

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
March 20, 2025

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

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

I 9:00 A.M. SDAB-D-25-035

Westrich Management Ltd.

To add 15 Dwellings to an existing mixed-use building in the form of a Multi-unit Housing (a total of 152 Dwellings)

10164 - 108 Street NW
Project No.: 548312057-002

II 10:30 A.M. SDAB-D-25-036

Five Star Permits

To install (2) Freestanding Signs limited to On-premises Advertising (SHOPPES AT HAMPTON)

4280 - 199 Street NW
Project No.: 538188521-002

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

ITEM I: 9:00 A.M.FILE: SDAB-D-25-035AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: Westrich Management Ltd.

APPLICATION NO.: 548312057-002

APPLICATION TO: Add 15 Dwellings to an existing mixed-use building in the form of a Multi-unit Housing (a total of 152 Dwellings)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 21, 2025

DATE OF APPEAL: February 24, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10164 - 108 Street NW

LEGAL DESCRIPTION: Plan B2 Blk 8 Lot 145, Plan B2 Blk 8 Lot 146, Plan B2 Blk 8 Lots 143-144

ZONE: UW - Urban Warehouse Zone

OVERLAY: N/A

STATUTORY PLAN: Capital City Downtown Plan

DISTRICT PLAN: Central District Plan

Grounds for Appeal

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

We would like to appeal the decision of the Development Authority for their refusal of our permit at 10164-108 Street NW. We have provided additional units to help the City of Edmonton work towards meeting its housing action plan targets; this includes a variety of 1, 2 and 3 bedroom

units in an area that is well suited to have additional density and actually benefit from this increase in dwellings, street traffic and support for local businesses. We have included ground-floor units on both elevations to help support the diversity of housing options, potential for work-live and to address various accessibility requirements. There is good walkability, bike infrastructure, transit and many business and amenities in the area that would benefit from this. A win win.

With regards to the second reason for refusal regarding min bike width, we have provided an alternative solution that is used in many multi-family buildings without issue and provide high-quality bike parking. We have been told by our development officer that he plans to attend and support our appeal for this item.

We find that both are reasonable requests and will be happy to expand on our rational at an upcoming hearing.

Of note, we have a letter of support from the Downtown Edmonton Community League, are pursuing additional ones from surrounding properties/businesses/those most affected.

<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 the decision in accordance with subsection (2.1).

...

(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).

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

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

(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 any applicable 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 Zoning Bylaw 20001:

Under section 3.24.2.2.2, **Residential, limited to: Multi-unit Housing**, is a **Permitted Use** in the **UW - Urban Warehouse Zone**.

Under section 8.10, a **Residential Use** means:

a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Multi-unit Housing** means a building that contains:

- a. 1 or more Dwellings combined with at least 1 Use other than Residential or Home Based Business; or

- b. any number of Dwellings that do not conform to any other definition in the Zoning Bylaw.

Typical examples include stacked row housing, apartments, and housing in a mixed-use building.

Section 3.24.1 states that the **Purpose** of the **UW - Urban Warehouse Zone** is:

To allow for a unique mixed use business commercial, educational and residential neighbourhood, accommodating a diversity of Uses, including Residential, Commercial, institutional, light manufacturing and assembly in a safe, walkable, human-scaled built environment that builds on the existing land use pattern and respects the architectural characteristics and functions of the area.

<i>Density</i>

Section 3.24.5.1 states:

- 5.1. Development must comply with Table 5.1:

Table 5.1. Site and Building Regulations		
Subsection	Regulation	Value
Density		
5.1.2.	Maximum Residential Density	500 Dwellings/ha

Under section 8.20, **Density** means:

when used in reference to Residential development, the number of Dwellings on a Site, expressed as Dwellings per hectare.

Density is calculated by dividing the number of Dwellings on a Site by the Site's area. For the purposes of calculating Density for Lodging Houses and Supportive Housing, each Sleeping Unit is considered a Dwelling.

