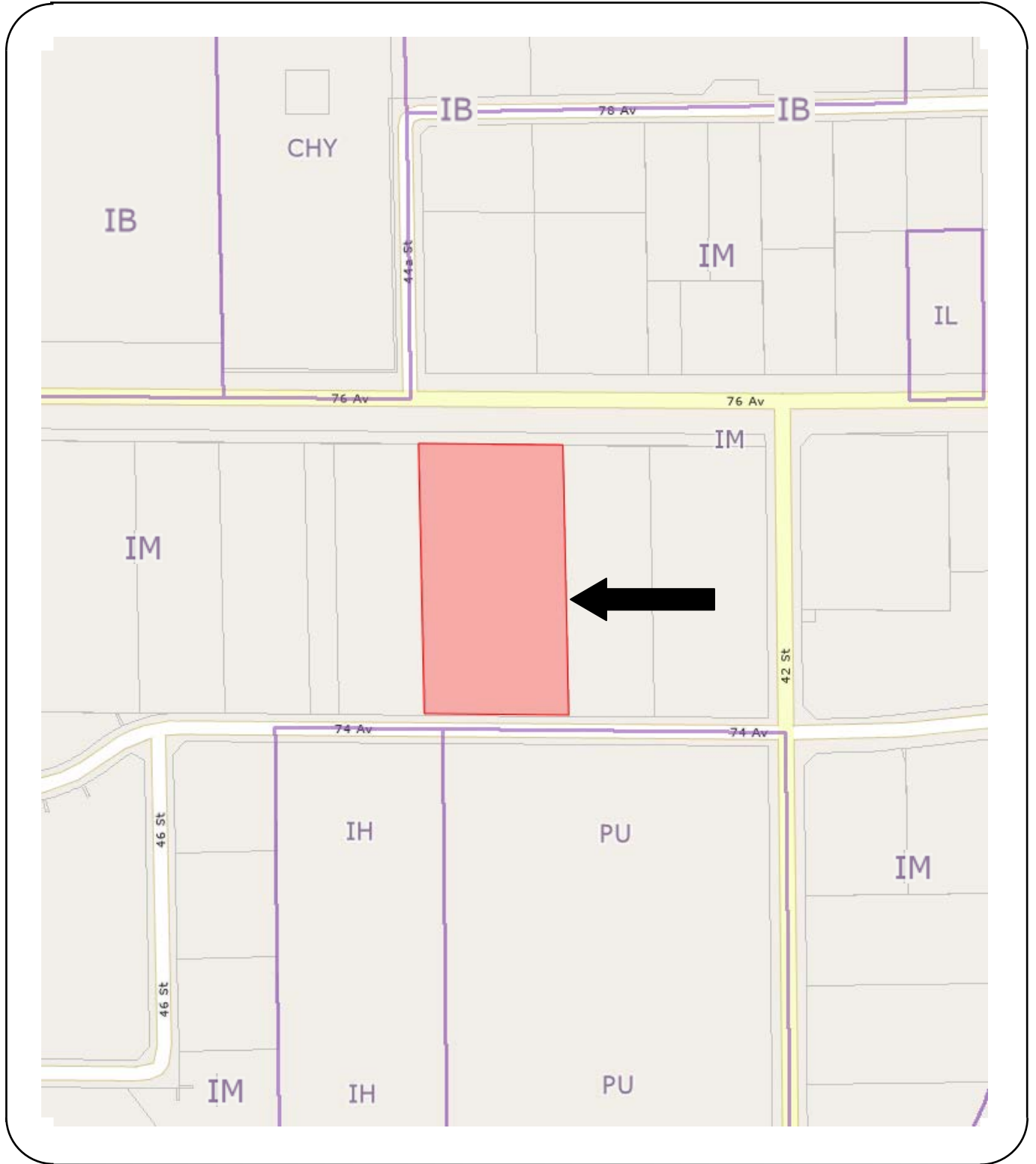
Under Section 6.1(88), **Setback** means the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.

