

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
December 15, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TO BE RAISED

I 9:00 A.M. SDAB-D-21-193

Install (12) Widow (Fascia On-Premises) Signs
(HEALTH ELITE PHARMACY & CLINIC)

13008 - 82 Street NW
Project No.: 409463673-002

TO BE RAISED

II 10:30 A.M. SDAB-D-21-199

Erect a privacy screen on a rear uncovered deck @
2.57m in Height, and a privacy screen by the
walkout patio @ 2.44m in Height

1245 - Peregrine Terrace NW
Project No.: 408324190-002

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-193

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 409463673-002

APPLICATION TO: Install (12) Widow (Fascia On-Premises) Signs (HEALTH ELITE PHARMACY & CLINIC)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 1, 2021

DATE OF APPEAL: November 5, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13008 - 82 Street NW

LEGAL DESCRIPTION: Plan 4651KS Blk 24 Lots 35-39

ZONE: (CSC) Shopping Centre Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Dear City of Edmonton Subdivision and Development Appeal Board,

We wish to appeal the decision to REFUSE the proposed window vinyl graphics for Health Elite Pharmacy & Clinic at 13008 82 St NW.

The proposal includes two groups of windows in which vinyl "lifestyle" photos and minor copy (Strictly advertising some of the many services offered by Health Elite Pharmacy & Clinic).

The proposed window graphics intend to create a necessary privacy for patients and customers visiting the clinic and pharmacy at this multi-tenant site, while also listing some of the vital healthcare and pharmaceutical services offered on the premises.

The window graphics have been professionally designed to fit the aesthetic of the area and the building without detracting from look and feel of the surrounding area. (Allsports, another tenant on the same lot, currently displays 4 extra large wall-sign-type lifestyle photos just one tenant space away from the proposed window graphics, of a much smaller scale, for Health Elite Pharmacy & Clinic.

We hope that, for the reasons noted above, you will consider our appeal to allow the installation of window signage in excess of the 10% window coverage permitted within the bylaw, as well as any other regulations not noted which would impede the proposed graphics.

General Matters

The Subdivision and Development Appeal Board made and passed the following motion on November 18, 2021:

“That the appeal be postponed to December 15 or 16, 2021 at the written request of the Appellant.”

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.

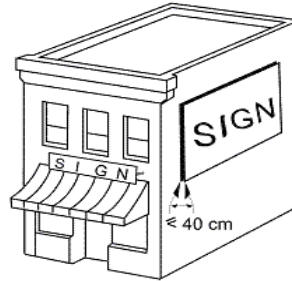
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 320.2(29), a **Fascia On-premises Signs** is a **Permitted Use** in the (CSC) **Shopping Centre Zone**.

Under section 7.9(2) **Fascia On-premises Signs** means “a Fascia Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

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.



Section 819.5(2) states (in part) Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw.

Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is:

to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

Section 819.1 states that the **General Purpose** of the **Mains Street 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.

Glazing

Section 819.4(10) states "A maximum of 10% of the first Storey glazing may be covered by Signs. The remainder of the glazing shall remain free from obstruction."

Development Officer's Determination

1. Section 819.4(10) - A maximum of 10% of the first Storey glazing may be covered by Signs. The remainder of the glazing shall remain free from obstruction.

**Proposed: 100% Coverage
Exceeds by: 90%**

This 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. Covering 100% of the first Storey glazing with Signs is not in keeping with the purpose of this overlay.

[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.

