

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 12, 2018**

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

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

I	9:00 A.M.	SDAB-D-18-139	Construct an exterior alterations to a Single Detached House (driveway extension, 2.44 metres by 8.32 metres) 7709 - 166A Avenue NW Project No.: 289886819-001
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II	10:30 A.M.	SDAB-D-18-140	Install (1) Freestanding On-premises Sign (Wilfred's Restaurant) 11904 - 104 Avenue NW Project No.: 288510987-001
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-18-139

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 289886819-001

APPLICATION TO: Construct an exterior alterations to a Single Detached House (driveway extension, 2.44 metres by 8.32 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 16, 2018

DATE OF APPEAL: August 17, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7709 - 166A Avenue NW

LEGAL DESCRIPTION: Plan 0224595 Blk 86 Lot 7

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Edmonton North Area Structure Plan
Mayliewan Neighbourhood Structure Plan

Grounds for Appeal

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

Reasons for appealing the decision of the Development Authority: Project Number 289886819-001

1. We live in a Keyhole cull-du-sac.
2. There is no street parking
3. There are no sidewalks
4. There is no back alley way.
5. Four of the nine homeowners in the cull-du-sac have all extended their driveways. Our proposed extension would not detract from the neighborhood.
6. Attached find a document signed by neighbors on both sides of our property and by neighbor directly across the street from our property, reflecting that they do not have any objections to our proposed driveway expansion.

7. We applied for permit mainly to enable loading and unloading wheelchair family members. With the current width of our driveway and no sidewalk down to the curb alongside the driveway, it is extremely difficult to get wheelchair access without damage to existing parked vehicle or to the individual requiring the wheelchair.

8. We found the following information on the City's website under "Residential Landscaping Requirements" - "Examples of Hard Surfacing that meets Requirements". The first diagram under "No Laneways" reflects a house with an attached garage and a sidewalk from the front door alongside the driveway to the "Public Sidewalk". Our sidewalk is 64" wide and only goes from the front door to the end of the attached garage. According to this diagram, we should be able to at least extend the sidewalk from the end of the garage to the end of our property at curbside.

9. Jeremy Folkman, the Development Authority reviewing our application stated that the permit was being refused due to bylaw changes which came into effect in May 2018. According to Jeremy, the City does not want homeowners parking on the front of their homes. With no street parking and no back lane, where exactly does the City want us to park? Jeremy also stated that concrete is not very esthetic and suggested we do the extension with "paving blocks" or possibly "gravel" as this would not require a permit. Really - how can gravel and paving blocks be more esthetically pleasing than a well poured driveway extension? Our request for the driveway extension was for more ease with wheelchair and walker bound individuals than for parking. Pushing a wheelchair or walker through a bed of gravel is most definitely not an easy task and rather dangerous when initially pushing a chair or walker off a concrete driveway to drop down onto a gravel pit.

10. We plan to stay in this residence for as long as we are able to - hopefully at least another 20 years. Catherine's health status, unfortunately also points to decreased mobility in the future as she is on medication that is destroying her bones and is causing mobility issues even now. A future in a chair for her is a real possibility and she does not want to lose her independence due to lack of wheel chair access to her home.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

(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,

Hearing and Decision

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

...

(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;

...

(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*:

Section 110.2(5) states a **Single Detached House** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under Section 7.2(8), **Single Detached House** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

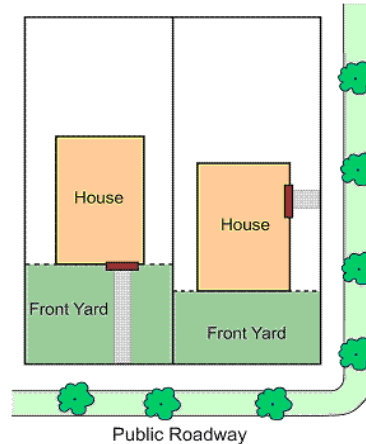
Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Under section 6.1, **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, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1, **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1, **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.”

Under section 6.1, **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Off-street Parking and Loading Regulations

Section 54.1(4) states:

The Front Yard of any ground level Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. **lead directly from the roadway to the Garage or Parking Area;**
- b. for a Garage or Parking Area with one parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;
- c. **For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser; and**
- d. ...


