

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Wednesday, 9:00 A.M.**  
**January 20, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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**TO BE RAISED**

I 9:00 A.M. SDAB-D-20-165

Cease the Use (parking) immediately AND remove the concrete driveway ie. hard surfacing extensions at all unapproved locations on site (located in appendix A) and return to landscaping which can be seeded or sodded, and may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens by November 09, 2020.

12212 - 95A Street NW  
Project No.: 282974836-001

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**TO BE RAISED**

II 10:30 A.M. SDAB-D-20-174

Construct exterior alterations to a Garden Suite (changed windows sizes/ location, change exterior finishes and balcony size), existing without permits

11623 - 73 Avenue NW  
Project No.: 325287912-001

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**TO BE RAISED**

III 1:30 P.M. SDAB-D-21-015

Install (1) Fascia On-Premises Sign (COSMEDICS)

11723 - Jasper Avenue NW  
Project No.: 377898015-002

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**NOTE:** *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

**TO BE RAISED**

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-165

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 282974836-001

ORDER TO: 1. Cease the Use (parking) immediately.

AND

2. Remove the concrete driveway ie. hard surfacing extensions at all unapproved locations on site (located in appendix A) and return to landscaping which can be seeded or sodded, and may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens by November 09, 2020.

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: October 19, 2020

DATE OF APPEAL: November 2, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12212 - 95A Street NW

LEGAL DESCRIPTION: Plan 4725S Blk 28 Lot 4

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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*Grounds for Appeal*

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

Greetings,

We wish to file an appeal to the above referenced notice number and address due to the following reasons:

- When a permit was attempted to be obtained, it was noted by Robert at the City of Edmonton that a permit was not required for development of the driveway
- From the City, their original drawings included the driveway, therefore a permit was not required
- Unfortunately, it has not been possible to arrange counsel meeting, gather additional information and obtain letters from neighbours to assist with the appeal

Due to the miscommunication, we are seeking an appeal to be approved for the driveway that has been placed.

<i>General Matters</i>
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**On December 4, 2020, the Subdivision and Development Appeal Board made and passed the following motion:**

**“SDAB-D-20-165 is postponed until January 20 or 21, 2021.”**

**Appeal Information:**

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

**Stop order**

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

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

the development authority may act under subsection (2).

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

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

within the time set out in the notice.

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

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

#### **Permit**

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

#### **Grounds for Appeal**

**685(1)** If a development authority

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

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

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

#### **Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
  - or
  - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (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 140.2(8), **Single Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

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.”

Section 54.2(2)(e)(i) states “Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following: parking spaces shall not be located within a Front Yard in a Residential Zone.”

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

***Previous Subdivision and Development Appeal Board Decision***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-20-060	Construct exterior alterations to a Single Detached House (to remove an attached garage, 3.1m x 6.26m, and Driveway extension, 3.10m x 10.64m), existing without permits, and to maintain the existing driveway access to 95A Street	June 4, 2020; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is REFUSED.

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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.

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City of Edmonton  
Development and Zoning Services  
Development Compliance & Inquiries

2nd Floor, Edmonton Tower  
10111 104 Avenue NW  
Edmonton, AB T5J 0J4  
Canada  
  
[edmonton.ca/developmentcompliance](http://edmonton.ca/developmentcompliance)

October 19, 2020

Our File: 282974836-001

**MUNICIPAL GOVERNMENT ACT ORDER**

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 12212 95A Street in Edmonton, Alberta, legally described as Plan 4725S Block 28 Lot 4.

This Property was inspected by Development Compliance Officer Rachelle Fraser, on October 15, 2020. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

**ZONING BYLAW INFRACTION:**

This property is zoned (RF3) Small Scale Infill Development Zone in accordance with Section 140 of Edmonton Zoning Bylaw 12800. Our investigation revealed that you have developed a hard surface portion of the required Front Yard of this residential property location for which, according to the records of the City of Edmonton, no Development Permit has been issued.

Edmonton Zoning Bylaw 12800 Section 54.22(2)(e)(i):

Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following: parking spaces shall not be located within a Front Yard in a Residential Zone;

Edmonton Zoning Bylaw 12800 Section 814.3.17:

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.

