

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
August 11, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-126

Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear balconies, fireplace, and Basement development (NOT to be used as an additional Dwelling)

12407 - Jasper Avenue NW
Project No.: 382023705-002

II 11:00 A.M. SDAB-D-21-127

Install (1) Minor Digital On-Premises [Fascia] Sign (INSIGHT MEDICAL)

11410 - 104 Avenue NW
Project No.: 384665464-002

III 2:00 P.M. SDAB-D-21-129

Change the use of an existing Mobile Home and an Accessory garage Building, to a Community Recreation Service Use, and to construct interior and exterior alterations (Musala), operating without permits

13903 - 162 Avenue NW
Project No.: 367897168-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-126

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 382023705-002

APPLICATION TO: Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear balconies, fireplace, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 17, 2021

DATE OF APPEAL: July 13, 2021

NOTIFICATION PERIOD: June 24, 2021 through July 15, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12407 - Jasper Avenue NW

LEGAL DESCRIPTION: Plan RN22 Blk 35 Lot 2

ZONE: DC2.1106 - Site Specific Development Control Provision (Charter Bylaw 19258)

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

After reviewing the developer's Geotechnical Reports, and the Memoranda from a City of Edmonton Senior Geotechnical Engineer, we urgently request an appeal of the Development Permit issued for 12407 Jasper Avenue (the location) between our properties (10036 124 Street and 12411 Jasper Avenue).

Amarillo Consulting Ltd. has owned the two adjacent properties for over 20 years. We strongly support improvements and development in the area in general; however, we have a direct and significant stake in any development that may negatively impact the embankment on which our properties are located.

Although we do not have a professional understanding of the technical engineering aspects of the reports, the reports and memoranda regarding development of the location clearly indicate concerns regarding the integrity of the embankment and development of the site. In particular:

1. None of the developer's reports provide recommendations regarding reducing risk to the adjoining properties.
 - a. In the first Memorandum from the City of Edmonton Senior Geotechnical Engineer, he states: "Should development be approved to proceed, the applicant must be aware that they are fully responsible to mitigate all geotechnical risks to surrounding properties arising from construction. Notably, all design and construction measures must suitably protect neighbouring properties, structures and infrastructure from any adverse impacts during construction."
2. To date, the state of the location shows issues which are listed as areas of direct concern in the reports and memoranda.
 - a. The depth of the site excavation may result in "ponding" of water which the reports and memoranda clearly state must be prevented.
 - b. The rear (south) fence around the location is leaning heavily away from the site toward the rear slope which may indicate erosion is already occurring.
3. Without exception, all reports mention the construction of substantial foundation supports for the proposed building (i.e. retaining walls or piles).
 - a. We are unclear how such infrastructure would be built without the use of heavy machinery – which from our understanding

of the City's requirements would not be permitted either on/in the site itself, or within 1 meter of the site on any side.

- b. We are also unclear how such infrastructure would be built without disturbance to the embankment surrounding our properties and/or to our properties' foundations.
4. Demolition of the existing buildings resulted in damage to our property at 10036 124 Street. This damage was not reported to us by the owner, and, due to low visibility of the area, was not noticed by us until recently.
- a. How are we to be assured that any further issues with engineering or construction that would impact our properties or the embankment are reported by the owner in a timely manner?

There are more factors of concern regarding the development we would like to address in a hearing with the Board. Assurances must be made, as noted by the City's Senior Geotechnical Engineer, "that they [the owner] are fully responsible to mitigate all geotechnical risks to surrounding properties arising from construction."

<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.

...

(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 the decision in accordance with subsection (2.1).

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,

or

(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 DC2.1106 Site Specific Development Control Provision (Charter Bylaw 19258) ("DC2"):

Under section DC2.1106.3.8, **Single Detached Housing** is a **Listed Use** in the **DC2**.

Section DC2.1106.1 states that the **General Purpose** of the **DC2** is:

To allow a low density residential development in the form of a single detached dwelling with a commercial component that is compatible with the surrounding low density housing and commercial businesses.

General Provisions from the *Edmonton Zoning Bylaw*:

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.”

DC2 Site Specific Development Control Provision

Development Officer’s Determination

You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Zoning Bylaw and there are no variances to development regulations.

[unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-16-322	Operate a Major Home Based Business (Massage Therapy - JASPER 124 MASSAGE THERAPY INC)	December 21, 2016; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to CONDITIONS.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 382023705-002 Application Date: DEC 30, 2020 Printed: June 17, 2021 at 4:05 PM Page: 1 of 5		
<h2>Minor Development Permit</h2>			
This document is a record of a Development 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.			
Applicant	Property Address(es) and Legal Description(s) 12407 - JASPER AVENUE NW Plan RN22 Blk 35 Lot 2		
Scope of Permit To construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear balconies, fireplace, and Basement development (NOT to be used as an additional Dwelling).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)		
Development Permit Decision Approved Issue Date: Jun 17, 2021 Development Authority: ZHOU, ROWLEY Subject to the Following Conditions <ol style="list-style-type: none"> A) Zoning Conditions <ol style="list-style-type: none"> 1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1). 2. This Development Permit authorizes the development of a Single Detached House with front attached Garage, Unenclosed Front Porch, rear balconies, fireplace, and Basement development (NOT to be used as an additional Dwelling).. 3. The development shall be constructed in accordance with the stamped and approved drawings. 4. WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6). 5. Landscaping shall be installed and maintained in accordance with Section 55 and DC2.1106.7 6. The maximum building Height shall not exceed 12.0m (DC2.1106.4.d). 7. The building shall be finished with high quality, durable materials. Vinyl siding and/or knockdown stucco are prohibited (DC2.1106.6.a). 8. Night-time lighting shall be reduced to minimise over-illumination of the development and by using exterior lighting fixtures that direct light downward, to ensure illumination does not extend beyond the boundaries of the development Site. Landscape lighting can be used to highlight architectural features (DC2.1106.6.d). 9. Decorative and security lighting shall be designed and finished in a manner consistent with the design and finishing of the development and shall be provided to ensure a safe well-lit environment, to the satisfaction of the Development Officer (DC2.1106.6.f). 			

