

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
October 3, 2018**

**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-18-159	Construct an Accessory building (detached Garage, 7.62m x 6.25m) 11422 - 77 Avenue NW Project No.: 286679106-001
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TO BE RAISED

II	10:00 A.M.	SDAB-D-18-136	Install (1) Minor Digital Off-premises Freestanding Sign (2 digital panels V-shaped 3.1m x 6.1m facing NE/SW)(OUTFRONT MEDIA/SANDS HOTEL) 12340 – Fort Road NW Project No.: 273339892-001
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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-18-159

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 286679106-001

APPLICATION TO: Construct an Accessory building
(detached Garage, 7.62m x 6.25m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 16, 2018

DATE OF APPEAL: September 6, 2018

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11422 - 77 Avenue NW

LEGAL DESCRIPTION: Plan 2064S Blk 2 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:

Architectural integrity between house and garage. We want extra height for storage space, as there is no storage space on the main level of the garage.

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(5), **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 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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

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

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.

Height

Section 50.3(3)(a) states “an Accessory building or structure shall not exceed 4.3 m in Height, [...]”

Section 52.2(c) states:

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

...

- c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

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

Development Officer’s Determination


- 1. **Height - the Garage is 4.47m to the midpoint of the roof, instead of 4.3m. The peak of the roof is 6.25m instead of 5.8m (Section 50.3.3 and Section 52.2).**
[unedited]

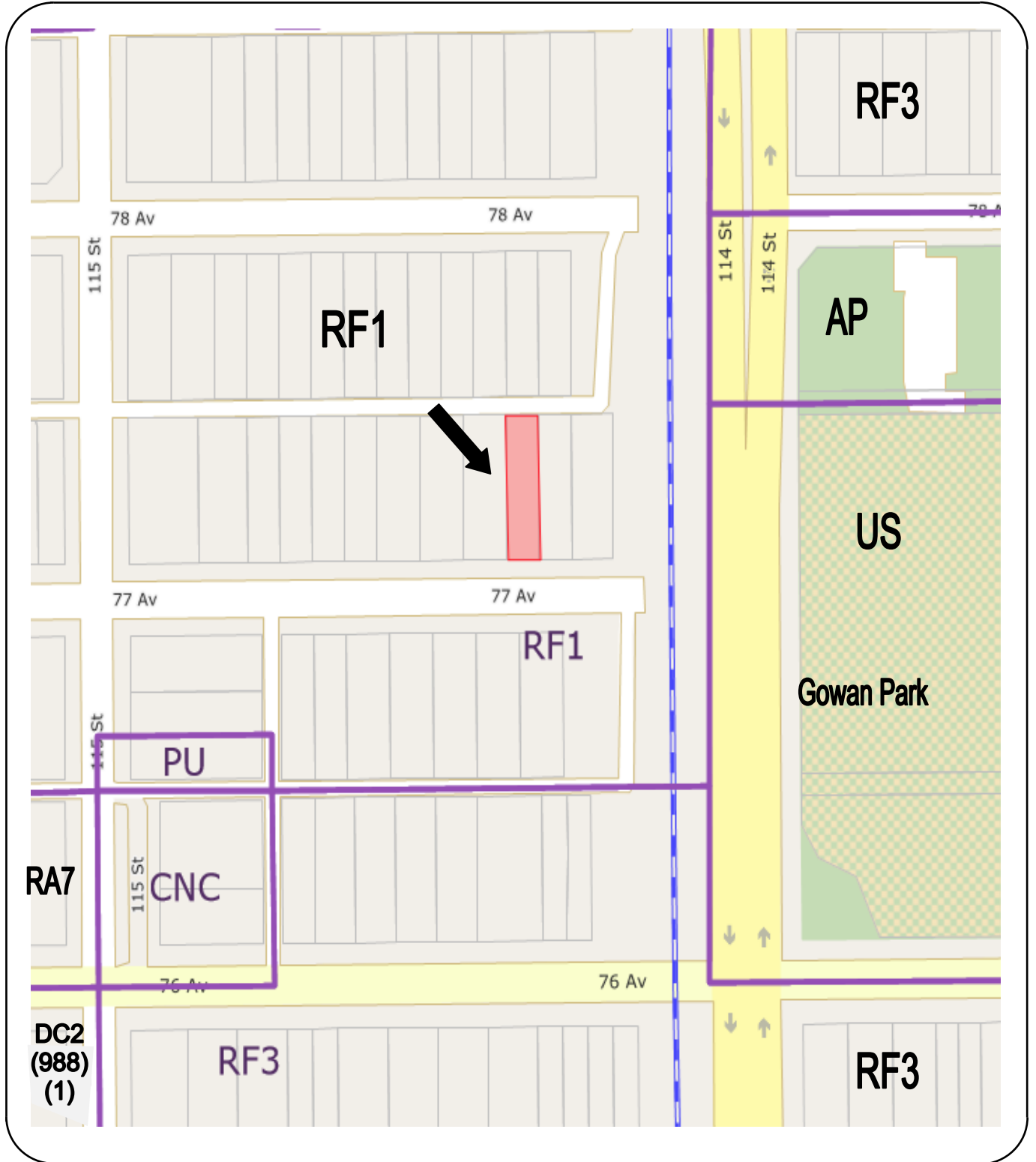
Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-18-012	To construct an Accessory building (detached Garage, 7.62m x 7.01m).	February 9, 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: 286679106-001 Application Date: JUL 04, 2018 Printed: September 6, 2018 at 9:17 AM Page: 1 of 1																														
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">Accessory Building Development and Building Permit</h1>																															
<p>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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>																															
Applicant	Property Address(es) and Legal Description(s) 11422 - 77 AVENUE NW Plan 2064S Blk 2 Lot 7 Location(s) of Work Entryway: 11422 - 77 AVENUE NW Building: 11422 - 77 AVENUE NW																														
Scope of Application To construct an Accessory building (detached Garage, 7.62m x 6.25m).																															
Permit Details																															
Building Area (sq. ft.): 513 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Type of Accessory Building: Detached Garage (010)																														
I/We certify that the above noted details are correct. Applicant signature: _____																															
Development Application Decision Refused Issue Date: Aug 16, 2018 Development Authority: ROBINSON, GEORGE Reasons for Refusal 1. Height - the Garage is 4.47m to the midpoint of the roof, instead of 4.3m. The peak of the roof is 6.25m instead of 5.8m (Section 50.3.3 and Section 52.2). 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 <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: left;">Receipt #</th> <th style="width: 10%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Building Permit Fee</td> <td style="text-align: right;">\$108.00</td> <td style="text-align: right;">\$108.00</td> <td style="text-align: left;">05158484</td> <td style="text-align: left;">Jul 04, 2018</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: left;">05158484</td> <td style="text-align: left;">Jul 04, 2018</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$116.00</td> <td style="text-align: right;">\$116.00</td> <td style="text-align: left;">05158484</td> <td style="text-align: left;">Jul 04, 2018</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$228.50</td> <td style="text-align: right; border-top: 1px solid black;">\$228.50</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Building Permit Fee	\$108.00	\$108.00	05158484	Jul 04, 2018	Safety Codes Fee	\$4.50	\$4.50	05158484	Jul 04, 2018	Dev. Application Fee	\$116.00	\$116.00	05158484	Jul 04, 2018	Total GST Amount:	\$0.00				Totals for Permit:	\$228.50	\$228.50		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-159



