

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-192

Erect a Fence @ 2.43m in Height in the Side Yard
(along south property line)

12410 - 93 Street NW
Project No.: 406216455-002

Postponed to December 15 or 16, 2021

II 10:30 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

III 1:30 P.M. SDAB-D-21-196

Construct exterior alterations to a Row House
(Driveway extension - 2.16m x 6.00m), existing
without permits

64, 2004 - Grantham Court NW
Project No.: 405443014-002

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-21-192

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 406216455-002

APPLICATION TO: Erect a Fence @ 2.43m in Height in the Side Yard (along south property line)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 18, 2021

DATE OF APPEAL: November 6, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12410 - 93 Street NW

LEGAL DESCRIPTION: Plan 777HW Blk 15 Lot 3

ZONE: (RF3) Small Scale Infill Development 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:

To have my application for an over height fence permit processed, the managing development officer informed me I would need a letter of support from my abutting neighbour (12406 93 St), else the application would be refused. I provided the officer a summary of why I would not approach this neighbour/household after their years of documented harassment and continuous

hostility towards me, and opted for the refusal to instead advocate for the additional height allowance through the appeal process.

In 2018, I sought and was granted a permit for an over height fence for my east side fence section and for similar reasons as then, I am now seeking a variance for my south section. My fenced south yard is approximately 30 ft. wide and 70 ft. deep and is the primary space I use to privately enjoying my property outdoors. It is where my only deck for entertaining and personal enjoyment is located. The deck is level with the dwelling's rear entrance and both are widely visible from 93 street and 124 avenue (Figure 1). I am appealing the permit refusal so as to add screening to my existing south fence for privacy for myself and guests while enjoying the deck, and, to bolster security for my own person, property, and possessions from public sidewalk and road traffic views.

My neighbourhood, Delton, is bordered west by 97 street and lies immediately south of Yellowhead Trail. 124 avenue runs parallel to Yellowhead Trail and connects 82 street to 97 street as a collector road. Typical daily road traffic includes school buses, commuters, cyclists, and other residential traffic. Added, is the traffic passing through including those accessing the fuel and car wash station, shops and services located along 97 St service road (124 Ave access). Vehicular traffic is common enough that the community called for, and received, traffic calming signage along 124 avenue post roadway reconstruction (2014) to deter speeding, shortcutting, etc. 93 street, being part of a crescent road, is used often by local residents but also numerous others (taxis, contractors, service providers, etc.) accessing the residential properties and utilities. At any time of day, and night, each of those passing vehicles have unobstructed sightlines of my rear entrance and private deck.

Delton is a relatively walkable neighbourhood owing to the newly reconstructed sidewalks and nearby amenities. With local schools in the area (Delton, St. Gerard, NAIT) and city bus stop locations at 124 Ave/97 St intersection, both 124 avenue and 93 street see regular foot traffic from daily commuters. Two playgrounds, an ice rink and Delton's community hall and park all located along 124 avenue are also routinely accessed by local residents walking to and from the amenities. In addition to those pedestrians are the regular and occasional exercisers, numerous dog walkers, and multiple strollers that utilize the avenue and 93 street. There are also frequent door-to-door political, religious, and sales persons that canvas in the neighbourhood in addition to other individuals and groups passing through. And similarly as with the aforementioned passing vehicle traffic, each passing pedestrian has full viewing access of my deck and rear entrance, day or night.

Comments and leers from passing unknown persons are ceaseless reminders that privacy does not exist within my fenced boundaries. That lack of privacy has limited and stunted the quality of time I have spent out on my deck as any pedestrian from the public sidewalk, or vehicle on the street or avenue, can plainly see any person standing or seated on my deck (Figures 2, 3). I have had visitors to my yard and on my deck who too have noted the lack of privacy from

the public streets and have all echoed similar sentiments. They find the yard is an attractive space excepting that it is not enjoyable to be on the deck and on display for all passersby and vehicle traffic. They too were highly cognizant of the omnipresent public gaze.

