

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 28, 2017**

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

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

TO BE RAISED

I	9:00 A.M.	SDAB-D-17-166	Construct a Single Detached House with a front Rooftop Terrace, fireplace, Basement development (NOT to be used as an additional Dwelling), and rear uncovered deck (4.72m x 7.47m) 9729 - 96A Street NW Project No.: 253720148-001
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TO BE RAISED

II	10:30 A.M.	SDAB-D-17-169	Install a Freestanding Minor Digital On-premises Off-premises Sign (10.36 m x 3.05 m facing south) 7904 - Gateway Boulevard NW Project No.: 124059029-003
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NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-166

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 253720148-001

APPLICATION TO: Construct a Single Detached House with a front Rooftop Terrace, fireplace, Basement development (NOT to be used as an additional Dwelling), and rear uncovered deck (4.72m x 7.47m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 9, 2017

DATE OF APPEAL: August 10, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9729 - 96A Street NW

LEGAL DESCRIPTION: Plan 1226AQ Blk 4 Lot 9

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY(S): Mature Neighbourhood Overlay

North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: Cloverdale Area Redevelopment Plan

Grounds for Appeal

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

The lot is hurting me getting under height.

General Matters

The Subdivision and Development Appeal Board made and passed the following motion:

That SDAB-D-17-166 be TABLED to September 28, 2017, to allow the Appellant additional time to provide the following:

1. The Appellant must provide the Board the specific Height and Grade calculations of the Principal Building immediately north and south of the subject Site. This includes the peak Height and the floor Height.
2. The Appellant must provide photographs of the entire block face as well as photographs of the frontage of each Principal Building including the subject Site.
3. The Development Officer must provide information to how the Height calculation was made with specific regard to how the Grade average was calculated to confirm how the 9.2-metre Height was determined.
4. **This information must be received by the SDAB office no later than September 21, 2017.**

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

Hearing and Decision

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

...

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

...

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

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

It should be noted that the Mature Neighbourhood Overlay was amended under Bylaw 18013 and passed by City Council on May 29, 2017. This Bylaw came into effect September 1, 2017. The following provisions from the *Edmonton Zoning Bylaw* include the Bylaw 18013 amendments.

Under section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the (RF3) Small Scale Infill Development Zone.

Under section 7.2(9), **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.

Under section 6.1(94), **Rooftop Terrace** means:

a raised surface on which people can stand, that is located on top of a roof or partially recessed within the roof structure of a building, does not project beyond any Façade of the Storey below, is surrounded by guardrails, parapet walls or similar feature, and is intended for use as an Amenity Area.

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.

Section 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is “to provide a development Setback from the North Saskatchewan River Valley and Ravine System.”

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.

<i>Height</i>

Section 814.3(5) states “The maximum Height shall not exceed 8.9 m.”

Under section 6.1(55), **Height** means “a vertical distance between two points.”

Development Officer’s Determination

1. Height - The Single Detached House is 9.2m in Height instead of 8.6m (Section 814.3.13).

Community Consultation

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

When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, 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) 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 11.2 and 11.3.

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	Section 814.3(5) - Height

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **253720148-001**
 Application Date: JUN 07, 2017
 Printed: August 10, 2017 at 9:00 AM
 Page: 1 of 2

Application for House Development and Building Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant	Property Address(es) and Legal Description(s) 9729 - 96A STREET NW Plan 1226AQ Blk 4 Lot 9
	Location(s) of Work Suite: 9729 - 96A STREET NW Entryway: 9729 - 96A STREET NW Building: 9729 - 96A STREET NW

Scope of Application

To construct a Single Detached House with a front Rooftop Terrace, fireplace, Basement development (NOT to be used as an additional Dwelling), and rear uncovered deck (4.72m x 7.47m).

