

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
June 28, 2017**

**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-17-112	Construct exterior alterations to a Semi-detached House existing without permits (Lot 15: Driveway extension, 1.2m x 5.5m)  17108 - 126 Street NW Project No.: 246610002-002
---	-----------	---------------	---

---

---

II	10:30 A.M.	SDAB-D-17-113	Install (1) Major Digital On-premises Freestanding Sign (2 Digital panels 1.4m x 2.8m facing north/south) (A&W Restaurant)  5035 - Gateway Boulevard NW Project No.: 221659085-008
----	------------	---------------	---

---

---

III	1:00 P.M.	SDAB-D-17-114	Construct a 2-Storey Accessory Building (Garage Suite on second floor and Garage on main floor; 7.32m x 8.18m)  11615 - 73 Avenue NW Project No.: 223539053-012
-----	-----------	---------------	--

---

---

**NOTE:** *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-112

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 246610002-002

APPLICATION TO: Construct exterior alterations to a Semi-detached House existing without permits (Lot 15: Driveway extension, 1.2m x 5.5m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 26, 2017

DATE OF APPEAL: June 6, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17108 - 126 Street NW

LEGAL DESCRIPTION: Plan 1120739 Blk 2 Lot 15

ZONE: (RF4) Semi-detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Castle Downs Extension Area Structure Plan

---

***Grounds for Appeal***

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

We would like to get a permit for the work done for the following reasons:

a) extra space covered by concrete provides a sidewalk with clean surface if a second vehicle is parked on the driveway.

b) We have a space to park a second vehicle, not on the street, which provides space for a school bus and service vehicles (garbage pick-up, etc.) to stop on the street.

**General Matters**

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

...

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
  - (A) unduly interfere with the amenities of the neighbourhood, or
  - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

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

Under section 150.2(5), **Semi-detached Housing** is a **Permitted Use** in the (RF4) Semi-detached Residential Zone.

Under section 6.1(2), **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(29), **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(75), **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(119), **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 150.1 states that the **General Purpose** of the (RF4) **Semi-detached Residential Zone** is “to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

***Off-street Parking and Loading Regulations***

Section 54.1(4) states:

The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- b. for a Garage or Parking Area with one parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;

...

**Development Officer’s Determination:**

The existing extension to the south Side Lot Line does not lead to a garage or parking area.

**Proposed width of driveway and extension: 4.89m**  
**Maximum width of driveway: 3.69m**  
**Exceeds by: 1.2m**

***Location of Vehicular Parking Facilities***

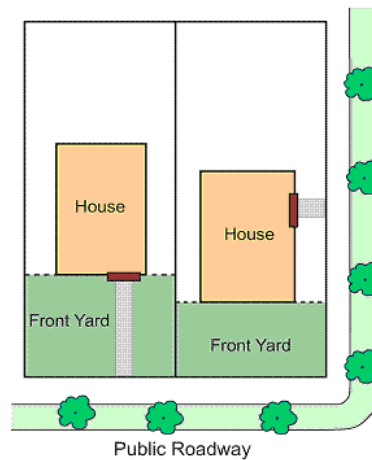
Section 54.2(2)(e) states:

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; and
- ii. ...

Under section 6.1(44), **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.



**Development Officer’s Determination:**

**Section 54.2(2)(e)(i) - 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; and**

**Landscaping**

Section 55.3(1) states:

Unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following:

...

- e. 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 flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

...

