

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
December 4, 2019**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-19-211	Install (1) Minor Digital Off-premises Roof Sign (PATTISON KEN CHOW PHOTOGRAPHY) 9904 - 82 Avenue NW Project No.: 344011183-001
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II	10:30 A.M.	SDAB-D-19-212	Install (1) Minor Digital On-Premises Off-Premises Freestanding Sign (PATTISON 2191722 ALBERTA LTD) 9703 - 137 Avenue NW Project No.: 153094895-003
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III	1:30 p.m.	SDAB-D-19-504	Order to remove and refrain from parking any commercial vehicles in the required front yard area. Remove and refrain all vehicles exceeding 4600 kg from residential property and refrain from parking vehicles over this weight on the property in future. 7819 – 166 Avenue NW
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

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ITEM I: 9:00 A.M.

FILE: SDAB-D-19-211

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 344011183-001

APPLICATION TO: Install (1) Minor Digital Off-premises Roof Sign (PATTISON | KEN CHOW PHOTOGRAPHY)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 19, 2019

DATE OF APPEAL: November 20, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9904 - 82 Avenue NW

LEGAL DESCRIPTION: Plan I Blk 71 Lots 14-15

ZONE: CB2 - General Business Zone

OVERLAY: Main Streets Overlay
Whyte Avenue Commercial Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. This is an Application to renew the Permit for the subject Sign which was approved by the Board in November of 2014. The Sign has existed in its present location without complaint or concern since then.
2. As a condition of their 2014 approval, our clients were required to remove two Freestanding Off-Premises Signs from the intersection. These Signs were removed and have not been replaced. In the result, Off-

Premises signage impact in the area remains at the reduced level contemplated in 2014.

3. Such further and other reasons as may be presented at the hearing of this appeal.

<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.

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, [...]

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

- ...
- (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 clauses (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*:

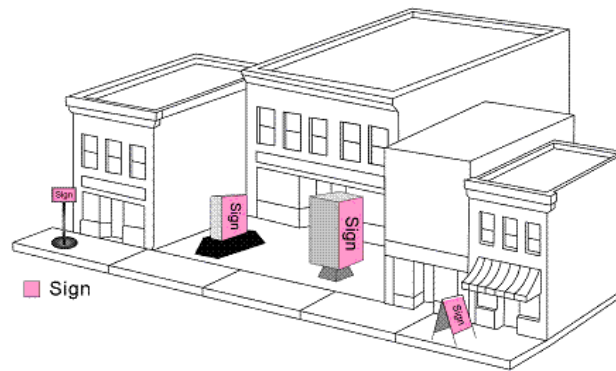
Under section 340.3(40), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **(CB2) General Business Zone**.

Under section 7.9(6), **Minor Digital Off-premises Signs** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

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

a Sign supported independently of a building.



Under section 6.2, **Off-Premise Signs** means:

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 330.1 states that the **General Purpose** of the **(CB2) General Business Zone** is:

to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.

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

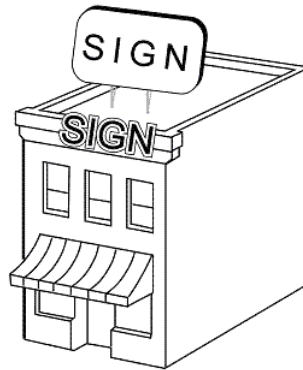
to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

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

Roof Signs

Section 59.2(15) states Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs (Reference Section 59.2(15)).

Under Section 6.2, Roof Signs means a Sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.



Development Officer’s Determination


The proposed Minor Digital Off-premises Sign is mounted on the Roof contrary to Section 59.2(15).

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-14-272	To demolish the existing Freestanding Off-premises Sign (North of building) and install (1) roof mounted Minor Digital Off-premises Sign	November 7, 2014; “that the Appeal be allowed and the Development be granted with conditions and variance.”

