

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Tuesday, 9:00 A.M.
March 22, 2016**

**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-16-079	Construct an Accessory Building (two storey rear detached Garage, 6.40m x 8.84m), NOT to be used as an additional Dwelling
			11113 - University Avenue NW Project No.: 151064015-013

II	10:30 A.M.	SDAB-D-16-080	Install (1) Freestanding Minor Digital Off-Premises Sign (7.3m x 3.6 m facing East)
			1 - Westmount Shopping Centre NW Project No.: 180465544-001

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-16-079

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 151064015-013

ADDRESS OF APPELLANT: 11113 - University Avenue NW

APPLICATION TO: Construct an Accessory Building (two storey rear detached Garage, 6.40m x 8.84m), NOT to be used as an additional Dwelling

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 19, 2016

DATE OF APPEAL: March 1, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11113 - University Avenue NW

LEGAL DESCRIPTION: Plan 2064S Blk 14 Lot 29

ZONE: RF3 Small Scale Infill Development 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:

Owner wants to use garage accessory building as storage and studio space. Needs ceiling height for use. Neighbour plans to build taller garage also and supports this proposed design - that both garages will be similar in height.

Owner does not want to classify this garage as a secondary suite.
[unedited]

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,

The Board is advised that the decision of refusal by the Development Officer is dated February 19, 2016. The Notice of Appeal was filed on March 1, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is to “provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.”

Under Section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(9) states:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobil homes which conform to Section 78 of this Bylaw.

Section 6.1(2) states:

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.

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.

<i>Maximum Height</i>

Section 50.3(2) states:

2. an Accessory building or structure shall not exceed [4.3 m](#) in Height, except:
 - a. as provided in the RPLt, RF4t, RF5t, TSDR, TSLR, BRH, BLMR, and BMR Zones, where the maximum Garage Height shall not exceed 5.0 m;
 - b. in the case of a Garage containing a Garage Suite where listed as a Permitted or Discretionary Use, where the Height shall be in accordance with [Section 87](#).
 - c. in the case of a Garage containing a Blatchford Lane Suite, where the Height shall be in accordance with [Section 997](#); and
 - d. as provided in subsections 50.4, 50.5.


Development Officer's Determination

1. Section 50.3.2: an Accessory building or structure shall not exceed 4.3 m in Height
Height from Finished Floor to midpoint: 6.47m
Height from Average Grade to midpoint: 6.56m (4/12 Slope)
Maximum Permitted: 4.3m
Deficiency: 2.26m

Height from Average Grade to peak: 7.79m
Maximum Permitted: 5.8m
Deficiency: 1.99m [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: 151064015-013 Application Date: DEC 08, 2015 Printed: March 1, 2016 at 3:50 PM Page: 1 of 2															
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Development and Building Permit</h3>																
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																
Applicant <div style="background-color: black; width: 100%; height: 40px;"></div>	Property Address(es) and Legal Description(s) 11113 - UNIVERSITY AVENUE NW Plan 2064S Blk 14 Lot 29 Location(s) of Work Entryway: 11113 - UNIVERSITY AVENUE NW Building: 11113 - UNIVERSITY AVENUE NW															
Scope of Application To construct an Accessory Building (two storey rear detached Garage, 6.40m x 8.84m), NOT to be used as an additional Dwelling.																
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Building Area (sq. ft.): 589 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%; border: none;"> Class of Permit: (none) Type of Accessory Building: Detached Garage (010) </td> </tr> </table>		Building Area (sq. ft.): 589 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: (none) Type of Accessory Building: Detached Garage (010)													
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I/We certify that the above noted details are correct. Applicant signature: _____																
Development Application Decision Refused Reasons for Refusal 1. Section 50.3.2: an Accessory building or structure shall not exceed 4.3 m in Height Height from Finished Floor to midpoint: 6.47m Height from Average Grade to midpoint: 6.56m (4/12 Slope) Maximum Permitted: 4.3m Deficiency: 2.26m Height from Average Grade to peak: 7.79m Maximum Permitted: 5.8m Deficiency: 1.99m 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.																
Issue Date: Feb 19, 2016 Development Authority: ROBINSON, GEORGE Signature: _____																
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <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: right;">02943641</td> <td style="text-align: right;">Dec 08, 2015</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">02943641</td> <td style="text-align: right;">Dec 08, 2015</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$4.50	\$4.50	02943641	Dec 08, 2015	Dev. Application Fee	\$105.00	\$105.00	02943641	Dec 08, 2015
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THIS IS NOT A PERMIT																