Minor Development Permit

10. Above or underground sprinklers or irrigation systems shall be prohibited (Section 811.3.6.a)

11. Roof leaders, downspouts, and sump pump discharge spouts shall not be allowed to discharge into or onto the ground. They shall be connected to the sewer system (Section 811.3.6.b).

12. The Rear Yard and Side Yard shall be generally landscaped with permeable landscaping materials and shall not contain Impermeable Materials in either the Rear Yard or the Side Yard that exceed a total area of greater than 12 m² respectively (Section 811.3.7).

13. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall enter into a servicing agreement, which will be prepared by the City of Edmonton. The applicant/owner should contact Esther Anderson 780-944-7773, upon issuance of the Development Permit when he/she is ready to initiate the servicing agreement and make payment.

B) Landscaping Conditions

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$211.00 (this can be paid by phone with a credit card - 780-442-5054).

2. Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.

3. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

4. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

5. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed (www.edmonton.ca/landscapeinspectionrequest).

6. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.


7. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.


C) Transportation Conditions

1. The owner must enter into an Agreement with the City for the following improvements:

a) Construction of the proposed approximate 6 m residential private crossing access with roll face curb & gutter, monowalk, and restoration of the boulevard.

b) Modification of the existing approximate 8.5 m wide residential private crossing access to Jasper Avenue is located partially accessing the subject property and the adjacent easterly property addressed as 10036 - 124 Street (Plan RN22, Block 35, Lot 3). The 2.5 m portion of the approximate 8.5 m wide shared residential private crossing access/driveway to Jasper Avenue located within the extended property line of the subject parcel must be removed to the property line, with the curb, gutter and monowalk reconstructed, and the boulevard restored to grass to City of Edmonton Complete Streets Design and Construction Standards.

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<h2>Minor Development Permit</h2>	
<p>The Agreement must be signed PRIOR to the release of the drawings for Building Permit review. Please email development.coordination@edmonton.ca to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to Esther Anderson (780-944-7773) of the Development Servicing Agreements Unit.</p>	
<p>Also: Engineering Drawings are not required for the Agreement. However, construction must meet the City of Edmonton Complete Street Design and Construction Standards. This Agreement will require a deposit to act as security on this Agreement. The City requires a Security Deposit in the amount of \$17,000.00 to cover 100% of construction costs. However, based on the City's "GUIDELINES FOR ESTABLISHING SECURITY IN SERVICING AGREEMENT" the amount may be adjusted based upon the owner's previous development history with the City.</p>	
<p>The applicant must contact Annie Duong (780-442-0251) of Development Inspections 72 hours prior to removal or construction within City road right-of-way.</p>	
<ol style="list-style-type: none"> 2. The underground driveway ramp must be at-grade at the property line and must not exceed a slope of 10% for a minimum distance of 5 m inside the property line. 3. Heated driveways are not permitted within the road right-of-way. 4. No planting and landscape materials are permitted to be installed within a minimum of 1.5m distance from back of the sidewalk. This portion of the boulevard must be grassed. Any shrubs or landscape materials planted at a location greater than 1.5 m behind the back of the sidewalk must not impact sightlines for vehicles exiting from the driveway onto Jasper Avenue. 5. For the 4.6m of boulevard, from the site property line to a location 1.5 m from the back of the sidewalk, any enhanced landscaping or maintenance proposed by the proponent must be acceptable to the City. Should the applicant be required to complete private maintenance as a result of these enhancements, they must submit a form request and an agreement will be needed prior to undertaking any maintenance. Please refer to the following link: https://docs.google.com/forms/d/e/1FAIpQLSdc5NbKvXmNSK_BidCvHrIDSIPQ4jZ1NFPcIDHZ5JXtmD6YTww/viewform?usp=sf_link If the City requires the planting and/or landscape materials to be removed for any reason whatsoever, the planting and landscape materials must then be relocated to private lands and the area restored to grass at the property owner's expense. 6. Permanent objects including the proposed wing walls, or concrete steps, railings, planters, etc. must NOT encroach into or over/under road right-of-way. 7. There is an existing 'No Parking' sign in direct conflict with the proposed access. Relocation of the sign is required and all costs associated with the removal and relocation must be borne by the owner/applicant. The applicant must contact Kris Bala of Parks and Roads Services (780-721-7609) to pay for the associated costs and to coordinate this on-street operation. 8. There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above-ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant. 9. Any boulevard or sidewalk damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. The boulevard will be inspected by Development Inspections prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner. 10. Any hoarding or construction taking place on the road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include: <ol style="list-style-type: none"> a) the start/finish date of the project; 	

