

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.

March 26, 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-25-038

Construct exterior alterations to a Residential Use building (Driveway extension, left side: 0.51m x 8.53m; right side: 1.63m x 7.32m)

412 - Williams Court NW
Project No.: 535142341-002

II 10:30 A.M. SDAB-D-25-039

Install (1) Minor Digital Sign in the form of a Ground Sign (7.6m x 3.7m facing SW) (PATTISON OUTDOOR ADVERTISING)

2305 - Rabbit Hill Road NW
Project No.: 563100498-002

III 1:30 P.M. SDAB-D-25-040

Erect a Fence at 2.6m in Height in the Side and Rear yard

12114 - 92 Street NW
Project No.: 540149149-002

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-25-038

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 535142341-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extension, left side: 0.51m x 8.53m; right side: 1.63m x 7.32m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 10, 2025

DATE OF APPEAL: March 2, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 412 - Williams Court NW

LEGAL DESCRIPTION: Plan 9925725 Blk 49 Lot 67

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: The Meadows Area Structure Plan

DISTRICT PLAN: Millwoods and Meadows District Plan

Grounds for Appeal

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

I refer to my Driveway Extension Development Permit # 535142341-002 and hereby wish to appeal the decision to refuse the permit. Please find below explanation of why I need the driveway extension and other

considerations on why I am requesting a variance to the Zoning Bylaws to accept the development permit.

- (1) The driveway extensions provide a more direct walkway to the house entrances which will improve accessibility for us occupants, including our 3 young kids and those that need wheelchair access to the house. This provides better safety whenever a vehicle is parked on the driveway or driving in/out of the garage.
 - (a) On the Left Side, the extension will add a direct walkway to the new side entrance of the Secondary Suite (Reference City Secondary Suite Permit # 530391578-002).
 - (b) On the Right side, the extension provides better accessibility via a more direct walk path to the main house entrance door.
- (2) Parking limitation on the street is not impacted.
 - (a) On the Left Side, the distance between driveways to the next house (414 Williams Court NW) is 3.45m, which is not adequate for parking a standard vehicle on the street. Adding 0.51m to my driveway reduces it to 2.94m with same impact of being not adequate for a standard vehicle to park.
 - (b) On the Right side, the distance between driveways to the next house (410 Williams Court NW) is 9.35m. When you deduct 1.5m distance as per City Bylaw restriction to not park by an access to a garage or driveway (i.e. 1.5m on either side, totalling 3.0m), street parking space left is 6.35m (20.83 feet), which is adequate for one standard vehicle. Adding 1.63m to my driveway reduces the parking space left to 4.72m (15.5 feet), which is still adequate for one standard vehicle to park on the street.
- (3) There is no negative impact on landscaping and aesthetics. We moved into the 25-year-old property last July and have been carrying out several renovations and upgrades since then. This includes furnace replacement, new heat pump, new tankless water heater, window and door replacements, attic insulation. Consequently, we would maintain the landscaping and carry out any necessary improvements to the front yard once the home improvement and the driveway extension work are completed.
- (4) The extension does not affect neighbourhood amenities. On the Left Side, offset from existing infrastructure meets city requirements. The new driveway will be 1.02m (40 inches) from the existing Telecommunication Pedestal and 1.32m (53 inches) from the existing Street Light which are in line with city limits.
- (5) Snow storage is not impacted as there is still enough landscaping on both sides of the driveway for cleared snow to be stored.
- (6) The extension does not impact storm water drainage on the street
- (7) The extension does not make it difficult for emergency vehicles and services to access the houses or the street.
- (8) We do not expect the extension to negatively impact the property values in the neighbourhood.

(9) Support from neighbours: I discussed the driveway extension with several neighbours beside and opposite the property and they are all supportive of the extension. Signed letters of support from the following neighbours are attached:

- (a) 409 Williams Court NW, Edmonton
- (b) 410 Williams Court NW, Edmonton
- (c) 411 Williams Court NW, Edmonton
- (d) 413 Williams Court NW, Edmonton
- (e) 414 Williams Court NW, Edmonton

I will be glad if my development permit application for driveway extension is accepted.

<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 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

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

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.

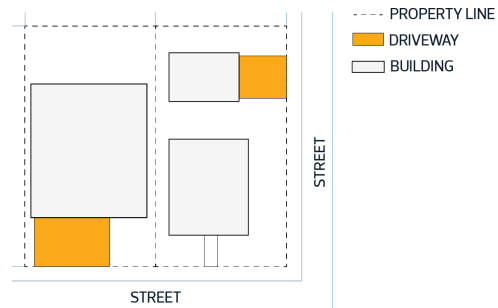
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Single Detached Housing** means “a building that contains 1 principal Dwelling and has direct access to ground level.”