Under section 6.1(61), **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:**

**Section 55.3.1.e - 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 flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.**

**- The existing driveway extension is in the Front Yard and being used for parking. Therefore the Front Yard is not landscaped with a suitable form of decorative hardsurfacing. Based on the landscaping regulations, the Front Yard must be suitably landscaped.**

**Section 11.3.1 A variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone;**

**- Other than areas approved as a Driveway, the rest of the Front Yard should be suitably landscaped. Parking on areas that should be suitably landscaped takes away from a desirable curb appeal. On-street parking may also be affected by the extension.**

**- Given the above observations, the proposed development has no hardship or practical difficulty, and would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties, in the opinion of the Development Officer.**

**NOTES:**

**It is the opinion of the Development Authority that the extension sets a negative precedent for the neighbourhood.**

**This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.**

---

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: 246610002-002  
Application Date: MAY 17, 2017  
Printed: June 21, 2017 at 2:37 PM  
Page: 1 of 3

## Application for Minor Development Permit

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

<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 17108 - 126 STREET NW Plan 1120739 Blk 2 Lot 15
	<b>Specific Address(es)</b> Entryway: 17108 - 126 STREET NW Building: 17108 - 126 STREET NW

**Scope of Application**  
To construct exterior alterations to a semi Detached House existing without permits (Lot 15: Driveway extension, 1.2m x 5.5m).

<b>Permit Details</b>	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: New Sewer Service Required: N/A 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: **246610002-002**  
 Application Date: MAY 17, 2017  
 Printed: June 8, 2017 at 11:52 AM  
 Page: 2 of 3

## Application for Minor Development Permit

**Reason for Refusal**

Section 6.1(29) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Section 6.1(119) - Walkway means a path for pedestrian circulation that cannot be used for vehicular parking

Section 54.1(5) - The Driveway shall lead directly from the roadway to the required Garage or Parking Area.  
 - the existing extension to the south Side Lot Line does not lead to a garage or parking area.

Section 54.2(2)(e)(i) - 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; and

Section 54.1.4(a,b) The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a) lead directly from the roadway to the Garage or Parking Area;
- b) for a Garage or Parking Area with one parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;

Proposed width of driveway and extension: 4.89m  
 Maximum width of driveway: 3.69m  
 Exceeds by: 1.2mm

Section 55.3.1.e - 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 flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

- The existing driveway extension is in the Front Yard and being used for parking. Therefore the Front Yard is not landscaped with a suitable form of decorative hardsurfacing. Based on the landscaping regulations, the Front Yard must be suitably landscaped.

Section 11.3.1 A variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone;

- Other than areas approved as a Driveway, the rest of the Front Yard should be suitably landscaped. Parking on areas that should be suitably landscaped takes away from a desirable curb appeal. On-street parking may also be affected by the extension.

- Given the above observations, the proposed development has no hardship or practical difficulties, and would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties, in the opinion of the Development Officer.

**NOTES:**

It is the opinion of the Development Authority that the extension sets a negative precedent for the neighbourhood. This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

**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:** May 26, 2017    **Development Authority:** WATTS, STACY    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$166.00	\$166.00	04132689	May 17, 2017

**THIS IS NOT A PERMIT**



Project Number: **246610002-002**  
Application Date: MAY 17, 2017  
Printed: June 21, 2017 at 2:37 PM  
Page: 3 of 3

## Application for Minor Development Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Existing Without Permit Penalty Fee	\$166.00	\$166.00	04132689	May 17, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$332.00	\$332.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-112



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-113

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

APPELLANT:

APPLICATION NO.: 221659085-008

APPLICATION TO: Install (1) Major Digital On-premises Freestanding Sign (2 Digital panels 1.4m x 2.8m facing north / south) (A&W Restaurant)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 15, 2017

NOTIFICATION PERIOD: May 23, 2017 through June 6, 2017

DATE OF APPEAL: June 5, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5035 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 5109KS Lot B

ZONE: (CHY) Highway Corridor Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: N/A

***Grounds for Appeal***

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

I wish to appeal this new digital freestanding sign situated at 5035 Gateway Boulevard. The reason for my appeal is clearly based on the lack of information about the sign itself (location, height, content displayed, etc.). I am the owner of the beautiful building situated just south of A&W (4909 Gateway Blvd) and believe this information is crucial before the initiate the construction of this new sign.

