SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M. September 6, 2018

Hearing Room No. 3 Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB

SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING ROOM NO. 3

Ι	9:00 A.M.	SDAB-D-18-137	Construct an Accessory building (rear detached Garage with loft, 11.76 metres by 6.21 metres)
			11826 - 59 Street NW Project No.: 239266160-001
II	10:30 A.M.	SDAB-D-18-138	Install (1) Freestanding Minor Digital On/Off- premises Sign (V-shaped includes two digital
			panels 3 metres by 6 metres facing North and Southeast (St. Paul's Evangelical Lutheran Church - Big Sky Media)
			5004 - Ellerslie Road SW
			Project No.: 282709018-001

<u>ITEM I: 9:00</u> A	<u>A.M.</u>	FILE: SDAB-D-18-137		
	AN APPEAL FROM THE DECISION OF T	HE DEVELOPMENT OFFICER		
	APPELLANT:			
	APPLICATION NO.:	239266160-001		
	APPLICATION TO:	Construct an Accessory building (rear detached Garage with loft, 11.76 metres by 6.21 metres)		
	DECISION OF THE DEVELOPMENT AUTHORITY:	Refused		
	DECISION DATE:	August 1, 2018		
	DATE OF APPEAL:	August 13, 2018		
	MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	11826 - 59 Street NW		
	LEGAL DESCRIPTION:	Plan 1854HW Blk 7 Lot 22		
	ZONE:	RF3-Small Scale Infill Development Zone		
	OVERLAY:	Mature Neighbourhood Overlay		
	STATUTORY PLAN:	Montrose/Santa Rosa Area Redevelopment Plan		

Grounds for Appeal

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

Appealing for height and lot allowance, due to other sites encroaching and lot sizes.

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, [...]

Hearing and Decision

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

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- (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 (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 140.2(10) states a Single Detached House is a Permitted Use in the (RF3) Small Scale Infill Development Zone.

Under Section 7.2(8), **Single Detached Housing** 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 50.1(2) states Accessory Uses and buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

Section 140.1 states that the **General Purpose** of the (**RF3**) **Small Scale Infill Development Zone** is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings under certain conditions, and including Secondary Suites and Garden Suites.

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 pedestrianoriented 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.

Height

Section 50.3(3)(a) states an Accessory building or structure shall not exceed 4.3 metres in Height.

Development Officer's Determination:

Height - Maximum height of garage (to midpoint) is 6.6m instead of 4.3m (Section 50.3.3).

Height

Section 52.2(c) states where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officer's Determination:

Height - Maximum height of the garage (to peak) is 7.6m instead of 5.8m (Section 52.2.c).

Site Coverage

Under Section 6.1, **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above Grade.

Section 140.4(10)(a) states maximum Site Coverage shall be as follows:

	Principal Dwelling / building	Accessory building	Principal building with attached Garage	Total Site Coverage
Single Detached and Duplex Housing – Site area 300 square metres or greater	28 percent	12 percent	40 percent	40 percent

Section 50.3(4) states the Site Coverage of Accessory buildings or structures shall not exceed 12 percent.

Site Area:	457.08 square metres
12 percent Allowable Site Coverage:28 percent Allowable Site Coverage:40 percent Allowable Site Coverage:	54.85 square metres 127.98 square metres 182.83 square metres
Accessory Building: Principal Dwelling: Proposed Total Site Coverage:	73.02 square metres 86.83 square metres 159.85 square metres

The maximum allowable Site Coverage for an Accessory Building is 54.85 square metres, proposed is 73.02 square metres, which exceeds the maximum allowable Site Coverage for an Accessory Building by 18.17 square metres.

Development Officer's Determination:

Site Coverage - The proposed garage covers 16% of the site, instead of 12% (Section 140.4.10).

Placement

Section 814.3(21) states a rear detached Garage or Garden Suite shall be fully contained within the rear 12.8 metres of the Site.

Development Officer's Determination:

Placement of Garage - Garage is fully contained within the rear 16.6m of the Site instead of 12.8m (Section 814.3.21).

Community Consultation

Section 814.5 states:

- 1. 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) or 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 11.2 and 11.3.

Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
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(21) - Rear Detached Garage and Garden Suite Location

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.

