

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 26, 2020**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

TO BE RAISED

I 9:00 A.M. SDAB-D-20-022 Install (1) Minor Digital Off-premises Freestanding Sign (3.05 m x 6.10 m Facing West)(OUTFRONT MEDIA | HARDWOOD PLAZA) and Remove (1) existing Freestanding Off-premises Sign (270902947-001)

11001C - Jasper Avenue NW
Project No.: 301294069-001

II 10:30 A.M. SDAB-D-20-040 Install (1) Minor Digital Off-premises Freestanding Sign (OUTFRONT MEDIA)

12220 - 118 Avenue NW
Project No.: 311239253-001

III 1:30 P.M. SDAB-D-20-029 Construct exterior alterations to a Semi-Detached House (front Driveway extension, 6.58m x 2.01m)

1413 - 26 Avenue NW
Project No.: 343592655-001

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-022

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 301294069-001

APPLICATION TO: Install (1) Minor Digital Off-premises Freestanding Sign (3.05 m x 6.10 m Facing West)(OUTFRONT MEDIA | HARDWOOD PLAZA) and Remove (1) existing Freestanding Off-premises Sign (270902947-001)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 10, 2020

DATE OF APPEAL: January 30, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11001C - Jasper Avenue NW

LEGAL DESCRIPTION: Condo Common Area (Plan 0120554)

ZONE: (CO) Commercial Office Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Oliver Area Redevelopment Plan

Grounds for Appeal

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

We feel that the sign will be built with such technology that it will not project any light into the 2 addresses that the Development officer expressed concern on. They will be within the protected region, of less than 1% brightness. And we are willing to provide solutions that will further reduce any potential issue.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on February 26, 2020:

“That the appeal hearing be scheduled for March 26, 2020 at the written request of the Appellant.”

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis

licence and distances between those premises and other premises;

...

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

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

(i) the proposed development would not

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

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

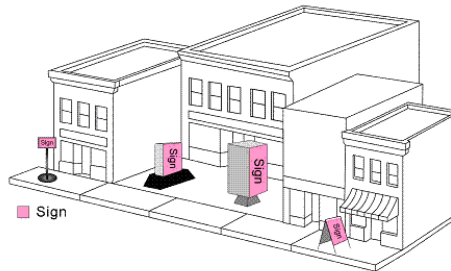
Under section 360.3(26), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **(CO) Commercial Office Zone**.

Under section 7.9(6), **Minor Digital Off-premises Signs** means a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Digital Copy** means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, a **Freestanding Sign** means a Sign supported independently of a building.



Under section 6.2, **Off-Premise Sign** means

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Under section 360.4(6), Signs shall comply with the regulations found in Schedule 59F.

Under section 819.5(2) of the **Main Streets Overlay**, “Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw, except that:...”

Under section 360.1 the **General Purpose** of the **(CO) Commercial Office Zone** is to provide for medium intensity office, commercial and residential development in the inner city, around Light Rail Transit station areas or other locations offering good accessibility by both private automobile and transit.

Under section 819.1, the **General Purpose** of the **Main Streets Overlay** is to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

Sign Regulations

Section 59.2(7) states:

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

application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

Section 59.2(3) states:

major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

Development Officers Determination

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

In the opinion of the Development Officer this Minor Digital Off-premises Sign is not in keeping with the streetscape improvements as outlined in the "Imagine Jasper Avenue" project that uses the Main Street and Complete Streets Design and Construction Standards to inform the design parameters and to ensure a consistent approach to designing the City's main streets. The streetscape improvements along Jasper Avenue (109 Street to 124 Street) are slated for construction starting in 2020.

2. Section 59.2(3) - Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

In the opinion of the Development Officer this Minor Digital Off-premises Sign location will allow illumination to project onto surrounding residential the premises of 10053 - 111 STREET NW Residential Assisted Living, and 11012 - JASPER AVENUE NW Apartments.

<i>Main Streets Overlay</i>

Under section 819.5(2), "Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw, except that:..."

Section 819.5(3) states when the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.

Section 819.5(15) states when the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

- a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 metres of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association operating within the distance described above to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed, unless the Development Officer receives feedback from all specified recipients; and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3.

