

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
October 7, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-168

To Change the Use from a Professional, Financial and Office Support Service to a Childcare Service (115 Children) and to Construct Exterior Alterations (Outdoor Playspace)

3904 - 91 Street NW
Project No.: 403791222-002

II 11:00 A.M. SDAB-D-21-169

To construct a Semi-Detached House with rear attached Garages, front balconies, rear covered decks and Basement developments (NOT to be used as an additional Dwelling)

14826 - 104 Avenue NW
Project No.: 400510231-002

III 2:00 P.M. SDAB-D-21-170

To install (2) Fascia Minor Digital On-Premises Signs (DANSONS)

15110 - Yellowhead Trail NW
Project No.: 398066712-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 403791222-002

APPLICATION TO: To Change the Use from a Professional, Financial and Office Support Service to a Childcare Service (115 Children) and to Construct Exterior Alterations (Outdoor Playspace)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 19, 2021

DATE OF APPEAL: September 7, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3904 - 91 Street NW

LEGAL DESCRIPTION: Plan 6207KS Blk 5 Lot 13

ZONE: (IB) Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

In hopes of building an inclusive child care centre, I would like to be reconsidered to be a part of the Stanley building at 3904 – 91 Street NW. managed by Berezan Group. The Stanley building currently includes: a Church Assembly at 3912, approx. 20,000 sq. ft. total of empty office space,

and an auto repair at the tail end bay at 3930. Currently, the Assembly is located at the southern first bay, next to them an empty office/retail space which I wish to take a part of, then another empty office use bay, and then the auto repair at the end. I wish to appeal the decision of not allowing a child care service at this location as there is only one bay operating an automotive repair shop which is isolated at the furthest end (North) of the building. Furthermore, they will be ending their lease next June as confirmed by development authority Mark Harrison and the use of that bay will change to office as further confirmed by regional manager Kathryn Atlas (please see included letter).

In-addition, the auto shop is fenced off in the rear for their own protection of vehicles which makes our rear outdoor 6' high fenced in park space completely safe for children. As shown in the drawing and included pictures, the fenced play space is immediately there at the back door exit with no chance of parking lot traffic driving through due to the auto shop's fence closing off their side to any entry, or any vehicle traffic. The child care service will be operated by myself and my team who ran a highly successful program just 4 blocks away for 7 years and only closed due to the pandemic. I have all confidence that with my experience, I have the ability to operate a very safe as well as much needed inclusive child care centre at this location. I have focused here since many of the families I serviced have inquired when I would reopen and I would like to be able to serve the same community. There were many children with special needs who still have not been able to find care and so reopening here would benefit many, as well as the Church Assembly at 3912 has expressed interest for child care services making this location very ideal. This location has allowed me to dedicate over 500 sq. ft. for an indoor inclusive sensory gym that will not earn any income in terms of capacity but will provide much needed benefit to all children, especially those with special needs. It is because of the lower cost at this location that I can afford to have this indoor inclusive gym and pursue providing care to meet the needs of every child and family.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal**685(1)** If a development authority

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

- (c) issues an order under section 645,

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

...

(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 the decision in accordance with subsection (2.1).

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.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

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

- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 400.3(6), **Child Care Services** is a **Discretionary Use** in the **(IB) Industrial Business Zone**.

Under section 7.8(2), **Child Care Services** means:

a development intended to provide temporary care and supervision for children. This Use typically includes early learning and child care programs that are facility-based such as daycares, out-of-school care, and preschools.

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.

<i>Section 80 - Child Care Services</i>
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A Child Care Service shall comply with the following:

1. Child Care Services Site Plan and Development Application Content:
 - a. In addition to the requirements of Section 13, every application for a Development Permit for a Child Care Services Use shall include a Site plan and floor plan that combined, includes all information required in the Child Care Services Checklist.
2. **Location requirements:**
 - a. No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for the following Uses:
 - i. Automotive and Equipment Repair Shops
 - ii. Fleet Services
 - iii. Funeral, Cremation and Internment Services
 - iv. General Industrial Uses
 - v. Rapid Drive-through Vehicle Services, or
 - vi. Vehicle and Equipment Sales/Rentals.
 - b. No portion of a Child Care Services Use, including the building, building bay or on-Site outdoor play space, where provided, shall be located on a Site or adjacent to a Site with an approved development permit for the following Uses:
 - i. Land Treatment

