

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
September 9, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TO BE RAISED

I 9:00 A.M. SDAB-D-21-107

To install a Minor Digital On-premises Freestanding Sign (1.8 metres by 5.4 metres) facing North /South | CITY FORD SALES)

14750 - Mark Messier Trail NW
Project No.: 377004560-003

II 10:30 A.M. SDAB-D-21-143

To construct four Dwellings of Multi-unit Housing (Row Housing) with Unenclosed Front Porches and to demolish a Single Detached House and Accessory building (detached Garage)

8714 - 83 Avenue NW
Project No.: 382046076-002

III 1:30 P.M. SDAB-D-21-144

To construct exterior alterations to a Single Detached House (Front Yard and Side Yard parking pad, 2.7 metres by 21.0 metres), existing without permits

10208 - 158 Street NW
Project No.: 394434539-002

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-107

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 377004560-003

APPLICATION TO: Install a Minor Digital On-premises Freestanding Sign ((1.8 m x 5.4 m) Facing North /South | CITY FORD SALES)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 3, 2021

DATE OF APPEAL: June 16, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14750 - Mark Messier Trail NW

LEGAL DESCRIPTION: Plan 8721894 Blk B Lot 3D

ZONE: (IB) Industrial Business Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: Mistatim Area Structure Plan

Grounds for Appeal

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

Sign is .6M in public space, sign has existed since 1993, and moving it at this time will create hardship for property owner.

Base of the sign is on private property, it is the upper portion, 6.5M off the ground, that encroaches.

Sign fully exists within the grass area of the city/property.

General Matters

The Subdivision and Development Appeal Board (the “Board”) made and passed the following motion on July 15, 2021:

“That the appeal hearing be rescheduled to September 8 or 9, 2021, at the request of the Appellant’s agent.”

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(43), a **Minor Digital On-premises Sign** is a **Discretionary Use** in the **(IB) Industrial Business Zone**.

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

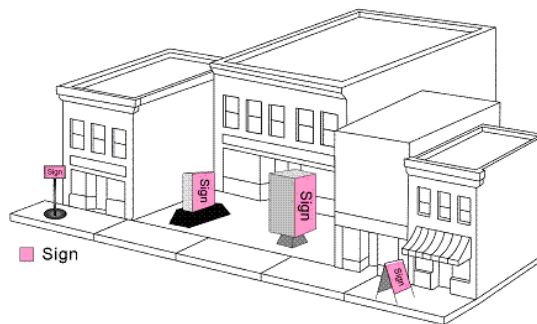
a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Digital Copy** means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, a **Freestanding Sign** means:

means a Sign supported independently of a building.



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.

Section 813.1 states that the **General Purpose** of the **Major Commercial Corridors Overlay** is “to ensure that development along Major Commercial Corridors is visually attractive and that due consideration is given to pedestrian and traffic safety.”

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

Sign Regulations - General Provisions

Schedule 59.2(12) states:

All Freestanding Signs, Temporary Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule.

Development Officer’s Determination

1. All Minor Digital On-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule.

Proposed: Sign encroaches 0.65 m onto the Mark Messier Trail road rights-of-way

City Operations has reviewed the documents and objects to the Encroachment Agreement.

[unedited]

Height

Schedule 59F.3(5)(a) states “that maximum Height shall be 8.0 m”

Under section 6.1, **Height Signs** means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

Development Officer’s Determination

**2. the maximum Height of a Minor Digital On-premises Sign shall be 8.0 m;
 Proposed Height : 10.0 m
 Exceeds by: 2.0 m**

[unedited]

<i>Separation Distance</i>

Schedule 59F.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
20 m ² to 40 m ²	200 m
Greater than 40 m ²	300 m

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

Development Officer’s Determination

3. Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m² or Off-premises Signs, greater than 20m² by 200m, and Greater than 40 m² by 300m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

**Area of Existing ICEWORKS Sign (DP 221048720-001): 32 m²
 Location: 14626 - MARK MESSIER TRAIL NW
 Required Separation Distance: 200 m
 Proposed Separation Distance: 183 m
 Deficient by: 17 m**

Area of Existing PATTISON Sign (DP 221048720-001): 62 m2
Location: 15230 - MARK MESSIER TRAIL NW
Required Separation Distance: 300 m
Proposed Separation Distance: 280 m
Deficient by: 20 m

