

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
February 13, 2020

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-20-019	Construct exterior alterations to a Garden Suite (changes to building height), existing without permits 10925 - UNIVERSITY AVENUE NW Project No.: 349530291-001
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II	10:30 A.M.	SDAB-D-20-020	Install (1) Minor Digital Off-premises Freestanding Sign (6.1 metres x 3 metres facing SE) (PATTISON YELLOWHEAD MOTOR INN) 14950 - YELLOWHEAD TRAIL NW Project No.: 348220658-001
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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-20-019

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 349530291-001

APPLICATION TO: Construct exterior alterations to a Garden Suite (changes to building height), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 2, 2020

DATE OF APPEAL: January 15, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10925 - UNIVERSITY AVENUE NW

LEGAL DESCRIPTION: Plan I24 Blk 18 Lot 7

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

The building has already been framed and I am hoping to be able to proceed with existing framed height in order to avoid a \$4,000-\$5,000 extra cost on the build. Originally the blueprints were stamped by the city at a 4/12 pitch to meet height regulations. The truss documents were stamped as well but they had the roof pitch at 8/12 and without noticing this error I sent in the framing and truss package to be built.

To date I have not had any complaints from the neighbours about the height of the garage suite. The garage suite is south of my single family dwelling and upon my site visits throughout various times of the day I have not seen that it is creating any issues with neighbours as far as blocking sunlight in their south facing yards.

The house has an 8/12 roof pitch and the garage suite currently has an 8/12 roof pitch. Design wise this looks more congruent and pleasing to the eye than if the roof was a 4/12 pitch on the garage suite.

As well, the neighbourhood will be going through drastic changes in the years to come as zoning on the street has changed to RA7 (addresses 10913, 10909, 10907, 10903 university ave. Which are 2 doors down from my home). Eventually the height of buildings on the street will be significantly higher and I feel the garage suite will not look out of place. The 109 street corridor area redevelopment plan will also change the street scape on 109 street significantly and just backing onto my house from the alley it has been rezoned to DC2 which will add mixed use and much higher dwellings than currently exist there.

For these reasons I am hoping you will consider this application to keep the garage suite as framed.

<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 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*:

Section 140.2(2) states a **Garden Suite** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under Section 7.2(3), **Garden Suite** means:

an Accessory building containing a Dwelling, which is located separate from the principal Use which is Single Detached Housing, and which may contain a Parking Area. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use includes Mobile Homes that conform to Section 78 of this Bylaw. This Use does not include Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

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

<i>Height – Garden Suite</i>

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

Under section 87.2(a) the maximum height shall be 6.5 metres where the Garden Suite has a roof slope of 4/12 (18.4°) or greater.

Under section 52.2 in determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:

- c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officer's Determination


Building Height (to the midpoint of the roof) - The maximum height is 7.3m instead of 6.5m (Section 87.2.a).

Building Height (to the peak of the roof) - The maximum height is 8.5m instead of 8.0m (Section 52.2.c).

Note: The Development Officer does not have the authority to vary maximum height regulations.

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 Alterations Permit</h2>	Project Number: 349530291-001 Application Date: DEC 10, 2019 Printed: January 2, 2020 at 10:14 AM Page: 1 of 2																				
This document is a Development Permit Decision for the development application described below.																						
Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 10925 - UNIVERSITY AVENUE NW Plan I24 Blk 18 Lot 7																					
	Location(s) of Work Entryway: 10925 - UNIVERSITY AVENUE NW Building: 10925 - UNIVERSITY AVENUE NW																					
Scope of Application To construct exterior alterations to a Garden Suite (changes to building height), existing without permits.																						
Permit Details																						
Class Of Permit: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 536.13																					
I/We certify that the above noted details are correct. Applicant signature: _____																						
Development Application Decision Refused Issue Date: Jan 02, 2020 Development Authority: YEUNG, KENNETH Reason for Refusal Building Height (to the midpoint of the roof) - The maximum height is 7.3m instead of 6.5m (Section 87.2.a). Building Height (to the peak of the roof) - The maximum height is 8.5m instead of 8.0m (Section 52.2.c). Note: The Development Officer does not have the authority to vary maximum height regulations. 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.																						
Building Permit Decision Refused																						
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></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;">\$173.00</td> <td style="text-align: right;">\$173.00</td> <td style="text-align: right;">06323309</td> <td style="text-align: right;">Dec 10, 2019</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">06323309</td> <td style="text-align: right;">Dec 10, 2019</td> </tr> <tr> <td>Building Permit Fee (Construction Value)</td> <td style="text-align: right;">\$110.00</td> <td style="text-align: right;">\$110.00</td> <td style="text-align: right;">06323309</td> <td style="text-align: right;">Dec 10, 2019</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$173.00	\$173.00	06323309	Dec 10, 2019	Safety Codes Fee	\$4.50	\$4.50	06323309	Dec 10, 2019	Building Permit Fee (Construction Value)	\$110.00	\$110.00	06323309	Dec 10, 2019
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THIS IS NOT A PERMIT																						



