

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
March 10, 2016**

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

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

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I	9:00 A.M.	SDAB-D-16-073	Construct exterior alterations to an existing Single Detached House, conversion of an existing carport to a partially covered deck (4.66m x 6.22m), to install a hot tub and to add an addition (Side attached Shed, 1.76m x 4.98m), existing without permits  6103 - 138 Avenue NW Project No.: 180753048-002
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**TO BE RAISED**

II	11:00 A.M.	SDAB-D-16-048	Construct a Freestanding Off-Premises Sign  7026 - 109 Street NW Project No.: 183991922-001
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**NOTE:**            *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-073

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180753048-002

ADDRESS OF APPELLANT: 6103 - 138 Avenue NW

APPLICATION TO: Construct exterior alterations to an existing Single Detached House, conversion of an existing carport to a partially covered deck (4.66m x 6.22m), to install a hot tub and to add an addition (Side attached Shed, 1.76m x 4.98m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 2, 2016

DATE OF APPEAL: February 12, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6103 - 138 AVENUE NW

LEGAL DESCRIPTION: Plan 5631MC Blk 5 Lot 63

ZONE: RF1-Single Detached Residential 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:

Points #1 and #2 in the reasons for refusal deal with matters that are unrelated to the scope of the Application. The scope of the Application was to construct exterior alterations to an existing Singled Detached House, conversion of an existing carport to a partially covered deck (4.66m x 6.22m), to install a hot tub and to add an addition (Side

attached Shed, 1.76 x 4.98m), existing without permits and has nothing to do with vehicular access of location of the driveway.

Secondly, point #3 in reasons for refusal refers to a set back of a moveable shed. The Application is for a covered area deck and hot tub, which in fact, has a set back of 1.76 x 1.64 respectively. The location of the shed has nothing to do with the set back of the deck and hot tub.

The concrete drive in the front of the property is not unsightly and is in keeping with the character of the neighborhood in general. The concrete drive at the front of the Property has likely existed for many years and very likely predates the garage concrete drive abutting the lane way at the rear of the property. [unedited]

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

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

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

The Board is advised that the decision of refusal by the Development Officer is dated February 2, 2016. The Notice of Appeal was filed on February 12, 2016.

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

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.”

Under s.110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Section 7.2(9) states:

**Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobil homes which conform to Section 78 of this Bylaw.

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.

*Access prohibited where abutting lane exists*

Section 814.3(10) states:

### **814.3: Development Regulations**

...

10. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and
  - a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;
  - b. the Site Width is less than [15.5 m](#); or
  - c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

### **Development Officer's Determination**

1. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway (Reference Section 814.3(10)). [unedited]

***Driveway***

Section 54.1(5) states:

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

...

5. The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

**Development Officer's Determination**

2. The Driveway shall lead directly from the roadway to the required Garage or Parking Area (Reference Section 54.1.(5)). [unedited]

***Side Setback***

**110.4 Development Regulations for Permitted and Discretionary Uses**

...

10. Side Setbacks shall be established on the following basis:

- a. Side Setbacks shall total at least 20% of the Site Width, with a minimum Side Setback of 1.2 m on each side;

**Development Officer's Determination**

3. The Right Side Setback is 0.17m instead of 1.20m. The Side Setbacks total is 12.47% instead of 20% (Reference Section 110.4(10)(a)). [unedited]

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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. 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*.

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Project Number: **180753048-002**  
 Application Date: OCT 29, 2015  
 Printed: February 23, 2016 at 10:11 AM  
 Page: 1 of 2

## 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> 6103 - 138 AVENUE NW Plan 5631MC Blk 5 Lot 63  <b>Specific Address(es)</b> Entryway: 6103 - 138 AVENUE NW Building: 6103 - 138 AVENUE NW
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**Scope of Application**

To construct exterior alterations to an existing Single Detached House, conversion of an existing carport to a partially covered deck (4.66m x 6.22m), to install a hot tub and to add an addition (Side attached Shed, 1.76m x 4.98m), existing without permits.