Under section 8.20, **Accessory** means “a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

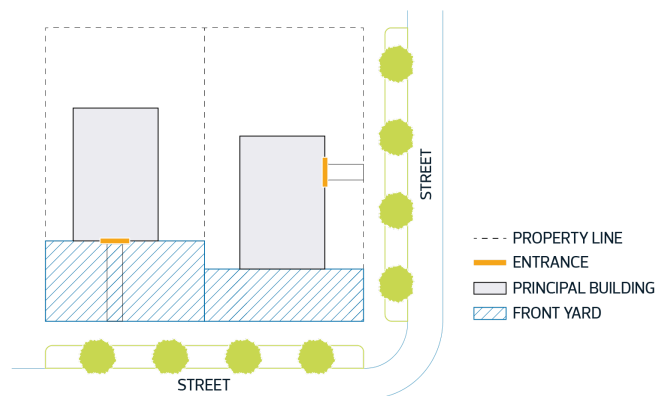
Under section 8.20, **Driveway** means:

means an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



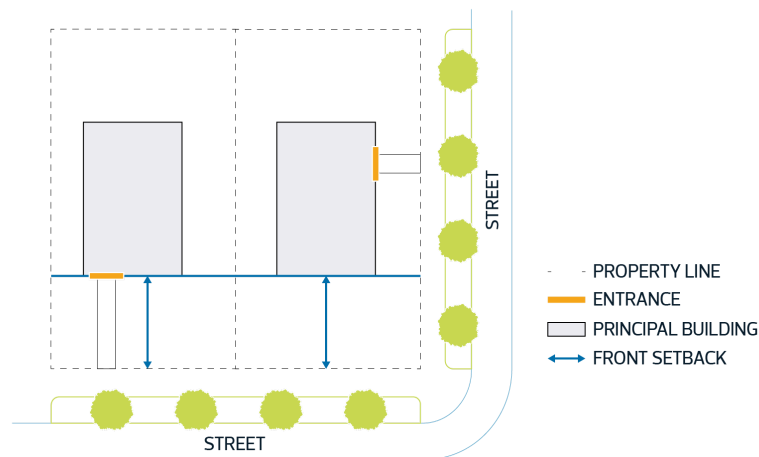
Under section 8.20, **Front Yard** means:

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



Under section 8.20, **Front Setback** means:

means the distance that a development or a specified portion of a development, must be from a Front Lot Line. A Front Setback is not a Front Yard.”



Under section 8.20, **Parking Area** means “means an area that is used for vehicle parking. A Parking Area has 1 or more parking spaces and includes a parking pad, but does not include Street parking, a vehicle access, a Driveway, or a Drive Aisle.”

Under section 8.20, **Pathway** means “a Hard Surfaced path of travel that is located on private property that cannot be used for motor vehicles.”

Section 2.20.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

Single Detached Housing, Duplex Housing, Semi-detached Housing, Backyard Housing, and Row Housing, and Multi-unit Housing with 8 Dwellings or less must comply with the following:

Site Circulation

- 2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

- 2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

Driveways

- 2.1.2. Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.

2.1.3. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.

- 2.1.4 A Driveway provided from a Street must comply with the following:

- 2.1.4.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:

- 2.1.4.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m.

2.1.4.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:

- 2.1.4.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less.

2.1.5. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within:

- 2.1.5.1. a Front Yard;

- 2.1.5.2. a Flanking Side Yard; or**

2.1.5.3 a Flanking Side Setback.

2.1.6. For Zero Lot Line Development, a Parking Area must not encroach on the easement area.

Development Planner's Determination

1. The Driveway shall lead directly from the roadway to the Garage or Parking Area (Subsection 5.80.2.1.3) - Proposed: The Driveway does not lead to Garage or Parking Area.


2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less. (Subsection 5.80.2.1.4.2) - Proposed total driveway width 7.63m, where the garage width is 6.7m.


3. Vehicle parking spaces, other than those located on a Driveway, must not be located within the Front Yard. (Subsection 5.80. 2.1.5) - Proposed driveway extension in the front and to be used for parking purpose.