Under section 8.10, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

Bike Parking

Section 5.80.8.2 states:

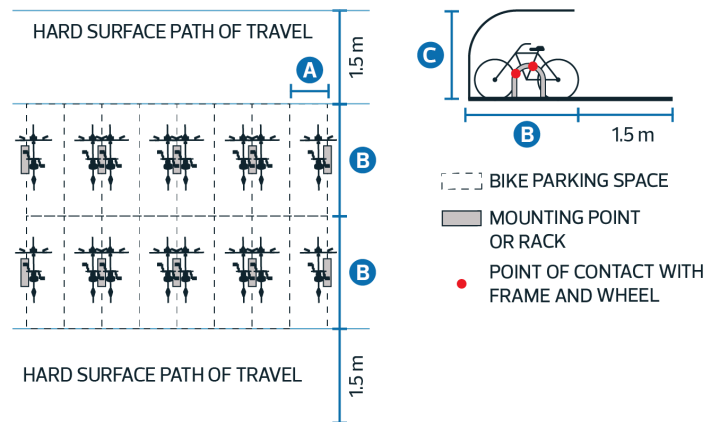
Bike Parking Spaces must comply with Table 8.2, measured to the nearest point of an obstruction where an obstruction is present:

Table 8.2. Minimum Bike Parking Space Dimensions

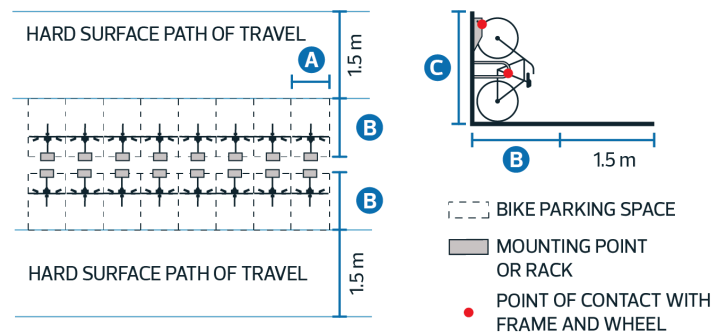
Subsection	Regulation	Horizontal Bike Parking Space	Vertical Bike Parking Space	Inclusive Bike Parking	Symbol
8.2.1.	Width	0.6 m	0.6 m	1.1 m	A

Diagrams for Subsections 8.1, 8.2, 8.3

HORIZONTAL BIKE PARKING SPACE & INCLUSIVE BIKE PARKING SPACE



VERTICAL BIKE PARKING SPACE



Under section 8.20, **Bike Parking Space** means:

a space designed for parking a bike in an orderly and secure manner. A Bike Parking Space can be designed to secure a bike horizontally or vertically and can also be designed as Inclusive Bike Parking.

A Bike Parking Space can be provided as Short Term Bike Parking or Long Term Bike Parking.

Development Planner's Determination


Density - The maximum Residential Density is 546 Dwellings/ha instead of 500 Dwellings/ha (Subsection 3.24.5.1.2).