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

[unedited]


Previous Subdivision and Development Appeal Board Decision


Application Number	Description	Decision
SDAB-D-10-124	Construct an On-premises Freestanding Sign (0.9 metres by 5.5 metres - City Ford and 1.8 metres by 5.5 metres - LED Electronic Message Centre)	<p>June 4, 2010; the appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency of 10.28 metres in the minimum building Setback adjacent to the Major Arterial Roads and the intersecting Arterial Roads within the Major Commercial Corridors be permitted, subject to the following conditions:</p> <ol style="list-style-type: none"> 1.The frequency of the change in changeable copy shall be a minimum of 10 second intervals or such greater interval as may be set in future regulations of the Edmonton Zoning Bylaw. 2.The approval for the proposed sign shall be for a period of five (5) years. 3.The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way. 4.The proposed sign shall not operate or employ any

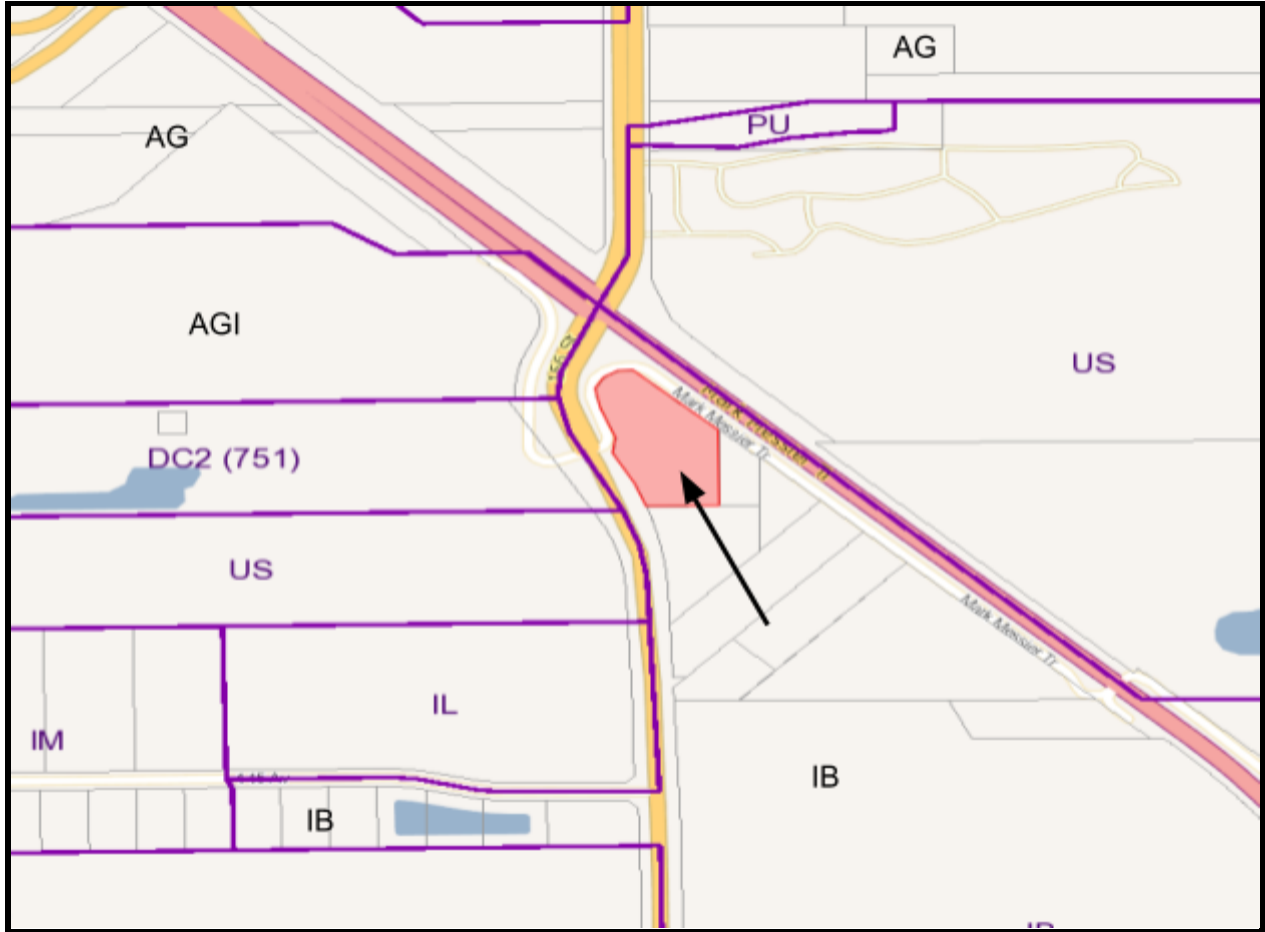
		<p>animation, motion picture projection, or holography.</p> <p>5.The proposed sign shall not display lights resembling the flashing lights usually associated with danger or those used by emergency services vehicles.</p> <p>6.That, should at any time, the Transportation Department determine that the sign face contribute to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and/or address the concern in another manner acceptable to the Transportation Department.</p> <p>7.The owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by the Transportation Department within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.</p>
--	--	--