I have spent close to \$80000.00 on the pylon that is situated in front of my building and I owe it to my tenants that their signs are not overshadowed by a new digital sign of significant size.

***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 within 14 days,

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

...

- (b) in the case of an appeal made by a person referred to in section 685(2), 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 and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

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

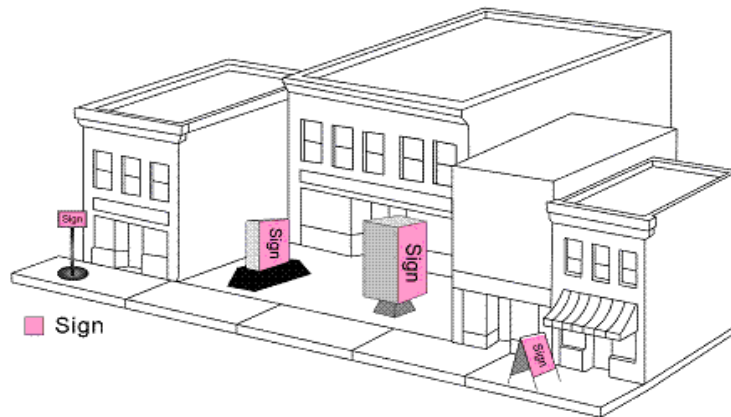
Under section 350.3(25), **Major Digital Signs** is a **Discretionary Use** in the (CHY) Highway Corridor Zone.

Under section 7.9(5), **Major Digital Signs** means:

any Sign that is remotely changed on or off Site and has a varying Message Duration that may be less than 6 seconds. Major Digital Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. Major Digital Signs include moving effects, message transition effects, and video images.

Under section 6.2(8), **Freestanding Signs** means:

any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground;



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

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

Section 813.1 states that the **General Purpose** of the **Major Commercial Corridors Overlay** is:

to ensure that development along Major Commercial Corridors is visually attractive and that due consideration is given to pedestrian and traffic safety.

Section 350.4(10) states “Signs shall comply with the regulations found in Schedule 59F.”

**Development Officer’s Determination:**

**1) Discretionary Use - Major Digital On-premises Sign is approved as a Discretionary Use (Section 350.3(25)). [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: <b>221659085-008</b> Application Date: MAR 20, 2017 Printed: June 21, 2017 at 2:26 PM Page: 1 of 3
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
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	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 5035 - GATEWAY BOULEVARD NW Plan 5109KS Lot B
<b>Scope of Permit</b> To install (1) Major Digital On-premises Freestanding Sign (2 digital panels 1.4m x 2.8m facing N/S)(A&W RESTAURANT).	
<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: Construction Value: 70000	Class of Permit: Class B 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: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 1
I/We certify that the above noted details are correct.  Applicant signature: _____	
<b>Development Permit Decision</b> Appealed to SDAB	
<b>The permit holder is advised to read the reverse for important information concerning this decision.</b>	



Project Number: 221659085-008  
Application Date: MAR 20, 2017  
Printed: June 21, 2017 at 2:26 PM  
Page: 2 of 3

## Application for Sign Combo Permit

### Subject to the Following Conditions

1. The proposed freestanding Major Digital On-premises Sign 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))
3. Ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise / Sunset calculator from the National Research Council of Canada; (Reference Section 59.2(5)(a))
4. Brightness level of the Sign shall not exceed 400 nits when measured from the sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada; (Reference Section 59.2(5)(b))
5. All Freestanding Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule. (Reference Section 59.2(12))
6. The following conditions, in consultation with the Transportation department, shall apply to the proposed Major Digital On-premises Sign, in accordance to Section 59.2.11:
  - a. That, should at any time, Transportation Planning and Engineering determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, deenergizing the sign, changing the message conveyed on the sign, and or address the concern in another manner acceptable to Transportation Planning and Engineering.
  - b. That the owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by Transportation Planning and Engineering within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or deenergize the sign.
  - c. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way.

