

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
August 18, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-132

To install two (2) Freestanding On-Premises Signs
(DESROCHERS COURT)

703 - Daniels Way SW
Project No.: 383899609-005

II 10:30 A.M. SDAB-D-21-133

To operate a Major Home Based Business with up
to 3 client visits per day (WILD WELLNESS
AND POTTERY), expires July 8, 2026

10919 - 118 Street NW
Project No.: 400428132-001

III 1:30 P.M. SDAB-D-21-134

To construct exterior alterations to an Apartment
Housing building (rooftop Solar Collectors

8922 - 156 Street NW
Project No.: 399966029-002

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-21-132

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 383899609-005

APPLICATION TO: Install two (2) Freestanding On-Premises Signs
(DESROCHERS COURT)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 19, 2021

DATE OF APPEAL: July 21, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 703 - Daniels Way SW

LEGAL DESCRIPTION: Plan 1822696 Blk 18 Lot 2

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Descrochers Neighbourhood Area Structure Plan

Grounds for Appeal

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

We ask that a variance be granted to increase the allowable height from 6.0m to 7.0m. We understand that this is a relaxation of 1.0m. We also understand that the 6.0m sign height, enforced by the zoning overlay, is likely due to the fact that the overlay intended to have buildings and storefronts facing the street/sidewalk. If this were the case, the building

signage and pylon signs would be competing, and the lower 6.0m pylon signs make sense.

However, we applied for and received approval for several variances on this site, including a variance to allow the primary commercial building to be located at the BACK of the site. With these already approved variances in mind, we ask that a variance be considered for the pylon sign heights, allowing a relaxation of 1.0m in height.

It is worthy of noting that the standard signage Bylaw for this zoning (without the overlay) is Schedule 59F, which allows a pylon sign height of 8.0m. We have made an effort to compromise this height, understanding the intent of the overlay, proposing a height of 7.0m, which we believe is a fair approach, and will retain the desired aesthetics of the development from both the City's perspective, and that of my client.

It is also our understanding that a community consultation was completed and no opposition was received.

<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.

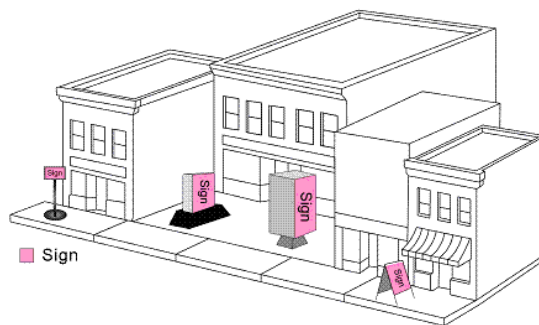
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 330.2(22), a **Freestanding On-premises Sign** is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.9(6), **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 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses, and limited Residential-related Uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

<i>Height</i>

Section 819.5(2)(a) states:

Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw, except that:

- a. the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.

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 Officer's Determination

1. Section 819.5(2)(a) - The maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.

Proposed Height: 7.0 m

Exceeds by: 1.0 m

[unedited]

Schedule 59E - Setback

Schedule 59E.2(3)(d) states “Freestanding On-premises Signs locations shall have a minimum Setback of 3.0 m where the Site shares a property line with another Site.”

Development Officer’s Determination

2. Section 59E.2(3)(d) - Freestanding On-premises Signs locations shall have a minimum Setback of 3.0 m where the Site shares a property line with another Site.

**Proposed: Pylon #2 - 1.8 m From East Property line
Deficient by: 1.2 m**

[unedited]

Community Consultation

Section 819.5(3) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.

Section 819.4(15) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

- a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association operating within the distance described above 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 mailed, unless the Development Officer receives feedback from all specified recipients; and


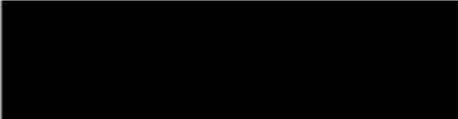
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3.