Development Officer's Determination

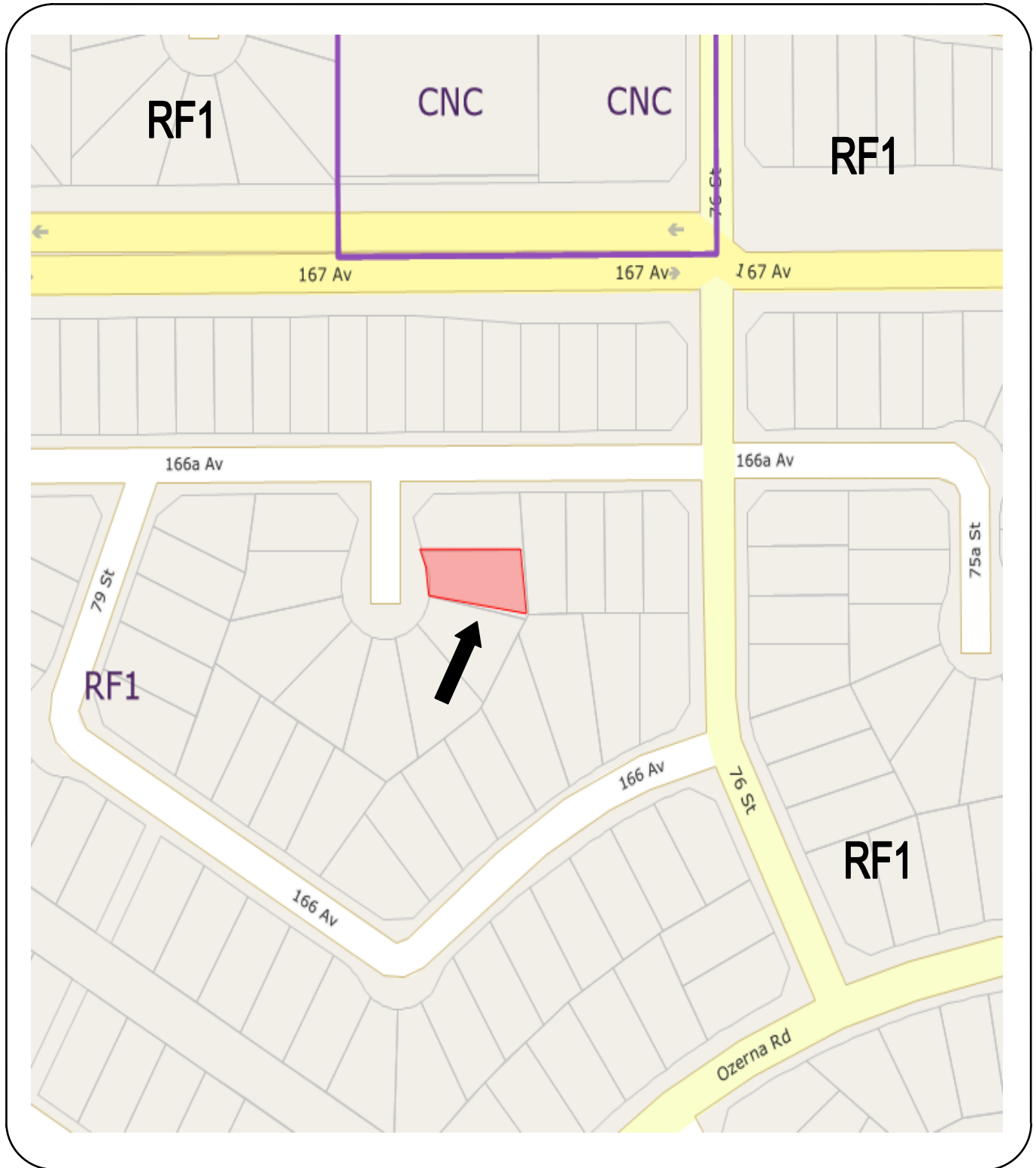
Driveway extension does not lead to a Garage or Parking Area. (Reference Section 54.1(4)(a))

The width of the Driveway and Driveway extension is 2.44 m greater than the width of the Garage. (Reference Section 54.1(4)(c))

