

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
October 7, 2015**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-15-225	Park an Overweight Vehicle in the Side yard of a Single Detached House, existing without permits 12032 - 69 Street NW Project No.: 173763033-002
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BREAK: 10:15 A.M. TO 10:30 A.M.

II	10:30 A.M.	SDAB-D-15-226	Construct a Single Detached House with a front attached Garage, rear balcony (2.13m x 5.89m), front balcony (1.52m x 3.45m), roof top decks (6.10m x 5.87m; 4.27m x 7.14m), third Storey loft (7.62m x 6.74m) and Basement development (NOT to be used as an additional Dwelling) 9373 Cameron Avenue NW Project No.: 169471411-001
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LUNCH BREAK: 12:00 P.M. TO 1:00 P.M.

III	1:00 P.M.	SDAB-D-15-227	Construct a Single Detached House with a front attached Garage, front veranda, fireplace, second floor balcony (2.24m x 4.88m) rear partially covered deck (irregular shape, 5.33m x 2.15m x 6.86m) and Basement development (NOT to be used as an additional Dwelling) and to demolish an existing house and detached Garage 183 Quesnell Crescent NW Project No.: 173194290-002
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BREAK: 2:15 P.M. TO 2:30 P.M.

IV	2:30 P.M.	SDAB-D-15-228	Place a Temporary Sign for 90 days ending 19- NOV-2015 for ALBERTA SIGN RENTALS (Multi: REXALL) 13508 Victoria Trail NW Project No.: 177467895-001
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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-15-225

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 173763033-002

ADDRESS OF APPELLANT: 12032 - 69 Street NW

APPLICATION TO: Park an Overweight Vehicle in the Side yard of a Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused (See pages 17-18)

DECISION DATE: September 2, 2015

DATE OF APPEAL: September 11, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12032 - 69 Street NW

LEGAL DESCRIPTION: Plan 1307P Blk 9 Lots 20-21

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Montrose/Santa Rosa Area Redevelopment Plan

Grounds for Appeal

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

The truck is an antique. For the security of the vehicle in question I must have it parked there. The truck is for sale at the moment but it is hard to find a buyer. My neighbours on both sides of me are supportive. They do not have a problem with it being parked on the property. [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, or
 - ...

The decision of the Development Authority was dated September 2, 2015. The Notice of Appeal Period expired on September 16, 2015 and the Notice of Appeal was filed on September 11, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states the following with respect to the **General Purpose** of the **RF3 Small Scale Infill Development Zone**:

The purpose of this 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.

Temporary Storage

Section 7.5(5) defines **Temporary Storage** as follows:

...development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical Uses include pipe yards, or vehicle or heavy equipment storage compounds.

Development Officer's Determination:

Section 140 - Temporary Storage is not a Permitted nor Discretionary Use in the RF3 Small Scale Infill Development Zone

The outdoor storage of a commercial vehicle is considered a Temporary Storage Use.

Objects Prohibited or Restricted in Residential Zones

Section 45(1) states the following:

1. No person shall keep in any part of a Site in any Residential Zone:
 - a. any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceeding 4 500 kg;
 - b. more than one commercial vehicle having a maximum gross vehicle weight (G.V.W.) of 4 500 kg or less, for longer than reasonably necessary while loading or unloading such vehicle.



Development Officer's Determination:

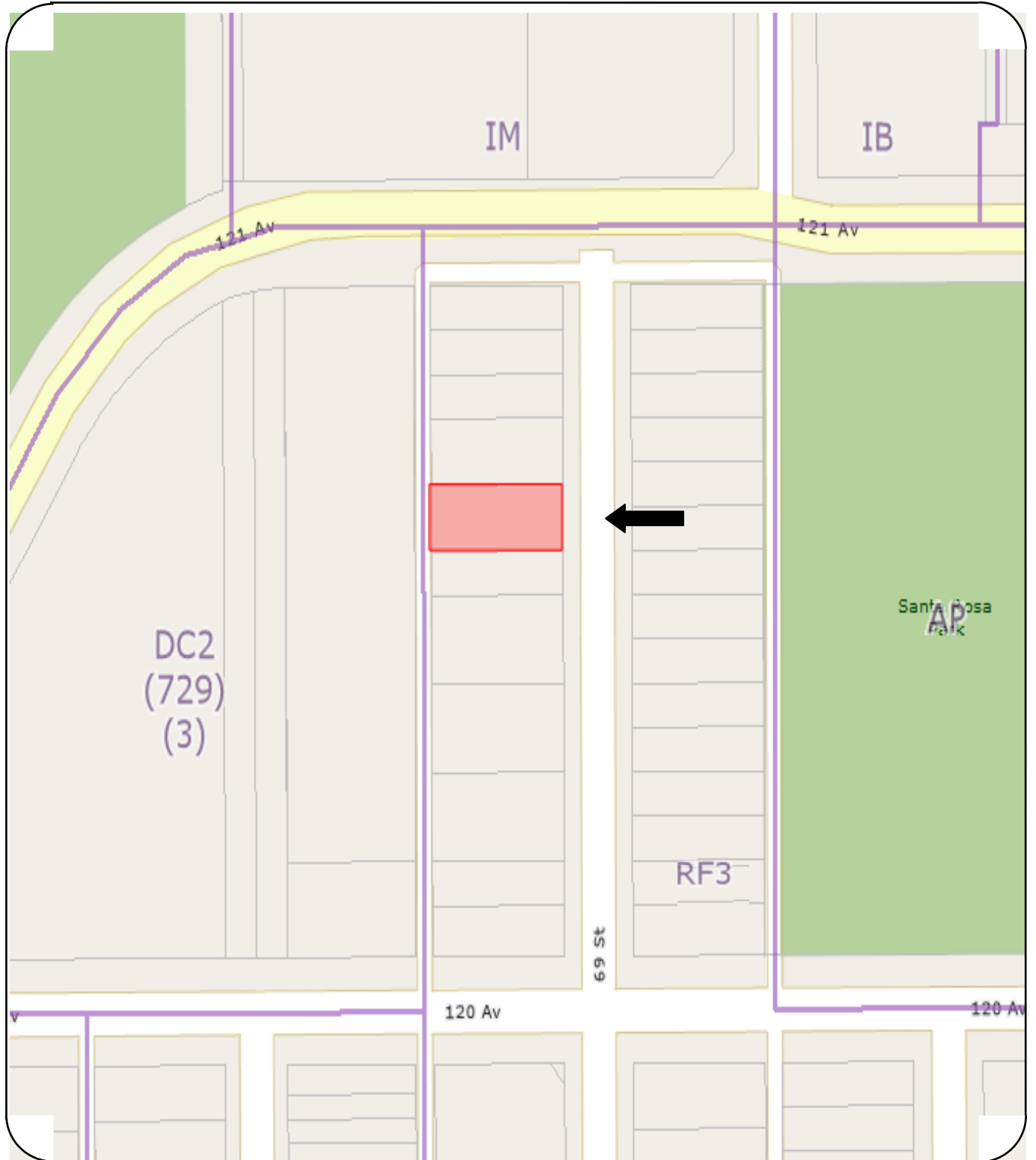
Section 45(1)(a) - No person shall keep in any part of a Site in any residential zone any commercial vehicle having a maximum gross vehicle weight exceeding 4,500 kg.