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-21-086	Install (2) Freestanding On-Premises Signs (DESROCHERS COURT) was refused because of an excess in the maximum permitted Height and a deficiency in the required set back from the East Property Line.	June 8, 2021; No jurisdiction - community consultation not completed

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: 383899609-005 Application Date: JUN 08, 2021 Printed: July 19, 2021 at 8:36 AM Page: 1 of 2		
<h2>Application for Sign Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant 	Property Address(es) and Legal Description(s) 703 - DANIELS WAY SW Plan 1822696 Blk 18 Lot 2		
Scope of Application To install (2) Freestanding On-Premises Signs (DESROCHERS COURT).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> ASA Sticker No./Name of Engineer: Construction Value: 0 </td> <td style="width: 50%;"> Class of Permit: Class B Expiry Date: </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 0	Class of Permit: Class B Expiry Date:
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: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 2 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 19, 2021 Development Authority: MERCIER, KELSEY Reason for Refusal 1. Section 819.5(2)(a) - The maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign. Proposed Height: 7.0 m Exceeds by: 1.0 m 2. Section 59E.2(3)(d) - Freestanding On-premises Signs locations shall have a minimum Setback of 3.0 m where the Site shares a property line with another Site. Proposed: Pylon #2 - 1.8 m From East Property line Deficient by: 1.2 m 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			