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: 377004560-003 Application Date: APR 09, 2021 Printed: June 3, 2021 at 4:14 PM 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) 14750 - MARK MESSIER TRAIL NW Plan 8721894 Blk B Lot 3D		
Scope of Application To install a Minor Digital On-premises Freestanding Sign ((1.8 m x 5.4 m) Facing North /South CITY FORD SALES)			
Permit Details			
ASA Sticker No./Name of Engineer: Construction Value: 0	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: Jun 03, 2021 Development Authority: MERCIER, KELSEY			
THIS IS NOT A PERMIT			

	<h2 style="margin: 0;">Application for Sign Permit</h2>	<p>Project Number: 377004560-003 Application Date: APR 09, 2021 Printed: June 3, 2021 at 4:14 PM Page: 2 of 2</p>																				
<p>Reason for Refusal</p> <p>1. All Minor Digital On-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule.</p> <p>Proposed: Sign encroaches 0.65 m onto the Mark Messier Trail road rights-of-way</p> <p>City Operations has reviewed the documents and objects to the Encroachment Agreement.</p> <p>2. the maximum Height of a Minor Digital On-premises Sign shall be 8.0 m; Proposed Height : 10.0 m Exceeds by: 2.0 m</p> <p>3. Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m² or Off-premises Signs, greater than 20m² by 200m, and Greater than 40 m² by 300m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.</p> <p>Area of Existing ICEWORKS Sign (DP 221048720-001): 32 m² Location: 14626 - MARK MESSIER TRAIL NW Required Separation Distance: 200 m Proposed Separation Distance: 183 m Deficient by: 17 m</p> <p>Area of Existing PATTISON Sign (DP 221048720-001): 62 m² Location: 15230 - MARK MESSIER TRAIL NW Required Separation Distance: 300 m Proposed Separation Distance: 280 m Deficient by: 20 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>																						
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></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>Sign Development Application Fee - Digital Signs</td> <td style="text-align: right;">\$1,800.00</td> <td style="text-align: right;">\$1,800.00</td> <td style="text-align: right;">06999001</td> <td style="text-align: right;">May 03, 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;">\$1,800.00</td> <td style="text-align: right; border-top: 1px solid black;">\$1,800.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Development Application Fee - Digital Signs	\$1,800.00	\$1,800.00	06999001	May 03, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$1,800.00	\$1,800.00		
	Fee Amount	Amount Paid	Receipt #	Date Paid																		
Sign Development Application Fee - Digital Signs	\$1,800.00	\$1,800.00	06999001	May 03, 2021																		
Total GST Amount:	\$0.00																					
Totals for Permit:	\$1,800.00	\$1,800.00																				
<p>THIS IS NOT A PERMIT</p>																						



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-107

▲
N

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-143

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 382046076-002

APPLICATION TO: Construct four Dwellings of Multi-unit Housing (Row Housing) with Unenclosed Front Porches and to demolish a Single Detached House and Accessory building (detached Garage).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 30, 2021

DATE OF APPEAL: August 10, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8714 - 83 Avenue NW

LEGAL DESCRIPTION: Plan 1797HW Blk X Lot 11

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:

Please accept this letter as an expression of our intent to appeal the Development Permit Decision (refusal) for DP 382046076-002. The purpose of this DP application was to construct 4 Dwellings of Multi-unit Housing (Row Housing) with Unenclosed Front Porches and to demolish a Single Detached House and Accessory building (detached Garage) at 8714 – 83 Avenue NW. The property is zoned RF3 – Small Scale Infill

Development Zone and the proposed development falls within the list of Permitted Uses for the Zone.

