

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 21, 2016**

**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-16-037

Construct an exterior alteration to an existing Single Detached House,(driveway extension 2.8m x 8.4m) existing without permits.

3639 - 30 Street NW
Project No.: 159269966-003

II 10:30 A.M. SDAB-D-16-038

Add (2) Minor Digital On-premises Signs to an existing Freestanding On-premises Sign, (2 sided facing North/South - McDonald's)

8415 - 109 Street NW
Project No.: 182667676-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-037

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 159269966-003

ADDRESS OF APPELLANT: 3639 - 30 Street NW

APPLICATION TO: Construct an exterior alteration to an existing Single Detached House, (driveway extension 2.8m x 8.4m) existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 8, 2015

DATE OF APPEAL: October 21, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3639 - 30 Street NW

LEGAL DESCRIPTION: Plan 9322204 Blk 38 Lot 101

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: The Meadows ASP
Wild Rose NSP

Grounds for Appeal

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

I am a widow with 5 children that I support by operating a Home Based Business Hair Salon. My front garage concrete slab was widened 4 feet wider than the house staircase to accommodate off street parking for one additional vehicle. The houses on each side of me have unsightly gravel parking next to their slabs. My addition is a major improvement over theirs. I am from a foreign country and my late husband looked after all of our affairs. I did what made sense to me and I ask you to relax the Bylaw.

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.

Appeals

- 686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,
- (a) in the case of an appeal made by a person referred to in section 685(1),
after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of approval by the Development Officer is dated October 8, 2015. The Notice of Appeal was filed on October 21, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Driveway definition

Under Section 6.1(26), Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Development Officer's Determination:

The concrete are shall not be considered a Driveway. The concrete extension on the left side of the property does not lead to an overhead garage door or a parking area.

Landscaping requirement

Section 55.4(1) states that "all open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in

accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways”.

Section 6.1(55) states that “Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- (a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- (b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- (c) architectural elements such as decorative fencing, walls and sculpture;

Development Officer’s Determination:

The proposed development does not meet the landscaping requirements.

No parking within a Front Yard

Section 54.2(2)(e) states: “Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard;”

Development Officer’s Determination:

The proposed concrete area is not part of the Driveway. No parking area or parking spaces shall be located within the Front Yard.



Project Number: **159269966-003**
 Application Date: AUG 11, 2015
 Printed: October 21, 2015 at 12:42 PM
 Page: 1 of 2

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant PADMORE, ANH <div style="border: 1px solid red; width: 200px; height: 15px; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 3639 - 30 STREET NW Plan 9322204 Blk 38 Lot 101 <div style="text-align: right; font-family: cursive; font-size: 1.2em;">RFI</div>
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Scope of Application
 To construct an exterior alteration to an existing Single Detached House, (driveway extension 2.8m x 8.4m) existing without permits.

Permit Details # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area:
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal

1. The concrete area shall not be considered a Driveway. Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area. (Reference Section 6.1(26)) The concrete extension on the left side of the property does not lead to an overhead garage door or parking area.
2. The proposed concrete area is not part of the Driveway. No Parking Area or parking spaces shall be located within the Front Yard. (Reference Section 44.6 and Section 54.2(2)(e)(i))
3. The Front Yard shall be landscaped. (Reference Section 55.4) Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:
 - a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
 - b) decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
 - c) architectural elements such as decorative fencing, walls and sculpture. (Reference Section 6.1(55))

NOTES:

1. All Yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. (Reference 55.2(4)(b))
2. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

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

THIS IS NOT A PERMIT



Project Number: **159269966-003**
Application Date: AUG 11, 2015
Printed: October 21, 2015 at 12:42 PM
Page: 2 of 2

