

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
November 12, 2015**

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

Members Scheduled

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

I 9:00 A.M. SDAB-D-15-260

Construct an exterior alteration to an existing Single Detached House(driveway extension 9.14m x 3.5m) existing without permits

113 - Dunluce Road NW
Project No.: 151415914-002

II 10:30 A.M. SDAB-D-15-261

Construct exterior alterations (front yard concrete extension, 1.20m x 5.30m) to a Single Detached House, existing without permits.

3924 - 30 Street NW
Project No.: 175784462-002

III 1:00 P.M. SDAB-D-15-262

Construct an addition (2 cantilever extensions on the second floor, 0.60m x 6.26m each) to an existing Semi-detached House

10221 - 90 Street NW, 10223 - 90 Street NW
Project No.: 169116553-002

IV 2:30 P.M. SDAB-D-15-242

Install (1) Freestanding Off-Premises Sign

2303 - Gateway Boulevard NW
Project No.: 174935500-001

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-15-260

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 151415914-002

ADDRESS OF APPELLANT: 113 Dunluce Road NW

APPLICATION TO: Construct an exterior alteration to an existing Single Detached House (driveway extension 9.14m x 3.5m) existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 8, 2015

DATE OF APPEAL: October 15, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 113 Dunluce Road NW

LEGAL DESCRIPTION: Plan 7822562 Blk 65 Lot 35

ZONE: RF1 Single Detached Residential Zone

OVERLAY: None

STATUTORY PLAN: N/A

Grounds for Appeal

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

This concrete pad already existed when we purchased this property in 2012. We were looking specifically for homes that had RV parking. This property was listed through REMAX listing agent Ryan Dutka as having a Double detached and insulated garage plus a parking pad for your RV or trailer. That

being said we would really like to keep the existing pad for parking purposes. [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 is dated October 8, 2015. The Notice of Appeal was filed on October 15, 2015, and the Notice of Appeal Period expired on October 22, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 provides that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-Detached Housing and Duplex Housing under certain conditions.

Section 110.2 provides that a **Single Detached House** is a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

Driveway Extension

Section 6.1(26) defines **Driveway** as “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

Development Officer’s Determination:

1. The concrete area shall not be considered a Driveway. Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area. (Reference Section 6.1(26)) The concrete extension on the left side of the property does not lead to an overhead garage door or parking area. [unedited]

Parking

The *Edmonton Zoning Bylaw* provides the following:

44. Projection into Setbacks and Separation Spaces

The following features may project into a required Setback or Separation Space as provided for below:

...

6. a Parking Area when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways; and

54.2 Required Off-street Vehicular Accessory Parking

2. Location of Vehicular Parking Facilities

...

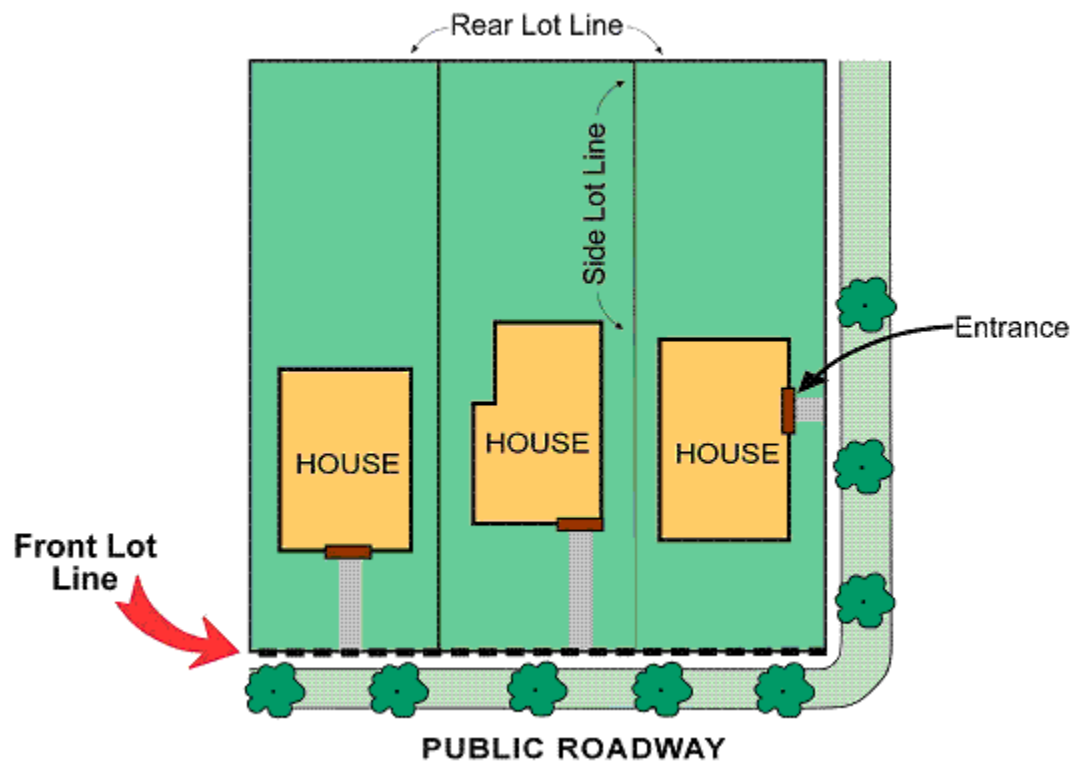
- e. Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:
 - i. parking spaces shall not be located within a Front Yard; and...

