

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
January 15, 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-20-004 Install (1) Freestanding Minor Digital Off-Premises (OUTFRONT | FORT ROAD VICTORY CHURCH)
Requesting hearing date of January 29, 2020
13470 – Fort Road NW
Project No.: 145325409-004

II 10:30 A.M. SDAB-D-20-007 Construct exterior alterations to a Multi-unit Housing by constructing a patio canopy on the balcony of Suite 202
10303 - 111 Street NW
Project No.: 341786543-002

III 1:30 P.M. SDAB-D-20-008 Construct exterior alterations to a Single Detached House (new front Parking Area, 3.07m x 7.71m)
255 – Lynnwood Way NW
Project No.: 345245356-001

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-20-004

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 145325409-004

APPLICATION TO: Install (1) Freestanding Minor Digital Off-Premises (OUTFRONT | FORT ROAD VICTORY CHURCH)

Requesting hearing date of January 29, 2020

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 27, 2019

DATE OF APPEAL: December 17, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13470 – Fort Road NW

LEGAL DESCRIPTION: Plan 0840206 Blk 13 Lot 50

ZONE: (US) Urban Services Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

The digital sign has existed for 5 years with no ill effects from surrounding residents or community. The sign has no back face, and no backside light source so no light is projected backwards. Additionally there are trees located behind the sign face, further shielding residents from any light pollution.

The sign also provides support to the Church located on the property, in the form of free advertising of Church events and meals etc.

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,

- (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.

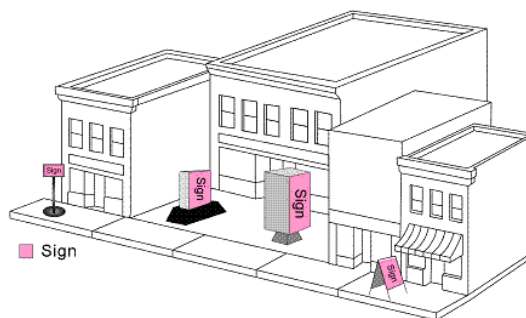
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 510.3(25), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **(US) Urban Services 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 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 510.4 states:

1. The minimum Front Setback shall be 6.0 m.
2. The minimum Rear Setback shall be 7.5 m.
3. The minimum Side Setback shall be 4.5 m.

Under section 6.1, **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

Section 510.1 states that the **General Purpose** of the **(US) Urban Services Zone** is “to provide for publicly and privately owned facilities of an institutional or community service nature.”

Section 510.4(6) states “Signs shall comply with the regulations found in Schedule 59C.”

<i>Schedule 59C</i>

Schedule 59C.3(4) states the following with respect to Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs:

- a. the maximum Height shall be 8.0 m;
- b. the maximum Width shall be 8.0 m;
- c. **the maximum Area shall be:**
 - i. 3.0 m², for proposed Signs that are Fascia Signs; or
 - ii. **8.0 m² for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20.0 m²;**
- d. 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 <u>8.0 m²</u> or Off-premises Signs
Greater than <u>8.0 m²</u> to less than <u>20 m²</u>	<u>100 m</u>
<u>20 m²</u> to <u>40 m²</u>	<u>200 m</u>
Greater than <u>40 m²</u>	<u>300 m</u>

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

- e. the top of proposed Signs that are Fascia Signs shall not extend more than 30 cm above the building roof or parapet wall;
- f. proposed Signs that are Fascia Signs shall have structural elements concealed from view;
- g. proposed Signs that are Fascia Signs shall not extend more than 40 cm out from the wall or structure and shall not extend beyond the horizontal limits of the wall;
- h. proposed Signs that are Fascia Signs extending over a public right-of-way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m; and
- i. **proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback;** and
- j. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

Development Officer’s Determination

1. the maximum Area shall be 8.0 m² for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m² (Section 59C.3(4)(ii)).

