# **SUBDIVISION**

# AND

# **DEVELOPMENT APPEAL BOARD**

# AGENDA

Tuesday, 9:00 A.M. August 11, 2020

	NOTE:		all references to "Section numbers" in this Agenda der the Edmonton Zoning Bylaw 12800.
			8722 - Mayday Lane SW Project No.: 365019393-002
			To leave as built a Single Detached House
III	10:30 A.M.	SDAB-D-20-105	
			8314 - Mayday Link SW Project No.: 365017477-002
			To leave as built a Single Detached House
II	10:30 A.M.	SDAB-D-20-106	
			6504 - 75 Street NW Project No.: 158942333-004
			To install a Minor Digital Off-premises Freestanding Sign (2-digital panels 3 metres by 6.1 metres facing North/South) (AD MART   MEDIA CITY)
Ι	9:00 A.M.	SDAB-D-20-101	

# SUBDIVISION AND DEVELOPMENT APPEAL BOARD

## ITEM I: 9:00 A.M.

# FILE: SDAB-D-20-101

AN APPEAL FROM THE DECIS	ION OF THE DEVELOPMENT OFFICER
APPELLANT:	
APPLICATION NO .:	158942333-004
APPLICATION TO:	Install a Minor Digital Off-premises Freestanding Sign (2-digital panels 3 metres by 6.1 metres facing North/South) (AD MART   MEDIA CITY)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	July 6, 2020
DATE OF APPEAL:	July 15, 2020
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	6504 - 75 Street NW
LEGAL DESCRIPTION:	Plan 8420880 Blk 13 Lot 20
ZONE:	(IB) Industrial Business Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A

# Grounds for Appeal

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

The sign located at 6504 75th Street NW was installed over 3 years ago and has never to my knowledge ever had a complaint. The sign is in a heavy industrial area facing 75th Street. The sign in 0.8m above the required height and I feel that this variance is minor in request. In the era that we are in with COVID advertising has been hit hard and we feel that as opposed to denying the permit and having Media City take down the sign and cause further hardship to the property owner and company, we feel that this minor variance should be allowed.

**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.

(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

#### **Hearing and Decision**

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

• • •

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
  - •••
  - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
  - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
    - (i) the proposed development would not
      - (A) unduly interfere with the amenities of the neighbourhood, or
      - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

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

#### General Provisions from the Edmonton Zoning Bylaw:

Under section 400.3(42), a Minor Digital Off-premises Sign is a Discretionary Use in the (IB) Industrial Business Zone.

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

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, Digital Copy means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, a **Freestanding Sign** means "a Sign supported independently of a building."

Under section 6.2, Off-Premise Sign means

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 400.1 states that the **General Purpose** of the **(IB) Industrial Business Zone** is:

to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

# Height

Section 400.4(6) states "Signs shall comply with the regulations found in <u>Schedule 59F</u>."

Schedule 59F.3(6)(b) states "the maximum Height shall be <u>8.0 m</u>."

Under section 6.2, **Height** Signs means "the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign."

## **Development Officers Determination**

1) SECTION 59F.3(6)(b): The maximum height for a Minor Digital Off-premises Sign is 8.0m.

Proposed: 8.8m Exceeds by: 0.8m

[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.