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 Sign Combo Permit</h2>	Project Number: 344011183-001 Application Date: OCT 17, 2019 Printed: November 20, 2019 at 10:33 AM Page: 1 of 2										
This document is a Development Permit Decision for the development application described below.												
Applicant	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> Property Address(es) and Legal Description(s) 9904 - 82 AVENUE NW Plan I Blk 71 Lots 14-15 </td> </tr> <tr> <td style="padding: 5px;"> Location(s) of Work Suite: 9904 - 82 AVENUE NW Building: 9904 - 82 AVENUE NW </td> </tr> </table>		Property Address(es) and Legal Description(s) 9904 - 82 AVENUE NW Plan I Blk 71 Lots 14-15	Location(s) of Work Suite: 9904 - 82 AVENUE NW Building: 9904 - 82 AVENUE NW								
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Location(s) of Work Suite: 9904 - 82 AVENUE NW Building: 9904 - 82 AVENUE NW												
Scope of Application To install (1) Minor Digital Off-premises Roof Sign (PATTISON KEN CHOW PHOTOGRAPHY).												
Permit Details												
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: 1 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											
I/We certify that the above noted details are correct. Applicant signature: _____												
Development Application Decision Refused Issue Date: Nov 19, 2019 Development Authority: MERCIER, KELSEY Reason for Refusal 1. Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs (Reference Section 59.2(15)). The proposed Minor Digital Off-premises Sign is mounted on the Roof contrary to Section 59.2(15). Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.												
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 10%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Dev Appl Fee - Digital Signs</td> <td style="text-align: right;">\$458.00</td> <td style="text-align: right;">\$458.00</td> <td style="text-align: center;">06230357</td> <td style="text-align: center;">Oct 22, 2019</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	06230357	Oct 22, 2019
	Fee Amount	Amount Paid	Receipt #	Date Paid								
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	06230357	Oct 22, 2019								
THIS IS NOT A PERMIT												



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-211



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-212

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 153094895-003

APPLICATION TO: Install (1) Minor Digital On-Premises Off-Premises Freestanding Sign (PATTISON | 2191722 ALBERTA LTD)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 18, 2019

DATE OF APPEAL: November 20, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9703 - 137 Avenue NW

LEGAL DESCRIPTION: Plan 9021630 Blk 10A Lot 7

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:

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. This is an Application to renew the Permit for the subject Sign which was approved by the Board in November of 2014. The Sign has existed in its present location without complaint or concern since then.
2. It remains the case that the subject Sign is well treed to either side, and faces the Transit Centre located northeast and across the intersection of

137th Avenue and 97th Street. The sign fits well into the context of this major, commercial intersection.

3. Subsequent to the 2014 approval of the subject Sign, the applicable Main Streets Overlay reduced the maximum Height for a Freestanding Sign at this location from 8 metres to 6 metres, and allowing the sign to remain at its present height is beyond the variance authority of the Development Officer.
4. Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>

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.

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, [...]

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (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 clauses (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.

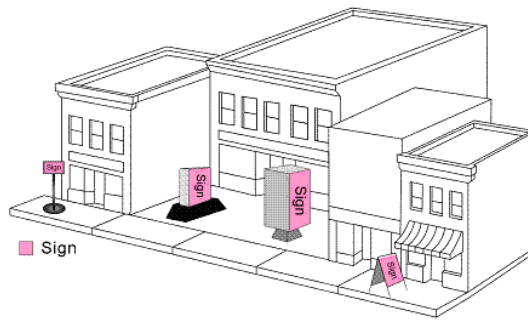
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 320.3(36), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **(CSC) Shopping Centre Zone**.

Under section 7.9(7), **Minor Digital On-premises Off-premises Signs**:

means a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Freestanding Signs** “means a Sign supported independently of a building.”



Under section 6.2, **On-Premises Advertising** means:

Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.

Under section 6.2, **Off-Premise Sign** means:

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 360.1 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 **Main Streets Overlay** is to:

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.

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

Height

Section 819.5(2)(a) of the Main Streets Overlay states “the maximum Height of a Freestanding Sign shall be 6.0 metres, as measured from Grade to the top of the Freestanding Sign.”

Development Officer’s Determination

1. Signs shall complement the pedestrian-oriented commercial environment and the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.(Reference Section 819.5(2)(a)).

Proposed: 7.9 m

Exceeds by: 1.9 m

The Development Officer shall adhere to the following, there shall be no variance from maximum Height.

Maximum Area

Schedule 59E.3(5) states:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

...

c. the maximum Area shall be:

i. ...

ii. 20 square metres for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 square metres;

...

Under section 6.2, **Copy** means “the letters, graphics or characters that make up the message on the Sign face.”

Under section 6.2, **Copy Area** means “the total area of one or more geometric shapes, which contain all of the Copy on a Sign.”

Under section 6.2, **Digital Copy** means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to

change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

Development Officer's Determination

2. Minor Digital On-premises Off-premises Signs maximum Area shall be 20 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m² (Reference Section 59E.3(5)(c)(ii)).

Proposed: 29 m²

Exceeds by: 9 m²

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 metres 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.


