

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
November 20, 2019**

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

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

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I 9:00 A.M. SDAB-D-19-182

Install (1) Fascia Minor Digital On-premises  
Sign (6.29 metres x 3.57 metres facing North)  
(GARAGE 104)

6528 - 104 Street NW  
Project No.: 325857215-001

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II 1:15 P.M. SDAB-D-19-201

**WITHDRAWN**

Construct Exterior alterations to an Apartment  
Housing (revised landscape plan)  
11041 - 84 Avenue NW

Project No.: 169981523-013

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**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-19-182**

**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER**

APPELLANT:

APPLICATION NO.: 325857215-001

APPLICATION TO: Install (1) Fascia Minor Digital On-premises Sign (6.29 metres x 3.57 metres facing North) (GARAGE 104)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 5, 2019

DATE OF APPEAL: September 20, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6528 - 104 Street NW

LEGAL DESCRIPTION: Plan 3553P Blk 32 Lots 1-4

ZONE: DC1 Direct Development Control Provision (Charter Bylaw 18636)

OVERLAY: N/A

STATUTORY PLAN: Strathcona Junction Area Redevelopment Plan

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***Grounds for Appeal***

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

Sign has been up for 6+years. We have agreed to physical compliances.  
Sign is used for ON PREMISE advertising only.

***General Matters***

**On September 27, 2019, the appeal was scheduled on October 24, 2019 at the request of the Development Authority and with the consent of the Appellant.**

**The Subdivision and Development Appeal Board made and passed the following motion on October 24, 2019:**

**"That the appeal hearing be scheduled for November 20, 2019, at 9:00 a.m."**

**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,

- (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, [...]

**685(4)** Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

**General Provisions from DC1 Direct Development Control Provision CPR West (Charter Bylaw 18636) (“DC1”):**

Under section 3.00, **Minor Digital On-premises Signs** is a **listed Use** in the **DC1**.

Section 7.1 states “Signs shall be provided with the intent to complement a pedestrian-oriented environment. Signs shall comply with the regulations found in Schedule 59 E, except that:

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

Section 1 states the **Purpose** of the **DC1 Provision** is:

To provide transition for the area to become a pedestrian-oriented, urban style commercial mixed use area, while respecting the character of 104 Street and Gateway Boulevard.

This Provision enhances the pedestrian environment by incorporating pedestrian scaled architecture, amenities and landscaping. It allows for industrial, commercial and limited residential uses.

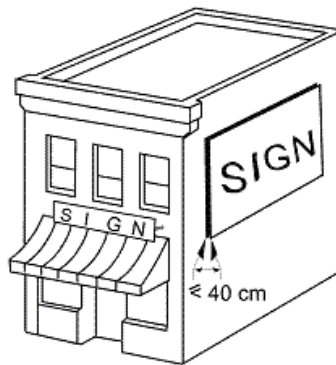
**General Provisions from the Edmonton Zoning Bylaw:**

Under section 7.9(8), **Minor Digital On-premises Signs** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Fascia Signs** means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Under section 6.2, **On-premises Signs Advertising** means “Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.”

Under section 6.2, **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

**Schedule 59E**

Schedule 59E.3(4) states the following with respect to Minor Digital On-premises Signs:

- a. the maximum Height shall be 8.0 m;
- b. the maximum Width shall be 8.0 m;
- c. **the maximum Area shall be:**
  - i. **10.0 m<sup>2</sup>, to a maximum of 25% wall coverage for proposed Signs that are Fascia Signs;** or
  - ii. 10.0 m<sup>2</sup> 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 20.0 m<sup>2</sup>;
- d. proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m<sup>2</sup> or Off-premises Signs as follows:

|                    |  |
|--------------------|--|
| Proposed Sign Area | Minimum separation distance from Signs with Digital Copy greater than 8.0 m <sup>2</sup> |
|--------------------|--|

|   |                       |
|---|-----------------------|
|   | or Off-premises Signs |
| Greater than <u>8.0 m<sup>2</sup></u> to<br>less than <u>20 m<sup>2</sup></u> | <u>100 m</u>          |
| <u>20 m<sup>2</sup></u> to <u>40 m<sup>2</sup></u>                            | <u>200 m</u>          |
| Greater than <u>40 m<sup>2</sup></u>  | <u>300 m</u>          |