**Permit Details**

# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

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

**Development Application Decision**

Refused

**Reason for Refusal**

1. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway (Reference Section 814.3(10)).
2. The Driveway shall lead directly from the roadway to the required Garage or Parking Area (Reference Section 54.1.(5)).
3. The Right Side Setback is 0.17m instead of 1.20m. The Side Setbacks total is 12.47% instead of 20% (Reference Section 110.4(10)(a)).

**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:** Feb 02, 2016    **Development Authority:** LANGILLE, BRANDON    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$155.00	\$155.00	02859836	Oct 30, 2015

**THIS IS NOT A PERMIT**



Project Number: **180753048-002**  
Application Date: OCT 29, 2015  
Printed: February 23, 2016 at 10:11 AM  
Page: 2 of 2

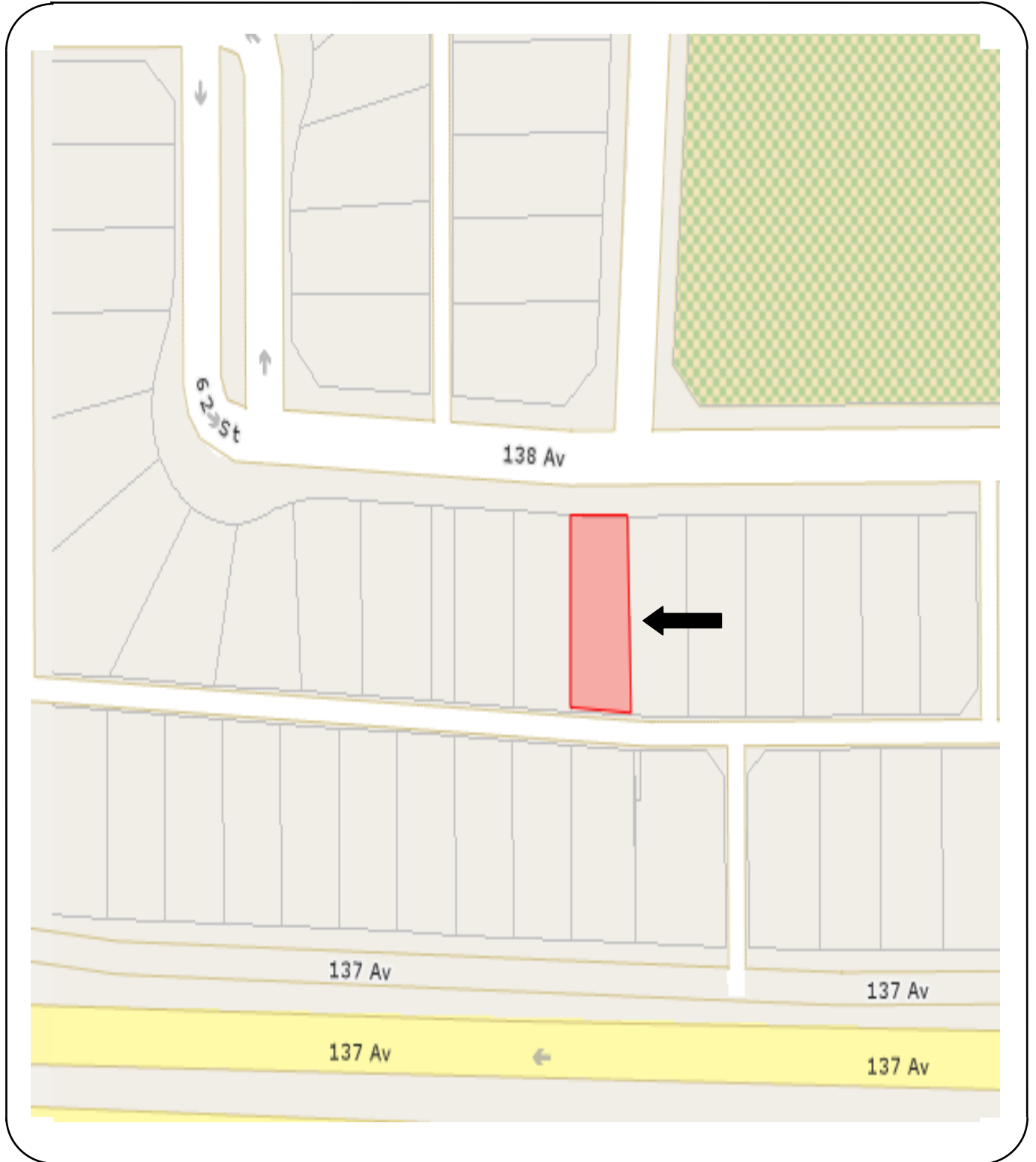
## Application for Minor Development Permit