Permit Details

Affected Floor Area (sq. ft.): 2820
 Class of Permit:
 Front Yard (m): 4.49
 Rear Yard (m): 20.91
 Side Yard, left (m): 1.29
 Site Area (sq. m.): 401.68
 Site Width (m): 10.05

Building Height to Midpoint (m): 9.23
 Dwelling Type: Single Detached House
 Home Design Type:
 Secondary Suite Included?: N
 Side Yard, right (m): 1.29
 Site Depth (m): 39.94
 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Reason for Refusal

1. Height - The Single Detached House is 9.2m in Height instead of 8.6m (Section 814.3.13).

Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Aug 09, 2017 **Development Authority:** VANDERHOEK, HEATHER **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$140.00	\$140.00	04187865	Jun 07, 2017
Safety Codes Fee	\$94.12	\$94.12	04187865	Jun 07, 2017
Development Permit Inspection Fee	\$0.00	\$200.00	04187865	Jun 07, 2017
Building Permit Fee	\$2,353.00	\$2,353.00	04187865	Jun 07, 2017
Water Usage Fee	\$72.60	\$72.60	04187865	Jun 07, 2017
Electrical Fee (Service)	\$79.00	\$79.00	04187865	Jun 07, 2017
Electrical Safety Codes Fee	\$17.18	\$17.18	04187865	Jun 07, 2017

THIS IS NOT A PERMIT



Project Number: **253720148-001**
Application Date: JUN 07, 2017
Printed: August 10, 2017 at 9:00 AM
Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fees (House)	\$317.00	\$317.00	04187865	Jun 07, 2017
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$3,072.90	\$3,272.90		
(overpaid by \$200.00)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-166



TO BE RAISED
ITEM II: 10:30 A.M.

FILE: SDAB-D-17-169

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 124059029-003

APPLICATION TO: Install a Freestanding Minor Digital On-premises Off-premises Sign (10.36 m x 3.05 m facing south)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 2, 2017

DATE OF APPEAL: August 10, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7904 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 8520056 Lot 7

ZONE: (CB2) General Business Zone

OVERLAY: Pedestrian Commercial Shopping Street Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

A permit was issued for the sign 5 years ago and the sign has existed without any reported safety issues since then. The development authority previously approved the sign without citing the pedestrian overlay or the conditions outlined in the pedestrian overlay that were in affect at the time of approval, yet now when an application was submitted to extend the duration of the permit the development authority is refusing the permit because the sign does not comply with the conditions of the pedestrian overlay.

General Matters

The Subdivision and Development Appeal Board made and passed the following motion:

“That SDAB-D-17-169 be tabled to September 27 or 28, 2017.”

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

Hearing and Decision

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

...

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

...

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

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

General Provisions from the *Edmonton Zoning Bylaw*:

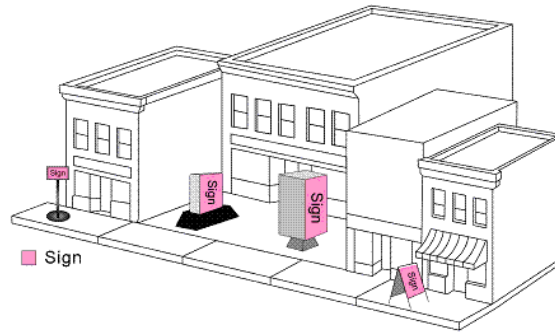
Under Section 340.3(44), **Minor Digital On-premises Off-premises Signs** is a **Discretionary Use** in the (CB2) General Business Zone.

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 On-premises Signs and Minor Digital Off-premises Signs.

Under section 6.2(8), **Freestanding Signs** means:

any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground;



Section 819.1 states that the **General Purpose** of the **Pedestrian Commercial Shopping Street Overlay** is “to maintain the pedestrian-oriented character of commercial areas, comprised of shopping streets in close proximity to residential areas of the City.”

Section 340.1 states that the **General Purpose** of the **(CB2) General Business Zone** is “to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.”

Height

Section 819.3(13)(a) states:

Signage shall be provided in accordance with Schedule 59E of this Bylaw, with the intent to compliment the pedestrian-oriented commercial environment, except that the maximum Height of a Freestanding Sign shall be 6.0 m.