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

- e. **the top of proposed Signs that are Fascia Signs shall not extend more than 30 cm above the building roof or parapet wall;**
- f. proposed Signs that are Fascia Signs shall have structural elements concealed from view;
- g. **proposed Signs that are Fascia Signs shall not extend more than 40 cm out from the wall or structure and shall not extend beyond the horizontal limits of the wall;**
- h. proposed Signs that are Fascia Signs extending over a public right-of-way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m; and
- i. 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 existing sign, as-built, is not in accordance with the Subdivision and Development Appeal Board (SDAB) decision of December 19, 2012, SDAB file no. SDAB-D-13-019 (129905784-001/002).**

**1) The maximum Area shall be 10.0 m<sup>2</sup>, to a maximum of 25% wall coverage, for proposed Signs that are Fascia Signs (Reference Section 59E.3(4)(c)).**

**Proposed: 6.29 m x 3.57 m = 22.4 m<sup>2</sup>  
Exceeds by: 12.4 m<sup>2</sup>**

**Note: The SDAB stamped drawings dated Feb 21, 2013, had approved the sign dimensions at 8' x 10' (2.4m x 3m = 7.2 m<sup>2</sup>).**

**2) The top of proposed Signs that are Fascia Signs shall not extend more than 30 cm above the building roof or parapet wall; (Reference Section 59E.3(4)(e)).**

**Proposed: Sign extends 60 cm (24") above the roof/parapet  
Exceeds by: 30 cm**

**Note: The SDAB stamped drawings dated Feb 21, 2013, had approved the sign at 30 cm above the parapet.**

**3) Proposed Signs that are Fascia Signs shall not extend more than 40 cm out from the wall or structure and shall not extend beyond the horizontal limits of the wall; (Reference Section 59E.3(4)(g)).**

**Proposed: 46 cm  
Exceeds by: 6 cm**

*Strathcona Junction Area Redevelopment Plan*

**Development Officer’s Determination**

**4) Section 3.1.10, Strathcona Junction Area Redevelopment Plan (ARP) (pg. 19): Signs will respect the character of an urban area. Billboards will not be allowed.**

**"Billboard" is not a defined term in the Strathcona Junction ARP or the Zoning Bylaw, and the Development Officer must apply the ordinary meaning to this word: Zoning Bylaw, Section 3.5(2). The application submitted shows a large outdoor board intended to display advertisements. This would commonly be described and characterized as a billboard.**

**The direction in the Strathcona Junction ARP uses mandatory language, and serves to prohibit "billboard" signage at the proposed location - it does not provide an exception for billboards that are digital.**

**Giving effect to an ARP will usually be achieved in an incremental fashion; each development permit application serves as an opportunity to direct development toward the aims of the statutory plan. The Development Officer is of the opinion that this development will detract from the direction of City Council found in the Strathcona Junction ARP.**

*Previous Subdivision and Development Appeal Board Decisions*

| <b>Application Number</b> | <b>Description</b>   | <b>Decision</b>   |
|---------------------------|--|---|
| SDAB-D-19-126             | Job Number: 129905784-003<br><br>To comply with an Order to immediately deenergize the | The Subdivision and Development Appeal Board made and passed the following motion on October 2, 2019: |



|                      |   |  |
|----------------------|---|--|
|                      | <p>Sign and keep it turned off 24 hours a day until the Sign is moved back to the approved location or acquire a Development Permit to allow the Sign to remain in its current location on the building, cease any display of Off-premises advertising or dismantle and remove the Sign from the property. One of these options must be completed by January 31, 2020, located at 6528 - 104 Street NW.</p> | <p>"That SDAB-D-19-126 be postponed until November 14, 2019 with the consent of the Appellant and with the consent of Legal Counsel for the City of Edmonton."</p>   |
| <p>SDAB-D-13-019</p> | <p>Job Number: 129905784-001</p> <p>Install an On-premises Fascia Minor Digital Sign (Ziebart)</p>  | <p>February 21, 2013; that the appeal be ALLOWED and the DEVELOPMENT GRANTED subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1.that the frequency of change in the static digital display cannot be less than 6 seconds with a 2 second transition (hold time);</li> <li>2.that each static digital display shall contain a single advertising copy and that split screen advertising is not permitted;</li> <li>3.due to its position, shape, colour, format or illumination, the proposed Fascia On-premises Minor Digital Sign shall not obstruct the view of, or be confused with an official traffic sign, signal or device, as determined by the Development Officer in consultation with the City Engineer;</li> <li>4.the proposed Fascia On-premises Minor Digital Sign shall not display lights</li> </ol> |