Section 420.1 states the purpose of the IM Medium Industrial Zone is to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Included in the Sustainable Development Department's POSSE system, under "Shared with SDAB", is a Memorandum dated April 30, 2013 from Faisal Saeed, Senior Engineer, Development Planning, Transportation Planning Branch which indicates that Transportation Services has reviewed the noted development application and does not object to the proposed development, subject to conditions and advisements. **A copy of the Memorandum from Transportation Services is on file.**

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-089



ITEM II: 12:30 P.M.

FILE: SDAB-D-15-090

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

APPELLANT:

APPLICATION NO.: 168465932-001

APPLICATION TO: Construct (1) Fascia On-premises Sign
and (1) Freestanding Minor Digital On-
premises Sign

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 26, 2015

DATE OF APPEAL: April 13, 2015

NOTIFICATION PERIOD: March 31, 2015 through April 13, 2015

RESPONDENT: Five Star Permits

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2225 - 66 Street NW

LEGAL DESCRIPTION: Plan 9520748 Blk 1 Lot 1

ZONE: DC2.375 Site Specific Development
Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

PRIOR TO THE REVIEW AND ISSUANCE OF THE BUILDING PERMIT AND INSTALLATION OF THE SIGN, THE APPLICANT SHALL DEMONSTRATE, TO THE SATISFACTION OF DEVELOPMENT OFFICER, THAT THE (1) EXISTING FREESTANDING ON-PREMISES SIGN LOCATED ON THE EAST IS REMOVED FROM THE SITE AND CLEARED OF ALL DEBRIS.

- 1) The maximum Height of a Freestanding Sign shall be 8 m (26.2 ft.) for a business premise or multiple occupancy business development having frontage of at least 30 m. (Reference Section 79D.2(1)(c))
- 2) The maximum area of a Freestanding Sign shall be 20 m². (Reference Section 79D.2(1)(d))
- 3) The maximum number of Freestanding Signs per site shall be four provided that the required minimum frontages and Separation Space are met. (Reference Section 79D.2(1)(f))
- 4) Freestanding Signs shall be allowed for the first frontage of a business premise or multiple occupancy development, provided that such frontage is at least 30 m in length. (Reference Section 79.7(8)(a))
- 5) Where two or more Freestanding Signs are located on the same business premise or site, or along the same frontage; a minimum horizontal separation distance of 30 m shall be provided between Signs. (Reference Section 79.7(8)(g))
- 6) Where the changeable copy is intended to be viewed from a public roadway with a posted traffic speed less than 70 km/hr (43.5 mph), the maximum allowable area for changeable copy per Sign face shall be 12 m² if the length of business frontage is more than 60 m. (Reference Section 79.7(3)(c)(i)).

Fascia Signs

- 1) A Fascia Sign shall not extend higher than the window sill of the third storey or, in the absence of such a window, 75 cm above the floor of the third storey. The top of a Fascia Sign on a one-storey building or two-storey building shall not extend more than 30 cm above the building roof or parapet wall. Any Fascia Sign which extends over a public right-of-way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m. (Reference Section 79.7(7)(a))
- b) A Fascia Sign shall not extend more than 40 cm beyond a building wall. (Reference Section 79.7(7)(b)).

c) Notwithstanding (a) above, Facia Signs which consist only of a company Logogram, or an Identification Sign formed of individual letters, shall be allowed above the first floor level. Not more than one such Sign shall be allowed per building face and the Sign shall only be used to identify the principal tenant of the building.(Reference Section 79.7(7)(c)).

Transportation Conditions:

1. The permit shall be approved for a term of not longer than 5 years, at which time the applicant shall apply for a new development permit for continued operation of the sign.
2. That, should at any time, Transportation Services determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and or address the concern in another manner acceptable to Transportation Services.
3. That the owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by Transportation Services within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.
4. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way.

ADVISEMENTS:

1. Should the Applicant wish to display video or any form of moving images on the sign, a new Development Application for a major digital sign will be required. At that time, Transportation Services will require a safety review of the sign prior to responding to the application.

VARIANCE:

Minor Digital Signs are Discretionary Use.