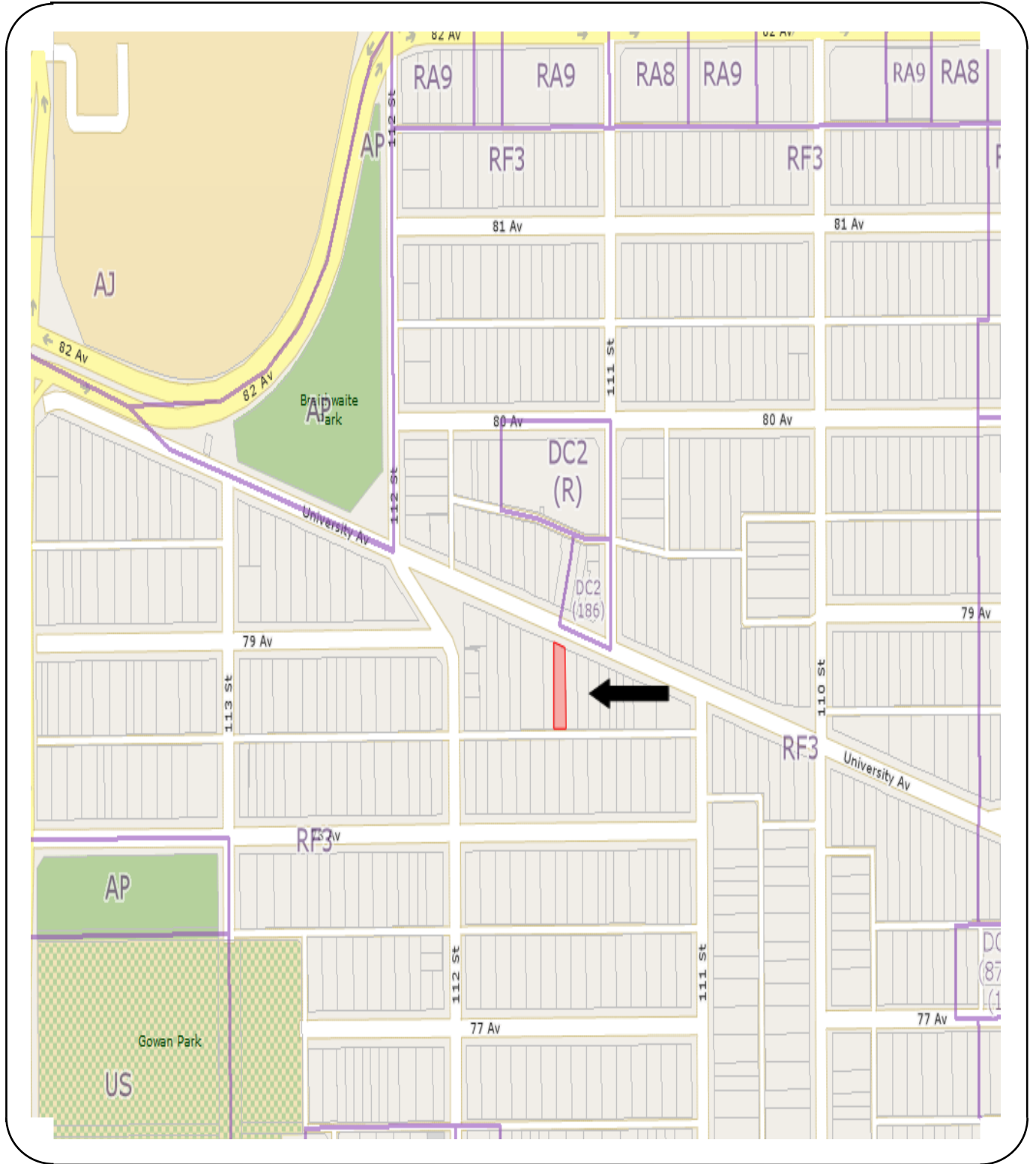
Project Number: **151064015-013**
Application Date: DEC 08, 2015
Printed: March 1, 2016 at 3:50 PM
Page: 2 of 2

Application for Accessory Building Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee	\$100.00	\$100.00	02943641	Dec 08, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$209.50	\$209.50		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-079



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-080

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180465544-001

ADDRESS OF APPELLANT: 1 - Westmount Shopping Centre NW

APPLICATION TO: Install (1) Freestanding Minor Digital Off-Premises Sign (7.3m x 3.6 m facing E)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 12, 2016

DATE OF APPEAL: February 27, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1 - Westmount Shopping Centre NW

LEGAL DESCRIPTION: Plan 5079HW Blk 20

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:

We are solicitors for Macdonald Outdoor Advertising, the Applicant in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The sign is oriented east/west to address westbound traffic and does not project south to residential properties.
2. The sign is to be located on a large, commercial shopping centre site.
3. The additional sign area is required to accommodate the sign type and is a minor variance, only.
4. Such further and other reasons as may be presented at the hearing of this appeal. [unedited]

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
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Appeals

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- (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,

The Board is advised that the decision of refusal by the Development Officer is dated February 12, 2016. The Notice of Appeal was filed on February 27, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 320.1 states that the **General Purpose** of the **CSC Commercial 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.”