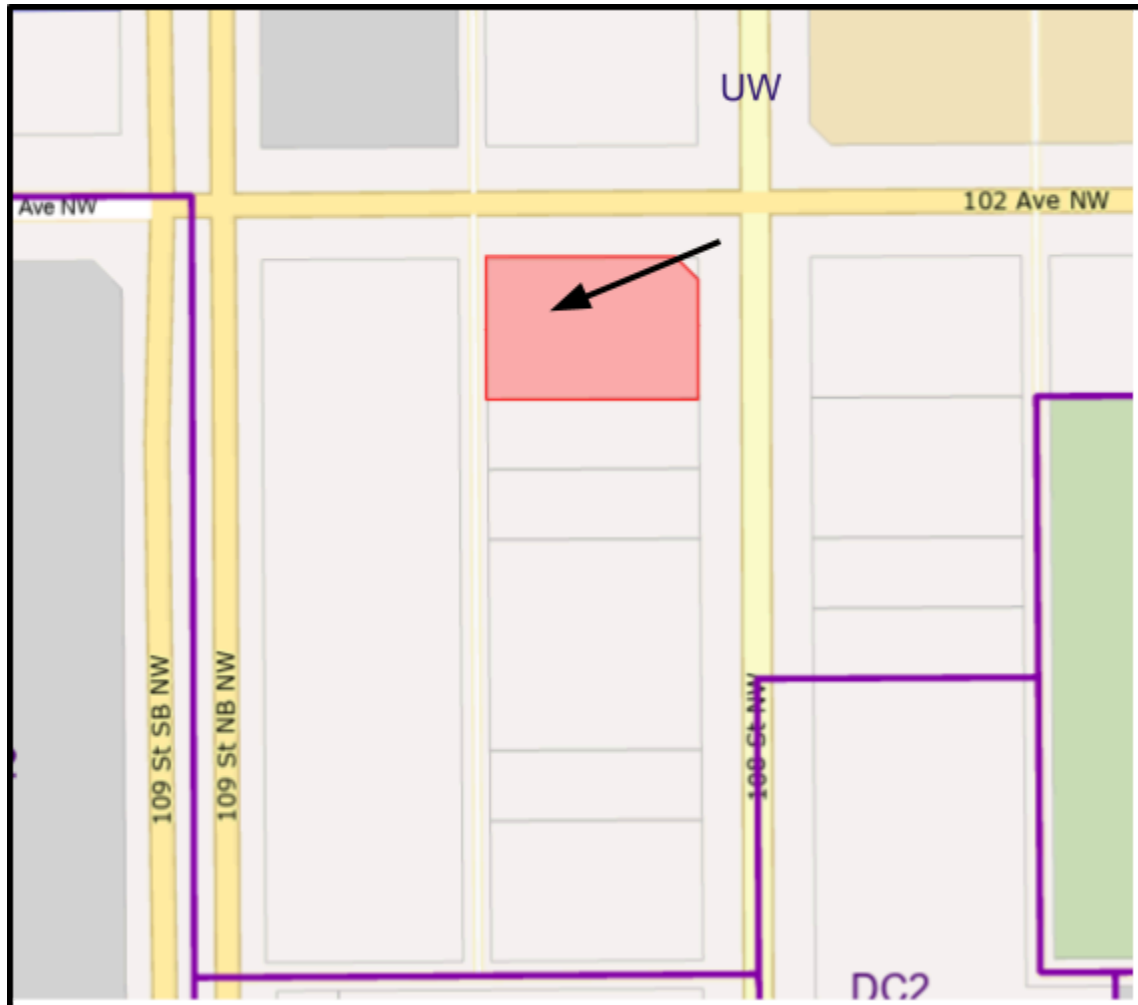
Bike Parking - The minimum width of a horizontal bike parking space is 0.3m instead of 0.6m (Subsection 5.80.8.2.1).

[unedited]