<i>Previous Subdivision and Development Appeal Board Decision</i>
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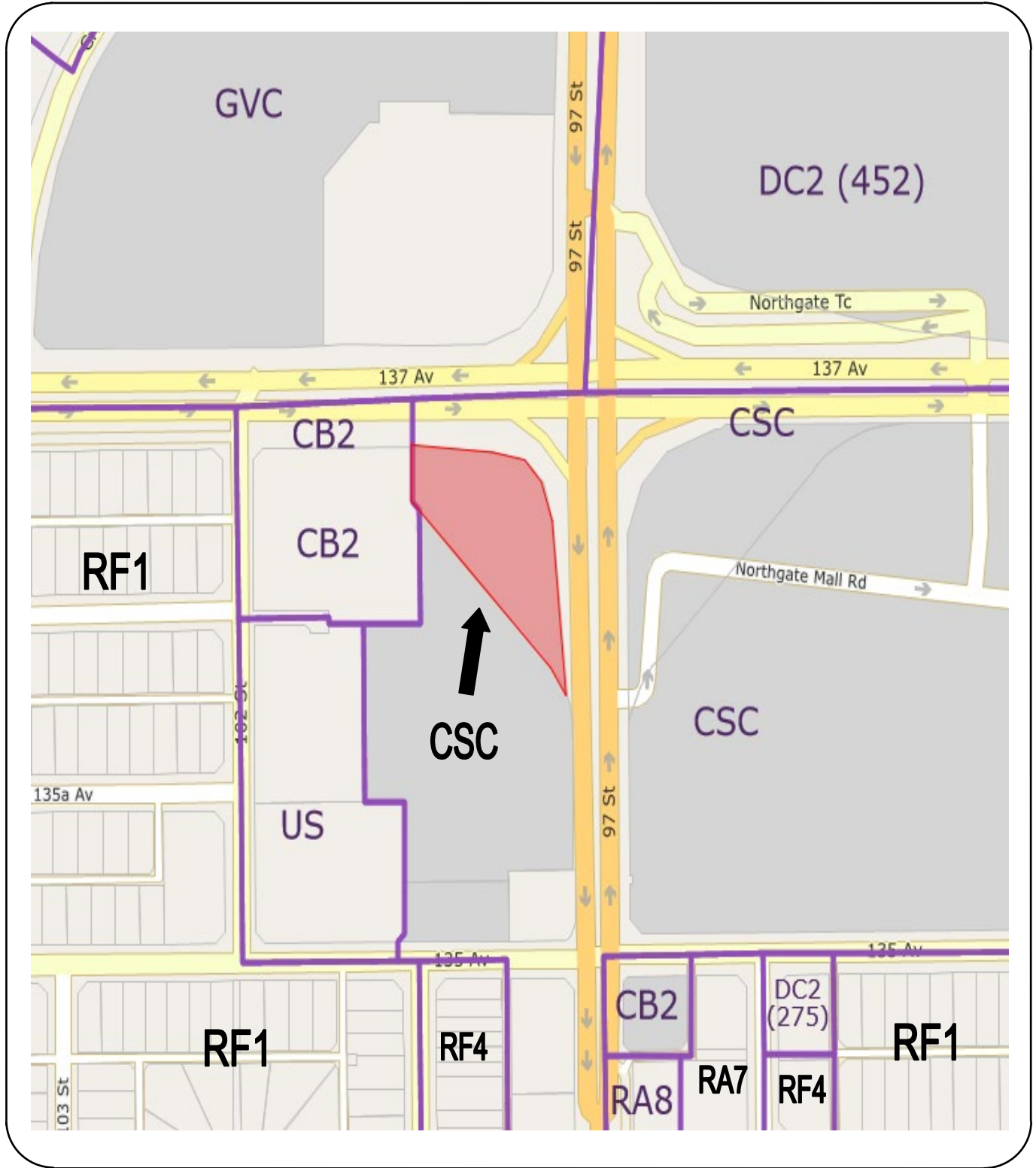
Application Number	Description	Decision
SDAB-D-14-281	To install (1) Freestanding Minor Digital On-premises Off-premise Sign	November 13, 2014; “that the Appeal be allowed and the Development be granted with conditions and variance.”