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<h2>Minor Development Permit</h2>	
<p>b) accommodation of pedestrians and vehicles during construction; c) confirmation of laydown area within the legal road right of way if required; and d) to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.</p>	
<p>It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: https://www.edmonton.ca/business_economy/oscam-permit-request.aspx and https://www.edmonton.ca/business_economy/documents/PDF/ConstructionSafety.pdf</p>	
<p>ADVISEMENTS</p>	
<p>A) Zoning Advisement</p>	
<ol style="list-style-type: none"> 1. Any future additional commercial use requires a separate development permit approval. 2. Any future deck enclosure or cover requires a separate development and building permit approval. 3. Any future deck development greater than 1.2m in height will require development and building permit approvals. 4. The proposed Basement development shall NOT be used as an additional Dwelling. An additional Dwelling shall require a new Development Permit application. 5. The proposed wet bar shall only be used by the household which uses the principal kitchen on the main floor. 6. Dwelling means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is suitable for permanent residence for a single Household (Section 6.1). 7. Household means: one or more individuals living together as a single housekeeping group 8. There may be an inspection in the future to ensure that no illegal suite has been developed. 9. This development permit shall be revoked if the conditions of this permit are not met. 10. Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot_grading@edmonton.ca for lot grading inspection inquiries. 11. Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request. 12. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800. 13. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2). 14. A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information. 	
<p>B) Geotechnical Engineering Advisement</p>	
<ol style="list-style-type: none"> 1. Recommendations pertaining to the management of water at the site and adherence to the related restrictions concerning water 	



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 Application Date: DEC 30, 2020
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 Page: 5 of 5

Minor Development Permit

retention structures, irrigation, and water features established in Section 6.3 of geotechnical report, will be of high importance in order to reduce the risk of erosion and instability. Swimming pools, ornamental ponds, or other water retention structures are not permitted for this site with the exception of a modestly sized hot tub as per requirements of Section 6.3 of the geotechnical report. Also, no permanent sprinkler or irrigation systems should be constructed or installed at this site. In addition, discharge water from roof leaders, downspouts, and sump pump discharge spouts should be connected to the storm sewer system where possible. As identified in the report, the failure to comply with any of the recommendations of the geotechnical consultant could either hasten or increase the severity of any slope instability which could ultimately threaten the property and residence.

2. Grading of the site must not involve the direction or channeling of water toward the slopes. In addition, the retention of existing vegetation during site development is considered highly desirable, and all vegetation on or near the slopes should be maintained. Any proposed excavation and re-grading, as well as any significant removal of vegetation, must only be undertaken in accordance with the recommendations of the geotechnical consultant, and with their inspection, to confirm that the recommendations presented in the geotechnical report have been properly interpreted.

3. Should this development ultimately be approved to proceed, the geotechnical consultant must also be provided the opportunity to review the proposed building plans to confirm that the building location and other development constraints are in strict compliance with the requirements of their report. The final design drawings must be submitted to LWL for review and approval.

4. The developer and owner must be aware that there remains some residual risk of instability of the slopes below and within the subject property that could lead to a loss of property within the life span of the proposed development. The owner must also recognize that the City of Edmonton will assume all erosion and regression of the slopes to be of natural origin and that we will not undertake any remedial repairs, irrespective of the ownership of the land between the development and the valley slopes.

5. The geotechnical report also included recommendations for site preparation, basement construction, and foundation design and construction for the new residence. It is recommended that inspections by qualified geotechnical personnel be undertaken during construction to confirm the removal of fill and any deleterious materials and to verify that recommended foundation design and construction procedures are followed. In addition, should development be approved to proceed, the applicant must be aware that they are fully responsible to suitably protect surrounding properties, structures and infrastructure from any adverse impacts during construction.

VariANCES

You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Zoning Bylaw and there are no variances to development regulations.

