

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**May 27, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-21-081

Construct a 48 Dwelling Multi-unit Housing development (apartment house) with underground parking and to demolish two Single Detached Houses

10024 / 10028 - 142 Street NW  
Project No.: 384512255-002

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II 2:00 P.M. SDAB-D-21-082

Install a Freestanding Minor Digital On-Premises Sign (1.2 m x 1.6 m Facing W/E | ELITE CENTRE)

8305C - Chappelle Way SW  
Project No.: 388582696-002

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

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 384512255-002

APPLICATION TO: Construct a 48 Dwelling Multi-unit Housing development (apartment house) with underground parking and to demolish two Single Detached Houses

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 14, 2021

DATE OF APPEAL: May 3, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10024 / 10028 - 142 Street NW

LEGAL DESCRIPTION: Plan 4590W Blk 140 Lots 1-3

ZONE: (RA7) Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

Although the Development Officer treated the proposed development as a Class A permitted use, a review of the plans reveals that either variances were granted or the Development Officer exercised discretion, which is subject to appeal :

1. Plans (section 13) - The plans are missing a number of dimensions which makes it impossible to determine whether the building is in compliance with the Zoning Bylaw. Further, there are inaccuracies in the plans, such as the depiction of the lane to the south of the site as continuing through to the west (which it does not). These inaccuracies impact on the evaluation of the building and whether it is in compliance with the Zoning Bylaw.
2. Height (section 210.4(2)) - The height to the top of the amenity area screening on the roof of the building is not shown; however, based on other dimensions, it appears to be over the maximum allowable height. The same applies to any mechanical on the roof.
3. FAR (section 210.4(3)) -The FAR calculations are not set out so it is unclear whether the building is in compliance.
4. Front setback (section 46.5)- From the plans, it cannot be determined whether the setback is provided.
5. Southwest corner parking stalls (section 210.4(11)) - These parking stalls exit directly into the south lane. Further, they are located in the side yard without any screening to the adjacent single family properties.
6. Balconies (section 44) - From the plans, it cannot be determined how far the balconies project into the side yard.
7. Massing (section 210.4(12)) - When viewed from adjacent single family properties, the side and rear Facades of the building present a perception of massing that is not consistent with the neighbourhood and that materially interferes with or affects the use, enjoyment or value of these properties.
8. Lane (sections 15.4 and 15.5) -There will be significant additional traffic in the lane as all parking is accessed through the lane. The plans incorrectly show the lane to the south of the site as going through to the west. To accommodate the additional traffic and congestion in the lane, upgrades to the lane will be required.
9. Overlooking (section 210.4(19)) - The balconies and windows overlook the adjacent single family properties, which materially interferes with or affects the use, enjoyment or value of these properties.
10. Variances - To the extent that variances have been granted or discretion exercised, the proposed development will unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

11. Process -The process has been inconsistent and confusing with different proposals and plans. On this point, the Development Officer has been consistent but the developer has not.
12. Additional grounds - When and if complete plans are provided, further grounds of appeal may be identified.

NOTE: All sections referenced are to the City of Edmonton Zoning Bylaw 12800.

<i>General Matters</i>
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**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

**(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 to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)

- (i) with respect to an application for a development permit,
  - (A) within 21 days after the date on which the written decision is given under section 642, or
  - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
  
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

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

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 210.2(8), a **Multi-unit Housing** is a **Permitted Use** in the **(RA7) Low Rise Apartment Zone**.

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

that consists of:

- a. three or more principal Dwellings arranged in any configuration and in any number of buildings;
- or
- b. any number of Dwellings developed in conjunction with a Commercial Use where allowed in the Zone.


Section 120.1 states that the **General Purpose** of the **(RA7) Low Rise Apartment Zone** is “to provide a Zone for low rise Multi-unit Housing.”

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**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.