- ii. Major Impact Utility Services, or
 - iii. Minor Impact Utility Services.
 - c. No portion of a Child Care Services Use, including the building, building bay and on-Site outdoor play space, where provided, shall be located within 50 m of a Major Service Station, a Minor Service Station or a Gas Bar. This distance shall be measured from the closest pump island, fill pipes, vent pipes, or service station or gas bar building, to the Child Care Services Use.
 - d. Where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the applicant shall design the building, entrances, playspaces, landscaping, and Fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer.
 - e. **Where Child Care Services is proposed on a Site zoned (IB) Business Industrial Zone, (IL) Light Industrial Zone, or (EIB) Ellerslie Business Industrial Zone, it shall only be allowed if the Site development forms part of an office park development or commercial strip mall.**
- 3. Playspace requirements
 - a. Where outdoor play space is provided at ground level it shall be allowed in any Yard. It shall be Fenced on all sides and all gates shall be self-latching. Fencing shall not be required where outdoor play space is proposed to share existing play equipment on Sites zoned (US) Urban Services Zone or (AP) Public Parks Zone, or if an exemption is permitted by the Government of Alberta.
 - b. Where outdoor play space is provided above the first level such as on a Rooftop Terrace, balcony, or similar, the following regulations shall apply:
 - i. Perimeter guard rails, or parapet walls, or a combination thereof that is at least 1.83 m in Height and provides a secure perimeter shall be installed and shall be consistent with the architectural materials and style of the building.
 - ii. Mechanical equipment and exhaust systems shall be designed to be integrated into the play space so the Development Officer is satisfied that it does not create adverse effects related to noise, fumes or safety, or shall be located a minimum of 2 m outside of the perimeter of the

outdoor play space.

4. Development in Residential Zones

- a. Where a Child Care Services Use is proposed in a converted Single Detached Housing, the Use shall only be located:
 - i. on a Corner Lot; or
 - ii. on a Site Abutting a Site that is actively used for a Community, Educational, Recreational and Cultural Service Use Class; or
 - iii. Abutting a Site with zoning that lists Multi-unit Housing, General Retail Stores or Convenience Retail Stores as a permitted Use.
- b. A converted Dwelling shall not change the principal character or external appearance of the Dwelling in which it is located.
- c. If a new building is constructed for a Child Care Services Use, it shall retain the external appearance of a residential Dwelling, unless it is built as part of a development where the primary use is a Religious Assembly Use.

5. Sign Requirements

- a. Signs shall conform to the regulations found in the Sign Schedule for the underlying zone.

Development Officer's Determination


Section 80.2.e - Where Child Care Services is proposed on a Site zoned (IB) Business Industrial Zone, (IL) Light Industrial Zone, or (EIB) Ellerslie Business Industrial Zone, it shall only be allowed if the Site development forms part of an office park development or commercial strip mall.

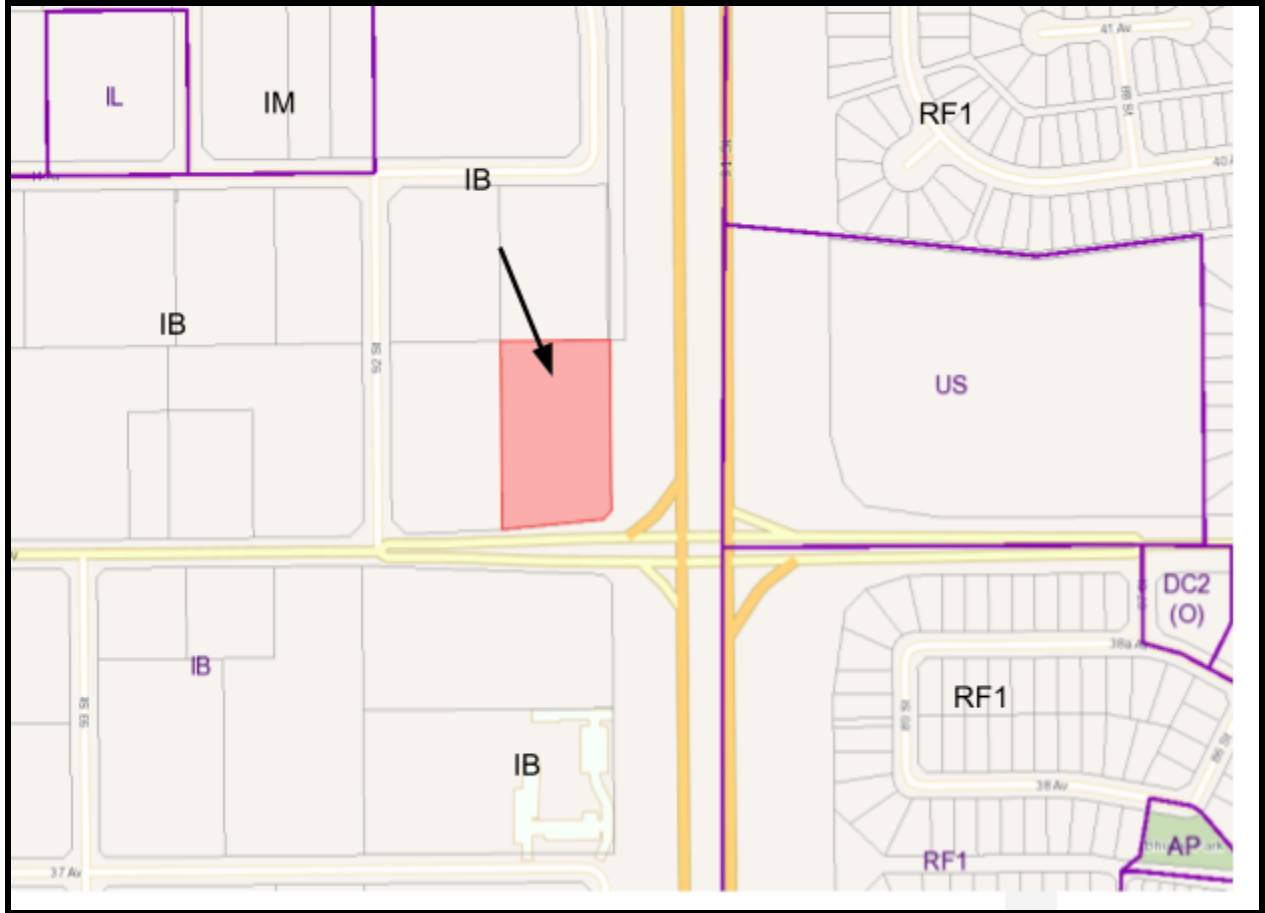
THE PROPOSED DEVELOPMENT IS WITHIN A BUILDING WHICH HAS AN EXISTING AUTOMOTIVE AND REPAIR SHOP IN THE NORTHERNMOST BAY. AS SUCH, THE DEVELOPMENT IS NOT AN OFFICE PARK DEVELOPMENT.