The vehicle has a Gross Vehicle Weight of 20,550 kg.
[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: 173763033-002 Application Date: JUN 18, 2015 Printed: September 28, 2015 at 2:08 PM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
Applicant BELLA, DANIEL W. 	Property Address(es) and Legal Description(s) 12032 - 69 STREET NW Plan 1307P Blk 9 Lots 20-21 Specific Address(es) Entryway: 12032 - 69 STREET NW Building: 12032 - 69 STREET NW																				
Scope of Application To park an Overweight Vehicle in the Side yard of a Single Detached House, existing without permits																					
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Park Overweight Vehicle on Site Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Park Overweight Vehicle on Site Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area:																		
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I/We certify that the above noted details are correct. Applicant signature: _____																					
Development Application Decision Refused Reason for Refusal Section 140 - Temporary Storage is not a Permitted nor Discretionary Use in the RF3 Small Scale Infill Development Zone The outdoor storage of a commercial vehicle is considered a Temporary Storage Use. Section 45(1)(a) - No person shall keep in any part of a Site in any residential zone any commercial vehicle having a maximum gross vehicle weight exceeding 4,500 kg. The vehicle has a Gross Vehicle Weight of 20,550 kg. 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: Sep 02, 2015 Development Authority: LIANG, BENNY 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: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$161.00</td> <td style="text-align: right;">\$161.00</td> <td>02517512</td> <td>Jun 18, 2015</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$161.00</td> <td style="text-align: right;">\$161.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$161.00	\$161.00	02517512	Jun 18, 2015	Total GST Amount:	\$0.00				Totals for Permit:	\$161.00	\$161.00		
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THIS IS NOT A PERMIT																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-225



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-226

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 169471411-001

ADDRESS OF APPELLANT: 9373 Cameron Avenue NW

APPLICATION TO: Construct a Single Detached House with a front attached Garage, rear balcony (2.13m x 5.89m), front balcony (1.52m x 3.45m), roof top decks (6.10m x 5.87m; 4.27m x 7.14m), third Storey loft (7.62m x 6.74m) and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 8, 2015

DATE OF APPEAL: September 14, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9373 Cameron Avenue NW

LEGAL DESCRIPTION: Plan 1555CL Lot 4

ZONE: RF2 Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Riverdale Area Redevelopment Plan

Grounds for Appeal

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

- 1) Proposed height variance exceeds 2.34m
 - a. The height to the top of the roof parapet is within 3” of the 8.6m allowance, but the residence is designed to have rooftop access in the form of a loft, to stay aligned with 2 immediate neighbors to the South with rooftop access and similar loft concept at 9369 Cameron Ave (see pictures

attached). By creating the rooftop access / loft, it exceeds the 8.6m height by 2.34m

- i. Numerous newer infill residences within the Central Edmonton area are designed and constructed with Loft access on the roof. (see 2 examples side x side, pictures below)
 - b. Designed loft set back by 14' to be unnoticeable from road level and stay within the appearance of 8.6m height
 - c. Using a gambrel style roof design for rooftop access would increase the overall height of the rooftop access and create increased shading to neighbors to the North
 - d. Shading issues are not a major issue to neighbors to east or west of property. East side of property has a large Elm tree providing shade coverage over the road/sidewalk. West side has no lots or future lot development. South side house is equivalent height and design (see pictures below)
- 2) Rear setback shall be 40% of site depth
- a. Overall site depth is 36.08m length
 - i. The overall front block width being 10.06m, and tapers down 1.81m in width to the rear for a width of 8.25m. This allows for a 7.14m front block face tapering down 1.27m to a 5.87m rear width house design plot plan. This overall plot plan dimension provides 127.01sqm and 39% site coverage, which fits the site coverage allowance
 - ii. To fit within the rear setback of 14.43m will reduce the 127.01sqm to 92.89sqm with a 34sqm reduction to the overall house plans. Reducing to 92.89m reduces the site coverage to 28% coverage from 39%
 - iii. Both immediate neighbors to the south are less than the 40% rear setback (see pictures)

Additional positive characteristics to the neighborhood

- 3) The design of the residence is in proportion to the 2 south facing homes, and other infills within the neighborhood and surrounding neighborhoods (Rossdale, Cloverdale, Mill Creek)
- 4) Front fundamental design elements are brick to fit within the "Brickyard" theme of Riverdale community, and nearby "Quarters" district
- 5) The proposed design is architecturally distinct from all immediate neighbors and utilizing different roof lines with the parapet surrounding rooftop, while setting back the rooftop access / loft vs adjoining neighbors to the south having the rooftop access at the front of the house with a larger scale appearance from the sidewalk.
- 6) The front façade entranceway on the south side of residence vs front as the neighbors have, once again having a distinct architectural different design.
- 7) Minimized windows on the North and South sides of house to maintain privacy for neighbors since the housing will be tight with each other

- 8) Will keep the Elm tree directly in the centre of the lot, creating construction challenges, but a wanted asset to keep within the lot
[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, or
 - ...

The decision of the Development Authority was dated September 8, 2015. The Notice of Appeal Period expired on September 22, 2015 and the Notice of Appeal was filed on September 14, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Under Section 120.2(6), **Single Detached Housing** is a **Permitted Use** in the RF2 Low Density Infill Zone.

Section 120.1 states the following with respect to the **General Purpose** of the **RF2 Low Density Infill Zone**:

The purpose of this Zone is to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

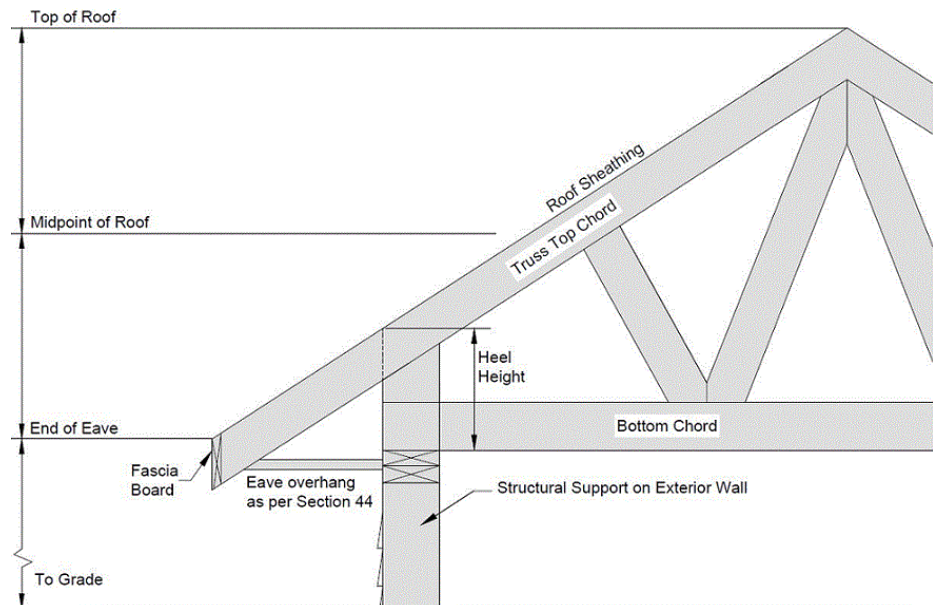
The purpose of this Overlay is to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent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

Mature Neighbourhood Overlay: Maximum Height

Section 6.1(49) defines **Height** as “a vertical distance between two points.”

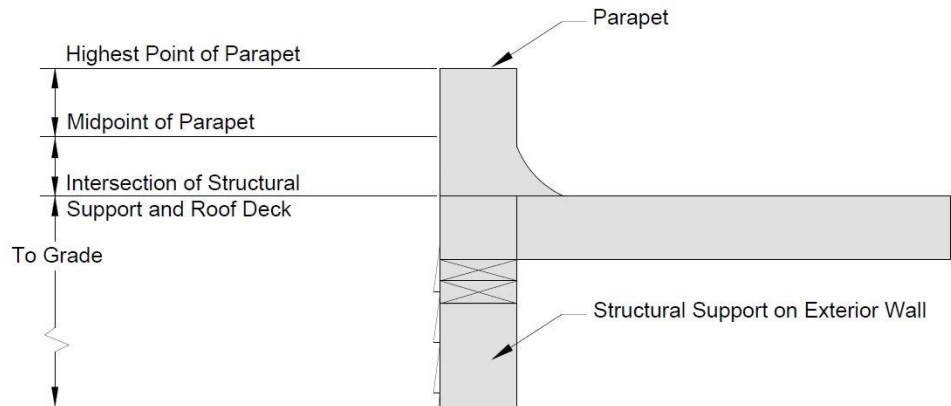
Section 52 states the following with respect to **Height**:

1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:
 - a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof; or