The Development Officer (DO) refused this DP application based on Section 813.3.4 of the City of Edmonton's Land Use Bylaw, which stipulates a minimum required rear setback of 40% of site depth, as the site falls within the Mature Neighbourhood Overlay (MNO). The proposed rear setback distance from the house to the rear property line is 15.3 metres (32% of site depth) and the required site depth is 19.3 metres; a variance of 23% from what is required under the MNO. We believe that the requested variance will not unduly interfere with amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land.

The rationale for this Appeal is four-fold:

1. The site is located near a District Note and Primary Corridor as defined in the City Plan, making it an ideal location for increased densification proposed through this DP;
2. Site and building design characteristics of the proposed development minimize impact on neighbouring properties;
3. The site depth for the property is greater than most in the surrounding area due to roadway and lane re-alignments that have occurred on 91st St NW. These realignments have created a peculiar site situation where front yard setbacks immediately adjacent to the property are much larger than averages along other blockfaces in the area; and,
4. Conformance to the required front setback is more important than conformance to the required rear setback for minimizing impacts on neighbouring properties.

<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 140.2(5), **Multi-unit Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings.

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:

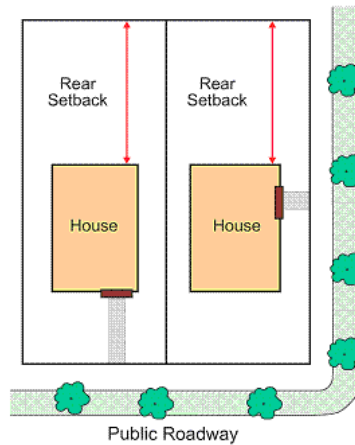
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the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

Reduced Rear Setback - The distance from the house to the rear property line is 15.3m (32% of site depth) instead of 19.3m (40% of site depth). (Section 814.3.4)

[unedited]

Mature Neighbourhood Overlay - Community Consultation

Section 814.5(1) states:

When the Development Officer receives a Development Permit Application for a new principal building or 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 11.3 and 11.4.

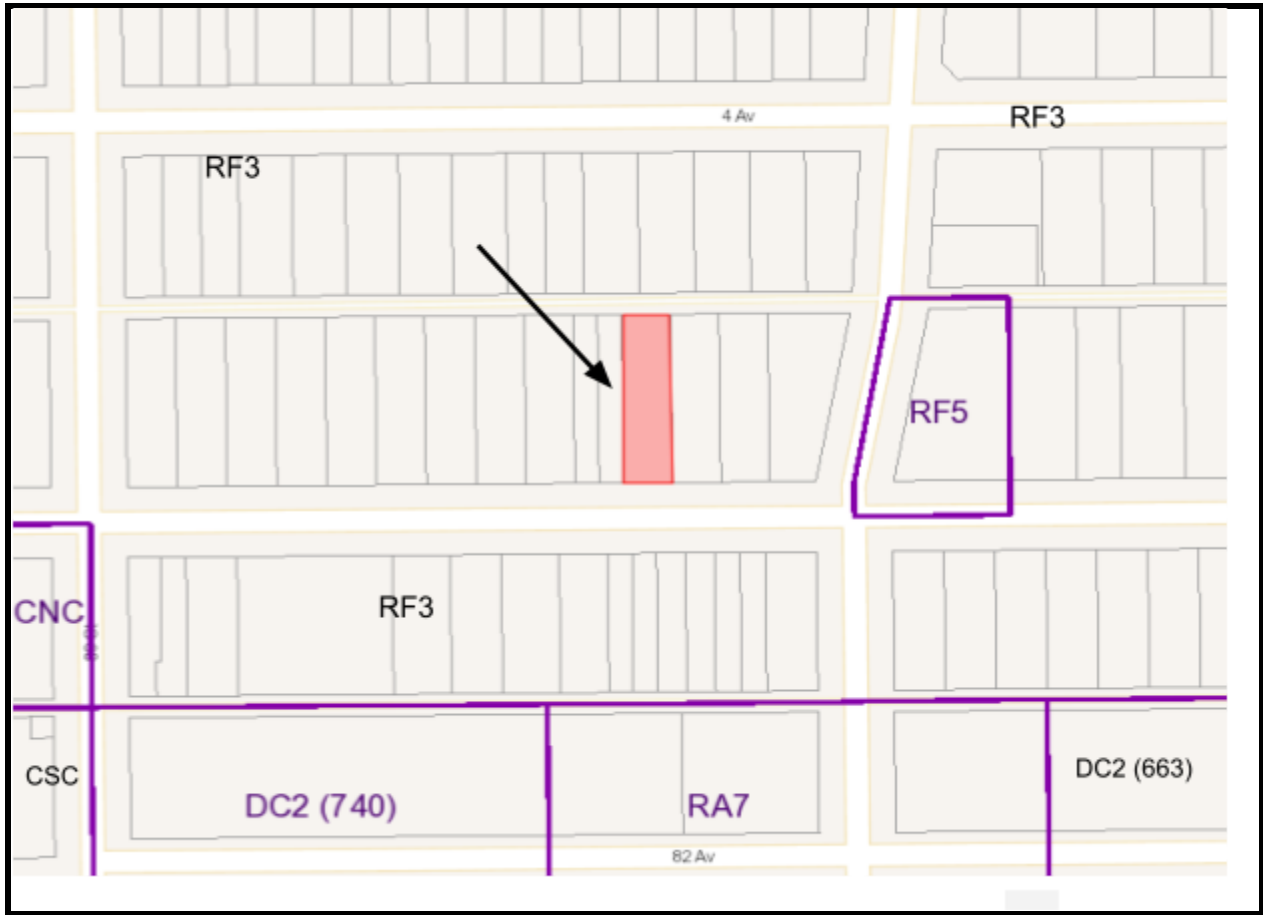
Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
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