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Permit Penalty Fee	\$155.00	\$155.00	02859836	Oct 30, 2015
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$310.00	\$310.00		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-073



**TO BE RAISED**  
**ITEM II: 11:00 A.M.**

FILE: SDAB-D-16-048

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 183991922-001

ADDRESS OF APPELLANT: 7026 - 109 Street NW

APPLICATION TO: Construct a Freestanding Off-Premises Sign

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 13, 2016

DATE OF APPEAL: January 19, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7026 - 109 Street NW

LEGAL DESCRIPTION: Plan 5718AE Blk 27 Lots 27-28

ZONE: CB1 Low Intensity Business Zone

OVERLAY: Pedestrian Commercial Shopping Street Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

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***Grounds for Appeal***

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

As a representative of Pattison Outdoor Advertising, the Applicant in the above noted matter, and in consideration of the refusal of our Development Permit Application, I hereby appeal the refusal on the following grounds:

1. Freestanding Off-premises Signs are a Discretionary Use in the CB1 Zone.

2. Previously, a lawful (grandfathered) permit existed for a Freestanding Off-premises sign at 7026 - 109 Street. While this permit was active, a permit application was submitted to convert the existing Freestanding Off-premises sign to a Minor Digital Off-premises Sign and to add a second static advertising face. The City approved the permit application and Pattison proceeded to invest a significant amount of capital to both remove and dispose of the existing sign, and procure and install a new one. The City soon thereafter revoked the permit for the Minor Digital Off-premises Sign, citing their own error in the approval process, and forced Pattison to remove the advertising faces from the property. With this enforcement, the City did not allow one static face to remain on the property even though one did lawfully exist prior to the application and subsequent approval of the aforementioned permit application. Not only would the original existing sign still be in existence if the City had not been erroneous in their decision, but the Applicant would not be liable for tens of thousands of dollars in invested and irrecoverable capital.

3. In consideration of the above, Pattison seeks to have the SDAB approve two static faces on the existing pole structure, in lieu of a digital sign and in consideration of the tribulations experienced by the Applicant.

4. Such further and other reasons as may be presented at the hearing of this appeal. [unedited]

<i>General Matters</i>
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**Appeal Information:**

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

**Grounds for Appeal**

- 685(1)** If a development authority
- (a) fails or refuses to issue a development permit to a person,
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under section 645,

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

**Appeals**

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

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

The Board is advised that the decision of refusal by the Development Officer is dated January 13, 2016. The Notice of Appeal was filed on January 19, 2016.

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

Pursuant to section 819.1, the **General Purpose** of the **Pedestrian Commercial Shopping Street Overlay** is:

...to maintain the pedestrian-oriented character of commercial areas, comprised of shopping streets in close proximity to residential areas of the City.

Pursuant to Section 330.1, the **General Purpose** of the **CB1 Low Intensity Business Zone** is:

... to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Under Section 330.3(37) **Freestanding Off-premises Signs** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Section 7.9(3) defines **Freestanding Off-premises Signs** as:

... any Sign supported independent of a building, 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, entertainment or service provided on the premises or Site where the Sign is displayed.

***Scale and Type of Signs in Pedestrian-Oriented District***

Section 3.2.3.5 of the 109 Street Corridor Area Redevelopment Plan provides the following:

Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted.