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 Minor Development Permit</h2>	Project Number: 289886819-001 Application Date: AUG 13, 2018 Printed: August 16, 2018 at 1:40 PM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
Applicant <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 7709 - 166A AVENUE NW Plan 0224595 Blk 86 Lot 7																					
Scope of Application To construct an exterior alterations to a Single Detached House (driveway extension, 2.44 m x 8.32 m).																						
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N </td> <td style="width: 50%; border: none;"> Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: </td> </tr> </table>			# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:																		
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I/We certify that the above noted details are correct. Applicant signature: _____																						
Development Application Decision Refused Issue Date: Aug 16, 2018 Development Authority: FOLKMAN, JEREMY Reason for Refusal Driveway extension does not lead to a Garage or Parking Area. (Reference Section 54.1(4)(a)) The width of the Driveway and Driveway extension is 2.44 m greater than the width of the Garage. (Reference Section 54.1(4)(c)) 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 <table style="width: 100%; border: none;"> <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>Dev. Application Fee</td> <td style="text-align: right;">\$170.00</td> <td style="text-align: right;">\$170.00</td> <td style="text-align: right;">05255279</td> <td style="text-align: right;">Aug 13, 2018</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;">\$170.00</td> <td style="text-align: right; border-top: 1px solid black;">\$170.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$170.00	\$170.00	05255279	Aug 13, 2018	Total GST Amount:	\$0.00				Totals for Permit:	\$170.00	\$170.00		
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THIS IS NOT A PERMIT																						



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-139



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-140

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 288510987-001

APPLICATION TO: Install (1) Freestanding On-premises Sign
(Wilfred's Restaurant)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 30, 2018

DATE OF APPEAL: August 16, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11904 - 104 Avenue NW

LEGAL DESCRIPTION: Plan 1425753 Blk 21 Lot 2

ZONE: DC1 Direct Development Control Provision

OVERLAY: Main Streets Overlay

STATUTORY PLAN: 104 Avenue Corridor Area Redevelopment Plan

Grounds for Appeal

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

This tenant will need a freestanding sign to help guide customers to their premises

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,

- (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 the *Edmonton Zoning Bylaw*:

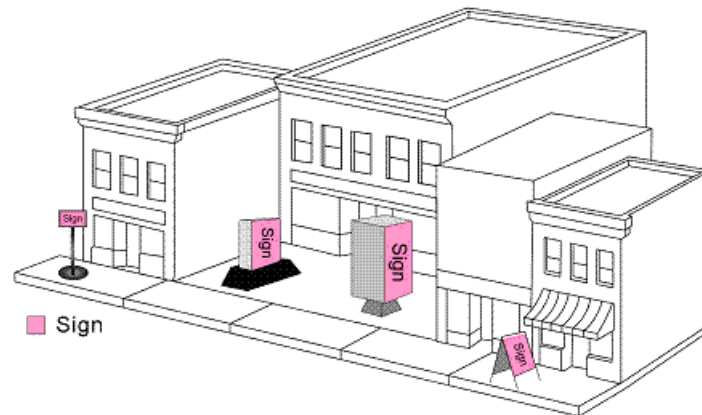
A **Freestanding On-premises Sign** is **not** a **listed** Use in the DC1 (Bylaw 18099 – Area 1) Direct Development Control Provision (the “DC1”).

Under section 7.9(4), **Freestanding On-premises Signs** means:

any Sign supported independent of a building, displaying Copy that identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Under section 6.2, **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 9 of the DC1 states the following with respect to Signage:

- a. Signs shall comply with the General Provisions of Section 59 and the regulations found in Schedule 59F of the Zoning Bylaw.
- b. A Comprehensive Sign Design Plan in accordance with the Provisions of Section 59.3 shall be required to the satisfaction of the Development Officer.
- c. Notwithstanding Section 9(a) of this Provision, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, shall comply with the regulations found in Schedule 59F.2 and 59F.3.
- d. Any application for a Major or Minor Digital Sign Use may require the submission of a Traffic Safety Study prepared by a qualified engineer and shall be to the satisfaction of Development Officer in consultation with Transportation Services prior to the issuance of a Development Permit.
- e. Major Digital Signs and Minor Digital Signs shall be permitted only if affixed to a building.

Section 1 of the **DC1** states that the **General Purpose** of this Provision is:

to facilitate the development of a pedestrian friendly and transit-supportive area that is characterized by its strong mix of retail, office, entertainment, and residential uses and its accessibility, open spaces, and sensitive interface between developments.