[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.

	<h2 style="margin: 0;">Application for Major Development Permit</h2>			Project Number: 403791222-002 Application Date: JUL 27, 2021 Printed: August 19, 2021 at 4:19 PM Page: 1 of 1																			
This document is a Development Permit Decision for the development application described below.																							
Applicant	Property Address(es) and Legal Description(s) 3904 - 91 STREET NW Plan 6207KS Blk 5 Lot 13																						
	Specific Address(es) Suite: 3916 - 91 STREET NW Suite: 3918 - 91 STREET NW Entryway: 3916 - 91 STREET NW Entryway: 3918 - 91 STREET NW Building: 3904 - 91 STREET NW																						
Scope of Application To Change the Use from a Professional, Financial and Office Support Service to a Childcare Service (115 Children) and to Construct Exterior Alterations (Outdoor Playspace)																							
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Class of Permit: Gross Floor Area (sq. m.): New Sewer Service Required: Site Area (sq. m.): </td> <td style="width: 50%; vertical-align: top;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Strat. Plan Overlay/Asses Area: (none) </td> </tr> </table>				Class of Permit: Gross Floor Area (sq. m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Strat. Plan Overlay/Asses Area: (none)																		
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Development Application Decision Refused Issue Date: Aug 19, 2021 Development Authority: HARRISON, MARK Reason for Refusal Section 80.2.e - Where Child Care Services is proposed on a Site zoned (IB) Business Industrial Zone, (IL) Light Industrial Zone, or (EIB) Ellerslie Business Industrial Zone, it shall only be allowed if the Site development forms part of an office park development or commercial strip mall. THE PROPOSED DEVELOPMENT IS WITHIN A BUILDING WHICH HAS AN EXISTING AUTOMOTIVE AND REPAIR SHOP IN THE NORTHERNMOST BAY. AS SUCH, THE DEVELOPMENT IS NOT AN OFFICE PARK DEVELOPMENT. Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																							
Fees <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$528.00</td> <td style="text-align: right;">\$528.00</td> <td style="text-align: right;">13118208587F001</td> <td style="text-align: right;">Jul 28, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$528.00</td> <td style="text-align: right; border-top: 1px solid black;">\$528.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$528.00	\$528.00	13118208587F001	Jul 28, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$528.00	\$528.00		
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<p>THIS IS NOT A PERMIT</p>																							



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-168

▲
N

ITEM II: 11:00 A.M.

FILE: SDAB-D-21-169

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 400510231-002

APPLICATION TO: Construct a Semi-Detached House with rear attached Garages, front balconies, rear covered decks and Basement developments (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 7, 2021

DATE OF APPEAL: September 12, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14826 - 104 Avenue NW

LEGAL DESCRIPTION: Plan 1131HW Blk 10 Lot 16

ZONE: (RF3) Small Scale Infill Development 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:

Overview:

In the community of Grovenor, there is a row of unique properties specifically on the north side of 104th Ave, between 144th & 149th Street, on which this property lies. These

properties, although of fairly normal width, are extremely shallow at only 33.1M (108ft). As such, these properties almost never get “rebuilt” with new homes because as any developer will tell you, your absolute minimum depth to do a standard home with detached garage in the MNO areas of the city is about 120ft (37M). It just doesn’t work and doesn’t make sense to invest the huge amount of money required to build a new home as it will need to be extremely small in foot print.

For our homes that we are endeavouring to build and move into, we believe that we have come up with a work around to this problem and make great use of an otherwise unattractive property. To accomplish this however, we will require a handful of variances that will allow us to build our side-byside dream home(s).

Input of Neighbors: This property had begun to get a bad reputation of not only being dilapidated but also as a “Drug House” of sorts. While trying to clean things up and evict those in the house, we ended up meeting many of the immediate neighbors. We took these opportunities to discuss our proposed project with them (and the community consult sent to them) and it was well received by all those we met with so far.