**ORDER:**

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, you are hereby ordered to:

1. Cease the Use (parking) immediately.

AND

2. Remove the concrete driveway ie. hard surfacing extensions at all unapproved locations on site (located in appendix A) and return to landscaping which can be seeded or sodded, and may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens by November 09, 2020.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after November 09, 2020 to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within the prescribed time to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-944-5975.

Regards,

Rachelle Fraser  
Development and Zoning  
Development Services  
Phone Number: 780-944-5975  
Email Address: [rachelle.fraser@edmonton.ca](mailto:rachelle.fraser@edmonton.ca)

**Adding Amounts  
Owing to tax roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
  - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
  - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
  - (d), (e) repealed 1999 c11 s35;
  - (f) costs associated with tax recovery proceedings related to the parcel;
  - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
  - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
  - (h) Unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Bo
  - (h.1) the expenses and costs of carrying out an order under section 646;
    - (i) any other amount that may be added to the tax roll under an enactment.

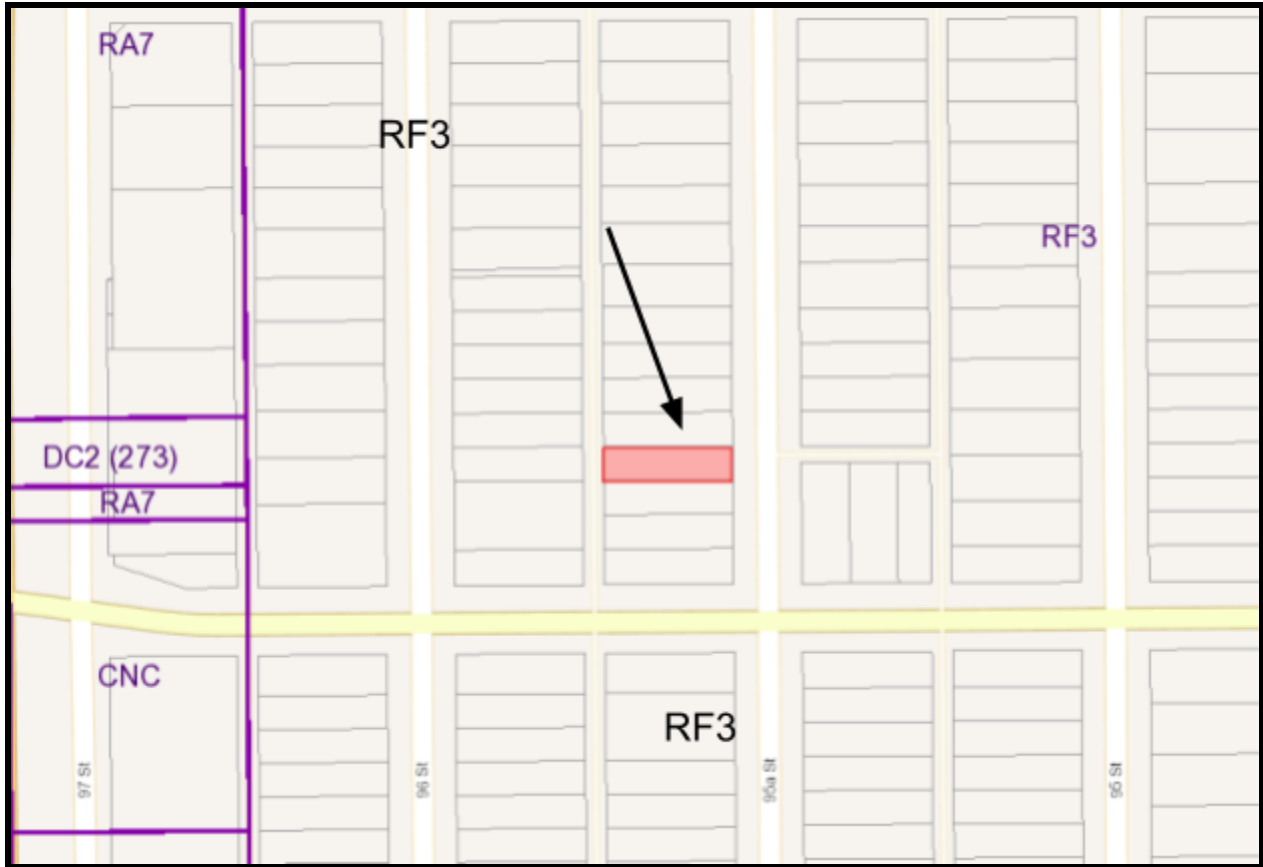
**Stop order**

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
  - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
  - (b) demolish, remove or replace the development, or
  - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,
- within the time set out in the notice.
- (2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