APPELLANT'S SUBMISSION

The sign could affect the east facing windows of my house and my back yard, therefore I would like to the angle the sign is going to be installed at, is the LED sign going to be on 24 hours a day 7 days a week and the brightness of the sign.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Section 641(4) of the *Municipal Government Act*, Chapter M-26 states despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority following the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Section 2 of the Edmonton Zoning Bylaw 12800 concerning Repeal, Enactment and Transition Procedures states the following:

- 2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.
- 2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.
- 2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject DC site, the City of Edmonton Land Use Bylaw 5996 was in effect. A recent Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that Section 2.7 of the Edmonton Zoning Bylaw only applies if there is an express cross-reference in a Direct Control bylaw passed before 2001 to a provision of the old Land Use Bylaw. In the absence of an express reference in the Direct Control Bylaw to the Land Use Bylaw 5996, it does not prevail over Section 2.4 of the Edmonton Zoning Bylaw.

Neither **Fascia On-premises Signs** nor **Minor Digital On-premises Signs** are a listed Use in the DC2 Site Specific Development Control Provision, Section DC2.375.3.

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.

Under Section 7.9(8), **Minor Digital On-premises Signs** means any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises 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 identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed. This application was approved by the Development Officer subject to conditions.

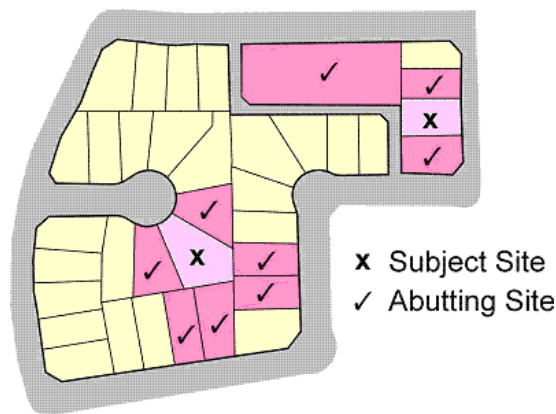
The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 2119 67 Street.

However, Section 720.3(4) of the (DC2) Site Specific Development Control Provision states Signs shall comply with the regulations found in Schedule 59H.

Schedule 59H.2(2) states where there is no Sign Schedule or criteria contained within the DC2 Provision, Signs requiring a Development Permit shall be Discretionary Developments in a DC2 Provision. The Development Officer may consider Sign Applications having regard for all or any of the following:

- a. Sign criteria specified within the Development Agreement approved by Council to regulate the Use and development of the Site where the Sign is proposed;
- b. the Sign provisions of the Sign Schedules applicable to the Land Use Zones abutting the DC2 Site where the proposed Sign is to be erected; and
- c. the visual harmony and compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development.

Under Section 6.1(1), **Abut** or **abutting** means immediately contiguous to or physically touching, and when used with respect to a lot or Site, means that the lot or Site physically touches upon another lot, Site, or piece of land, and shares a property line or boundary line with it;