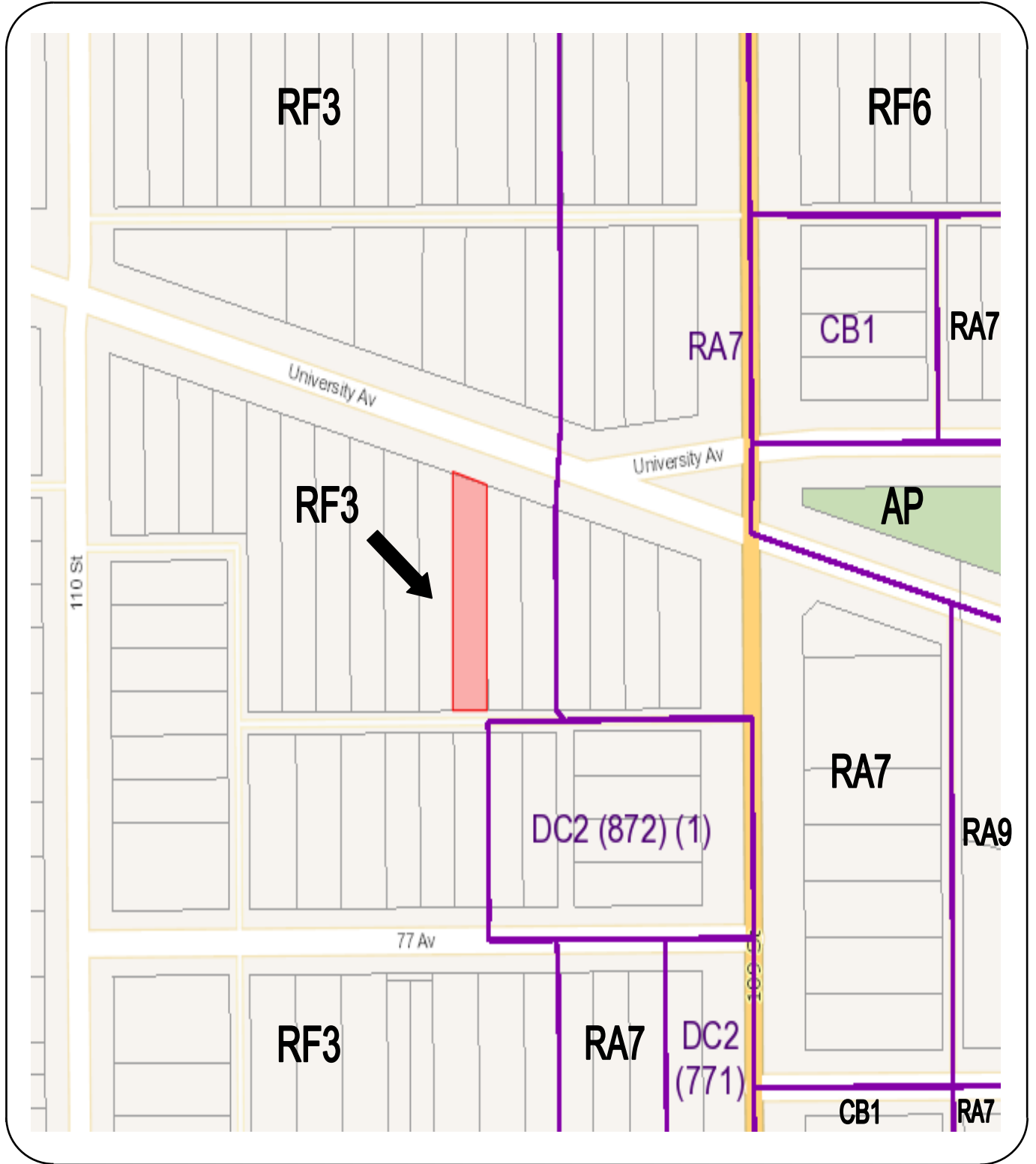
Application for Alterations Permit

Project Number: **349530291-001**
Application Date: DEC 10, 2019
Printed: January 2, 2020 at 10:14 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$287.50</u>	<u>\$287.50</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-019



ITEM II: 10:30 A.M.

FILE: SDAB-D-20-020

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 348220658-001

APPLICATION TO: Install (1) Minor Digital Off-premises Freestanding Sign (6.1 metres by 3 metres facing SE) (PATTISON | YELLOWHEAD MOTOR INN)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 31, 2019

DATE OF APPEAL: January 20, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14950 - YELLOWHEAD TRAIL NW

LEGAL DESCRIPTION: Plan 1222066 Blk 3 Lot 1

ZONE: CHY-Highway Corridor Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure 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. Minor Digital Off-premises Signs are a Discretionary Use in the CHY Zone.
2. The proposed development represents a necessary, minor relocation of a digital sign that has existed in the present location for several years without complaint or incident.

3. A variance to the separation distance from an existing, On-premises is required, and it is submitted that granting the same would be appropriate in the circumstances and that the proposed development would not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
4. A variance to the separation distance from an existing Digital Sign is required, and it is submitted that granting the same would be appropriate in the circumstances and that the proposed development would not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
