

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 31, 2016**

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

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

I	9:00 A.M.	SDAB-D-16-084	Construct an addition and exterior alterations, and a rear covered deck (3.05m x 6.25m) to a Single Detached House 11117 - 127 Street NW Project No.: 180912276-001
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II	10:30 A.M.	SDAB-D-16-085	Construct a Semi-Detached House with attached garages, front verandas, fireplaces, balconies 11204 - 77 Avenue NW, 11204 - 77 Avenue NW Project No.: 154473783-001
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III	1:30 P.M.	SDAB-D-16-086	Install (1) Freestanding Minor Digital Off-Premises Sign (Northgate Shopping Centre) 9499 - 137 Avenue NW, 9499 - 137 Avenue NW Project No.: 180472349-001
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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-16-084

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180912276-001

ADDRESS OF APPELLANT: 11117 - 127 Street NW

APPLICATION TO: Construct an addition and exterior alterations, and a rear covered deck (3.05m x 6.25m) to a Single Detached House.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 23, 2016

DATE OF APPEAL: March 4, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11117 - 127 Street NW

LEGAL DESCRIPTION: Plan 7239AH Blk 6 Lot 17

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

Deck should not be included in site coverage as its below 1 metre.

We are going to keep addition the same side setback as rear (east) end of the house.

Privacy lattice or similar will be installed on deck as per City requirements. [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, or
 - ...

The decision of the Development Authority was dated February 23, 2016. The Notice of Appeal was filed on March 4, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development 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 Mobile Homes which conform to Section 78 of this Bylaw.

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

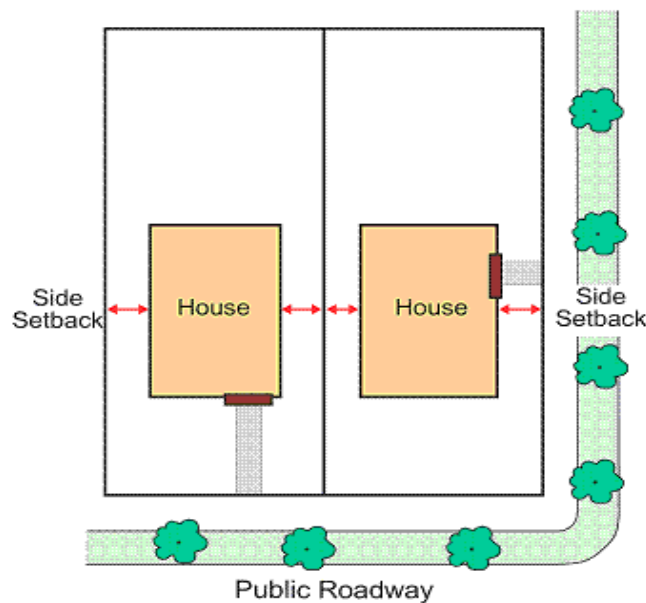
... to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides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

Side Setback

Section 140.4(13)(a) states that “Side Setbacks shall total at least 20% of the Site Width to a maximum total of 6.0 m, with a minimum Side Setback of 1.2 m on each side”.

Section 6.1(91) states:

Side Setback means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Development Officer’s Determination

The Development Officer referenced Section 140.4(13)(a) and made the following determination:

(20% x 7.62m = 1.52m)
 Proposed: Left: 0.77m, right: 0.64m, Total= 1.41m
 Deficient: Left: 0.43m, right: 0.56m, Total = 0.11m [unedited]

Maximum Site Coverage

Section 140.4(10) states:

Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached and Duplex Housing - Site area 300 m ² or greater	28%	12%	40%	40%

Development Officer’s Determination

The Development Officer referenced Section 140.4(10)(a) and made the following determination:

Principal Dwelling/ building: 28%
 Accessory building: 12%
 Total: 40%

Proposed:
 Site Area= 332.98 sqm
 Principal Building (including decks greater than 1 meter in height) = 99.78 sqm or 29.97%
 Over by: 1.97%
 Accessory Building: 38.86 sqm or 11.67%
 Total= 138.64 sqm or 41.6% over by 1.63% [unedited]

Privacy Screening

Section 814.3(8) states: “Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.”