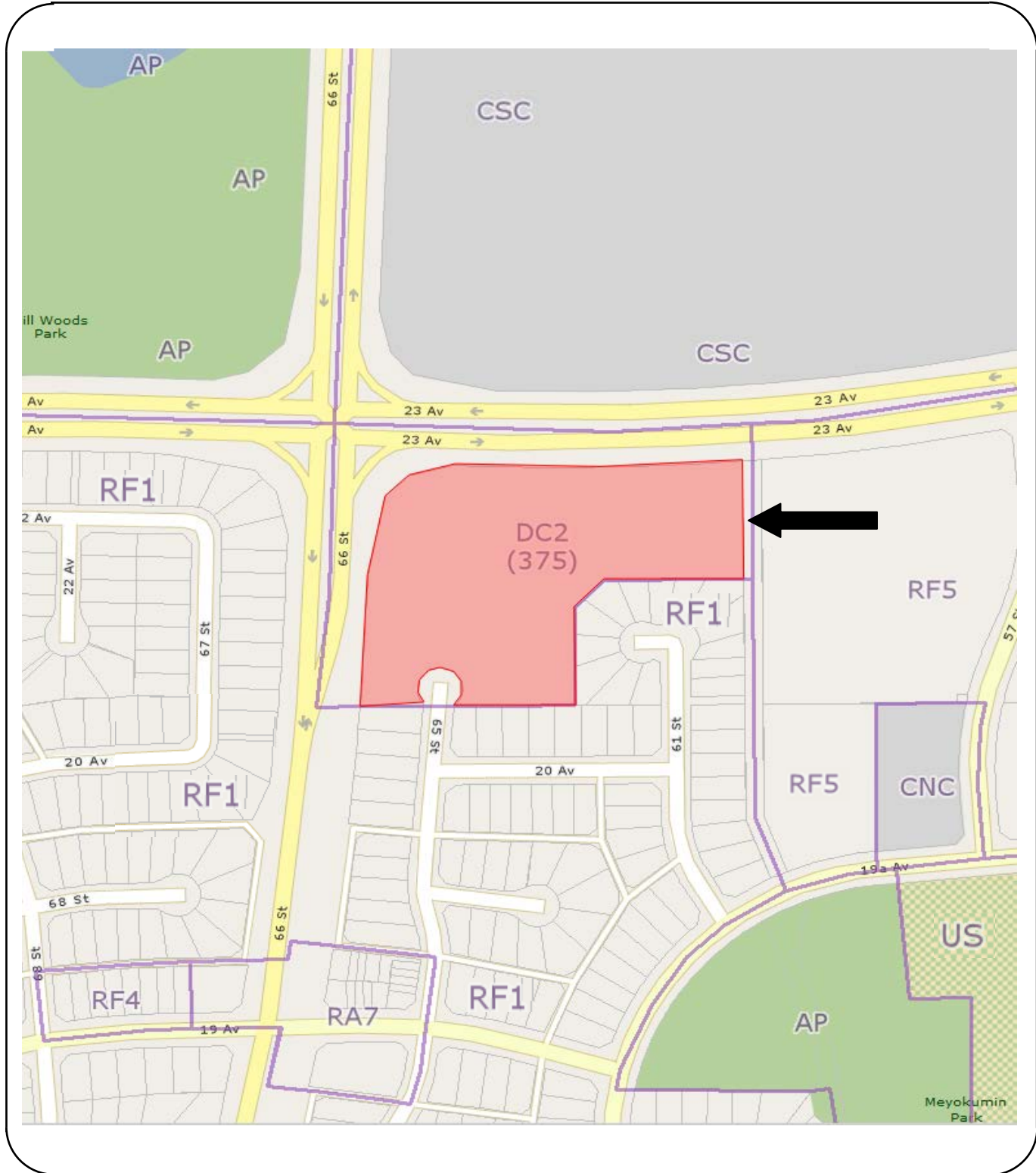


Section DC2.375.1 states the purpose of the DC2 Site Specific Development Control Provision is to accommodate religious assembly, private education services and related accessory uses with site development criteria that will ensure the development is compatible with the surrounding residential uses.

Included in the Sustainable Development Department's POSSE system, under "SDAB", is an e-mail dated March 25, 2015 from Xiaobin Wang, Project Engineer, Development Planning, which indicates that Transportation Services has reviewed the noted development application and does not object to the proposed development, subject to conditions. **A copy of the e-mail from Transportation Services is on file.**

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-090



ITEM III: 3:00 P.M.

FILE: SDAB-D-15-091

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 154362913-002

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension) - existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 2, 2015

DATE OF APPEAL: April 8, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17420 - 108 Street NW

LEGAL DESCRIPTION: Plan 0723943 Blk 86 Lot 18

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Castle Downs Extension Area Structure Plan
Chambery Neighbourhood Structure Plan

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1.) Section 6.1(26): Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area

Other than the approved 6.5 m wide concrete side-driveway, the existing concrete extension along the north property line does not lead to an overhead garage door or parking area. (Section 6.1(26)).