5. variance to the setback is required, and it is submitted that granting the same would be appropriate in the circumstances and that the proposed development would not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
6. The City's Transportation Department has no objections to the proposed sign.
7. The subject location is purely commercial in nature, and there is no risk that residential properties would be affected.
8. 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

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- (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

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- (a.1) must comply with the land use policies;
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- (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;

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- (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

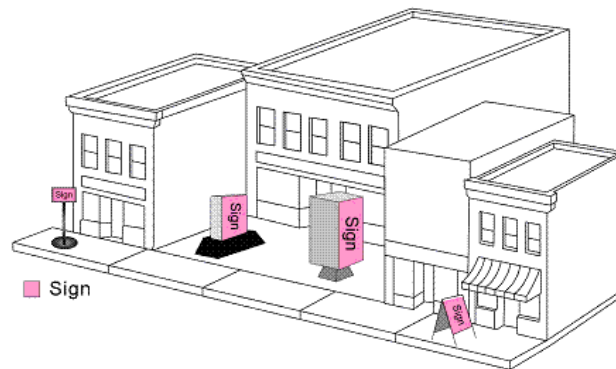
(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

A **Minor Digital Off-premise Sign** is a **Discretionary Use** in the **CHY Highway Corridor Zone**, Section 350.3(26).

Under Section 7.9(6), a **Minor Digital Off-premises Sign** 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 350.4(10) states “Signs shall comply with the regulations found in Schedule 59F.”

Section 350.1 states that the **General Purpose** of the **CHY Highway Corridor Zone** is:

to provide for high quality commercial development along those public roadways, which serve as entrance routes to the City or along limited access public roadways intended to provide a connection to entrance routes.

Radial Separation Distance

Section 59.2(21) states any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure.