Section 6.1(40) defines **Front Yard** as:

...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.

Section 6.1(38) defines **Front Lot Line** as

...the property line separating a lot from an abutting public roadway other than a lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curved corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line;



Development Officer's Determination:

2. The concrete area is not part of the Driveway. No Parking Area or parking spaces shall be located within the Front Yard. (Reference Section 44.6 and Section 54.2(2)(e)(i)). [unedited]

Landscaping

Section 55.1 of the *Edmonton Zoning Bylaw* provides that the **General Purpose** of the Landscaping regulations is:

...to contribute to a reasonable standard of liveability and appearance for developments, from the initial placement of the Landscaping through to its mature state, to provide a positive overall image for Edmonton and to encourage good environmental stewardship.

Section 6.1(55) defines **Landscaping** as follows:

Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls and sculpture;

Development Officer's Determination:

3. The Front Yard shall be landscaped. (Reference Section 55.4)
Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:



- a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c) architectural elements such as decorative fencing, walls and sculpture. (Reference Section 6.1(55))

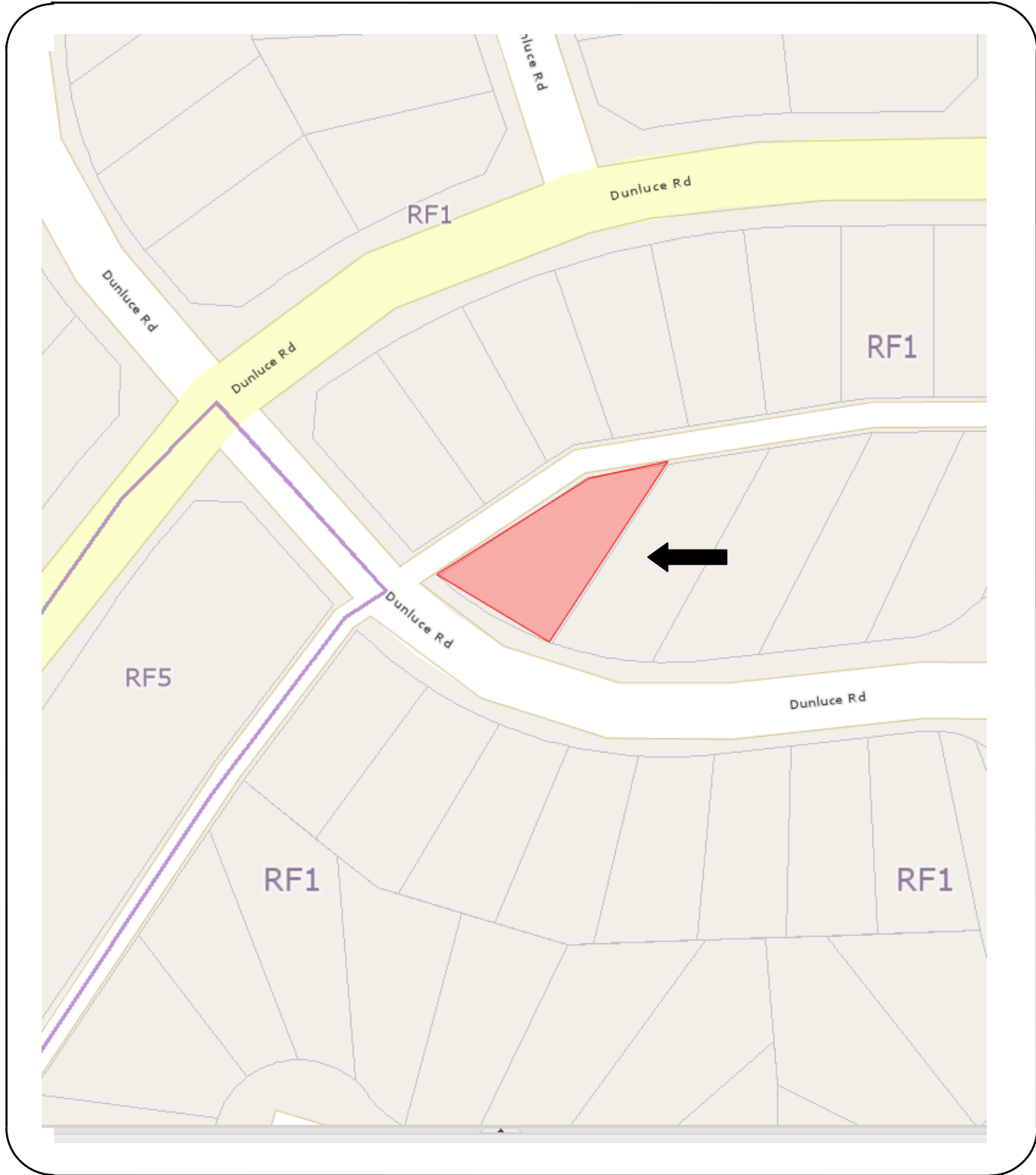
NOTES:

1. All Yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. (Reference 55.2(4)(b))
2. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800. [unedited]

Notice to the 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: 151415914-002 Application Date: AUG 12, 2015 Printed: November 3, 2015 at 8:50 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
Applicant BENJAMIN, BECKY 	Property Address(es) and Legal Description(s) 113 - DUNLUCE ROAD NW Plan 7822562 Blk 65 Lot 35		
Scope of Application To construct an exterior alteration to an existing Single Detached House(driveway extension 9.14m x 3.5m) existing without permits.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N </td> <td style="width: 50%; border: none;"> Class of Permit: Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area:
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area:		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1. The concrete area shall not be considered a Driveway. Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area. (Reference Section 6.1(26)) The concrete extension on the left side of the property does not lead to an overhead garage door or parking area. 2. The concrete area is not part of the Driveway. No Parking Area or parking spaces shall be located within the Front Yard. (Reference Section 44.6 and Section 54.2(2)(e)(i)) 3. The Front Yard shall be landscaped. (Reference Section 55.4) Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following: <ol style="list-style-type: none"> a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings; b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and c) architectural elements such as decorative fencing, walls and sculpture. (Reference Section 6.1(55)) <p>NOTES:</p> <ol style="list-style-type: none"> 1. All Yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. (Reference 55.2(4)(b)) 2. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800. 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.			
THIS IS NOT A PERMIT			



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-260



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-261

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 175784462-002

ADDRESS OF APPELLANT: 3924 - 30 Street NW

APPLICATION TO: Construct exterior alterations (front yard concrete extension, 1.20m x 5.30m) to a Single Detached House, existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 21, 2015

DATE OF APPEAL: October 8, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3924 - 30 Street NW

LEGAL DESCRIPTION: Plan 9323139 Blk 12 Lot 52

ZONE: RF1 Single Detached Residential Zone

OVERLAY: None

STATUTORY PLAN: Lankspur Neighbourhood Structure Plan
The Meadows Area Structure Plan

Grounds for Appeal

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

I want to make direct access to my huse because when we try to enter our house, we have to go through our driveway which is only sufficient for two car parking. In winter the driveway becomes slippery and we normally fall off.

Most of our neighbours have already made the direct passage to their house (pictures included). They made theirs wider than mine. [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 decision of the Development Authority is dated September 21, 2015. The Notice of Appeal was filed on October 8, 2015, and the Notice of Appeal Period expired on October 5, 2015.

The Development Authority submitted a Canada Post Delivery Confirmation Receipt showing that the decision of the Development Authority was signed as received by "BK" on September 29, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 provides that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-Detached Housing and Duplex Housing under certain conditions.

Section 110.2 provides that a **Single Detached House** is a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

Driveway Extension

The *Edmonton Zoning Bylaw* states:

54.1 Off-street Parking and Loading Regulations

4. 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:

- a. a minimum width of 3.1 m;
- b. for a Site 10.4 m wide or greater, have 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; and
- c. for a Site less than 10.4 m wide, have a maximum width of 3.1 m.