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: 409463673-002 Application Date: SEP 24, 2021 Printed: November 5, 2021 at 2:51 PM 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) 13008 - 82 STREET NW Plan 4651KS Blk 24 Lots 35-39 Location(s) of Work Suite: 13008 - 82 STREET NW Entryway: 13008 - 82 STREET NW Building: 13008 - 82 STREET NW												
Scope of Application To install (12) Widow (Fascia On-Premises) Signs (HEALTH ELITE PHARMACY & CLINIC)													
Permit Details													
ASA Sticker No./Name of Engineer: Construction Value: 1500	Class of Permit: Expiry Date:												
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 12 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: 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: Nov 01, 2021 Development Authority: MERCIER, KELSEY Reason for Refusal 1. Section 819.4(10) - A maximum of 10% of the first Storey glazing may be covered by Signs. The remainder of the glazing shall remain free from obstruction. Proposed: 100% Coverage Exceeds by: 90% This 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. Covering 100% of the first Storey glazing with Signs is not in keeping with the purpose of this overlay. 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 style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%;">Fee Amount</th> <th style="width: 20%;">Amount Paid</th> <th style="width: 20%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center; padding: 5px;">THIS IS NOT A PERMIT</td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	THIS IS NOT A PERMIT				
	Fee Amount	Amount Paid	Receipt #	Date Paid									
THIS IS NOT A PERMIT													

TO BE RAISED

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-199

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 408324190-002

APPLICATION TO: Erect a privacy screen on a rear uncovered deck @ 2.57m in Height, and a privacy screen by the walkout patio @ 2.44m in Height

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 5, 2021

DATE OF APPEAL: November 19, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1245 - Peregrine Terrace NW

LEGAL DESCRIPTION: Plan 1525742 Blk 11 Lot 25

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Big Lake Area Structure Plan
Hawks Ridge Neighbourhood Structure Plan

Grounds for Appeal

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

Our neighbors are bullying around, and previously installed a safety screen on the top for 2 years which is higher than 1.82 meter pursuant to section 49.2 of Bylaw. They installed the fence just for the purpose to block our natural view, and force us to have a look at ugly fence from our dinning area. They have their own covered private area at the deck and under a oath and respect we don't have any interest in violating their privacy. We filed a development complaint file # 385850137-011 and by compliance officer initiative they partially removed the fence.

General Matters

The Subdivision and Development Appeal Board made and passed the following motion on November 25, 2021:

“That SDAB-D-21-199 be postponed to December 15, 2021 at the written request of the Appellant and in agreement with the Respondent.”

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 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot 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 115.1 states that the **General Purpose** of the **(RSL) Residential Small Lot Zone** is:

to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.

Under 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.”

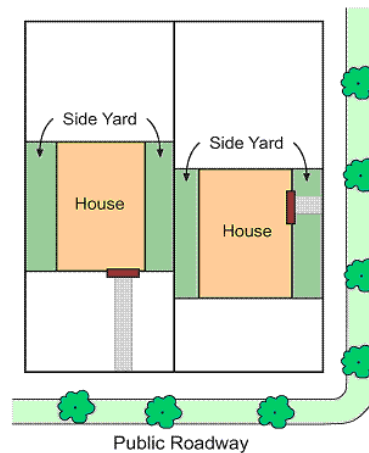
Under Section 6.1, **Privacy Screening** means “a feature that obscures direct and otherwise unimpeded sightlines. Common examples include: vegetative screening, such as shrubs and trees, lattice, masonry or wooden walls, parapet walls, translucent glass or any combination of these or like features. Privacy Screening does not include a balustrade railing or similar railing system.”

Privacy Screening

Under section 6.1, **Height** means “a vertical distance between two points.”

Under section 6.1, **Side Yard** means:

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Section 49.2 states:

- a. **The regulations contained within Section 49.2 of this Bylaw apply to:**
 - i. **the Height of the material used in the construction of Privacy Screening such as but not limited to lattice, wooden or masonry walls, parapet walls or translucent glass.**
- b. **Notwithstanding subsection 49(2)(a), the regulations for Privacy Screening contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Privacy Screening.**
- c. Privacy Screening, excluding vegetative screening, constructed on a Platform Structure located within a Front Yard, required Side Setback or within 2.5 m of a Rear Lot Line shall not exceed 1.2 m in Height, and 1.85 m in Height in all other Yards, when measured from the surface of a Platform Structure.
- d. Privacy Screening, excluding vegetative screening, constructed on a Rooftop Terrace shall be a minimum Height of 1.5 m and shall not exceed 1.7 m in Height, when measured from the surface of a Rooftop Terrace.
- e. Privacy Screening, excluding vegetative screening, constructed on a Rooftop Terrace shall conform with the Stepback regulations of Section 61 of this Bylaw.