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: 382046076-002 Application Date: DEC 30, 2020 Printed: August 11, 2021 at 7:48 AM Page: 1 of 1																																																		
This document is a Development Permit Decision for the development application described below.																																																				
Applicant <div style="background-color: black; width: 100%; height: 40px;"></div>	Property Address(es) and Legal Description(s) 8714 - 83 AVENUE NW Plan 1797HW Blk X Lot 11																																																			
	Specific Address(es) Entryway: 8714 - 83 AVENUE NW Building: 8714 - 83 AVENUE NW																																																			
Scope of Application To construct 4 Dwellings of Multi-unit Housing (Row Housing) with Unenclosed Front Porches and to demolish a Single Detached House and Accessory building (detached Garage).																																																				
Permit Details <table style="width: 100%; font-size: x-small;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 3 # of Secondary Suite Dwelling Units To Construct: 0 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 4 Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: </td> </tr> </table>			# of Dwelling Units Add/Remove: 3 # of Secondary Suite Dwelling Units To Construct: 0 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 4 Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:																																																
# of Dwelling Units Add/Remove: 3 # of Secondary Suite Dwelling Units To Construct: 0 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 4 Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:																																																			
Development Application Decision Refused Issue Date: Jul 30, 2021 Development Authority: ANGELES, JOSELITO Reason for Refusal Reduced Rear Setback - The distance from the house to the rear property line is 15.3m (32% of site depth) instead of 19.3m (40% of site depth). (Section 814.3.4) 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 style="width: 100%; font-size: x-small; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></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>Lot Grading Fee</td> <td style="text-align: right;">\$472.00</td> <td style="text-align: right;">\$472.00</td> <td style="text-align: right;">071520210105000</td> <td style="text-align: right;">Jan 05, 2021</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$864.00</td> <td style="text-align: right;">\$864.00</td> <td style="text-align: right;">071520210105000</td> <td style="text-align: right;">Jan 05, 2021</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$3,176.00</td> <td style="text-align: right;">\$3,176.00</td> <td style="text-align: right;">071520210105000</td> <td style="text-align: right;">Jan 05, 2021</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund (Secondary/Garden Suite)</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$3,032.00</td> <td style="text-align: right;">071520210105000</td> <td style="text-align: right;">Jan 05, 2021</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$528.00</td> <td style="text-align: right;">\$528.00</td> <td style="text-align: right;">071520210105000</td> <td style="text-align: right;">Jan 05, 2021</td> </tr> <tr> <td>Sanitary Sewer Single/Duplex Refund</td> <td style="text-align: right;">(\$3,032.00)</td> <td></td> <td></td> <td></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;">\$2,008.00</td> <td style="text-align: right; border-top: 1px solid black;">\$8,072.00</td> <td></td> <td></td> </tr> <tr> <td colspan="5" style="font-size: x-small;">(overpaid by (\$6,064.00))</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Lot Grading Fee	\$472.00	\$472.00	071520210105000	Jan 05, 2021	Dev. Application Fee	\$864.00	\$864.00	071520210105000	Jan 05, 2021	Sanitary Sewer Trunk Fund	\$3,176.00	\$3,176.00	071520210105000	Jan 05, 2021	Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$0.00	\$3,032.00	071520210105000	Jan 05, 2021	Development Permit Inspection Fee	\$528.00	\$528.00	071520210105000	Jan 05, 2021	Sanitary Sewer Single/Duplex Refund	(\$3,032.00)				Total GST Amount:	\$0.00				Totals for Permit:	\$2,008.00	\$8,072.00			(overpaid by (\$6,064.00))				
	Fee Amount	Amount Paid	Receipt #	Date Paid																																																
Lot Grading Fee	\$472.00	\$472.00	071520210105000	Jan 05, 2021																																																
Dev. Application Fee	\$864.00	\$864.00	071520210105000	Jan 05, 2021																																																
Sanitary Sewer Trunk Fund	\$3,176.00	\$3,176.00	071520210105000	Jan 05, 2021																																																
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$0.00	\$3,032.00	071520210105000	Jan 05, 2021																																																
Development Permit Inspection Fee	\$528.00	\$528.00	071520210105000	Jan 05, 2021																																																
Sanitary Sewer Single/Duplex Refund	(\$3,032.00)																																																			
Total GST Amount:	\$0.00																																																			
Totals for Permit:	\$2,008.00	\$8,072.00																																																		
(overpaid by (\$6,064.00))																																																				
THIS IS NOT A PERMIT																																																				