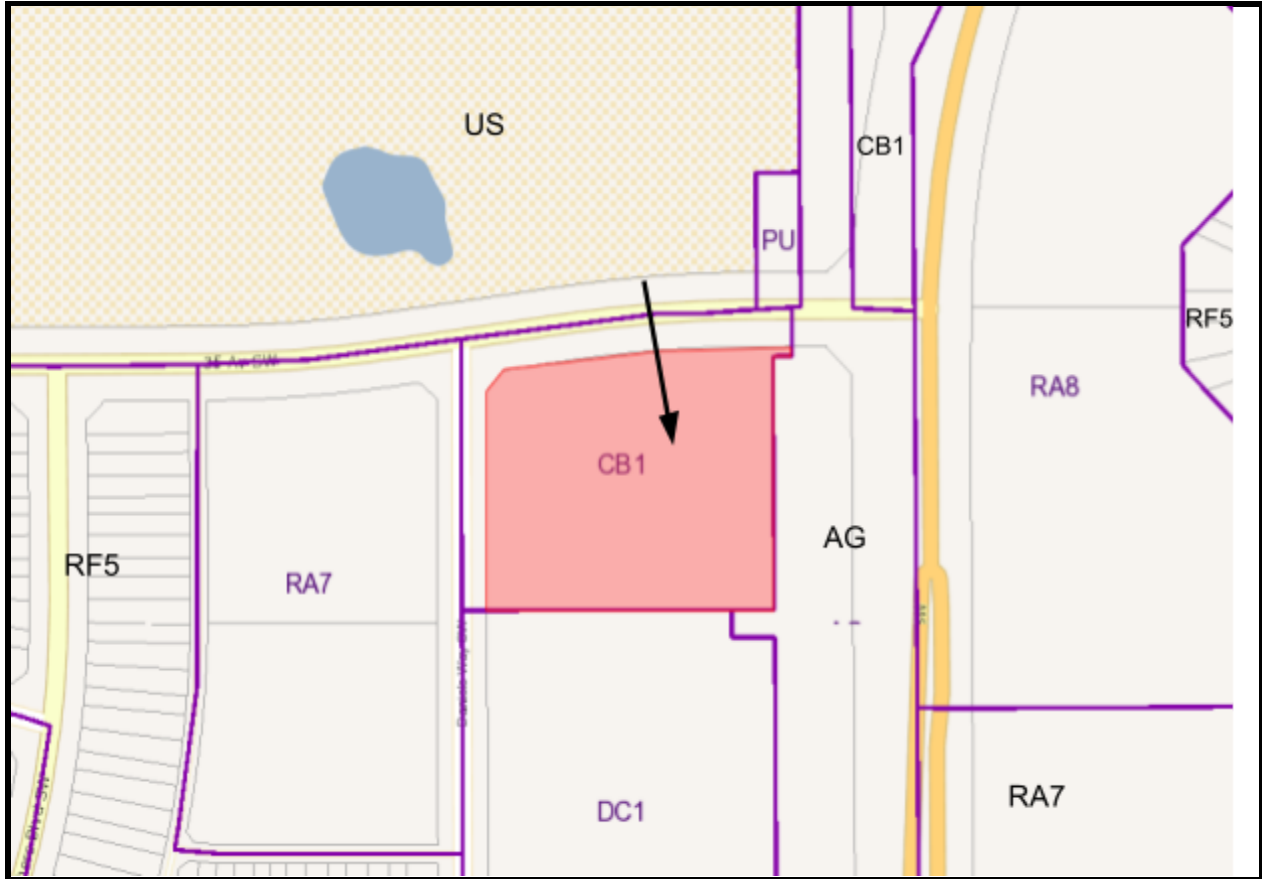
Application for Sign Permit

Project Number: **383899609-005**
Application Date: JUN 08, 2021
Printed: July 19, 2021 at 8:36 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$0.00	\$0.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-132 ▲
N

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-133

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 400428132-001

APPLICATION TO: Operate a Major Home Based Business with up to 3 client visits per day (WILD WELLNESS AND POTTERY), expires July 8, 2026

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: July 8, 2021

DATE OF APPEAL: July 19, 2021

NOTIFICATION PERIOD: July 15, 2021 through August 5, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10919 - 118 Street NW

LEGAL DESCRIPTION: Plan 2674HW Blk 17 Lot 152

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Central McDougall / Queen Mary Park Area Redevelopment Plan

Grounds for Appeal

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

As a home owner on this street I am concerned about the increased traffic volume and parking on this community street. As an owner of a single family home the reason I purchased this home was the relatively quiet nature of the street and the fact that I am surrounded by other single family homes. The idea of commercial development, or even small businesses within a two house vicinity repels me as that is NOT what I want to see in my community. There are MANY opportunities in the surrounding areas for commercial space rentals. I do NOT think that the development should be allowed in this residential setting. The community should remain that, a community of residences NOT workplaces. Already there is an Air BnB property beside me and that has already increased the traffic of people on the street. Parking at times can be severely limited and there are people unknown to the residents coming and going at all hours. This makes me uneasy as a home owner as to the safety and security of my property. It increases foot traffic and vehicle traffic that is not relative to the homeowners of the area.

When one business starts, more are surely to follow. We my husband and I think this area needs to remain a residential zone ONLY.

Furthermore there is a playground in the area and increased traffic and traffic volume poses a risk to children. As future parents this repels us from remaining in the area and we believe will depreciate our property value greatly.

I strongly resent the approval of this development permit and urge to office to accept my appeal for this application.

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 110.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does

not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

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 75 - Major Home Based Business

A Major Home Based Business shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business may have more than two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units;
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits

per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and

9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

Development Officer's Determination

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

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

[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.



Project Number: **400428132-001**
Application Date: JUN 23, 2021
Printed: July 20, 2021 at 8:07 AM
Page: 1 of 3

Home Occupation

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) 10919 - 118 STREET NW Plan 2674HW Blk 17 Lot 152
	Specific Address(es) Suite: 10919 - 118 STREET NW Entryway: 10919 - 118 STREET NW Building: 10919 - 118 STREET NW

Scope of Permit
To operate a Major Home Based Business with up to 3 client visits per day (WILD WELLNESS AND POTTERY). Expires July 8, 2026.

Permit Details	
# of business related visits/day: 3 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: Business has Trailers or Equipment?: N Description of Business: Reiki treatments and yoga. Expiry Date: 2026-07-08 00:00:00

Development Permit Decision
Approved
Issue Date: Jul 08, 2021 **Development Authority:** FOLKMAN, JEREMY

Home Occupation

Subject to the Following Conditions

Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(6)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. Clients visit must be by-appointment only and appointments shall not overlap.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
10. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
11. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
12. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on July 8, 2026.