2.) Section 55.4(1): All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

The existing driveway extension is in the front of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. (Section 55.4(1)) (Section 6.1(55))

3.) Section 54.2(2(e)): Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.

The Front yard of this property adjacent to the east wall of the attached garage wall and along the Front yard along the south property line, are being used for parking. These areas should be landscaped and parking is also not allowed on within these yards.

4.) Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

The extensive concrete covering the entire front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

5.) Section 17.1(1)(a) When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

The landscape condition attached to Development Permit #100774748-001 for the Single Family House approval has not been fulfilled:

All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).

NOTES:

Sufficient on site parking is provided through the provision of a 3-car front attached garage, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.

Runoff may drain onto neighbouring properties creating a negative impact.

This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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

APPELLANT'S SUBMISSION

- Driveway was constructed as per the approved Plot Plan from City of Edmonton. Dimensions (measurements) of driveway were not mentioned in Plot Plan.

- Concrete on the wall of side garage wall was poured to use it as front patio, not for parking.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The Subdivision and Development Appeal Board at a hearing on April 9, 2015 made and passed the following motion:

“that the appeal hearing be scheduled for May 7, 2015 at the request of the Appellant.”

Section 686(1)(a)(i) of the *Municipal Government Act* states “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....after the date on which the person is notified of the order or decision or the issuance of the development permit.”

The decision of refusal by the Development Officer is dated March 2, 2015. Fourteen days from the decision date is March 16, 2015 and the Notice of Appeal was filed on April 8, 2015.

Included in the Sustainable Development Department's POSSE system, under “Shared with SDAB”, is a Canada Post Registered Mail Delivery, dated March 10, 2015 that confirms the notice of refusal was delivered on March 8, 2015. **A copy of the Canada Post Registered Mail Delivery is on file.**

Single Detached Housing is a Permitted Use in the RSL Residential Small Lot Zone, Section 115.2(4).

Under Section 6.1(26), **Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

The Development Officer determined a Driveway must lead to an overhead Garage door or Parking Area. The proposed development does not lead to an overhead Garage door or Parking Area.

Section 55.4(1) states all open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

The Development Officer determined Front Yards must be landscaped. The proposed development provides monolithic concrete, which is not considered a form of landscaping.

Section 54.2(2)(e) states, except otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and
- ii. on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

The Development Officer determined parking is not allowed within a Front Yard. The proposed development provides parking spaces within the Front Yard.

Section 11.3(1) states the Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where the proposed development would not, in his opinion:

- a. unduly interfere with the amenities of the neighbourhood; or
- b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

The Development Officer determined the extensive concrete covering the entire Front Yard is unsightly.

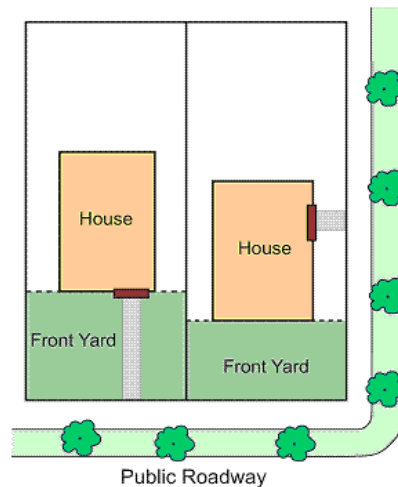
Section 17.1(1)(a) states when an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

The Development Officer determined the following condition is attached to Development Permit 100774748-001 for the Single Family House:

All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).

The Development Officer determined the above condition has not been fulfilled.

Under Section 6.1(39), **Front Yard** means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under Section 6.1(55), **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls and sculpture.

