

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
February 3, 2016**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-16-043

To construct exterior alterations to an existing Single Detached House (Driveway extension, 1.80m x 5.59m and 0.80m x 5.59m), existing without permits

16715 - 61 Street NW
Project No.: 156452383-006

II 10:15 A.M. SDAB-D-16-044

To install 2 Fascia On-Premises Signs (Edmonton Southside Primary Care Network)

3110 - Calgary Trail NW, 3110 - Calgary Trail NW
Project No.: 183651022-001

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-16-043

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 156452383-006

ADDRESS OF APPELLANT: 16715 - 61 Street NW

APPLICATION TO: Construct exterior alterations to an existing Single Detached House (Driveway extension, 1.80m x 5.59m and 0.80m x 5.59m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 2, 2015

DATE OF APPEAL: January 6, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16715 - 61 Street NW

LEGAL DESCRIPTION: Plan 1323387 Blk 2 Lot 18

ZONE: RSL Residential Small Lot Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: McConachie Neighbourhood Structure Plan
Pilot Sound Area Structure Plan

Grounds for Appeal

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

I'm a builder and I build and sell houses to customers. The reason we made a larger driveway is that because the family has a large family so they needed a large driveway also we did this because some other houses were doing it too so we did it as well. They also wanted this so they wouldn't need to park on the road and both neighbours are fine with this. [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.

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,

The Board is advised that the decision of the Development Officer is dated November 2, 2015. The Notice of Appeal was filed on January 6, 2016.

Board Officer's Comments:

There is a Canada Post Registered Mail Delivery Confirmation signed by "Parshotam Dhaliwal" indicating he received the decision of the Development Authority on "November 9, 2016".

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Section 115.1, the **General Purpose** of the **RSL Residential Small Lot Zone** is to:

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

Pursuant to Section 115.2, **Single Detached Housing** is a **Permitted Use** in the **RSL Residential Small Lot Zone**.

Pursuant to Section 6.1(26), **"Driveway"** means "an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area."

Parking Spaces Cannot be in the Front Yard

Pursuant to Section 54.2(2)(e)(i) “parking spaces shall not be located within a front yard”.

Development Officer’s Determination:

1. The proposed concrete area shall not be considered a Driveway. Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area. (Reference Section 6.1.26) The proposed concrete extension on the left and right side of the property does not lead to an overhead garage door or parking area. [unedited]
2. Parking spaces shall not be located within the Front Yard. (Reference Section 54.2.2.e.i) [unedited]

Front Yard Shall be Landscaped

Pursuant to Section 55.4:

All open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer.

Pursuant to Section 6.1(55), “**Landscaping**” means:

6.1(55) Landscaping

55. **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:
- a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
 - b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
 - c) architectural elements such as decorative fencing, walls and sculpture;

Development Officer's Determination:

3. The Front Yard shall be landscaped. (Reference Section 55.4) Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- (a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- (b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- (c) architectural elements such as decorative fencing, walls and sculpture. (Reference Section 6.1.55) [unedited]

Maximum Driveway Width

Maximum Driveway Width is calculated pursuant to Section 54.1(4)(b) as follows:

- 4. The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:
 - a) a minimum width of 3.1 m; and
 - b) a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;

Development Officer's Determination:

4. For a Garage with two side-by-side parking spaces, the maximum width of the Driveway is 6.2m. (Reference 54.1.4.b) [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. 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: 156452383-006
Application Date: SEP 24, 2015
Printed: January 28, 2016 at 1:08 PM
Page: 1 of 2

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant

1744891 ALBERTA LTD
[Redacted]

Property Address(es) and Legal Description(s)

16715 - 61 STREET NW
Plan 1323387 Blk 2 Lot 18

Scope of Application

To construct exterior alterations to an existing Single Detached House (Driveway extension, 1.80m x 5.59m and 0.80m x 5.59m), existing without permits.