Proposed: 18.6 m² | Digital Exceeds by: 10.6 m²

2. Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback (59C.3(4)(i)).

Required: 6.0 m
Proposed: 4.53 m
Deficient By: 1.5 m

General (Sign) Provisions

Section 59.2(7) states:

For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

Development Officer's Determination

3. For all Sign Applications for Minor Digital Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment (Section 59.2(7)).

The proposed Freestanding Minor Digital Off-premises sign is located 12.2 m from the existing Apartment Building (6.51 m from shared property line). In the opinion of the Development Officer, the size and proximity of the Sign to the existing Multi-unit Housing will adversely impact the built environment.

Previous Subdivision and Development Appeal Board Decision


Application Number	Description	Decision
SDAB-D-14-197	Install a Freestanding Minor Digital Off-premises Sign	<p>August 7, 2014; that the appeal be ALLOWED and the DEVELOPMENT GRANTED subject to the following conditions:</p> <ol style="list-style-type: none"> 1. That the frequency of change in the Static Digital display cannot be less than 6 seconds with a 2 second transition (hold time). 2. That each Static Digital display shall contain a single advertising copy and that split screen advertising is not permitted. 3. The Minor Digital Off-premises Sign is approved for five years and will expire on August 7, 2019. 4. Due to its position, shape, colour, format or illumination, the proposed Minor Digital Off-premises Sign shall not obstruct the view of, or be confused with an official traffic sign, signal or device, as determined by the Development Officer in consultation with the City Engineer. 5. The proposed Minor Digital Off-premises Sign shall not display lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles. 6. The proposed Minor Digital Off-premises Sign shall not operate or employ any stereo' option or motion picture projection, or use holography. 7. The proposed Minor

		<p>Digital Off-premises Sign shall comply with the building Setback line of the area.</p> <p>8. The brightness of the proposed Minor Digital Off-premises Sign shall be adjustable and controlled relative to ambient light, to the satisfaction of Transportation Services.</p> <p>9. That should at any time, Transportation Services determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and/or addressing the concern in another manner acceptable to Transportation Services.</p> <p>10. That the owner/applicant must provide a written statement of the actions taken to mitigate a safety concern identified by Transportation Services within 30 days of the notification of the concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.</p> <p>11. The maximum allowable Height of the proposed Minor Digital Off-premises Sign shall not exceed 8.0 metres.</p> <p>12. That underground power be supplied to the proposed Minor Digital Off-premises Sign.</p> <p>Advisements:</p> <p>1. Should the Applicant wish to display video or any form of moving images on the sign,</p>
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		a new development application for a Major Digital Sign will be required. At that time, Transportation Services will require a safety review of the sign prior to supporting the application.
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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: 145325409-004 Application Date: AUG 12, 2019 Printed: December 18, 2019 at 8:13 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 13470 - FORT ROAD NW Plan 0840206 Blk 13 Lot 50	
Scope of Application To install (1) Freestanding Minor Digital Off-Premises (OUTFRONT FORT ROAD VICTORY CHURCH).		
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: Nov 27, 2019 Development Authority: MERCIER, KELSEY		
THIS IS NOT A PERMIT		



Application for Sign Combo Permit

Project Number: **145325409-004**
 Application Date: AUG 12, 2019
 Printed: December 18, 2019 at 8:13 AM
 Page: 2 of 2

Reason for Refusal

1. the maximum Area shall be 8.0 m² for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m² (Section 59C.3(4)(ii)).

Proposed: 18.6 m² | Digital
 Exceeds by: 10.6 m²

2. Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback (59C.3(4)(i)).

Required: 6.0 m
 Proposed: 4.53 m
 Deficient By: 1.5 m

3. For all Sign Applications for Minor Digital Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment (Section 59.2(7)).

The proposed Freestanding Minor Digital Off-premises sign is located 12.2 m from the existing Apartment Building (6.51 m from shared property line). In the opinion of the Development Officer, the size and proximity of the Sign to the existing Multi-unit Housing will adversely impact the built environment.