Finally, given Delton's proximity to inner city neighbourhoods there are, on occasion, signs of vagrancy in the neighbourhood. Most recently (2 Sept. 2021) and alarmingly, a half-naked and shoeless male gained access to my south fence via my south neighbour's unsecured side yard (Figure 4). I intercepted the individual who attempted to climb my property and had him leave the area. Topping the fence with permanent screening would make my property less enticing to enter when the side yard/deck is obscured and objects/persons are not easily discernable from the public streets. The extra height would serve as a deterrent and better obstacle to future trespassers in my neighbour's unenclosed side lot.

While Delton is a predominately residential neighbourhood, it does have steady foot and vehicle traffic, local and non local alike. My appeal for an allowed increase of my south fence height is based on that traffic having a full, unobstructed view of both my rear entrance and private deck, day and night, and my reasonable desire to screen both from public view. The permanent addition of screening would serve to shield any seated person on my deck from ogglers on the sidewalks and streets and ultimately redirect public curiosity away from my property.

<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 140.2(8), **Single Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

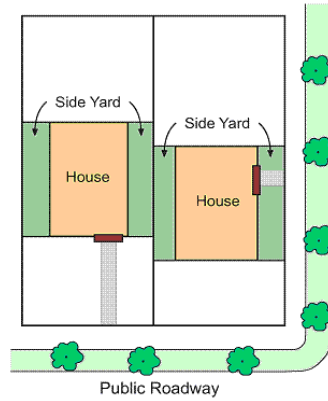
Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Fence** means “a structure constructed at ground level, used to prevent or restrict passage, provide visual screening, noise attenuation, Landscaping, or to mark a boundary.”

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

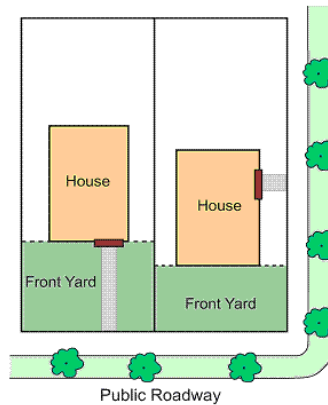
Under section 6.1, **Side Yard** means:

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.



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

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale 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.

<i>Fences, Walls, Gates, and Privacy Screening in Residential Zones</i>

Section 49.1 states the following with respect to *Fences, walls and gates*:

- a. The regulations contained within Section 49.1 of this Bylaw apply to:
 - i. the Height of the material used in the construction of a Fence, wall, or gate, such as but not limited to boards, panels, masonry, ornamental iron, and chain link, plus any additional elements used for screening, such as, but not limited to, lattice.
- b. Notwithstanding subsection 49(1)(a), the regulations for Fences, walls, and gates contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Fence, wall, or gate.
- c. The Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 m back from the property line of the Site on which the Fence, wall, or gate is to be constructed.
- d. **On an Interior Site, the Height of a Fence, wall, or gate shall not exceed:**
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard, and
 - ii. **1.85 m in all other Yards.**
- e. On a Corner Site, the Height of a Fence, wall, or gate shall not exceed:
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard,
 - ii. 1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line, and
 - iii. 1.85 m in all other Yards.
- f. In the case where the permitted Height of a Fence, wall, or gate is 1.2 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- g. **In the case where the permitted Height of a Fence, wall, or gate is 1.85 m, the Development Officer may vary the Height of the Fence,**

wall, or gate to a maximum of 2.44 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,

- h. Notwithstanding subsection 49.1(f) and subsection 49.1(g) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow a Fence, wall, or gate of up to 1.85 m in Height in one of the Front Yards, and allow a Fence, wall, or gate of up to 2.44 m in Height in the other Front Yard, having regard to the location of Fences, walls, and gates in the surrounding area and the requirement for screening.

Development Officer’s Determination

The Height of a Fence shall not exceed 1.85m (Section 49.1.d.ii).