	1	Application	for	Project Number: 23 Application Date: Printed: August I Page:	9266160-001 JAN 16, 2017 13, 2018 at 1:25 PM 1 of 1		
Accessory Building Development and Building Permit							
This document is a record of a l described below, subject to the Act RSA 2000, Safety Codes A Bylaw.	limitations and condition	ns of this permit, of t	he Edmonton Zoning I	3ylaw 12800 as amended, Sa	fety Codes		
Applicant		P	roperty Address(es) a	nd Legal Description(s)			
			11826 - 59 STREET	NW			
			Plan 1854HW	Blk 7 Lot 22			
		L	ocation(s) of Work				
		Ent	ryway: 11826 - 59 ST	REET NW			
		Bui	lding: 11826 - 59 ST	REET NW			
Scope of Application To construct an Accessor	v building (rear detached	Garage with loft 1	.76m x 6.21m).				
Permit Details							
		I					
Building Area (sq. ft.): 728			ss of Permit: Class B				
Stat. Plan Overlay/Annex Area: Overlay	Mature Neighbourhood	Туј	e of Accessory Building: I	etached Garage (010)			
I/We certify that the above note	d details are correct.	I					
Applicant signature:			_				
Development Application De	cision						
Refused							
Issue Date: Aug 01, 2018	8 Development Author	rity: YEUNG, KENN	IETH				
Reasons for Refusal							
	eight of garage (to midp	oint) is 6.6m instead	of 4.3m (Section 50.3	3).			
Height - Maximum h	eight of the garage (to p	eak) is 7.6m instead	of 5.8m (Section 52.2.	c).			
Site Coverage - The	proposed garage covers	16% of the site, inste	ad of 12% (Section 14	0.4.10).			
Placement of Gamage	- Garage is fully contain	red within the rear 1	6m of the Site instan	l of 12.8m (Section 814.3.21)		
	Sarage is runy contain	og wignin nie rear fi			<i>J</i> *		
	e right of appeal within 2 unicipal Government Ac		on which the decision	is made, as outlined in Secti	on 683		
Fees				· .			
	Fee Amount	Amount Paid	Receipt #	Date Paid			
Safety Codes Fee	\$4.50	\$4.50	03863842	Jan 16, 2017			
Building Permit Fee	\$105.00	\$105.00	03863842	Jan 16, 2017			
Dev. Application Fee	\$113.00	\$113.00	03863842	Jan 16, 2017			
Total GST Amount: Totals for Permit:	\$0.00	\$222.50					
		THIS IS NOT A P					



File: SDAB-D-18-137

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282709018-001

Media)

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.:

APPLICATION TO:

Install (1) Freestanding Minor Digital On/Off-premises Sign (V-shaped includes two digital panels 3 metres by 6 metres facing North and Southeast (St. Paul's Evangelical Lutheran Church - Big Sky

DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	July 30, 2018
DATE OF APPEAL:	August 8, 2018
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	5004 - Ellerslie Road SW
LEGAL DESCRIPTION:	Plan 8221657 Lot 5
ZONE:	US-Urban Services Zone
OVERLAY:	N/A
STATUTORY PLAN:	Charlesworth Neighbourhood Structure Plan Southeast Area Structure Plan

Grounds for Appeal

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

St Paul's Evangelical Lutheran Church - Ellerslie has asked us to appeal the decision.

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

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- (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 (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:

Under section 510.3(26), a Minor Digital On-premises Off-premises Sign is a Discretionary Use in the US Urban Services Zone.

Under section 7.9(7), Minor Digital On-premises 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 On-premises 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 may include Copy from Minor Digital Onpremises Signs and Minor Digital Off-premises Signs.

Section 510.4(6) states "Signs shall comply with the regulations found in Schedule 59C."

Sign Area

Section 59C.3(4)(c)(ii) states the maximum Area shall be 8.0 square metres for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 square metres.

Development Officer's Determination:

1) Minor Digital On-premises Off-premises Signs shall be subject to the following regulation, the maximum Area shall be 8.0 m2 for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m2 (Reference Section 59C.3(4)(c)(ii)).

Proposed Digital Panel: 6 m x 3m = 18m2Exceeds by: 10m2

The proposed sign significantly exceeds the maximum Area of the Digital Sign Copy.

Amenities and Character of the Zone

Section 59.2(6) states for all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.

Section 510.1 states that the General Purpose of the US Urban Services Zone is:

to provide for publicly and privately owned facilities of an institutional or community service nature.

Development Officer's Determination:

The general purpose of the US Zone is to provide for publicly and privately owned facilities of an institutional or community service nature. The development on this site includes two churches (one listed on the Inventory of Historic Resources and one which has significant cultural history (built in 1898) as noted in the Southeast Area Structure Plan (Historic Resources, Section 3.6). The sign is not in keeping with the land use characteristics of surrounding development and will adversely impact the amenities and character of the Zone.

Surrounding Development

Section 59.2(7) states for all Sign Applications for Major Digital Sign, Minor Digital Onpremises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Offpremises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

Development Officer's Determination:

In the opinion of the Development Officer, in consultation with the Heritage Planner, this development is not reasonably compatible with, or sympathetic to, the architectural theme of the subject site or the historically significant architecture of St. Paul's Evangelical Lutheran Church, and the smaller Lutherhort Bestal Church (built in 1898).

St. Paul's Evangelical Lutheran Church is listed on the Inventory of Historic Resources in Edmonton. The Charlesworth NSP recognizes the Church as a cultural asset and requires that special attention to site planning and and design ensure a positive urban interface and transition between the Church site and future surrounding urban development. It is the opinion of the Heritage Management Unit that the proposed sign is of an excessive scale, to the extent that it does not contribute to a positive urban interface and transition between the Church site and future surrounding urban development.