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|  |  | <p>resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;</p> <p>5.the proposed Fascia On-premises Minor Digital Sign shall not operate or employ any stereo option or motion picture projection, or use holography;</p> <p>6.the brightness of the proposed Fascia On-premises Minor Digital Sign shall be adjustable and controlled relative to ambient light, to the satisfaction of Transportation Services;</p> <p>7.that should at any time, Transportation Services determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and/or addressing the concern in another manner acceptable to Transportation Services;</p> <p>8.that the owner/applicant must provide a written statement of the actions taken to mitigate a safety concern identified by Transportation Services within 30 days of the notification of the concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign;</p> <p>9.that underground power be</p> |
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|               |   | supplied to the proposed Fascia On-premises Minor Digital Sign;   |
| SDAB-D-12-200 | <p>Job Number: 125392715-001</p> <p>Install an Off-premises Minor Digital Sign (3.0 metres by 6.0 metres Double sided facing North/South)</p> | <p>October 6, 2012; that the appeal be DENIED and the decision of refusal by the Development Authority CONFIRMED.</p> |

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Notice to Applicant/Appellant

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

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|   | <h2 style="margin: 0;">Application for<br/>Sign Combo Permit</h2>  | <p>Project Number: <b>325857215-001</b><br/>                 Application Date: JUL 19, 2019<br/>                 Printed: September 20, 2019 at 11:42 AM<br/>                 Page: 1 of 3</p> |
| This document is a Development Permit Decision for the development application described below.  |  |  |
| <b>Applicant</b>   | <b>Property Address(es) and Legal Description(s)</b><br>6528 - 104 STREET NW<br>Plan 3553P Blk 32 Lots 1-4   |  |
|  | <b>Location(s) of Work</b><br>Suite: 6528 - 104 STREET NW<br>Entryway: 6528 - 104 STREET NW<br>Building: 6528 - 104 STREET NW  |  |
| <b>Scope of Application</b><br>To install (1) Fascia Minor Digital On-premises Sign (6.29m x 3.57m facing North) (GARAGE 104).   |  |  |
| <b>Permit Details</b>  |  |  |
| ASA Sticker No./Name of Engineer:<br>Construction Value: 25000   | Class of Permit:<br>Expiry Date:   |  |
| Fascia Off-premises Sign: 0<br>Fascia On-premises Sign: 0<br>Roof Off-premises Sign: 0<br>Roof On-premises Sign: 0<br>Minor Digital On-premises Sign: 0<br>Minor Digital Off-premises Sign: 0<br>Minor Digital On/Off-premises Sign: 1 | Freestanding Off-premises Sign: 0<br>Freestanding On-premises Sign: 0<br>Projecting Off-premises Sign: 0<br>Projecting On-premises Sign: 0<br>Replacement Panel on Existing Sign: 0<br>Comprehensive Sign Design: 0<br>Major Digital Sign: 0 |  |
| I/We certify that the above noted details are correct.<br><br>Applicant signature: _____   |  |  |
| <b>Development Application Decision</b><br>Refused<br><br><b>Issue Date:</b> Sep 05, 2019 <b>Development Authority:</b> NOORMAN, BRENDA  |  |  |
| <b>THIS IS NOT A PERMIT</b>  |  |  |



## Application for Sign Combo Permit

Project Number: **325857215-001**  
 Application Date: JUL 19, 2019  
 Printed: September 20, 2019 at 11:42 AM  
 Page: 2 of 3

**Reason for Refusal**

The existing sign, as-built, is not in accordance with the Subdivision and Development Appeal Board (SDAB) decision of December 19, 2012, SDAB file no. SDAB-D-13-019 (129905784-001/002).

1) The maximum Area shall be 10.0 m<sup>2</sup>, to a maximum of 25% wall coverage, for proposed Signs that are Fascia Signs (Reference Section 59E.3(4)(c)).

