

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
December 6, 2017**

**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-17-237	Change an existing non-illuminated Fascia On-premises Sign to an illuminated Fascia On-premises Sign (7 Eleven) 10909 - 107 Avenue NW Project No.: 245666040-002
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II	10:30 A.M.	SDAB-D-17-238	Convert a Semi-detached House to a 4 Dwelling Apartment House and to construct interior alterations - existing without permits 11718C - 122 Street NW Project No.: 245675108-003
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NOTE: ***Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.***

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-237

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 245666040-002

APPLICATION TO: Change an existing non-illuminated Fascia On-premises Sign to an illuminated Fascia On-premises Sign (7 Eleven)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 11, 2017

DATE OF APPEAL: October 13, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10909 - 107 Avenue NW

LEGAL DESCRIPTION: Plan 7620578 Blk 9 Lot 299

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

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

Grounds for Appeal

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

We wish to appeal this decision as the proposed sign is located 29.2m away from the residential building. The light from the proposed sign will disperse and will have little to no affect on the residents. Light intensity is inversely proportional to the square of the distance from the source. Ie: Light intensity does not decrease in a linear manner; the light from the proposed sign will have a value of approximately 31000 lumens at the source will have a perceived brightness of only 36.2 lumens at 29.25m away. This is less light than 10% of a standard 40W incandescent light bulb. In addition, any light coming from the sign will also be further reduced by the bank of trees which separates the two properties along the north side of the residential property.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - ...

On October 26, 2017, section 1(65) of *An Act to Strengthen Municipal Government*, SA 2017 c13, was proclaimed in force. Section 1(65) provides, in part:

Section 686(1) [of the *Municipal Government Act*] is repealed and the following is substituted:

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 decision is made under section 642...

Determining an Appeal

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 clause (d), must comply with any land use bylaw in effect;

...

(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*:

Section 330.1 states that the **General Purpose** of the **CB1 Low Intensity Business Zone** is:

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

Under section 330.2(17), **Fascia On-premises Signs** are a **Permitted Use** in the CB1 Low Intensity Business Zone.

Under Section 7.9(2), **Fascia On-premises Signs** are defined as “any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. The Copy on such a Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.”

Direction of Signage

Section 59F.2(1)(a) states: “Fascia On-premises Signs shall only face a public roadway other than a Lane”.

Development Officer’s Determination

Proposed: Illuminated On-Premises Fascia sign on the South Elevation, facing a common property line into an existing Apartment House, instead of a public roadway, contrary to Section 59F.2.1.a.

Mandatory Considerations for the Development Officer

Section 59.2(6) states:



For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.

Development Officer’s Determination

The brightness of the proposed Illuminated On-Premises Fascia sign faces the existing Apartment House and would unduly interfere with their amenities and affect the enjoyment of their property, contrary to Section 59.2.6

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. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 245666040-002 Application Date: AUG 11, 2017 Printed: October 11, 2017 at 4:18 PM 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) 10909 - 107 AVENUE NW Plan 7620578 Blk 9 Lot 299 Location(s) of Work Entryway: 10909 - 107 AVENUE NW Building: 10909 - 107 AVENUE NW		
Scope of Application To change an existing non-illuminated Fascia On-premises Sign to an illuminated Fascia On-premises Sign (7 Eleven).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> ASA Sticker No./Name of Engineer: Construction Value: 3000 </td> <td style="width: 50%; border: none;"> Class of Permit: Expiry Date: </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 3000	Class of Permit: Expiry Date:
ASA Sticker No./Name of Engineer: Construction Value: 3000	Class of Permit: Expiry Date:		
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 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		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal 1. Fascia On-premises Signs shall only face a public roadway other than a Lane. (Reference Section 59F.2.1.a) Proposed: Illuminated On-Premises Fascia sign on the South Elevation, facing a common property line into an existing Apartment House, instead of a public roadway, contrary to Section 59F.2.1.a. 2. For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2.6) - The brightness of the proposed Illuminated On-Premises Fascia sign faces the existing Aptment House and would unduly interfere with their amenities and affect the enjoyment of their property, contrary to Section 59.2.6 Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.			
THIS IS NOT A PERMIT			



Application for Sign Combo Permit

Project Number: **245666040-002**
Application Date: AUG 11, 2017
Printed: October 11, 2017 at 4:18 PM
Page: 2 of 2

Issue Date: Oct 11, 2017 Development Authority: Chow, Stephen Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$91.00	\$91.00	04364303	Aug 11, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$91.00	<u>\$91.00</u>		

THIS IS NOT A PERMIT

ITEM II: 10:30 A.M.