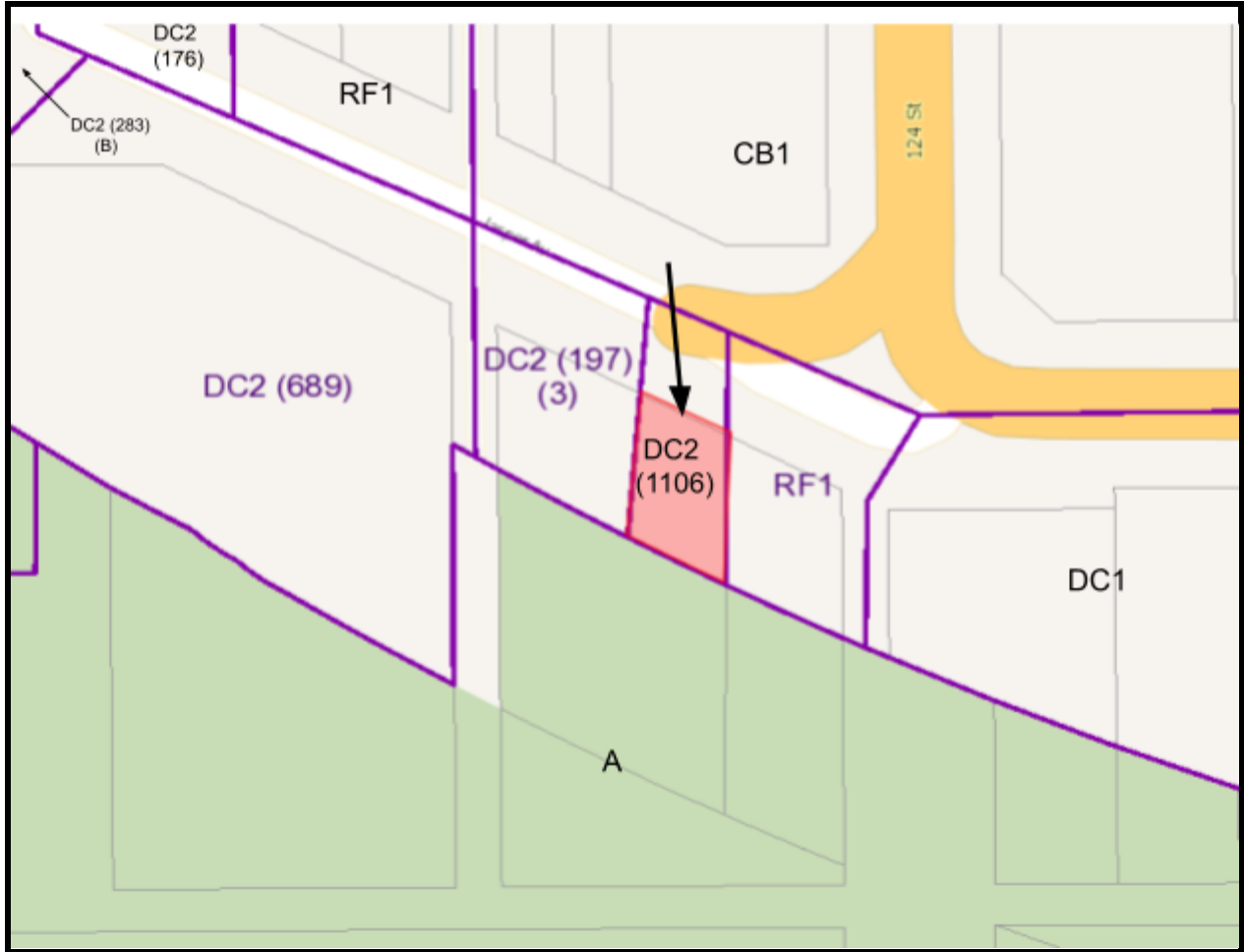
Rights of Appeal

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

Notice Period Begins: Jun 24, 2021 **Ends:** Jul 15, 2021

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$502.00	\$502.00	04722004401G001	Jan 12, 2021
Development Permit Inspection Fee	\$211.00	\$211.00	04722004401G001	Jan 12, 2021
Lot Grading Fee	\$148.00	\$148.00	04722004401G001	Jan 12, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$861.00	\$861.00		



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-21-126** ▲
N

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 384665464-002

APPLICATION TO: Install (1) Minor Digital On-Premises [Fascia] Sign
(INSIGHT MEDICAL)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 12, 2021

DATE OF APPEAL: July 15, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11410 - 104 Avenue NW

LEGAL DESCRIPTION: Plan 9121905 Blk 9D Lot 1

ZONE: DC1 (104 Avenue Corridor Area 1) - Direct Development
Control Provision (Bylaw 18099)

OVERLAY: N/A

STATUTORY PLAN: 104 Avenue Corridor Area Redevelopment Plan

Grounds for Appeal

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

Our main issue is that our sign has no ambient light monitor, it was installed a good while ago (2014 I think) and when we applied for the initial permit there seemed to be no mention of this being required. When installed the brightness of this sign was never stupendous especially compared to many other signs in use by others today.

We respectfully request that the city grandfather our sign in as the cost to replace is prohibitive which makes its replacement an even greater hardship for us during these times. Thank you

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 the decision in accordance with subsection (2.1).

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,

or

(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 (104 Avenue Corridor Area 1) - Direct Development Control Provision (Bylaw 18099) ("DC1"):

Under section 3.pp, a **Minor Digital On-premises Sign** is a **Listed Use** in the **DC1**.

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

to facilitate the development of a pedestrian friendly and transit-supportive area that is characterized by its strong mix of retail, office, entertainment, and residential uses and its accessibility, open spaces, and sensitive interface between developments.

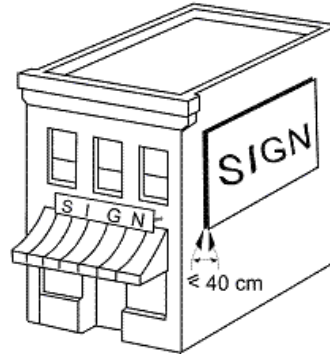
Section 9.a states "Signs shall comply with the General Provisions of Section 59 and the regulations found in Schedule 59F of the Zoning Bylaw."

General Provisions from the Edmonton Zoning Bylaw:

Under section 7.9(8), **Minor Digital On-premises Signs** means "a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising, and does not include moving effects, message transition effects, video images, or animation."