Maximum: 1.85m

Proposed: 2.43m

Exceeds by 0.58m

[unedited]

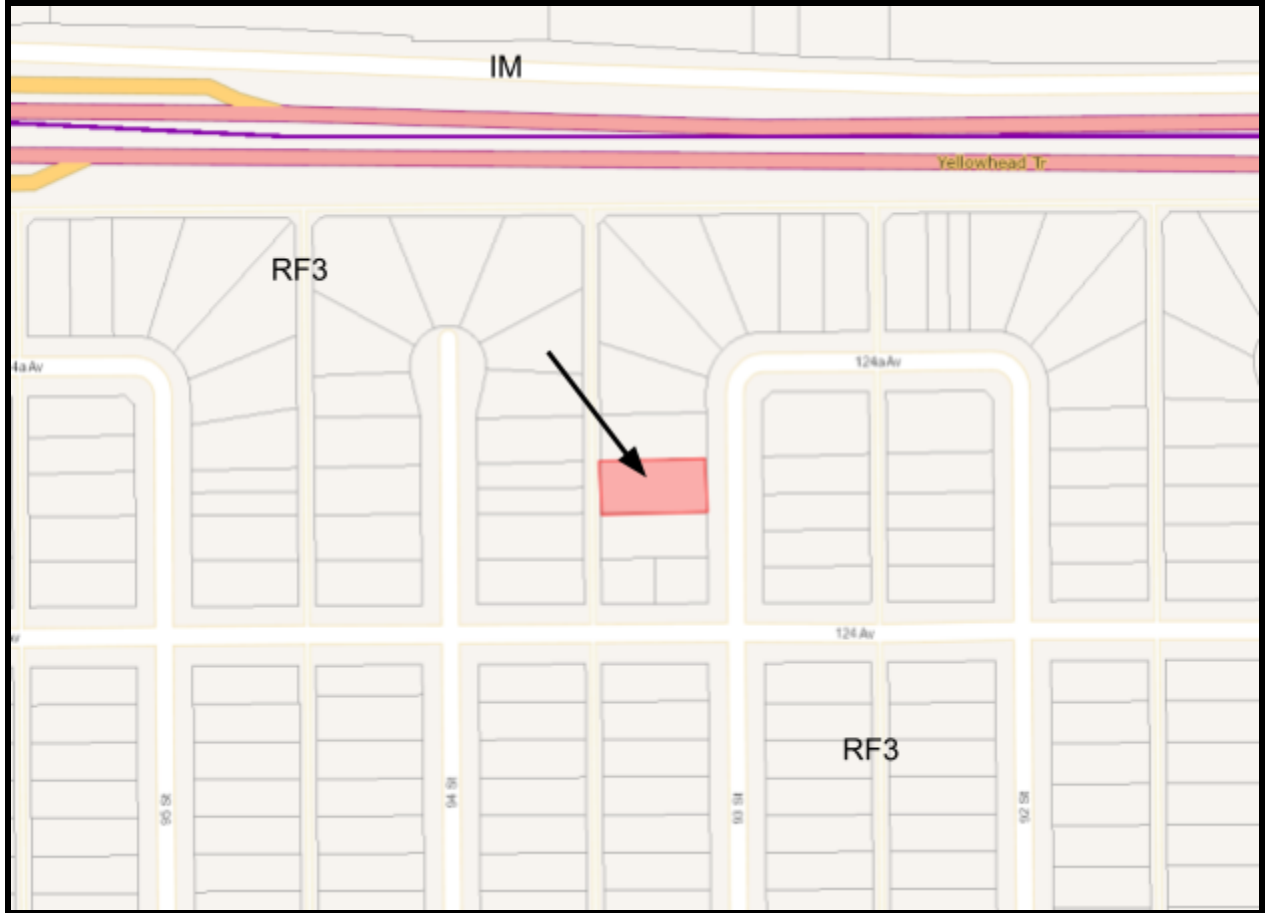
<i>Previous Subdivision and Development Appeal Board Decision</i>