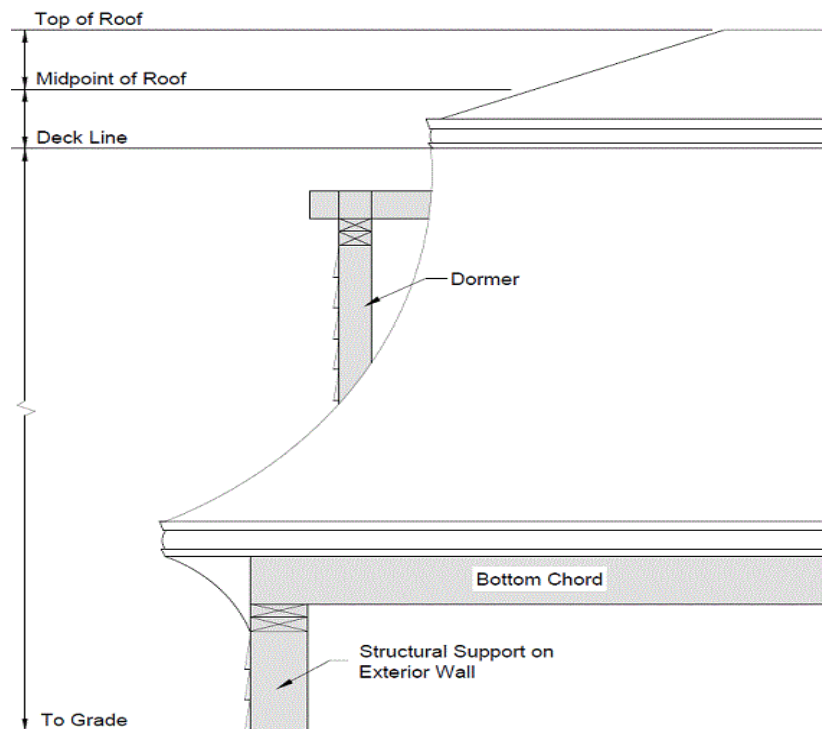


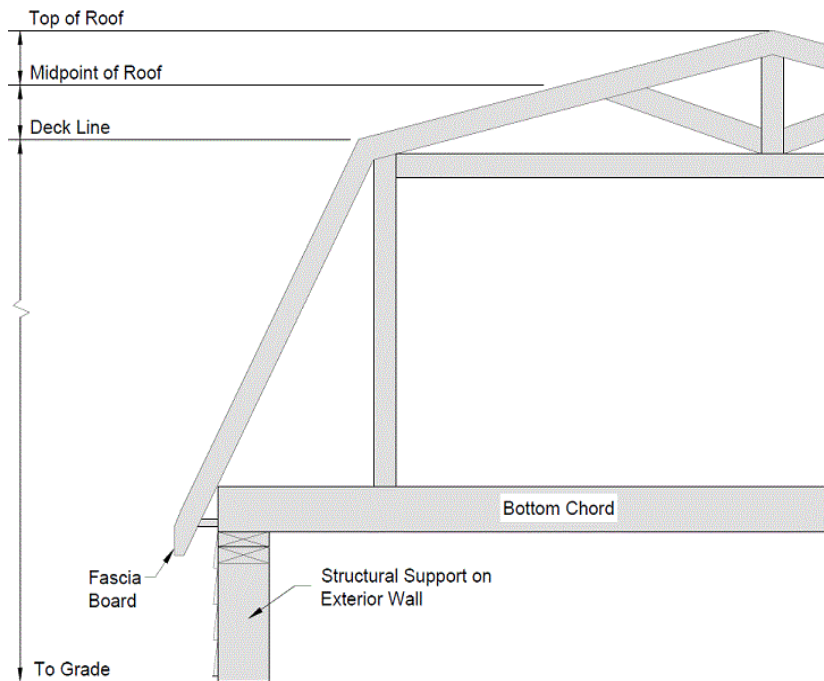
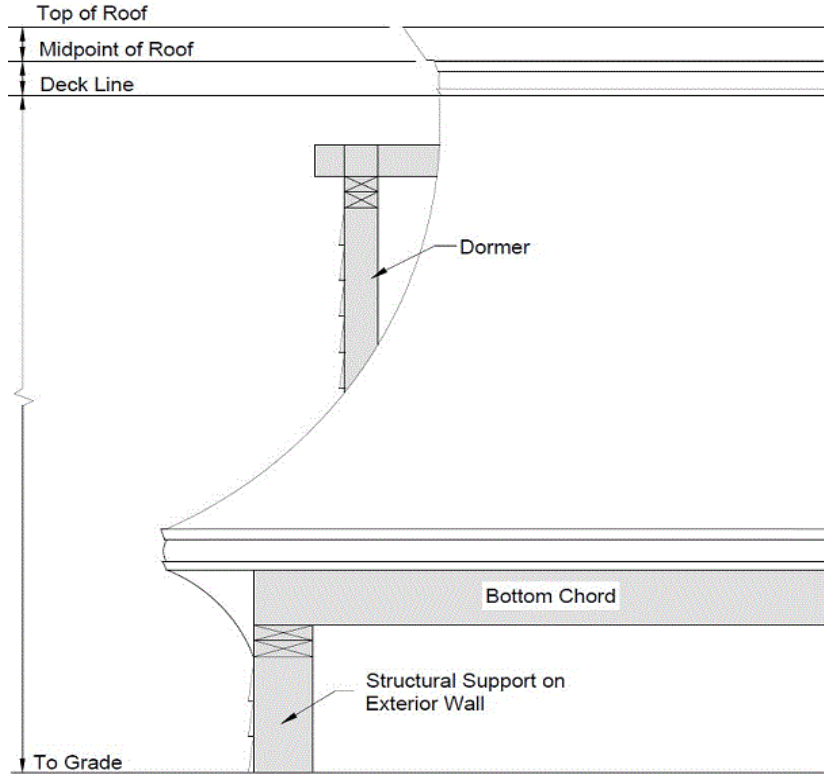
- b. For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no

more than 0.4 metres above the maximum Height allowed in the zone or overlay; or



- c. For mansard and gambrel roof types, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the deck line and the top of the roof; or





- d. For all other roof types, including saddle, dome, dual-pitch, shed, butterfly or combination roofs, the Development Officer shall determine Height by applying one of the previous three types that is most appropriate for balancing the development rights and the land use impact on adjacent properties.

2. In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:
 - a. in any Zone other than a Residential Zone, the following features shall not be considered for the purpose of Height determination: chimney stacks, either free-standing or roof mounted, steeples, belfries, domes, or spires, monuments, elevator housings, roof stairways, entrances, water or other tanks, ventilating equipment, skylights, fire walls, plumbing stacks, receiving or transmitting structures, masts, flag poles, clearance markers or other similar erections;
 - b. in any Residential Zone, those features specified in subsection 52.2(a) shall not be considered for the purpose of Height determination, except that the maximum Height of receiving or transmitting structures, where these are Satellite Signal Receiving Antennae or Amateur Radio Antennae and Support Structures, shall be calculated in accordance with the regulations of subsections 50.5 and 50.6, respectively, of this Bylaw. The maximum Height for all other receiving or transmitting structures, other than those which may normally be required for adequate local television reception, shall be the maximum Height in the Zone, and not the maximum Height for Accessory buildings in Residential Zones specified in subsection 50.3(2);
 - 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 Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.
3. An applicant shall submit, for any Development Permit to construct, rebuild or increase the Height of a structure, a grading plan that shows the elevation of the Site at each corner of the Site before and after construction;

...

Section 11.4 states the following with respect to the Limitation of the Development Officer's Variance powers:

11.4 Limitation of Variance

In approving an application for a Development Permit pursuant to Section 11.3, the Development Officer shall adhere to the following:

1. a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone;

2. except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations, and
3. the General Purpose of the appropriate Zone.

Development Officer's Determination:

Section 814.3(13) - The maximum Height shall not exceed 8.6 m, in accordance with Section 52.

Proposed Height: 10.94 m
Exceeds by: 2.34 m

...

Note: In accordance with Section 11.4(2), there shall be no variance from maximum Height.
[unedited]

Mature Neighbourhood Overlay: Minimum Rear Setback

Section 814.3(5) states: "The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement."

Development Officer's Determination:

Section 814.3(5) - The minimum Rear Setback shall be 40% of Site depth.