TO BE RAISED
ITEM II: 10:00 A.M.

FILE: SDAB-D-18-136

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 273339892-001

APPLICATION TO: Install (1) Minor Digital Off-premises
Freestanding Sign (2 Digital panels V-
shaped 3.1m x 6.1m facing
NE/SW)(OUTFRONT MEDIA/SANDS
HOTEL)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 30, 2018

DATE OF APPEAL: August 8, 2018

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12340 – Fort Road NW

LEGAL DESCRIPTION: Plan 9525276 Blk 20 Lot 22

ZONE: (CSC) Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

Grounds for Appeal

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

Sign was built in 2013, with no issues from City of Edmonton Development Authority. Surrounding area has not changed since sign was applied for and built. Sign is actually set back further from property line than was proposed.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on September 5, 2018:

“That SDAB-D-18-136 be TABLED to October 3, 2018 at the verbal request of Legal Counsel representing the Appellant and with the verbal consent of City Departments.”

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
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Hearing and Decision

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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.

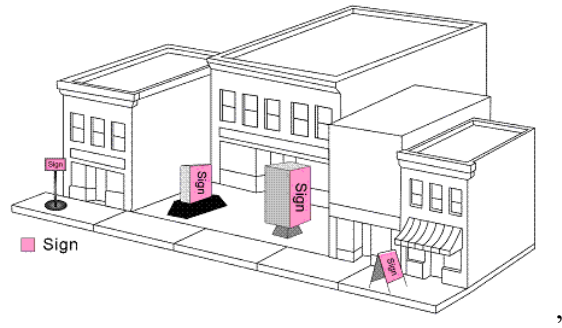
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 340.3(36), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the (CSC) Shopping Centre Zone.