<b>Enforcement of stop order</b>	<p><b>646(1)</b> If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.</p> <p><b>(2)</b> A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.</p> <p><b>(3)</b> If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.</p>
<b>Permit</b>	<p><b>683</b> Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.</p>
<b>Grounds for appeal</b>	<p><b>685(1)</b> If a development authority</p> <ul style="list-style-type: none"> <li>(a) fails or refuses to issue a development permit to a person,</li> <li>(b) issues a development permit subject to conditions, or</li> <li>(c) issues an order under section 645,</li> </ul> <p>the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.</p> <p><b>(2)</b> 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.</p> <p><b>(3)</b> Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).</p> <p><b>(4)</b> Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district</p> <ul style="list-style-type: none"> <li>(a) is made by a council, there is no appeal to the subdivision and development appeal board, or</li> <li>(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.</li> </ul>
<b>Appeals</b>	<p><b>686(1)</b> A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board</p> <ul style="list-style-type: none"> <li>(a) in the case of an appeal made by a person referred to in section 685(1) <ul style="list-style-type: none"> <li>(i) with respect to an application for a development permit, <ul style="list-style-type: none"> <li>(A) within 21 days after the date on which the written decision is given under section 642, or</li> <li>(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,</li> </ul> </li> </ul> </li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,</li> </ul>

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.
- (2)** The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3)** The subdivision and development appeal board must give at least 5 days notice in writing of the hearing
  - (a) to the appellant,
  - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
  - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4)** The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
  - (a) the application for the development permit, the decision and the notice of appeal, or
  - (b) the order under section 645.
- (4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-165

▲  
**N**

**TO BE RAISED**

**ITEM II: 10:30 A.M.**

**FILE: SDAB-D-20-174**

**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER**

APPELLANT:

APPLICATION NO.: 325287912-001

APPLICATION TO: Construct exterior alterations to a Garden Suite (changed windows sizes/ location, change exterior finishes and balcony size), existing without permits

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: October 19, 2020

DATE OF APPEAL: November 17, 2020

NOTIFICATION PERIOD: October 27, 2020 through November 17, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 11623 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 2938HW Blk 10 Lots 29-30

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan / Belgravia Station Area Redevelopment Plan

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***Grounds for Appeal***

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

I have very great concerns regarding the number of windows that were not on plans provided to the City planning dept. AND the size of the windows. I have emails with the City Planning Dept dating back to Sept 15/ 2016. I also have file #'s relating to the Garden Suite that was built without permits.

***General Matters***

**On December 15, 2020, the Subdivision and Development Appeal Board made and passed the following motion:**

**“SDAB-D-20-165 is postponed until January 20 or 21, 2021.”**

**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 clause (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(2), **Garden Suite** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(2), **Garden Suite** means:

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, or Blatchford Lane Suites.

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

<b><i>Garden Suites - Façades</i></b>
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Section 87.15 states:

In order to reduce perceived building mass, Façades shall be articulated to the satisfaction of the Development Officer through two or more of the following:

- a. projection or recession of portions of the façade;
- b. projecting architectural features;
- c. platform structures;
- d. use of two or more exterior finishing materials;
- e. variation in rooflines;
- f. entrance features oriented toward the public roadway, including a Lane;
- g. glazing or windows on the ground floor covering a minimum of 50% of the width of a facade that faces a public roadway, including a Lane;
- h. dormers; or
- i. window trim with a minimum width of 0.075 m.

Under section 6.1, **Façade** means:

the exterior outward face of a building. Typically, the façade of interest is that surface that serves as the front of that building and faces a building's primary street. Buildings on the corner of two streets or a street and an alley present two public façades.