Development Officer’s Determination

The Development Officer referenced section 814.3(8) and made the following determination:

Proposed: Roof top balcony with no privacy screening. Concerns that the balcony will significantly overlook onto the adjacent properties amenity spaces. [unedited]

Variance to Regulations

Section 11.3(3) states:

the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw and the proposed development would not, in his opinion:

- a. unduly interfere with the amenities of the neighbourhood; or
- b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Development Officer’s Determination

4.) Non-conforming building - This permit proposes a rear addition which does increase the non-conformity of the building (Section 11.3.3).

It is in the opinion of the Development Officer that the proposed development would unduly interfere with the amenities of the neighbourhood; or materially interfere with or affect the use, enjoyment, or value of the neighbouring properties. [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: **180912276-001**
Application Date: OCT 14, 2015
Printed: February 23, 2016 at 9:06 AM
Page: 1 of 2

Application for Minor Development Permit

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

Applicant 	Property Address(es) and Legal Description(s) 11117 - 127 STREET NW Plan 7239AH Blk 6 Lot 17
	Specific Address(es) Suite: 11117 - 127 STREET NW Entryway: 11117 - 127 STREET NW Building: 11117 - 127 STREET NW

Scope of Application
To construct an addition and exterior alterations, and a rear covered deck (3.05m x 6.25m) to a Single Detached House.

Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

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

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **180912276-001**
 Application Date: OCT 14, 2015
 Printed: February 23, 2016 at 9:06 AM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

1.) Section 140.4.13: Side Setbacks shall total at least 20% of the Site Width to a maximum total of 6.0 m, with a minimum Side Setback of 1.2 m on each side.
 (20% x 7.62m = 1.52m)
 Proposed: Left: 0.77m, right: 0.64m, Total= 1.41m
 Deficient: Left: 0.43m, right: 0.56m, Total = 0.11m

2.) Section 140.4.10.a: Maximum Site Coverage shall be as follows:
 Single Detached and Duplex Housing - Site area 300 m2 or greater
 Principal Dwelling/ building: 28%
 Accessory building: 12%
 Total: 40%

Proposed:
 Site Area= 332.98 sqm
 Principal Building (including decks greater than 1 meter in height) = 99.78 sqm or 29.97%
 Over by: 1.97%
 Accessory Building: 38.86 sqm or 11.67%
 Total= 138.64 sqm or 41.6% over by 1.63%

3.) Section 814.3.8: Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.
 Proposed: Roof top balcony with no privacy screening. Concerns that the balcony will significantly overlook onto the adjacent properties amenity spaces.

4.) Non-conforming building - This permit proposes a rear addition which does increase the non-conformity of the building (Section 11.3.3).

It is in the opinion of the Development Officer that the proposed development would unduly interfere with the amenities of the neighbourhood; or materially interfere with or affect the use, enjoyment, or value of the neighbouring properties.