Under Section 6.1(69), **Parking Area** means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

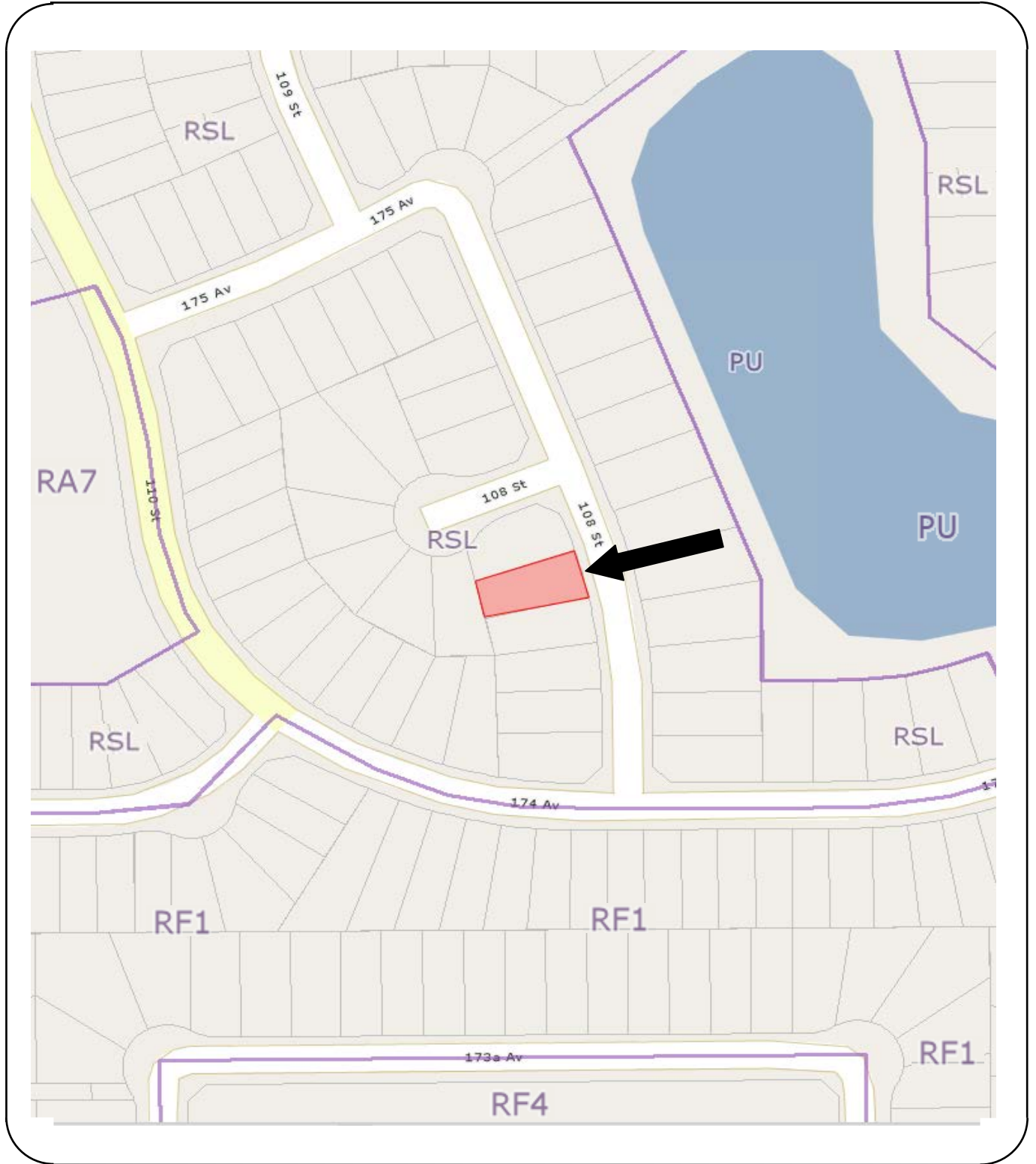
Section 115.1 states the purpose of this Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

The following permit application is listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
100774748-001	To construct a single detached house with attached garage, partially covered rear deck (6.71m x 3.35m),(2) fireplace, balcony and basement development (No Secondary Suite).	Issued August 5, 2010.

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-091



BUSINESS LAID OVER

APPEAL HEARINGS TO BE SCHEDULED

159253875-001; LDA14-0384	An appeal to create 31 Single Detached Residential lots, 46 Semi-detached Residential Lots and 30 Row Housing Lots. <i>May 20, 2015</i>
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