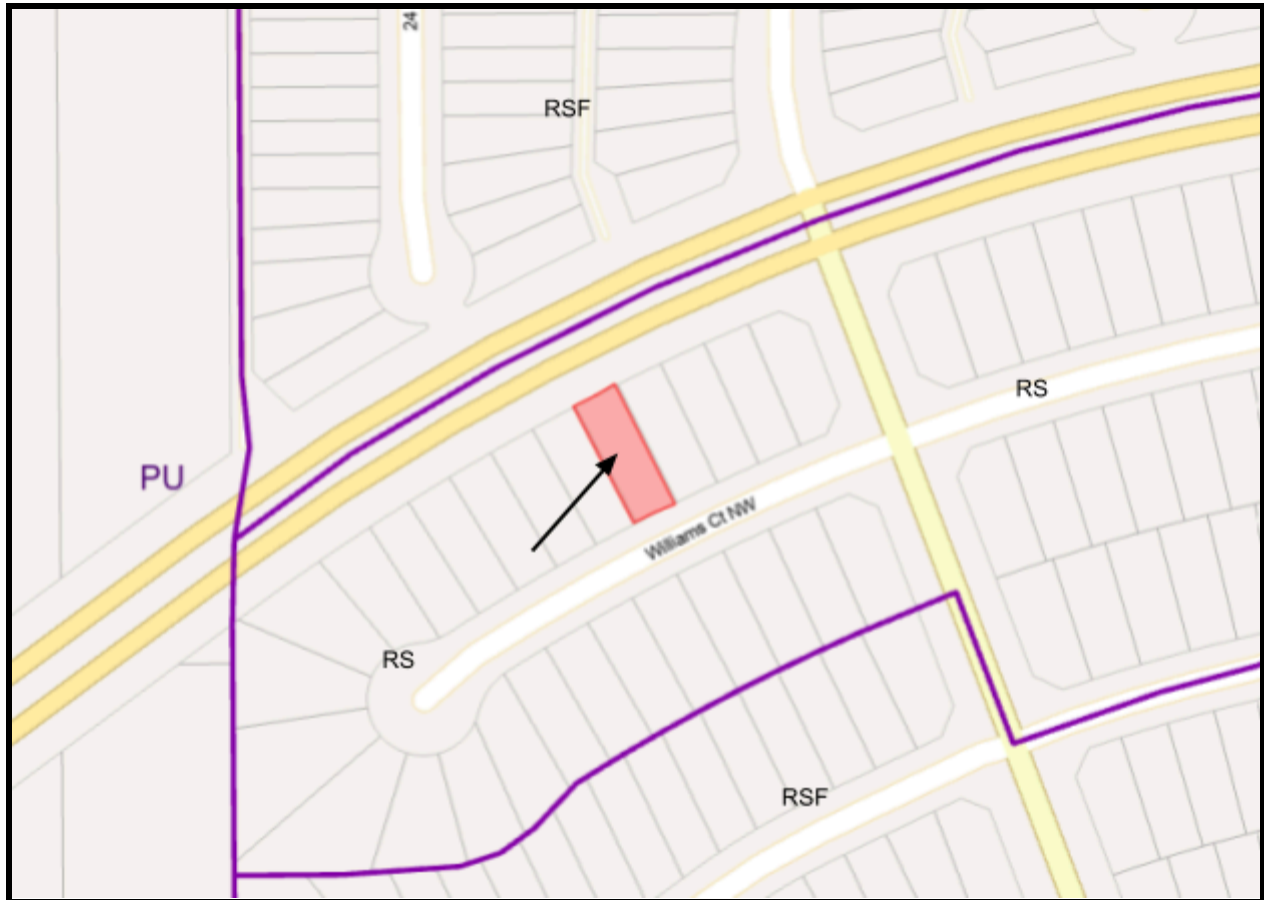
[unedited]

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: 535142341-002 Application Date: OCT 14, 2024 Printed: February 10, 2025 at 3:01 PM Page: 1 of 2																					
<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>																							
This document is a Development Permit Decision for the development application described below.																							
Applicant		Property Address(es) and Legal Description(s) 412 - WILLIAMS COURT NW Plan 9925725 Blk 49 Lot 67																					
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension, left side: 0.51m x 8.53m; right side: 1.63m x 7.32m).																							
Details																							
Development Category: Site Area (sq. m.): 434.08		Overlay: Statutory Plan:																					
Development Application Decision Refused Issue Date: Feb 10, 2025 Development Authority: LAI, ECHO Reason for Refusal <ol style="list-style-type: none"> 1. The Driveway shall lead directly from the roadway to the Garage or Parking Area (Subsection 5.80.2.1.3) - Proposed: The Driveway does not lead to Garage or Parking Area. 2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less. (Subsection 5.80.2.1.4.2) - Proposed total driveway width 7.63m, where the garage width is 6.7m. 3. Vehicle parking spaces, other than those located on a Driveway, must not be located within the Front Yard. (Subsection 5.80.2.1.5) - Proposed driveway extension in the front and to be used for parking purpose. 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 border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$185.00</td> <td style="text-align: right;">\$185.00</td> <td>07413J001001633</td> <td>Oct 14, 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;">\$185.00</td> <td style="text-align: right; border-top: 1px solid black;">\$185.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$185.00	\$185.00	07413J001001633	Oct 14, 2024	Total GST Amount:	\$0.00				Totals for Permit:	\$185.00	\$185.00		
	Fee Amount	Amount Paid	Receipt #	Date Paid																			
Development Application Fee	\$185.00	\$185.00	07413J001001633	Oct 14, 2024																			
Total GST Amount:	\$0.00																						
Totals for Permit:	\$185.00	\$185.00																					
THIS IS NOT A PERMIT																							

	<p>Application for Driveway Extension Permit</p>	<p>Project Number: 535142341-002 Application Date: OCT 14, 2024 Printed: February 10, 2025 at 3:01 PM Page: 2 of 2</p>
<p>THIS IS NOT A PERMIT</p>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-038



N

ITEM II: 10:30 A.M.

FILE: SDAB-D-25-039

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 563100498-002

APPLICATION TO: Install (1) Minor Digital Sign in the form of a Ground Sign (7.6m x 3.7m facing SW) (PATTISON OUTDOOR ADVERTISING)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 26, 2025

DATE OF APPEAL: February 27, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2305 - Rabbit Hill Road NW

LEGAL DESCRIPTION: Plan 0421742 Blk 165 Lot 100

ZONE: CG - General Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Whitemud District Plan

<i>Grounds for Appeal</i>

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

As solicitors for the Applicant, we appeal the subject refusal on the following bases:

- > The proposed Sign is a Permitted Use in the General Commercial (CG) Zone.
- > The proposed Sign does not offend Part 6, Subsection 6.90.3.16.1 of the Zoning Bylaw.
- > The deficiency in radial separation from the existing Sign to the southwest is amenable to the Boards variance authority and the proposed Sign meets the prescribed tests for that variance.
- > The excess in digital copy area is amenable to the Boards variance authority and the proposed Sign meets the prescribed tests for that variance.
- > Such further and other reasons as may be presented at the hearing of this appeal

<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 2.100.2.34, a **Minor Digital Sign** is a **Permitted Use** in the **CG - General Commercial Zone**.