Rights of Appeal

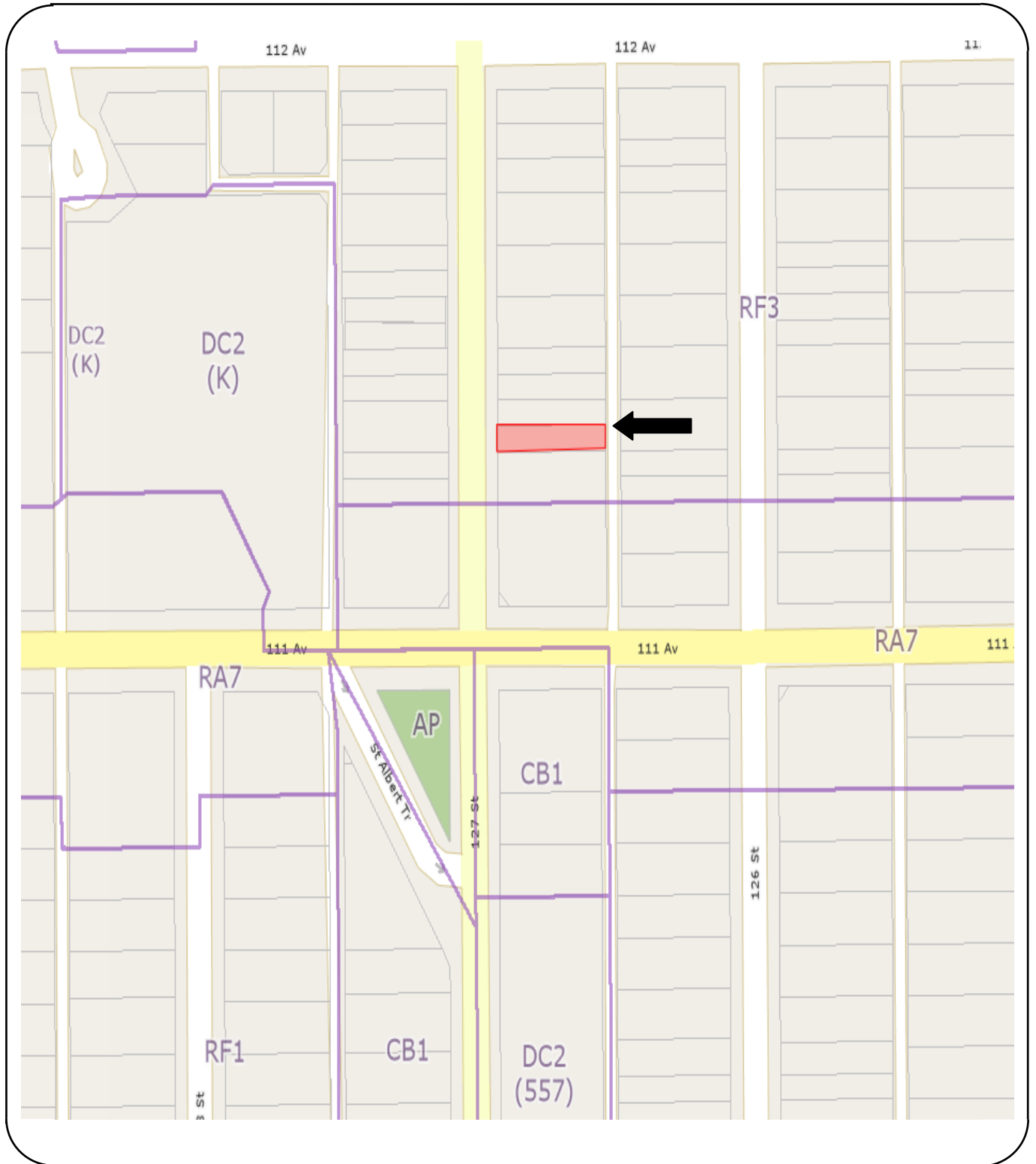
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Feb 23, 2016 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$385.00	\$385.00	02820172	Oct 14, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$385.00	\$385.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-084



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-085

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 154473783-001

ADDRESS OF APPELLANT: 11204 - 77 Avenue NW,
11204 - 77 Avenue NW

APPLICATION TO: Construct a Semi-Detached House with
attached garages, front verandas,
fireplaces, balconies.

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 25, 2016

DATE OF APPEAL: March 4, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11204 - 77 Avenue NW,
11204 - 77 Avenue NW

LEGAL DESCRIPTION: Plan 2064S Blk 11 Lot 2,
Plan 2064S Blk 11 Lot 1

ZONE: RF3 Small Scale Infill Development 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:

A Similar development (in size, style, Setbacks, floor plans, elevations etc.) has been approved and constructed next door with similar variances granted on even a smaller lot size with access to the lane. (Northern immediate adjacent property at 7716/18 112 St.)

Unique lots subdivision and the current parcels' dimensions and direction, will require similar variances to Rear/Front Setbacks, Site Area and Site Depth requirements for any development proposal on the subject parcels. Also given the nature of this proposal and it's consistency with 112 St Block Face, considering 112 St as the front lot line (21.31m vs. 20.14m) will eliminate the required variance for the Front Setback. Please note that the Site Coverage and the Building Height are maintained below the maximum allowed in Zoning Bylaws and Mature Neighborhood Overlay. Also, a similar design has been approved and constructed on even a smaller site area (358m²) on the same block corner.

Main entrances, verandas and most of main floor area elevations, are no more than the allowed 1.2m above Grade. The 1' rise of the living room elevation is to accommodate the required height for garage entrance and to maintain a steady slope for the ramp. This solution was inspired by the new infill at the neighboring lot and was suggested by the previous development Officer.

This development proposal provides amenity areas with dimensions of more than 4m at the SE corner of the development. More privacy can be achieved by proper fencing. Additionally, private amenity areas are provided for each dwelling on the loft balconies with dimensions of more than 3m.