Edmonton	I	Application	for	Project Number: 158942333-0 Application Date: DEC 19, 2 Printed: July 6, 2020 at 10:30 / Page: 1 c			
Sign Combo Permit							
This document is a Development Per		-		N.			
Applicant		Pro	perty Address(es) a	and Legal Description(s)			
			5504 - 75 STREET	NW			
			Plan 8420880 I	Blk 13 Lot 20			
Scope of Application To install a Minor Digital Off-p	remises Freestand	ing Sign (2-digital pan	els 3m x 6.1m facing	g N/S) (AD MART   MEDIA CITY).			
Permit Details							
ASA Sticker No./Name of Engineer:		Class	of Permit: Class B				
Construction Value: 0		Expiry	Date:				
Fascia Off-premises Sign: 0		Freed	anding Off-premises Sig	n: 0			
Fascia On-premises Sign: 0			Freestanding On-premises Sign: 0				
Roof Off-premises Sign: 0			Projecting Off-premises Sign: 0				
Roof On-premises Sign: 0			Projecting On-premises Sign: 0				
Minor Digital On-premises Sign: 0			cement Panel on Existing				
Minor Digital Off-premises Sign: 0			rehensive Sign Design:				
Minor Digital On/Off-premises Sign: 2		Major	Digital Sign: 0				
Development Application Decision Refused	i i						
	velopment Author	ity:NOORMAN, BRI	NDA				
Reason for Refusal 1) SECTION 59F.3(6)(b):	The maximum heig	ght for a Minor Digital	Off-premises Sign i	s 8.0m.			
Proposed: 8.8m Exceeds by: 0.8m							
Rights of Appeal The Applicant has the right through 689 of the Municip			a which the decision	is made, as outlined in Section 683			
Fees							
	Fee Amount	Amount Paid	Receipt #	Date Paid			
Sign Dev Appl Fee - Digital Signs	\$916.00	\$916.00	06522723	May 13, 2020			
Safety Codes Fee Sign Building Permit Fee	\$6.32 \$158.00						
orgen building nettilk nee	@100.00						
		THIS IS NOT A PE	RMIT				

Edmonton		Application		Project Numb Application Date: Printed: Page:	er: 158942333-004 DEC 19, 2019 July 6, 2020 at 10:30 AM 2 of 2
		8			
Fees Total GST Amount:	Fee Amount \$0.00	Amount Paid	Receipt #	Date Paid	
Totals for Permit: (\$164.32 outstanding)	\$1,080.32	\$916.00			
		THIS IS NOT A PE	RMIT		





## ITEM II: 10:30 A.M.

#### FILE: SDAB-D-20-106

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER				
APPELLANT:				
APPLICATION NO.:	365017477-002			
APPLICATION TO:	Leave as built a Single Detached House			
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused			
DECISION DATE:	July 16, 2020			
DATE OF APPEAL:	July 16, 2020			
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	8314 - Mayday Link SW			
LEGAL DESCRIPTION:	Plan 1820076 Blk 2 Lot 22			
ZONE:	(DC1) Direct Development Control Provision - Bylaw 17656			
OVERLAY:	N/A			
STATUTORY PLAN:	The Orchards at Ellerslie Neighbourhood Structure Plan			

#### Grounds for Appeal

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

Required: The minimum Side Setback shall be 1.05 m, except that one Side Setback may be reduced to 0.75 m where the other Side Setback is a minimum of 1.05 m. (Reference Section DC1.17656(4)(vi)(II)).

Proposed Left Side Setback: 0.83 m Proposed Right Side Setback: 0.96 m

As the variance is minor, we request to have the development approved.

#### **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.

(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**685(4)** Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

# <u>General Provisions from the (DC1) Direct Development Control Provision - Bylaw 17656</u> ("DC1"):

Under section 3.e, Single Detached Housing is a Listed Use in the DC1.

Section 4.c states:

The following development regulations shall apply as shown in Figure 1 to the development of Single Detached Housing:

•••

...

- vi. The minimum Side Setback shall be 1.05 m, except that:
  - I. The minimum Side Setback abutting a public roadway other than a Lane shall be 2.4 m.
  - II. One Side Setback may be reduced to 0.75 m where the other Side Setback is a minimum of 1.05 m.

Section 1 states that the General Purpose of the DC1 is:

to provide shallow lot Single Detached Housing uses with attached Garages that reduce the prominence of garages to the street and efficiently utilize undeveloped suburban areas.

# General Provisions from the Edmonton Zoning Bylaw 12800:

Under section 7.2(8), Single Detached Housing means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Under section 6.1, Side Setback means:

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



Side Setback

#### **Development Officer's Determination**

Required: The minimum Side Setback shall be 1.05 m, except that one Side Setback may be reduced to 0.75 m where the other Side Setback is a minimum of 1.05 m. (Reference Section DC1.17656(4)(vi)(II)).

Proposed Left Side Setback: 0.83 m Proposed Right Side Setback: 0.96 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.