### ADVISEMENT:

1. 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).

### VariANCES

- 1) Discretionary Use - Major Digital On-premises Sign is approved as a Discretionary Use (Section 350.3(25)).

### 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: May 15, 2017    Development Authority: NOORMAN, BRENDA

Signature: \_\_\_\_\_

Notice Period Begins: May 23, 2017

Ends: Jun 06, 2017

### Building Permit Decision

No decision has yet been made.

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



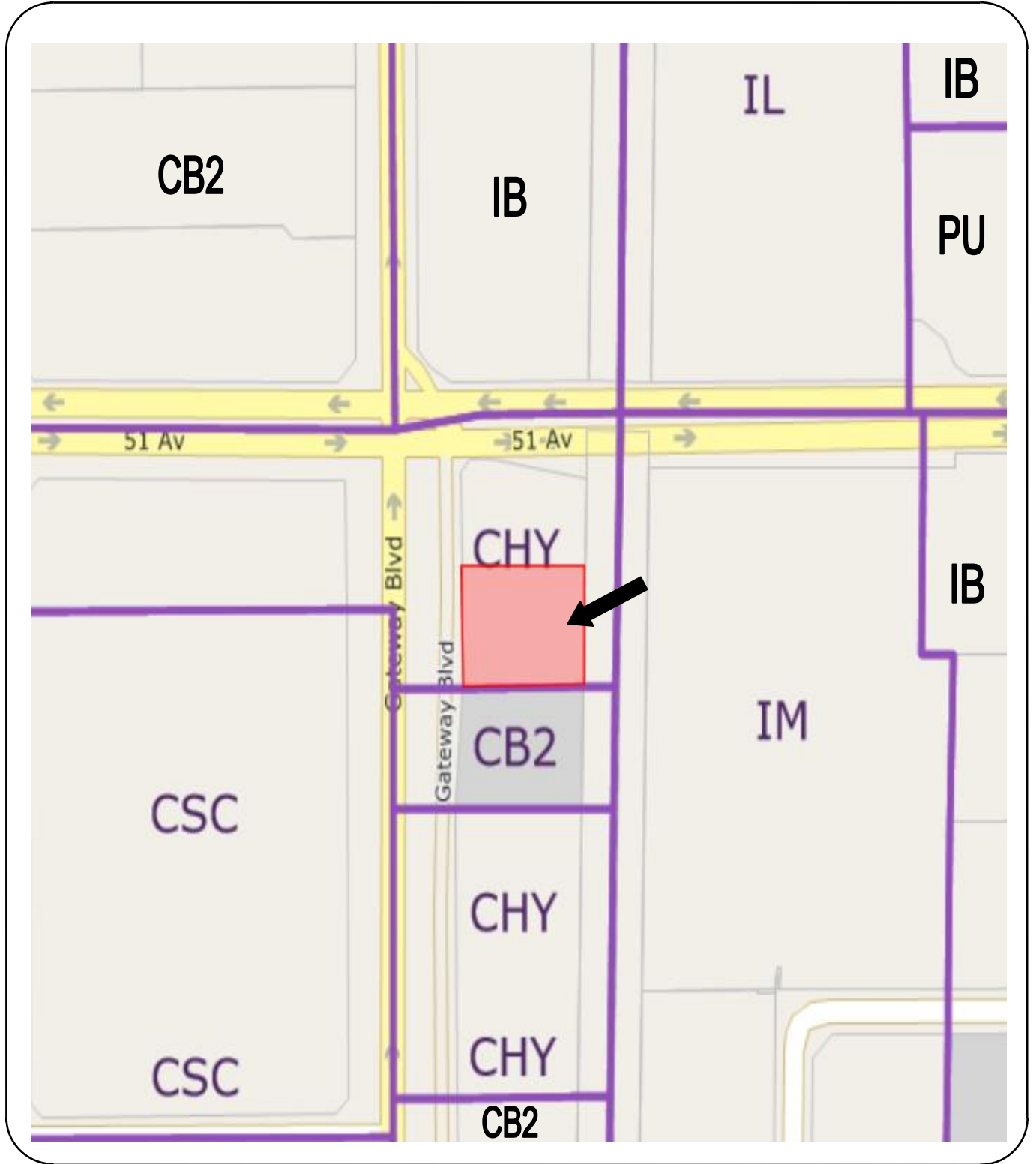
Project Number: **221659085-008**  
Application Date: MAR 20, 2017  
Printed: June 21, 2017 at 2:26 PM  
Page: 3 of 3