**Development Officer's Determination**

**Elevation changes - To reduce building massing, the side elevation of the Garden Suite shall have design features (Section 87.15)**

[unedited]

***Previous Subdivision and Development Appeal Board Decision***


<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-16-297	Construct a 2 Storey Accessory Building (Garage Suite on second floor, Garage on main floor, 10.36 metres by 6.81 metres), existing without permits	December 8, 2016; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED with CONDITIONS / ADVISEMENTS


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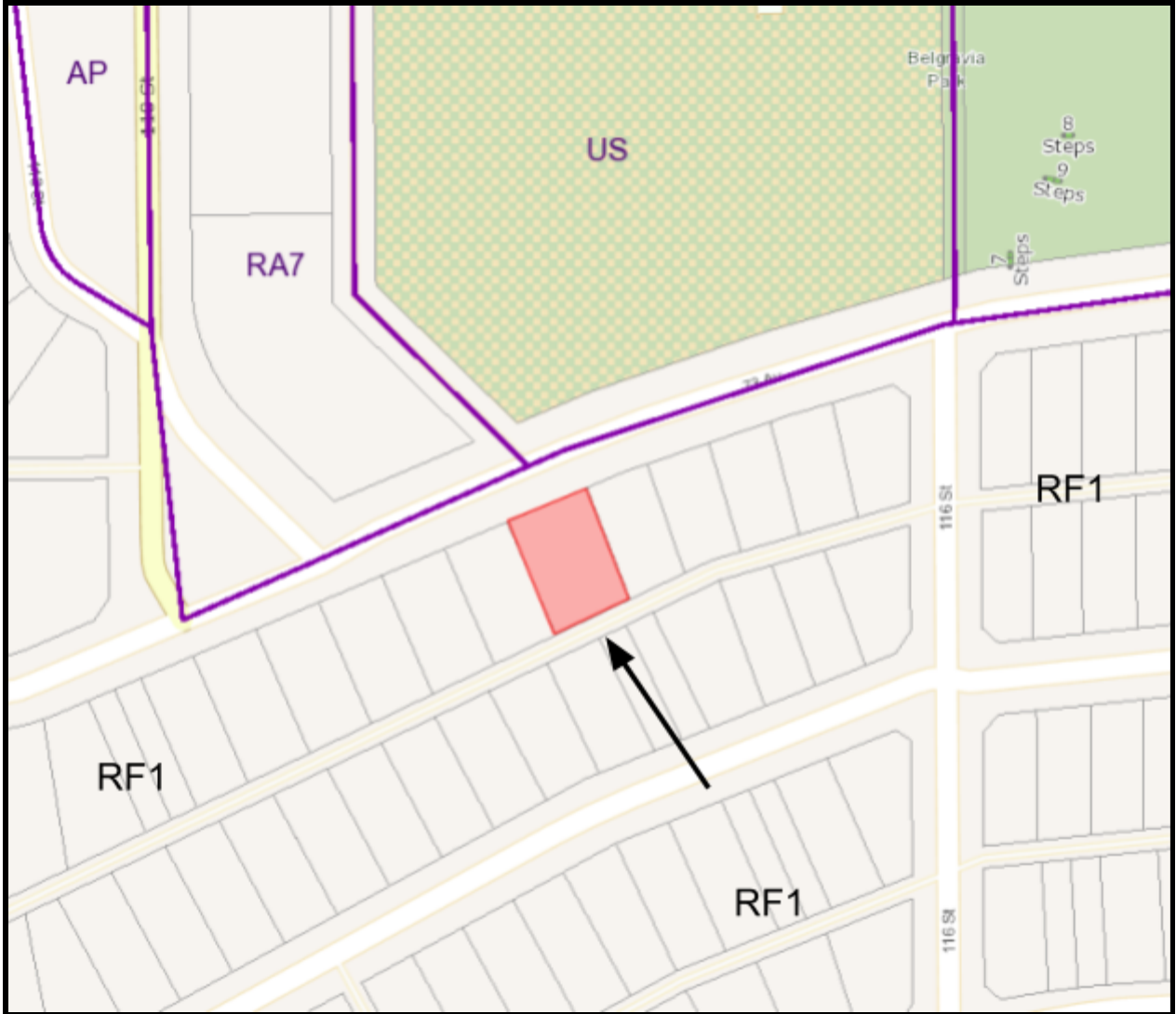
Notice to Applicant/Appellant

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.