Edmonton	A	Application	for	Project Numbe Application Date: Printed: Page:	r: 365017477-002 JUN 15, 2020 July 16, 2020 at 5:20 PM 1 of 1		
	Mino	r Developm	Development Permit				
This document is a Developme		•					
Applicant	as remain pecision for a			and Legal Description	(5)		
-pp-			8314 - MAYDAY L		(3)		
			Plan 18200761	Blk 2 Lot 22			
Scope of Application							
To leave as built a Single Permit Details	Detached House.						
# of Dwelling Units Add/Remov	w: 0	# of P	rimary Dwelling Units To	o Construct:			
# of Secondary Suite Dwelling U			of Permit: Class B				
Client File Reference Number:		Lot G	rading Needed?:				
Minor Dev. Application Fee: Le Detached House	save as Built Single	New 1	New Sewer Service Required: N/A				
Secondary Suite Included 7: N		Stat. 1	'lan Overlay/Annex Area	(none)			
				y be reduced to 0.75 m	where the other Side		
<b>Rights of Appeal</b>							
The Applicant has the	right of appeal within 2 unicipal Government Ac		a which the decision	is made, as outlined is	a Section 683		
Fees							
	Fee Amount	Amount Paid	Receipt #	Date Paid			
Dev. Application Fee	\$170.00	\$170.00	06567664	Jun 15, 2020			
Total GST Amount: Totals for Permit:	\$0.00	£120.00					
Lotars for Permit.	\$170.00	\$170.00					





## ITEM III: 10:30 A.M.

#### FILE: SDAB-D-20-105

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER				
APPELLANT:				
APPLICATION NO.:	365019393-002			
APPLICATION TO:	Leave as built a Single Detached House			
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused			
DECISION DATE:	July 16, 2020			
DATE OF APPEAL:	July 16, 2020			
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	8722 - Mayday Lane SW			
LEGAL DESCRIPTION:	Plan 1820076 Blk 3 Lot 29			
ZONE:	(DC1) Direct Development Control Provision - Bylaw 17656			
OVERLAY:	N/A			
STATUTORY PLAN:	The Orchards at Ellerslie Neighbourhood Structure Plan			

## Grounds for Appeal

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

Required: The minimum Side Setback shall be 1.05 m, except that one Side Setback may be reduced to 0.75 m where the other Side Setback is a minimum of 1.05 m. (Reference Section DC1.17656(4)(vi)(II)).

Proposed Left Side Setback: 0.90 m Proposed Right Side Setback: 0.84 m

As the variance is minor, we would request that we be granted the development approval.

## **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

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Side Setback

#### **Development Officer's Determination**

Required: The minimum Side Setback shall be 1.05 m, except that one Side Setback may be reduced to 0.75 m where the other Side Setback is a minimum of 1.05 m. (Reference Section DC1.17656(4)(vi)(II)).

Proposed Left Side Setback: 0.90 m Proposed Right Side Setback: 0.84 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.

Edmonton	A	Application	for	Project Number: 365019393-00   Application Date: JUN 15, 20   Printed: July 16, 2020 at 5:31 P   Page: 1 ot		
	Mino	r Developm	elopment Permit			
This document is a Developme						
Applicant	at remain pectition for a					
			Property Address(es) and Legal Description(s) 8722 - MAYDAY LANE SW Plan 1820076 Blk 3 Lot 29			
Scope of Application	D					
To leave as built a Single	Detached House.					
Permit Details						
# of Dwelling Units Add/Remo	we: 0	# of P	imary Dwelling Units To	o Construct:		
# of Secondary Suite Dwelling			of Permit: Class B			
Client File Reference Number:		Lot G	ading Needed?:			
Minor Dev. Application Fee: L Detached House	eave as Built Single	New	iewer Service Required:	N/A		
Secondary Suite Included 7: N		Stat. 1	Stat. Plan Overlay/Annex Area: (none)			
Setback is a minimu Proposed Left Side S Proposed Right Side <b>Rights of Appeal</b>	n of 1.05 m. (Reference etback: 0.90 m Setback: 0.84 m	Section DC1.17656(4)	(vī)(II)).	y be reduced to 0.75 m where the other Sid		
	unicipal Government Ac		a which the decision	is made, as outlined in Section 683		
Fees						
	Fee Amount	Amount Paid	Receipt #	Date Paid		
Dev. Application Fee	\$170.00	\$170.00	06568100	Jun 15, 2020		
Total GST Amount: Totals for Permit:	\$0.00	\$170.00				
		THIS IS NOT A PE	RMIT			