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

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays 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, **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 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.”

Schedule 59E

Schedule 59E.3(5)(i) states “proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.”

Section 320.4(3) states “A minimum Setback of 6.0 m shall be required where a Site abuts a public roadway, other than a Lane, or the property line of a Site in a Residential Zone.”

Under section 6.1, **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.”

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

- 1) **Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback (Reference Section 59E.3(5)(i)).**

Required Setback: 6.0m
Proposed Setback: 5.4m
Deficient by 0.6m [unedited]

Sign Regulations – General Provisions

Section 59.2 states the following with respect to General Provisions:

1. No Sign shall be erected, operated, used or maintained that:
 - a. due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the Transportation Services;
 - b. displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles; and
 - c. uses spot or reflector lights directed at on-coming traffic or displays travelling or flashing messages that create a hazard to traffic on a public roadway from which the Sign is visible.
2. 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

2) No Sign shall be erected, operated, used or maintained that due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the Transportation Services. (Reference Section 59.2(1) and 59.2(2)).

The application was reviewed in consultation with Subdivision Planning (Transportation Services). Subdivision Planning reviewed the proposed sign application and OBJECTS to the proposed development. The proposed digital sign is within the 20 degree cone of vision for the left-turn signal for westbound Yellowhead Trail onto southbound Fort Road/Wayne Gretzky Drive. A digital sign in this location will backlight the traffic signal, increasing driver distraction and reducing traffic safety.

The Development Officer supports the comments from Subdivision Planning. [unedited]

Section 59.2(7) states:

For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

Development Officer's Determination

3) For all Sign Applications for Minor Digital Off-premises Signs the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points.


The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment. (Reference Section 59.2(7)).

The Development Officer consulted with Subdivision Planning (Transportation Services) and provided the applicant the opportunity to relocate the sign, however the applicant declined.

It is the opinion of the Development Officer that the applicant did not attempt to mitigate the impact of the sign as requested by Subdivision Planning. It is the opinion of the Development Officer that the sign will adversely impact the built environment. [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.

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	<p>Project Number: 273339892-001 Application Date: JAN 26, 2018 Printed: August 8, 2018 at 2:59 PM Page: 1 of 2</p>		
<p>This document is a Development Permit Decision for the development application described below.</p>				
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 12340 - FORT ROAD NW Plan 9525276 Blk 20 Lot 22</p> <p>Location(s) of Work Suite: 12340 - FORT ROAD NW Entryway: 12340 - FORT ROAD NW Building: 12340 - FORT ROAD NW</p>			
<p>Scope of Application To install (1) Minor Digital Off-premises Freestanding Sign (2 digital panels V-shaped 3.1m x 6.1m facing NE/SW)(OUTFRONT MEDIA/SANDS HOTEL).</p>				
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <p>ASA Sticker No./Name of Engineer: Construction Value: 150000</p> </td> <td style="width: 50%; border: none;"> <p>Class of Permit: Class B Expiry Date:</p> </td> </tr> </table>			<p>ASA Sticker No./Name of Engineer: Construction Value: 150000</p>	<p>Class of Permit: Class B Expiry Date:</p>
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<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>				
<p>Development Application Decision Refused Issue Date: Jul 30, 2018 Development Authority: NOORMAN, BRENDA</p>				
<p>THIS IS NOT A PERMIT</p>				



Project Number: **273339892-001**
 Application Date: JAN 26, 2018
 Printed: August 8, 2018 at 2:59 PM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1) Proposed Signs with an Area greater than 8.0 m2 shall not be located within any Setback (Reference Section 59E.3(5)(i)).
 Required Setback: 6.0m
 Proposed Setback: 5.4m
 Deficient by 0.6m

2) No Sign shall be erected, operated, used or maintained that due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the Transportation Services. (Reference Section 59.2(1) and 59.2(2)).

The application was reviewed in consultation with Subdivision Planning (Transportation Services). Subdivision Planning reviewed the proposed sign application and OBJECTS to the proposed development. The proposed digital sign is within the 20 degree cone of vision for the left-turn signal for westbound Yellowhead Trail onto southbound Fort Road/Wayne Gretzky Drive. A digital sign in this location will backlight the traffic signal, increasing driver distraction and reducing traffic safety.

The Development Officer supports the comments from Subdivision Planning.