Site Depth: 36.08 m
Required Rear Setback: 14.43 m
Proposed Rear Setback: 9.16 m
Deficient by: 5.27 m
[unedited]

NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **169471411-001**
 Application Date: MAR 13, 2015
 Printed: September 28, 2015 at 2:35 PM
 Page: 1 of 2

Application for House Development and Building Permit

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

<p>Applicant</p> <p>BROWETT, NICK </p>	<p>Property Address(es) and Legal Description(s)</p> <p>9373 - CAMERON AVENUE NW Plan 1555CL Lot 4</p> <hr/> <p>Location(s) of Work</p> <p>Building: 9373 - CAMERON AVENUE NW</p>
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Scope of Application

To construct a Single Detached House with a front attached Garage, rear balcony (2.13m x 5.89m), front balcony (1.52m x 3.45m), roof top decks (6.10m x 5.87m; 4.27m x 7.14m), third Storey loft (7.62m x 6.74m) and Basement development (NOT to be used as an additional Dwelling).

Permit Details

Affected Floor Area (sq. ft.): 3042 Class of Permit: (none) Front Yard (m): 6.1 Rear Yard (m): 9.16 Side Yard, left (m): 1.31 Site Area (sq. m): 321.08 Site Width (m): 9.67	Building Height to Midpoint (m): Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.22 Site Depth (m): 36.08 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal

Section 814.3(13) - The maximum Height shall not exceed 8.6 m, in accordance with Section 52.

Proposed Height: 10.94 m
 Exceeds by: 2.34 m

Section 814.3(5) - The minimum Rear Setback shall be 40% of Site depth.

Site Depth: 36.08 m
 Required Rear Setback: 14.43 m
 Proposed Rear Setback: 9.16 m
 Deficient by: 5.27 m

Note: In accordance with Section 11.4(2), there shall be no variance from maximum Height.

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

THIS IS NOT A PERMIT



Project Number: **169471411-001**
 Application Date: MAR 13, 2015
 Printed: September 28, 2015 at 2:35 PM
 Page: 2 of 2

Application for House Development and Building Permit

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: Sep 08, 2015 **Development Authority:** SHEAHAN, ADAM **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Water Usage Fee	\$12.10	\$12.10	02287357	Mar 16, 2015
Building Permit Fee	\$1,283.00	\$1,283.00	02287357	Mar 16, 2015
Electrical Fees (House)	\$13.00	\$13.00	02287357	Mar 16, 2015
Electrical Fee (Service)	\$0.00			
Lot Grading Fee	\$130.00	\$130.00	02287357	Mar 16, 2015
Safety Codes Fee	\$11.48	\$11.48	02287357	Mar 16, 2015
Electrical Safety Codes Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,449.58	\$1,449.58		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-226



ITEM III: 1:00 P.M.

FILE: SDAB-D-15-227

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 173194290-002

ADDRESS OF APPELLANT: 183 Quesnell Crescent NW

APPLICATION TO: Construct a Single Detached House with a front attached Garage, front veranda, fireplace, second floor balcony (2.24m x 4.88m) rear partially covered deck (irregular shape, 5.33m x 2.15m x 6.86m) and Basement development (NOT to be used as an additional Dwelling) and to demolish an existing house and detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused (See pages 30-32)

DECISION DATE: September 16, 2015

DATE OF APPEAL: September 16, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 183 Quesnell Crescent NW

LEGAL DESCRIPTION: Plan 4820KS Blk 1 Lot 47

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We are appealing the decision to refuse on the basis of height in a mature neighborhood. The area of over height is minimal and does not materially interfere with the use or enjoyment of the adjacent homes.
[unedited]

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

The decision of the Development Authority was dated July 24, 2015. The Notice of Appeal Period expired on August 7, 2015 and the Notice of Appeal was filed on September 15, 2015.

The Development Authority submitted a Canada Post Delivery Confirmation, signed by E HAMMERMEISTER on September 18, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Under Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Section 110.1 states the following with respect to the **General Purpose** of the **RF1 Single Detached Residential Zone**:

The purpose of this 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 the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

The purpose of this 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.

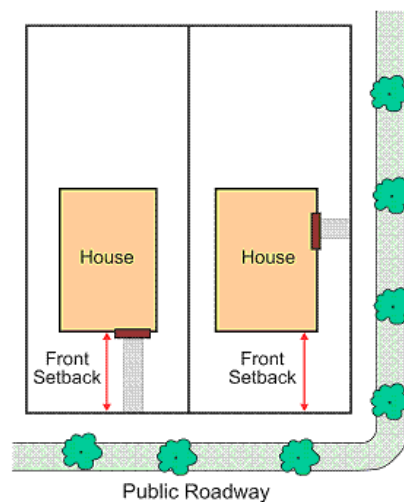
Mature Neighbourhood Overlay: Front Setback

Section 814.3(1) sets out the requirements for Front Setbacks within the Mature Neighbourhood Overlay:

The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane.

Section 6.1(39) defines Front Setback as follows:

Front Setback means the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.



Development Officer's Determination:

1. Section 814.3(1): The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface.

Minimum Setback: 28.51m
Proposed: 12.22m front of Garage
Deficiency: 16.29
[unedited]

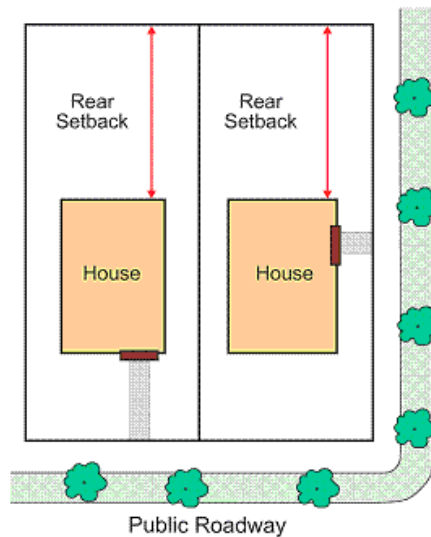
Mature Neighbourhood Overlay: Rear Setback

Section 814.3(5) sets out the requirements for Rear Setbacks in the Mature Neighbourhood Overlay:

The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.

Section 6.1(82) defines **Rear Setback** as follows:

Rear Setback means the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



With respect to **Projections into Setbacks and Separation Spaces**, Section 44 states the following:

The following features may project into a required Setback or Separation Space as provided for below:

...

3. a) Platform Structures provided such projections do not exceed 2.0 m into Setbacks or Separation Spaces with a depth of at least 4.0 m;

- b) Platform Structures provided such projections do not exceed 0.60 m for Setbacks or Separation Spaces with a depth of less than 4.0 m; and
- c) Platform Structures provided such projections do not exceed 2.5m into any Front Setback.

Section 6.1(74) states: “**Platform Structures** means structures projecting from the wall of a building that may be surrounded by guardrails or parapet walls. Common structures include: balconies, raised terraces and decks.”

Development Officer’s Determination

2. Section 814.3(5): The minimum Rear Setback shall be 40% of Site depth.

Proposed Rear setback: 15.55m to rear deck + 2m allowable projection
(as per Section 44.3) = 17.55m (28.79%)
Required: 24.38m
Deficiency: 6.83m
[unedited]

<i>Mature Neighbourhood Overlay: Height and Grade</i>
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Section 6.1(49) defines **Height** as “a vertical distance between two points.”

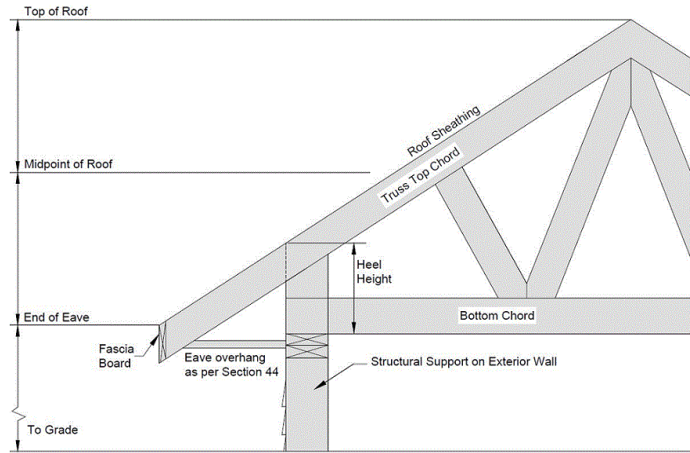
Section 6.1(42) defines **Grade** as “a geodetic elevation from which the Height of a structure is measured, calculated in accordance with Section 52.”

Section 814.3(13) states: “The maximum Height shall not exceed 8.6 m, in accordance with Section 52.”