Proposed: 6.29 m x 3.57 m = 22.4 m<sup>2</sup>  
 Exceeds by: 12.4 m<sup>2</sup>

Note: The SDAB stamped drawings dated Feb 21, 2013, had approved the sign dimensions at 8' x 10' (2.4m x 3m = 7.2 m<sup>2</sup>).

2) The top of proposed Signs that are Fascia Signs shall not extend more than 30 cm above the building roof or parapet wall; (Reference Section 59E.3(4)(e)).

Proposed: Sign extends 60 cm (24") above the roof/parapet  
 Exceeds by: 30 cm

Note: The SDAB stamped drawings dated Feb 21, 2013, had approved the sign at 30 cm above the parapet.

3) Proposed Signs that are Fascia Signs shall not extend more than 40 cm out from the wall or structure and shall not extend beyond the horizontal limits of the wall; (Reference Section 59E.3(4)(g)).

Proposed: 46 cm  
 Exceeds by: 6 cm

4) Section 3.1.10, Strathcona Junction Area Redevelopment Plan (ARP) (pg. 19): Signs will respect the character of an urban area. Billboards will not be allowed.

"Billboard" is not a defined term in the Strathcona Junction ARP or the Zoning Bylaw, and the Development Officer must apply the ordinary meaning to this word: Zoning Bylaw, Section 3.5(2). The application submitted shows a large outdoor board intended to display advertisements. This would commonly be described and characterized as a billboard.

The direction in the Strathcona Junction ARP uses mandatory language, and serves to prohibit "billboard" signage at the proposed location - it does not provide an exception for billboards that are digital.

Giving effect to an ARP will usually be achieved in an incremental fashion; each development permit application serves as an opportunity to direct development toward the aims of the statutory plan. The Development Officer is of the opinion that this development will detract from the direction of City Council found in the Strathcona Junction ARP.


**Rights of Appeal**

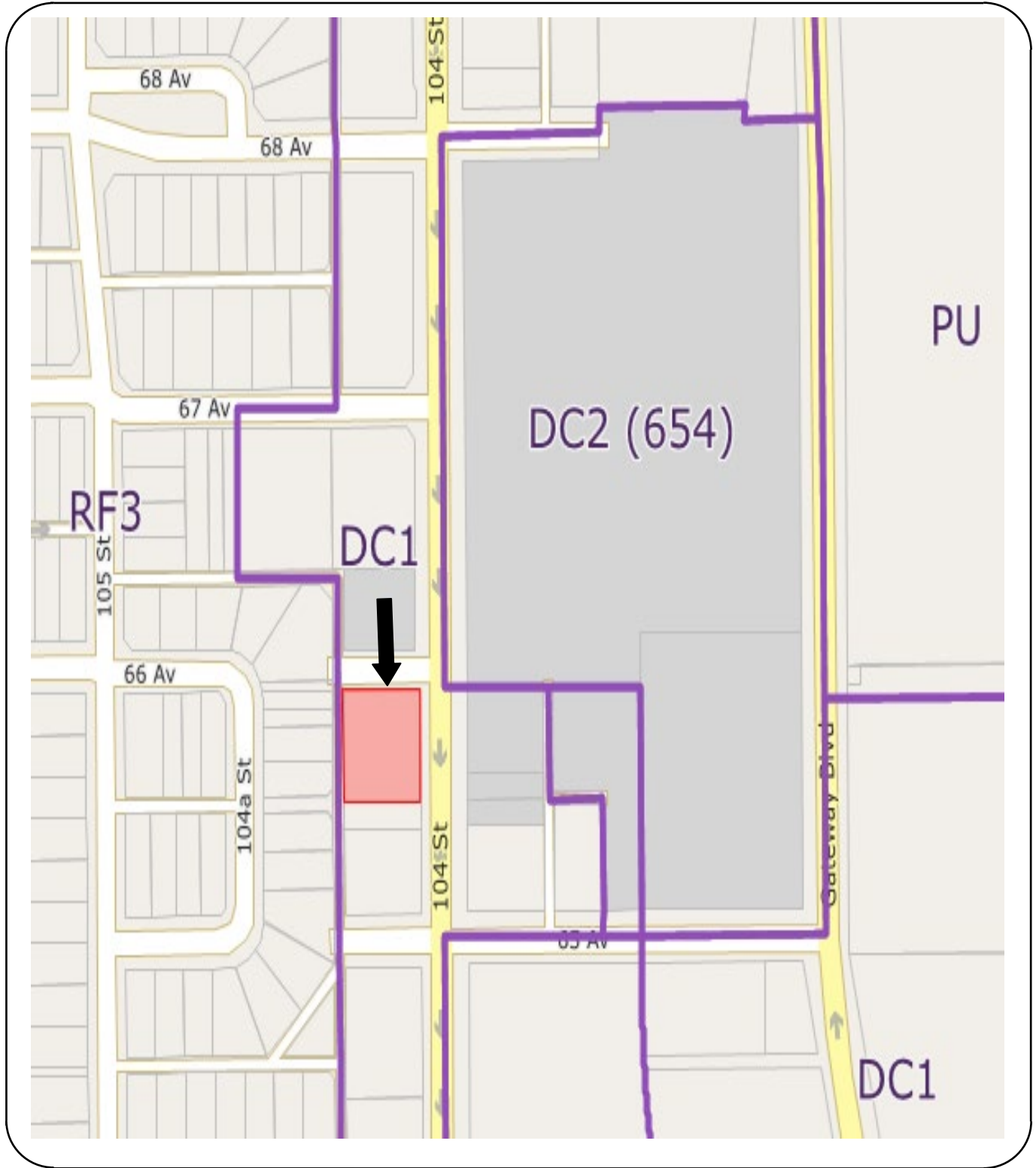
The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