**Development Officer's Determination:**

The proposed development does not meet the requirements of section 3.2.3.5 [unedited]

***Maximum Height***

Section 819.3(13) of the Pedestrian Commercial Shopping Street Overlay provides the following:

Signage shall be provided in accordance with Schedule 59E of this Bylaw, with the intent to compliment the pedestrian-oriented commercial environment, except that:

- a. the maximum Height of a Freestanding Sign shall be 6.0 m;
- b. a Projecting Sign may be used to identify businesses that are located entirely at or above the second Storey level; and
- c. the top of a Projecting Sign on a building two Storeys or higher shall not extend more than 75 cm above the floor of the second or third Storey, nor higher than the windowsill level of the second or third Storey.

**Development Officer's Determination:**

The proposed sign height: 8.0 m.  
Exceeds by: 2.0 m [unedited]

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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. 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*.

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Project Number: **183991922-001**  
 Application Date: DEC 07, 2015  
 Printed: February 2, 2016 at 8:04 AM  
 Page: 1 of 2

## Application for Sign Combo Permit

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

<p><b>Applicant</b></p> <p style="text-align: center;">PATTISON OUTDOOR ADVERTISING</p> <div style="border: 1px solid red; width: 200px; height: 30px; margin: 10px auto;"></div>	<p><b>Property Address(es) and Legal Description(s)</b></p> <p style="text-align: center;">7026 - 109 STREET NW Plan 5718AE Blk 27 Lots 27-28</p> <hr/> <p><b>Location(s) of Work</b></p> <p>Building: 7026 - 109 STREET NW</p>
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**Scope of Application**  
 To construct a Freestanding Off-Premises Sign.

<p><b>Permit Details</b></p> <p>Class of Permit: Class B                  Expiry Date:                  Num. Temp., Fasica or Temporary: 0                  Signs:                  Sign Permit Label No. :</p>	<p>Construction Value: 10000                  Num. of Freestanding, Projecting or Roof Signs: 1                  Number of Additional Signs:                  Sign Type: Freestanding Off-Premises Sign</p>
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I/We certify that the above noted details are correct.

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

**Development Application Decision**  
 Refused

**Reason for Refusal**

1) The proposed development is located within the 109 Street Corridor Area Redevelopment Plan, Bylaw 16242, August 2014. Section 3.2.3.5 states that, "Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted.

The proposed development is to erect a Freestanding Off-premises sign, which is contrary to Section 3.2.3.5 of the 109 Street Corridor Area Redevelopment Plan. The proposed Freestanding Off-premises sign does not relate to local businesses and does not confirm to the pedestrian oriented character of the district, contrary to the 109 Street Corridor Area Redevelopment Plan.

2) Signage shall be provided in accordance with Schedule 59E of this Bylaw, with the intent to compliment the pedestrian-oriented commercial environment, except that the maximum Height of a Freestanding Sign shall be 6.0 m. (Reference Section 819.3(13)(a) of the Pedestrian Commercial Shopping Street Overlay).

The proposed sign height: 8.0 m.  
 Exceeds by: 2.0 m

**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: Jan 13, 2016      Development Authority: FOLKMAN, JEREMY      Signature: \_\_\_\_\_