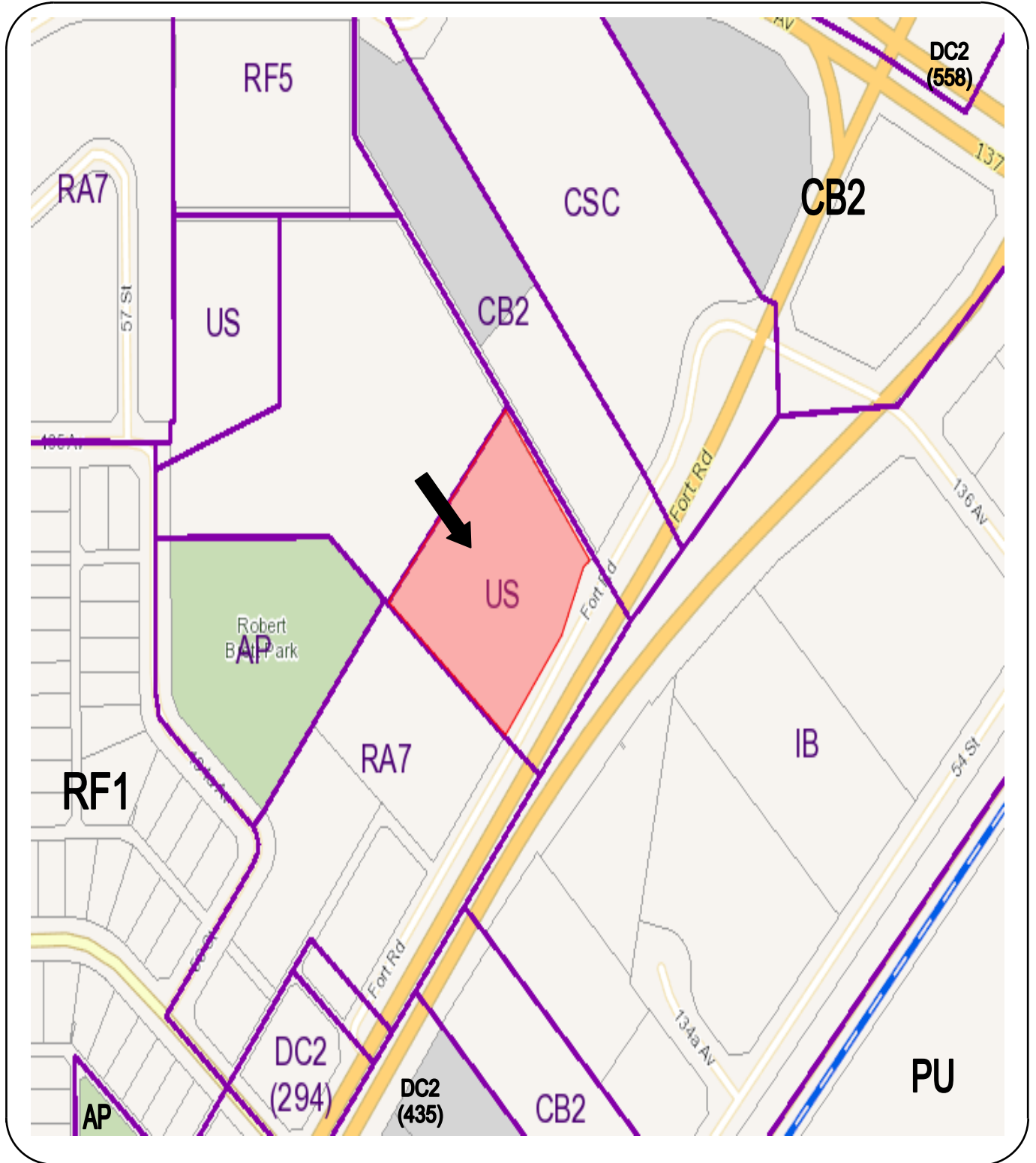
Rights of Appeal

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	06130242	Sep 10, 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-20-004



ITEM II: 10:30 A.M.