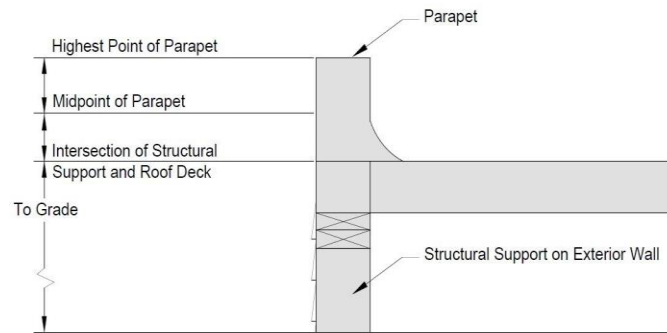
Section 52 states the following with respect to **Height and Grade**:

52. *Height and Grade*

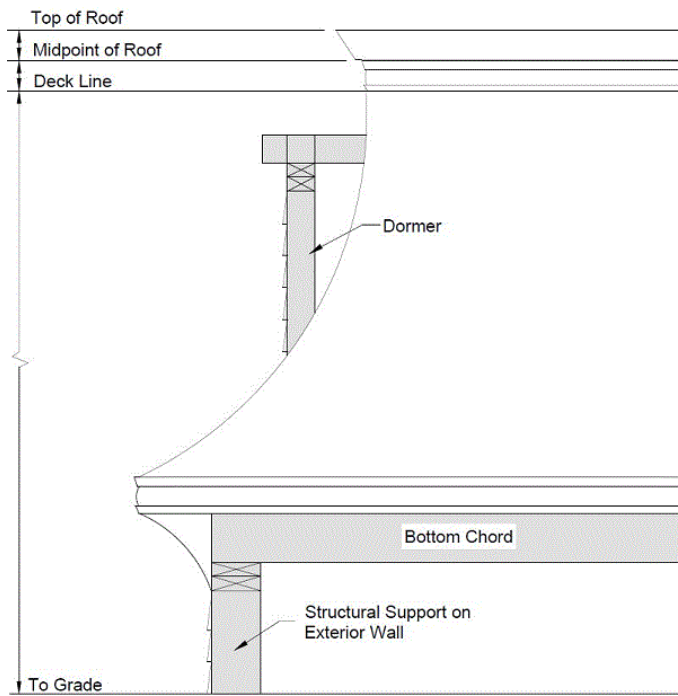
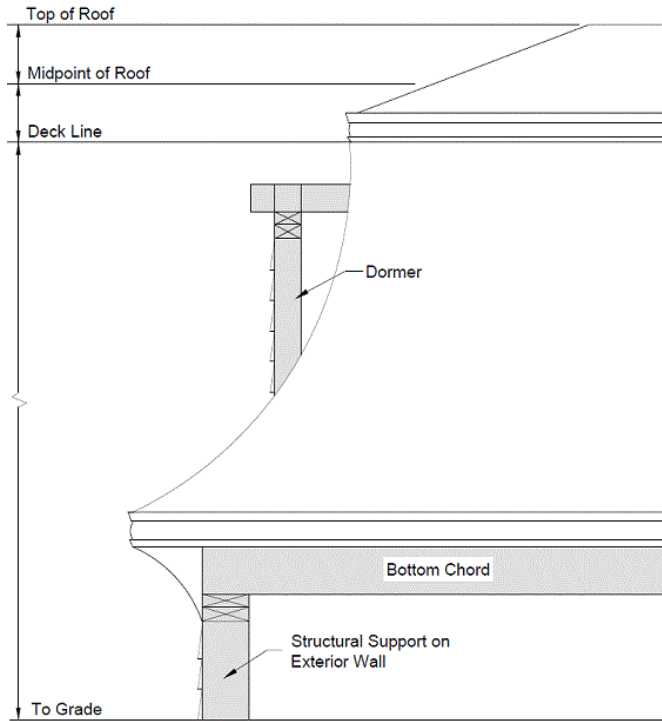
- 1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:
 - a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof; or

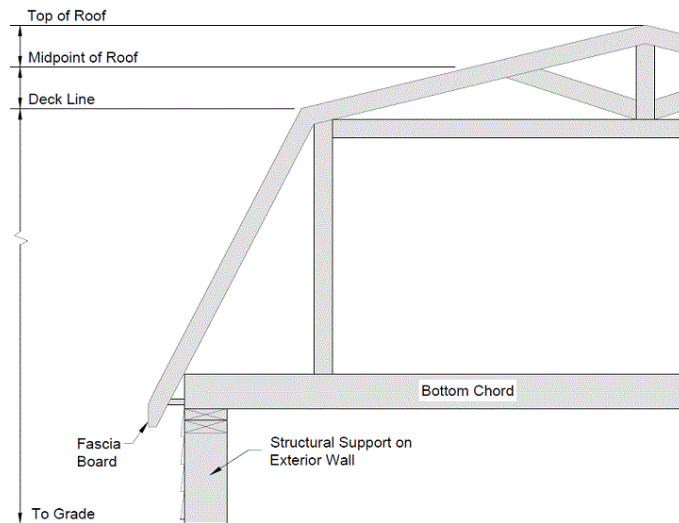


- b. For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay; or



- c. For mansard and gambrel roof types, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the deck line and the top of the roof; or





- d. For all other roof types, including saddle, dome, dual-pitch, shed, butterfly or combination roofs, the Development Officer shall determine Height by applying one of the previous three types that is most appropriate for balancing the development rights and the land use impact on adjacent properties.
2. In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:
 - a. in any Zone other than a Residential Zone, the following features shall not be considered for the purpose of Height determination: chimney stacks, either free-standing or roof mounted, steeples, belfries, domes, or spires, monuments, elevator housings, roof stairways, entrances, water or other tanks, ventilating equipment, skylights, fire walls, plumbing stacks, receiving or transmitting structures, masts, flag poles, clearance markers or other similar erections;
 - b. in any Residential Zone, those features specified in subsection 52.2(a) shall not be considered for the purpose of Height determination, except that the maximum Height of receiving or transmitting structures, where these are Satellite Signal Receiving Antennae or Amateur Radio Antennae and Support Structures, shall be calculated in accordance with the regulations of subsections 50.5 and 50.6, respectively, of this Bylaw. The maximum Height for all other receiving or transmitting structures, other than those which may normally be required for adequate local television reception, shall be the maximum Height in the Zone, and

not the maximum Height for Accessory buildings in Residential Zones specified in subsection 50.3(2);

- 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 Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.
3. An applicant shall submit, for any Development Permit to construct, rebuild or increase the Height of a structure, a grading plan that shows the elevation of the Site at each corner of the Site before and after construction;
4. The Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:
 - a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
 - b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan;
 - c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane;
 - d. for a Site where the highest geodetic elevation at a corner of the front property line is greater than the lowest geodetic elevation at a corner of the rear property line by 2.0 m or more, the Development Officer may determine Grade by calculating the average elevation of the front corners of the Lot, and along the side property lines a distance equal to the minimum front Setback in the underlying Zone from the front property line. This method is intended for small scale development with a single Principal building and is not intended to be used for Multi-unit Project Developments; or
 - e. the Development Officer may use his variance power to determine Grade by a method other than the ones described in subsection 52.4. If so, this shall be a Class B Discretionary Development.

5. The applicant shall submit all information the Development Officer requires to determine Grade by the method the Development Officer chooses.

Development Officer's Determination:

3. Section 814.3(13) The maximum Height shall not exceed 8.6 m, in accordance with Section 52.

Average Grade using abutting Lots 46 & 48: 665.06
Finished Floor: 667.17
Height from Average Grade to Finished Floor: 2.11m
Height to midpoint: 9.73
Height to ridge line: 11.08m
Maximum permitted: 8.6m to midpoint
Deficiency: 1.13
[unedited]

Mature Neighbourhood Overlay: Basement Elevation

Section 814.3(16) states the following:

The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.