Section 2.100.3.18 states “Signs must comply with Section 6.90.”

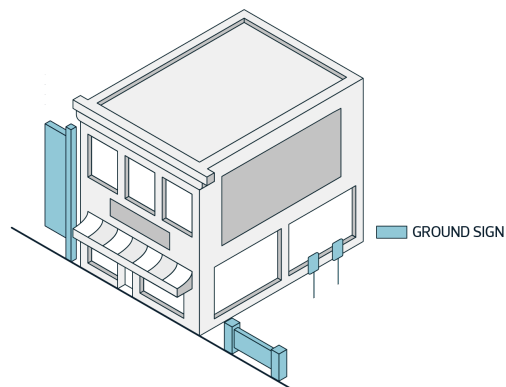
Under section 8.10, a **Minor Digital Sign** means:

a Ground Sign or Wall Sign, generally used for short-term advertising, that contains Digital Copy where the Message Duration is 6 seconds or more, and does not include moving effects, message transition effects, video images, or animation.

Typical examples include: digital billboards, digital posters, and junior panels.

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

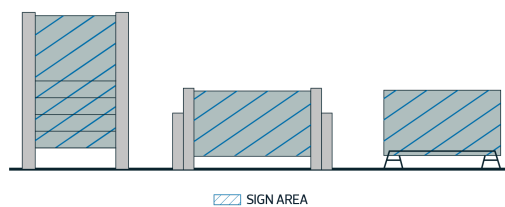
a Sign supported independently of a building.



Under section 8.20, **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 8.20, **Sign Area** means:

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



Section 2.100.1 states that the **Purpose** of the **CG - General Commercial Zone** is:

To allow for a variety of commercial businesses that range from low impact commercial and office activities with limited opportunities for Residential Uses, to higher impact activities including larger shopping centres and malls in areas generally outside of the Nodes and Corridors, as directed by statutory plans.

<p><i>Separation Distance Regulations</i></p>

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.

3.16.3. Signs with a Digital Copy area greater than 8.0 m² and Signs with Off-premises Advertising, must be separated from a Sign with a Digital Copy area greater than 8.0 m² or a Sign with Off-premises Advertising in compliance with Table 3.16.3:

Table 3.16.3. Separation Distance

Subsection	Sign Area	Minimum separation distance
3.16.3.1	Less than 20.0 m ²	100 m
3.16.3.2	20.0 m ² to 40.0 m ²	200 m
3.16.3.3	Greater than 40.0 m ²	300 m

Specific Regulations for General Commercial and Business Employment Zones

Section 6.90.6.29 states:

6.29. Minor Digital Signs in the form of a Ground Sign must comply with the following:

6.29.2. The maximum Digital Copy area is 20.0 m².

Development Planner's Determination

1) Part 6, Subsection 6.90.3.16.1: 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: 1.23m to Terwillegar Heights Towne Square Sign
Deficient by 43.7m**

2) Part 6, Subsection 6.90.3.16.3: Signs with a Digital Copy area greater than 8.0 m² and Signs with Off-premises Advertising, must be separated from a Sign with a Digital Copy area greater than 8.0 m² or a Sign with Off-premises Advertising in compliance with Table 3.16.3:

Proposed Digital Copy Area: 28.1m²

Required Separation: 200m

Proposed Separation: 110m

Deficient by: 90m

3) Part 6, Subsection 6.90.6.29.Minor Digital Signs in the form of a Ground Sign must comply with the following:

6.29.2: The maximum Digital Copy area is 20.0 m²

Proposed: 28.1m²

Exceeds by: 8.1m²

[unedited]

Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision
SDAB-D-20-014	To install (1) Freestanding Minor Digital On-premises Off-premises Sign (3.4m x 7.4m facing SW) (ASTRAL - 1436086 ALBERTA LTD.)	February 7, 2020; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to the following CONDITIONS: 1. The permit will expire on February 7, 2025. 2. Minor Digital On-premises Off-premises Signs shall have a Message Duration greater than or equal to 6 seconds. (Reference Section 7.9(8)) 3. Ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels

		<p>shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise / Sunset calculator from the National Research Council of Canada; (Reference Section 59.2(5)(a))</p> <p>4. Brightness level of the Sign shall not exceed 400 nits when measured from the sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada; (Reference Section 59.2(5)(b)).</p> <p>5. All Freestanding 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. (Reference Section 59.2(12)).</p> <p>6. The following conditions, in consultation with Subdivision Planning department, shall apply to the proposed Minor Digital On-premises Off-premises Sign, in accordance to</p>
--	--	---