Development Officers Determination

3. Section 819.5 - Signs shall complement the pedestrian-oriented commercial environment.


The portion of Jasper Avenue of the subject development permit application has been identified as a Primary Corridor in the published draft of the City Plan (Municipal Development Plan). The vision for a Primary Corridor, and specifically for Jasper Avenue is to create a pedestrian oriented street that is harmoniously designed to accommodate various modes of transportation and a high standard of urban design, of which Digital Signs, especially Freestanding ones, would not be considered 'high standard'. It is the Development officers Opinion in consultation with the Urban Design Unit that this development does not meet the objectives outlined in Section 819.5(2) requiring Signs to 'complement the pedestrian-oriented commercial development'.


Previous Subdivision and Development Appeal Board Decision

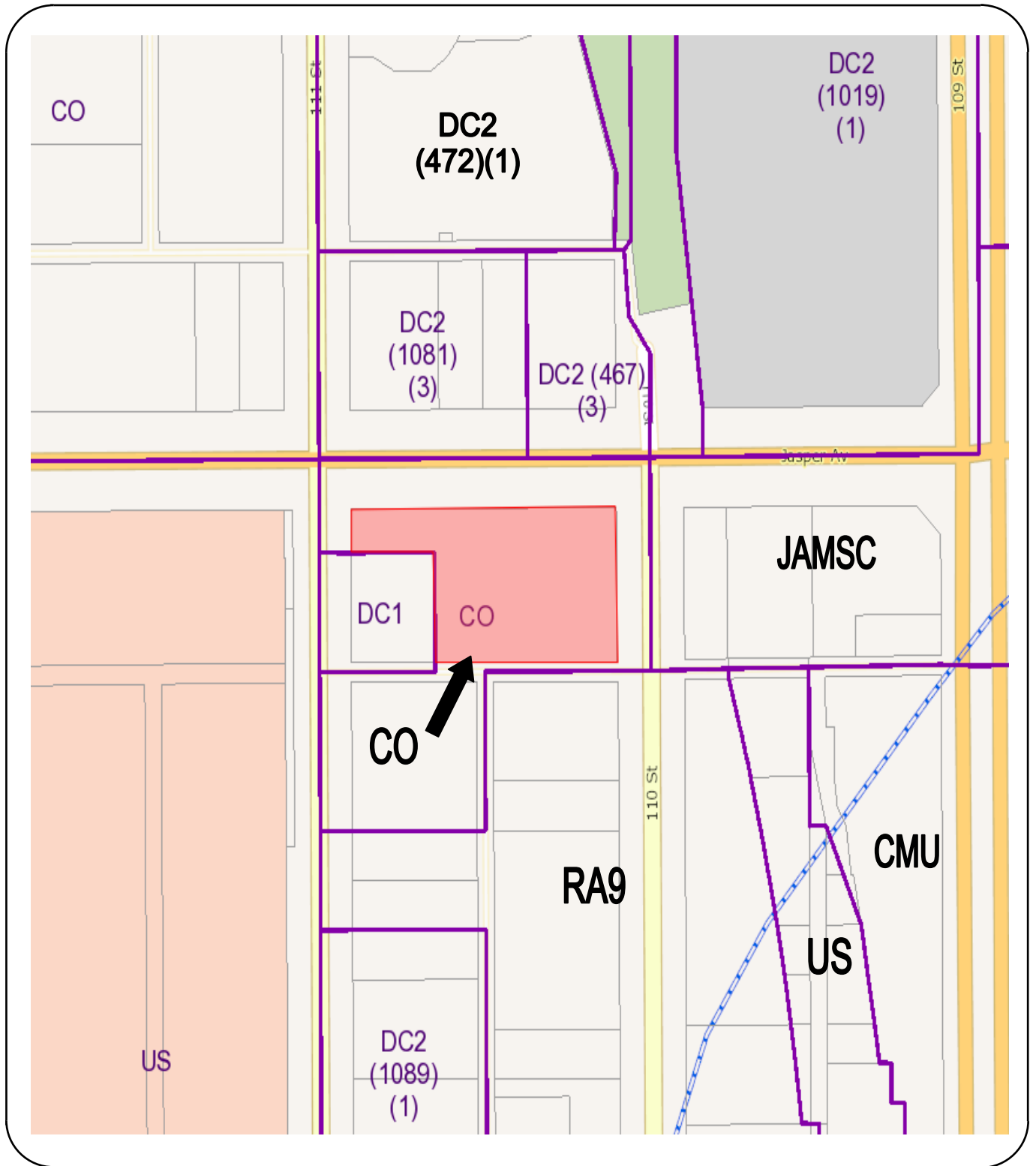
Application Number	Description	Decision
SDAB-D-09-190	Construct an Off-premises Freestanding Sign (convert existing west face from static to digital – 6 metres x 3 metres	Appeal Withdrawn