Permit Details

of Dwelling Units Add/Remove: 0
Client File Reference Number:
Minor Dev. Application Fee: Exterior Alterations (Res.)
Secondary Suite Included?: N

Class of Permit: (none)
Lot Grading Needed?: N
New Sewer Service Required: N
Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **156452383-006**
 Application Date: SEP 24, 2015
 Printed: January 28, 2016 at 1:08 PM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

Application to construct exterior alterations to an existing Single Detached House (Driveway extension, 1.80m x 5.59m and 0.08m x 5.59m), existing without permits, is refused for the following reasons:

1. The proposed concrete area shall not be considered a Driveway. Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area. (Reference Section 6.1.26) The proposed concrete extension on the left and right side of the property does not lead to an overhead garage door or parking area.
2. Parking spaces shall not be located within the Front Yard. (Reference Section 54.2.2.e.i)
3. The Front Yard shall be landscaped. (Reference Section 55.4) Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:
 - (a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
 - (b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
 - (c) architectural elements such as decorative fencing, walls and sculpture. (Reference Section 6.1.55)
4. For a Garage with two side-by-side parking spaces, the maximum width of the Driveway is 6.2m. (Reference 54.1.4.b)

NOTES:

1. Landscaping condition attached to Development Permit # 156452383-001 for the Single Detached House approval have not been fulfilled.
2. All Yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. (Reference 55.2(4)(b))
3. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

Rights of Appeal

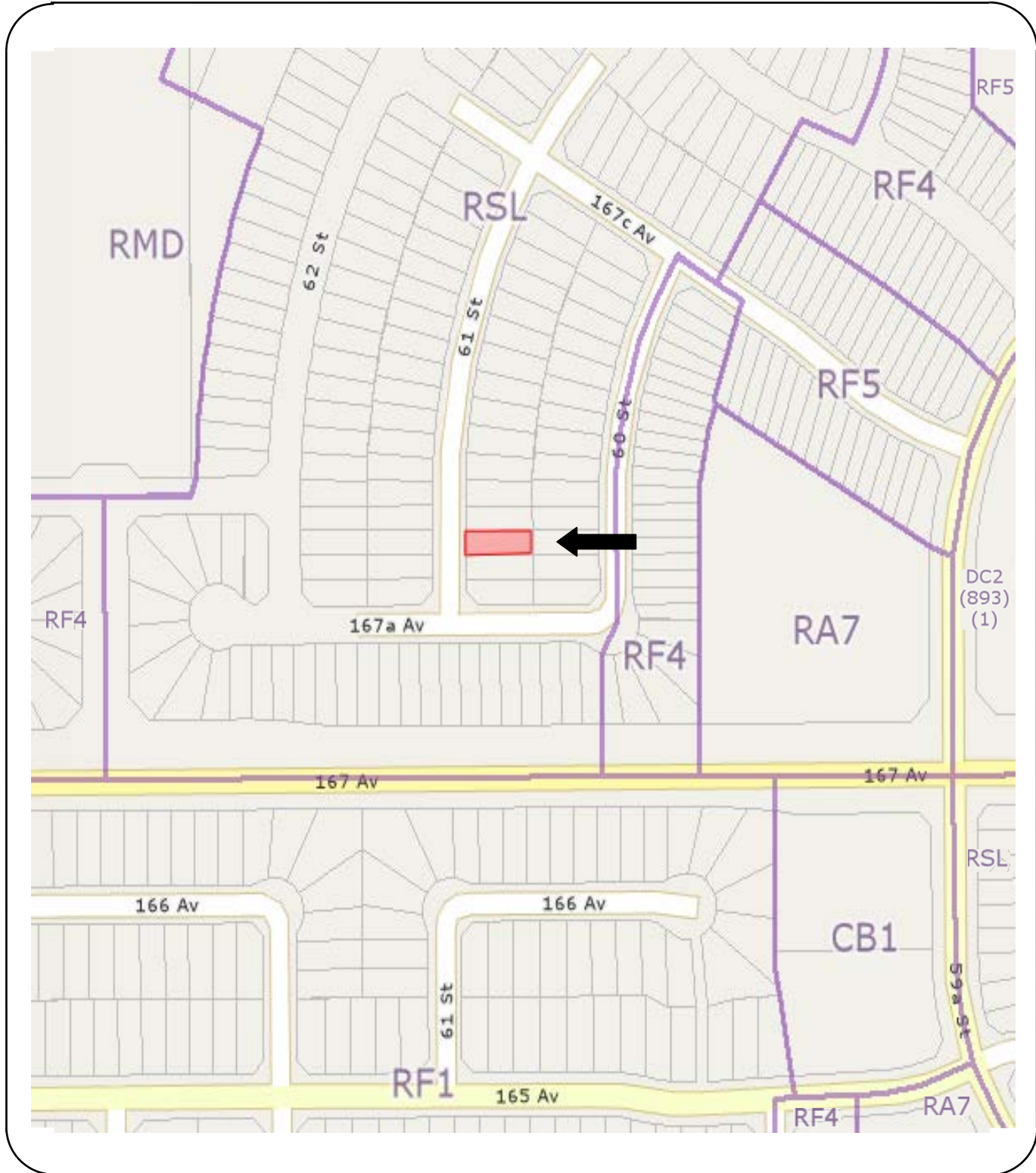
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 02, 2015 **Development Authority:** YEUNG, KENNETH **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$155.00	\$155.00	02771257	Sep 24, 2015
Existing Without Permit Penalty Fee	\$155.00	\$155.00	02771257	Sep 24, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$310.00	\$310.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-043