3) For all Sign Applications for Minor Digital Off-premises Signs the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment. (Reference Section 59.2(7)).

The Development Officer consulted with Subdivision Planning (Transportation Services) and provided the applicant the opportunity to relocate the sign, however the applicant declined. It is the opinion of the Development Officer that the applicant did not attempt to mitigate the impact of the sign as requested by Subdivision Planning. It is the opinion of the Development Officer that the sign will adversely impact the built environment.

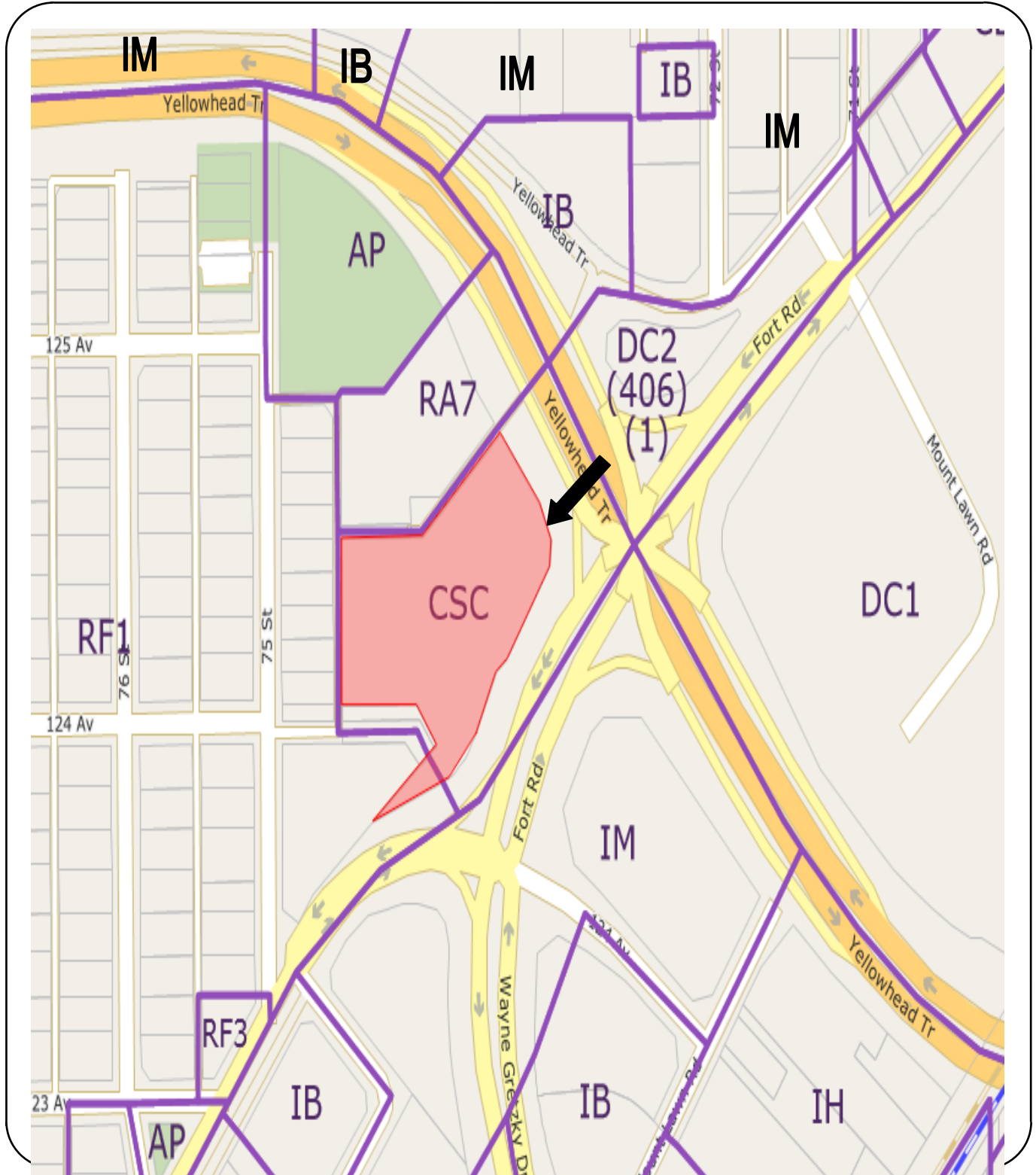
Rights of Appeal

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
Sign Dev Appl Fee - Digital Signs	\$902.00	\$902.00	04797025	Feb 14, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$902.00	\$902.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-136