Notice to Applicant/Appellant

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

	Project Number: 301294069-001 Application Date: DEC 24, 2018 Printed: January 30, 2020 at 1:38 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 11001C - JASPER AVENUE NW Condo Common Area (Plan 0120554)
Scope of Application To install (1) Minor Digital Off-premises Freestanding Sign (3.05 m x 6.10 m Facing West)(OUTFRONT MEDIA HARDWOOD PLAZA) and Remove (1) existing Freestanding Off-premises Sign (270902947-001).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 125000	Class of Permit: Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused Issue Date: Jan 10, 2020 Development Authority: MERCIER, KELSEY	
THIS IS NOT A PERMIT	

	Project Number: 301294069-001 Application Date: DEC 24, 2018 Printed: January 30, 2020 at 1:38 PM Page: 2 of 2																														
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<p>Reason for Refusal</p> <p>1. Section 59.2(7) - For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.</p> <p>In the opinion of the Development Officer this Minor Digital Off-premises Sign is not in keeping with the streetscape improvements as outlined in the "Imagine Jasper Avenue" project that uses the Main Street and Complete Streets Design and Construction Standards to inform the design parameters and to ensure a consistent approach to designing the City's main streets. The streetscape improvements along Jasper Avenue (109 Street to 124 Street) are slated for construction starting in 2020.</p> <p>2. Section 59.2(3) - Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.</p> <p>In the opinion of the Development Officer this Minor Digital Off-premises Sign location will allow illumination to project onto surrounding residential the premises of 10053 - 111 STREET NW Residential Assisted Living, and 11012 - JASPER AVENUE NW Apartments.</p> <p>3. Section 819.5 - Signs shall complement the pedestrian-oriented commercial environment.</p> <p>The portion of Jasper Avenue of the subject development permit application has been identified as a Primary Corridor in the published draft of the City Plan (Municipal Development Plan). The vision for a Primary Corridor, and specifically for Jasper Avenue is to create a pedestrian oriented street that is harmoniously designed to accommodate various modes of transportation and a high standard of urban design, of which Digital Signs, especially Freestanding ones, would not be considered 'high standard'. It is the Development officers Opinion in consultation with the Urban Design Unit that this development does not meet the objectives outlined in Section 819.5(2) requiring Signs to 'complement the pedestrian-oriented commercial development'.</p> <p>Rights of Appeal</p> <p>The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p>																															
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$52.00</td> <td style="text-align: right;">\$52.00</td> <td style="text-align: right;">05603815</td> <td style="text-align: right;">Jan 22, 2019</td> </tr> <tr> <td>Sign Dev Appl Fee - Digital Signs</td> <td style="text-align: right;">\$451.00</td> <td style="text-align: right;">\$451.00</td> <td style="text-align: right;">05603815</td> <td style="text-align: right;">Jan 22, 2019</td> </tr> <tr> <td>Sign Building Permit Fee</td> <td style="text-align: right;">\$1,300.00</td> <td style="text-align: right;">\$1,300.00</td> <td style="text-align: right;">05603815</td> <td style="text-align: right;">Jan 22, 2019</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$1,803.00</td> <td style="text-align: right; border-top: 1px solid black;">\$1,803.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$52.00	\$52.00	05603815	Jan 22, 2019	Sign Dev Appl Fee - Digital Signs	\$451.00	\$451.00	05603815	Jan 22, 2019	Sign Building Permit Fee	\$1,300.00	\$1,300.00	05603815	Jan 22, 2019	Total GST Amount:	\$0.00				Totals for Permit:	\$1,803.00	\$1,803.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-022



ITEM II: 10:30 A.M.

FILE: SDAB-D-20-040

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 311239253-001

APPLICATION TO: Install (1) Minor Digital Off-premises
Freestanding Sign (OUTFRONT MEDIA)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 31, 2020

DATE OF APPEAL: February 20, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12220 - 118 Avenue NW

LEGAL DESCRIPTION: Plan RN64 Blk 2 Lots 18-20

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

The sign was refused for the sole reason that it is over-height from what the bylaw now allows for. (8m vs 6m). However the location is in a parking lot. Lowering it would restrict what the owner of the land could operate on his own property. As well it borders an alley way. Lowering the sign height would impede visibility for all traffic that uses this alley. As the sign is currently situated, this is not a problem. We hope to acquire a permit to allow the sign to remain at its current height, as it has existed for 5 years with no issues or complaints.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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 - (i) with respect to an application for a development permit,
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Hearing and Decision

