

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
August 12, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-128

Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear uncovered deck (4.52m x 2.90m), and fireplace

12925 - 114 Street NW
Project No.: 390606614-002

II 10:30 A.M. SDAB-D-21-130

Install a Freestanding On-Premises Sign (REFINERY CHURCH)

3604 - 76 Avenue NW
Project No.: 400274542-002

III 1:30 P.M. SDAB-D-21-131

Leave as built a Single Detached House.

WITHDRAWN

3810 - Claxton Close SW
Project No.: 269011539-002

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-21-128

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 390606614-002

APPLICATION TO: Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear uncovered deck (4.52m x 2.90m), and fireplace

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 14, 2021

DATE OF APPEAL: July 14, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12925 - 114 Street NW

LEGAL DESCRIPTION: Plan 2923R Blk D Lot 25

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

This DP is refused despite the fact that there was only ONE single objection during the whole community consultation process; the reason for refusal being that the proposed development has front garage access which is "not characteristic of the community". Ironically, the single neighbor who objected is the one who has existing front garage access, making his objection unjustified. There are also a few other houses in the neighborhood which have front garage access as well.

<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.

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 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

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.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is “to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Driveway Access

Section 814.3(17) states Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue.”

Development Officer’s Determination

1. Vehicular Access - Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue (Section 814.3.17).

Proposed: The vehicular access is located off of 114 Street (front) instead of the Lane.

[unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

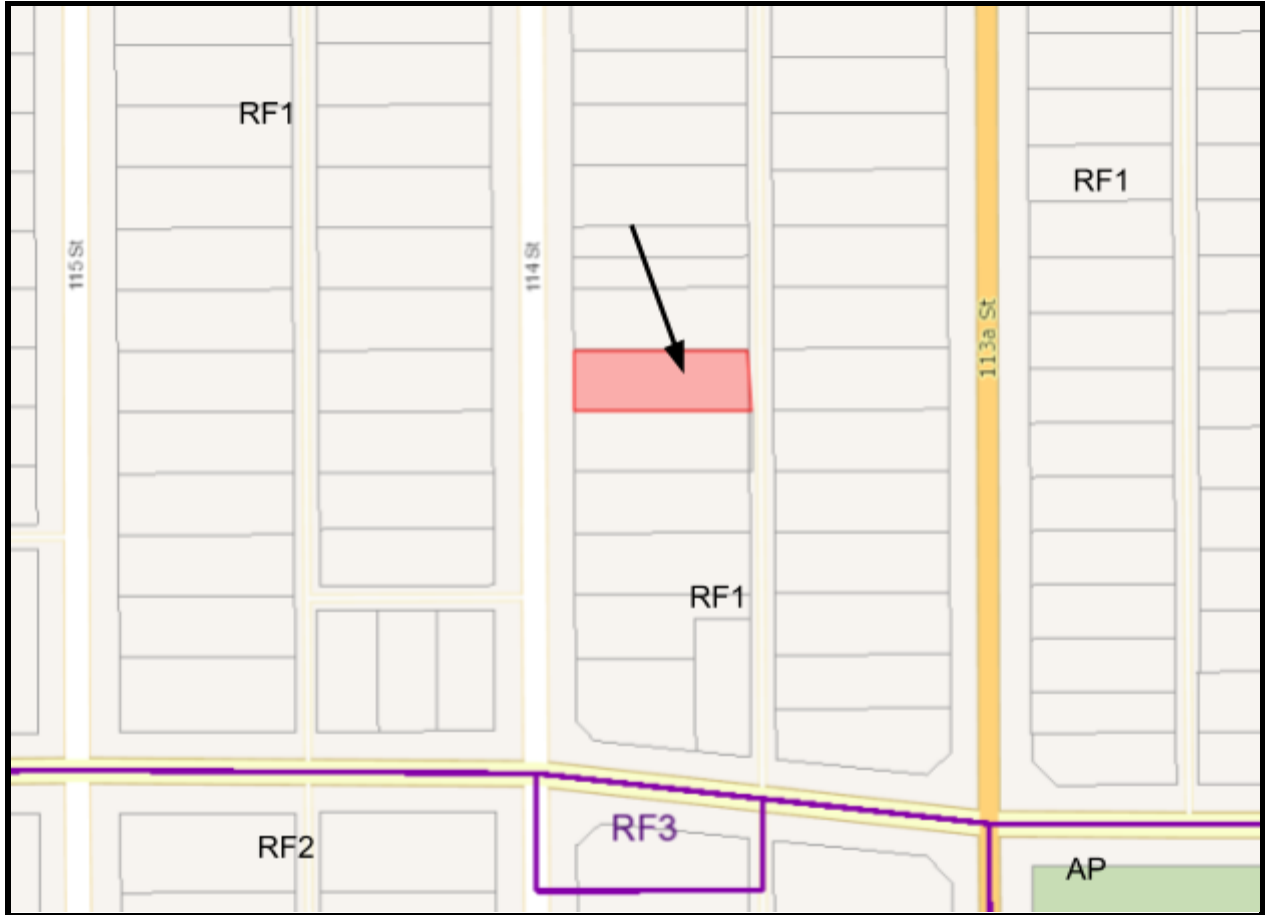
Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(17) – Driveway Access