Under section 6.2, **Fascia Signs** means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Sign Regulations - General Provisions

Section 59.2(5)(a) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall use automatic light level controls to adjust light levels at night, under cloudy and other darkened conditions to reduce light pollution, in accordance with the following:

- a. ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise / Sunset calculator from the National Research Council of Canada;

...

Development Officer’s Determination

SECTION 59.2(5): Minor Digital On-premises Signs shall use automatic light level controls to adjust light levels at night, under cloudy and other darkened conditions to reduce light pollution, in accordance with the following:


a) ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise / Sunset calculator from the National Research Council of Canada;

The applicant has confirmed that the sign does not have an ambient light monitor contrary to Section 59.2(5)(a) of the Edmonton Zoning Bylaw.

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	<h2>Application for Sign Permit</h2>		Project Number: 384665464-002 Application Date: JAN 25, 2021 Printed: July 12, 2021 at 10:37 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 11410 - 104 AVENUE NW Plan 9121905 Blk 9D Lot 1		
	Location(s) of Work Suite: 11410 - 104 AVENUE NW Entryway: 11410 - 104 AVENUE NW Building: 11410 - 104 AVENUE NW		
Scope of Application To install (1) Minor Digital On-Premises [Fascia] Sign (INSIGHT MEDICAL).			
Permit Details			
ASA Sticker No./Name of Engineer: 5184 Construction Value: 56000	Class of Permit: 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: 1 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	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 12, 2021 Development Authority: NOORMAN, BRENDA			
Reason for Refusal			
SECTION 59.2(5): Minor Digital On-premises Signs shall use automatic light level controls to adjust light levels at night, under cloudy and other darkened conditions to reduce light pollution, in accordance with the following:			
a) ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise / Sunset calculator from the National Research Council of Canada;			
The applicant has confirmed that the sign does not have an ambient light monitor contrary to Section 59.2(5)(a) of the Edmonton Zoning Bylaw.			
Rights of Appeal			
THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.			
Fees			
THIS IS NOT A PERMIT			