1. Total Side Setback:

- **Variance Requested:** 23cms (each unit)
- This would bring the side setbacks to the standard 1.2 Metres of a typical detached home/Skinny house. With a typical skinny house, “Buildouts” are also allowed which come out significantly into the setback area. Given that we do not have any such build outs, we are hoping that this variance can be granted given that the extra 23cms wouldn’t realistically be noticed by anyone but it does add valuable width to an already necessarily narrow home. For example, it helps provide very useful space between the chairs at the kitchen island and the pantry behind them.

2. Rear Set Back:

- **Variance Requested:** Less than the 40% minimum
- As mentioned above, these North side 104Ave lots are not very deep, and as such, over the decades, people have built houses that have not been set back that far.

PRECEDENT:

For example, addresses 14624, 14516, and 14512 on the north side of this avenue all sit farther back than that without issue. As such, there is precedent in the area for a shallower rear set back.

3. Rear Attached Garage:

- **Variance Requested:** Garage access from the rear
- Of the three addresses cited above, all 3 coincidentally have front driveways. All are homes from the 80s however. We too would have much preferred a front driveway however there were some issues that impeded this. Aside from it not actually being allowed without another

front driveway on the block already, there were two larger logistical problems. 1) There is a large boulevard tree where part of the driveway needed to be, and 2) Given that the garage is somewhat underground, there was no chance we'd be able to meet the minimum slope required with only a roughly 6 metre setback.

As such, we can make do with what would be a nicer, fenced front yard and rear driveway, so are requesting a variance to have the garage access from the back.

4. Basement Elevation:

- **Variance Requested:** Increase of 43cms to the maximum basement elevation
- This is needed in order to accommodate the transportation department's allowances for the maximum driveway grade, and to have a safe, reasonable slope into the garage itself.

5. Overall Height:

- **Variance Requested:** 1.26 metres
- Extra height needed to accommodate the attached garage due to the short depth of these lots. (See #4 Basement Elevation)

PRECEDENT: Townhouses @ 14210/12/14 104Ave/10407 143St)

- The address's above form a 4 unit townhouse complex, also on the north side of 104Ave in Grovenor, and also with a rooftop patio area. Coincidentally I know someone who lives in these units and was able to do some measuring as a result. The top of the 3rd floor roof comes in at 10.35 Metres (Compared to our 10.31M). The way that the builder got around this was to exploit the feature that if the third floor is just for roof access, the 8.9M rule applies to the "midpoint" of the 3rd floor wall. Regardless, the general public would likely point to that 3rd floor "rooftop" as being what the actual height of the building is.
- **Roof Mid-Point:** Again, if we consider how the general public will tend to view what the height of a house is, they will overwhelmingly point to its peak. Not how high it is at the mid-point of a particular roof line. For example, we could theoretically add an extremely high peaked roof over the 3rd floor but the mid-point be 8.9M. It would look pretty terrible and be out of place, but would meet that qualification.
- As this is a North/South facing lot, the small extra height would not be blocking any late year sunlight to a home to the north as it's just the back alley.
- Overall height is lower than the addresses cited above and lower than many peaked roofs on new homes.

- The highest point (master bedroom area) sits back from the front street, and it's only the much lower patio that is near to the street. As such, the highest point of the home will actually appear farther back and therefore "lower". To say nothing of the fact that from the sidewalk in front, people would only see the two floors & railing, and not any of the 3rd floor at all.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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(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 the decision in accordance with subsection (2.1).

Appeals

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 - (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

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Hearing and Decision

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

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- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (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 140.2(7), **Semi-detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(7), **Semi-detached Housing** means development:

development consisting of a building that contains two principal Dwellings joined in whole or in part at the side or rear with neither of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This Use does not include Duplex Housing.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

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

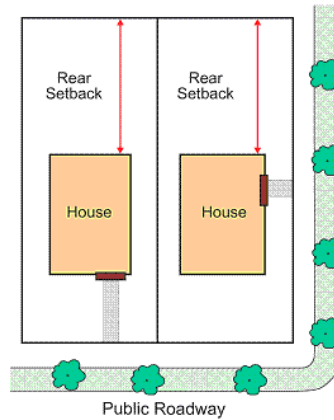
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the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

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

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



Development Officer’s Determination

1. Rear Setback - The minimum Rear Setback shall be 40% of Site Depth, or 13.3m (Section 814.3.4).

Minimum: 13.3m
Proposed: 9.11m (27% of Site Depth)
Deficient by 4.19m

[unedited]

Height

Section 814.3(5) states “The maximum Height shall not exceed 10.0 m in the RF5 Zone and 8.9 m in all other Zones.”

Under section 6.1, **Height** means “a vertical distance between two points.”