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: 153094895-003 Application Date: SEP 23, 2019 Printed: November 20, 2019 at 10:59 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 9703 - 137 AVENUE NW Plan 9021630 Blk 10A Lot 7
Scope of Application To install (1) Minor Digital On-Premises Off-Premises Freestanding Sign (PATTISON 2191722 ALBERTA LTD).	
Permit Details	
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: 1 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused Issue Date: Nov 18, 2019 Development Authority: MERCIER, KELSEY Reason for Refusal 1. Signs shall complement the pedestrian-oriented commercial environment and the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign. (Reference Section 819.5(2)(a)). Proposed: 7.9 m Exceeds by: 1.9 m The Development Officer shall adhere to the following, there shall be no variance from maximum Height. 2. Minor Digital On-premises Off-premises Signs maximum Area shall be 20 m ² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m ² (Reference Section 59E.3(5)(c)(ii)). Proposed: 29 m ² Exceeds by: 9 m ²	
THIS IS NOT A PERMIT	

	Application for Sign Combo Permit			Project Number: 153094895-003 Application Date: SEP 23, 2019 Printed: November 20, 2019 at 10:59 AM Page: 2 of 2																				
Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																								
Fees <table border="0" style="width: 100%;"><thead><tr><th></th><th style="text-align: right;">Fee Amount</th><th style="text-align: right;">Amount Paid</th><th style="text-align: left;">Receipt #</th><th style="text-align: left;">Date Paid</th></tr></thead><tbody><tr><td>Sign Dev Appl Fee - Digital Signs</td><td style="text-align: right;">\$458.00</td><td style="text-align: right;">\$458.00</td><td style="text-align: left;">06165159</td><td style="text-align: left;">Sep 25, 2019</td></tr><tr><td>Total GST Amount:</td><td style="text-align: right; border-top: 1px solid black;">\$0.00</td><td></td><td></td><td></td></tr><tr><td>Totals for Permit:</td><td style="text-align: right; border-top: 1px solid black;">\$458.00</td><td style="text-align: right; border-top: 1px solid black;">\$458.00</td><td></td><td></td></tr></tbody></table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	06165159	Sep 25, 2019	Total GST Amount:	\$0.00				Totals for Permit:	\$458.00	\$458.00		
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Totals for Permit:	\$458.00	\$458.00																						
THIS IS NOT A PERMIT																								



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-212



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-504

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 341851203-003

ORDER TO: To remove and refrain from parking any commercial vehicles in the required front yard area. Remove and refrain all vehicles exceeding 4600 kg from residential property and refrain from parking vehicles over this weight on the property in future.

ORDER DATE: October 28, 20129

DATE OF APPEAL: November 21, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7819 - 166 Avenue NW

LEGAL DESCRIPTION: Plan 0226810I Blk 85 Lot 112

ZONE: RF1 - Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Edmonton North Area Structure Plan

Grounds for Appeal

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

No Reasons Provided

General Matters

The Board is advised that Order Date is October 28, 2019 and the Date of Appeal is November 21, 2019.

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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 to the subdivision and development appeal board.

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 subdivision and development appeal board

- ...
- (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 clauses (a.4) and (d), must comply with any land use bylaw in effect;
 - (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

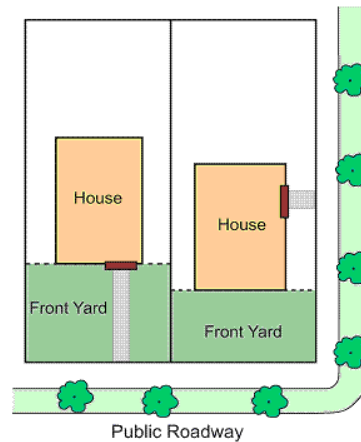
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

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

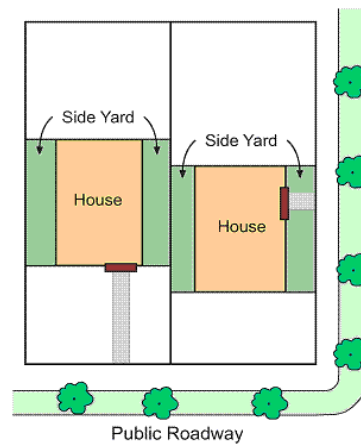
Under section 6.1, **Front Yard** means:

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.



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, **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.”

Section 110.1 states that the **General Purpose** of **(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.