Notice to Applicant/Appellant

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

		Project Number: 548312057-002 Application Date: DEC 10, 2024 Printed: February 21, 2025 at 1:37 PM Page: 1 of 1																										
<h2>Application for Major Development Permit</h2>																												
This document is a Development Permit Decision for the development application described below.																												
Applicant		Property Address(es) and Legal Description(s) 10164 - 108 STREET NW Plan B2 Blk 8 Lot 145 10164 - 108 STREET NW Plan B2 Blk 8 Lot 146 10164 - 108 STREET NW Plan B2 Blk 8 Lots 143-144 Specific Address(es) Entryway: 10164 - 108 STREET NW Building: 10164 - 108 STREET NW																										
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Development Application Decision Refused Issue Date: Feb 21, 2025 Development Authority: YEUNG, KENNETH Reason for Refusal Density - The maximum Residential Density is 546 Dwellings/ha instead of 500 Dwellings/ha (Subsection 3.24.5.1.2). Bike Parking - The minimum width of a horizontal bike parking space is 0.3m instead of 0.6m (Subsection 5.80.8.2.1). Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																												
Fees <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$400.00</td> <td style="text-align: right;">\$400.00</td> <td style="text-align: right;">05238G001001856</td> <td style="text-align: right;">Dec 20, 2024</td> </tr> <tr> <td>Dev. Application Fee # of dwelling units</td> <td style="text-align: right;">\$891.00</td> <td style="text-align: right;">\$891.00</td> <td style="text-align: right;">05238G001001856</td> <td style="text-align: right;">Dec 20, 2024</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;">\$1,291.00</td> <td style="text-align: right; border-top: 1px solid black;">\$1,291.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$400.00	\$400.00	05238G001001856	Dec 20, 2024	Dev. Application Fee # of dwelling units	\$891.00	\$891.00	05238G001001856	Dec 20, 2024	Total GST Amount:	\$0.00				Totals for Permit:	\$1,291.00	\$1,291.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-035

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ITEM II: 10:30 A.M.FILE: SDAB-D-25-036AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: Five Star Permits

APPLICATION NO.: 538188521-002

APPLICATION TO: Install (2) Freestanding Signs limited to On-premises
Advertising (SHOPPES AT HAMPTON)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 24, 2025

DATE OF APPEAL: February 25, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 4280 - 199 Street NW

LEGAL DESCRIPTION: Plan 1220140 Blk 3 Lot 1

ZONE: CN - Neighbourhood Commercial Zone

OVERLAY: N/A

STATUTORY PLAN(S): Edgemont Neighbourhood Area Structure Plan
The Grange Area Structure Plan

DISTRICT PLAN: West Henday District Plan

<i>Grounds for Appeal</i>

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

We would like to request for variance on the distance between the two signs we are proposing to build based on the following merits:

1. Both signs are located on property owned by the same ownership group. Thus, any distance variance complaints will not arise. The current 2 signage proposal is to accommodate all the unit tenants (22 in total). These are not even enough if ever we will give them a full sign each. However, we were able to mitigate this by reducing the size allocation for some units.

2. We have contemplated on moving both signs apart, however, this will not work due to the following reasons:

a. Moving one sign to the north will bring it much closer to the residential area. Thus, may cause a brightness issue. By maintaining the current location as proposed, the building elevation is functioning as a blocker/barrier of the light from signs to the residential area.

b. Moving the other sign to the south will not work as well due to the following reasons:

i. By moving sign no 2 to the south will bring it very close to the sign of the adjacent commercial complex which is owned by a different group.

ii. Moving the sign to the south will also require it be built on top of existing site servicing (Epcor, etc)

iii. Moving the Sign in either direction will mean redoing all the legal information the city has asked for at the beginning of this process. I.e. Surveys, Title documents that have been registered.

We hope that the distance requirement between the two signs will be approved as is as these are the most feasible locations based on the reasons enumerated above.

<p><i>General Matters</i></p>

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,

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(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

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

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(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(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,

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(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

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Hearing and Decision

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

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(a.1) must comply with any applicable 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 Zoning Bylaw 20001:

Under section 2.90.2.28, a **Freestanding Sign** is a **Permitted Use** in the **CN - Neighbourhood Commercial Zone**.

Section 2.90.3.20 states:

Fascia Signs, Freestanding Signs, Portable Signs, and Projecting Signs are limited to On-premises Advertising, except that:

3.20.1 Off-premises Advertising is permitted where existing as of January 1, 2024.

Section 2.90.3.22 states “Signs must comply with Section 6.90.”