FILE: SDAB-D-20-007

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

APPELLANT:

APPLICATION NO.: 341786543-002

APPLICATION TO: Construct exterior alterations to a Multi-unit Housing by constructing a patio canopy on the balcony of Suite 202

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 28, 2019

DATE OF APPEAL: December 19, 2019

NOTIFICATION PERIOD: December 5, 2019 through December 26, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10303 - 111 Street NW

LEGAL DESCRIPTION: Condo Common Area (Plan 0322787,0326052,0620422,0928401)

ZONE: DC2.472 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Capital City Downtown Plan

Grounds for Appeal

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

I strongly go against this building having any enclosed patios, this is an upscale building and it will look horrible having random patches (enclosed patios) along the exterior. If this one permit is allowed then more will try to do it and it will change the whole exterior of the building.

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.

(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.

685(4) Despite subsections (1), (2) and (3), 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.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 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.

At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*.

In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

General Provisions from the *Edmonton Zoning Bylaw 12800*:

Section 3.2(1)(o) provides the following with respect to *Provisions for existing Development Permits and Direct Control Provisions*:

For the purpose of any Development Permit or Direct Control Provision:

...

- o. Apartment Housing is deemed to be Multi-unit Housing

...

General Provisions from the *DC2.472 Site Specific Development Control Provision*:

Under DC2.472.4(a)(i), **Apartment Housing** is a listed Use in the **DC2.472 District**.

DC2.472.1 states that the **General Purpose** of the **DC2.472 District** is:

To create a mixed housing district which includes row housing, low/medium/high rise apartment and limited commercial uses onto the Civic Space Corridor and 111 Street. These residential developments will provide an additional residential population within the Downtown and with unique open space corridor create a vibrant downtown community.

Class B Discretionary Development

Section 12.4(1) of the *Zoning Bylaw* states the following respect to *Class B Discretionary Development*:

This class includes all developments for which applications are required and are for a Discretionary Use or require a variance to any of the regulations of this Bylaw. This class of Development Permit also includes all applications on Sites designated Direct Control not noted in Section 12.3.

Development Officer's Determination

You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw. [unedited]

Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision
SDAB-D-19-064	To change the use from General Retail Stores to a Personal Service Shops and to construct interior and exterior alterations (new door into suite 108)	May 22, 2019; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as approved by the Development Authority with the CONDITIONS imposed.
SDAB-D-07-236	Construct an additional storey (loft) to an Apartment House (Alta Vista South tower)	September 28, 2007; that the appeal be DENIED and the DEVELOPMENT REFUSED.
SDAB-D-04-147	Construct two Apartment Houses (2 towers with a total of 174 dwellings and two accessory guest sleeping suites; Altavista Twin Towers)	July 9, 2004; that the appeal be DENIED and the DEVELOPMENT GRANTED subject to 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.



Project Number: **341786543-002**
 Application Date: SEP 23, 2019
 Printed: November 28, 2019 at 10:36 AM
 Page: 1 of 2

Major Development Permit

This document is a record of a Development 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.

Applicant	Property Address(es) and Legal Description(s) 10303 - 111 STREET NW Condo Common Area (Plan 0322787,0326052,0620422,0928401)
	Specific Address(es) Suite: 202, 10319 - 111 STREET NW Entryway: 10303 - 111 STREET NW Building: 10303 - 111 STREET NW

Scope of Permit
 To construct exterior alterations to a Multi-unit Housing by constructing a patio canopy on the balcony of Suite 202.

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): 547.55	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Downtown

I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved

Issue Date: Nov 28, 2019 **Development Authority:** ANGELES, JOSELITO

Subject to the Following Conditions
 Note: The proposed development complies with the Zoning Bylaw and there are no variances to development regulations.