		<p>Section 59.2.11: 1: SDAB-D-20-014 6 February 7, 2020</p> <p>a. The permit shall be approved for a maximum term of 5 years, at which time the applicant shall apply for a new development permit for continued operation of the sign.</p> <p>b. That should at any time, City Operations determine that the sign face contributes to safety concerns, the owner/applicant must immediately address any safety concerns identified by City Operations by removing the sign, deenergizing the sign, changing the message conveyed on the sign, and/or address the concern in another manner acceptable to City Operations.</p> <p>c. That the owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by City Operations 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> <p>d. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/onto road right-of-way.</p> <p>[19] In granting the development, the following variances to the Edmonton Zoning Bylaw (“Bylaw”) are allowed:</p>
--	--	--

		<p>a) The minimum allowable radial separation distance of 45.0 metres for any Sign Use that is a Freestanding Sign from any other Sign Use that is a Freestanding Sign as per Section 59.2(21) is varied to allow a deficiency of 44.5 metres, thereby decreasing the minimum allowed radial separation distance to 0.5 metres.</p> <p>b) The maximum Area of 20 square metres for Freestanding signs prescribed by Section 59E.3(5)(c) is varied by 5.2 square metres to allow for an increase of the maximum allowable Area to 25.2 square metres.</p> <p>c) The minimum allowable separation distance of 200 metres prescribed by Section 59E.3(5)(d) for a Sign greater than 20 square metres from Signs with Digital Copy greater than 8.0 square metres, or Off-premises Signs, is varied to allow a deficiency of 90 metres, thereby decreasing the minimum allowed Separation Distance to 110 metres.</p> <p>d) The requirement that proposed Signs with an area greater than 8.0 square metres shall not be located within any Setback as per Section 59E.3(5)(i) is waived.</p> <p>e) The requirement that the maximum number of</p>
--	--	--


		Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four, as per Section 59E.3(5)(j), is waived.
SDAB-D-12-183	To construct (1) Off-Premises Minor Digital Freestanding Sign (3.44m x 7.4m Single Sided facing S/W)	<p>September 7, 2012; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the excess of 5.46 square metres in the maximum allowable Sign Area of a Minor Digital Off-premises Sign be permitted, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. that the frequency of change in the static digital display cannot be less than 6 seconds with a 2 second transition (hold time); 2. that each static digital display shall contain a single advertising copy and that split screen advertising is not permitted; 3. the Minor Digital Off-premises Sign is approved for five years and will expire on September 7, 2017; 4. due to its position, shape, colour, format or illumination, the proposed Minor Digital Off-premises Sign shall not obstruct the view of, or be confused with an official traffic sign, signal or device, as determined by the Development Officer in consultation with the City


		<p>Engineer;</p> <p>5. the proposed Minor Digital Off-premises Sign shall not display lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;</p> <p>6. the proposed Minor Digital Off-premises Sign shall not operate or employ any stereo option or motion picture projection, or use holography;</p> <p>7. the proposed Minor Digital Off-premises Sign shall comply with the building setback line of the area;</p> <p>8. the brightness of the proposed Minor Digital Off-premises Sign shall be adjustable and controlled relative to ambient light, to the satisfaction of the Transportation Department;</p> <p>9. that should at any time, Transportation Services determine that the sign face contributes 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 addressing the concern in another manner acceptable to Transportation Services;</p> <p>10. that the owner/applicant must provide a written statement of the actions taken to mitigate a safety concern</p>
--	--	---

		<p>identified by Transportation Services within 30 days of the notification of the concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign;</p> <p>11. the maximum allowable height of the proposed Minor Digital Off-premises Sign shall not exceed 8.0 metres;</p> <p>12. that underground power be supplied to the proposed Minor Digital Off-premises Sign;</p> <p>Advisements:</p> <p>1. Should the Applicant wish to display video or any form of moving images on the sign, a new development application for a Major Digital Sign will be required. At that time, Transportation Services will require a safety review of the sign prior to supporting the application.</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.

	Application for Sign Permit		Project Number: 563100498-002 Application Date: JAN 30, 2025 Printed: February 26, 2025 at 1:32 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) 2305 - RABBIT HILL ROAD NW Plan 0421742 Blk 165 Lot 100		
Scope of Application To install (1) Minor Digital Sign in the form of a Ground Sign (7.6m x 3.7m facing SW) (PATTISON OUTDOOR ADVERTISING)			
Details			
ASA Sticker No./Name of Engineer: Development Category: Discretionary Development		Construction Value: 100000 Expiry Date:	
Development Application Decision Refused Issue Date: Feb 26, 2025 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Part 6, Subsection 6.90.3.16.1: 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: 1.23m to Terwillegar Heights Towne Square Sign Deficient by: 43.7m 2) Part 6, Subsection 6.90.3.16.3: Signs with a Digital Copy area greater than 8.0 m ² and Signs with Off-premises Advertising, must be separated from a Sign with a Digital Copy area greater than 8.0 m ² or a Sign with Off-premises Advertising in compliance with Table 3.16.3: Proposed Digital Copy Area: 28.1m ² Required Separation: 200m Proposed Separation: 110m Deficient by: 90m 3) Part 6, Subsection 6.90.6.29.Minor Digital Signs in the form of a Ground Sign must comply with the following: 6.29.2: The maximum Digital Copy area is 20.0 m ² Proposed: 28.1m ² Exceeds by: 8.1m ² 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.			
THIS IS NOT A PERMIT			