Advisement

1) The renderings submitted by the applicant show future development which does not accurately reflect the current conditions on site.

Previous	Subdivision	and Developmen	t Appeal Board Decision

Application Number	Description	Decision
SDAB-D-17-122	To install (1) Freestanding	July 14, 2017; "That the
	Minor Digital On-premises	appeal be denied and the
	Off-premises Sign (2 digital	decision of the Development
	panels facing N/SE 6.1	Authority CONFIRMED."
	metres x 3.0 metres) (BIG	
	SKY MEDIA - St. Paul's	
	Lutheran Church) and to	
	remove (1) existing	
	Freestanding On-premises	
	Sign (St.Paul's).	

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: 282709018-001 Application Date: MAY 18, 2018 Printed: July 30, 2018 at 5:03 PM
Applic	ation for	Page: 1 of 2
Sign Co	mbo Permit	
This document is a Development Permit Decision for the developm	ent application described below.	
Applicant	Property Address(es) and I	Legal Description(s)
	5004 - ELLERSLIE ROA	
	Plan 8221657 Lot 5	
	Location(s) of Work	
	Entryway: 5104 - ELLERSLI	
	Building: 5104 - ELLERSLI	IE ROAD SW
Scope of Application To install (1) Minor Digital On/Off-premises Freestanding Sig PAUL'S EVANGELICAL LUTHERAN CHURCH - BIG SK		ls 3m x 6m facing N and SE (ST.
Permit Details		
ASA Sticker No./Name of Engineer:	Class of Permit:	
Construction Value: 60000	Expiry Date:	
	1	
Fascia Off-premises Sign: 0	Freestanding Off-premises Sign: 0	
Fascia On-premises Sign: 0	Freestanding On-premises Sign: 0	
Roof Off-premises Sign: 0 Projecting Off-premises Sign: 0		
Roof On-premises Sign: 0		
Minor Digital On-premises Sign: 0 Replacement Panel on Existing Sign: 0		
Minor Digital Off-premises Sign: 0 Comprehensive Sign Design: 0		
Minor Digital On/Off-premises Sign: 2	Major Digital Sign: 0	
I/We certify that the above noted details are correct.		
Applicant signature:		
Development Application Decision		
Refused		
Issue Date: Jul 30, 2018 Development Authority: NOOR	MAN, BRENDA	
THIS IS N	NOT A PERMIT	
<u> </u>		

<section-header> Application for Sign Combo Permits Prefer Drive Drive</section-header>					Application Date	
Description			Application	for	Printed: Page:	July 30, 2018 at 5:03
Reason for Refusal 1) Minor Digital On-premises Off premises Signs shall be subject to the following regulation, the maximum Area shall be \$0 to for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m2 (Reference Section 59C.3(4)(C)(ii)). Proposed Digital Panel: 6 m x 3m = 18m2 Exceeds by: 10m2 The proposed sign significantly exceeds the maximum Area of the Digital Sign Copy. 2) For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2(6)). The general purpose of the US Zone is to provide for publicly and privately owned facilities of an institutional or community service nature. The development on this is includes two churches (one listed on the Inventory of Historic Resources and one which has significant cultural history (built in 1898) as noted in the Southeast Area Structure Plan (Historic Resources, Section The sign is not in keeping with the land use characteristics of surrounding development and will adversely impact the amenities character of the Zone. 3) For all Sign Applications for Major Digital Sign. Minor Digital On-premises Oigns, Minor Digital Off premises Signs, and N Digital On-premises Offser, the Development Officer shall there instance designations; the requirements of any Statutory Plan, any stretiscape improvements; proximity to residential development, diver decision points; and traffic conflict points. The Development Officer many require applicatinot revise the appl						
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 a) For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2(6)). The general purpose of the US Zone is to provide for publicly and privately owned facilities of an institutional or community service nature. The development on this site includes two churches (one listed on the Inventory of Historic Resources and one which has significant cultural history (built in 1998) as noted in the Southeast Area Structure Plan (Historic Resources, Section The sign is not in keeping with the land use characteristics of surrounding development and will adversely impact the amenities character of the Zone. 3) For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and N Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited bot): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development, driver decision points; and traffic conflict points. The Development Officer, in consultation with the Heritage Planner, this development is not reasonably compa with, or sympathetic to, the architectural theme of the subject site or the historically significant architecture of St. Paul's Evangelical Lutheran Church is listed on the Inventory of Historic Resources in Edmonton. The Charlesworth NSP recognizes the Church as a cultural asset and requires structure surrounding urban development. The the opinion of the Heritage Management Util that the proposed sign is of an excessive scale, the textent that it does not ourbute to a positive urban interface and tr		m x 3m = 18m2				
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