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-143 ▲
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-144

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 394434539-002

APPLICATION TO: Construct exterior alterations to a Single Detached House (Front Yard and Side Yard parking pad, 2.7 metres by 21.0 metres), existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 26, 2021

DATE OF APPEAL: August 12, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10208 - 158 Street NW

LEGAL DESCRIPTION: Plan 6727ET Blk 12 Lot 2

ZONE: (RF4) Semi-detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

People living across the street of which have resided here since the late 50s, early 60s that are witness to the parking since this house was here have provided letters. I am 60yrs old and never had any issues like this before, I am on a tough budget. Money goes for medication for past two heart attacks. If the purpose of the (MNO) is to regulate residential

development in Edmontons mature residential neighbourhoods, while responding to the context of surrounding development, and maintaining the pedestrian-oriented design of the streetscape, please also consider the following hardship: Contrary to the intention to help make Jasper Place more livable for existing residents. Reg 17 of the MNO creates hardship for many existing residents such as the tree in the back is as high as a 3-story apartment or higher and about 45 years old or older and the branches are about at least 20 feet wider. That means that the root system would be over twice to 3 times that width. Trying to drive the vehicle or anything else over the roots would possibly rip out lines and blow out tires. In addition, with the Jasper Place Area Redevelopment Plan in effect, Policy BY1.1 of the Area Redevelopment Plan states: "When considering discretionary development, the Development Officer shall ensure: 1. Parking access is from the laneway." This is ambiguous as it does not conform to the ARP that is in effect. My home was built with electrical outlets on the side of the house which has allowed me to plug in my block heater. I have been parking at the side of my house since March of 1996 and have letters from neighbours who attest to that fact, Others before me, for over 62 years, here since 1949 before it became the City of Edmonton. With the above policy in effect, I will no longer be able to enjoy this amenity. Within the last 2 to 5 years there have been some homes built with garages in the front of their houses that come off the front street. As new driveways put down asphalt and concrete pads. There has been parking along the side of my house since before most of these houses have been built, they all have back alleys, all the same sidewalks as my house this policy would then also impact the accessibility to all the other residents and I have only included less than a 1/3 of Exhibit A.