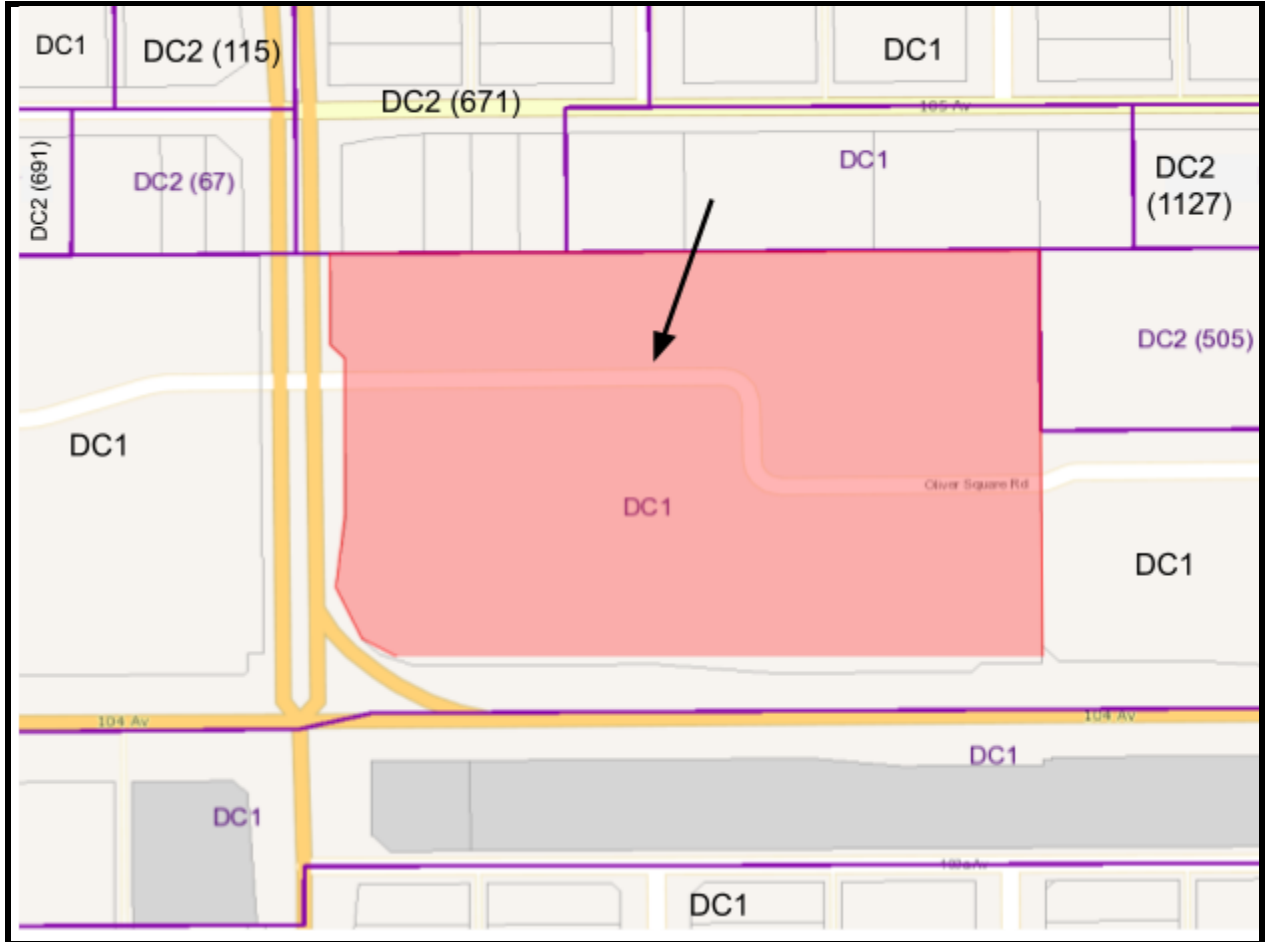
Application for Sign Permit

Project Number: **384665464-002**
Application Date: JAN 25, 2021
Printed: July 12, 2021 at 10:37 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee - Digital Signs	\$900.00	\$900.00	08891516	Jan 26, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$900.00	\$900.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

▲
N

Site Location ←

File: SDAB-D-21-127

ITEM III: 2:00 P.M.

FILE: SDAB-D-21-129

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 367897168-002

APPLICATION TO: Change the use of an existing Mobile Home and an Accessory garage Building, to a Community Recreation Service Use, and to construct interior and exterior alterations (Musala), operating without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 18, 2021

DATE OF APPEAL: July 12, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13903 - 162 Avenue NW

LEGAL DESCRIPTION: Plan 9323138 Blk 2 Lot 76

ZONE: (AG) Agricultural Zone

OVERLAY: N/A

STATUTORY PLAN(S): Carlton Neighbourhood Structure Plan
Palisades Area Structure Plan

Grounds for Appeal

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

We would like to appeal an approval of development permit to change the use of an existing Mobile Home and an Accessory garage Building, to a Community Recreation Service Use, such as counseling center, community gathering, multipurpose function room.

This an existing building surrounded by a medium size tress and the adjacent part along has 162ave is a commercial building and has a pre-cast concrete blocks around 9ft high below 139st, on south side has a very big space right way around 30ft between property line and the community fence.

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 the decision in accordance with subsection (2.1).

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,

or

(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 board hearing the appeal referred to in subsection (1)

...

(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 (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 610.3(1), **Community Recreation Services** is a **Discretionary Use** in the **(AG) Agricultural Zone**.

Under section 7.8(1) **Community Recreation Services** means:

development used for recreational, social, arts, or multi-purpose Use in a building without fixed seats and an occupancy capacity of fewer than 500 persons, primarily intended for local community purposes. Typical Uses include community halls, community centres, and community league buildings operated by a local residents' organization.

Section 610.1 states that the **General Purpose** of the **(AG) Agricultural Zone** is “to conserve agricultural and rural Uses.”

<i>Discretionary Use and Statutory Plans</i>

Development Officer’s Determination

The applicant has proposed the development as a Community Recreation Services Use, listed as a Discretionary Use in the AG Zone (reference Section 610.3(1))

The proposed Discretionary Use, Community Recreation Service does not meet the following Policies within the Palisades Area Structure Plan and Carlton Neighborhood Structure Plan impacting future development. The proposed development would also adversely impact the existing adjacent and surrounding low density residential properties:

1) PALISADES AREA STRUCTURE PLAN

Section IV, clause 2 - Development Objectives, Residential states:

- a) To utilize the neighbourhood planning concept to create several, aesthetically pleasing residential neighbourhoods, linked to form an accessible community.**
- b) To provide a broad range of housing types and forms catering to a wide socioeconomic cross section of people, and to encourage the use of innovative techniques in lotting and housing development.**
- c. To locate higher density residential subneighbourhoods in close proximity to major access routes and amenity areas. This implies an increase in residential density from peripheral areas to activity centres such that travel times and distances are minimized.**

Section V, clause 3 - Development Concept, Residential Land Use defining the Residential Neighbourhoods of the Palisades Area Structure Plan, and Figure 7 of the Palisades Area Structure Plan, identifies this site for Residential Uses. The subject site is surrounded on all sides by existing low density residential development.

Based on the above, the proposed Community Recreation Service does not meet the Policy and intent of Section IV and V of the Palisades Area Structure Plan. Institutional uses are identified at the intersection of 142 Street and 162 Avenue within the Concept Plan, Figure 7.

2) CARLTON NEIGHBOURHOOD STRUCTURE PLAN

a) Section 4.2, Exhibit 4 - Development Concept Plan indicates the same designation as the Palisades Area Structure Plan but is more specific stating it is for Low Density Residential.

b) 4.3 - Residential Development. The plan lends itself to the creation of a number of residential precincts, each of which can be developed with its own character and image. These precincts are defined by a combination of perimeter boundaries, including local and collector roads, green spaces, walkways and the stormwater management system.

Low density housing forms will predominate and be developed to reflect the range of densities permitted in the City of Edmonton Land Use Bylaw. Low density residential development will tend to be located on local roads, providing a more quiet and private residential environment.

Based on the above, the proposed Community Recreation Service does not meet the Policy and intent of Section 4.2 and 4.3 of the Carlton Neighborhood Structure Plan. Institutional uses are identified at the intersection of 142 Street and 162 Avenue within the

Concept Plan, Exhibit 4 of the Carlton Neighborhood Structure Plan.