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	Project Number: <b>384512255-002</b> Application Date: JAN 22, 2021 Printed: April 14, 2021 at 2:34 PM Page: 1 of 7		
<h2>Major Development 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 Edmonton Zoning Bylaw 12800 as amended.			
<b>Applicant</b>	<table border="1"> <tr> <td data-bbox="818 436 1360 583"> <b>Property Address(es) and Legal Description(s)</b>                      10028 - 142 STREET NW                      Plan 4590W Blk 140 Lot 1                      10024 - 142 STREET NW                      Plan 4590W Blk 140 Lots 2-3                 </td> </tr> <tr> <td data-bbox="818 583 1360 741"> <b>Specific Address(es)</b>                      Entryway: 10024 - 142 STREET NW                      Building: 10024 - 142 STREET NW                      Building: 10024 - 142 STREET NW                      Building: 10028 - 142 STREET NW                 </td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b> 10028 - 142 STREET NW Plan 4590W Blk 140 Lot 1 10024 - 142 STREET NW Plan 4590W Blk 140 Lots 2-3	<b>Specific Address(es)</b> Entryway: 10024 - 142 STREET NW Building: 10024 - 142 STREET NW Building: 10024 - 142 STREET NW Building: 10028 - 142 STREET NW
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<b>Specific Address(es)</b> Entryway: 10024 - 142 STREET NW Building: 10024 - 142 STREET NW Building: 10024 - 142 STREET NW Building: 10028 - 142 STREET NW			
<b>Scope of Permit</b> To construct a 48 Dwelling Multi-unit Housing development (apartment house) with underground parking and to demolish two Single Detached Houses.			
<b>Permit Details</b> <table border="1" style="width: 100%;"> <tr> <td data-bbox="256 888 812 993">                     Class of Permit: Class A                      Gross Floor Area (sq.m.): 5081.8                      New Sewer Service Required: Y                      Site Area (sq. m.): 2046.56                 </td> <td data-bbox="812 888 1360 993">                     Contact Person:                      Lot Grading Needed?: Y                      NumberOfMainFloorDwellings: 12                      Strat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>		Class of Permit: Class A Gross Floor Area (sq.m.): 5081.8 New Sewer Service Required: Y Site Area (sq. m.): 2046.56	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 12 Strat. Plan Overlay/Annex Area: (none)
Class of Permit: Class A Gross Floor Area (sq.m.): 5081.8 New Sewer Service Required: Y Site Area (sq. m.): 2046.56	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 12 Strat. Plan Overlay/Annex Area: (none)		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Apr 14, 2021 <b>Development Authority:</b> ZHOU, ROWLEY <b>Subject to the Following Conditions</b> A) Zoning Conditions: 1. This Development Permit authorizes the development of a 48 Dwelling Multi-unit Housing development (apartment house) with underground parking and to demolish two Single Detached Houses.  2. The development shall be constructed and demolished in accordance with the stamped and approved drawings.  3. WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6).  4. An approved building permit for demolition is required prior to starting the demolition.  5. Immediately upon demolition of the building, the site shall be cleared of all debris.  8. Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.  7. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$56,316.00 (based on 2021 rates). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.			



## Major Development Permit

8. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$960.00.

9. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00.

10. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building to the satisfaction of the Development Officer.

11. The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.

12. The minimum number of Bicycle Parking spaces shall be one Bicycle Parking space per two Dwellings. At least 10% of Bicycle Parking spaces shall be short term spaces. (Section 54.5.1).

### B) Drainage Services Conditions:

#### 1. Sanitary Sewer Trunk Charge (SSTC)

Based on our records, this property was never assessed for SSTC.

- SSTC is applicable to the property for 48 multi-family dwellings at the rate of \$1,246/dwelling with credit given for 2 single-family dwellings at the rate of \$1,746/dwelling, under the current DP#384512255-002. The number of dwellings is based on the drawings submitted with this Application for Major Development Permit.

- Payment should be made at the Edmonton Service Centre, 2nd Floor, 10111 – 104 Avenue NW.

- For information purposes, the 2021 rate is \$1,246/dwelling and \$1,746/single-family dwelling respectively. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment.

### C) EPCOR Conditions:

1. Prior to the release of drawings for Building Permit review (except for Building Permits for demolition, excavation, or shoring), the owner shall enter into a Servicing Agreement with the City to meet the following standard of water supply under the City of Edmonton Design and Construction Standards:


a. The applicant is required to construct one new fire hydrant at the second lane south of 101 Avenue on 142 Street approximately as shown in the attached drawing (DP384512255-002\_EPCOR\_Water\_Enclosure) at their expense. This work can be undertaken either under a City of Edmonton servicing agreement or under EPCOR Water Services, Inc.'s New Water Distribution Mains capital program. For more information on the EPCOR New Water program, please contact EPCOR New Water at [waterdtinfrastructure@epcor.com](mailto:waterdtinfrastructure@epcor.com).


b. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting [waterlandadmin@epcor.com](mailto:waterlandadmin@epcor.com).