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	Project Number: <b>325287912-001</b> Application Date: JUL 12, 2019 Printed: October 19, 2020 at 10:20 AM Page: 1 of 2		
<h2>Alterations Permit</h2>			
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.			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 11623 - 73 AVENUE NW Plan 2938HW Blk 10 Lots 29-30  <b>Location(s) of Work</b> Suite: 11623 - 73 AVENUE NW Entryway: 11623 - 73 AVENUE NW Building: 11623 - 73 AVENUE NW		
<b>Scope of Permit</b> To construct exterior alterations to a Garden Suite (changed windows sizes/ location, change exterior finishes and balcony size), existing without permits.			
<b>Permit Details</b>  <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">                     Class Of Permit: Class B                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> <td style="width: 50%;">                     Site Area (sq. m.): 809.51                 </td> </tr> </table>		Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 809.51
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 809.51		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Oct 19, 2020 <b>Development Authority:</b> BAUER, KERRY  <b>Subject to the Following Conditions</b> This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1).  This Development Permit authorizes the development of Exterior Alterations to a Garden Suite (changed windows sizes/ location, change exterior finishes and balcony size), existing without permits.  The development shall be constructed in accordance with the stamped and approved drawings.  Immediately upon completion of the exterior alterations, the site shall be cleared of all debris.  As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Section 57.3.1).  <b>ADVISEMENTS:</b>  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 including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2).  Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.  Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.			
<b>Variations</b> Elevation changes - To reduce building massing, the side elevation of the Garden Suite shall have design features (Section 87.15)			

	Project Number: <b>325287912-001</b> Application Date: JUL 12, 2019 Printed: October 19, 2020 at 10:20 AM Page: 2 of 2																																								
<h2 style="margin: 0;">Alterations Permit</h2>																																									
<p><b>Rights of Appeal</b>                  This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.  <b>Notice Period Begins:</b> Oct 27, 2020      <b>Ends:</b> Nov 17, 2020</p>																																									
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**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←      **File: SDAB-D-20-174**      ▲  
**N**

**TO BE RAISED**

**ITEM III: 1:30 P.M.**

**FILE: SDAB-D-21-015**

**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER**

APPELLANT:

APPLICATION NO.: 377898015-002

APPLICATION TO: Install (1) Fascia On-Premises Sign (COSMEDICS)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: December 9, 2020

DATE OF APPEAL: December 17, 2020

NOTIFICATION PERIOD: December 15, 2020 through January 5, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11723 - Jasper Avenue NW

LEGAL DESCRIPTION: Plan 7004ET Blk 17 Lot C

ZONE: DC1 – Direct Development Control Provision (Area 8 of the Oliver Area Redevelopment Plan)

OVERLAY: N/A

STATUTORY PLAN: Oliver Area Redevelopment Plan

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***Grounds for Appeal***

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



The Sign and the lights encroach on the complainants property.

The company represented on the sign does not have a sales outlet on the property.

Complainant has a sign on the property that has to be removed because of the Jasper Image Project.

The complainant tried to have a replacement sign approved for their business on the same exposure and was told it will not be approved.

The Applicant did not disclose on the application that it was a lit sign.

A condition necessary on any approval that the sign company obtains permission to use the complainants property for installation of the sign.

<i>General Matters</i>
------------------------

**The Subdivision and Development Appeal Board at a hearing on December 17, 2020, made and passed the following motion:**

**“The hearing will be scheduled on January 20, 2021.”**

**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.

**General Provisions from the DC1 – Direct Development Control Provision (Area 8 of the Oliver Area Redevelopment Plan) (“DC1”):**

Under section 15.9.3(qq), a **Fascia On-premises Sign** is a **Listed Use** in the **DC1**.

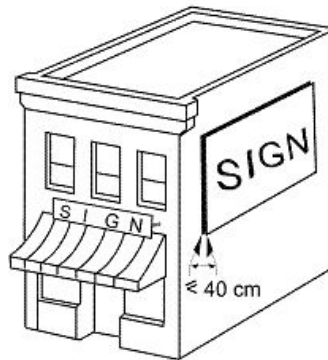
Section 15.9.2 states that the **Rationale** of the **DC1** is:

To provide for a range of uses, with the objective of promoting the continuing development of a pedestrian oriented commercial strip in terms of land use activities and design elements. The district also provides opportunity for the inclusion of residential uses above the ground floor level.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 7.9(2), **Fascia On-premises Signs** means “a Fascia Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

Under Section 6.2, **Fascia Signs** means a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



***Sign Regulations***

Section 15.9.4(o) of the DC1 states:

- o) Signs shall be developed in accordance with Schedule 59F.