Each of the subject parcels is entitled to a driveway to provide vehicular access to the property. Having no access to the lane, the original design, proposed vehicular access to these parcels from 77 Ave. This was strongly opposed by the Community League. The development officer at the time suggested rotating the building facing to the east, getting access from 112 Street, aligned and in accordance with the next-door neighbors' approved and constructed driveways. After 10 revisions, the proposed plans, share a single ramp opening to 112 St to serve both dwellings. The slope will be heated for convenient winter usage. The two driveways off of 112 Street, follow the same pattern used to provide vehicular access to the immediate neighboring property and is in conformity with the new block corner character.

Also, a 2.82m distance (suggested 2.3m by the Forestry Department) is maintained from the boulevard tree to avoid damage to the roots while extra construction measures can be taken to further protect the tree.

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
 - ...

The decision of the Development Authority was dated February 25, 2016. The Notice of Appeal was filed on March 4, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.2(8), **Semi-detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(8) states:

Semi-detached Housing means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

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.

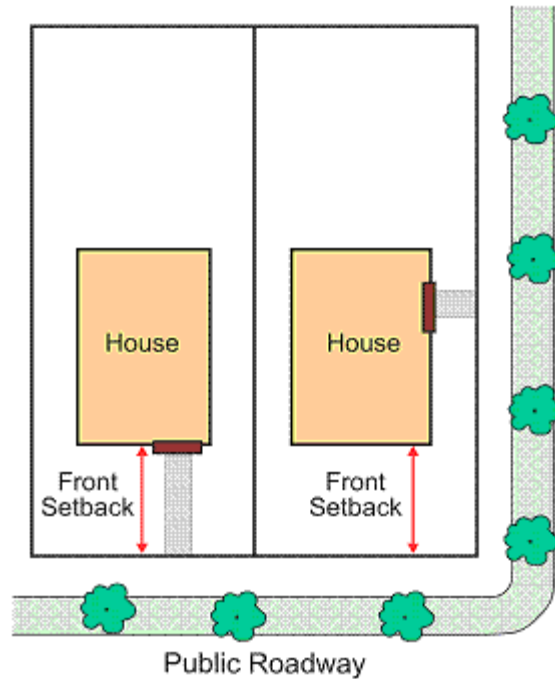
<i>Front Setback</i>

Section 814.3(1) states:

1. The Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. On a Corner Site, in the (RF3) Small Scale Infill Development Zone, where Row Housing, Stacked Row Housing or Apartment Housing faces the flanking Side Lot Line, the following regulations shall apply:
 - a. For Lots where the Front Setback of the Abutting Lot is 9.0 m or less, the Front Setback shall be a maximum of 6.0 m.
 - b. For Lots where the Front Setback of the Abutting Lot is greater than 9.0 m and less than 11.0 m, the Front Setback shall be consistent within 3.0 m of the Front Setback of the Abutting Lot, to a maximum of 7.0 m.
 - c. For Lots where the Front Setback of the Abutting Lot is 11.0 m or greater, the Front Setback shall be within 4.0 m of the Front Setback of the Abutting Lot.

Section 6.1(39) states:

Front Setback means the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.



Development Officer’s Determination

On March 14, 2015, City Council passed Bylaw 17556, which amended portions of Section 814.3. The Development Officer referenced the previous version of Section 814.3(1), and made the following determination:

1. Section 814.3(1) - The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m.

Required minimum Front Setback: 6.9 m

Proposed Front Setback: 2.5 m

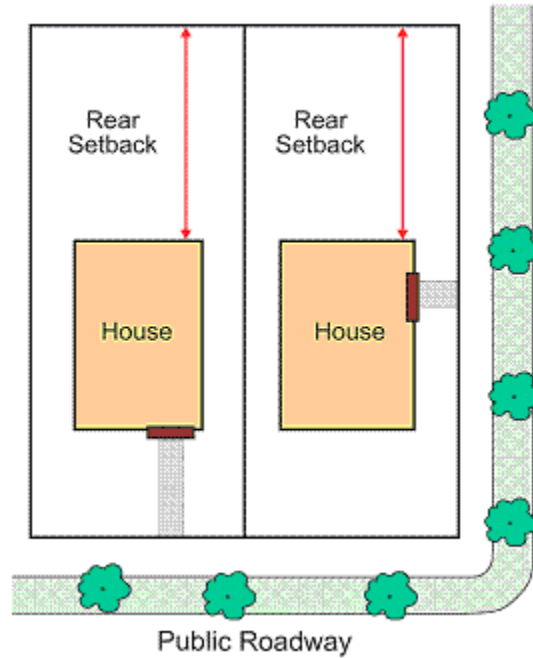
Deficient by: 4.4 [unedited]

Rear Setback

Section 814.3(5) states: “The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.”