- f. **The Height of Privacy Screening constructed at ground level shall be measured from the average ground level 0.5 m back from the Privacy Screening.**
- g. **On an Interior Site, the Height of Privacy Screening, excluding vegetative screening, constructed at ground level, shall not exceed:**
 - i. 1.2 m for the portion of the Privacy Screening constructed in the Front Yard, and
 - ii. **1.85 m in all other Yards.**
- h. On a Corner Site, the Height of Privacy Screening, excluding vegetative screening, constructed at ground level, shall not exceed:
 - i. 1.2 m for the portion of the Privacy Screening constructed in the Front Yard,
 - ii. 1.2 m for the portion of Privacy Screening situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Rear Lot Line to the Front Lot Line, and
 - iii. 1.85 m in all other Yards.
- i. In the case where the permitted Height of Privacy Screening is 1.2 m, the Development Officer may vary the Height of Privacy Screening to a maximum of 1.85 m, in order to prevent visual intrusion and provide additional screening from adjacent properties.
- j. **In the case where the permitted Height of Privacy Screening is 1.85 m, the Development Officer may vary the Height of Privacy Screening to a maximum of 3.05 m, in order to prevent visual intrusion and provide additional screening from adjacent properties.**
- k. Notwithstanding subsection 49.2(i) and subsection 49.2(j) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow Privacy Screening, excluding vegetative screening, of up to 1.85 m in Height in one of the Front Yards, and allow Privacy Screening, excluding vegetative screening, of up to 3.05 m in Height in the other Front Yard, having regard to the location of Fences, walls, gates and Privacy Screening in the surrounding area and the requirement for screening.

Development Officer's Determination



Privacy Screen Height - The privacy screen along the Left Elevation on the main floor deck is 2.57m high, instead of 1.85m (Section 49.2)

Privacy Screen Height - The privacy screen along the Left property line by the walkout patio is 2.44m high, instead of 1.85m (Section 49.2)

[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: 408324190-002 Application Date: SEP 14, 2021 Printed: November 5, 2021 at 10:19 AM Page: 1 of 2		
<h2>Overheight Fence 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) 1245 - PEREGRINE TERRACE NW Plan 1525742 Blk 11 Lot 25		
Scope of Permit To erect a privacy screen on a rear uncovered deck @ 2.57m in Height, and a privacy screen by the walkout patio @ 2.44m in Height.			
Permit Details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none) </td> <td style="width: 50%; padding: 5px;"> Site Area (sq. m.): 733.2 </td> </tr> </table>		Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 733.2
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 733.2		
Development Permit Decision Approved Issue Date: Nov 05, 2021 Development Authority: SAHL, RAMANJYOT Subject to the Following Conditions This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1). This Development Permit authorizes the development of a privacy screen on a rear uncovered deck @ 2.57m in Height, and a privacy screen by the walkout patio @ 2.44m in Height. The development shall be constructed in accordance with the stamped and approved drawings. The privacy screen shall be installed entirely on the subject property. The privacy screen shall not impede any sightlines for vehicular or pedestrian traffic. As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Section 57.3.1). Immediately upon completion of the development of the privacy screen, the site shall be cleared of all debris. ADVISEMENTS: 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). Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.			



Project Number: **408324190-002**
 Application Date: SEP 14, 2021
 Printed: November 5, 2021 at 10:19 AM
 Page: 2 of 2

Overheight Fence Permit

Variations

Privacy Screen Height - The privacy screen along the Left Elevation on the main floor deck is 2.57m high, instead of 1.85m (Section 49.2)

Privacy Screen Height - The privacy screen along the Left property line by the walkout patio is 2.44m high, instead of 1.85m (Section 49.2)

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.