## Application for Sign Combo Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Dev Appl Fee - Digital Signs	\$442.00	\$442.00	03990401	Mar 20, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$442.00	\$442.00		

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



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-113



ITEM III: 1:00 P.M.

FILE: SDAB-D-17-114

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

APPELLANT:

APPLICATION NO.: 223539053-012

APPLICATION TO: Construct a 2-Storey Accessory Building (Garage Suite on second floor and Garage on main floor; 7.32m x 8.18m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 11, 2017

NOTIFICATION PERIOD: May 18, 2017 through June 1, 2017

DATE OF APPEAL: June 1, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11615 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 2938HW Blk 10 Lot 32

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan / Belgravia Station Area Redevelopment Plan

***Grounds for Appeal***

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

Dear Sirs,

Please take this note as my formal request to appeal the Development Permit #223539053-012.

I am the neighbouring property owner directly to the east of the property under appeal.

My specific concerns are;

1. The lack of community consultation that was done prior to submission and approval of the permit; I was not shown the lot elevation drawings or site plan. The applicant did not provide information as to why their development should exceed the variance or how it would affect my use of my property.

2. The sun-shadowing of the by proposed development will severely impact the enjoyment of my property. Details will be provided at the hearing. I am undertaking an sun-shadowing report by an engineering company and plan to have it completed for the hearing date.

3. This development will negatively affect the value of my property. The proposed height and visual impact will significantly deter the enjoyment of my property.

4. I previously appealed the development permit for the house on this property for the same reasons. I met with the applicant and they explained their proposed plan. I stated by concerns and objections at that time and the applicant agreed to change the development application for the garage and agreed to move it to the west side of the property to reduce the negative impact of the sun-shadowing of my property. It was based on this agreement that I withdrew my appeal on the development of the house. After being notified via mail (two weeks ago) about the pending development and change to the agreement the applicant glibly told me that they changed their minds and would do what suits them best. This is contrary to spirit of the consultation of the process and completely disingenuous. Had I known that the applicant would amend the proposed application for development I would have continued the appeal of the development of the house.

I will be seeking to obtain copies of all materials submitted to the Permit Officer and will prove the consultation process did not take place.

I will prove how the proposed development will negatively impact my use and value of my property.

This development should not be allowed to proceed.

I respectfully request a hearing to present my appeal to The Board.

Thank-you for your time and consideration

**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 within 14 days,

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

...

- (b) in the case of an appeal made by a person referred to in section 685(2), 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 and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
  - and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

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

Under section 110.3(3), a **Garage Suite** is a **Discretionary Use** in the (RF1) Single Detached Residential Zone.

Under section 7.2(3), **Garage Suite** means:

an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory 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, Semi-detached Housing and Duplex Housing under certain conditions.



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

to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Section 110.4(5) states "Garage Suites and Garden Suites shall comply with Section 87 of this Bylaw."