Development Officer’s Determination

1) Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure. (Reference Section 59F.2(21))

PROPOSED: 22.4 m to Husky Sign (Freestanding On-premises Sign DP: 075045837-001)
 DEFICIENT BY: 22.6 m

Schedule 59F - Separation Distance

Schedule 59F.3(6)(e) states:

proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than 8.0 m ² or Off-premises Signs
Greater than 8.0 m ² to less than 20 m ²	100m
20 m ² to 40m ²	200m
Greater than 40 m ²	300m

The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

Development Officer’s Determination

2) Proposed Minor Digital Off-premises Sign locations shall be separated from Signs with Digital Copy, greater than 8.0 m2 or Off-premises Signs with an area greater than 20 m2 by 200 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy. (Reference Section 59F.3(6)(e)).

PROPOSED SEPARATION: 155 m to Minor Digital On-premises Off-premises Fascia Sign at 14815-Yellowhead Trail NW (DP: 152684111-004). This sign has a sign area of 36.45 m2 and requires a 200m separation from the proposed sign.
 DEFICIENT BY: 45 m

Schedule 59F – Setback

Section 59F.3(6)(j) states proposed Signs with an Area greater than 8.0 square metres shall not be located within any Setback.

Section 350.4(3) states a minimum Setback of 7.5 metres shall be required where a Site abuts a public roadway including a Lane that serves a Residential Zone, or where a Site abuts the lot line of a Site zoned Residential.

Development Officer’s Determination

3) Proposed Minor Digital Off-premises Signs with an Area greater than 8.0 m2 shall not be located within any Setback. (Reference Section 59F.3(6)(j)).

PROPOSED SIGN AREA: 18.3 m2

REQUIRED Setback in CHY Zone: A minimum Setback of 7.5 m shall be required where a Site abuts a public roadway including a Lane that serves a Residential Zone, or where a Site abuts the lot line of a Site zoned Residential. (Reference Section 350.4(3))


PROPOSED SETBACK: 0.5 m
 DEFICIENT BY: 7.0 m

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-15-003	To construct one Freestanding Minor Digital Off-premises Sign	January 23, 2015; “The appeal is allowed and the Development Granted with variances and conditions”

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: 348220658-001 Application Date: NOV 26, 2019 Printed: December 31, 2019 at 10:36 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 14950 - YELLOWHEAD TRAIL NW Plan 1222066 Blk 3 Lot 1	
Scope of Application To install (1) Minor Digital Off-premises Freestanding Sign (6.1m x 3m facing SE) (PATTISON YELLOWHEAD MOTOR INN).		
Permit Details		
ASA Sticker No./Name of Engineer: Construction Value: 100000	Class of Permit: 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: Dec 31, 2019 Development Authority: NOORMAN, BRENDA		
THIS IS NOT A PERMIT		



Application for Sign Combo Permit

Project Number: **348220658-001**
 Application Date: NOV 26, 2019
 Printed: December 31, 2019 at 10:36 AM
 Page: 2 of 2

Reason for Refusal

1) Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure. (Reference Section 59F.2(21))

PROPOSED: 22.4 m to Husky Sign (Freestanding On-premises Sign DP: 075045837-001)
 DEFICIENT BY: 22.6 m

2) Proposed Minor Digital Off-premises Sign locations shall be separated from Signs with Digital Copy, greater than 8.0 m2 or Off-premises Signs with an area greater than 20 m2 by 200 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy. (Reference Section 59F.3(6)(e)).

PROPOSED SEPARATION: 155 m to Minor Digital On-premises Off-premises Fascia Sign at 14815-Yellowhead Trail NW (DP: 152684111-004). This sign has a sign area of 36.45 m2 and requires a 200m separation from the proposed sign.
 DEFICIENT BY: 45 m

3) Proposed Minor Digital Off-premises Signs with an Area greater than 8.0 m2 shall not be located within any Setback. (Reference Section 59F.3(6)(j)).