10321-159 st	15911-106a ave	15915-106a ave
10311-159 st	15946-106a ave	10233-158 st
10315-159st	15912-106a ave	10316-106a ave
15956-106a ave	10225-157st	

This first set of addresses are with concrete pads out front of the property. All of these places have back alleys like my place.

10225-157st	10212-159 st	10322-157 st
10314-167st	10248-159st	10322-157 st
10213-157st	10314-160st	

This set of addresses have garages built in the front. They have back alleys. There has been parking along the side of my place long before these places were built.

15931-106A ave	10125-159st	10446-106 st	10532-162st
10336-158 st	10456-158st	10213-162 st	10311-159st
10325-159st	10225-157st	10411-157st	10241-162st
10225-157st	10318-159st	10242-158st	10342-158st
10456-161st	15916-106ave	10451-157st	10456-157st

10465-157st	10505-157st	10521-157st	10525-157st
10206-157st	10461-158st	10455-158st	10462-158st
15974-106a ave	15976-106aAve	15975-106aave	15957106aave
15936106A ave	10232-158st	15926-106aave	

All these have back allies with no garages they all park along the side of their house just like I do. The single difference is very few were built in the 50s some were built in the 60s as well as the 70s and 80s but so many of them have been built after 90s and as new as 2018 and newer Almost all of the addresses of the properties have been built after mine except for maybe 3 or 4 . All the sidewalks are same as mine, and the driveway some gravel some dirt, and some concrete or asphalt.

<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*:

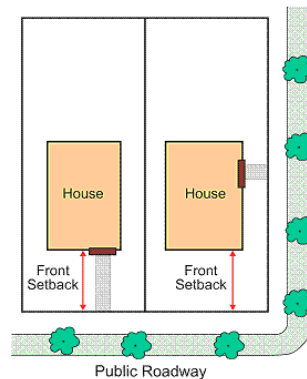
Under section 150.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF4) Semi-detached Residential Zone**.

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 Setback** means:

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



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.”

Section 150.1 states that the **General Purpose** of the **(RF4) Semi-detached Residential Zone** is “to provide a zone primarily for Semi-detached Housing and Duplex 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.

Driveway Access

Section 814.3(17) states “Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue.”

Development Officers Determination

Vehicular Access - Where the Site Abuts a Lane, vehicular access shall be from the Lane (Section 814.3.17).

Proposed: The vehicular access is located off of 158 Street NW (front).

[unedited]

Vehicle Parking Design for Low-density Residential

Section 54.3(4) states:

Except as otherwise provided for in this Bylaw, Vehicle Parking spaces, not including Driveways, shall be located in accordance with the following:

- a. Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway.

Development Officer's Determination

Parking - Parking spaces shall not be located within a Front Yard in a Residential Zone. (Section 54.2.2.e.i)

Proposed: The parking pad creates parking spaces in the Front Yard in a Residential Zone.

[unedited]

<i>Community Consultation</i>

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.