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- (a.1) must comply with the land use policies;
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- (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;

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- (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;
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 - (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 330.3(42), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.9(6), **Minor Digital Off-premises Signs** means:

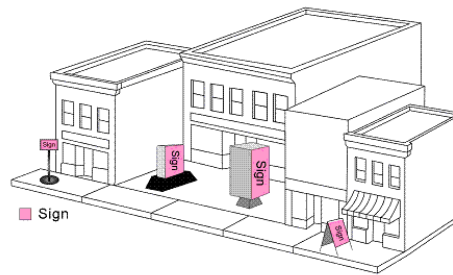
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the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

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a Sign supported independently of a building.



Under section 6.2, **Off-Premise Sign** means

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 330.1 states 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.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

Main Streets Overlay - Height

Section 819.5(2) states:

Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw, except that:

- a. **the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.**

...

Under section 6.2, **Height Signs** means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

Development Officers Determination

1. Section 819.5(2)(a) - the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.

**Proposed: 8.0 m
Exceeds by: 2.0 m**

[unedited]

Main Streets Overlay – Community Consultation

Section 819.5(3) states “When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.”


Section 819.5(15) states:

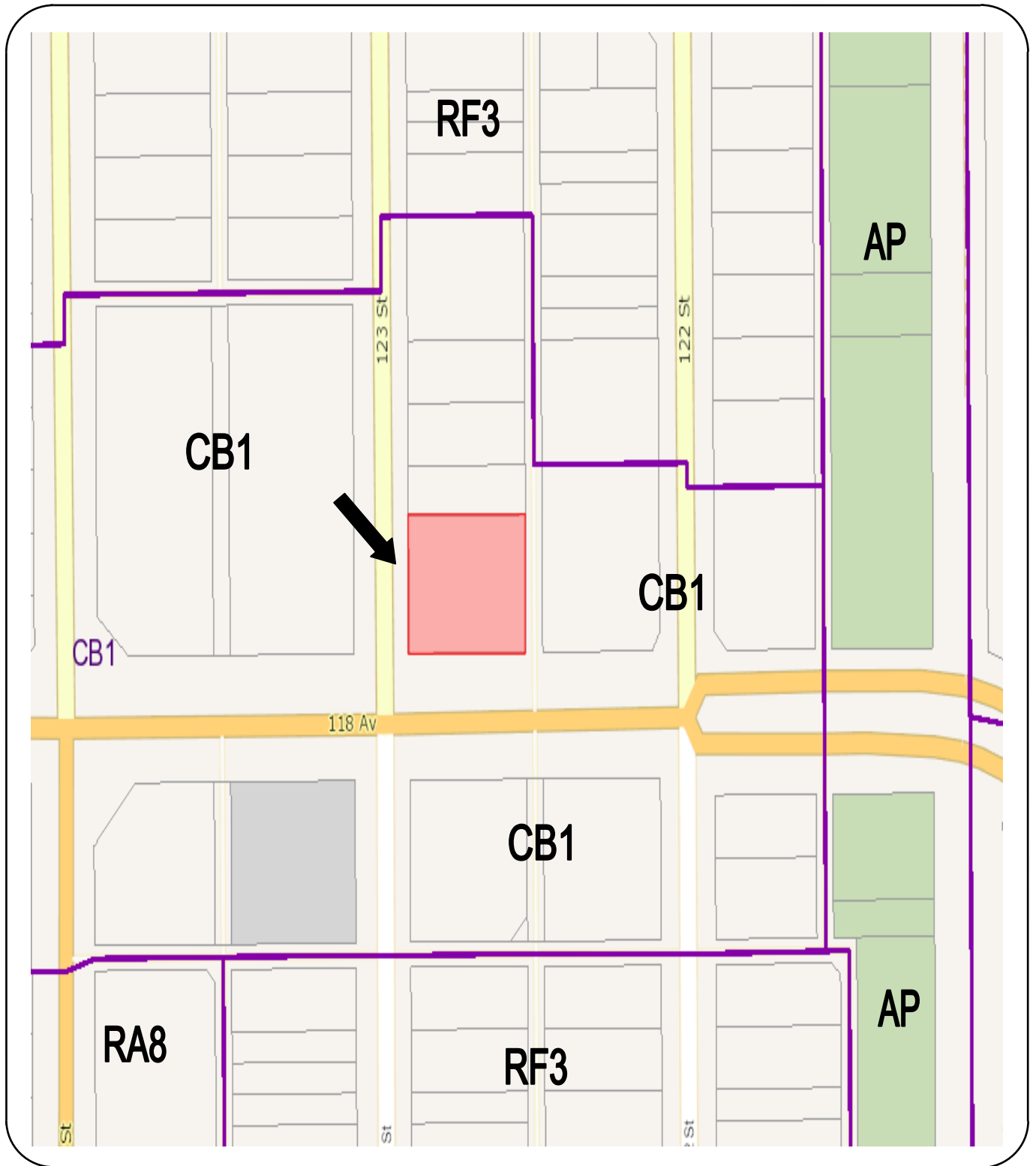
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- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed, unless the Development Officer receives feedback from all specified recipients; and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3.