**THIS IS NOT A PERMIT**



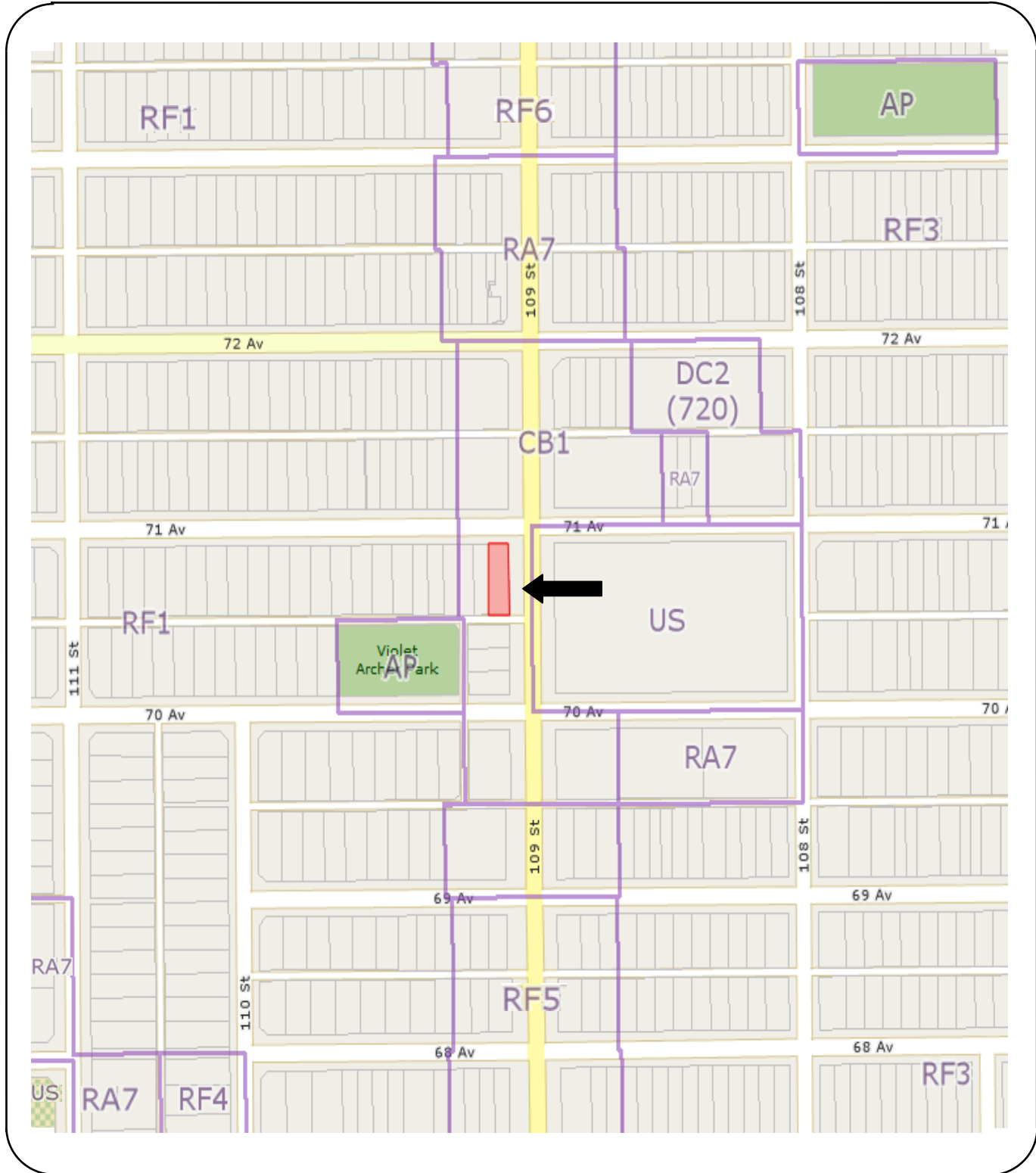
Project Number: **183991922-001**  
Application Date: DEC 07, 2015  
Printed: February 2, 2016 at 8:04 AM  
Page: 2 of 2

## Application for Sign Combo Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Safety Codes Fee	\$5.84	\$5.84	02945149	Dec 09, 2015
Sign Building Permit Fee	\$146.00	\$146.00	02945149	Dec 09, 2015
Sign Development Application Fee	\$255.00	\$255.00	02945149	Dec 09, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$506.84</u>	<u>\$406.84</u>		
(\$100.00 outstanding)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-048





**BUSINESS LAID OVER**

SDAB-D-16-050	An appeal by <u>Permit Solutions Inc.</u> to install (1) Fascia On-premises Sign (Boardwalk) <i>March 16, 2016</i>
SDAB-D-16-501	An appeal by <u>Darren Crocker / Brownlee LLP</u> to demolish an existing building. <i>March 30 or 31, 2016</i>

**APPEAL HEARINGS TO BE SCHEDULED**

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