<i>Use</i>

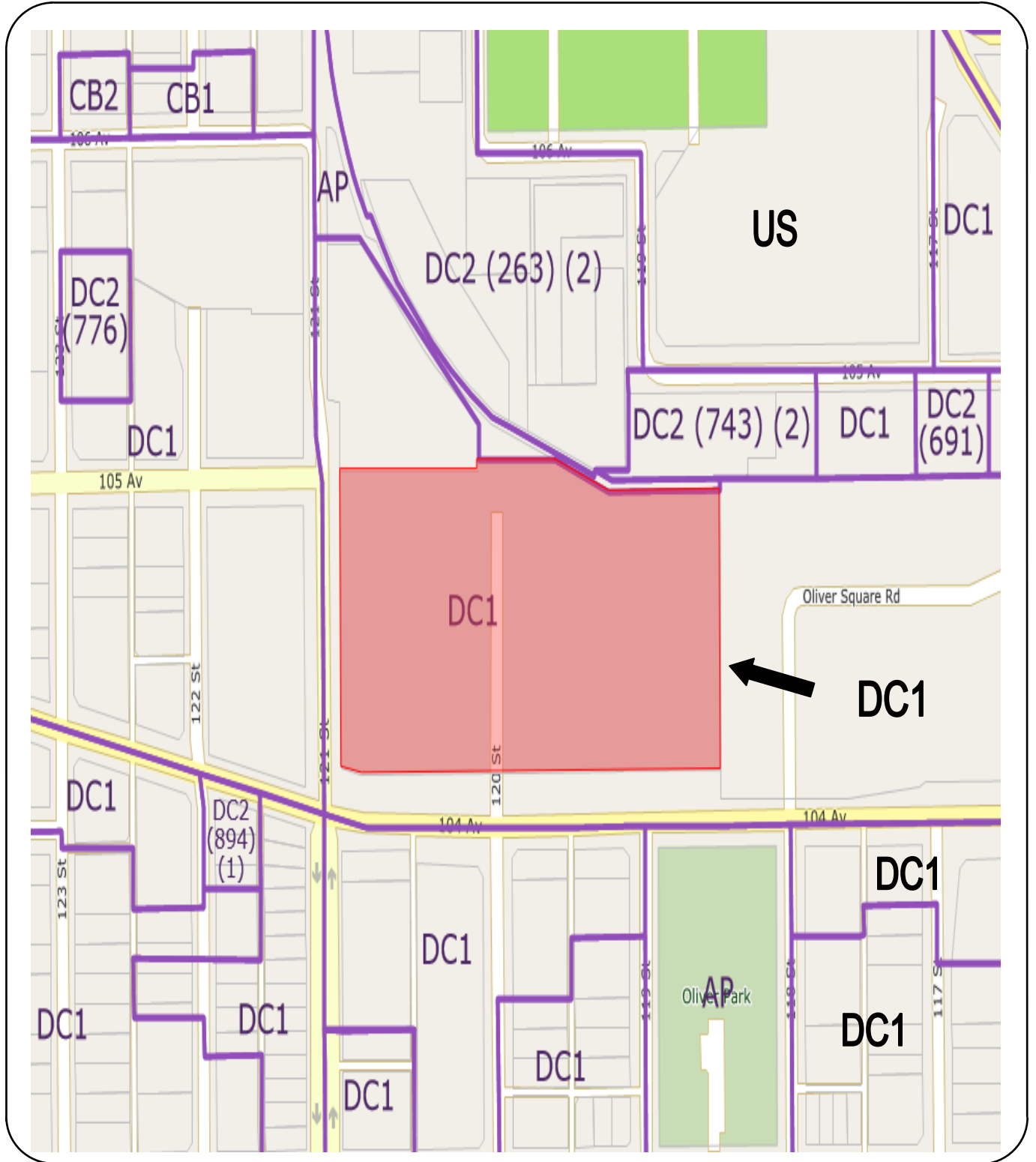
Development Officer's Determination

The proposed development, a Freestanding On-premises Sign, is not a listed use within the DC1, Area 1, 104 Avenue Corridor Area (Bylaw 18099 - July 10, 2017). [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 Sign Combo Permit</h2>	Project Number: 288510987-001 Application Date: JUL 26, 2018 Printed: August 17, 2018 at 9:31 AM Page: 1 of 1																																			
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Applicant <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 11904 - 104 AVENUE NW Plan 1425753 Blk 21 Lot 2 Location(s) of Work Suite: 10429 - 121 STREET NW Entryway: 10429 - 121 STREET NW Building: 10425 - 121 STREET NW																																				
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-140