Project Number: **563100498-002**

Application Date: JAN 30, 2025

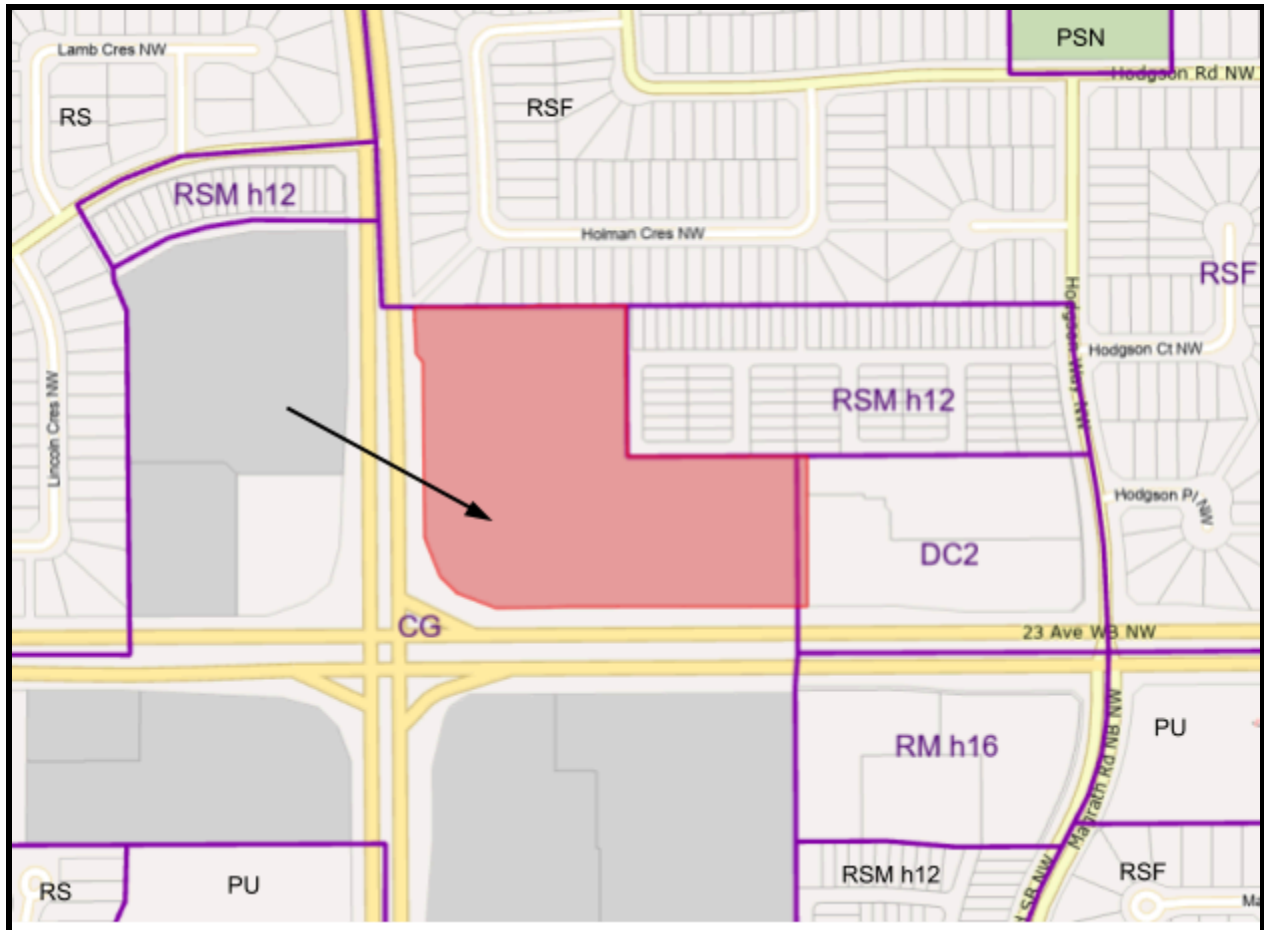
Printed: February 26, 2025 at 1:32 PM

Page: 2 of 2

Application for
Sign Permit

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee - Digital Signs	\$940.00	\$940.00	07680J001001337	Jan 30, 2025
Total GST Amount:	\$0.00			
Totals for Permit:	\$940.00	\$940.00		

THIS IS NOT A PERMIT



ITEM III: 1:30 P.M.FILE: SDAB-D-25-040AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 540149149-002

APPLICATION TO: Erect a Fence at 2.6m in Height in the Side and Rear yard

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: February 5, 2025

DATE OF APPEAL: March 3, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12114 - 92 Street NW

LEGAL DESCRIPTION: Plan 723HW Lot 2

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: North Central District Plan

Grounds for Appeal

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

Fence restricts my enjoyment of my property by blocking the sun

General Matters**Appeal Information:**

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

Grounds for Appeal

685(1) If a development authority

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

the person applying for the permit or affected by the order under section 645 may appeal 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 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

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

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, **Single Detached Housing** means “a building that contains 1 principal Dwelling and has direct access to ground level.”