Under Section 320.3(34), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the CSC Commercial Shopping Centre Zone.

Section 7.9(6) states:

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.

Sign Illumination

Section 59.2(3) states:

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

Development Officer's Determination

The proposed Freestanding Minor Digital Off-premises Sign faces the backyard of a single detached dwelling to the south of 111 avenue, zoned RF1 residential, which is 41 m from the proposed sign. The illumination from the proposed Minor Digital Off-premises sign would infiltrate into the backyard of residential neighbourhood negatively impacting their material value and daily enjoyment contrary to Section 59.2(3).
[unedited]

Maximum Area

Section 59E.3(5)(c) states:

5. Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:
...
 - c. the maximum Area shall be:
 - i. 20 m², to a maximum of 25% wall coverage for proposed Signs that are Fascia Signs; or
 - ii. 20 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m²;

Development Officer's Determination

2. The maximum Area shall be 20.0 m2 for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20.0 m2. (Reference Section 59E.3(5)(c)(ii))
Proposed sign area is 26.76 m2.
Exceeds by 6.76 m2 [unedited]

Maximum Number of Signs

Section 59E.3(5)(j) states:

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

...

j. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four;

Development Officer's Determination

3. The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four. (Reference Section 59E.3(5)(j))

There are 6 Freestanding On-premises Signs approved for site along with 2 entry marker signs. The proposed sign will increase the total number of freestanding signs to 7. In the opinion of the development officer there is no hardship to allow an Off-premises Sign on the concerned property. [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: 180465544-001
Application Date: OCT 06, 2015
Printed: February 29, 2016 at 8:58 AM
Page: 1 of 2

Application for Sign Combo Permit

This document is a Development Permit Decision for the development application described below.

Applicant



Property Address(es) and Legal Description(s)
1 - WESTMOUNT SHOPPING CENTRE NW
Plan 5079HW Blk 20

Location(s) of Work
Entryway: 1 - WESTMOUNT SHOPPING CENTRE NW
Building: 1 - WESTMOUNT SHOPPING CENTRE NW

Scope of Application

To install (1) Freestanding Minor Digital Off-Premises Sign (7.3m x 3.6 m facing E).

Permit Details

Class of Permit: Class B
Expiry Date:
Num. Temp., Fasica or Temporary 0
Signs:
Sign Permit Label No. :

Construction Value: 100000
Num. of Freestanding, Projecting or Roof 0
Signs:
Number of Additional Signs:
Sign Type: Freestanding On-Premises Sign

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **180465544-001**
 Application Date: OCT 06, 2015
 Printed: February 29, 2016 at 8:58 AM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1. Minor Digital 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 Class, shall not face an abutting or adjacent Residential-Related Use Class, and shall not face the Extended Medical Treatment Services Use Class to the satisfaction of the Development Officer (Reference Section 59.2(3)).

The proposed Freestanding Minor Digital Off-premises Sign faces the backyard of a single detached dwelling to the south of 111 avenue, zoned RF1 residential, which is 41 m from the proposed sign. The illumination from the proposed Minor Digital Off-premises sign would infiltrate into the backyard of residential neighbourhood negatively impacting their material value and daily enjoyment contrary to Section 59.2(3).

2. The maximum Area shall be 20.0 m2 for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20.0 m2. (Reference Section 59E.3(5)(c)(ii))

Proposed sign area is 26.76 m2.
 Exceeds by 6.76 m2

3. The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four. (Reference Section 59E.3(5)(j))

There are 6 Freestanding On-premises Signs approved for site along with 2 entry marker signs. The proposed sign will increase the total number of freestanding signs to 7. In the opinion of the development officer there is no hardship to allow an Off-premises Sign on the concerned property.