Section 6.1(82) states:

Rear Setback means the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer’s Determination

The Development Officer referenced Section 814.3(5) and made the following determination:

- Required: 8.5 m
- Proposed: 2.0 m
- Deficient by: 6.5 m [unedited]

Basement Elevation

Section 814.3(16) states: “The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.”

Section 52(4) states the following with respect to the determination of Grade:

The Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:

- a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
- b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan;
- c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane;
- d. for a Site where the highest geodetic elevation at a corner of the front property line is greater than the lowest geodetic elevation at a corner of the rear property line by 2.0 m or more, the Development Officer may determine Grade by calculating the average elevation of the front corners of the Lot, and along the side property lines a distance equal to the minimum front Setback in the underlying Zone from the front property line. This method is intended for small scale development with a single Principal building and is not intended to be used for Multi-unit Project Developments; or
- e. the Development Officer may use his variance power to determine Grade by a method other than the ones described in subsection 52.4. If so, this shall be a Class B Discretionary Development.

Development Officer's Determination

The Development Officer referenced Section 814.3(16) and made the following determination:

Ht. from Average Grade to highest Finished Floor: 1.5 m

<p><i>Minimum Site Area and Site Depth</i></p>

Section 140.4(3)(a) states: "the minimum Site area shall be 442.2 m²".

Section 140.4(3)(d) states: "the minimum Site depth shall be 30.0 m."

Development Officer's Determination

The Development Officer referenced Section 140.4(3)(a) and made the following determination with respect to Site area:

Required: 442.2 m²
Proposed: 428.8 m²
Deficient by: 13.4 m² [unedited]

The Development Officer referenced Section 140.4(3)(d) and made the following determination with respect to Site depth:

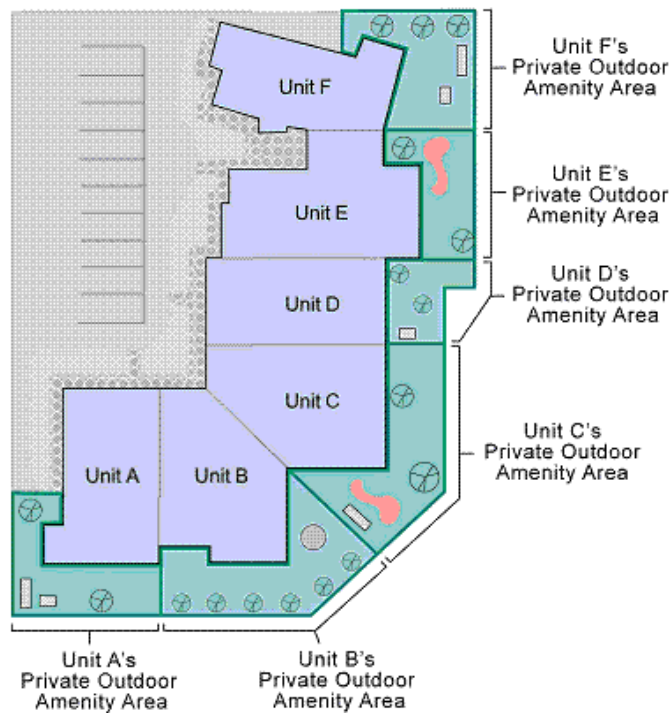
Required: 30.0 m
Proposed: 21.3 m
Deficient by: 8.7 m [unedited]

Private Outdoor Amenity Area

Section 47(5) states: “Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.”

Section 6.1(78) states:

Private Outdoor Amenity Area means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve;



Development Officer’s Determination

The Development Officer referenced Section 47(5) and made the following determination:

Proposed Semi Detached House does not provide a Private Outdoor Amenity Area with minimum dimensions in yard or loft balcony.
[unedited]

Maximum Allowable Driveways

Section 54.1(4) states:

The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

- a. a minimum width of 3.1 m; and
- b. a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;
- c. for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 3.1 m.