2. The owner may wish to submit and request the review of an Infill Fire Protection Assessment (IFPA) report as a potential alternative to meeting the municipal infrastructure standards identified by EPCOR Water Services. The review of an IFPA report is a service provided by the City to determine whether any required infrastructure standards/upgrades may be relaxed, provided certain criteria are met. Any alternatives to the requirements of EPCOR Water Services identified by the IFPA report shall be to the satisfaction of the City Fire Protection Engineer.

### D) Landscaping Conditions:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a

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<h2>Major Development Permit</h2>	
<p>Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).</p> <ol style="list-style-type: none"> <li>2. Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.</li> <li>3. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.</li> <li>4. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.</li> <li>5. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed (<a href="http://www.edmonton.ca/landscapeinspectionrequest">www.edmonton.ca/landscapeinspectionrequest</a>).</li> <li>6. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.</li> <li>7. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.</li> </ol> <p>E) Transportation Conditions:</p> <ol style="list-style-type: none"> <li>1. The parkade access is proposed to the alley and the location is acceptable to Subdivision Planning. The proposed approximate 7.2 m wide underground parkade ramp must not exceed a slope of 10% for a minimum distance of 5 m inside the property line and the ramp must be at grade at the property line. Any underground parking access card devices must be located on site, a minimum of 3 m inside the property line.</li> <li>2. Retaining walls bordering the underground parkade ramp must not exceed a height of 0.3 m for a distance of 3 m from the property line and no portion of the retaining wall may encroach onto road right-of-way. Should the owner/applicant wish to increase the height of the retaining wall, adequate sight line data must be provided to ensure vehicles can exit safely. Any fence located on top of the retaining wall must not extend north of the north building face.</li> <li>3. In order to accommodate sight lines at the alley intersections, the southwest and northwest corners of the site must remain unobstructed in the minimum configuration of a 3 m x 3 m corner cut. Low height permanent curb or barriers (less than 0.3 m in height) must be installed to delineate the south and west edges of the southwest 3 m x 3 m corner cut within private property and the west edge of the northwest 3m x 3m corner cut within private property to maintain sightlines and the integrity of the corner cut.</li> <li>4. There are existing power poles in the alley adjacent to the site. All costs associated with power pole and/or guy wire relocations or removals in the right-of-way must be borne by the owner/applicant. The applicant is to contact EPCOR Customer Engineering at <a href="mailto:ces@epcor.com">ces@epcor.com</a> for more information and to confirm clearance distances between existing/relocated power poles and access to parking including access for service vehicles (i.e. waste service vehicles). The applicant/owner has indicated that removal/modification of the existing guy-wire at the northeast corner of the site will be completed with the development of the site to accommodate waste service vehicles accessing the site.</li> <li>5. The proposed sidewalk connections along 142 Street are acceptable to Subdivision Planning. There is an existing streetlight along 142 Street in the vicinity of one of the proposed sidewalk connections. The sidewalk connection must maintain a minimum clearance of 0.5 m from the street light or to the satisfaction of Subdivision and Development Coordination. All costs associated with streetlight relocations will be borne by the owner/applicant. There is an existing bus stop sign along 142 Street that must be maintained and not conflict with the proposed sidewalk connections.</li> </ol>	