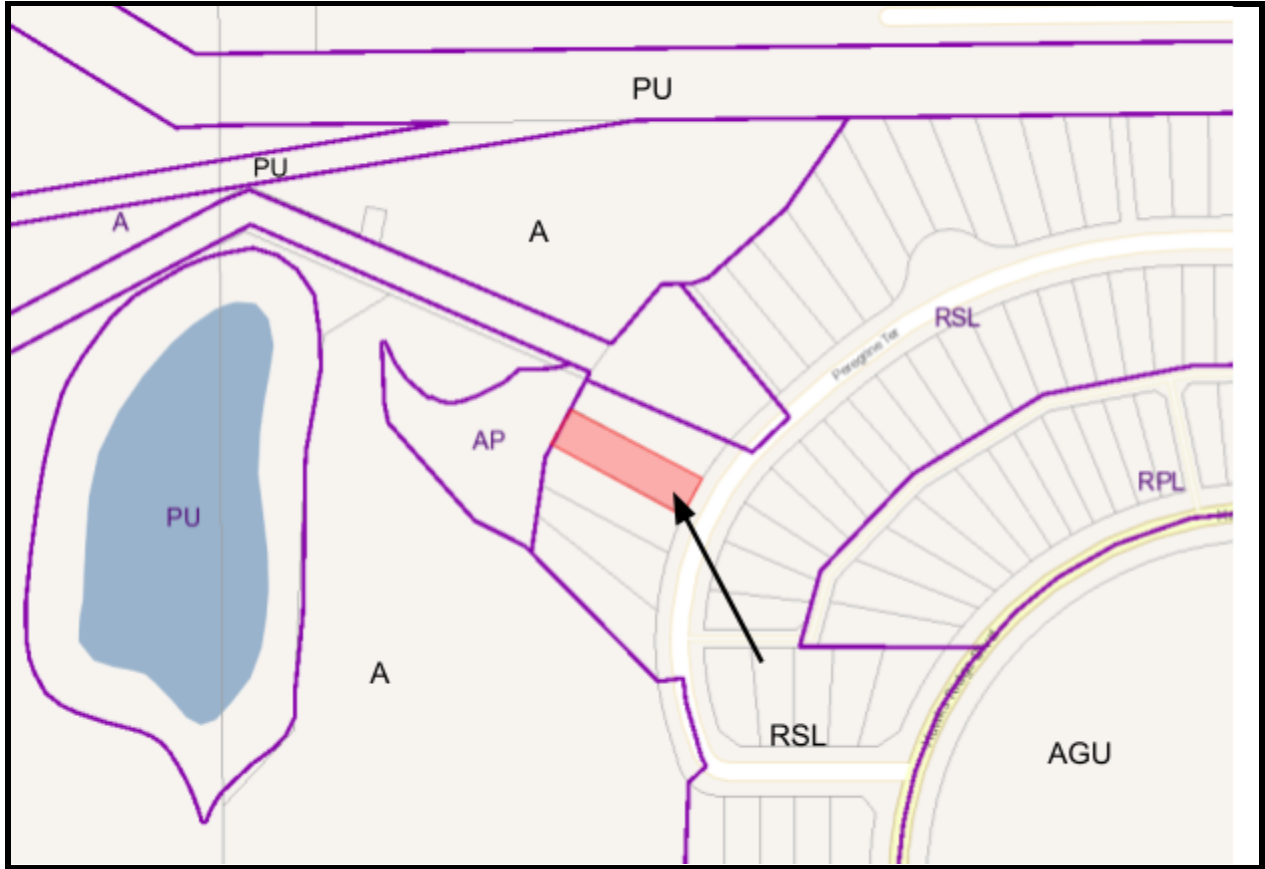
Notice Period Begins: Nov 16, 2021 **Ends:** Dec 07, 2021

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Permit Dev Application Penalty Fee	\$182.00	\$182.00	07292501	Sep 22, 2021
Development Application Fee	\$182.00	\$182.00	15004506799J001	Sep 14, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$364.00	\$364.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-199