FILE: SDAB-D-17-238

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 245675108-003

APPLICATION TO: Convert a Semi-detached House to a 4 Dwelling Apartment House and to construct interior alterations - existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 12, 2017

DATE OF APPEAL: October 23, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11718C - 122 Street NW

LEGAL DESCRIPTION: Condo Common Area (Plan 1620089)

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: MNO Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

Ask to variance of Site Area and Side Width, Section 140.4(5)(a) and (b)
[unedited]

General Matters

Appeal Information:

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

Grounds for Appeal
685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

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- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - ...

On October 26, 2017, section 1(65) of *An Act to Strengthen Municipal Government*, SA 2017 c13, was proclaimed in force. Section 1(65) provides, in part:

Section 686(1) [of the *Municipal Government Act*] is repealed and the following is substituted:

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 decision is made under section 642...

Determining an Appeal

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 clause (d), must comply with any land use bylaw in effect;
- ...
- (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*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings under certain conditions, and including Secondary Suites and Garden Suites.

Under section 140.2(1), **Apartment Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(1), **Apartment Housing** is defined as “development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.”

Under Section 6.1(31), **Dwelling** is defined as “a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen

for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.”

Site Area

Section 140.4(5)(a) states that for Apartment Housing, “the minimum Site area shall be 75m²”.

Development Officer’s Determination

Site Area - The proposed Site Area is 654.26m² instead of 750m² (Section 140.4(5)(a)).

Site Width

Section 140.4(5)(b) states that for Apartment Housing, “the minimum Site Width shall be 17.0 m”.

Development Officer’s Determination

Side Width - The proposed Site Width is 15.24m instead of 17.0m (Section 140.4(5)(b)).

Locational Criteria

Section 140.4(7) states:

Apartment Housing or Stacked Row Housing shall be located:

- a. on Corner Sites,
- b. on Sites Abutting an arterial or service road,
- c. where both Side Lot Lines Abut existing Apartment Housing or Stacked Row Housing, or
- d. where a minimum of one Side Lot Line:
 - i. Abuts a Site where a Commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use, or
 - ii. is not separated by a public roadway, including a Lane, more than 10.0 m wide from a Site where a Commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use.

Development Officer's Determination

Location - The proposed Development does not meet any of the location criteria for Apartment Housing (Section 140.4(6)).

Private Outdoor Amenity Area



Section 140.4(15) states: "Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw."

Development Officer's Determination

Private Outdoor Amenity Area - No private outdoor amenity area is proposed for any of the units according to the submitted plans nor is it in accordance with Section 47 (Section 140.4(15)).

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 245675108-003 Application Date: SEP 15, 2017 Printed: October 12, 2017 at 8:21 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Major Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant 	Property Address(es) and Legal Description(s) 11718C - 122 STREET NW Condo Common Area (Plan 1620089)
	Specific Address(es) Suite: BSMT, 11718 - 122 STREET NW Suite: BSMT, 11720 - 122 STREET NW Entryway: 11718 - 122 STREET NW Entryway: 11720 - 122 STREET NW Building: 11718 - 122 STREET NW
Scope of Application To convert a Semi-detached House to a 4 Dwelling Apartment House and to construct interior alterations - existing without permits.	
Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 2 Stat. Plan Overlay/Annex Area: (none)
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused Reason for Refusal Site Area - The proposed Site Area is 654.26m ² instead of 750m ² (Section 140.4(5)(a)). Side Width - The proposed Site Width is 15.24m instead of 17.0m (Section 140.4(5)(b)). Location - The proposed Development does not meet any of the location criteria for Apartment Housing (Section 140.4(6)). Private Outdoor Amenity Area - No private outdoor amenity area is proposed for any of the units according to the submitted plans nor is it in accordance with Section 47 (Section 140.4(15)). ADVISEMENTS: Unless otherwise noted, all references to 'Section' are under the authority of the Edmonton Zoning Bylaw 12800. Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.	
Issue Date: Oct 12, 2017 Development Authority: LEE, CHRISTIAN Signature: _____	
THIS IS NOT A PERMIT	



Application for Major Development Permit

Project Number: **245675108-003**
Application Date: SEP 15, 2017
Printed: October 12, 2017 at 8:21 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$500.00	\$500.00	04455543	Sep 15, 2017
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$500.00	\$500.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-238