This Development Permit authorizes the proposed development of exterior alterations to a Multi-unit Housing by constructing a patio canopy on the balcony of Suite 202.

The Site shall be developed in accordance with the stamped, signed, and conditionally approved drawings.

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21. (Reference Section 17.1)

Lighting shall be directed away from the residential areas and from adjacent roadways. (Reference Section DC2.472.5.o)

Immediately upon completion of the exterior alterations, the site shall be cleared of all debris.



Project Number: **341786543-002**
 Application Date: SEP 23, 2019
 Printed: November 28, 2019 at 10:36 AM
 Page: 2 of 2

Major Development Permit

Subject to the Following Advise ments

Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

Signs require separate Development Applications.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

Variances

You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

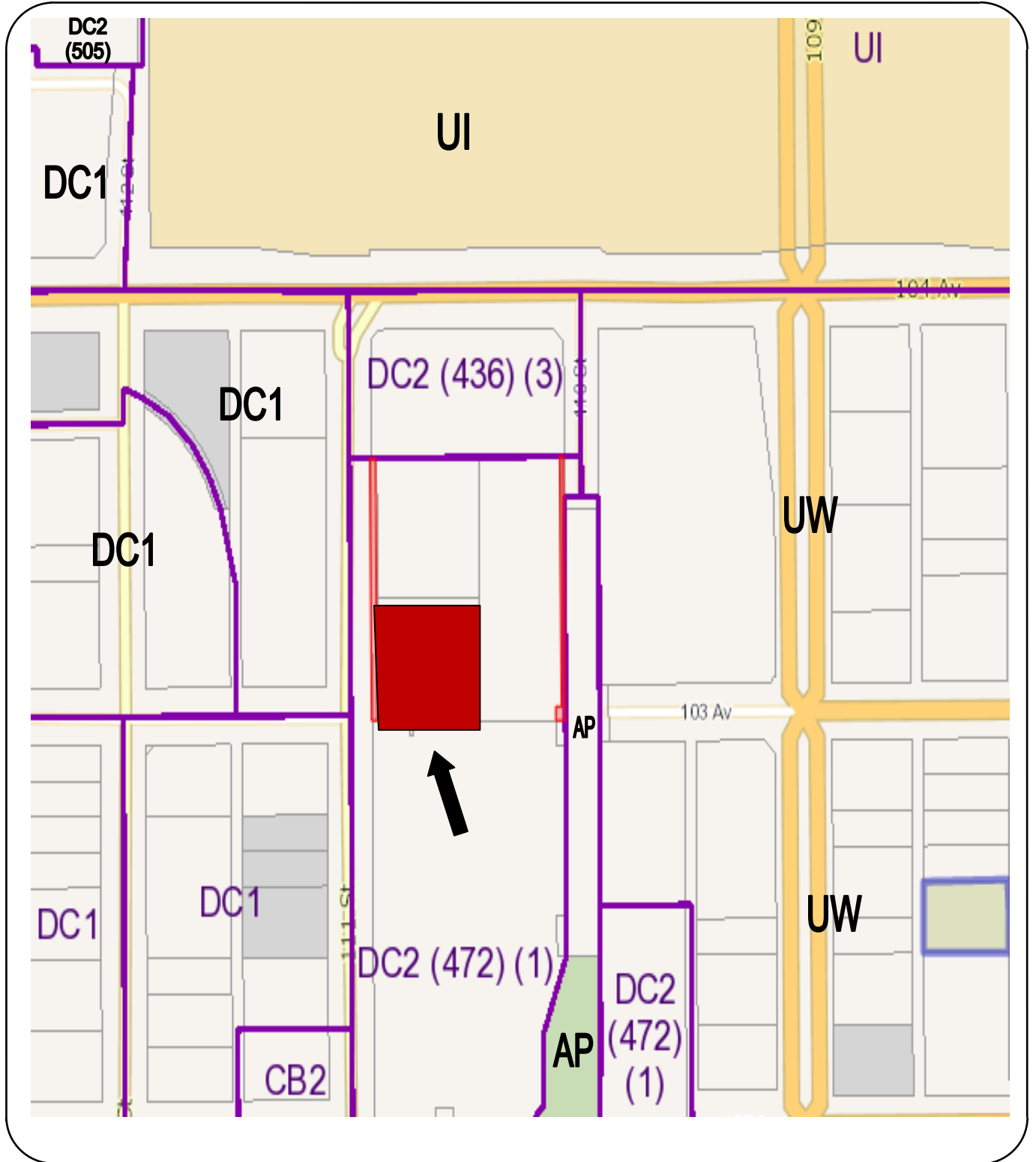
Rights of Appeal

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

Notice Period Begins: Dec 05, 2019 **Ends:** Dec 26, 2019

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$368.00	\$368.00	06217125	Oct 16, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$368.00	\$368.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-007



ITEM III: 1:30 P.M.

FILE: SDAB-D-20-008

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 345245356-001

APPLICATION TO: Construct exterior alterations to a Single Detached House (new front Parking Area, 3.07m x 7.71m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 3, 2019

DATE OF APPEAL: December 19, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 255 – Lynnwood Way NW

LEGAL DESCRIPTION: Plan 4839KS Blk 5 Lot 22

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Development Permit for a concrete parking pad was refused. Copy of plan provided and explanation of reasons to be provided / discussed at hearing.

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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 - (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;
- (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*:

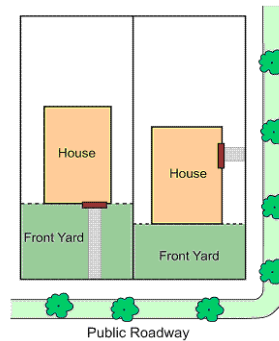
Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

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

Under section 6.1, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1, **Front 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, **Garage** means “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

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

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

Section 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.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Driveway Access

Section 814.3(17) states “Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue.”

Development Officer’s Determination

Vehicular Access - Where the Site Abuts a Lane, vehicular access shall be from the Lane (Section 814.3.17).

Proposed: The vehicular access is located off of Lynnwood Way.
[unedited]

Location of Vehicular Parking Facilities

Section 54.2(2)(e) states:

...

- e. Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following:

i. parking spaces shall not be located within a Front Yard in a Residential Zone;

ii. ...

...

Development Officer's Determination

Parking - Parking spaces shall not be located within a Front Yard in a Residential Zone. (Section 54.2.2.e.i)

Proposed: The parking space is located within the Front Yard.
[unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), 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 sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); 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 Sections 11.3 and 11.4.

