SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M. November 9, 2017

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-17-213	Construct an Accessory building (detached Garage, 18.29m x 12.19m)
			21003 - 97 Avenue NW Project No.: 261678550-001
II	10:00 A.M.	SDAB-D-17-214	Demolish existing Freestanding Off-premise Sign & install a Minor Digital Off-premises Freestanding Sign (6.1 m x 3 m - facing east)
			8632 - Yellowhead Trail NW Project No.: 225942496-002
III	1:00 P.M.	SDAB-D-17-215	Construct an Accessory building (shed, 3.00m s 3.10m), existing without permits
			15031 - 69 Street NW Project No.: 255537408-001

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-17-213

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 261678550-001

APPLICATION TO: Construct an Accessory building

(detached Garage, 18.29m x 12.19m)

DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 4, 2017

DATE OF APPEAL: October 18, 2017

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 21003 - 97 Avenue NW

LEGAL DESCRIPTION: Plan 5496HW Lot 13

ZONE: (RR) Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Lewis Farms Area Structure Plan

Webber Greens Neighbourhood Structure

Plan

Grounds for Appeal

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

I wish to build an accessory building in my rural residential lot to store a motorhome, boat and lawnmower, tractor and gardening equipment. I bought the property with a very old, unfinished, mouse filled, one single car garage with 7 ft wide x 7 ft high door where I cannot even enter with my tractor and a 960 sq ft house which I painted and cleaned up.

I choose the location for the accessory building in the middle between the front and back of the property, which is 470 ft., so it would be away from any neighbours or road, 200 ft to front 200 ft to back property. The area is well filled with big trees including spruce, which do not loose leaves in the winter so the building would not be visible from the front or back of the property. I choose this height because I need 12 ft overhead doors, so I need the clearance to be able to open the door, plus the roof line

General Matters

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

. . .

Hearing and Decision

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

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

. . .

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

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

and

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

General Provisions from the *Edmonton Zoning Bylaw:*

Under section 240.2(5), **Single Detached Housing** is a **Permitted Use** in the (RR) Rural Residential Zone.

Under section 6.1(2), Accessory means:

when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Under section 6.1(46), **Garage** means:

an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

Section 240.1 states that the General Purpose of the (RR) Rural Residential Zone is:

to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.

Height

Section 50.3(2) states "In a Residential Zone an Accessory building or structure shall not exceed 4.3 m in Height, [...]"

Under section 6.1(54), **Height** means "a vertical distance between two points."

Development Officer's Determination

An Accessory Building or Structure shall not exceed 4.3m (14.1 ft). (Reference Section 50.3)

Proposed Height: 5.89m Exceeds by: 1.59m

[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*.



Application for

Project Number: 261678550-001

Application Date: SEP 08, 2017

Printed: October 19, 2017 at 8:40 AM

Page: 1 of 1

Accessory Building Development and Building Permit

This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Act NSA 2000, Safety Codes Act Perint Regulation, Alberta Bunding Code 2000 and City of Edinomon Bylaw 13894 Safety Codes Perint					
Applicant	Property Address(es) and Legal Description(s) 21003 - 97 AVENUE NW Plan 5496HW Lot 13				
Scope of Application To construct an Accessory building (detached Garage, 18.29m x 2)	12.19m).				
Permit Details					
Building Area (sq. ft.): 2400	Class of Permit:				
Stat. Plan Overlay/Annex Area: (none)	Type of Accessory Building: Detached Garage (010)				
I/We certify that the above noted details are correct.					
Applicant signature:					
Development Application Decision Refused					
Reasons for Refusal					

An Accessory Building or Structure shall not exceed 4.3m (14.1 ft). (Reference Section 50.3)

Proposed Height: 5.89m Exceeds by: 1.59m

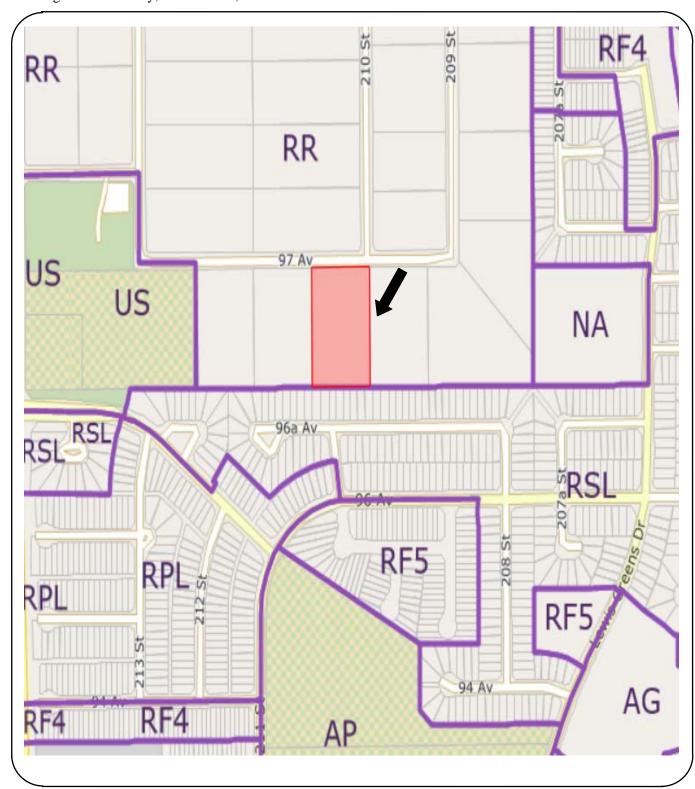
Rights of Appeal

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: Oct 04, 2017 Development Authority: WATTS, STACY Signature:

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee	\$105.00	\$105.00	04438046	Sep 08, 2017
Dev. Application Fee	\$113.00	\$113.00	04438046	Sep 08, 2017
Safety Codes Fee	\$4.50	\$4.50	04438046	Sep 08, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$222.50	\$222.50		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location

File: SDAB-D-17-213



<u>ITEM II: 10:00 A.M.</u> <u>FILE: SDAB-D-17-214</u>

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 225942496-002

APPLICATION TO: Demolish existing Freestanding Off-

premise Sign & install a Minor Digital Off-premises Freestanding Sign (6.1 m x 3

m - facing east)

DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 29, 2017

DATE OF APPEAL: October 13, 2017

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 8632 - Yellowhead Trail NW

LEGAL DESCRIPTION: Plan 3025MC Blk 59A Lot 6

ZONE: (IB) Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

Grounds for Appeal

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

The location that I would like to erect would be with a permit and the existing sign that the development officer is referring to does not have an existing permit and does face in the opposite direction. Traffic will not be able to see both signs at the same time and that is the intent of the existing bylaw 59F.

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

. . .

Hearing and Decision

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

• • •

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

• • •

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

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

and

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

General Provisions from the Edmonton Zoning Bylaw:

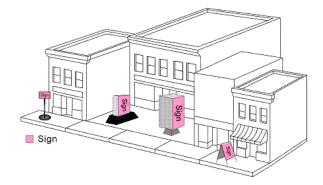
Under section 400.3(42), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the (IB) Industrial Business Zone.

Under section 7.9(6), **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.

Under section 6.2(8), **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;



Section 400.4(6) states "Signs shall comply with the regulations found in Schedule 59F."

Section 400.1 states that the **General Purpose** of the (**IB**) **Industrial Business 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.

Schedule 59F Sign Regulations

Schedule 59F.3(6) states:

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

- a. proposed Signs are prohibited in the civic centre area bounded by 105 Avenue to the north, the North Saskatchewan River Valley to the south, 97 Street to the east, and 100 Street to the west;
- b. the maximum Height shall be 8.0 m;
- c. the maximum Width shall be 16.0 m;
- d. the maximum Area shall be:
 - i. ..
 - ii. <u>65.0 m2</u> 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 <u>65.0 m2</u>;

e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m^2 or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance
Troposed Sign raica	from Digital Signs
	greater than 8.0 m ² or other Off-
	premises Sign
Greater than 8.0 m^2 to less	<u>100 m</u>
than <u>20 m²</u>	
$20 \text{ m}^2 \text{ to } 40 \text{ m}^2$	<u>200 m</u>
Greater than 40 m ²	<u>300 m</u>

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

- f. ...
- g. ...
- h. ...
- i. ...
- j. proposed Signs with an Area greater than 8.0 m^2 shall not be located within any Setback;
- k. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital Onpremises Signs, Minor Digital On-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and
- 1. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

Under section 6.2(24), **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.

Development Officer's Determination

Required Separation: 100 m Proposed Separation: 50 m

Deficient by 50 m

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: 225942496-002
Application Date: JUL 31, 2017
Printed: October 13, 2017 at 1:27 PM

A	pplication for Page: October 13, 2017 at 1:27 Printed: October 13, 2017 a
Sig	n Combo Permit
This document is a Development Permit Decision for the o	levelopment application described below.
Applicant	Property Address(es) and Legal Description(s) 8632 - YELLOWHEAD TRAIL NW Plan 3025MC Blk 59A Lot 6
Scope of Application To demolish existing Freestanding Off-premise Sign E).	& install a Minor Digital Off-premises Freestanding Sign (6.1 m x 3 m - facing
Permit Details	•
ASA Sticker No./Name of Engineer: Construction Value: 40000	Class of Permit: Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct.	
proposed Sign Area is greater than 8.0 m2 to les m2 or other Off-premises Sign shall be100 m. T location (Section 59F.3(6)(e)). Required Separation: 100 m Proposed Seperation: 50 m Deficient by 50 m Rights of Appeal	
Т	HIS IS NOT A PERMIT