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<h2>Major Development Permit</h2>	
<p>6. This development is proposed to be constructed to the property line. The owner/applicant must enter into an Encroachment Agreement with the City for any pilings, shoring &amp; tie-backs to remain within road right-of-way. The owner/applicant must email <a href="mailto:encroachmentagreements@edmonton.ca">encroachmentagreements@edmonton.ca</a> for information on the agreement. The applicant is responsible to provide Development and Zoning Services with a plan identifying all existing utilities on road right-of-way within the affected area of the encroachment.</p>	
<p>7. Permanent objects including concrete steps, railings, door swings, etc. must NOT encroach into or over/under road right-of-way. All landscaping for the development must be maintained on private property.</p>	
<p>8. "No Parking" and loading signage must be provided in the garbage/loading area and located on private property. All signs must be located on private property.</p>	
<p>9. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; <a href="http://www.digshaw.ca">www.digshaw.ca</a>) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.</p>	
<p>10. Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.</p>	
<p>11. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:</p> <ul style="list-style-type: none"> <li>-the start/finish date of project;</li> <li>-accommodation of pedestrians and vehicles during construction;</li> <li>-confirmation of lay down area within legal road right of way if required;</li> <li>-and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.</li> </ul>	
<p>It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:  <a href="https://www.edmonton.ca/business_economy/oscam-permit-request.aspx">https://www.edmonton.ca/business_economy/oscam-permit-request.aspx</a> and  <a href="https://www.edmonton.ca/business_economy/documents/PDF/ConstructionSafety.pdf">https://www.edmonton.ca/business_economy/documents/PDF/ConstructionSafety.pdf</a></p>	
<p>F) Waste Management Conditions:</p>	
<p>1. This is a residential property and therefore falls under the City of Edmonton bylaw 18590, requiring the waste and recycle services are provided by the City of Edmonton.</p>	
<p>2. This site with 48 units would receive approximately 12 cubic yards of garbage service and 6 cubic yards of recycle service per week for the residential units.</p>	
<p>3. The waste storage enclosure needs to be adequately sized for the approx. one 4 cubic yard wheeled garbage bins and one 4 cubic yard wheeled recycle bins required to service the residential units. The frequency for pickup with these amounts of bins would be 3 times per week for garbage and 2 times per week for recycle.</p>	
<p>4. THE PROPERTY WILL BE RESPONSIBLE FOR CLEANING THE AREA BY THE BINS IE. SNOW, DEBRIS, ETC. TO FACILITATE THE BIN COLLECTION.</p>	
<p>5. The right turn in from southbound 142 St will require movement of the existing guidewire, approx. 4.0m west of the current location.</p>	
<p>6. If the loading area is situated over an underground parkade, a letter from an engineering firm stating that the area will be able to withstand the weight of the collection vehicle during loading activities will be required.</p>	
<p><b>Subject to the Following Advisements</b></p>	



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## Major Development Permit

### A) Zoning Advisements:

1. Signs require separate Development Applications.
2. Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for lot grading inspection inquiries.
3. Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.
4. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
5. An approved 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 or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2).
6. A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

### B) Drainage Services Advisements:

#### APPLICABLE ASSESSMENTS


1. Permanent Area Contribution (PAC)
  - Storm and sanitary PACs are not applicable, since the property is not within any active PAC basins.
2. Expansion Assessment (EA)
  - Expansion Assessment is not applicable, since the property is outside the current Expansion Assessment area.
3. Arterial Roadway Assessment (ARA)
  - Arterial Roadway Assessment is not applicable, since the property is outside the current ARA Catchment Area.

#### Additional Notes

- The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.
- In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.

### C) EPCOR Advisements:

1. The site is currently serviced by a 20mm copper service (N29526), located at 17.3m west of the west property line of 142 Street on 101 Avenue and a 20mm copper service (N15752) 25.8m north of the north property line of 2nd lane south of 101 Ave on 142 St. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site, including demolition, excavation, or grading for direction on the correct process to follow to have the service isolated and meter removed.
2. A new water service may be constructed for this lot directly off EPCOR Water's 200mm water main along the lane south of the subject lot or the 200mm water main along 142 Street adjacent to the subject lot.
3. For information on Service abandonments, and the provisioning of a new water service contact EPCOR Infill Water and Sewer Servicing at [wass.drainage@epcor.com](mailto:wass.drainage@epcor.com) or at 780-496-5444.
4. The existing service is not of sufficient size for the proposed development. The owner must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water