Development Officer’s Determination

2. Height - The house shall not exceed a Height of 8.9m (Section 814.3.5).

Maximum: 8.9m
Proposed: 10.31m
Exceeds by 1.41m

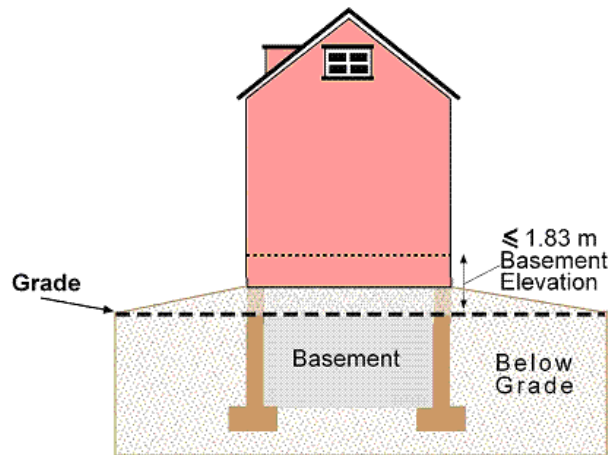
[unedited]

Basement Elevation

Section 814.3(6) states “The Basement elevation shall be no more than 1.5 m above Grade. The Basement elevation shall be measured as the distance between Grade and the finished floor of the first Storey.”

Under section 6.1, **Basement** means:

the portion of a building or structure which is wholly or partially below ground level, having above Grade no more than 1.83 m of its clear Height which lies below the finished level of the floor directly above;



Development Officer’s Determination

3. Basement Elevation - The Basement elevation shall not exceed 1.5m above Grade (Section 814.3.6).

**Maximum: 1.5m
Proposed: 1.75m
Exceeds by 0.25m**

[unedited]

Rear Attached Garage

Section 814.3(19) states “Rear attached Garages shall not be allowed.”

Development Officer’s Determination

4. Attached Garage - Rear attached Garages shall not be allowed (Section 814.3.19).

Proposed: Rear attached Garage

[unedited]

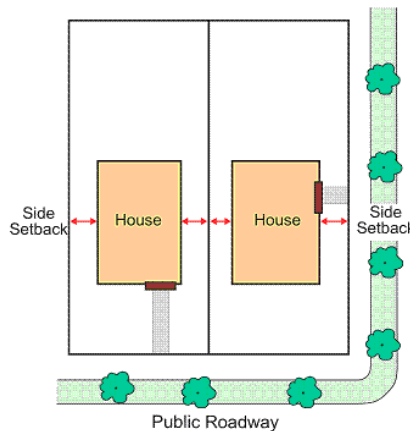
Side Setback

Section 814.3(3)(b) states “where a Site Width is greater than 12.0 m and less than 18.3 m, the Side Setback requirements of the underlying Zone shall apply.”

Section 110.4(10)(a) states “Side Setbacks shall total at least 20% of the Site Width, with a minimum Side Setback of 1.2 m on each side.”

Under section 6.1, **Side Setback** means:

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



Development Officer’s Determination

5. Total Side Setbacks - Side Setbacks shall total at least 20% of Site Width, or 2.9m (Section 110.4.10.a and Section 814.3.3.b).

Minimum: 2.9m

Proposed: 2.44m (17% of Site Width)

Deficient by 0.46m

[unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.


Section 814.5(2) states:


Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(5) - Height 814.3(6) - Basement Elevation