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

Section 6.1(26) defines **Driveway** as “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

Development Officer’s Determination:

- 1. Section 54.1(4) - 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: (b) for a Site 10.4 m wide or greater, have 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.

Proposed width of driveway and extension: 7.30m
Maximum width of driveway: 6.20m
Exceeds by: 1.10m

- 2. Section 6.1(26) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

-Other than the approved [unedited]

Parking

The *Edmonton Zoning Bylaw* provides the following:

44. Projection into Setbacks and Separation Spaces

The following features may project into a required Setback or Separation Space as provided for below:

...

- 6. a Parking Area when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways; and

54.2 Required Off-street Vehicular Accessory Parking

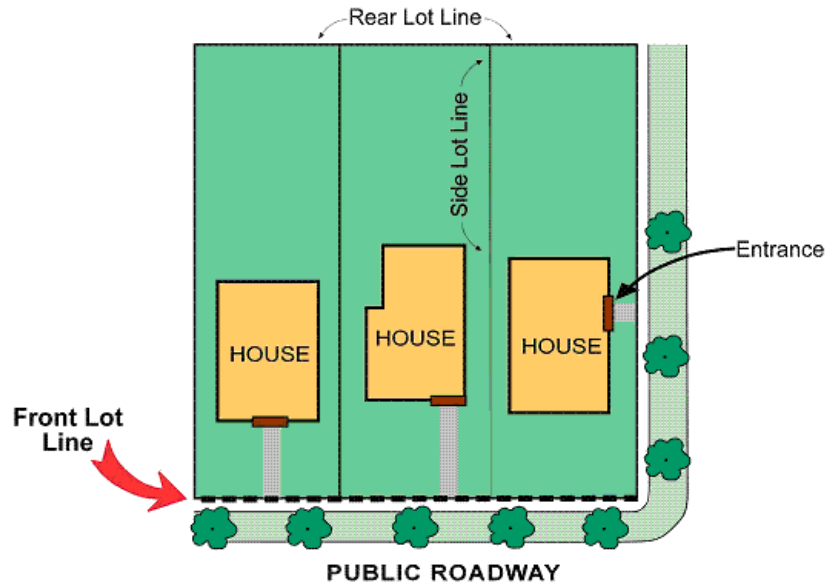
- 2. Location of Vehicular Parking Facilities

...

- e. Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:
 - i. parking spaces shall not be located within a Front Yard; and...

Section 6.1(40) defines **Front Yard** as "... 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.

Section 6.1(38) defines **Front Lot Line** as "the property line separating a lot from an abutting public roadway other than a lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curved corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line;



Development Officer's Determination:

3. Section 54.2(2)(e)(i) - Parking spaces, not including Driveways, shall not be located within a Front Yard.

- The proposed extension is in the Front Yard. The extension is being used as a 3rd driveway parking space. Parking is not allowed on the Front Yard and the extension should be landscaped. [unedited]

Landscaping

Section 55.1 of the *Edmonton Zoning Bylaw* provides that the **General Purpose** of the Landscaping regulations is:

...to contribute to a reasonable standard of liveability and appearance for developments, from the initial placement of the Landscaping through to its mature state, to provide a positive overall image for Edmonton and to encourage good environmental stewardship.

Section 6.1(55) defines **Landscaping** as follows:

Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls and sculpture;

Section 55.4(1) states:

All open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

Development Officer's Determination:

4. Section 55.4(1) - All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer.

- The existing concrete extension is in the Front Yard. Based on the landscaping regulations, the Front Yard must be landscaped. Monolithic concrete is not a form of landscaping (Reference Section 6.1(55)). [unedited]

Notice to the 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: **175784462-002**
Application Date: JUL 21, 2015
Printed: November 3, 2015 at 1:36 PM
Page: 1 of 2

Application for Minor Development Permit

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

Applicant DHALIWAL, JARNAIL S. 	Property Address(es) and Legal Description(s) 3924 - 30 STREET NW Plan 9323139 Blk 12 Lot 52
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Scope of Application
 To construct exterior alterations (front yard concrete extension, 1.20m x 5.30m) to a Single Detached House, 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: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
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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: **175784462-002**
 Application Date: JUL 21, 2015
 Printed: November 3, 2015 at 1:36 PM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

1. Section 54.1(4) - 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: (b) for a Site 10.4 m wide or greater, have 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.

Proposed width of driveway and extension: 7.30m
 Maximum width of driveway: 6.20m
 Exceeds by: 1.10m

2. Section 54.2(2)(e)(i) - Parking spaces, not including Driveways, shall not be located within a Front Yard.

- The proposed extension is in the Front Yard. The extension is being used as a 3rd driveway parking space. Parking is not allowed on the Front Yard and the extension should be landscaped.