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<h2>Major Development Permit</h2>	
<p>supply to the proposed development.</p> <p>5. The applicant must submit bacteriological test results to EPCOR Water Dispatch, and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. Water Dispatch can provide information on the tie-in and commissioning procedure.</p> <p>6. The proposed development appears to be contained on two separately titled lots (Lots 1 &amp; 2/3). Servicing from one lot to another is not permitted under City of Edmonton bylaws. A separate service must be provided to each lot or the lots must be consolidated prior to commencing construction. Serviced buildings must be contained within one lot.</p> <p>7. For information on metering and inquiries regarding meter settings please contact EPCOR's Water Meter Inspector at <a href="mailto:MInspectors@epcor.com">MInspectors@epcor.com</a> or 780-412-4000.</p> <p>8. Multiple services may be required to provide service to the subject site. A Caveat of Restrictive Covenant for Check Valve Installation must be registered on title where more than one service is provided to a single lot. Check valves must be installed and maintained at the applicant's expense where looping of the water main back to the public system is planned or exists. Please contact <a href="mailto:waterlandadmin@epcor.com">waterlandadmin@epcor.com</a> to initiate the restrictive covenant process. The process can take up to 4 weeks.</p> <p>9. There is a deficiency in on-street hydrant spacing (distance between fire hydrants) adjacent to the property. City of Edmonton Standards requires hydrant spacing of 90m for the zoning. Hydrant spacing in the area is approximately 100m and does not meet the spacing requirement.</p> <p>10. EPCOR water must review and approve all proposed water infrastructure upgrade designs.</p> <p>11. Edmonton Fire Rescue Services (EFRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment (IFPA) at development permit application to potentially alter or lessen on-street fire protection infrastructure upgrades, assuming certain criteria are met. The applicant may request that the City Planner initiate this review.</p> <p>12. In 2020, the Infill Cost Share Pilot project was initiated to fund hydrants and water mains required for fire protection in infill development areas. The final application deadline for the 2021 construction season ended on October 31. Although funding for 2022 and onward has not been determined, EPCOR Water Services Inc. (EWSI) encourages interested applicants to go to the Infill Cost Share website at <a href="http://www.epcor.com/infill-cost-share">www.epcor.com/infill-cost-share</a> for more information regarding this program and program updates.</p> <p>13. The depth of the site means that on-street fire protection will be unable to provide coverage over the complete site area. The applicant is advised to contact Fire Rescue Services for additional on-site fire protection requirements.</p> <p>14. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.</p> <p>15. The advisements and conditions provided in this response are firm and cannot be altered.</p>	
<p>D) Fire Rescue Services Advisements:</p> <p>1. Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advice for your implementation and information.</p> <p>2. Prior to the commencement of construction, alteration or demolition operations, a fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site.  <b>Construction Site Fire Safety Plan Template</b>          A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time).          If you have any questions please contact Technical Services at <a href="mailto:cmsfpts@edmonton.ca">cmsfpts@edmonton.ca</a>.          Reference: NFC(2019-AE) 5.6.1.3. Fire Safety Plan</p>	



Project Number: **384512255-002**  
 Application Date: JAN 22, 2021  
 Printed: April 14, 2021 at 2:34 PM  
 Page: 7 of 7

## Major Development Permit

3. Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction.

Reference: NFC(2019-AE) 5.6.3.6. Hydrant Access

- 1) Hydrants on construction, alteration, or demolition site shall
  - a) be clearly marked with a sign,
  - b) be accessible, and
  - c) have an unobstructed clearance of not less than 2 m at all times.

4. Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route.

Reference: NBC(2019-AE) 3.2.4.8 Annunciator and Zone Indication

- 1) The Fire Alarm Annunciator Panel shall be installed in close proximity to a building entrance that faces a street or an access route for fire department vehicles.

5. Ensure that the building's Sprinkler Fire Department Connection is located in accordance with NBC(2019-AE) 3.2.5.15, and that the travel distance (not radius) from Fire Department Connection to fire hydrant does not exceed 45m.

Reference: NBC(2019-AE) 3.2.5.15. Fire Department Connections

- 2) The fire department connection for an automatic sprinkler system shall be located so that the distance from the fire department connection to a hydrant is not more than 45 m and is unobstructed.
- 3) The fire department connection referred to in Sentences (1) and (2) shall be located no closer than 3 m and no further than 15 m from the principal entrance to the building.

6. Ensure that the protection of adjacent properties has been provided in accordance with Edmonton Fire Rescue Services Adjacent Property Protection Guidelines and NFC(2019-AE) 5.6.1.2.