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: 390606614-002 Application Date: MAR 29, 2021 Printed: July 14, 2021 at 2:03 PM 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) 12925 - 114 STREET NW Plan 2923R Blk D Lot 25 Specific Address(es) Entryway: 12925 - 114 STREET NW Building: 12925 - 114 STREET NW																																	
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Development Application Decision Refused Issue Date: Jul 14, 2021 Development Authority: ZHOU, ROWLEY Reason for Refusal 1. Vehicular Access - Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue (Section 814.3.17). Proposed: The vehicular access is located off of 114 Street (front) instead of the Lane. 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 <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$148.00</td> <td style="text-align: right;">\$148.00</td> <td>08279500655J001</td> <td>Apr 10, 2021</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$502.00</td> <td style="text-align: right;">\$502.00</td> <td>08279500655J001</td> <td>Apr 10, 2021</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$211.00</td> <td style="text-align: right;">\$211.00</td> <td>08279500655J001</td> <td>Apr 10, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$861.00</td> <td style="text-align: right; border-top: 1px solid black;">\$861.00</td> <td></td> <td></td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Lot Grading Fee	\$148.00	\$148.00	08279500655J001	Apr 10, 2021	Dev. Application Fee	\$502.00	\$502.00	08279500655J001	Apr 10, 2021	Development Permit Inspection Fee	\$211.00	\$211.00	08279500655J001	Apr 10, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$861.00	\$861.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-128

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AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 400274542-002

APPLICATION TO: Install a Freestanding On-Premises Sign (REFINERY CHURCH)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 14, 2021

DATE OF APPEAL: July 15, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3604 - 76 Avenue NW

LEGAL DESCRIPTION: Plan 0125636 Blk 24 Lot 3

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:

Hi Signs is wishing to appeal the decision of the Development Authority due to the factors outlined below:

Currently, the existing sign position sits 3 meters back from the property line and down a partial embankment. Being 3 meters back from the property line, the current sign is approximately 43' from the closest edge of the road. With the current location of the sign, visibility from drivers heading east and west along 76th ave is poor. Since the current sign is

parallel to the road, drivers often have to turn their vision to see the current sign. This creates an existing sign location that is ineffective and outside a drivers regular field of vision. Hi Signs has proposed a new single pole pylon sign with a double-sided illuminated sign cabinet that will sit approximately 15' above the ground (to the bottom of the sign cabinet). Our proposed location would be 1 meter back from the property line, this would result in the overhang of the illuminated sign cabinet spilling about 4' into the right of way (the pole and foundation would be 1m within the property line). With the perpendicular positioning of the proposed sign and location closer to the road, drivers would be able to see the sign more easily.

<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.

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(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).

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(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;

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...

(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.

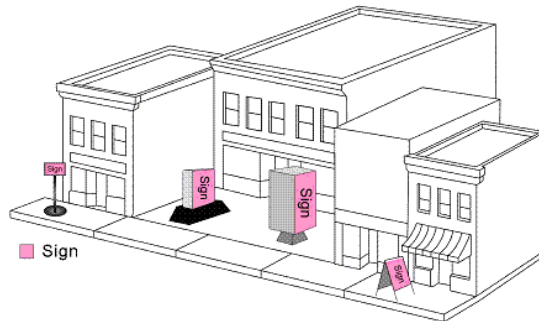
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 400.2(15), a **Freestanding On-premises Sign** is a **Permitted Use** in the **(IB) Industrial Business Zone**.

Under section 7.9(4), **Freestanding On-premises Signs** means “a Freestanding Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

Under section 6.2, a **Freestanding Sign** means:

means a Sign supported independently of a building.



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.

Section 400.4(6) states “Signs shall comply with the regulations found in the Schedule 59F.”

Sign Regulations - General Provisions

Schedule 59.2(12) states:

All Freestanding Signs, Temporary Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule.