PROPOSED SIGN AREA: 18.3 m2

REQUIRED Setback in CHY Zone: A minimum Setback of 7.5 m shall be required where a Site abuts a public roadway including a Lane that serves a Residential Zone, or where a Site abuts the lot line of a Site zoned Residential. (Reference Section 350.4(3))

PROPOSED SETBACK: 0.5 m
 DEFICIENT BY: 7.0 m

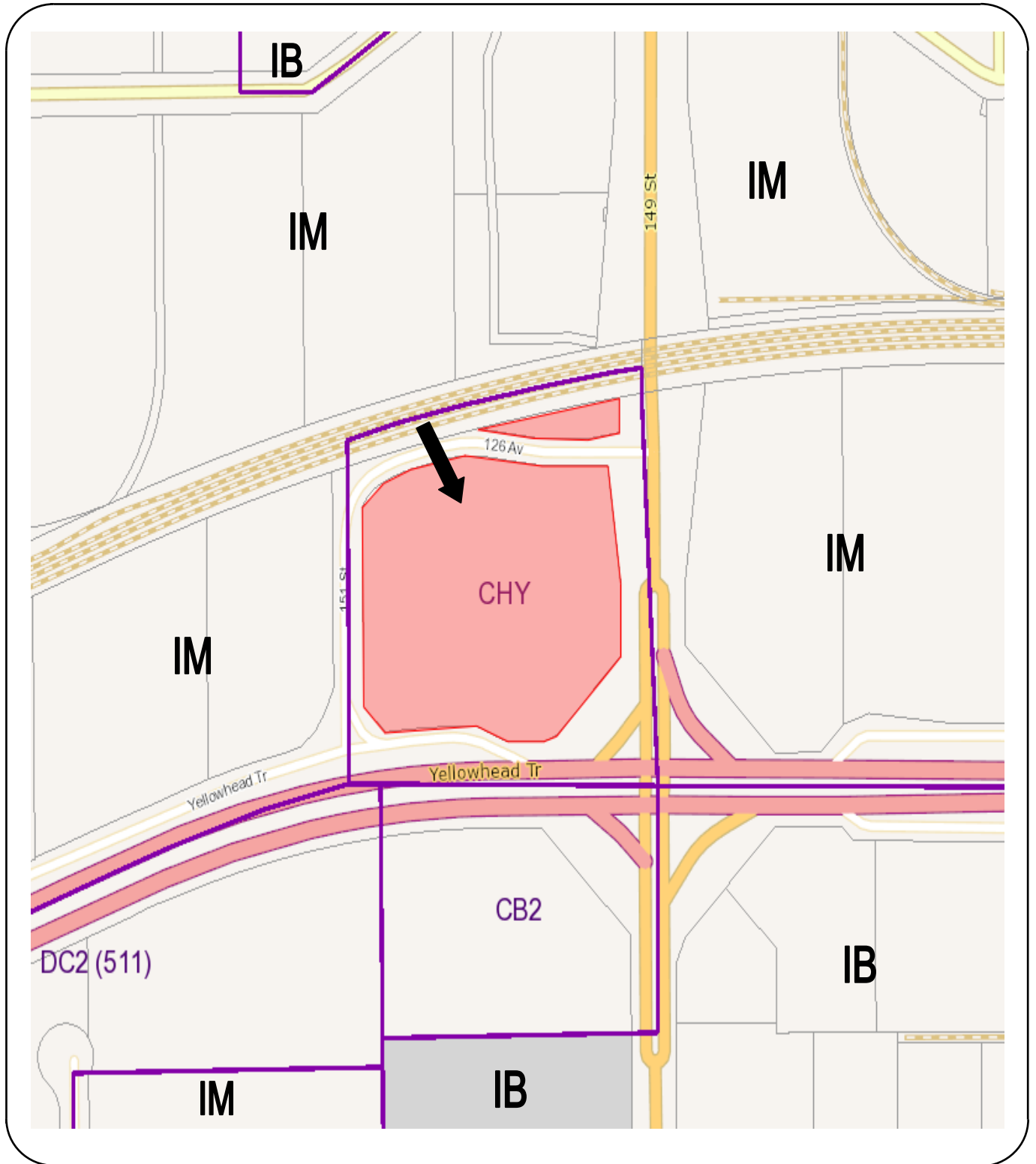
Rights of Appeal

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

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	06310270	Dec 02, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$458.00	\$458.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-020