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	<p>Project Number: 311239253-001 Application Date: APR 16, 2019 Printed: February 21, 2020 at 9:23 AM Page: 1 of 1</p>																				
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<p>Development Application Decision Refused</p> <p>Issue Date: Jan 31, 2020 Development Authority: MERCIER, KELSEY</p> <p>Reason for Refusal</p> <p>1. Section 819.5(2)(a) - the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.</p> <p>Proposed: 8.0 m Exceeds by: 2.0 m</p> <p>Rights of Appeal</p> <p>The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p>																						
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-040



ITEM III: 1:30 P.M.

FILE: SDAB-D-20-029

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 343592655-001

APPLICATION TO: Construct exterior alterations to a Semi-Detached House (front Driveway extension, 6.58m x 2.01m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 10, 2019

DATE OF APPEAL: December 22, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1413 - 26 Avenue NW

LEGAL DESCRIPTION: Plan 1521297 Blk 8 Lot 59

ZONE: (RF5) Row Housing Zone

OVERLAY: N/A

STATUTORY PLAN(S): The Meadows Area Structure Plan
Tamarack Neighbourhood Structure Plan

Grounds for Appeal

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

In my property we have a single driveway but more green area as compared to other two garage homes. I am willing to utilize that space. In Refusal it is mentioned that parking not be created in front yard but this will not be a parking space as we want to make our dream home more beautiful with the extension as we will put some beautiful tiles to make the entry more beautiful and attractive. Also I will left the same even more green area than others. So why not to utilize the space.

To do so I will modify own property only with city permission.

We dont want this extension for parking neither covering front yard as front yard will be left 2.51 M after covering 2M with tiles.
Our neighbors have 2.05 M front yard right now as all two garages home have only this much.

See attache for reference.

Please issue permit as this permit will help us to enhance the beauty of our dream home. It will help us to make entry more beautiful and attractive. [unedited]

<i>General Matters</i>

Appeal Information:

The Board is advised that the appeal hearing was scheduled for March 26, 2020 at the request of the Appellant.

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

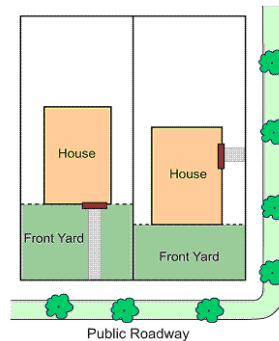
Under section 160.3(8), **Semi-detached Housing** is a **Discretionary Use** in the **(RF5) Row Housing Zone**.

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

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

Under section 6.1, **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



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

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

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

Section 160.1 states that the **General Purpose** of **(RF5) Row Housing Zone** is “to provide for ground oriented housing.”

Off-street Parking and Loading Regulations

Section 54.1(4) states:

The Front Yard of any ground level 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. ...

- c. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser; and
- d. ...

Development Officer’s Determination

1. The Driveway shall lead directly from the roadway to the Garage or Parking Area. (Reference Section 54.1(4)(a))

The proposed Driveway extension leads to the front of the house not to a Garage or Parking Area. [unedited]

2. The width of the Driveway shall not exceed the width of the Garage. (Reference Section 54.1(4)(c))

The width of the proposed Driveway and Driveway extension is 2.01 m greater than the width of the Garage. [unedited]

Location of Vehicular Parking Facilities

Section 54.2(2) states:

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


Development Officer’s Determination

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

The proposed Driveway extension will create parking spaces in the Front Yard in a Residential Zone. [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.