Section 59F.2(1) states the following:

1. Fascia On-premises Signs shall be subject to the following regulations:
  - a. **Fascia On-premises Signs shall only face a public roadway other than a Lane;**

- b. any Fascia On-premises Sign shall not extend higher than 75 cm above the floor of the third Storey. The top of a Fascia On-premises Sign on a one Storey building or two Storey building shall not extend more than 30 cm above the building roof or parapet wall;
- c. any Fascia On-premises Sign that extends over a public right-of way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m; and
- d. Fascia On-premises Signs may be illuminated.

**Development Officer’s Determination**

1) Section 59F.2(1)(a): To allow the sign to face the adjacent site, rather than facing a public roadway.

[unedited]



<b><i>Previous Subdivision and Development Appeal Board Decisions</i></b>
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<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-20-052	Change the Use from Specialty Food Services to a Nightclub (97.5 square metres Public Space, VIBE).	May 13, 2020; The appeals are DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as approved by the Development Authority.
SDAB-D-01-081	Construct interior alterations and to operate a Restaurant (Woody's Cafe)	October 12, 2001;  that the appeal be ALLOWED and the development GRANTED and the deficiency in required parking be permitted subject to the following condition:  1. Eight on site parking stalls be provided to the rear of the development.

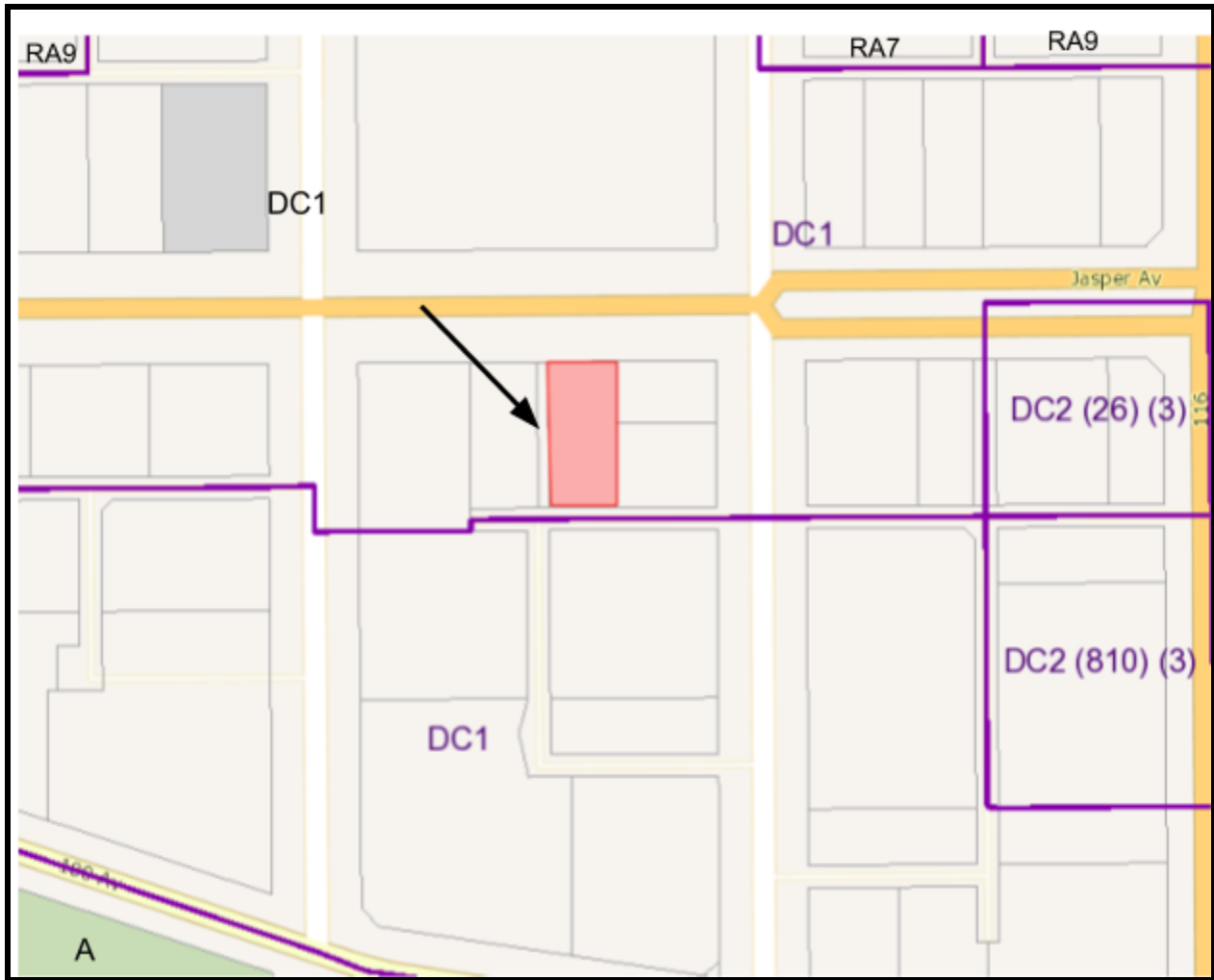
Notice to Applicant/Appellant

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.

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	Project Number: <b>377898015-002</b> Application Date: NOV 10, 2020 Printed: December 9, 2020 at 8:50 AM Page: 1 of 2		
<h2>Application for Sign Permit</h2>			
<p>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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>			
<p><b>Applicant</b></p> 	<p><b>Property Address(es) and Legal Description(s)</b>                  11723 - JASPER AVENUE NW                  Plan 7004ET Blk 17 Lot C</p> <p><b>Location(s) of Work</b>                  Suite: 2FL, 11723 - JASPER AVENUE NW                  Entryway: 11723 - JASPER AVENUE NW                  Building: 11723 - JASPER AVENUE NW</p>		
<p><b>Scope of Application</b>                  To install (1) Fascia On-Premises Sign (COSMEDICS).</p>			