ITEM II: 10:15 A.M.

FILE: SDAB-D-16-044

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 183651022-001

ADDRESS OF APPELLANT: 3103 - 104 Street NW

APPLICATION TO: Install 2 Fascia On-Premises Signs (Edmonton Southside Primary Care Network)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 18, 2015

DATE OF APPEAL: January 11, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 3110 - Calgary Trail NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3110 - Calgary Trail NW

LEGAL DESCRIPTION: NE-5-52-24-4, Plan 5711KS Blk A

ZONE: DC2 Site Specific Development Control Provision

OVERLAY: None

STATUTORY PLANS IN EFFECT: None

Grounds for Appeal

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

The 6 foot by 18 foot LED sign will create unwanted light into my residential property, especially at night as my daughter's bedroom window faces the building/sign. It will also interfere with the

peaceful and dark enjoyment of using my backyard and hot tub (in the backyard) thus affecting my quality of life. The recent addition of 24 (6 feet by 8 feet) windows and 3 extremely bright security lights has already affected by privacy, enjoyment and property value and the LED sign will further exacerbate my concerns.

Questions regarding the LED sign:

There are multiple tenants going into this building and if this one sign is approved for the centre of the building, how many more signs could potentially be installed? (My property is 28 metres away from this enormous building).

Also, why isn't the sign being installed closer to Calgary Trail (further from the residential properties) instead of in the middle of the building? (There is extensive space available where the building juts in further east to have a sign installed in that location which would have less impact on my property).

Is the sign going to have motion or video or will it be a still image?

How bright is this sign going to be? What color will it be?

Will the sign be shut off during non-business hours in the evenings and on the weekends? [unedited]

<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.

685(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 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,

Designation of Direct Control Districts

641(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

The decision of the Development Officer is dated December 18, 2015. The Notice of Appeal was filed on January 11, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Part IV, Direct Control Provisions and Development Agreements, of the *Edmonton Zoning Bylaw*, the **General Purpose** of **Section DC2.11** of the **(DC2) Site Specific Development Control Provision** is:

To provide a Direct Control District for the creation of a Site Specific Commercial District for the lands between 104 Street and the residential portion of Steinhauer Neighbourhood, providing land use and development regulations to ensure minimum negative visual and noise impacts on adjacent residential properties.