Development Officer's Determination

The Development Officer referenced Section 54.1(4) and made the following determination:

Proposed Development has two Driveways accessed off of 112 Street.
[unedited]

Transportation Services Approval

Section 53(1) states: "All access locations and curb crossings shall require the approval of Transportation Services."

Development Officer's Determination

The Development Officer referenced Section 53(1) and made the following determination:

Proposed driveway access locations have been objected by Transportation Services.

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: **154473783-001**
Application Date: MAY 15, 2014
Printed: March 15, 2016 at 11:47 AM
Page: 1 of 3

Application for Minor Development Permit

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

Applicant



Property Address(es) and Legal Description(s)

11204 - 77 AVENUE NW
Plan 2064S Blk 11 Lot 2
11204 - 77 AVENUE NW
Plan 2064S Blk 11 Lot 1

Specific Address(es)

Entryway: 11204 - 77 AVENUE NW
Entryway: 7708 - 112 STREET NW
Building: 11204 - 77 AVENUE NW

Scope of Application

To construct a Semi-Detached House with attached garages, front verandas, fireplaces, balconies

Permit Details

of Dwelling Units Add/Remove: 1
Client File Reference Number:
Minor Dev. Application Fee: Semi-Detached House
Secondary Suite Included?: N

Class of Permit: (none)
Lot Grading Needed?: Y
New Sewer Service Required: Y
Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

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

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **154473783-001**
Application Date: MAY 15, 2014
Printed: March 15, 2016 at 11:47 AM
Page: 2 of 3

Application for Minor Development Permit

Reason for Refusal

1. Section 814.3(1) - The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m.

Required minimum Front Setback: 6.9 m
Proposed Front Setback: 2.5 m
Deficient by: 4.4

2. Section 814.3(5) - The minimum Rear Setback shall be 40% of Site depth.

Required: 8.5 m
Proposed: 2.0 m
Deficient by: 6.5 m

3. Section 814.3(16) - The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.

Ht. from Average Grade to highest Finished Floor: 1.5 m

4. Section 140.4(3)(a) - The minimum Site area shall be 442.2 m²

Required: 442.2 m²
Proposed: 428.8 m²
Deficient by: 13.4 m²

5. Section 140.4(3)(d) - The minimum Site depth shall be 30.0 m.

Required: 30.0 m
Proposed: 21.3 m
Deficient by: 8.7 m

6. Section 47(5) - Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.

Proposed Semi Detached House does not provide a Private Outdoor Amenity Area with minimum dimensions in yard or loft balcony.

7. Section 54.1(4) - In the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway.

Proposed Development has two Driveways accessed off of 112 Street.

8. Section 53(1) - All access locations and curb crossings shall require the approval of Transportation Services.

Proposed driveway access locations have been objected by Transportation Services.

THIS IS NOT A PERMIT



Project Number: **154473783-001**
 Application Date: MAY 15, 2014
 Printed: March 15, 2016 at 11:47 AM
 Page: 3 of 3

Application for Minor Development Permit

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 25, 2016 **Development Authority:** HETHERINGTON, FIONA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$447.00	\$447.00	01653598	May 15, 2014
Sanitary Sewer Trunk Fund	\$1,257.00	\$1,257.00	01653598	May 15, 2014
Lot Grading Fee	\$135.00	\$135.00	01653598	May 15, 2014
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,839.00	\$1,839.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-085



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-086

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180472349-001

ADDRESS OF APPELLANT: 9499 - 137 Avenue NW, 9499 - 137 Avenue NW

APPLICATION TO: Install (1) Freestanding Minor Digital Off-Premises Sign (Northgate Shopping Centre).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 23, 2016

DATE OF APPEAL: March 2, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9499 - 137 Avenue NW, 9499 - 137 Avenue NW

LEGAL DESCRIPTION: Plan 0021646 Lot 1, Plan 6594MC Blk 27

ZONE: CSC Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

In a letter dated March 2, 2016, the Appellant provided the following reasons for appealing the decision of the Development Authority:

We are solicitors for Macdonald Outdoor Advertising, the Applicant in the above noted matter. Our client's Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The Site has an area in excess of eleven (11) hectares and can accommodate additional signs;

2. The proposed sign is located well within the site boundaries to reduce the visual impact from locations at which the existing minor digital off-premises sign within 200 metres of the proposed sign is visible;
3. A variance to the maximum sign area is required to accommodate this type of sign, and the requested variance will not have any additional impact on the amenities of the neighbourhood or the use, enjoyment or value of neighbouring parcels of land;
4. Section 59E.2(3)(e) is not applicable to this permit application; and
5. Such further and other reasons as may be presented at the hearing of this appeal. [unedited]

<i>General Matters</i>

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

...