3. Section 55.4(1) - All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer.

- The existing concrete extension is in the Front Yard. Based on the landscaping regulations, the Front Yard must be landscaped. Monolithic concrete is not a form of landscaping (Reference Section 6.1(55)).

4. Section 6.1(26) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

-Other than the approved 6.1 m wide concrete front driveway, the existing concrete extension does not lead to an overhead garage door or parking area.

Rights of Appeal

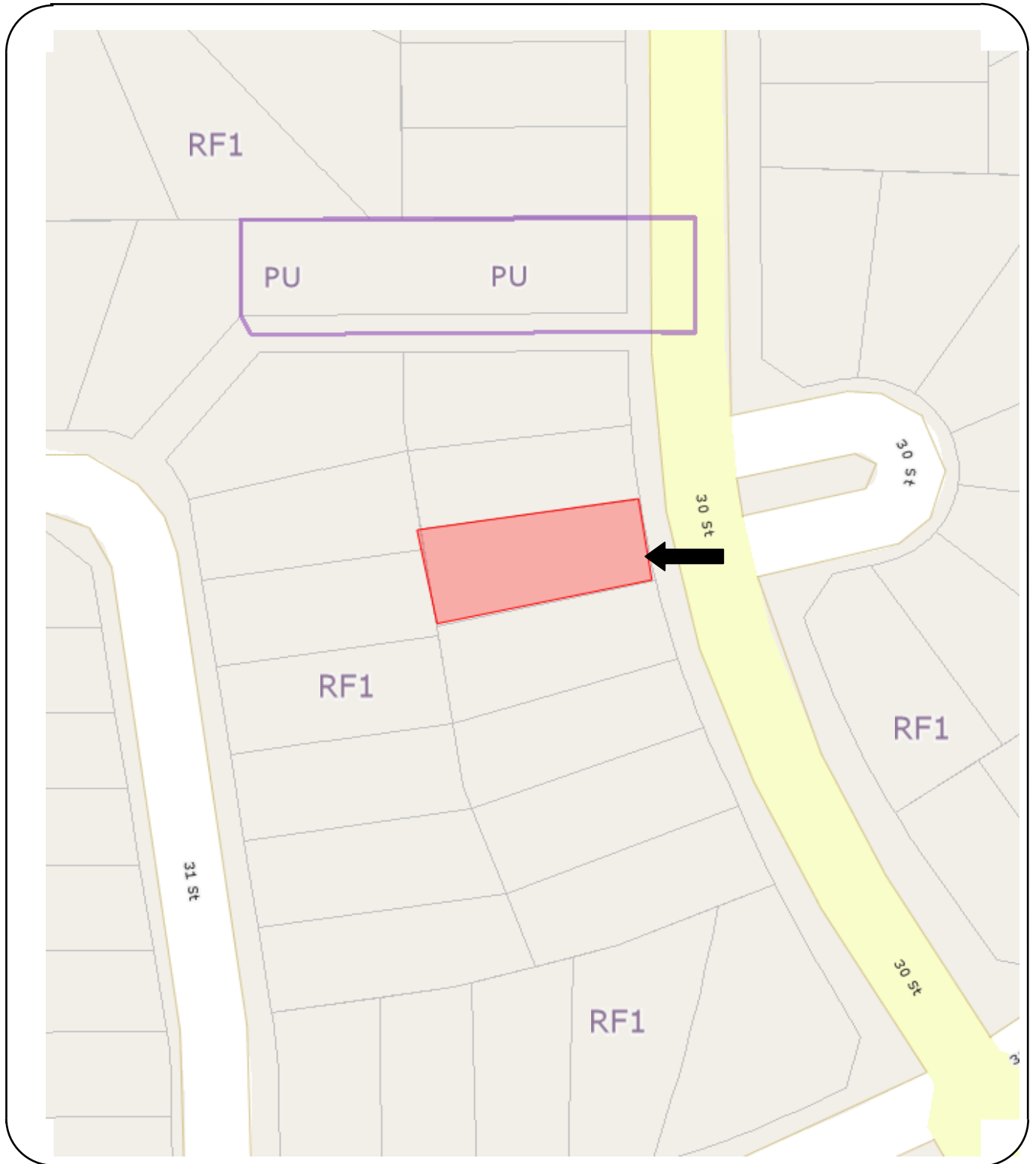
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Sep 21, 2015 **Development Authority:** XIE, JASON **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$155.00	\$155.00	02604691	Jul 21, 2015
Existing Without Permit Penalty Fee	\$155.00	\$155.00	02604691	Jul 21, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$310.00	\$310.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-261



ITEM III: 1:00 P.M.