Fascia On-Premises Signs

Sign Regulations in the DC2 Site Specific Development Control Provision are regulated by Section 79.7(7)(a) of ***Land Use Bylaw 5996***, which provides that:

- 7) Facia Signs
 - a) A Facia Sign shall not extend higher than the window sill of the third storey or, in the absence of such a window, 75 cm (2.5 ft.) above the floor of the third storey. The top of a Facia Sign on a one-storey building or two-storey building shall not extend more than 30 cm (12 in.) above the building roof or parapet wall. Any Facia Sign which extends over a public right-of-way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m (7.9 ft.).
 - b) A Facia Sign shall not extend more than 40 cm (16 in.) beyond a building wall.

c) Notwithstanding (a) above, Facia Signs which consist only of a company Logogram, or an Identification Sign formed of individual letters, shall be allowed above the first floor level. Not more than one such Sign shall be allowed per building face and the Sign shall only be used to identify the principal tenant of the building.

Section 2.7 of the *Edmonton Zoning Bylaw 12800* provides that:

Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

Development Officer's Determination:

Permanent Signs

The Sign is installed higher than the window sill of the second storey. The Sign is 4.1m higher than the window sill. (Section 79.7.7.a). [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. 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: **183651022-001**
 Application Date: DEC 01, 2015
 Printed: January 29, 2016 at 2:50 PM
 Page: 1 of 2

Application for Sign Combo Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

<p>Applicant</p> <p>CITY NEON LTD </p>	<p>Property Address(es) and Legal Description(s)</p> <p>3110 - CALGARY TRAIL NW NE-5-52-24-4 3110 - CALGARY TRAIL NW Plan 5711KS Blk A</p> <hr/> <p>Location(s) of Work</p> <p>Suite: 201, 3114 - CALGARY TRAIL NW Suite: 202, 3114 - CALGARY TRAIL NW Suite: 3110 - CALGARY TRAIL NW Entryway: 3110 - CALGARY TRAIL NW Entryway: 3114 - CALGARY TRAIL NW Building: 3110 - CALGARY TRAIL NW</p>
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Scope of Permit
 To install 2 Fascia On-Premises Signs (Edmonton Southside Primary Care Network).

<p>Permit Details</p> <p>Class of Permit: Class B Expiry Date: Num. Temp., Fascia or Temporary Signs: 2 Sign Permit Label No.: 5131</p>	<p>Construction Value: 13000 Num. of Freestanding, Projecting or Roof Signs: 0 Number of Additional Signs: Sign Type: Fascia On-Premises Sign</p>
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
 Approved

Subject to the Following Conditions

- 1) The proposed 2 Fascia Signs (Edmonton Southside Primary Care Network) shall comply in accordance to the approved plans submitted.
- 2) The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens. (Reference Section 59.2(4))

Advisements:

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Reference Section 5.2).

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **183651022-001**
 Application Date: DEC 01, 2015
 Printed: January 29, 2016 at 2:50 PM
 Page: 2 of 2

Application for Sign Combo Permit

Variations

Permanent Signs

The Sign is installed higher than the window sill of the second storey. The Sign is 4.1m higher than the window sill. (Section 79.7.7.a).

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Dec 18, 2015 Development Authority: MARTELLUZZI, ELIZABETH Signature: _____