Advisements

1) The applicant is advised that, in reference to a City Compliance/Enforcement file no. 364106478-004, an investigation and site visit has determined the following:

a) (Updated June 21, 2021) Temporary Storage, Religious Assembly, or Community Recreation Service Uses have not been approved on site. The buildings on site must be reverted back to the approved principal Mobile Home building, and accessory building to the Mobile Home with no Temporary Storage Uses. (reference development permit no. 000119644-001)

b) Interior and exterior alterations have been constructed to the accessory building on site, without valid development and building permits. These permits must be obtained pursuant to the issued Violation Notice.

2) The existing Mobile Home is not a listed Use in the AG (Agricultural) Zone. However, the Mobile is a Non-conforming Use pursuant to Section 643 of the Municipal Government Act.

Notes


Section 7.2(3) Mobile Home - Mobile Home means development consisting of a non-motorized transportable single detached Dwelling which is, upon its arrival at the Site where it is to be located, ready for occupancy except for incidental building operations such as placement on foundation supports and connection to utilities. This Use does not include Recreational Vehicles.


Section 6.1 - Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

[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.

	<p>Application for Major Development Permit</p>	<p>Project Number: 367897168-002 Application Date: JUL 15, 2020 Printed: June 21, 2021 at 9:12 AM Page: 1 of 3</p>		
<p>This document is a Development Permit Decision for the development application described below.</p>				
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 13903 - 162 AVENUE NW Plan 9323138 Blk 2 Lot 76</p>			
<p>Scope of Application To change the use of an existing Mobile Home and an Accessory garage Building, to a Community Recreation Service Use, and to construct interior and exterior alterations (Miscala), operating without permits.</p>				
<p>Permit Details</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class of Permit: Gross Floor Area (sq. m.): New Sewer Service Required: Y Site Area (sq. m.): </td> <td style="width: 50%;"> Contact Person: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Sst. Plan Overlay/Annex Area: (none) </td> </tr> </table>			Class of Permit: Gross Floor Area (sq. m.): New Sewer Service Required: Y Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Sst. Plan Overlay/Annex Area: (none)
Class of Permit: Gross Floor Area (sq. m.): New Sewer Service Required: Y Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Sst. Plan Overlay/Annex Area: (none)			
<p>Development Application Decision Refused Issue Date: Jun 18, 2021 Development Authority: CHOW, STEPHEN</p>				
<p>THIS IS NOT A PERMIT</p>				

	Project Number: 367897168-002 Application Date: JUL 15, 2020 Printed: June 21, 2021 at 9:12 AM Page: 2 of 3
<h2>Application for Major Development Permit</h2>	
Reason for Refusal	
<p>The applicant has proposed the development as a Community Recreation Services Use, listed as a Discretionary Use in the AG Zone (reference Section 610.3(1))</p>	
<p>The proposed Discretionary Use, Community Recreation Service does not meet the following Policies within the Palisades Area Structure Plan and Carlton Neighborhood Structure Plan impacting future development. The proposed development would also adversely impact the existing adjacent and surrounding low density residential properties:</p>	
<p>1) PALISADES AREA STRUCTURE PLAN</p>	
<p>Section IV, clause 2 - Development Objectives, Residential states:</p>	
<p>a) To utilize the neighbourhood planning concept to create several, aesthetically pleasing residential neighbourhoods, linked to form an accessible community.</p>	
<p>b) To provide a broad range of housing types and forms catering to a wide socioeconomic cross section of people, and to encourage the use of innovative techniques in lotting and housing development.</p>	
<p>c) To locate higher density residential subneighbourhoods in close proximity to major access routes and amenity areas. This implies an increase in residential density from peripheral areas to activity centres such that travel times and distances are minimized.</p>	
<p>Section V, clause 3 - Development Concept, Residential Land Use defining the Residential Neighbourhoods of the Palisades Area Structure Plan, and Figure 7 of the Palisades Area Structure Plan, identifies this site for Residential Uses. The subject site is surrounded on all sides by existing low density residential development.</p>	
<p>Based on the above, the proposed Community Recreation Service does not meet the Policy and intent of Section IV and V of the Palisades Area Structure Plan. Institutional uses are identified at the intersection of 142 Street and 162 Avenue within the Concept Plan, Figure 7.</p>	
<p>2) CARLTON NEIGHBOURHOOD STRUCTURE PLAN</p>	
<p>a) Section 4.2, Exhibit 4 - Development Concept Plan indicates the same designation as the Palisades Area Structure Plan but is more specific stating it is for Low Density Residential.</p>	
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<p>Low density housing forms will predominate and be developed to reflect the range of densities permitted in the City of Edmonton Land Use Bylaw. Low density residential development will tend to be located on local roads, providing a more quiet and private residential environment.</p>	
<p>Based on the above, the proposed Community Recreation Service does not meet the Policy and intent of Section 4.2 and 4.3 of the Carlton Neighborhood Structure Plan. Institutional uses are identified at the intersection of 142 Street and 162 Avenue within the Concept Plan, Exhibit 4 of the Carlton Neighborhood Structure Plan.</p>	
<p>Advisements</p>	
<p>1) The applicant is advised that, in reference to a City Compliance/Enforcement file no. 364106478-004, an investigation and site visit has determined the following:</p>	
<p>a) (Updated June 21, 2021) Temporary Storage, Religious Assembly, or Community Recreation Service Uses have not been approved on site. The buildings on site must be reverted back to the approved principal Mobile Home building, and accessory building to the Mobile Home with no Temporary Storage Uses. (reference development permit no. 000119644-001)</p>	
<p>b) Interior and exterior alterations have been constructed to the accessory building on site, without valid development and building permits. These permits must be obtained pursuant to the issued Violation Notice.</p>	
<p>2) The existing Mobile Home is not a listed Use in the AG (Agricultural) Zone. However, the Mobile is a Non-conforming Use pursuant to Section 643 of the Municipal Government Act.</p>	
<p>Notes</p>	
<p>Section 7.2(3) Mobile Home - Mobile Home means development consisting of a non-motorized transportable single detached Dwelling which is, upon its arrival at the Site where it is to be located, ready for occupancy except for incidental building</p>	
<p>THIS IS NOT A PERMIT</p>	