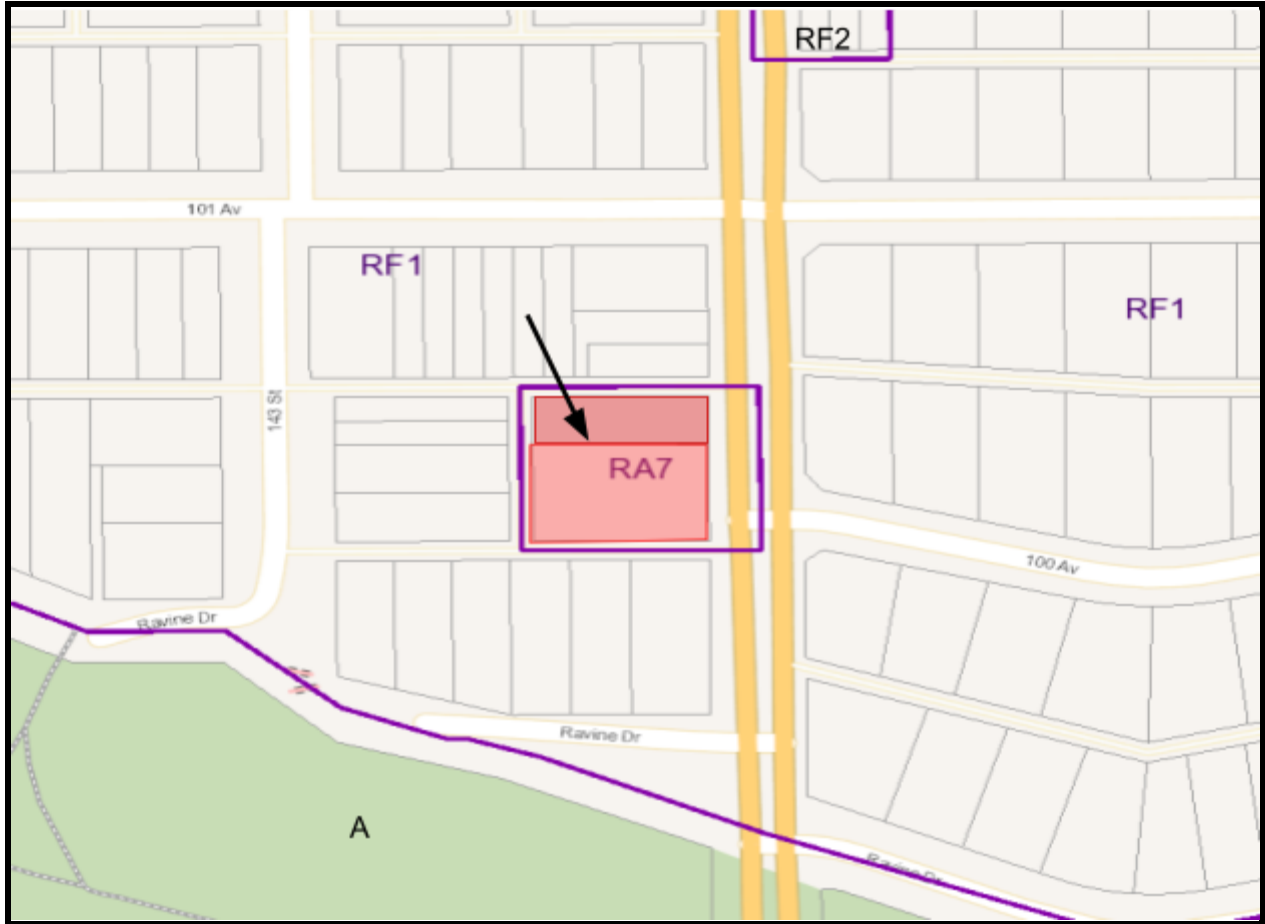
For additional information please see: Adjacent Property Protection

### 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.

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$528.00	\$528.00	06898715	Feb 03, 2021
Dev. Application Fee # of dwelling units	\$3,388.00	\$3,388.00	06898715	Feb 03, 2021
Lot Grading Fee	\$960.00	\$960.00	06898715	Feb 03, 2021
Major Dev. Application Fee	\$864.00	\$864.00	06898715	Feb 03, 2021
Sanitary Sewer Trunk Fund 2012+	\$56,316.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$62,056.00	\$5,740.00		
(\$56,316.00 outstanding)				



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-21-081

▲  
**N**

ITEM II: 2:00 P.M.