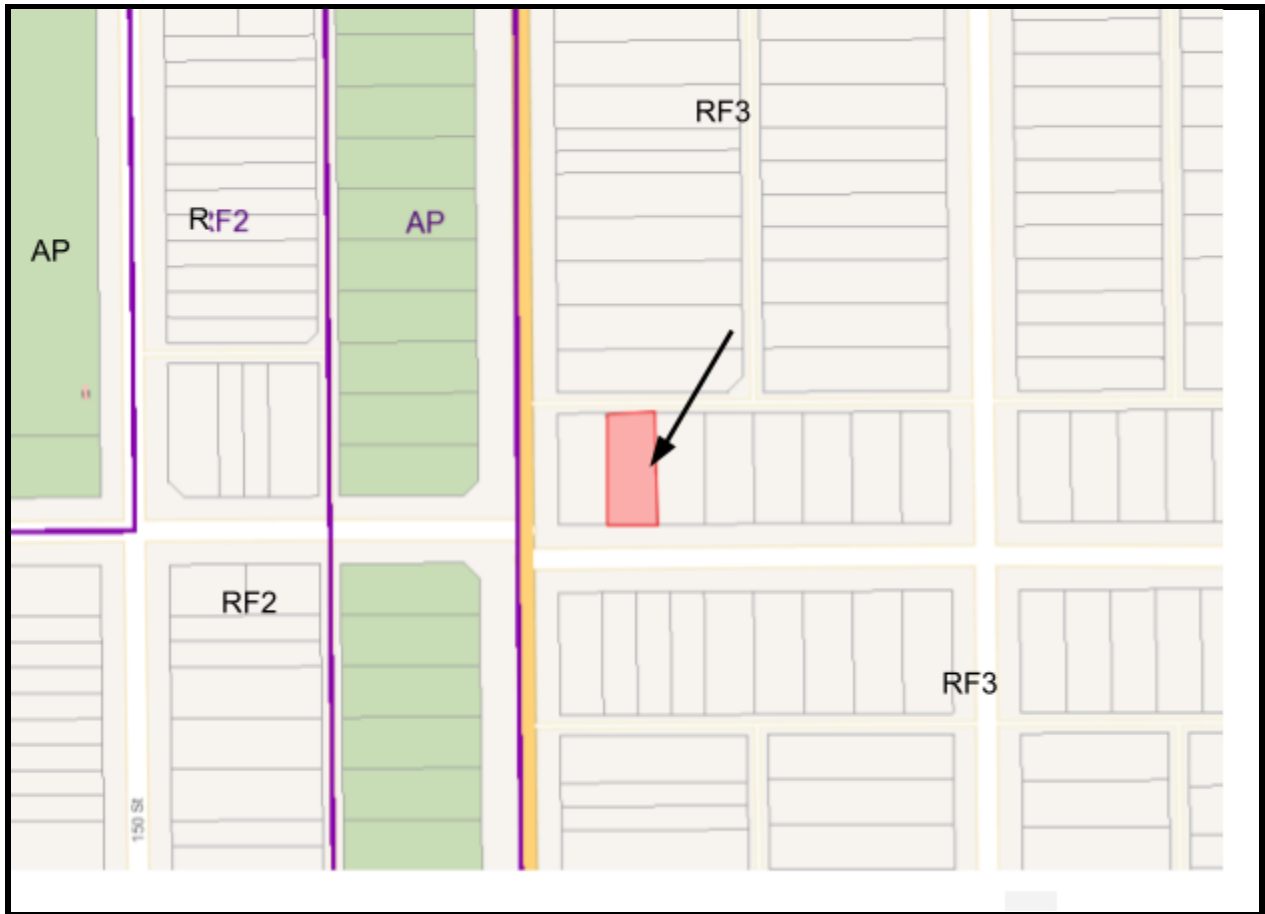
	Community League		
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) - Rear Setback 814.3(19) - Rear Attached Garage
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site of the proposed development	814.3(3) - Side Setbacks

Notice to Applicant/Appellant

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

	Project Number: 400510231-002 Application Date: JUN 23, 2021 Printed: September 13, 2021 at 7:32 AM 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	Property Address(es) and Legal Description(s) 14826 - 104 AVENUE NW Plan 1131HW Blk 10 Lot 16 Specific Address(es) Suite: 14826 - 104 AVENUE NW Suite: 14828 - 104 AVENUE NW Entryway: 14826 - 104 AVENUE NW Entryway: 14828 - 104 AVENUE NW Building: 14826 - 104 AVENUE NW		
Scope of Application To construct a Semi-Detached House with rear attached Garages, front balconies, rear covered decks and Basement developments (NOT to be used as an additional Dwelling).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included ? : N </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 2 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Strt. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included ? : N	# of Primary Dwelling Units To Construct: 2 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Strt. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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Development Application Decision Refused Issue Date: Sep 07, 2021 Development Authority: NICHOLAS, CAROLYN			
THIS IS NOT A PERMIT			

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 400510231-002 Application Date: JUN 23, 2021 Printed: September 13, 2021 at 7:32 AM Page: 2 of 2																																			
<p>Reason for Refusal</p> <p>1. Rear Setback - The minimum Rear Setback shall be 40% of Site Depth, or 13.3m (Section 814.3.4).</p> <p style="margin-left: 20px;">Minimum: 13.3m Proposed: 9.11m (27% of Site Depth) Deficient by 4.19m</p> <p>2. Height - The house shall not exceed a Height of 8.9m (Section 814.3.5).</p> <p style="margin-left: 20px;">Maximum: 8.9m Proposed: 10.31m Exceeds by 1.41m</p> <p>3. Basement Elevation - The Basement elevation shall not exceed 1.5m above Grade (Section 814.3.6).</p> <p style="margin-left: 20px;">Maximum: 1.5m Proposed: 1.75m Exceeds by 0.25m</p> <p>4. Attached Garage - Rear attached Garages shall not be allowed (Section 814.3.19).</p> <p style="margin-left: 20px;">Proposed: Rear attached Garage</p> <p>5. Total Side Setbacks - Side Setbacks shall total at least 20% of Site Width, or 2.9m (Section 110.4.10.a and Section 814.3.3.b).</p> <p style="margin-left: 20px;">Minimum: 2.9m Proposed: 2.44m (17% of Site Width) Deficient by 0.46m</p> <p>Rights of Appeal</p> <p style="margin-left: 20px;">The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p>																																					
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$1,746.00</td> <td style="text-align: right;">\$1,746.00</td> <td>11933407485G001</td> <td>Jun 30, 2021</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$502.00</td> <td style="text-align: right;">\$502.00</td> <td>11893206721G001</td> <td>Jun 29, 2021</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$296.00</td> <td style="text-align: right;">\$296.00</td> <td>11893206721G001</td> <td>Jun 29, 2021</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$211.00</td> <td style="text-align: right;">\$211.00</td> <td>11893206721G001</td> <td>Jun 29, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$2,755.00</td> <td style="text-align: right; border-top: 1px solid black;">\$2,755.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sanitary Sewer Trunk Fund	\$1,746.00	\$1,746.00	11933407485G001	Jun 30, 2021	Dev. Application Fee	\$502.00	\$502.00	11893206721G001	Jun 29, 2021	Lot Grading Fee	\$296.00	\$296.00	11893206721G001	Jun 29, 2021	Development Permit Inspection Fee	\$211.00	\$211.00	11893206721G001	Jun 29, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$2,755.00	\$2,755.00		
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<p>THIS IS NOT A PERMIT</p>																																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-169