Rights of Appeal

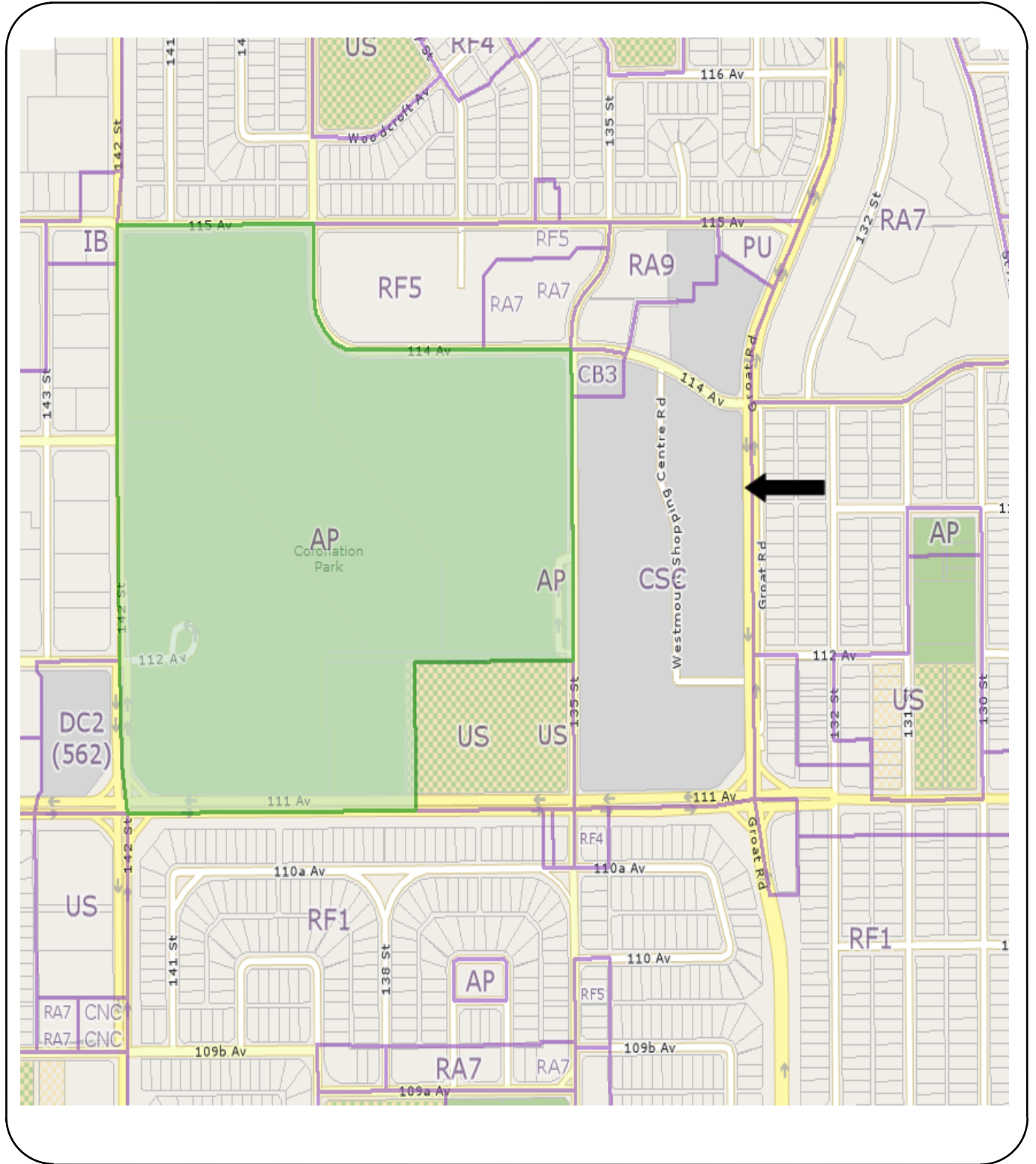
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Feb 12, 2016 Development Authority: AHUJA, SACHIN Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00			
Sign Dev Appl Fee - Digital Signs	\$416.00	\$416.00	02823115	Oct 15, 2015
Safety Codes Fee	\$39.20	\$7.84	02823115	Oct 15, 2015
Sign Building Permit Fee	\$980.00	\$196.00	02823115	Oct 15, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,535.20	\$619.84		
(\$915.36 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-080



BUSINESS LAID OVER

SDAB-D-16-501	An appeal by <u>Darren Crocker / Brownlee LLP</u> to demolish an existing building. <i>March 30 or 31, 2016</i>
SDAB-D-16-048	An appeal by <u>Pattison Outdoor Advertising</u> to construct a Freestanding Off-premises Sign. <i>April 6 or 7, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

180917066-001	An appeal by <u>Leston Holdings (1980) Ltd.</u> to construct interior alterations (add 1 unit, increase from a 21 unit to a 22 unit building) to an existing Apartment Housing building, existing without permits. <i>April 6 or 7, 2016</i>
160474324-006	An appeal by 1319416 Alberta Ltd. / Kennedy Agrios LLP to replace a Roof Off-premises Sign with (1) Freestanding Minor Digital Off-premises Sign (6.1m x 3m). <i>April 14, 2016</i>