<p><b>Permit Details</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">                     ASA Sticker No./Name of Engineer: 8090                      Construction Value: 300                 </td> <td style="width: 50%;">                     Class of Permit: Class B                      Expiry Date:                 </td> </tr> </table>		ASA Sticker No./Name of Engineer: 8090 Construction Value: 300	Class of Permit: Class B Expiry Date:
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<p>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</p>	<p>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</p>		
<p><b>Development Permit Decision</b>                  Approved</p> <p><b>Issue Date:</b> Dec 09, 2020 <b>Development Authority:</b> NOORMAN, BRENDA</p> <p><b>Subject to the Following Conditions</b></p> <ol style="list-style-type: none"> <li>The proposed Sign shall comply in accordance with the approved plans submitted.</li> <li>The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens (Reference Section 59.2(4)).</li> </ol> <p><b>ADVISEMENTS:</b>                  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 including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2).</p> <p><b>Variances</b></p> <ol style="list-style-type: none"> <li>Section 59F.2(1)(a): To allow the sign to face the adjacent site, rather than facing a public roadway.</li> </ol> <p><b>Rights of Appeal</b>                  This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p>			
<p><b>THIS IS NOT A PERMIT</b></p>			

	<h2>Application for Sign Permit</h2>	<p>Project Number: <b>377898015-002</b> Application Date: NOV 10, 2020 Printed: December 9, 2020 at 8:50 AM Page: 2 of 2</p>													
<p><b>Notice Period Begins:</b> Dec 15, 2020      <b>Ends:</b> Jan 05, 2021</p>															
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<p>Sign Development Application Fee Total GST Amount: Totals for Permit:</p>	<table><thead><tr><th>Fee Amount</th></tr></thead><tbody><tr><td>\$96.00</td></tr><tr><td>\$0.00</td></tr><tr><td><hr/>\$96.00</td></tr></tbody></table>	Fee Amount	\$96.00	\$0.00	<hr/> \$96.00	<table><thead><tr><th>Amount Paid</th><th>Receipt #</th></tr></thead><tbody><tr><td>\$96.00</td><td>033365055575001</td></tr><tr><td><hr/>\$96.00</td><td></td></tr></tbody></table>	Amount Paid	Receipt #	\$96.00	033365055575001	<hr/> \$96.00		<table><thead><tr><th>Date Paid</th></tr></thead><tbody><tr><td>Dec 07, 2020</td></tr></tbody></table>	Date Paid	Dec 07, 2020
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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-21-015

▲  
**N**