Notes:

1. 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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

Variations

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

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



Project Number: **400428132-001**
Application Date: JUN 23, 2021
Printed: July 20, 2021 at 8:07 AM
Page: 3 of 3

Home Occupation

Rights of Appeal

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

Notice Period Begins: Jul 15, 2021

Ends: Aug 05, 2021

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$327.00	\$327.00	117111007511001	Jun 24, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$327.00</u>	<u>\$327.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-133 ▲
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-134

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 399966029-002

APPLICATION TO: Construct exterior alterations to an Apartment Housing building (rooftop Solar Collectors)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 23, 2021

DATE OF APPEAL: July 19, 2021

NOTIFICATION PERIOD: June 29, 2021 through July 20, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8922 - 156 Street NW

LEGAL DESCRIPTION: Plan 0022921 Unit 195

ZONE: DC2 - Site Specific Development Control Provision (497)

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

Please find attached documents with our notice of appeal.

On behalf of the owners at the Renaissance at Meadowlark, this letter is a formal appeal notice to the City of Edmonton for the Class B Development Permit, which was approved for 8922 - 156th Street NW, Plan 0022921 Unit 195.

The Renaissance at Meadowlark comprises a residential complex (age 55+) involving four buildings with 244 suites and an Amenities Centre. It is one of the most unique, well-maintained properties in west Edmonton displaying the quaint qualities of a traditional European village. As such, we are deeply concerned that the solar panels will not be esthetically pleasing, nor will they be in keeping with the original intent and design of our exclusive community. No development drawings have been submitted to, or reviewed or approved by the owners of our complex.

Secondly, the Board of Directors at the Renaissance at Meadowlark misled and deceived the owners when they approved this project. The solar panels were originally intended for the Amenities Building only (see attached copy of minutes). It was only when the owners received the appeal notice from the City of Edmonton on June 24th, 2021 that we learned about the change in location of the solar panels from the Amenities Building to one of the main residential complexes. At no time were the owners at the Renaissance made aware of this change.

<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 DC2.497 Site Specific Development Control Provision (Bylaw 11962) ("DC2"):

Under section DC2.497.3.a, **Apartment Housing** is a **Listed Use** in the **DC2**.

Section DC2.497.1 states that the **General Purpose** of the **DC2** is:

To establish a Site Specific Development Control District to accommodate a limited range of medium density residential and related uses and to establish site development criteria that will ensure compatibility with surrounding residential, commercial and institutional development and transportation infrastructure.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 3.2(1)(o) states for the purpose of any Development Permit or Direct Control Provision:

- (o) Apartment Housing is deemed to be Multi-unit Housing

Under section 7.2(4), **Multi-unit Housing** means:

means development that consists of:

- a. three or more principal Dwellings arranged in any configuration and in any number of buildings;
- or
- b. any number of Dwellings developed in conjunction with a Commercial Use where allowed in the Zone.

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.

[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.

	Project Number: 399966029-002 Application Date: JUN 18, 2021 Printed: June 23, 2021 at 10:57 AM Page: 1 of 2		
<h2>Major 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) 8922 - 156 STREET NW Plan 0022921 Unit 195 Specific Address(es) Entryway: 8922 - 156 STREET NW Building: 8922 - 156 STREET NW		
Scope of Permit To construct exterior alterations to an Apartment Housing building (rooftop Solar Collectors)			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 3842.73 </td> <td style="width: 50%;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 3842.73	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 3842.73	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
Development Permit Decision Approved Issue Date: Jun 23, 2021 Development Authority: LIANG, BENNY Subject to the Following Conditions Zoning Conditions: 1. This Development approves the installation of Solar Collectors on the roof of the building addressed as 8922-156 ST. The panels shall be installed in accordance with the stamped and approved drawings. 2. Any Solar Collector mounted on the roof of the building must not extend beyond the eave or outermost edge of the roof (Section 50.7.1.b.i.B). Subject to the Following Advise ments Zoning Advise ments: A. A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information. B. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site. 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. 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 29, 2021 Ends: Jul 20, 2021			