**Development Officer's Determination:**

**Discretionary Use - Garage Suite is approved as a Discretionary Use (Section 110.3.3).** [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: **223539053-012**  
 Application Date: MAR 03, 2017  
 Printed: June 1, 2017 at 3:06 PM  
 Page: 1 of 3

## Application for House Development and Building 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 Bylaw.

<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 11615 - 73 AVENUE NW Plan 2938HW Blk 10 Lot 32
	<b>Location(s) of Work</b> Entryway: 11615 - 73 AVENUE NW Building: 11615 - 73 AVENUE NW

**Scope of Application**  
 To construct a 2 Storey Accessory Building (Garage Suite on 2nd floor and Garage on main floor; 7.32m x 8.18m).

<b>Permit Details</b>  Affected Floor Area (sq. ft.): 644 Class of Permit: Class B Front Yard (m): 23.03 Rear Yard (m): 1.22 Side Yard, left (m): 1.91 Site Area (sq. m.): 562.8 Site Width (m): 18.28	Building Height to Midpoint (m): 6.3 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 6.96 Site Depth (m): 32.28 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
--	--

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

Applicant signature: \_\_\_\_\_

**Development Permit Decision**  
 Approved

**THIS IS NOT A PERMIT**



Project Number: 223539053-012  
 Application Date: MAR 03, 2017  
 Printed: June 1, 2017 at 3:06 PM  
 Page: 2 of 3

## Application for House Development and Building Permit

### Subject to the Following Conditions

This Development Permit authorizes the development of a 2 Storey Accessory Building (Garage Suite on 2nd floor and Garage on main floor; 7.32m x 8.18m). The development shall be constructed in accordance with the stamped and approved drawings.

Note: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2)

Immediately upon demolition of the building, the site shall be cleared of all debris.

The maximum Height for Garage containing a Garage Suite (above Grade):

- 6.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4°) or greater.
- 5.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4°). (Reference Section 6.1(53) and 87.2(a))

An accessory building or structure containing a Garage Suite shall not exceed 6.5m in height. (Reference Section 6.1(49) and 87.2(a).)

Eave projections shall not exceed 0.46m into required yards or Separations spaces less than 1.2m. (Reference Section 44.1(b))

Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling. (Section 87)

A Garage Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business. (Section 87)

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite shall not exceed three. (Section 87)

The Garage Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. (Section 87)

Frosted or opaque glass treatment shall be used on windows to minimize overlook into adjacent properties (Reference Section 814.3(4)).

### ADVISEMENTS:

Proposed Garage Suite is located in close proximity to the 0.91m R/W. Applicant must be advised that no development shall encroach onto the 0.91m R/W.

The driveway access must maintain a minimum clearance of 1.5m from all surface utilities.

Lot grades must match the Edmonton Drainage Bylaw 16200 and/or comply with the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5576 or [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for lot grading inspection inquiries.

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 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

**THIS IS NOT A PERMIT**



Project Number: **223539053-012**  
 Application Date: MAR 03, 2017  
 Printed: June 1, 2017 at 3:06 PM  
 Page: 3 of 3

## Application for House Development and Building Permit

**Site.**

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

**Variances**

Discretionary Use - Garage Suite is approved as a Discretionary Use (Section 110.3.3).

**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:** May 11, 2017    **Development Authority:** YEUNG, KENNETH

**Signature:** \_\_\_\_\_

**Notice Period Begins:** May 18, 2017

**Ends:** Jun 01, 2017

**Building Permit Decision**

No decision has yet been made.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$79.00	\$79.00	03957598	Mar 03, 2017
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03957598	Mar 03, 2017
Building Permit Fee	\$854.00	\$854.00	03957598	Mar 03, 2017
Electrical Fees (House)	\$223.00	\$223.00	03957598	Mar 03, 2017
Electrical Safety Codes Fee	\$13.42	\$13.42	03957598	Mar 03, 2017
Safety Codes Fee	\$38.06	\$38.06	03957598	Mar 03, 2017
Water Usage Fee	\$25.41	\$25.41	03957598	Mar 03, 2017
Lot Grading Fee	\$140.00	\$140.00	03957598	Mar 03, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,065.89	\$2,065.89		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-114