FILE: SDAB-D-15-262

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 169116553-002

ADDRESS OF APPELLANT: 10221 - 90 Street NW
10223 - 90 Street NW

APPLICATION TO: Construct an addition (2 cantilever extensions on the second floor, 0.60m x 6.26m each) to an existing Semi-detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 1, 2015

DATE OF APPEAL: October 14, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10221 - 90 STREET NW
10223 - 90 STREET NW

LEGAL DESCRIPTION: Plan 1423356 Blk 2 Lot 21A, Plan 1423356 Blk 2 Lot 21B

ZONE: RF2 Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay
Medium Scale Residential Infill Overlay

STATUTORY PLAN: Riverdale Area Redevelopment Plan

Grounds for Appeal

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

This project has been finished since May of 2015. When we applied for compliance, we found out that this framing error had been made. We were not aware of this mistake until now because all of the inspections passed as well as the occupancy tag. During

inspections, we were not notified of any problems which is why we continued with construction. The difference in the cantilever is approximately 22"x80" on the second floor (less than 14 s.f.) which is a fairly small difference compared to the plans. We think that it was missed due to the small size. [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 decision of the Development Authority is dated September 1, 2015. The Notice of Appeal was filed on October 14, 2015, and the Notice of Appeal Period expired on October 15, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 120.1 provides that the **General Purpose** of the **RF2 Low Density Infill Zone** is to "...retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions."

Section 120.2 provides that a **Single Detached House** is a **Permitted Use** in the **RF2 Low Density Infill Zone**.

Section 120.6 defines **Single Detached Housing** as “development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building ...”

Projection into Setbacks and Separation Spaces

Section 44 of the *Edmonton Zoning Bylaw* provides that:

The following features may project into a required Setback or Separation Space as provided for below:

2. a) cantilevered projections with windows, such as bay, oriel or similar windows, or cantilevered projections without windows, provided that such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces. In all cases, a minimum distance of 0.6 m from the property line to the outside wall of such projection and all other portions of a Dwelling, including eaves, shall be maintained; and

b) where a cantilevered projection as specified in subsection 44(2)(a) above is proposed in a Side Setback, the length of any one projection shall not exceed a wall opening length of 3.1 m. In the case of more than one projection, the aggregate total shall not exceed one third of the length of that house side wall excluding attached Garage walls. In the case of a Corner Lot, this restriction is applicable only to the interior Side Setback and not the flanking Side Setback. This restriction shall not apply to projections into the Front or Rear Setback.

Development Officer’s Determination:

Section 44(2)(b) - where a cantilevered projection as specified in subsection 44(2)(a) above is proposed in a Side Setback, the length of any one projection shall not exceed a wall opening length of 3.1 m. In the case of more than one projection, the aggregate total shall not exceed one third of the length of that house side wall excluding attached Garage walls.

The length of the proposed cantilevered projections is 8.3 m and the aggregate total of all cantilevers is 71% of the house side wall length. [unedited]

Site Coverage

Section 120.4(c) of the *Edmonton Zoning Bylaw* provides that the maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
c. Semi-detached Housing - Site area 600 m ² or greater	28%	12%	40%	40%



Development Officer’s Determination:

Section 120.4(7)(c) The maximum site coverage for a Semi-Detached Dwelling of a lot greater than 600 m² is 28% for a principal dwelling and 40% for total site coverage.

The principal dwelling has a site coverage of 29% and the total site coverage is 41%. [unedited]