Under section 6.2(10), **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

- 1) The maximum Height of a Freestanding Sign shall be 6.0 m (Reference Section 819.3(13)(a))
 - Required Height: 6 m
 - Proposed Height: 8 m
 - Exceeds by 2 m

The Overlay regulations supersede the regulations of the base zone, modifying a variety of elements of development, such as height. The proposed Minor Digital Off-premises Sign is a Discretionary use and requires a variance to height contrary to Section 11.3(1)(b).

Sign Area

Schedule 59E.3(5)(c)(ii) states:

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

...

c. the maximum Area shall be:

...

ii. 20 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m².

Under section 6.2(24), **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

Development Officer’s Determination

Required Sign Area: 20 m²
Proposed Sign Area: 31.6 m²
Exceeds by: 11.6 m²

Sign Location

Section 59E.3(5)(d) states:

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

...

d. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than <u>8.0 m²</u> or other Off-premises Sign
Greater than <u>8.0 m²</u> to less than <u>20 m²</u>	<u>100 m</u>
<u>20 m²</u> to <u>40 m²</u>	<u>200 m</u>
Greater than <u>40 m²</u>	<u>300 m</u>

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

Development Officer’s Determination

Required Separation: 200 m
Proposed Separation: 84 m

Deficient by: 116 m

Conflicting Sign to SE was approved by SDAB FEB 21, 2013 after the approval of application 124059029-001.

Setback

Section 340.4(3) states:

A minimum Setback of 4.5 m shall be required where a Site abuts a public roadway, other than a Lane. Where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, no Setback shall be required.

Under section 6.1(98), **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

Development Officer’s Determination

Required Setback: 4.5 m
Proposed Setback: 4.2 m

Community Consultation


Section 819.5(1) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

- a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association operating within the distance described above 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 mailed, unless the Development Officer receives feedback from all specified recipients; 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 Section 11.2.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 124059029-003 Application Date: JUN 19, 2017 Printed: August 11, 2017 at 11:30 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 7904 - GATEWAY BOULEVARD NW Plan 8520056 Lot 7
Scope of Application To install a Freestanding Minor Digital On-premises Off-premises Sign (10.36 m x 3.05 m facing south)	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 1000	Class of Permit: Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 1	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
THIS IS NOT A PERMIT	



Project Number: **124059029-003**
 Application Date: JUN 19, 2017
 Printed: August 11, 2017 at 11:30 AM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

- 1) The maximum Height of a Freestanding Sign shall be 6.0 m (Reference Section 819.3(13(a))
 Required Height: 6 m
 Proposed Height: 8 m
 Exceeds by 2 m
 The Overlay regulations supersede the regulations of the base zone, modifying a variety of elements of development, such as height. The proposed Minor Digital Off-premises Sign is a Discretionary use and requires a variance to height contrary to Section 11.3(1)(b).

- 2) The maximum Area shall be 20 m2 for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m2.(Reference Section 59E.3(5)(c)(ii))
 Required Sign Area: 20 m2
 Proposed Sign Area: 31.6 m2
 Exceeds by: 11.6 m2

- 3) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m2 or Off-premises Sign. If the proposed Sign Area is greater than 20 m2 and less than 40 m2, the minimum separation distance is 200 m.(Reference Section 59E.3(5)(d))
 Required Separation: 200 m
 Proposed Separation: 84 m
 Deficient by: 116 m

- Conflicting Sign to SE was approved by SDAB FEB 21, 2013 after the approval of application 124059029-001.