Development Officer's Determination:

4. Section 814.3(16): The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade.

Height from Average Grade to Finished Floor: 2.11m
Maximum permitted: 1.2m
Deficiency: 0.91
[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: **173194290-002**
 Application Date: JUN 02, 2015
 Printed: September 28, 2015 at 3:22 PM
 Page: 1 of 3

House Development and Building Permit

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

<p>Applicant</p> <p>GRAPHTEC DESIGN & CONSULTING INC, EDWIN HAMMERMEISTER </p>	<p>Property Address(es) and Legal Description(s)</p> <p>183 - QUESNELL CRESCENT NW Plan 4820KS Blk 1 Lot 47</p> <hr/> <p>Location(s) of Work</p> <p>Entryway: 183 - QUESNELL CRESCENT NW Building: 183 - QUESNELL CRESCENT NW</p>
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Scope of Application

To construct a Single Detached House with a front attached Garage, front veranda, fireplace, second floor balcony (2.24m x 4.88m) rear partially covered deck (irregular shape, 5.33m x 2.15m x 6.86m) and Basement development (NOT to be used as an additional Dwelling) and to demolish an existing house and detached Garage.

Permit Details

Affected Floor Area (sq. ft.): 3860 Class of Permit: Front Yard (m): 12.22 Rear Yard (m): 17.55 Side Yard, left (m): 2.05 Site Area (sq. m.): 1690.69 Site Width (m): 24.38	Building Height to Midpoint (m): 9.73 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 3.43 Site Depth (m): 60.96 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused



Project Number: **173194290-002**
 Application Date: JUN 02, 2015
 Printed: September 28, 2015 at 3:22 PM
 Page: 2 of 3

House Development and Building Permit

Reason for Refusal

Application for a Single Detached House is refused due to the following reasons:

1. Section 814.3(1): The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface.

Minimum Setback: 28.51m
 Proposed: 12.22m front of Garage
 Deficiency: 16.29

2. Section 814.3(5): The minimum Rear Setback shall be 40% of Site depth.

Proposed Rear setback: 15.55m to rear deck + 2m allowable projection (as per Section 44.3) = 17.55m (28.79%)
 Required: 24.38m
 Deficiency: 6.83m

3. Section 814.3(13) The maximum Height shall not exceed 8.6 m, in accordance with Section 52.

Average Grade using abutting Lots 46 & 48: 665.06
 Finished Floor: 667.17
 Height from Average Grade to Finished Floor: 2.11m
 Height to midpoint: 9.73
 Height to ridge line: 11.08m
 Maximum permitted: 8.6m to midpoint
 Deficiency: 1.13

4. Section 814.3(16): The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade.

Height from Average Grade to Finished Floor: 2.11m
 Maximum permitted: 1.2m
 Deficiency: 0.91

NOTE: Unless otherwise stated, all references to section numbers refer to the Edmonton Zoning Bylaw 12800.

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: Sep 16, 2015 **Development Authority:** ROBINSON, GEORGE **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$75.00	\$75.00	02478173	Jun 03, 2015
Lot Grading Fee	\$135.00	\$135.00	02478173	Jun 03, 2015
Safety Codes Fee	\$122.24	\$122.24	02478173	Jun 03, 2015
Electrical Safety Codes Fee	\$17.62	\$17.62	02478173	Jun 03, 2015
Water Usage Fee	\$96.80	\$96.80	02478173	Jun 03, 2015
Building Permit Fee	\$3,056.00	\$3,056.00	02478173	Jun 03, 2015



Project Number: **173194290-002**
Application Date: JUN 02, 2015
Printed: September 28, 2015 at 3:22 PM
Page: 3 of 3

House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fees (House)	\$328.00	\$328.00	02478173	Jun 03, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$3,830.66	\$3,830.66		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-227



ITEM IV: 2:30 P.M.

FILE: SDAB-D-15-228

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

APPELLANT:

APPLICATION NO.: 177467895-001

APPLICATION TO: Place a Temporary Sign for 90 days ending 19-NOV-2015 for ALBERTA SIGN RENTALS (Multi: REXALL)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions (See pages 44-46)

DECISION DATE: August 21, 2015

DATE OF APPEAL: September 9, 2015

NOTIFICATION PERIOD: Aug 27, 2015 through Sep 9, 2015

RESPONDENT: Alberta Sign Rentals

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13508 Victoria Trail NW

LEGAL DESCRIPTION: Plan 9721947 Blk 150 Lot 2A

ZONE: DC2 Site Specific Development Control Provision

OVERLAY: None

STATUTORY PLAN: N/A

Grounds for Appeal

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

Too many of these signs are being allowed - ugly, cluttered. Makes neighbourhood look cheap / rundown. (Most signs are the amateurish-looking multi-coloured portables). We have regulations (180 days per year plus 30 days temporary sign free) that are being continually waived. Why? (Why have regulations if no one obeys?) [unedited]

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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,

...

(b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

The decision of the Development Authority was dated August 21, 2015. The Notice of Appeal Period began on August 21, 2015, and ended on September 9, 2015. The Notice of Appeal was filed on September 9, 2015 by an adjacent property owner.

General Provisions from the *Edmonton Zoning Bylaw*:

Section DC2.621.1 states the following with respect to the **General Purpose** of the **DC2 Site Specific Development Control Provision**:

To establish a Site Specific Development Control Provision for a one stop community trade area with a broad range of commercial, entertainment, cultural, and service uses with specific development regulations that will ensure compatibility with adjacent residential land uses and ensure a high standard of appearance appropriate to the prominent location of the site.

<i>Permit Variance: Maximum Duration of Temporary Sign</i>

See page 41 (below) for full reference to Section 79.9(3)(b)(iii)(B) of the *Edmonton Land Use Bylaw 5996*, Version 10, November 1999.

Development Permit Variance:**VARIANCES:**

Section 79.9(3)(b)(iii)(B) of the December 15, 1999 Land Use Bylaw - to allow a Temporary Sign to remain at a location for

more than 180 days in a calendar year and to waive the requirement that a location be free of Temporary Signs for 30 consecutive days. [unedited]

Permit Condition: Approval Period

Section DC2.621.4(r) states:

Signs shall be allowed in accordance with the Sign Schedule Section 79D of the Land Use Bylaw and subject to the provision of a comprehensive Sign Design Plan and Schedule consistent with the overall intent of Section 79D for each phase of development. Individual business identification signs located on the facade shall be similar as to the proportion, construction material and placement. The design, scale and placement of the sign shall ensure that the signage does not detract from the overall appearance of the development and that the signage is not obtrusive. Signage shall also comply with the following provisions:

- i. no permanent sign shall be allowed above the roofline, except if incorporated into a roof architectural feature or other major architectural element such as towers, cupolas or steeples. In such instances the sign shall be limited to a logogram;
- ii. no business identification signage shall be permitted on building walls adjacent to the south, southwest, or west property lines of the provision; and
- iii. freestanding signs shall be designed and finished in a manner that is consistent with the architectural character of the principal buildings on the site.

The *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states the following:

79D.1 Allowable Signs

- 1) The following Signs shall be allowed, subject to the Sign Regulations of this Schedule:

...

- b) Temporary Signs requiring a Development Permit as provided for in Section 79.9 of this Bylaw;

...

- d) Portable Signs;

...

79D.2 Sign Regulations

...

- 2) Portable Signs and Balloon Signs shall comply with the general provisions and use regulations for Portable and Balloon Signs of Section 79.9.

See page 41 (below) for full reference to Section 79.9(3)(b)(iii)(B) of the *Edmonton Land Use Bylaw 5996*, Version 10, November 1999.

Development Permit Condition:

The sign is approved starting 21-AUG-2015 and shall be removed on or before 19-NOV-2015. (Reference Section DC2.621.4.(r), 79D.1(1)(b) & (d) and 79D.2(2), 79.9(3)(b)(iii)(B) of the December 15, 2015 Edmonton 5996 Land Use Bylaw). (Refer to Schedule 79D.)
[unedited]

<i>Permit Condition: Location of Sign</i>
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The *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states the following:

79.9(1) General Provisions

- a) Any Portable Sign, Temporary Sign or Balloon Sign that requires a Development Permit shall be located within the property lines of the site as identified by the legal or municipal description indicated in the permit.
- b) No Portable Sign, Temporary Sign or Balloon Sign shall be located closer than 1 m (3.3 ft.) to any property line. Where a Sign is located at a site on a corner formed by the intersection of two or more public roadways, not including a lane, the Sign shall not be located within a 10 m (32.8 ft.) radius of the corner measured from the midpoint of the curved portion of the curb line.