Development Officer’s Determination


1. Section 59.2(12) All Freestanding Signs, shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule.

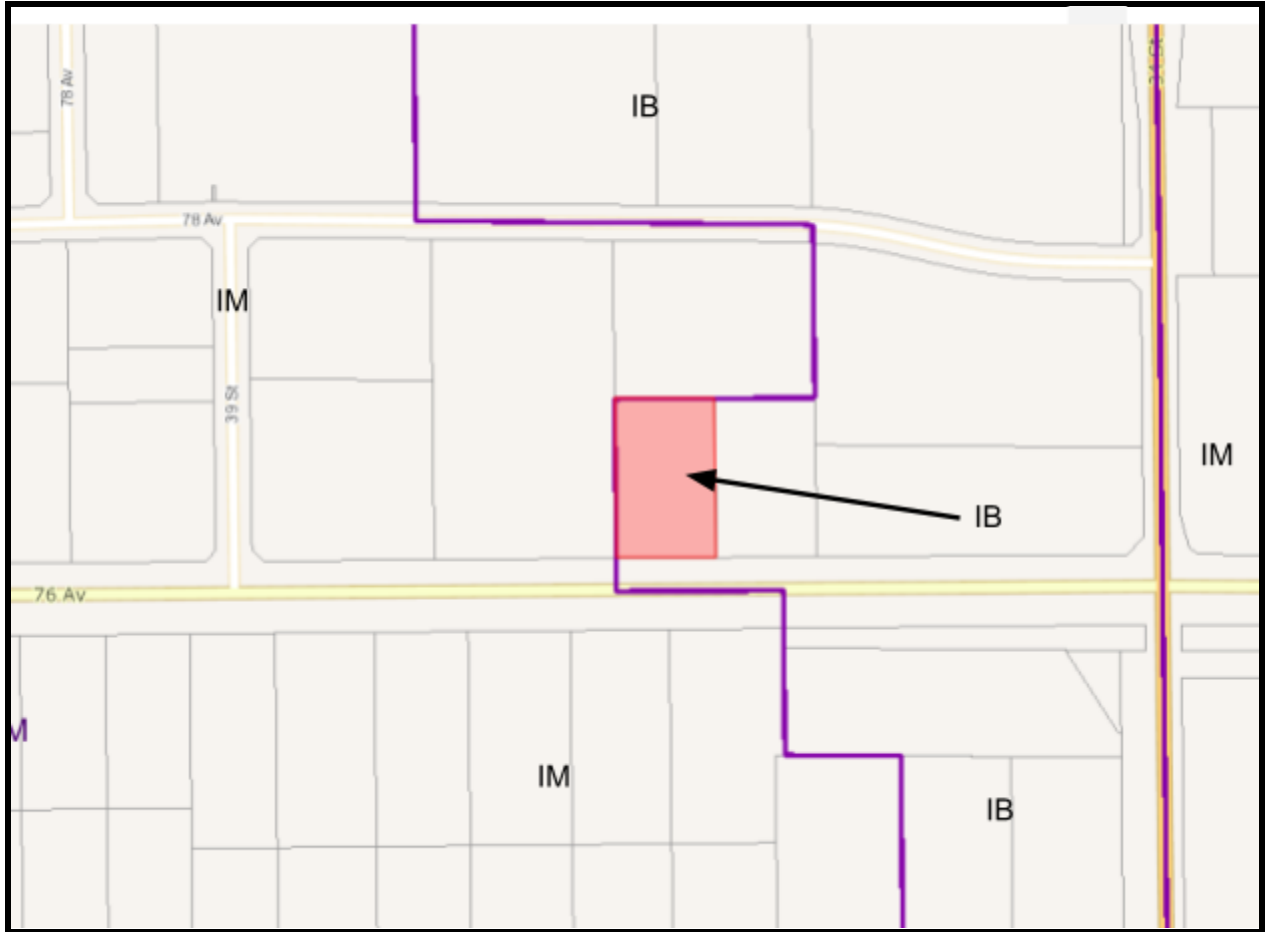
Proposed: Sign projects 1.13 m beyond property line

[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: 400274542-002 Application Date: JUN 22, 2021 Printed: July 14, 2021 at 3:20 PM 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) 3604 - 76 AVENUE NW Plan 0125636 Blk 24 Lot 3																						
Scope of Application To install a Freestanding On-Premises Sign (REFINERY CHURCH).																							
Permit Details																							
ASA Sticker No./Name of Engineer: Construction Value: 32282	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: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 1 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 14, 2021 Development Authority: MERCIER, KELSEY Reason for Refusal 1. Section 59.2(12) All Freestanding Signs, shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule. Proposed: Sign projects 1.13 m beyond property line 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.																							
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Site Location ←

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