Project Number: **367897168-002**
 Application Date: JUL 15, 2020
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 Page: 3 of 3

Application for Major Development Permit

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Section 6.1 - Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

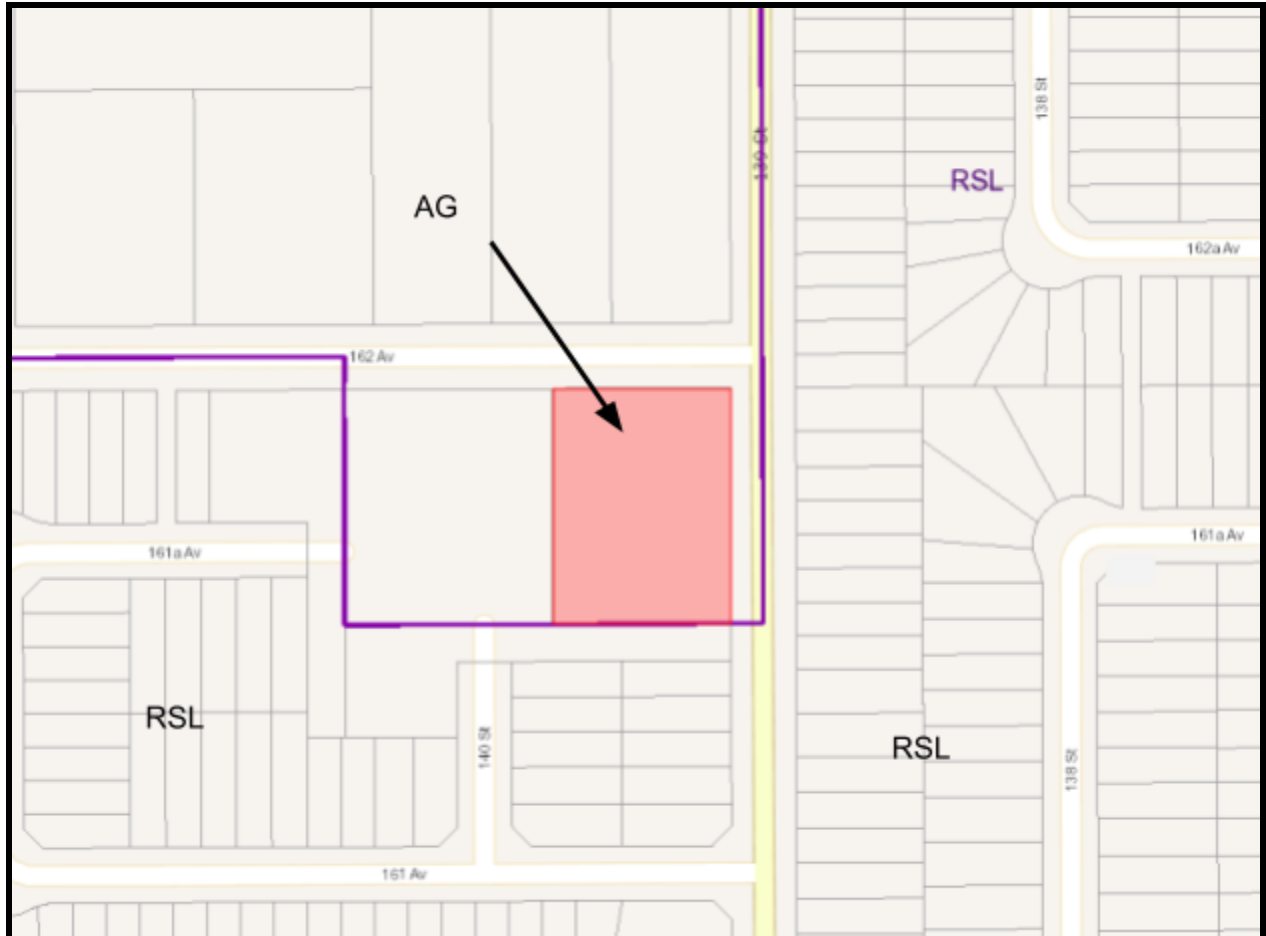
Rights of Appeal

The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund 2012+	\$3,461.66	\$3,461.66	06858413	Dec 16, 2020
Major Dev. Application Fee	\$528.00	\$528.00	06827330	Nov 13, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,989.66	\$3,989.66		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-129



N