Project Number: 225942496-002

Application Date: JUL 31, 2017

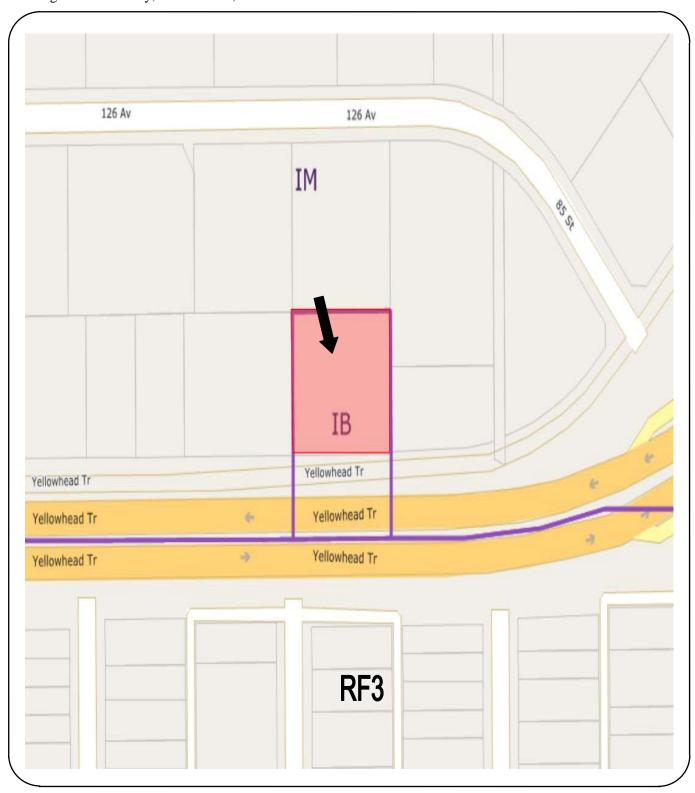
Printed: October 13, 2017 at 1:27 PM

Page: 2 of 2

Application for

Sign Combo Permit

5	Was Assessed	A	Descript #	D-4- P-13	
Sign Building Permit Fee Safety Codes Fee Sign Dev Appl Fee - Digital Signs Total GST Amount:	\$400.00 \$16.00 \$442.00 \$0.00	Amount Paid \$400.00 \$16.00 \$442.00	Receipt # 04343097 04343097 04343097	Date Paid Aug 02, 2017 Aug 02, 2017 Aug 02, 2017	
Totals for Permit:	\$858.00	\$858.00			
•					
				,	



SURROUNDING LAND USE DISTRICTS

Site Location File: SDAB-D-17-214



<u>ITEM III: 1:00 P.M.</u> <u>FILE: SDAB-D-17-215</u>

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 255537408-001

APPLICATION TO: Construct an Accessory building (shed,

3.00m x 3.10m), existing without permits

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DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 29, 2017

DATE OF APPEAL: October 13, 2017

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 15031 - 69 Street NW

LEGAL DESCRIPTION: Plan 6143NY Blk 30 Lot 28

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

#1 shed has been up for 12 years

#2 called at time we put up shed and was given these measurements

#3 no issues from neighbor until other issues came between us

#4 was told from first bylaw officer that because there is no over hang on

that side it would be ok

#5 it's just a 10' x 10' shed

General Matters

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

...

Hearing and Decision

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

. . .

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

. . .

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

and

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

General Provisions from the Edmonton Zoning Bylaw:

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

Under section 6.1(2), **Accessory** means:

when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is:

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

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

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Setback

Section 50.3(5)(b) states:

Accessory buildings and structures shall be located on an Interior Site as follows:

an Accessory building or structure shall be located not less than $\underline{0.9}$ m from the Side Lot Line, except where it is a mutual Garage erected on the common property line to the satisfaction of the Development Officer, or where a Garage is placed on the common property line in accordance with the provisions of the RPL Zone, or where the Accessory building does not exceed the permitted fence Height.

Under section 6.1(97), **Setback** means "the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space."

Development Officer's Determination

Side Setback - The Setback to the Side Property Line shared with 15035-69 Street is 0.76m, instead of 0.9m (50.3(5)(b))

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*.



Application for

Project Number: 255537408-001
Application Date: JUN 29, 2017
Printed: October 13, 2017 at 3:15 PM

Minor Development Permit

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

Applicant

Property Address(es) and Legal Description(s)

15031 - 69 STREET NW Plan 6143NV Rlk 30 L ot 2

Plan 6143NY Blk 30 Lot 28

Specific Address(es)

ite: 1503

15031 - 69 STREET NW

Entryway: 15031 - 69 STREET NW Building: 15031 - 69 STREET NW

Scope of Application

To construct an accessory building (shed, 3.00m x 3.10m), existing without permits.

Permit Details

of Dwelling Units Add/Remove: 0

Client File Reference Number:

Minor Dev. Application Fee: Accessory Buildings

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

Side Setback - The Setback to the Side Propertly Line shared with 15035-69 Street is 0.76m, instead of 0.9m (50.3(5)(b))

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 I	Date: Sep 29, 2	2017 Devel	opment Au	thority: L	ANGILLE,	BRANDON

Signature:

Fees				
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	•	•	•	ю

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$113.00	\$113.00	04337667	Aug 01, 2017
Existing Without Permit Penalty Fee	\$113.00	\$113.00	04337667	Aug 01, 2017
Total GST Amount:	\$0.00			
Totals for Permit;	\$226.00	\$226.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location File: SDAB-D-17-215