Application Number	Description	Decision
SDAB-D-18-132	To erect a fence 1.5 metres in Height in the front Yard (along north property line) and a fence 2.4metres in Height (within the south side yard)	September 7, 2018; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as approved by the Development Authority

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 style="margin: 0;">Application for Overheight Fence Permit</h2>	Project Number: 406216455-002 Application Date: SEP 05, 2021 Printed: October 18, 2021 at 3:40 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) 12410 - 93 STREET NW Plan 777HW Blk 15 Lot 3 Location(s) of Work Suite: 12410 - 93 STREET NW Entryway: 12410 - 93 STREET NW Building: 12410 - 93 STREET NW																					
Scope of Application To erect a Fence @ 2.43m in Height in the Side Yard (along south property line).																						
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="padding-left: 10px;"> Site Area (sq. m.): 680.62 </td> </tr> </table>			Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 680.62																		
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 680.62																					
Development Application Decision Refused Issue Date: Oct 18, 2021 Development Authority: NICHOLAS, CAROLYN Reason for Refusal The Height of a Fence shall not exceed 1.85m (Section 49.1.d.ii). Maximum: 1.85m Proposed: 2.43m Exceeds by 0.58m 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.																						
Building Permit Decision No decision has yet been made.																						
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right; font-weight: normal;">Fee Amount</th> <th style="text-align: right; font-weight: normal;">Amount Paid</th> <th style="text-align: right; font-weight: normal;">Receipt #</th> <th style="text-align: right; font-weight: normal;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$182.00</td> <td style="text-align: right;">\$182.00</td> <td style="text-align: right;">146666031877001</td> <td style="text-align: right;">Sep 05, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$182.00</td> <td style="text-align: right; border-top: 1px solid black;">\$182.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$182.00	\$182.00	146666031877001	Sep 05, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$182.00	\$182.00		
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THIS IS NOT A PERMIT																						



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-192

▲
N

Postponed to December 15 or 16, 2021

ITEM II: 10:30 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.

<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

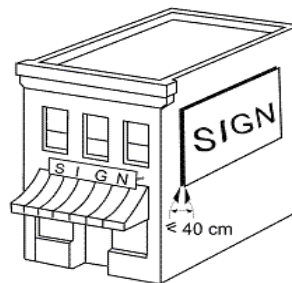
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 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 330.1 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 814.1 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:

1. 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;
2. 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
3. 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="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td colspan="4" style="text-align: center;">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								
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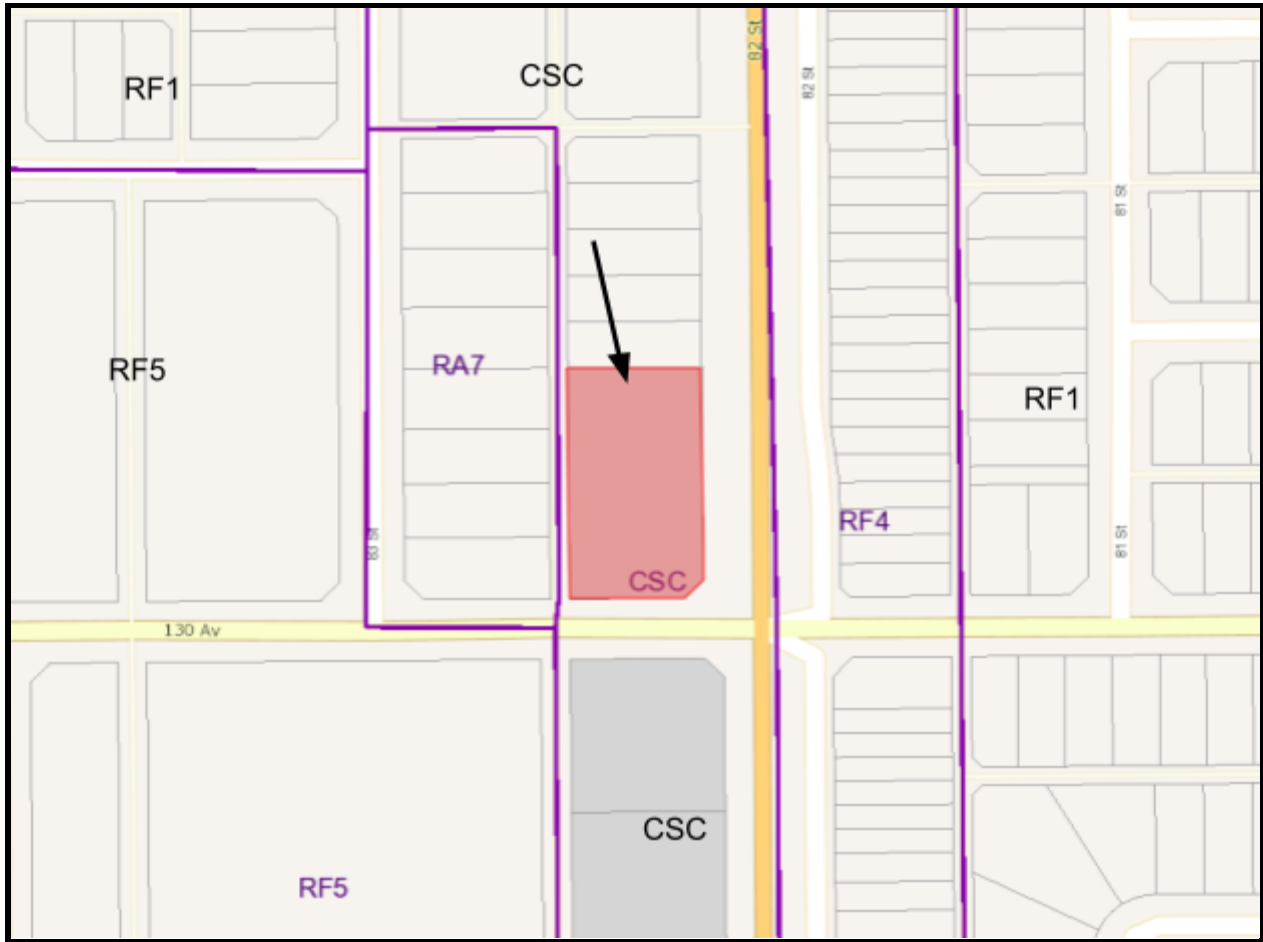
Application for Sign Permit

Project Number: **409463673-002**
Application Date: SEP 24, 2021
Printed: November 5, 2021 at 2:51 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$1,440.00	\$1,440.00	1546190854310010	Oct 06, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,440.00	\$1,440.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-193 ▲
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-196

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 405443014-002

APPLICATION TO: Construct exterior alterations to a Row House (Driveway extension - 2.16m x 6.00m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 2, 2021

DATE OF APPEAL: November 9, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 64, 2004 - Grantham Court NW

LEGAL DESCRIPTION: Plan 0227873 Unit 31

ZONE: (RF5) Row Housing Zone

OVERLAY: N/A

STATUTORY PLAN(S): Glastonbury Neighbourhood Structure Plan
The Grange Area Structure Plan

Grounds for Appeal

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

We purchased the townhouse in 2005 (Unit 64-2004 Grantham Court NW, Edmonton T5T6R9). Our Unit had only 1 parking space, but the majority of townhouses in this complex had 2 parking spaces. As first time buyers we realized that we need another parking space for our family of 4. Once

we got another vehicle we found very difficult to find parking on the street and we couldn't get another parking inside the complex. I asked a person from the Condo Board if I can extend the parking for the second vehicle and I received verbal approval from the board but with condition to not extend it more then corner of the house. Having some knowledge as a member of Plasterers & Cement Masons and with additional help I planned to do this addition properly, in 2012 (soil, gravel, rebar, thickness, attachment to the existing etc.) I was sure that if Board is Ok than that is what I needed and nobody told me that I needed a permit. Until June 2021 when the house was put on for sale I had to do RPR with compliance. I was shocked and surprised to find out that the permit was needed. I was even more surprised that it cannot be approved. The addition is attached to the existing which leads to the garage. I appreciate your overview about this situation. Even though we moved the house is still not released until now. Thank you very much!