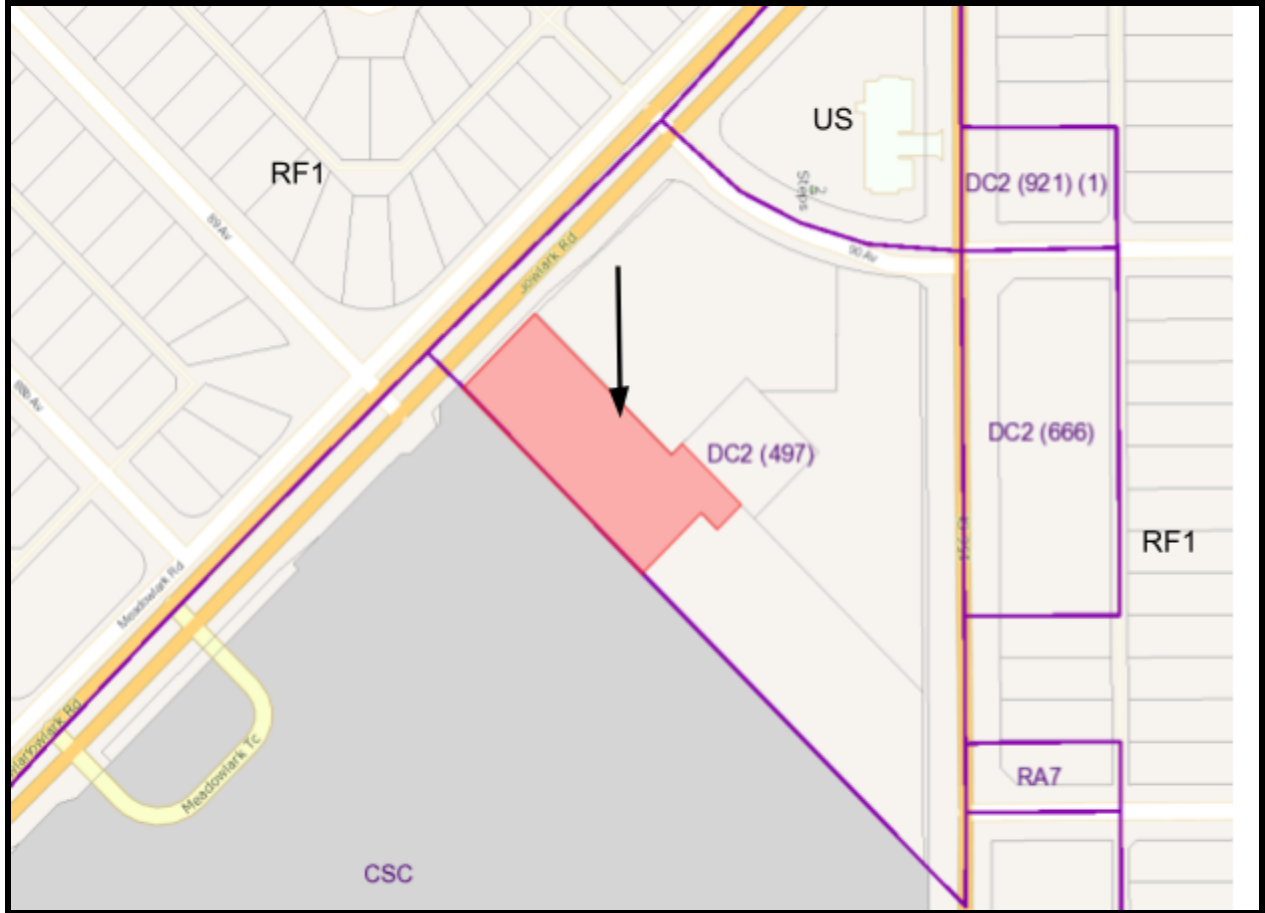


Project Number: **399966029-002**
Application Date: JUN 18, 2021
Printed: June 23, 2021 at 10:57 AM
Page: 2 of 2

Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$375.00	\$375.00		
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$375.00</u>	<u>\$375.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-134 ▲
N