Under section 8.10, a **Freestanding Sign** means:

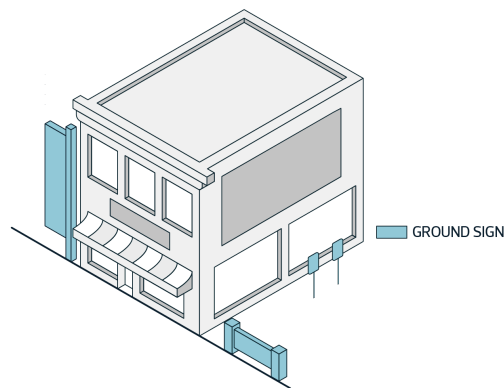
a Ground Sign that does not contain Digital Copy.

Typical examples include: pylon signs, monument signs, billboards, posters, and neighbourhood identification signs.

Under section 8.20, **On-Premises Advertising** means “Copy that relates only to a business, activity or organization that has a Development Permit to operate on the Site where the Sign is located.”

Under section 8.20, a **Ground Sign** means:

a Sign supported independently of a building.



Section 2.90.1 states that the **Purpose** of the **CN - Neighbourhood Commercial Zone** is:

To allow for small scale activity centres to support Local Nodes, as directed by statutory plans, that become community focal points for commercial businesses, services, social gathering and limited Residential Uses that are integrated with the neighbourhood. These activity centres can accommodate both vehicle-oriented and pedestrian oriented developments.

Separation Distance Regulations

Section 6.90.3.16 states:

To minimize Sign proliferation, the following regulations apply:

3.16.1. Freestanding Signs, and Major Digital Signs and Minor Digital Signs in the form of a Ground Sign must not be closer than 45.0 m from another Freestanding Sign, or Major Digital Sign or Minor Digital Sign in the form of a Ground Sign on the same Site.

Development Planner's Determination

1) Part 6, Subsection 6.90.3.16: To minimize Sign proliferation, the following regulations apply:

3.16.1. Freestanding Signs, and Major Digital Signs and Minor Digital Signs in the form of a Ground Sign must not be closer than 45.0 m from another Freestanding Sign, or Major Digital Sign or Minor Digital Sign in the form of a Ground Sign on the same Site.


Proposed Separation: 30m separation between two freestanding signs on the same site