**Fees**

|                                   | Fee Amount | Amount Paid | Receipt # | Date Paid    |
|-----------------------------------|------------|-------------|-----------|--------------|
| Sign Building Permit Fee          | \$264.25   | \$264.25    | 06075757  | Aug 19, 2019 |
| Sign Dev Appl Fee - Digital Signs | \$458.00   | \$458.00    | 06075757  | Aug 19, 2019 |
| Safety Codes Fee                  | \$10.57    | \$10.57     | 06075757  | Aug 19, 2019 |

**THIS IS NOT A PERMIT**

|   |  |                    |                  |   |
|---|--|--------------------|------------------|---|
|  | <b>Application for<br/>Sign Combo Permit</b> |                    |                  | Project Number: <b>325857215-001</b><br>Application Date: JUL 19, 2019<br>Printed: September 20, 2019 at 11:42 AM<br>Page: 3 of 3 |
| <b>Fees</b>   |  |                    |                  |   |
| Total GST Amount:   | <b>Fee Amount</b>                            | <b>Amount Paid</b> | <b>Receipt #</b> | <b>Date Paid</b>  |
| Totals for Permit:  | \$0.00<br><hr/> \$732.82                     | <hr/> \$732.82     |                  |   |
| <b>THIS IS NOT A PERMIT</b>   |  |                    |                  |   |



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-182



ITEM II: 1:15 P.M.

FILE: SDAB-D-19-201

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 169981523-013

APPLICATION TO: Construct Exterior alterations to an Apartment Housing (revised landscape plan)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: November 4, 2019

DATE OF APPEAL: November 4, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11041 - 84 Avenue NW

LEGAL DESCRIPTION: Plan I23A Blk 160 Lot 20

ZONE: DC1 - Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Garneau Area Redevelopment Plan

WITHDRAWN

***Grounds for Appeal***

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

Clause 2. on page 2 of the Development permit has no merit. The existing holes provided with sonotube in the sidewalk should be allowed as sufficient. The requirement to cut the sidewalk and remove material to provide for a 1 meter wide "planting bed" serves no purpose. Furthermore, the proposed "planter bed will attract weeds and airborne debris making the cleanliness of the area between these properties unsightly. As well, the proposed planter box will interfere with the intended bicycle locking posts, while providing a tripping hazard to people walking past. I request that the subdivision and



development appeal board eliminate this condition of the above noted development permit. The location of these trees is on the subject property. The drainage of the area between these properties empties into these tree wells providing adequate water for the trees. The trees are located in a south facing area and have already had two full growth seasons. The trees are healthy and growing nicely.

|                               |
|-------------------------------|
| <b><i>General Matters</i></b> |
|-------------------------------|

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

**Appeals**

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

- (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, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**685(4)** Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

**At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*.**

**In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.**

**General Provisions from the Direct Development Control Provision “DC1”**

Uses of the DC1:

Apartment Housing, containing not more than 4 dwellings.