<i>Objects Prohibited or Restricted in Residential Zones</i>

1. No person shall keep in any part of a Site in any Residential Zone:
 - a. any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg;
 - b. more than one commercial vehicle having a maximum gross vehicle weight (G.V.W.R.) of 4 600 kg or less, for longer than reasonably necessary while loading or unloading such vehicle.
2. For the purpose of subsection 45(1) a commercial vehicle means a vehicle that:
 - a. is intended or designed for commercial purposes; or
 - b. is used for commercial purposes.
3. On a Site zoned Residential, no person shall keep a large Recreational Vehicle, for any longer than is reasonably necessary to load or unload such vehicle, in the Front Yard or in any Side Setback Abutting a public roadway other than a Lane.
4. Notwithstanding Section 45(3), from April 1 to October 31 inclusive, on a Site with no rear Lane, where vehicle access is available through the Front Setback or through the flanking Side Setback, Large Recreational Vehicles shall be parked at a Setback of at least 0.6 m from the interior edge of the sidewalk, or curb where no sidewalk is present. This distance may be reduced at the discretion of the Development Officer.
5. Notwithstanding Section 45(4), the 0.6 m Setback requirement does not apply to any portion of the Recreational Vehicle under 1.0 m in height where a sidewalk is present.
6. For the purposes of subsections 45.3 and 45.4, a "large Recreational Vehicle" shall not include: small utility trailers; camper van conversions; tent trailers; campers which are mounted in trucks; boats; snowmobiles; all-terrain vehicles; jet skis; or motorcycles and trailers to carry them.
7. In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:
 - a. vehicles shall not be located on the landscaped portion of the Yard; and
 - b. vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

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.

Citizen Services
Community Standards and Neighbourhoods

City of Edmonton
2nd Floor, Edmonton Tower
10111 – 104 Avenue NW
Edmonton, AB T5J 0J4

edmonton.ca



Date: October 28, 2019

Reference/File No: 341851203-003

ORDER

(Issued Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000 c. M-26)

TO: ROBERT MANDIC
7819 – 166 AVENUE NW
EDMONTON, AB T5Z 3V8

AND TO: MIRANDA MANDIC
7819 – 166 AVENUE NW
EDMONTON, AB T5Z 3V8

RE: Municipal Address: 7819 – 166 AVENUE NW

Legal Description: Plan 0226810 Block 85 Lot 112

Tax Roll Number: 10002151

(hereinafter referred to as “the property”)

As a result of an inspection of the property on October 25, 2019:

I find that the use of the land is not in accordance with the City of Edmonton Zoning Bylaw (Bylaw 12800) as follows:

Section 45: Objects Prohibited or Restricted in Residential Zones

45. (1) No person shall keep in any part of a Site in any Residential Zone:

- (a) any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R) exceeding 4600 kg;
- (b) more than one commercial vehicle having a maximum gross vehicle weight (G.V.W.R) of 4600 kg or less, for longer than reasonably necessary while loading or unloading such vehicle.

THEREFORE YOU ARE ORDERED TO:

Remove and refrain from parking any commercial vehicles in the required front yard area. Remove and refrain all vehicles exceeding 4600 kg from residential property and refrain from parking vehicles over this weight on the property in future.

YOU MUST COMPLY WITH THIS ORDER BEFORE: November 21, 2019

Officer: Darlene
Complaints and Investigations
Community Standards Branch

EMEO#23

Telephone: 780-496-5212

OFFENCE FOR NON-COMPLIANCE:

Pursuant to Section 557(a.3) of the Municipal Government Act (hereinafter referred to as the "Act") a person who contravenes or does not comply with an order under section 645 is guilty of an offence and liable to prosecution.

Pursuant to Section 566(1) of the Act a person who is guilty of an offence is liable,

- (a) to a fine of not more than \$10 000, or
 - (b) to imprisonment for not more than one year,
- or to both fine and imprisonment.

ADDITIONAL CONSEQUENCES FOR NON-COMPLIANCE:

Pursuant to Section 646(1) of the Act if a person fails or refuses to comply with an order under section 645 the municipality may, enter on the land or building and take any action necessary to carry out the order.

Pursuant to Section 553(1)(h.1) of the Act when an order is carried out under section 646(1) the expenses and costs incurred in carrying out the order may be placed on the tax roll of the property and that amount:

- a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and
- b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

If you fail to comply with the provisions of this order the City of Edmonton will, at its election, take action to enforce the order by taking whatever actions or measures are necessary to remedy the contravention of the bylaw or to prevent the re-occurrence, and all expenses of which will be placed on the tax roll of the property.

PROCEDURE FOR STARTING AN APPEAL OF THE ORDER

Pursuant to section 685(1) of the Act a person affected by an order under section 645 may appeal to the Subdivision and Development Appeal Board.