The decision of the Development Authority was dated February 23, 2016. The Notice of Appeal was filed on March 2, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 320.1 states that the **General Purpose** of the **CSC Shopping Centre Zone** is:

...to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

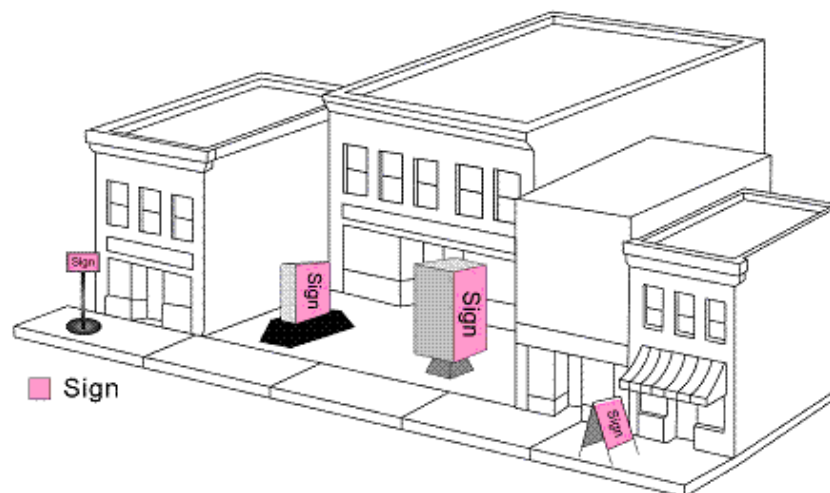
Under Section 320.3(34), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the CSC Shopping Centre Zone.

Section 7.9(6) states:

Minor Digital Off-premises Signs means any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital Off-premises 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. The Copy on such Sign 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.

Section 6.2(8) states:

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;



Maximum Number of Signs

Schedule 59E.3(5)(j) states:

5. Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- j. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four;

Development Officer’s Determination

The Development Officer referenced Schedule 59E.3(5)(j) and made the following determination:

The site currently has (4) multi tenant Freestanding On-premises Signs, (1) Freestanding On-premises Sign for Chili's and one entry feature sign at NW corner of Site, making it a total of (6) existing Freestanding On-premises signs which were a part of comprehensive sign package approved in February 2001 by the Subdivision Division Appeal Board (Application Number:954962-001). Moreover, the proposed sign is a Freestanding Off-premises Sign.

Proposed: 7 signs
 Exceeds by: 1 sign [unedited]

Minimum Separation Distance

Schedule 59E.3(5)(d) states:

5. Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- d. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m ² or other Off-premises Sign
Greater than 8.0 m ² to less than 20 m ²	100 m
20 m ² to 40 m ²	200 m
Greater than 40 m ²	300 m

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

Development Officer's Determination

The Development Officer referenced Schedule 59E.3(5)(d) and made the following determination:

There is an existing Freestanding Minor Digital Off-premises sign (27.28 m²) within 200 m of the proposed sign towards NW located at 9703 137 Avenue.

Required separation: 200m
Proposed: 133m
Deficient by: 67m [unedited]

Maximum Sign Area

Schedule 59E.3(5)(c) states:

5. Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:
 - c. the maximum Area shall be:
 - i. 20 m², to a maximum of 25% wall coverage for proposed Signs that are Fascia Signs; or
 - ii. 20 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m²;

Development Officer's Determination

The Development Officer referenced Schedule 59E.3(5)(c)(ii) and made the following determination:

Proposed sign area 26.75 m²
Exceeds by: 6.75m²

45.0 m Radial Separation Distance

Schedule 59E.2(3)(e) states:

Freestanding On-premises Signs shall be subject to the following regulations:

...