FILE: SDAB-D-21-082

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 388582696-002

APPLICATION TO: Install a Freestanding Minor Digital On-Premises Sign  
(1.2 m x 1.6 m Facing W/E | ELITE CENTRE)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 3, 2021

DATE OF APPEAL: May 3, 2021

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 8305C - Chappelle Way SW

LEGAL DESCRIPTION: Condo Common Area (Plan 2120841)

ZONE: (CSC) Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: Chappelle Neighbourhood Area Structure Plan

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***Grounds for Appeal***

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

I am appealing my rejection on the merit of it being unreasonable. All my pylon signs, of the same dimensions and screen size, were approved in areas of high residential density. This area has low residential density, and only 1 house is of concern here.



***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**(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 to the subdivision and development appeal board.

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, 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 subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 320.3(35), a **Minor Digital On-premises Sign** is a **Discretionary Use** in the **(CSC) Shopping Centre Zone**.

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

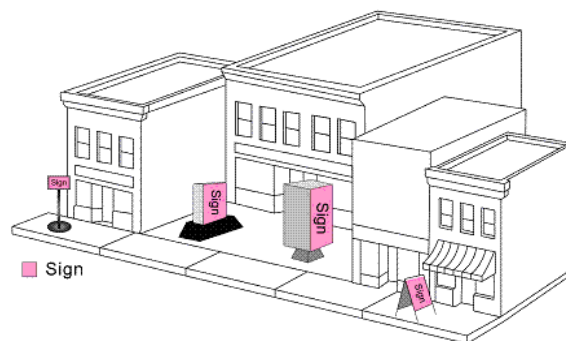
a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

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

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

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

a Sign supported independently of a building.



Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is:

to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

***Sign Regulations - General Provisions***

Section 59.2(3) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an Abutting or adjacent Residential Use, shall not face an Abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

#### **Development Officers Determination**

**1. Section 59.2(3) Minor Digital On-premises Signs, shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an Abutting or adjacent Residential Use, shall not face an Abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.**

**Proposed: Sign Faces existing Single Family Home at 15860 - 41 AVENUE SW and Residential Low Density (RLD) Zoning at 3515 - 156 STREET SW**

[unedited]

Section 59.2(7) states:

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

#### **Development Officers Determination**

**2. For all Sign Applications for Minor Digital On-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and**

**traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.**

**Proposed: Sign Faces existing Single Family Home at 15860 - 41 AVENUE SW and Residential Low Density (RLD) Zoning at 3515 - 156 STREET SW**


[unedited]

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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.

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	<p><b>Application for Sign Permit</b></p>	<p>Project Number: <b>388582696-002</b>          Application Date: MAR 08, 2021          Printed: May 3, 2021 at 2:50 PM          Page: 1 of 2</p>
<p>This document is a Development Permit Decision for the development application described below.</p>		
<p><b>Applicant</b></p>	<p><b>Property Address(es) and Legal Description(s)</b>          8305C - CHAPPELLE WAY SW          Condo Common Area (Plan 2120841)</p>	
<p><b>Scope of Application</b>          To install a Freestanding Minor Digital On-Premises Sign (1.2 m x 1.6 m Facing W/E   ELITE CENTRE).</p>		
<p><b>Permit Details</b></p>		
<p>ASA Sticker No./Name of Engineer:          Construction Value: 63000</p>	<p>Class of Permit: Class B          Expiry Date:</p>	
<p>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: 1          Minor Digital Off-premises Sign: 0          Minor Digital On/Off-premises Sign: 0</p>	<p>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</p>	
<p><b>Development Application Decision</b>          Refused  <b>Issue Date:</b> May 03, 2021 <b>Development Authority:</b> MERCIER, KELSEY  <b>Reason for Refusal</b>          1. Section 59.2(3) Minor Digital On-premises Signs, shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an Abutting or adjacent Residential Use, shall not face an Abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.          Proposed: Sign Faces existing Single Family Home at 15860 - 41 AVENUE SW and Residential Low Density (RLD) Zoning at 3515 - 156 STREET SW          2. For all Sign Applications for Minor Digital On-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.          Proposed: Sign Faces existing Single Family Home at 15860 - 41 AVENUE SW and Residential Low Density (RLD) Zoning at 3515 - 156 STREET SW</p>		
<p><b>THIS IS NOT A PERMIT</b></p>		