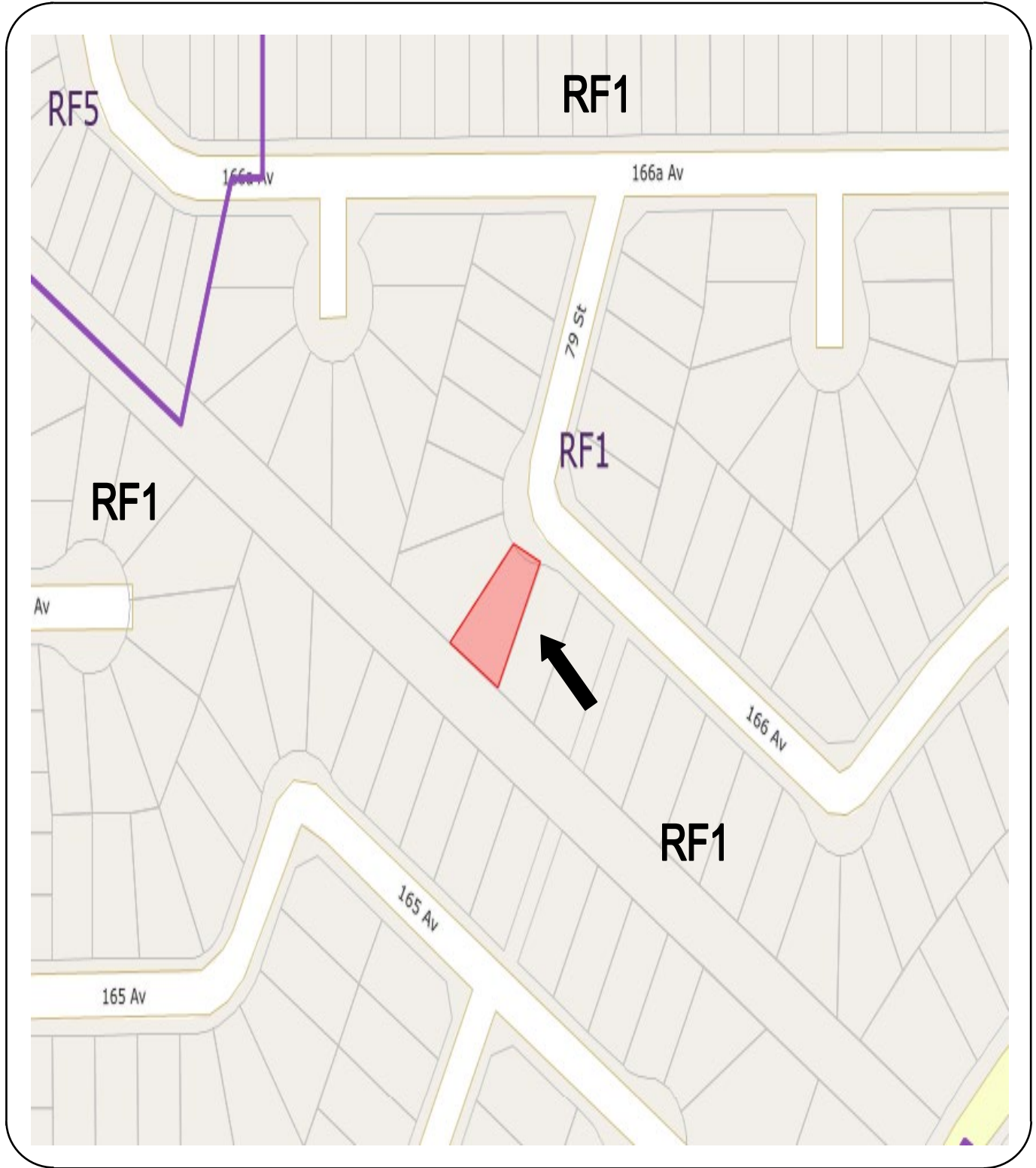
Pursuant to section 686(1) of the Act an appeal to the Subdivision and Development Appeal Board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days after the date on which the person is notified of the order under section 645.

Requests for review must be received by:

Subdivision and Development Appeal Board
Office of the City Clerk
10019 – 103 Avenue NW
Edmonton, AB T5J 0G9

Telephone: (780) 496-6079
Fax: (780) 496-8175

The Notice of Appeal must be accompanied by a cheque or money order in the sum of \$72.00 payable to the City of Edmonton or it is not considered complete and will not be processed. If you are delivering your notice of appeal in person you may pay with cash.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-504

