SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I	9:00 A.M.	SDAB-D-20-101	
			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)
			6504 - 75 Street NW Project No.: 158942333-004
II	10:30 A.M.	SDAB-D-20-106	
			To leave as built a Single Detached House
			8314 - Mayday Link SW
			Project No.: 365017477-002
III	10:30 A.M.	SDAB-D-20-105	
			To leave as built a Single Detached House
			8722 - Mayday Lane SW
			Project No.: 365019393-002

NOTE: Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.

<u>ITEM I: 9:00 A.M.</u> <u>FILE: SDAB-D-20-101</u>

AN APPEAL FROM THE DECISION 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,

(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 Schedule 59F."

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

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.



Application for Sign Combo Permit

Project Number: 158942333-004
Application Date: DEC 19, 2019
Printed: July 6, 2020 at 10:30 AM
Page: 1 of 2

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

Applicant Property Address(es) and

Property Address(es) and Legal Description(s) 6504 - 75 STREET NW

Plan 8420880 Blk 13 Lot 20

Scope of Application

To install a Minor Digital Off-premises Freestanding Sign (2-digital panels 3m x 6.1m facing N/S) (AD MART | MEDIA CITY).

Permit Details

ASA Sticker No./Name of Engineer: Construction Value: 0 Class of Permit: Class B

Expiry Date:

Fascia Off-premises Sign: 0
Fascia On-premises Sign: 0
Roof Off-premises Sign: 0
Roof On-premises Sign: 0
Minor Digital On-premises Sign: 0
Minor Digital Off-premises Sign: 0
Minor Digital On/Off-premises Sign: 2

Freestanding Off-premises Sign: 0
Freestanding On-premises Sign: 0
Projecting Off-premises Sign: 0
Projecting On-premises Sign: 0
Replacement Panel on Existing Sign: 0
Comprehensive Sign Design: 0

Major Digital Sign: 0

Development Application Decision

Refused

Issue Date: Jul 06, 2020 Development Authority: NOORMAN, BRENDA

Reason for Refusal

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

Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$916.00	\$916.00	06522723	May 13, 2020
Safety Codes Fee	\$6.32			
Sign Building Permit Fee	\$158.00			

THIS IS NOT A PERMIT

Edmonton

Totals for Permit:

(\$164.32 outstanding)

Application for Sign Combo Permit

\$916.00

Project Number: 158942333-004
Application Date: DEC 19, 2019
Printed: July 6, 2020 at 10:30 AM
Page: 2 of 2

rees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			

\$1,080.32

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS



Site Location ◀

File: SDAB-D-20-101

N

Hearing Date: Tuesday, August 11, 2020

<u>ITEM II: 10:30 A.M.</u> <u>FILE: SDAB-D-20-106</u>

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.

General Provisions from the (DC1) Direct Development Control Provision - Bylaw 17656 ("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.

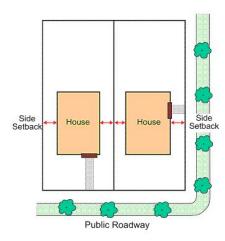
General Provisions from the Edmonton Zoning Bylaw 12800:

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.



Application for

Project Number: 365017477-002
Application Date: JUN 15, 2020
Printed: July 16, 2020 at 5:20 PM
Page: 1 of 1

Minor Development Permit

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

Applicant Property Address(es) and Legal Description(s)

8314 - MAYDAY LINK SW

Plan 1820076 Blk 2 Lot 22

Scope of Application

To leave as built a Single Detached House.

Permit Details

of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Leave as Built Single Detached House

Detached House Secondary Suite Included 7: N # of Primary Dwelling Units To Construct:

Class of Permit: Class B Lot Grading Needed?:

New Sewer Service Required: N/A

Stat. Plan Overlay/Annex Area: (none)

Development Application Decision

Refused

Issue Date: Jul 16, 2020 Development Authority: FOLKMAN, JEREMY

Reason for Refusal

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

Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$170.00	\$170.00	06567664	Jun 15, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$170.00	\$170.00		

THIS IS NOT A PERMIT

Hearing Date: Tuesday, August 11, 2020



SURROUNDING LAND USE DISTRICTS



File: SDAB-D-20-106

Hearing Date: Tuesday, August 11, 2020

<u>ITEM III: 10:30 A.M.</u> <u>FILE: SDAB-D-20-105</u>

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

- (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.

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 - (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.

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General Provisions from the (DC1) Direct Development Control Provision - Bylaw 17656 ("DC1"):

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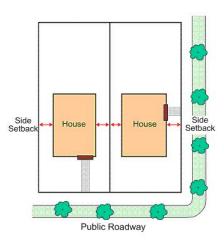
General Provisions from the Edmonton Zoning Bylaw 12800:

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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.



Application for

Minor Development Permit

Project Number: 365019393-002 JUN 15, 2020 Application Date: July 16, 2020 at 5:31 PM Printed: Page: 1 of 1

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

Applicant Property Address(es) and Legal Description(s) 8722 - MAYDAY LANE SW Plan 1820076 Blk 3 Lot 29

Scope of Application

To leave as built a Single Detached House.

Permit Details

of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number:

Minor Dev. Application Fee: Leave as Built Single

Detached House Secondary Suite Included 7: N # of Primary Dwelling Units To Construct:

Class of Permit: Class B Lot Grading Needed?:

New Sewer Service Required: N/A

Stat. Plan Overlay/Annex Area: (none)

Development Application Decision

Issue Date: Jul 16, 2020 Development Authority: FOLKMAN, JEREMY

Reason for Refusal

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

Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees			

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$170.00	\$170.00	06568100	Jun 15, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$170.00	\$170.00		

THIS IS NOT A PERMIT

Hearing Date: Tuesday, August 11, 2020



SURROUNDING LAND USE DISTRICTS



N

Site Location ◀

File: SDAB-D-20-105