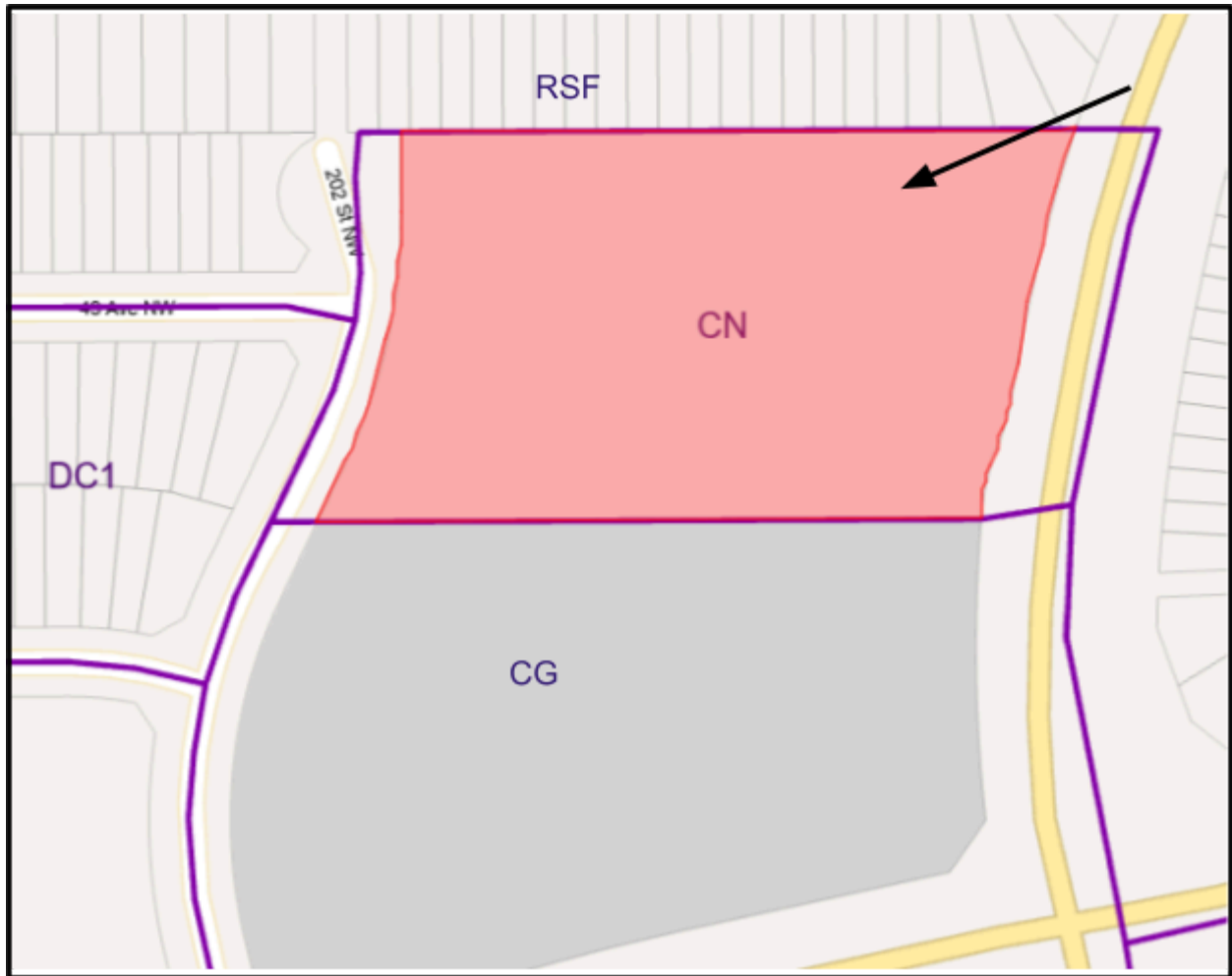
Deficient by: 15m

[unedited]

Notice to Applicant/Appellant

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

		Application for Sign Permit			Project Number: 538188521-002 Application Date: NOV 04, 2024 Printed: February 24, 2025 at 1:02 PM Page: 1 of 1
		This document is a Development Permit Decision for the development application described below.			
Applicant		Property Address(es) and Legal Description(s) 4280 - 199 STREET NW Plan 1220140 Blk 3 Lot 1			
		Location(s) of Work Suite: 4280 - 199 STREET NW Entryway: 4280 - 199 STREET NW Building: 4280 - 199 STREET NW			
Scope of Application To install (2) Freestanding Signs limited to On-premises Advertising (SHOPPES AT HAMPTON)					
Details					
ASA Sticker No./Name of Engineer: Development Category: Discretionary Development		Construction Value: 45000 Expiry Date:			
Development Application Decision Refused Issue Date: Feb 24, 2025 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Part 6, Subsection 6.90.3.16: To minimize Sign proliferation, the following regulations apply: 3.16.1. Freestanding Signs, and Major Digital Signs and Minor Digital Signs in the form of a Ground Sign must not be closer than 45.0 m from another Freestanding Sign, or Major Digital Sign or Minor Digital Sign in the form of a Ground Sign on the same Site. Proposed Separation: 30m separation between two freestanding signs on the same site Deficient by: 15m 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					
	Fee Amount	Amount Paid	Receipt #	Date Paid	
Sign Development Application Fee	\$800.00	\$800.00	02694J001001661	Nov 04, 2024	
Total GST Amount:	\$0.00				
Totals for Permit:	\$800.00	\$800.00			
THIS IS NOT A PERMIT					



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-036



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