The Rationale of the DC1 is:

The Garneau Plan in Policy 1.1 identifies the subject area as a "Special Character Residential Area" contributing to the city as a whole a precinct of older detached housing having interesting architectural detailing and variety in built form. This District is intended to encourage the retention and rehabilitation of existing structures while allowing for infill redevelopment. The regulations associated with this District are intended to ensure that all rehabilitation and redevelopment activities are sensitive to the existing character of both the built form and its relationship to existing streetscapes.

Development Criteria of the DC1:

The following development criteria shall apply to developments within this District pursuant to Section 710.4 of the Land Use Bylaw.

1. The General Regulations and Special Land Use Provisions of the Land Use Bylaw.
2. The development regulations of the RF3 (Low Density Redevelopment) District, provided that the Development Officer may relax these regulations for individual applications, where such relaxations would assist in the achievement of the development criteria in Clauses 3, 4 and 5 below.
3. New developments or additions to existing buildings shall be compatible with the scale, massing and siting of adjacent buildings along the same street frontage.
4. The rehabilitation and renovation of existing buildings shall retain the original details of rooflines, doors and windows, trim, exterior finishing materials and similar architectural features to the greatest extent practical.

5. The design and appearance of new developments shall incorporate building details and finishing materials which are common to the domestic architecture of the turn of the century and early 1920's detached housing in the area.

6. Existing trees and vegetation shall be retained wherever possible and where removal for new construction is required, mature trees shall be planted to maintain the appearance of the streetscape.

**Additional Information Requirements:**

In addition to the information normally required for a development application under the Land Use Bylaw the Development Officer may also require such information required to explain how the proposed development meets the development criteria set out in (3) above and may include the following.

1. A narrative which includes a description of the architectural characteristics common in the immediate vicinity and how the application responds to these characteristics.

2. Streetscape elevations including adjacent properties.

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|--------------------------|
| <b><i>Plant Size</i></b> |
|--------------------------|

Section 55.3(1) states:

- c. new trees and shrubs shall be provided on the following basis:
  - i. the proportion of deciduous to coniferous trees and shrubs shall be approximately 50:50;
  - ii. approximately 50% of required deciduous trees shall be minimum of 50 mm Caliper and approximately 50% shall be a minimum 70 mm Caliper;
  - iii. approximately 75% of required coniferous trees shall be a minimum of 2.5 m in Height and approximately 25% shall be a minimum of 3.5 m in Height; and
  - iv. minimum shrub size shall be 300 mm in Height for deciduous and a spread of 450 mm for coniferous.

**Development Officer's Determination**

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Plant size: The required 4 deciduous trees are smaller than the required minimum size of 50 mm and 70 mm Caliper (section 55.3(1)(c)(ii))

Plant size: The required 3 coniferous trees are smaller than the required minimum size of 2.5 m in Height and 3.5 m in Height (section 55.3(1)(c)(iii))

***Previous Subdivision and Development Appeal Board Decisions***


| <b>Application Number</b> | <b>Description</b>   | <b>Decision</b>  |
|---------------------------|--|--|
| SDAB-D-15-231             | To construct 3 Dwellings of Apartment Housing  | October 22, 2015; “the appeal is DENIED and the decision of the Development Authority is GRANTED with variances and conditions |
| SDAB-D-14-121             | To construct a Duplex House with veranda, balconies (3.27 metres by 2.34 metres & 3.51 metres x 1.68 metres) and basement development (not to be used as an additional dwelling) | May 16, 2014; “that the appeal be ALLOWED and the DEVELOPMENT REFUSED.”  |

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Notice to Applicant/Appellant