Application for Minor Development Permit

Issue Date: Oct 08, 2015 Development Authority: COOKE, STEPHEN

Signature: _____

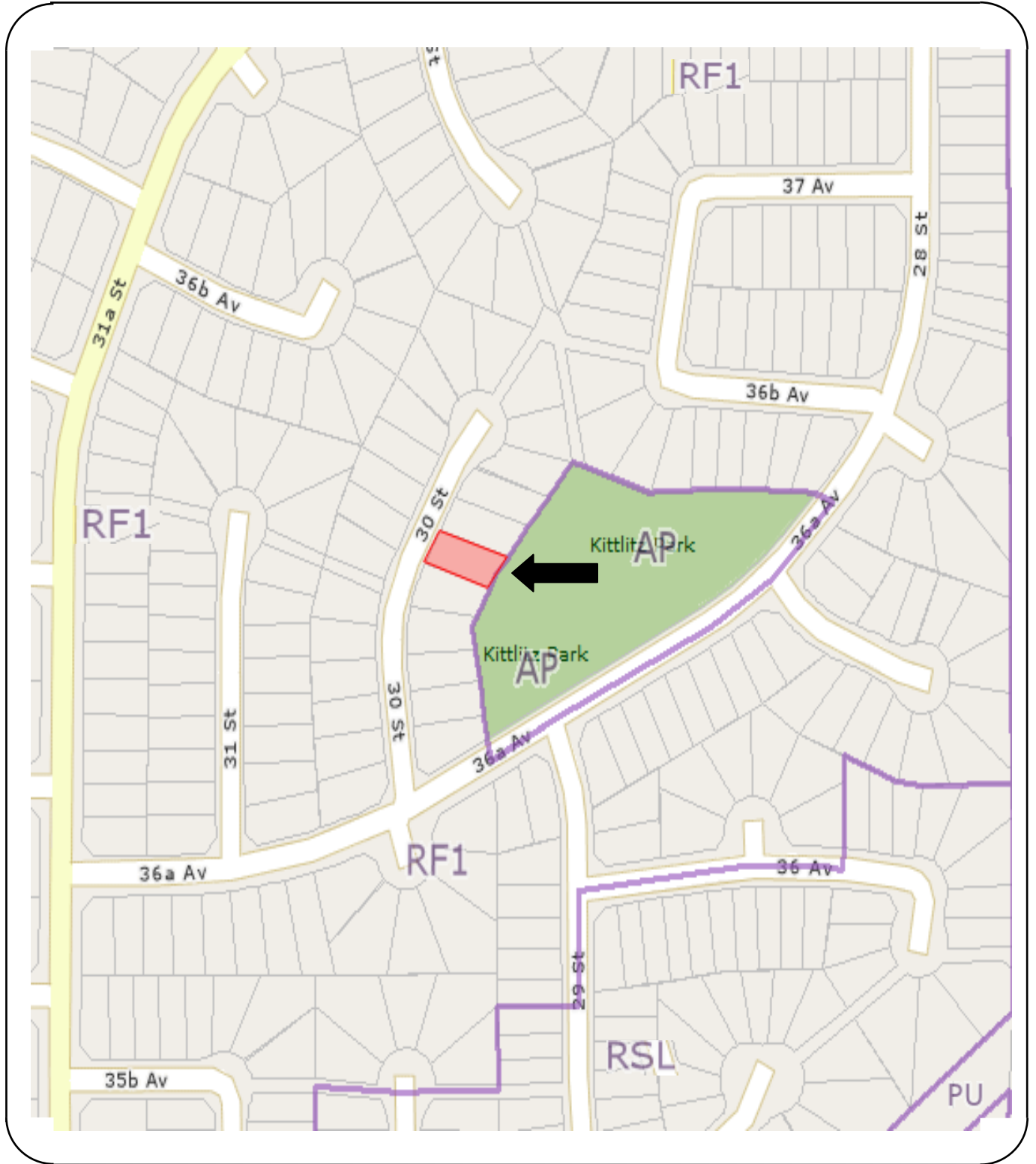
Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$155.00	\$155.00	02660501	Aug 11, 2015
Existing Without Permit Penalty Fee	\$155.00	\$155.00	02660501	Aug 11, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$310.00	\$310.00		

THIS IS NOT A PERMIT

Notice to Applicant/Appellant

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-037



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-038

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 182667676-001

ADDRESS OF APPELLANT: 8415 - 109 Street NW

APPLICATION TO: Add (2) Minor Digital On-premises Signs to an existing Freestanding On-premises Sign, (2 sided facing North/South - McDonald's)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 17, 2015

DATE OF APPEAL: December 28, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8415 - 109 Street NW

LEGAL DESCRIPTION: Plan N4000R Blk 178 Lots 16-20

ZONE: CB1 Low Intensity Business Zone

OVERLAY: Pedestrian Commercial Shopping Street Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

Garneau Area Redevelopment Plan

Grounds for Appeal

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

We are proposing to add a Minor Digital On-premises Sign to an existing pylon for the McDonald's located at 8415- 109 St NW.

The proposed Minor Digital On-premises Sign is contrary to Section 3.2.3.5 of the 109 Street Corridor Area Redevelopment Plan.

Replacing the existing readograph sign allows McDonald's to advertise multiple promotions at the same time without requiring employees to change the letters on the sign manually.