Notice Period Begins: Dec 29, 2015 Ends: Jan 11, 2016

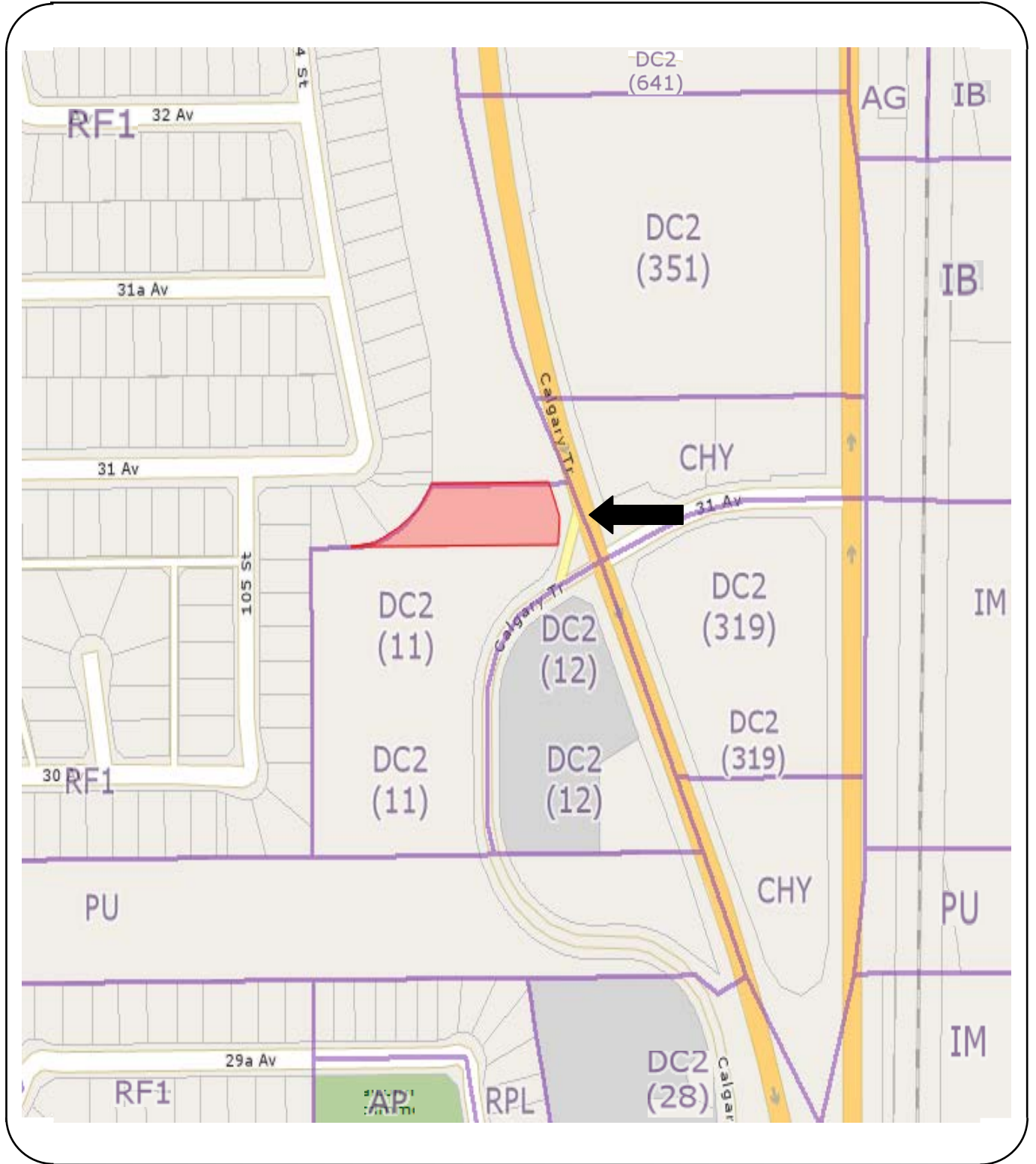
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00	\$100.00	02961105	Dec 18, 2015
Sign Development Application Fee	\$170.00	\$170.00	02928617	Dec 01, 2015
Safety Codes Fee	\$5.84	\$5.84	02928617	Dec 01, 2015
Sign Building Permit Fee	\$146.00	\$146.00	02928617	Dec 01, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$421.84	\$421.84		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-044



BUSINESS LAID OVER
BUSINESS LAID OVER

SDAB-D-16-001	An appeal to develop a Secondary Suite in the Basement of a Single Detached House, existing without permits. <i>February 4, 2016</i>
SDAB-D-15-252	An appeal to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <i>February 10 or 11, 2016</i>
SDAB-D-15-238	An appeal to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-16-022	An appeal to operate a Minor Alcohol Sales Use and to construct interior alterations. <i>February 19, 2016</i>
SDAB-D-15-285	An appeal to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <i>March 2 or 3, 2016</i>
SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

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