ITEM III: 2:00 P.M.

FILE: SDAB-D-21-170

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 398066712-002

APPLICATION TO: Install (2) Fascia Minor Digital On-Premises Signs (DANSONS)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 17, 2021

DATE OF APPEAL: September 13, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15110 - Yellowhead Trail NW

LEGAL DESCRIPTION: Plan 1738KS Blk A Lot 4

ZONE: (IM) Medium Industrial 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:

We are representing a client who has a building along Yellowhead trail and would like to advertise their products only. We are very close to the 100 meter distance from the nearest digital display which is a 3rd party Ontario company Outfront Media.

This permit being denied for a 20 meter difference not only affects our clients sales and internal advertising opportunity of their own products but also affects our own company as this was a very good contract and opportunity for us and after a pandemic year we would hope the city would be willing to work with two local companies for future growth and success.

We understand the need for sign permit regulations especially with digital but after a pandemic year we would hope the city would be willing to work with two local companies. We also always follow on the auto dim lighting and slide time, engineering and height regulations which a lot of companies dont. Small to Medium companies like ours that try and follow the rules and work with the city is who the City should be most willing to work with.

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.

...

(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 the decision in accordance with subsection (2.1).

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.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

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

(a.2) subject to section 638, must comply with any applicable statutory plans;

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

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

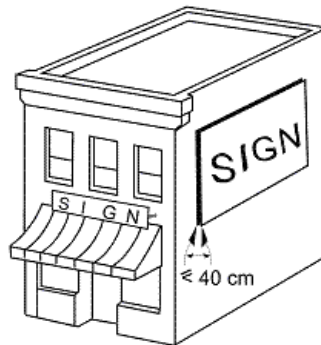
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B)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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 420.3(13), **Minor Digital On-premises Signs** is a **Discretionary Use** in the **(IM) Medium Industrial Zone**.

Under section 6.2, **Fascia Sign** 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.



Section 420.4(6) states “Signs shall comply with the regulations found in Schedule 59G.”

Section 420.1 states that the **General Purpose** of the **(IM) Medium Industrial Zone** is:

to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Schedule 59G - Signs

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

proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than 8.0 m ² or Off-premises Signs
Greater than 8.0 m ² to less than 20 m ²	100 m

Development Officer’s Determination

1. Section 59G.3(5)(d) - Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m² or Off-premises Signs, less than 20m² by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Sign#1

**Area of Existing OUTFRONT Sign (DP 145563633-001): 18.58 m²
 Location: 15210 - YELLOWHEAD TRAIL NW
 Required Separation Distance: 100 m
 Proposed Separation Distance: 75.96 m
 Deficient by: 24.04 m**

Sign#2

**Area of Existing OUTFRONT Sign (DP 145563633-001): 18.58 m²
 Location: 15210 - YELLOWHEAD TRAIL NW
 Required Separation Distance: 100 m
 Proposed Separation Distance: 84.29 m
 Deficient by: 15.71 m**



On Site Sign#1 to Sign #2
Required Separation Distance: 100 m
Proposed Separation Distance: 0.31 m
Deficient by: 99.69 m


The Zoning Bylaw establishes the separation distances between digital signs and off-premises signs to prevent the proliferation of such signs.