Notice to the 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: 169116553-002 Application Date: MAY 08, 2015 Printed: November 3, 2015 at 2:07 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant INFINITI HOMES LTD 	Property Address(es) and Legal Description(s) 10221 - 90 STREET NW Plan 1423356 Blk 2 Lot 21A 10223 - 90 STREET NW Plan 1423356 Blk 2 Lot 21B Specific Address(es) Entryway: 10221 - 90 STREET NW Entryway: 10223 - 90 STREET NW Building: 10221 - 90 STREET NW		
Scope of Application To construct an addition (2 cantilever extensions on the second floor, 0.60m x 6.26m each) to an existing Semi-detached House			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N </td> <td style="width: 50%; border: none;"> Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: Class B 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 Reason for Refusal Section 44(2)(b) - where a cantilevered projection as specified in subsection 44(2)(a) above is proposed in a Side Setback, the length of any one projection shall not exceed a wall opening length of 3.1 m. In the case of more than one projection, the aggregate total shall not exceed one third of the length of that house side wall excluding attached Garage walls. The length of the proposed cantilevered projections is 8.3 m and the aggregate total of all cantilevers is 71% of the house side wall length. Section 120.4(7)(c) The maximum site coverage for a Semi-Detached Dwelling of a lot greater than 600 m2 is 28% for a principal dwelling and 40% for total site coverage. The principal dwelling has a site coverage of 29% and the total site coverage is 41%. 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: Sep 01, 2015 Development Authority: LIANG, BENNY Signature: _____			
THIS IS NOT A PERMIT			



Project Number: **169116553-002**
Application Date: MAY 08, 2015
Printed: November 3, 2015 at 2:07 PM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$385.00	\$385.00	02495604	Jun 10, 2015
DP Notification Fee	\$40.00	\$40.00	ailed out Sept 17/15	Sep 30, 2015
Notification Refund	\$0.00	\$0.00	ailed out Sept 17/15	Sep 30, 2015
Notification Refund	\$0.00	\$0.00	ailed out Sept 17/15	Sep 30, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$425.00	<u>\$425.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-262



ITEM I: 1:15 P.M.

FILE: SDAB-D-15-242

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 174935500-001

ADDRESS OF APPELLANT: 2303 Gateway Boulevard NW

APPLICATION TO: Install (1) Freestanding Off-Premises Sign

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 9, 2015

DATE OF APPEAL: September 21, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2303 Gateway Boulevard NW

LEGAL DESCRIPTION: Plan CE1 Blk RLY Lot 52

ZONE: IB Industrial Business Zone

OVERLAY: N/A

PLANS IN EFFECT: Calgary Trail Land Use Study
South Industrial Area Outline Plan

Grounds for Appeal

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

1. The application meets all of the requirements of the Bylaw.
 2. Given the very "commercial" nature of the location, the sign would be appropriate in the location applied for.
- [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

- (d) fails or refuses to issue a development permit to a person,
- (e) issues a development permit subject to conditions, or
- (f) 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,

- (b) in the case of an appeal made by a person referred to in section 685(1), after
 - a. 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 Officer is dated September 9, 2015. The Notice of Appeal Period expired on September 23, 2015, and the Notice of Appeal was filed on September 21, 2015.

The subject Site is on the east side of 2303 Gateway Boulevard NW, approximately 330 metres south of 34 Avenue. This portion of Gateway Boulevard is zoned IB Industrial Business Zone.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 400.1 states the following with respect to the **General Purpose** of the **IB Industrial Business Zone**:

The purpose of this Zone is to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

Under Section 400.3(36), **Freestanding Off-premises Signs** are a **Discretionary Use** in the IB Industrial Business Zone.

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

Freestanding Off-premises Signs means 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.

Relevant Provisions from the *Edmonton Zoning Bylaw* and the *Municipal Government Act*:

Section 6.1(96) defines **Statutory Plan** as follows:

Statutory Plan means for the purpose of this Bylaw only, any plan defined as a Statutory Plan by the Municipal Government Act, or any planning policy document approved by City Council by resolution having specific impact on a defined geographic area such as a neighbourhood.

Part 17, Section 616(dd) of the *Municipal Government Act* defines **Statutory Plan** as “an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4”.

The Calgary Trail Land Use Study (as amended) was approved by Resolution of Council on September 11, 1984 and consolidated in July 2011.

The South Industrial Area Outline Plan was approved by Resolution of Council on January 15, 1974 and consolidated in December 2012.

Section 687(3) of the *Municipal Government Act* states, in part:

- (a.1) In determining an appeal, the subdivision and development appeal board must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;
- ...
- (g) 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.

Relevant Sections of the Calgary Trail Land Use Study

Section 3.4(b) states:

b) Greater attention shall be given to improving the location, siting, Signage comprehensibility [*sic*] and design of signage in the corridor by:

- i) promoting within the business community the voluntary replacement of older advertising signage;
- ii) discouraging the use of portable signs and free-standing billboards; and
- iii) improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.

Development Officer's Determination

The Development Officer's reasons for refusal are as follows:

1) A Freestanding Off-premises Sign is a Discretionary Use in the Industrial Business Zone (IB) Zone (Section 400.3(36)).

The Site is located within the Calgary Trail Land Use Study, identified as a Statutory Plan in accordance to Section 6.1(96) of the Edmonton Zoning Bylaw.