Section 2.10.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

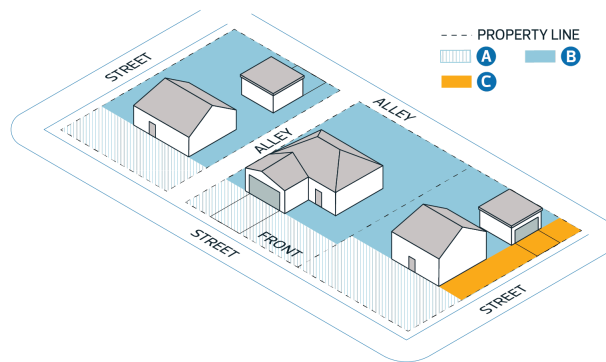
To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

<i>Fence Height - Zoning Bylaw 20001</i>

Section 5.100.2.2 states:

Maximum Fence Height must comply with Table 2.2:

Subsection	Regulation	Value	Symbol
2.2.2	Maximum Height in all other Yards	2.0 m	B



Section 2.3 states:

Despite Subsection 6.1.1 of Section 7.100, to provide additional screening from Nuisances from Abutting Sites or Streets, the Development Planner may vary the Height of a Fence, or a portion of a Fence, in compliance with the following:

2.3.1. Where the maximum Height of a Fence is 1.3 m, it may be varied up to a maximum Height of 2.0 m.

2.3.2. Where the maximum Height of a Fence is 2.0 m, it may be varied up to a maximum Height of 2.6 m.

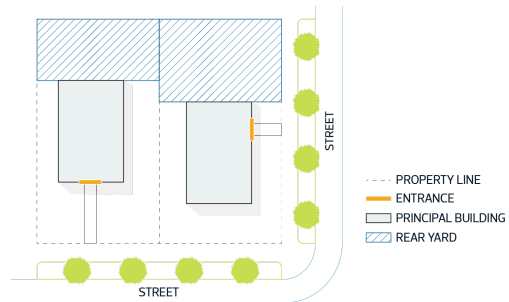
Under section 8.20, **Accessory** means “Accessory means a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

Under section 8.20, **Fence** means “Fence means a structure that is constructed at ground level and used to prevent or restrict passage, mark a boundary, or provide visual screening, noise reduction, or Landscaping. A Fence is not a Privacy Screen.”

Under section 8.20, **Height** means “a vertical distance between 2 points. Where described as a Modifier in a regulation, this is represented as the letter “h” and a number on the Zoning Map.”

Under section 8.20, **Rear Yard** means:

Rear Yard means the portion of a Site Abutting the Rear Lot Line, extending across the full width of the Site, and located between the Rear Lot Line and the nearest wall of the principal building, not including projections or Backyard Housing.




Development Planner's Determination


Fence Height - The fence along the north property line is 2.6 m high, instead of 2.0 m (Subsection 5.100.2.2.2 & 5.100.2.3.2)

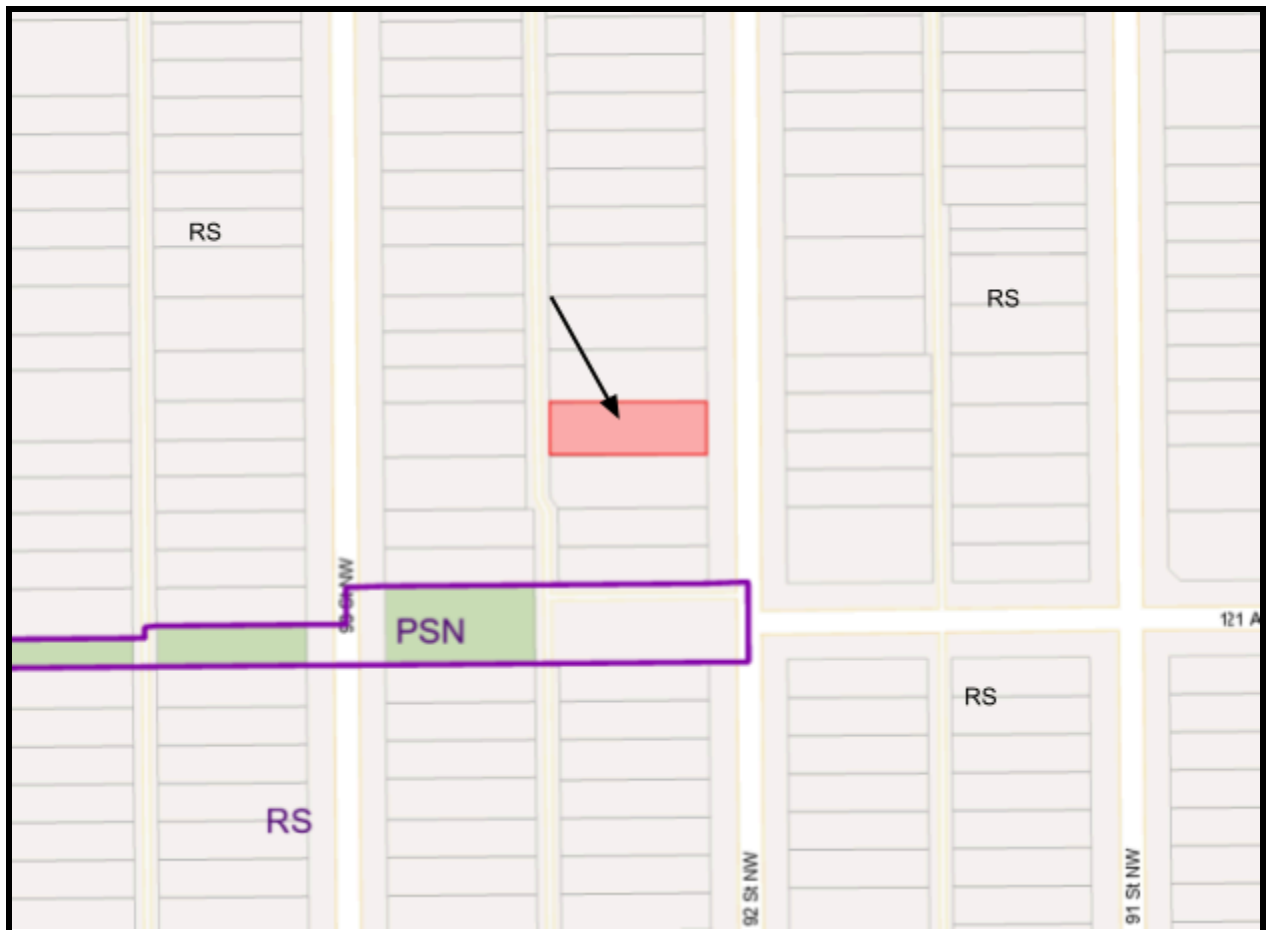
[unedited]