Development Permit Condition:

Any Portable Sign, Temporary Sign or Balloon Sign that requires a Development Permit shall be located within the property lines of the site as identified by the legal or municipal description indicated in the permit. (Reference Section 79.9(1)(a))

No Portable Sign, Temporary Sign or Balloon Sign shall be located closer than 1 m (3.3 ft.) to any property line. Where a Sign is located at a site on a corner formed by the intersection of two or more public roadways, not including a lane, the Sign shall not be located within a 10 m (32.8 ft.) radius of the corner measured from the midpoint of the curved portion of the curb line. (Reference Section 79.9(1)(b))
[unedited]

Permit Condition: Access to Site

Section 79.9(1)(c) of the *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states: “A Portable Sign, Temporary Sign or Balloon Sign shall not interfere with access to or from a site.”

Development Permit Condition:

A Portable Sign, Temporary Sign or Balloon Sign shall not interfere with access to or from a site. (Reference Section 79.9(1)(c))

Permit Condition: Illumination

The *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states the following:

79.9(1) General Provisions

- ...
- d) Portable Signs, Temporary Signs or Balloon Signs may be illuminated but may not contain flashing, Scintillating or Running Lights or animation devices, and any device designed to intensify or vary the illumination of lighting. Illumination shall be from a steady light source located within the interior of the Sign, or from an exterior light source directed at the face of the Sign and shielded to eliminate glare when viewed by on-coming traffic. No exterior accessory lighting may be attached to any portion of a Portable Sign, including the trailer or support structure, except that lights required by the Highway Traffic Act shall be allowed.

Development Permit Condition:

Portable Signs, Temporary Signs or Balloon Signs may be illuminated but may not contain flashing, Scintillating or Running Lights or animation devices, and any device designed to intensify or vary the illumination of lighting. Illumination shall be from a steady light source located within the interior of the Sign, or from an exterior light source directed at the face of the Sign and shielded to eliminate glare when viewed by on-coming traffic. No exterior accessory lighting may be attached to any portion of a Portable Sign, including the trailer or support structure, except that lights required by the Highway Traffic Act shall be allowed. (Reference Section 79.9(1)(d)) [unedited]

Permit Condition: Trailer Frame

The *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states the following:

79.9(1) General Provisions

...

- e) The trailer frame excluding the hitch and the support legs, or structure used to support a Portable Sign shall not exceed 3.5 m (11.5 ft.) in length nor 2.2 m (7.2 ft.) in width.

Development Permit Condition:

The trailer frame excluding the hitch and the support legs, or structure used to support a Portable Sign shall not exceed 3.5 m (11.5 ft.) in length nor 2.2 m (7.2 ft.) in width. (Reference Section 79.9(1)(e)) [unedited]

Permit Condition: Double-Faced

The *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states the following:

79.9(1) General Provisions

...

- f) All Portable Signs shall be double-faced. The horizontal dimension of the Sign face shall not exceed 3.1 m (10.2 ft.) and the vertical dimension of the Sign face shall not exceed 1.7 m (5.6 ft.). The frame surrounding the Sign face shall not include embellishments and animation devices.

Development Permit Condition:

All Portable Signs shall be double-faced. The horizontal dimension of the Sign face shall not exceed 3.1 m (10.2 ft.) and the vertical dimension of the Sign face shall not exceed 1.7 m (5.6 ft.). The frame surrounding the Sign face shall not include embellishments and animation devices. (Reference Section 79.9(1)(f)) [unedited]

Permit Condition: Portable Sign Background

Section 79.9(1)(g) of the *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states: "The background face of a Portable Sign shall be of a single uniform colour."

Development Permit Condition:

The background face of a Portable Sign shall be of a single uniform colour. (Reference Section 79.9(1)(g)) [unedited]

Permit Condition: Maximum Height

Section 79.9(1)(h) of the *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states: “A Portable Sign shall not exceed a maximum Height of 3 m (9.8 ft.) above grade.”

Development Permit Condition:

A Portable Sign shall not exceed a maximum Height of 3 m (9.8 ft.) above grade. (Reference Section 79.9(1)(h)) [unedited]

Permit Condition: Expiry of Permit

Section 79.9(2)(a) of the *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states: “A Temporary Sign, a Portable Sign or a Balloon Sign shall be removed on or before the expiry date specified in the Development Permit.”

Development Permit Condition:

A Temporary Sign, a Portable Sign or a Balloon Sign shall be removed on or before the expiry date specified in the Development Permit. (Reference Section 79.9(2)(a)) [unedited]

Permit Condition: Regulations for Business Identification, Local Advertising and General Advertising Use

The *Edmonton Land Use Bylaw 5996*, Version 10, November 1999 states the following:

79.9(3) Regulations for Specific Uses of Temporary Signs, Portable Signs and Balloon Signs

...
b) Use of Temporary Signs, Portable Signs and Balloon Signs for Business Identification and Local Advertising & General Advertising within Commercial and Industrial Districts

...
iii) the use of Portable Signs and Balloon Signs for business identification, local advertising and general advertising within Commercial and Industrial Districts shall comply with the following provisions:

A) One Balloon Sign shall be allowed for each 30 m (98.4 ft.) of frontage of a business premise or multiple occupancy development provided that not more than one Balloon Sign shall be displayed on any site. For a single tenant site with a frontage of greater than 30 m (98.4 ft.), not more than one Portable Sign shall be allowed. For a multi tenant

site (Shopping Centre) with a frontage of greater than 30 m (98.4 ft.), one Portable Sign shall be allowed for each 30 m (98.4 ft.) of frontage provided that not more than a maximum of four (4) Portable Signs shall be displayed on the same street frontage with a minimum separation space of 30 m (98.4 ft.) between each sign; in no case shall there be more than four (4) Portable Signs per site. Notwithstanding the above, where a lot with a frontage of less than 30 m (98.4 ft.) exists, an applicant may, by providing to the Development Officer written consent from the owners of adjacent lots, identify to the Development Officer, a combined site having a total frontage of 30 m (98.4 ft.) or more in order to allow placement of a single Portable Sign.

- B) the maximum duration of display for each Portable Sign location complying with Clause (A) above shall be a total of 180 days in a calendar year, provided that no Portable Sign shall remain at a location for more than 90 consecutive days, during which time, unlimited changes to the changeable copy portion of the signs area shall be allowed. Following each removal of a Portable Sign, the location shall remain free of Portable Signs for a minimum of 30 consecutive days. The maximum duration of display for each Balloon Sign location complying with Clause (A) above shall be a total of 90 days in a calendar year, provided that no Balloon Sign shall remain at a location for more than 30 consecutive days. Following each removal of a Balloon Sign, the location shall remain free of a Balloon Sign for a minimum of 30 consecutive days;

...

- v) Temporary Signs exceeding 0.5 m² (5.4 sq. ft.) in area or greater than 1.5 m (4.9 ft.) in Height, other than Window Signs or Signs provided for in Subclauses (i) and (ii) of this Clause 79.9(3)(b), which are used for local or general advertising of business services or products shall be subject to the Development Permit requirements for Portable Signs and shall comply with the provisions of Subclause (iii) of this Clause 79.9(3)(b). A business shall be permitted to display Window Signs for local advertising at any time during the year, without time limitation. Window Signs used for local advertising shall be located in windows at the first or second storey level only, and the Sign shall not cover more than 25 percent of the area of the window where the sign is displayed;

Development Permit Condition:

One Portable Sign shall be allowed for each 30 m (98.4 ft.) of frontage provided that not more than a maximum of four Portable Sign shall be displayed on any site (Reference Section 79.9(3)(b)(iii)(A))

The maximum duration of display for each Portable Sign location complying with Clause (A) above shall be a total of 180 days in a calendar year, provided that no Portable Sign shall remain at a location for more than 90 consecutive days. (Reference Section 79.9(3)(b)(iii)(B))

Temporary Signs exceeding 0.5 sq. m (5.4 sq. ft.) in area or greater than 1.5 m (4.9 ft.) in Height which are used for local or general advertising of business services or products shall be subject to the Development Permit requirements for Portable Signs and shall comply with the provisions of Subclause (iii) of this Clause 79.9(3)(b). (Reference Section 79.9(3)(b)(v))
[unedited]

Permit Condition: Offences Under the Edmonton Zoning Bylaw 12800

Section 17.1(4) states: “Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid.”