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

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|---|---|---|---|
|    | <p>Project Number: <b>169981523-013</b><br/>                 Application Date: JUL 31, 2019<br/>                 Printed: November 5, 2019 at 7:45 AM<br/>                 Page: 1 of 3</p>   |   |   |
| <h2 style="margin: 0;">Major Development Permit</h2>  |   |   |   |
| <p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.</p>  |   |   |   |
| <p><b>Applicant</b></p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>   | <p><b>Property Address(es) and Legal Description(s)</b><br/>                 11041 - 84 AVENUE NW<br/>                 Plan I23A Blk 160 Lot 20</p> <p><b>Specific Address(es)</b><br/>                 Suite: 1, 11041 - 84 AVENUE NW<br/>                 Suite: 2, 11041 - 84 AVENUE NW<br/>                 Suite: BSMT, 11041 - 84 AVENUE NW<br/>                 Entryway: 11041 - 84 AVENUE NW<br/>                 Building: 11041 - 84 AVENUE NW</p> |   |   |
| <p><b>Scope of Permit</b><br/>                 To construct Exterior alterations to an Apartment Housing (revised landscape plan)</p>   |   |   |   |
| <p><b>Permit Details</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                 Class of Permit: Class B<br/>                 Gross Floor Area (sq.m.):<br/>                 New Sewer Service Required:<br/>                 Site Area (sq. m.):             </td> <td style="width: 50%; border: none;">                 Contact Person:<br/>                 Lot Grading Needed?: N<br/>                 NumberOfMainFloorDwellings:<br/>                 Stat. Plan Overlay/Annex Area: (none)             </td> </tr> </table> |   | Class of Permit: Class B<br>Gross Floor Area (sq.m.):<br>New Sewer Service Required:<br>Site Area (sq. m.): | Contact Person:<br>Lot Grading Needed?: N<br>NumberOfMainFloorDwellings:<br>Stat. Plan Overlay/Annex Area: (none) |
| Class of Permit: Class B<br>Gross Floor Area (sq.m.):<br>New Sewer Service Required:<br>Site Area (sq. m.):   | Contact Person:<br>Lot Grading Needed?: N<br>NumberOfMainFloorDwellings:<br>Stat. Plan Overlay/Annex Area: (none)   |   |   |
| <p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>   |   |   |   |
| <p><b>Development Permit Decision</b><br/>                 Approved<br/> <b>Issue Date:</b> Nov 04, 2019 <b>Development Authority:</b>BAUER, KERRY</p>  |   |   |   |



Project Number: **169981523-013**  
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## Major Development Permit

### Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). Reference Section 17 (1).

This Development Permit authorizes the development of Exterior alterations to an Apartment Housing (revised Landscape Plan).

Landscaping shall be in accordance with the approved landscaping plan and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.

1. Newly planted trees shall be monitored for an existing two growing seasons from the date of installation. Existing undersized Parklands Pillar Birch shall be monitored for an additional 2 growing seasons from the approval of this development permit. A portion of the currently held landscape security shall be maintained to ensure all trees are in a healthy condition until the end of the extended period of monitoring, to the satisfaction of the development officer.

2. A rectangular section of concrete shall be removed from around all the Parkland Pillar Birch trees measuring 1m width from the property line, extending approximately 1m from the first and last tree to create a planting bed with 100mm depth mulch. A portion of the currently held landscape security shall be maintained until this has been completed, to the satisfaction of the development officer.

3. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

4. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

5. A Guaranteed Landscaping Security shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.

### NOTES:

1) Upon the first Development Permit Inspection and determination that landscape construction has been completed in compliance with the approved Landscape Plan, 20% of the approved Guaranteed Landscape Security shall be collected and retained for a period of 24 months from the date of first Development Permit Inspection.

2) Sites that are not completed or are not compliant with approved Landscape Plans at the first Development Permit Inspection, shall be required to submit a Security for incomplete work, up to and including the full value of the approved Guaranteed Landscape Security value.

### Variations

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Plant size: The required 4 deciduous trees are smaller than the required minimum size of 50 mm and 70 mm Caliper (section 55.3 (1)(c)(ii))

Plant size: The required 3 coniferous trees are smaller than the required minimum size of 2.5 m in Height and 3.5 m in Height (section 55.3(1)(c)(iii))