- 4) A minimum Setback of 4.5 m shall be required where a Site abuts a public roadway, other than a Lane. (Reference Section 340.4(3))
 Required Setback: 4.5 m
 Proposed Setback: 4.2 m

Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

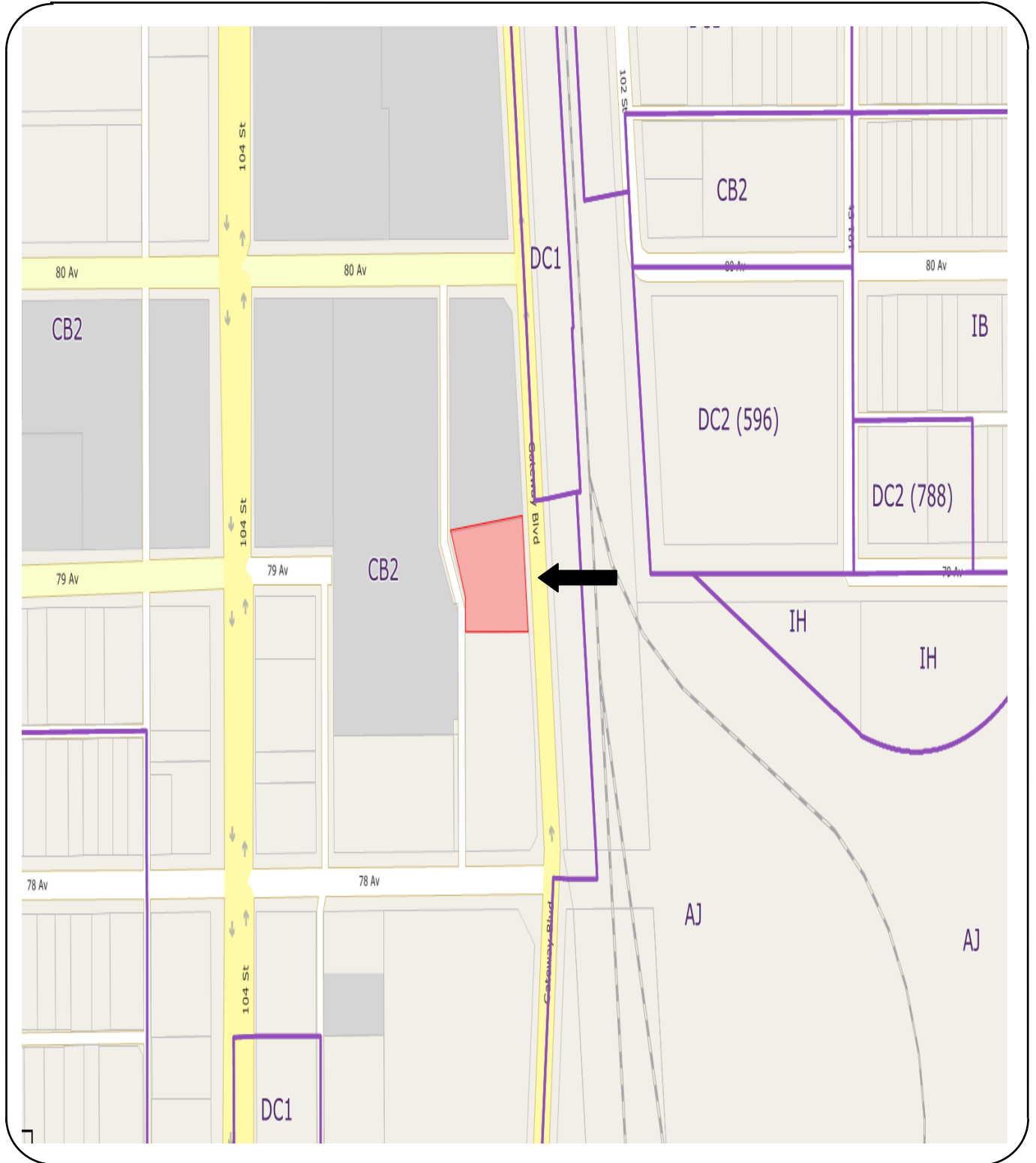
Issue Date: Aug 02, 2017 **Development Authority:** AHUJA, SACHIN

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$442.00	\$442.00	04220252	Jun 19, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$442.00	\$442.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-169