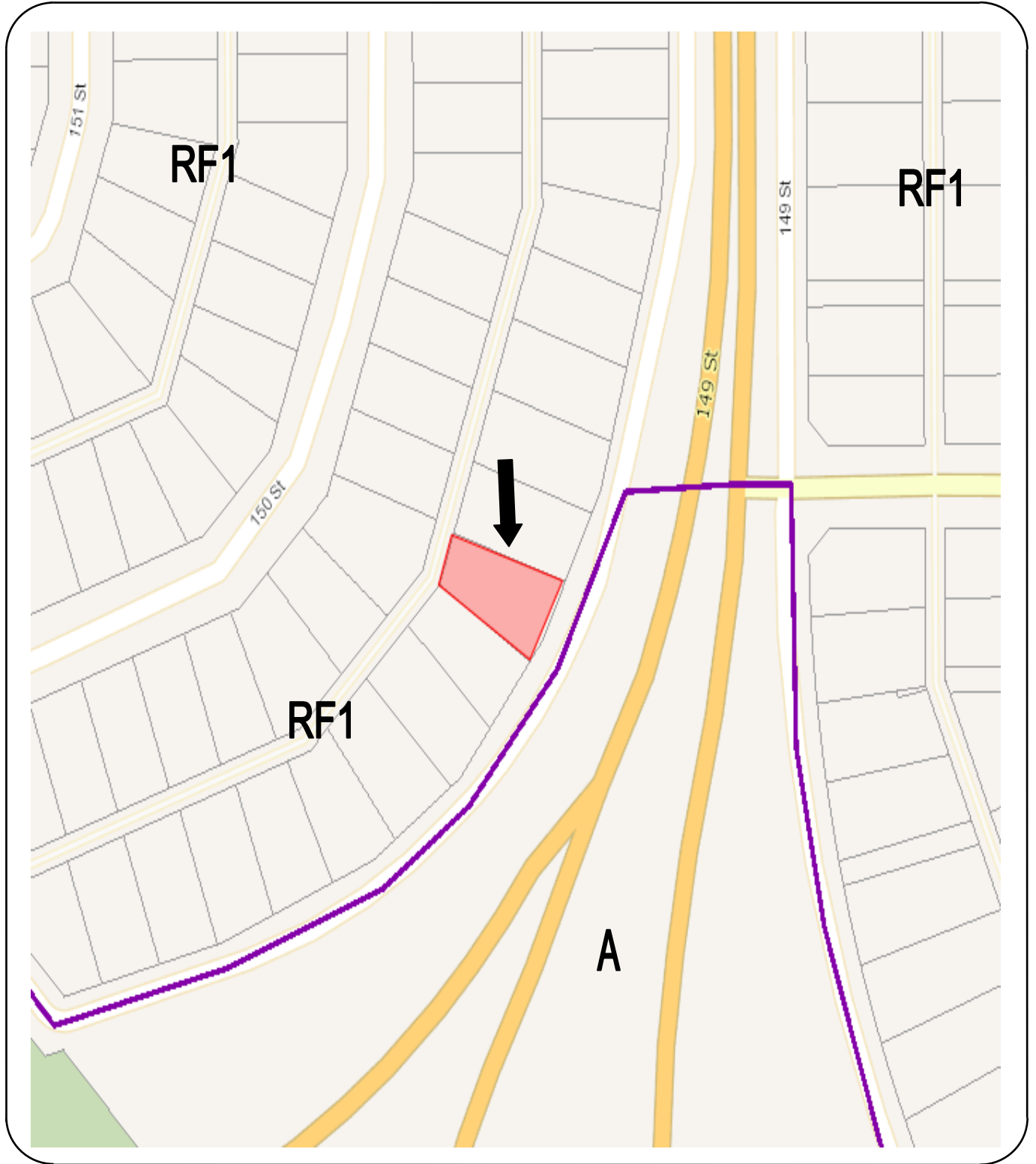
Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(17) – Driveway Access

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>	Project Number: 345245356-001 Application Date: OCT 31, 2019 Printed: December 3, 2019 at 4:40 PM Page: 1 of 1		
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 255 - LYNNWOOD WAY NW Plan 4839KS Blk 5 Lot 22			
	Location(s) of Work Entryway: 255 - LYNNWOOD WAY NW Building: 255 - LYNNWOOD WAY NW			
Scope of Application To construct exterior alterations to a Single Detached House (new front Parking Area, 3.07m x 7.71m).				
Permit Details				
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 611.85			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused Issue Date: Dec 03, 2019 Development Authority: PAYNE, KYLE Reason for Refusal Vehicular Access - Where the Site Abuts a Lane, vehicular access shall be from the Lane (Section 814.3.17). Proposed: The vehicular access is located off of Lynnwood Way. Parking - Parking spaces shall not be located within a Front Yard in a Residential Zone. (Section 54.2.2.e.i) Proposed: The parking space is located within the Front Yard. 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				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$173.00	\$173.00	06250274	Oct 31, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$173.00	\$173.00		
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-008