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## Major Development Permit

### Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

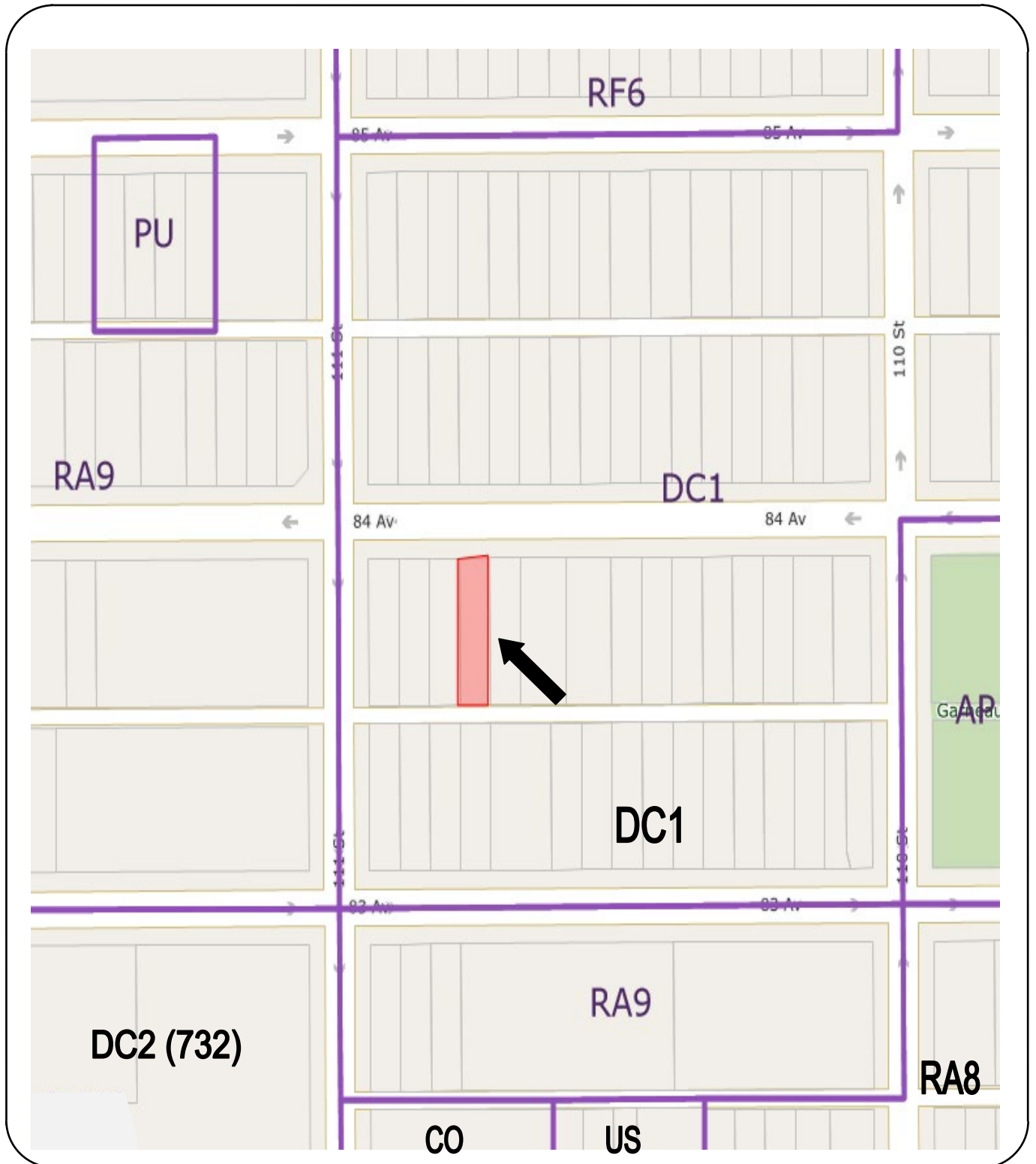
**Notice Period Begins:** Nov 12, 2019

**Ends:** Dec 03, 2019

### Fees

|                            | <b>Fee Amount</b> | <b>Amount Paid</b> | <b>Receipt #</b> | <b>Date Paid</b> |
|----------------------------|-------------------|--------------------|------------------|------------------|
| Major Dev. Application Fee | \$368.00          | \$368.00           | 06032750         | Jul 31, 2019     |
| Total GST Amount:          | \$0.00            |                    |                  |                  |
| Totals for Permit:         | <u>\$368.00</u>   | <u>\$368.00</u>    |                  |                  |





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-201