<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*:

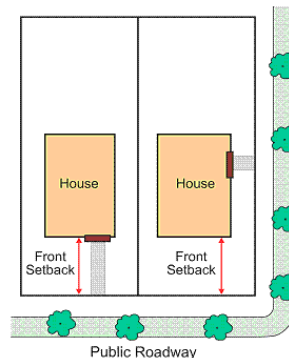
Under section 160.2(3), **Multi-unit Housing** is a **Permitted Use** in the **(RF5) Row Housing Zone**.

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, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1, **Front Setback** means:

the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.



Under section 6.1, **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 115.1 states that the **General Purpose** of the **(RF5) Row Housing Zone** is “to provide for ground oriented housing.”

<i>Vehicle Parking Design for Low-density Residential</i>

Section 54.3(3) states:

The Front Yard of any ground level Dwelling that is not part of a Multi-Unit Project Development, or in the case of a corner Site, either the Front Yard or the flanking Side Yard, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- b. for a Garage or Parking Area with one Vehicle Parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;
- c. for a Garage or Parking Area with two or more Vehicle Parking spaces, the width of the garage or parking area or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less; and

Section 54.3(4)(a) states Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway.

Development Officer’s Determination

1. **The Driveway shall lead directly from the roadway to the Garage or Parking Area. (Section 54.3.3.a)**

Proposed: The driveway does not lead directly from the roadway to the garage.

2. **The Driveway shall, for a Garage or Parking Area with one Vehicle Parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser. (Section 54.3.3.b)**

Proposed: The driveway is 5.4m wide.



3. **Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway. (Section 54.3.4.a)**

Proposed: The additional concrete provides vehicle parking space in the front yard.

[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 style="margin: 0;">Application for Driveway Extension Permit</h2>			Project Number: 405443014-002 Application Date: AUG 13, 2021 Printed: November 2, 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) 64, 2004 - GRANTHAM COURT NW Plan 0227873 Unit 31 Location(s) of Work Suite: 64, 2004 - GRANTHAM COURT NW Entryway: 64, 2004 - GRANTHAM COURT NW Building: 64, 2004 - GRANTHAM COURT NW																	
Scope of Application To construct exterior alterations to a Row House (Driveway extension - 2.16m x 6.00m), existing without permits.																		
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Class Of Permit: Stat. Plan Overlay/Annex Area:</td> <td style="width: 50%;">Site Area (sq. m.): 177.79</td> </tr> </table>				Class Of Permit: Stat. Plan Overlay/Annex Area:	Site Area (sq. m.): 177.79													
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Development Application Decision Refused Issue Date: Nov 02, 2021 Development Authority: WINGET, MARK Reason for Refusal 1) The Driveway shall lead directly from the roadway to the Garage or Parking Area. (Section 54.3.3.a) Proposed: The driveway does not lead directly from the roadway to the garage. 2) The Driveway shall, for a Garage or Parking Area with one Vehicle Parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser. (Section 54.3.3.b) Proposed: The driveway is 5.4m wide. 3) Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway. (Section 54.3.4.a) Proposed: The additional concrete provides vehicle parking space in the front yard. 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.																		
Building Permit Decision No decision has yet been made.																		
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: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">13761409475F001</td> <td style="text-align: right;">Aug 13, 2021</td> </tr> <tr> <td>Existing Without Permit Dev Application Penalty Fee</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">07227355</td> <td style="text-align: right;">Sep 01, 2021</td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$176.00	\$176.00	13761409475F001	Aug 13, 2021	Existing Without Permit Dev Application Penalty Fee	\$176.00	\$176.00	07227355	Sep 01, 2021
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THIS IS NOT A PERMIT																		



Application for Driveway Extension Permit

Project Number: **405443014-002**
Application Date: AUG 13, 2021
Printed: November 2, 2021 at 2:51 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$352.00</u>	<u>\$352.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-196