In accordance to Section 3.4(b)(ii) of the Calgary Trail Land Use Study, greater attention shall be given to improving the location, siting, signage comprehensibility and design of signage in the corridor by discouraging the use of free-standing billboards.

The intent of Section 3.4(b)(ii), General Urban Design Policies of the Calgary Trail Land Use Study, with respect to billboards, refers to the built form of large freestanding signs located along roadways for the purpose of outdoor advertising.

Notwithstanding Sign Schedule 59F of the Zoning Bylaw, the proposed Major Digital On-premises Off-premises Sign is contrary to the General Urban Design Policies of the Calgary Trail Land Use Study in discouraging free-standing billboards.
[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: 174935500-001 Application Date: JUN 25, 2015 Printed: October 6, 2015 at 2:06 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 GO OUTDOOR ADVERTISING LTD 	Property Address(es) and Legal Description(s) 2303 - GATEWAY BOULEVARD NW Plan CE1 Blk RLY Lot 52		
Scope of Application To install (1) Freestanding Off-Premises Sign			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Expiry Date: Num. Temp., Fasica or Temporary 0 Signs: Sign Permit Label No. : </td> <td style="width: 50%; border: none;"> Construction Value: 6000 Num. of Freestanding, Projecting or Roof 1 Signs: Number of Additional Signs: Sign Type: Freestanding Off-Premises Sign </td> </tr> </table>		Class of Permit: Class B Expiry Date: Num. Temp., Fasica or Temporary 0 Signs: Sign Permit Label No. :	Construction Value: 6000 Num. of Freestanding, Projecting or Roof 1 Signs: Number of Additional Signs: Sign Type: Freestanding Off-Premises Sign
Class of Permit: Class B Expiry Date: Num. Temp., Fasica or Temporary 0 Signs: Sign Permit Label No. :	Construction Value: 6000 Num. of Freestanding, Projecting or Roof 1 Signs: Number of Additional Signs: Sign Type: Freestanding Off-Premises Sign		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal 1) A Freestanding Off-premises Sign is a Discretionary Use in the Industrial Business Zone (IB) Zone (Section 400.3(36)). The Site is located within the Calgary Trail Land Use Study, identified as a Statutory Plan in accordance to Section 6.1(96) of the Edmonton Zoning Bylaw. In accordance to Section 3.4(b)(ii) of the Calgary Trail Land Use Study, greater attention shall be given to improving the location, siting, signage comprehensibility and design of signage in the corridor by discouraging the use of free-standing billboards. The intent of Section 3.4(b)(ii), General Urban Design Policies of the Calgary Trail Land Use Study, with respect to billboards, refers to the built form of large freestanding signs located along roadways for the purpose of outdoor advertising. Notwithstanding Sign Schedule 59F of the Zoning Bylaw, the proposed Major Digital On-premises Off-premises Sign is contrary to the General Urban Design Policies of the Calgary Trail Land Use Study in discouraging free-standing billboards. 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: Sep 09, 2015 Development Authority: AHUJA, SACHIN Signature: _____			
THIS IS NOT A PERMIT			



Application for Sign Combo Permit

Project Number: **174935500-001**
Application Date: JUN 25, 2015
Printed: October 6, 2015 at 2:06 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$5.84	\$5.84	02535535	Jun 25, 2015
Sign Building Permit Fee	\$146.00	\$146.00	02535535	Jun 25, 2015
Sign Development Application Fee	\$255.00	\$255.00	02535535	Jun 25, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$506.84	<u>\$406.84</u>		
(\$100.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-242



N

BUSINESS LAID OVER

SDAB-D-15-236 to 241	An appeal to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>November 19, 2015</i>
SDAB-D-15-251	An appeal to construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor; 10.06m x 9.14m) <i>November 26, 2015</i>
SDAB-D-15-252	An appeal to change the Use from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre) <i>November 25 or 26, 2015</i>
SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

145348619-005	An appeal to construct an exterior alterations (Driveway extension, irregular shaped, 8.5m x 7m) to an existing Single Detached House. <i>November 26, 2015</i>
176994655-002	An appeal to install a Freestanding On-premises Sign/Minor Digital On-premises Sign (LaZboy) <i>December 3, 2015</i>
174864823-001	An appeal to convert a Single Detached House into a Limited Group Home (6 Residents). <i>December 10, 2015</i>
159269966-003	An appeal to construct an exterior alteration to an existing Single Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <i>January 21, 2016</i>