The size of the proposed Electronic Message Board is significantly smaller than the readograph that it is replacing. Because of this smaller size, the proposed sign will not draw excessive attention, and maintains the overall character of the surrounding area. Additionally, the LED lighting can be set to a level that shall not distract motorists. Because of this, public safety is not jeopardized in any way, and the proposed sign shall not impinge on the general welfare of those in the surrounding area.

For these reasons and more, we are seeking to allow for the addition of a Minor Digital On-premises Sign to replace the existing readograph for McDonald's at 8415- 109 St NW.

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

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

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

Appeals

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

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

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to section 819.1, the **General Purpose** of the **Pedestrian Commercial Shopping Street Overlay** is:

...to maintain the pedestrian-oriented character of commercial areas, comprised of shopping streets in close proximity to residential areas of the City.

Pursuant to Section 330.1, the **General Purpose** of the **CB1 Low Intensity Business Zone** is:

... to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Under Section 330.3(40) **Minor Digital On-premises Signs** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.


Section 7.9(8) defines **Minor Digital On-premises Signs** as:

... any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Scale and Type of Signs in Pedestrian-oriented District

Development Officer's Determination:

A Minor Digital On-premises Sign is listed as a Discretionary Use within the CB1 (Low Intensity Business Zone). The sign is also located within the 109 Street Corridor Area Redevelopment Plan, Bylaw 16242 adopted by Council in August 2013. Under the policy directives of Section 3.2.3.5 of 109 Street Corridor Area Redevelopment Plan: Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted. The proposed Minor Digital On-premises Sign is contrary to section 3.2.3.5 of the 109 Street Corridor Area Redevelopment Plan.

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	<p>Project Number: 182667676-001 Application Date: NOV 18, 2015 Printed: January 4, 2016 at 11:49 AM Page: 1 of 2</p>																				
This document is a Development Permit Decision for the development application described below.																						
Applicant PRIORITY PERMITS <div style="border: 2px solid red; width: 300px; height: 30px; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 8415 - 109 STREET NW Plan N4000R Blk 178 Lots 16-20 Location(s) of Work Building: 8415 - 109 STREET NW																					
Scope of Application To add (2) Minor Digital On-premises Signs to an existing Freestanding On-premises Sign, (2 sided facing North/South - McDonald's).																						
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Class B Expiry Date: Num. Temp., Fasica or Temporary 0 Sign Permit Label No. : </td> <td style="width: 50%; border: none; vertical-align: top;"> Construction Value: 4000 Num. of Freestanding, Projecting or Roof 0 Signs: Number of Additional Signs: Sign Type: Minor Digital On-premise Sign </td> </tr> </table>			Class of Permit: Class B Expiry Date: Num. Temp., Fasica or Temporary 0 Sign Permit Label No. :	Construction Value: 4000 Num. of Freestanding, Projecting or Roof 0 Signs: Number of Additional Signs: Sign Type: Minor Digital On-premise Sign																		
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Development Application Decision Refused Reason for Refusal A Minor Digital On-premises Sign is listed as a Discretionary Use within the CB1 (Low Intensity Business Zone). The sign is also located within the 109 Street Corridor Area Redevelopment Plan, Bylaw 16242 adopted by Council in August 2013. Under the policy directives of Section 3.2.3.5 of 109 Street Corridor Area Redevelopment Plan: Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted. The proposed Minor Digital On-premises Sign is contrary to section 3.2.3.5 of the 109 Street Corridor Area Redevelopment Plan.																						
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Issue Date: Dec 17, 2015 Development Authority: FOLKMAN, JEREMY Signature: _____																						
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%;">Fee Amount</th> <th style="width: 10%;">Amount Paid</th> <th style="width: 10%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>DP Notification Fee</td> <td>\$100.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Safety Codes Fee</td> <td>\$5.84</td> <td>\$5.84</td> <td>02901286</td> <td>Nov 18, 2015</td> </tr> <tr> <td>Sign Building Permit Fee</td> <td>\$146.00</td> <td>\$146.00</td> <td>02901286</td> <td>Nov 18, 2015</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	DP Notification Fee	\$100.00				Safety Codes Fee	\$5.84	\$5.84	02901286	Nov 18, 2015	Sign Building Permit Fee	\$146.00	\$146.00	02901286	Nov 18, 2015
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THIS IS NOT A PERMIT																						



Project Number: **182667676-001**
Application Date: NOV 18, 2015
Printed: January 4, 2016 at 11:49 AM
Page: 2 of 2