Section 23.2 addresses various **Offences** with respect to Signs under the *Edmonton Zoning Bylaw*.

Development Permit Condition:

Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid and may constitute an offence. (Reference Section 13.1(7))

It is an offence for any person to place a Sign on land; for which a Development Permit is required but has not been issued or is not valid under this Bylaw. It is an offence to display a Temporary Sign without a valid Development Permit. It is an offence for a Temporary Sign to not have the Sign ownership displayed in a visible location on the Sign. It is an offence to deface, obscure or otherwise render the ownership identification illegible. It is an offence to display a Temporary Sign without a development permit approval tag issued by the City of Edmonton. It is an offence to have a Sign in an abandoned state. (Reference Section 23.2) [unedited]

Board Officer Comments:

The Development Permit references Section 13.1(7), which does not address offences, but states the following:

13.1 General Conditions

...

7. Unless otherwise specified in this Bylaw, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 or such other scale as the Development Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

Permit Condition: Landowner Authorization Required

The *Edmonton Zoning Bylaw 12800* states the following:

13.4 Sign Developments

Applications for all Signs:

1. shall include the following information in duplicate and the appropriate application form shall be fully and accurately completed:

...

- f. except for applications for Temporary On-premises Signs, a letter from the owner of the property on which the Sign is to be erected, or his agent, authorizing the applicant's Sign development; and

...

Development Permit Condition:

Temporary Signs must have authorization from the landowner or the landowner's agent to place a Temporary On-premises Sign on the land that is listed as the address for the location of the Temporary On-Premises Sign. (Reference Section 13.4(1)(f) of the *Edmonton Zoning Bylaw 12800*) [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: **177467895-001**
Application Date: AUG 12, 2015
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Temporary Sign Permit

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

ALBERTA SIGN RENTALS

Property Address(es) and Legal Description(s)

13508 - VICTORIA TRAIL NW
Plan 9721947 Blk 150 Lot 2A

Scope of Permit

To place a Temporary Sign for 90 days ending 19-NOV-2015 for ALBERTA SIGN RENTALS (Multi: REXALL)

Permit Details

Business Name (Temp. Sign): Multi: REXALL
Number of Days (Temp. Sign): 90

Class of Permit: Class B
Start Date (Temp. Sign): 2015-08-21 00:00:00

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

Applicant signature: _____

Development Permit Decision

Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **177467895-001**
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Temporary Sign Permit

Subject to the Following Conditions

The sign is approved starting 21-AUG-2015 and shall be removed on or before 19-NOV-2015. (Reference Section DC2.621.4.(r), 79D.1(1)(b) & (d) and 79D.2(2), 79.9(3)(b)(iii)(B) of the December 15, 2015 Edmonton 5996 Land Use Bylaw. (Refer to Schedule 79D.)

Any Portable Sign, Temporary Sign or Balloon Sign that requires a Development Permit shall be located within the property lines of the site as identified by the legal or municipal description indicated in the permit. (Reference Section 79.9(1)(a))

No Portable Sign, Temporary Sign or Balloon Sign shall be located closer than 1 m (3.3 ft.) to any property line. Where a Sign is located at a site on a corner formed by the intersection of two or more public roadways, not including a lane, the Sign shall not be located within a 10 m (32.8 ft.) radius of the corner measured from the midpoint of the curved portion of the curb line. (Reference Section 79.9(1)(b))

A Portable Sign, Temporary Sign or Balloon Sign shall not interfere with access to or from a site. (Reference Section 79.9(1)(c))

Portable Signs, Temporary Signs or Balloon Signs may be illuminated but may not contain flashing, Scintillating or Running Lights or animation devices, and any device designed to intensify or vary the illumination of lighting. Illumination shall be from a steady light source located within the interior of the Sign, or from an exterior light source directed at the face of the Sign and shielded to eliminate glare when viewed by on-coming traffic. No exterior accessory lighting may be attached to any portion of a Portable Sign, including the trailer or support structure, except that lights required by the Highway Traffic Act shall be allowed. (Reference Section 79.9(1)(d))

The trailer frame excluding the hitch and the support legs, or structure used to support a Portable Sign shall not exceed 3.5 m (11.5 ft.) in length nor 2.2 m (7.2 ft.) in width. (Reference Section 79.9(1)(e))

All Portable Signs shall be double-faced. The horizontal dimension of the Sign face shall not exceed 3.1 m (10.2 ft.) and the vertical dimension of the Sign face shall not exceed 1.7 m (5.6 ft.). The frame surrounding the Sign face shall not include embellishments and animation devices. (Reference Section 79.9(1)(f))

The background face of a Portable Sign shall be of a single uniform colour. (Reference Section 79.9(1)(g))

A Portable Sign shall not exceed a maximum Height of 3 m (9.8 ft.) above grade. (Reference Section 79.9(1)(h))

A Temporary Sign, a Portable Sign or a Balloon Sign shall be removed on or before the expiry date specified in the Development Permit. (Reference Section 79.9(2)(a))

One Portable Sign shall be allowed for each 30 m (98.4 ft.) of frontage provided that not more than a maximum of four Portable Sign shall be displayed on any site (Reference Section 79.9(3)(b)(iii)(A))

The maximum duration of display for each Portable Sign location complying with Clause (A) above shall be a total of 180 days in a calendar year, provided that no Portable Sign shall remain at a location for more than 90 consecutive days. (Reference Section 79.9(3)(b)(iii)(B))

Temporary Signs exceeding 0.5 sq. m (5.4 sq. ft.) in area or greater than 1.5 m (4.9 ft.) in Height which are used for local or general advertising of business services or products shall be subject to the Development Permit requirements for Portable Signs and shall comply with the provisions of Subclause (iii) of this Clause 79.9(3)(b). (Reference Section 79.9(3)(b)(v))

Note: This permit is for an On-premises Sign for businesses which have valid development approval (or a valid business license) to operate from the Site. Unless this permit is specifically granted for general advertising, portable signs containing 3rd party (general) advertising may be revoked and subject to fines without warning.

Note: All Temporary Signs shall have a development permit approval tag issued by the City of Edmonton. (Reference Section 59.2(8))

Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid and may

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **177467895-001**
 Application Date: AUG 12, 2015
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Temporary Sign Permit

constitute an offence. (Reference Section 15.1(7))

It is an offence for any person to place a Sign on land; for which a Development Permit is required but has not been issued or is not valid under this Bylaw. It is an offence to display a Temporary Sign without a valid Development Permit. It is an offence for a Temporary Sign to not have the Sign ownership displayed in a visible location on the Sign. It is an offence to deface, obscure or otherwise render the ownership identification illegible. It is an offence to display a Temporary Sign without a development permit approval tag issued by the City of Edmonton. It is an offence to have a Sign in an abandoned state. (Reference Section 23.2)

Temporary Signs must have authorization from the landowner or the landowner's agent to place a Temporary On-premises Sign on the land that is listed as the address for the location of the Temporary On-Premises Sign. (Reference Section 13.4(1)(f) of the Edmonton Zoning Bylaw 12800)

Variance

Section 79.9(3)(b)(iii)(B) of the December 15, 1999 Land Use Bylaw - to allow a Temporary Sign to remain at a location for more than 180 days in a calendar year and to waive the requirement that a location be free of Temporary Signs for 30 consecutive days.

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Aug 21, 2015 **Development Authority:** ADAMS, PAUL **Signature:** _____
Notice Period Begins: Aug 27, 2015 **Ends:** Sep 09, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Notification Fee	\$100.00	\$100.00	163868001001750A	Aug 21, 2015
Temporary sign permit fee	\$85.00	\$85.00	169400001001867A	Aug 12, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$185.00	\$185.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-228



BUSINESS LAID OVER

SDAB-D-15-211	An appeal by <u>Bigstone Health Commisison</u> to change the Use from Professional, Financial, and Office Support Services to General Retail Stores (main floor) and Health Services (2 nd floor), and construct additions, interior alterations, and exterior alterations <i>October 29, 2015</i>
SDAB-D-15-236 to 241	An appeal by <u>Ogilvie LLP</u> to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>November 19, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

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