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: 540149149-002 Application Date: NOV 18, 2024 Printed: February 5, 2025 at 4:38 PM Page: 1 of 2	
		<h2>Overheight Fence Permit</h2>	
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.			
Applicant		Property Address(es) and Legal Description(s) 12114 - 92 STREET NW Plan 723HW Lot 2	
		Location(s) of Work Suite: 12114 - 92 STREET NW Entryway: 12114 - 92 STREET NW Building: 12114 - 92 STREET NW	
Scope of Permit To erect a Fence at 2.6m in Height in the Side and Rear yard.			
Details			
Development Category: Discretionary Development Site Area (sq. m.): 562.61		Overlay: Statutory Plan:	
Development Permit Decision Approved Issue Date: Feb 05, 2025 Development Authority: SELTZ, AARON			
Subject to the Following Conditions This Development Permit is NOT valid until the notification period expires as specified Section 7.190. This Development Permit authorizes the construction of a Fence at 2.6m in Height in the Side and Rear yard. The development must be constructed in accordance with the approved drawings. The fence must be installed entirely on the subject property. The fence must not impede any sightlines for vehicular or pedestrian traffic. Immediately upon completion of the addition, the Site must be cleared of all debris. As far as reasonably practicable, the design and use of exterior finishing materials used must be similar to, or better than, the standard of surrounding development (Subsection 5.120.1.1.1). Fences that contain, or are constructed of, hazardous materials such as barbed wire, are not permitted (Subsection 5.120.1.1.5). The tarp material shall not be used as an exterior finishing material on the side facing the north abutting property line. Advisements: Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw. An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).			

	<div style="text-align: right;"> Project Number: 540149149-002 Application Date: NOV 18, 2024 Printed: February 5, 2025 at 4:38 PM Page: 2 of 2 </div>																				
<h2 style="margin: 0;">Overheight Fence Permit</h2>																					
<p>Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.</p> <p>A Building Permit may be required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.</p> <p>All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit. All new installations, above and below ground, within 5m of a City tree require forestry consultation.</p> <p>In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.</p> <p>City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage.</p> <p>The site must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to lot_grading@edmonton.ca for review and approval.</p> <p>For more information on Lot Grading requirements, plans and inspections refer to the website: https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading</p> <p>Variances Fence Height - The fence along the north property line is 2.6 m high, instead of 2.0 m (Subsection 5.100.2.2.2 & 5.100.2.3.2)</p> <p>Rights of Appeal This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p> <p>Notice Period Begins: Feb 11, 2025 Ends: Mar 04, 2025</p>																					
<p>Building Permit Decision No decision has yet been made.</p>																					
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 30%;">Fees</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: left; width: 20%;">Receipt #</th> <th style="text-align: left; width: 20%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$185.00</td> <td style="text-align: right;">\$185.00</td> <td>03059J001001603</td> <td>Nov 18, 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;">\$185.00</td> <td style="text-align: right; border-top: 1px solid black;">\$185.00</td> <td></td> <td></td> </tr> </tbody> </table>		Fees	Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$185.00	\$185.00	03059J001001603	Nov 18, 2024	Total GST Amount:	\$0.00				Totals for Permit:	\$185.00	\$185.00		
Fees	Fee Amount	Amount Paid	Receipt #	Date Paid																	
Development Application Fee	\$185.00	\$185.00	03059J001001603	Nov 18, 2024																	
Total GST Amount:	\$0.00																				
Totals for Permit:	\$185.00	\$185.00																			



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-040

▲
N