## Application for Sign Permit

Project Number: **388582696-002**  
Application Date: MAR 08, 2021  
Printed: May 3, 2021 at 2:50 PM  
Page: 2 of 2

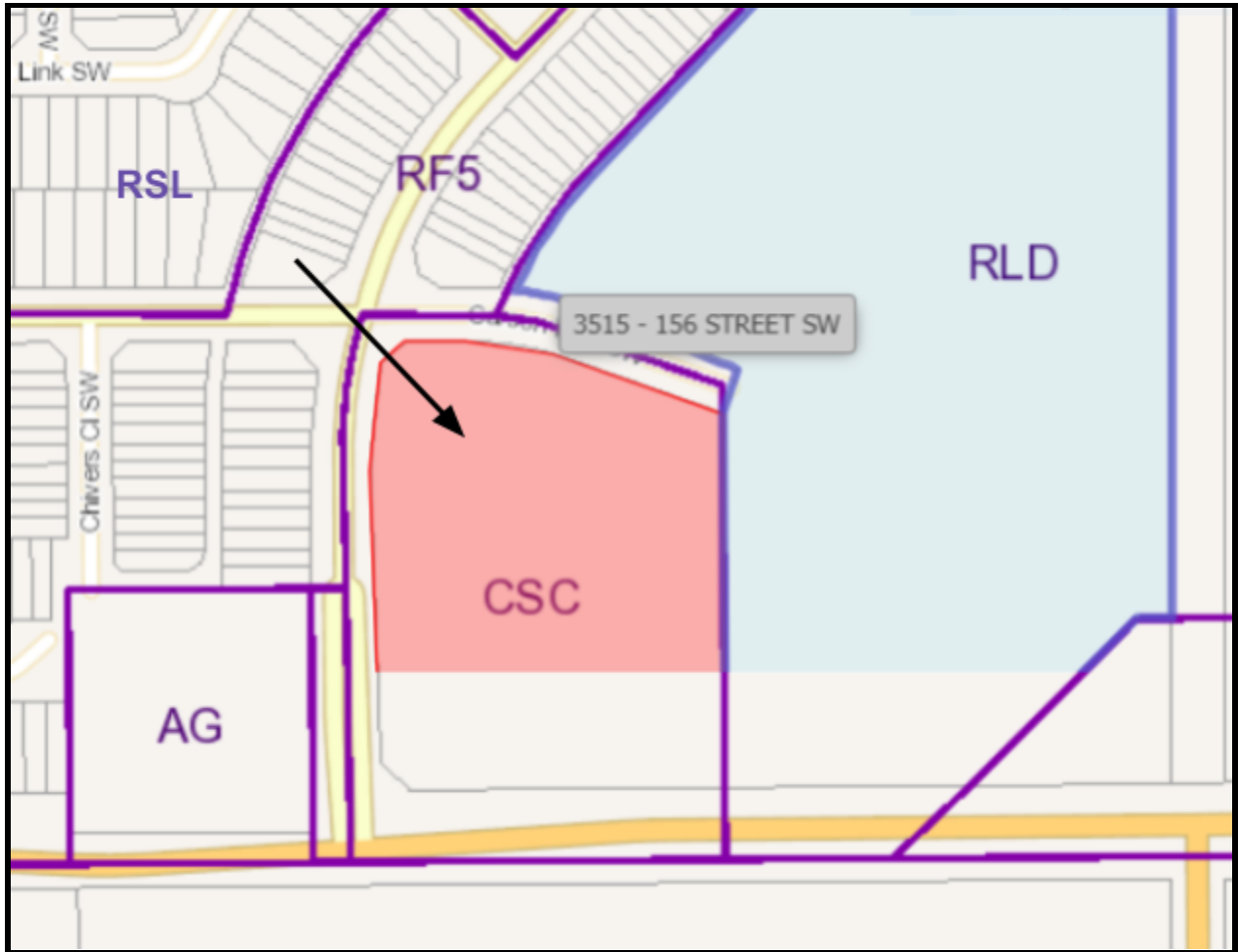
### Rights of Appeal

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.

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Development Application Fee - Digital Signs	\$900.00	\$900.00	069114063597001	Mar 08, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$900.00</u>	<u>\$900.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←      **File: SDAB-D-21-082**      **▲**  
**N**