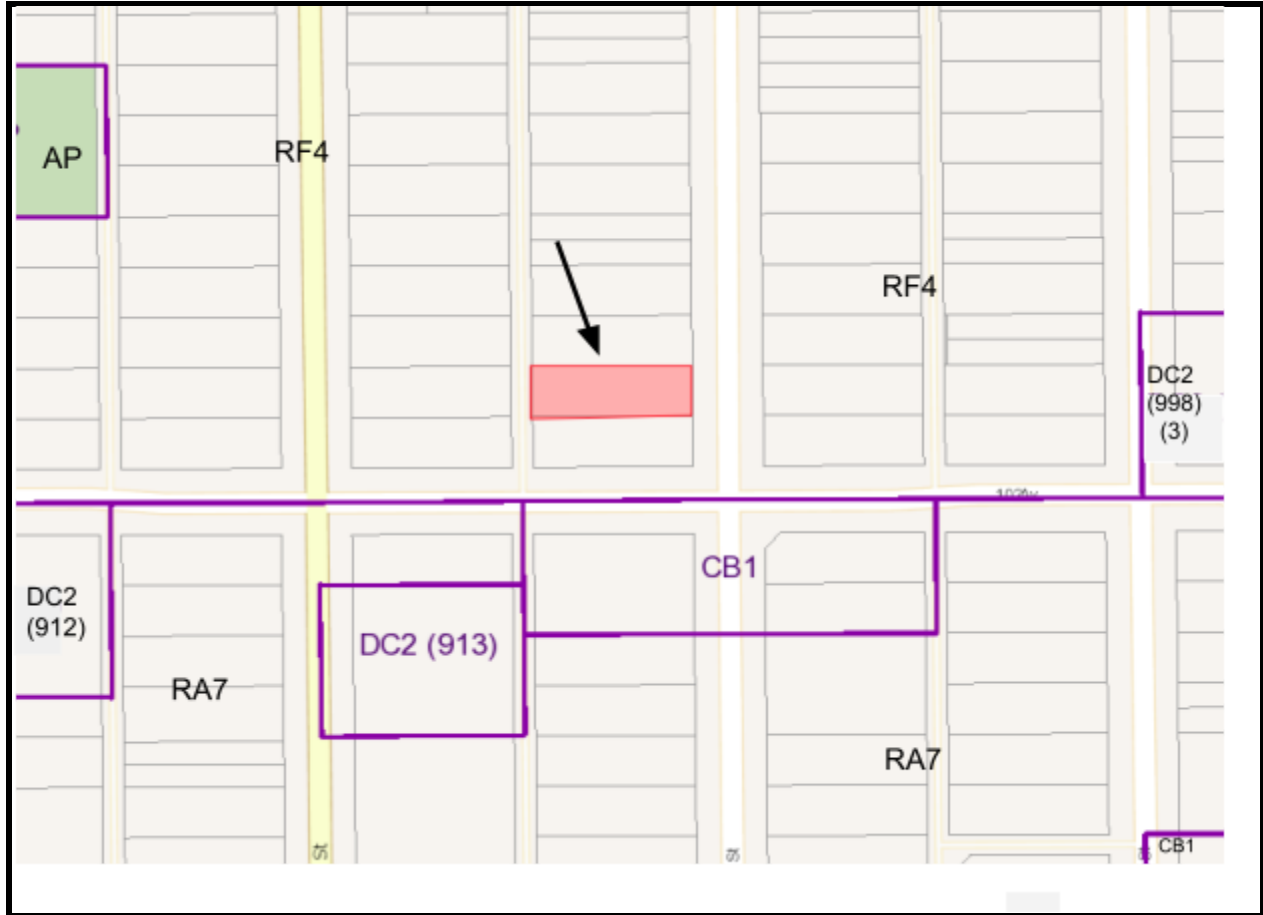
Section 814.5(2) states:

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 Community League	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(17) - Driveway Access

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 Driveway Extension Permit</h2>	Project Number: 394434539-002 Application Date: MAY 04, 2021 Printed: July 26, 2021 at 11:57 AM 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) 10208 - 158 STREET NW Plan 6727ET Blk 12 Lot 2 Location(s) of Work Entryway: 10208 - 158 STREET NW Building: 10208 - 158 STREET NW																					
Scope of Application To construct exterior alterations to a Single Detached House (Front Yard and Side Yard parking pad, 2.7m x 21.0m), existing without permits.																						
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%; border: none;"> Site Area (sq. m.): 696.72 </td> </tr> </table>			Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 696.72																		
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 696.72																					
Development Application Decision Refused Issue Date: Jul 26, 2021 Development Authority: FLYNN, CATHAL Reason for Refusal Vehicular Access - Where the Site Abuts a Lane, vehicular access shall be from the Lane (Section 814.3.17). Proposed: The vehicular access is located off of 158 Street NW (front). Parking - Parking spaces shall not be located within a Front Yard in a Residential Zone. (Section 54.2.2.e.i) Proposed: The parking pad creates parking spaces in the Front Yard in a Residential Zone. 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.																						
Building Permit Decision No decision has yet been made.																						
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <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: right; width: 10%;">Receipt #</th> <th style="text-align: right; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">094828004383001</td> <td style="text-align: right;">May 04, 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;">\$176.00</td> <td style="text-align: right; border-top: 1px solid black;">\$176.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$176.00	\$176.00	094828004383001	May 04, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$176.00	\$176.00		
	Fee Amount	Amount Paid	Receipt #	Date Paid																		
Development Application Fee	\$176.00	\$176.00	094828004383001	May 04, 2021																		
Total GST Amount:	\$0.00																					
Totals for Permit:	\$176.00	\$176.00																				
THIS IS NOT A PERMIT																						



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-144