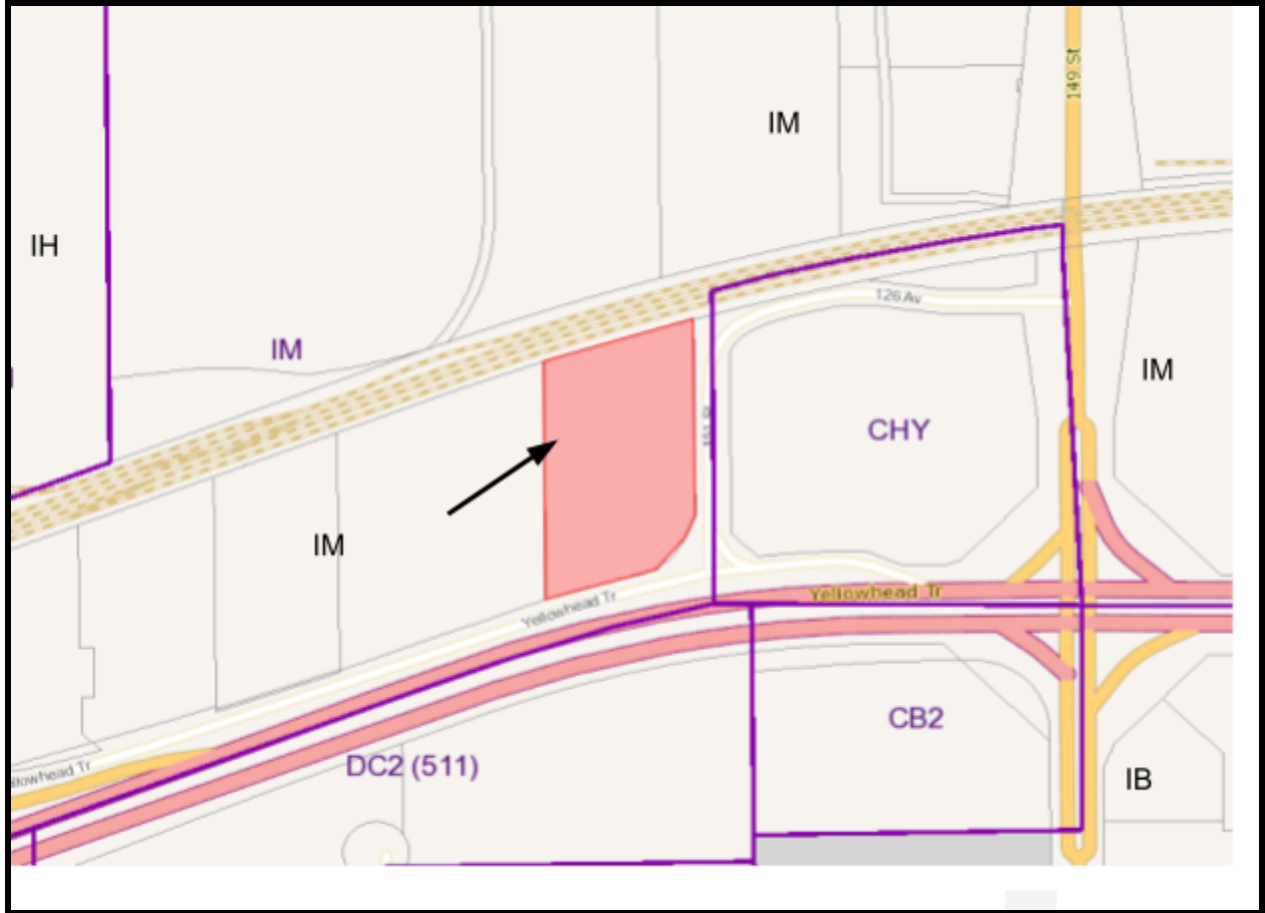
[unedited]

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.

	<h2>Application for Sign Permit</h2>	Project Number: 398066712-002 Application Date: JUN 01, 2021 Printed: September 13, 2021 at 9:40 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant 	Property Address(es) and Legal Description(s) 15110 - YELLOWHEAD TRAIL NW Plan 1738KS Blk A Lot 4 Location(s) of Work Suite: 15110 - YELLOWHEAD TRAIL NW Entryway: 15110 - YELLOWHEAD TRAIL NW Building: 15110 - YELLOWHEAD TRAIL NW	
Scope of Application To install (2) Fascia Minor Digital On-Premises Signs (DANSONS)		
Permit Details		
ASA Sticker No./Name of Engineer: 8772 Construction Value: 100000	Class of Permit: Class B 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: 2 Minor Digital Off-premises Sign: 0 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	
Development Application Decision Refused Issue Date: Aug 17, 2021 Development Authority: MERCIER, KELSEY		
THIS IS NOT A PERMIT		

	<h2 style="margin: 0;">Application for Sign Permit</h2>	Project Number: 398066712-002 Application Date: JUN 01, 2021 Printed: September 13, 2021 at 9:40 AM Page: 2 of 2																				
<p>Reason for Refusal</p> <p>1. Section 59G.3(5)(d) - Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m² or Off-premises Signs, less than 20m² by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.</p> <p>Sign#1 Area of Existing OUTFRONT Sign (DP 145563633-001): 18.58 m² Location: 15210 - YELLOWHEAD TRAIL NW Required Separation Distance: 100 m Proposed Separation Distance: 75.96 m Deficient by: 24.04 m</p> <p>Sign#2 Area of Existing OUTFRONT Sign (DP 145563633-001): 18.58 m² Location: 15210 - YELLOWHEAD TRAIL NW Required Separation Distance: 100 m Proposed Separation Distance: 84.29 m Deficient by: 15.71 m</p> <p>On Site Sign#1 to Sign #2 Required Separation Distance: 100 m Proposed Separation Distance: 0.31 m Deficient by: 99.69 m</p> <p>The Zoning Bylaw establishes the separation distances between digital signs and off-premises signs to prevent the proliferation of such signs.</p> <p>Rights of Appeal THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.</p>																						
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SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-170