- e. Freestanding On-premises Signs shall have a 45.0 m radial separation distance from any other Freestanding On-premises Sign, Major Digital Sign, Minor Digital On-premises Sign, Minor Digital Off-premises Sign or Minor Digital On-premises Off-premises Sign that is a Freestanding Sign on the same Site. This excludes Digital Signs that are located on the same Freestanding Sign structure as the proposed Freestanding On-premises Sign;

Development Officer's Determination

The Development Officer referenced Schedule 59E.2(3)(e) and made the following determination:

Proposed: 32 m
Deficient by: 13m

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: **180472349-001**
Application Date: OCT 06, 2015
Printed: March 21, 2016 at 12:25 PM
Page: 1 of 2

Application for Sign Combo Permit

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

Applicant 	Property Address(es) and Legal Description(s) 9499 - 137 AVENUE NW Plan 0021646 Lot 1 9499 - 137 AVENUE NW Plan 6594MC Blk 27 Location(s) of Work Entryway: 9499 - 137 AVENUE NW Building: 9499 - 137 AVENUE NW
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Scope of Application
To install (1) Freestanding Minor Digital Off-Premises Sign (Northgate Shopping Centre)

Permit Details Class of Permit: Expiry Date: Num. Temp., Fastica or Temporary Signs: 0 Sign Permit Label No. :	Construction Value: 120000 Num. of Freestanding, Projecting or Roof Signs: 0 Number of Additional Signs: Sign Type: Minor Digital On-premise Sign
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **180472349-001**
 Application Date: OCT 06, 2015
 Printed: March 21, 2016 at 12:25 PM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1) The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four.(Reference Section 59E.3(5)(j)).

The site currently has (4) multi tenant Freestanding On-premises Signs, (1) Freestanding On-premises Sign for Chili's and one entry feature sign at NW corner of Site, making it a total of (6) existing Freestanding On-premises signs which were a part of comprehensive sign package approved in February 2001 by the Subdivision Division Appeal Board (Application Number:954962-001). Moreover, the proposed sign is a Freestanding Off-premises Sign.

Proposed: 7 signs
 Exceeds by: 1 sign

2) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m2 or Off-premises Sign. If the proposed Sign Area is greater than 20m2 to less than 40m2, the minimum separation distance shall be 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59E.3(5)(d))

There is an existing Freestanding Minor Digital Off-premises sign (27.28 m2) within 200 m of the proposed sign towards NW located at 9703 137 Avenue.

Required separation: 200m
 Proposed: 133m
 Deficient by: 67m

3) The maximum Area shall be 20 m2 for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m2; (Reference Section 59E.3(5)(c)(ii))

Proposed sign area 26.75 m2
 Exceeds by: 6.75m2

4) Freestanding On-premises Signs shall have a 45.0 m radial separation distance from any other Freestanding On-premises Sign, Major Digital Sign, Minor Digital On-premises Sign, Minor Digital Off-premises Sign or Minor Digital On-premises Off-premises Sign that is a Freestanding Sign on the same Site. (Reference Section 59E.2(3)(e)).

Proposed: 32 m
 Deficient by: 13m

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 23, 2016 **Development Authority:** AHUJA, SACHIN **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$47.04	\$7.84	02823113	Oct 15, 2015
Sign Building Permit Fee	\$1,176.00	\$196.00	02823113	Oct 15, 2015
Sign Dev Appl Fee - Digital Signs	\$832.00	\$832.00	2823113,03082860	Feb 23, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,055.04	\$1,035.84		
(\$1,019.20 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-086



BUSINESS LAID OVER

SDAB-D-16-048	An appeal by <u>Pattison Outdoor Advertising</u> to construct a Freestanding Off-premises Sign. <i>April 6 or 7, 2016</i>
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APPEAL HEARINGS TO BE SCHEDULED

180917066-001	An appeal by <u>Leston Holdings (1980) Ltd.</u> to construct interior alterations (add 1 unit, increase from a 21 unit to a 22 unit building) to an existing Apartment Housing building, existing without permits. <i>April 6 or 7, 2016</i>
160474324-006	An appeal by 1319416 Alberta Ltd. / Kennedy Agrios LLP to replace a Roof Off-premises Sign with (1) Freestanding Minor Digital Off-premises Sign (6.1m x 3m). <i>April 14, 2016</i>