	Project Number: 343592655-001 Application Date: OCT 15, 2019 Printed: December 10, 2019 at 3:52 PM Page: 1 of 2												
<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>													
This document is a Development Permit Decision for the development application described below.													
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I/We certify that the above noted details are correct. Applicant signature: _____													
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Building Permit Decision Refused													
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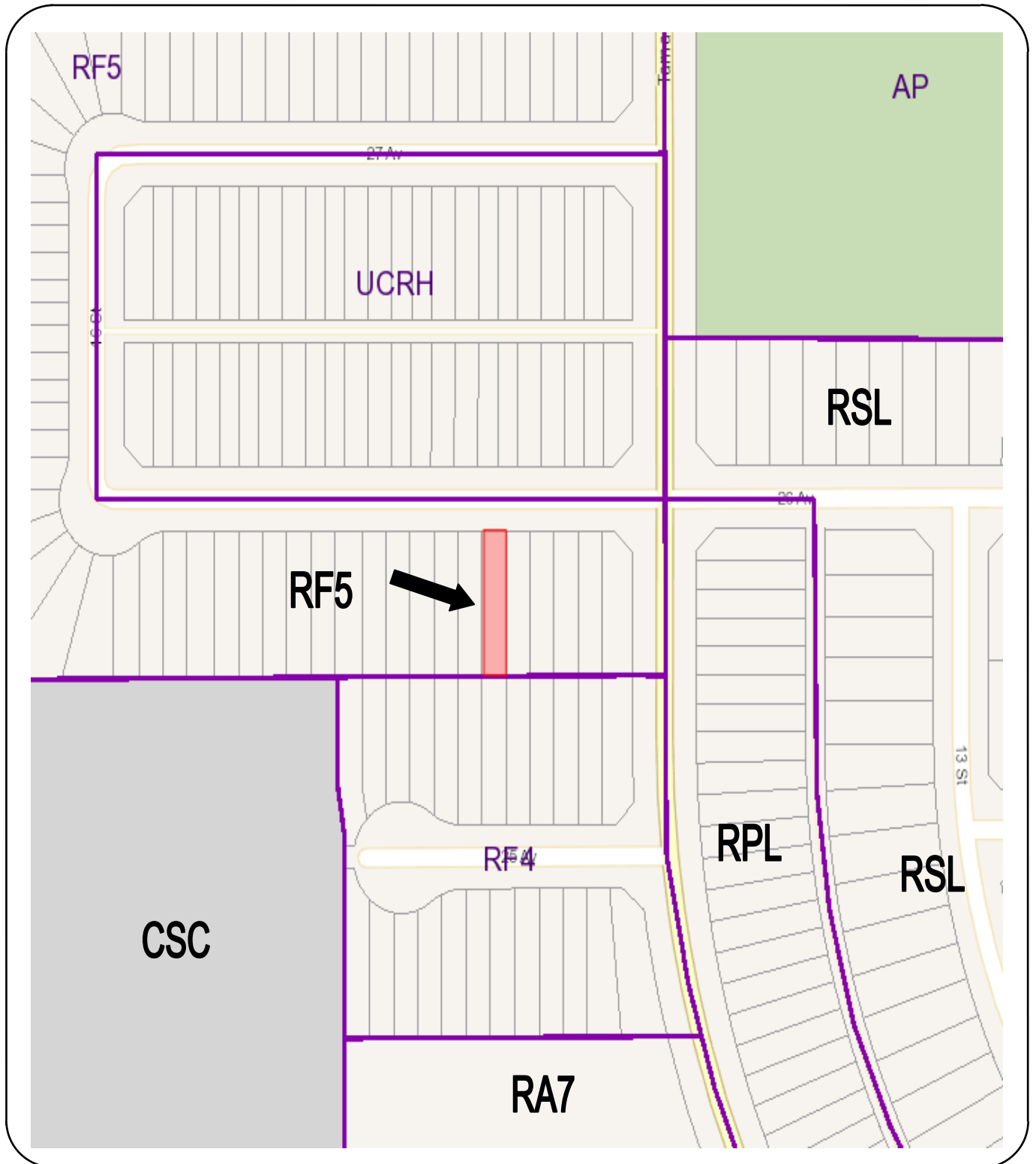
Application for Driveway Extension Permit

Project Number: **343592655-001**
Application Date: OCT 15, 2019
Printed: December 10, 2019 at 3:52 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$173.00	\$173.00	06212206	Oct 15, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$173.00</u>	<u>\$173.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-029