Application for Sign Combo Permit

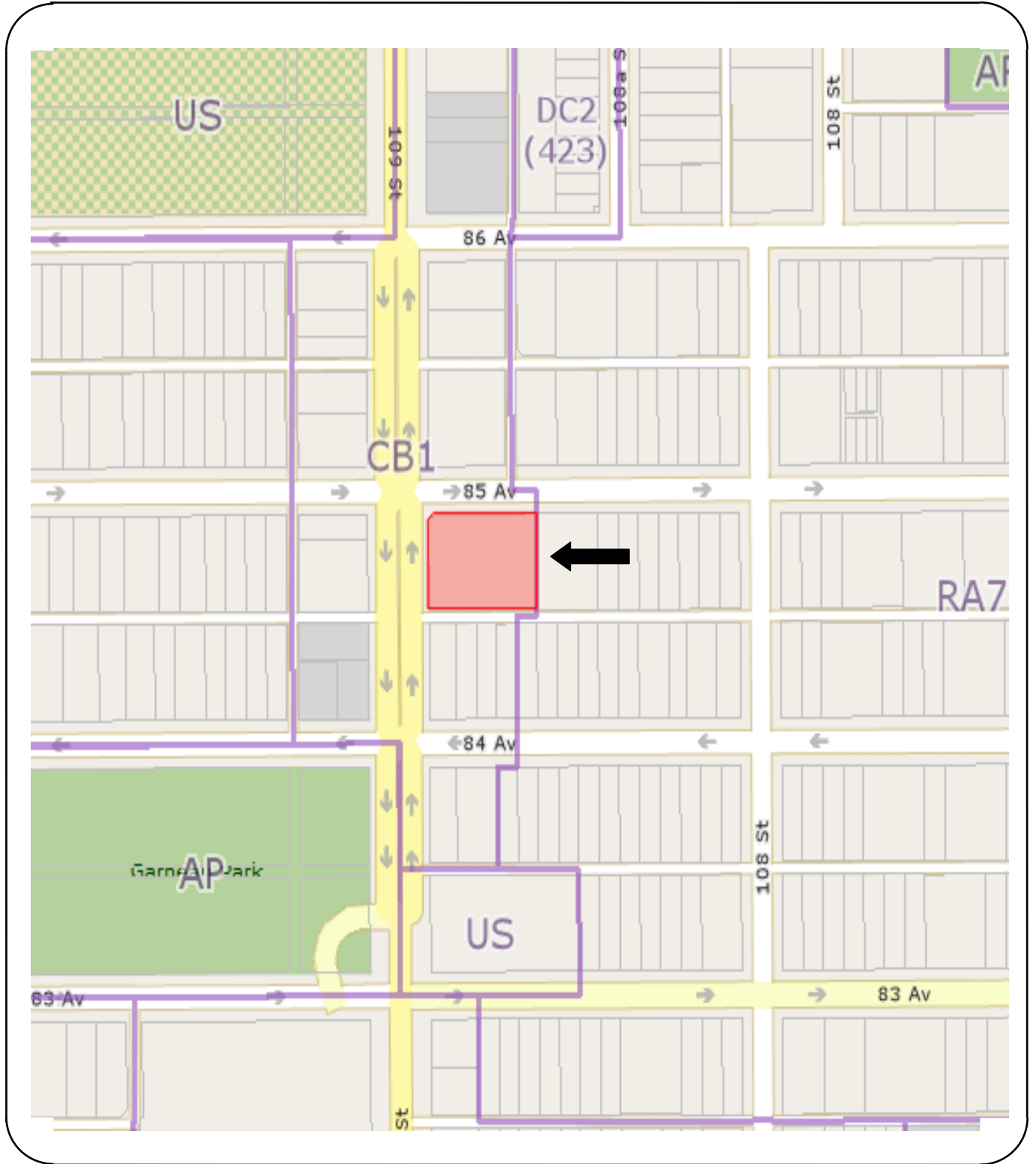
Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$832.00	\$832.00	02901286	Nov 18, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$1,083.84	\$983.84		
(\$100.00 outstanding)				

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Notice to Applicant/Appellant

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-038



BUSINESS LAID OVER

SDAB-D-16-001	An appeal to develop a Secondary Suite in the Basement of a Single Detached House, existing without permits. <i>February 4, 2016</i>
SDAB-D-15-252	An appeal to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <i>February 10 or 11, 2016</i>
SDAB-D-15-238	An appeal to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-16-022	An appeal to operate a Minor Alcohol Sales Use and to construct interior alterations. <i>February 19, 2016</i>
SDAB-D-15-285	An appeal to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <i>March 2 or 3, 2016</i>
SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>