

Edmonton Subdivision and Development Appeal Board

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Date: May 21, 2015
Project Number: 169884108-001
File Number: SDAB-D-15-088

Notice of Decision

This appeal dated April 10, 2015, from the decision of the Development Authority for permission to:

Place a Temporary Sign for 90 days ending 20-Jul-2015 for Magnetsigns Edmonton West, Darryn Semeniuk (Multi: Cash Money)

on Plan 8175ET Blk 39 Lot 17, located at 10009 - 170 Street NW and Plan 8175ET Blk 39 Lot 16, located at 10009 - 170 Street NW, was heard by the Subdivision and Development Appeal Board at its hearing held on May 6, 2015. The decision of the Board was as follows:

Summary of Hearing:

At the outset of the appeal hearing, the Chairman confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (the "MGA").

The Board heard an appeal of the decision of the Development Authority to approve an application to place a Temporary Sign for 90 days located at 10009 – 170 Street NW. The application was approved subject to conditions and with variances granted to allow more than 1 Temporary On-premises Sign on Site and to waive the requirement that the location be free of Temporary Signs for 30 consecutive days. The subject Site is zoned DC2.90 Site Specific Development Control Provision. The approved application was subsequently appealed by the Glenwood Community League.

The Board notes that no letters were received in support or opposition of the proposed development.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

- A written submission from the Development Authority received on May 1, 2015.

At the outset of the hearing, SDAB Staff contacted Mr. Post, representing the Appellant, Glenwood Community League, who was not in attendance at the hearing. Mr. Post verbally indicated that he would not be attending the hearing and the Board could proceed how they felt necessary.

After a brief discussion, the Board decided to proceed with the appeal hearing.

The Board heard from Ms. Labonte, representing the Sustainable Development Department, who made the following points:

1. The property is located within a Site Specific Development Control Provision that was passed by City Council on July 8, 1986. Under the terms of this DC2.90 Bylaw, Signs in this district must follow the regulations in Schedule 79E and in accordance with the general provisions of Sections 79.1 to 79.9 inclusive of the *Land Use Bylaw 5996*.
2. Section DC2.90.4(g) allows the Development Authority to grant relaxations to the regulations contained in Sections 50 through 79 if such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities, use, and enjoyment of neighbouring properties.
3. Upon reviewing the development permit application, she determined that the proposed development did not meet the requirements of Section 79.9(3)(b)(iii)(A)&(B) because that Section requires that the location shall remain free of Portable Signs for a minimum of 30 consecutive days and only one Portable Sign shall be displayed on the Site.
4. However, she is of the opinion that:
 - a. The proposed development is in keeping with the General Purpose of the District to allow for a limited range of general business uses. The subject business, a Professional Financial and Office Support Services, is a listed Use in the Direct Control District. The business has a valid business license to operate at this location.
 - b. The size and location of the proposed Temporary Sign will not interfere with vehicular sight lines, interfere with access to the Site or be obtrusive to neighbouring properties.
 - c. There is another valid Temporary On-premises Sign of a similar size on the subject Site that complies with the provisions of the DC2.90 Bylaw.

In response to questions by the Board, Ms. Labonte provided the following information:

1. There has been ongoing renewal of Temporary Signs at the subject Site and the DC2.90 Bylaw provides that the subject Site is to be free of Portable Signs for 30 days. However, the current *Edmonton Zoning Bylaw 12800* allows for a Temporary Sign to be located on a Site for up to 365 days.
2. She reviewed the requirements of the proposed Sign and stated that this business will endure hardship compared to businesses that operate within the current *Edmonton Zoning Bylaw 12800*, and on that basis approved the development permit.

3. With regard to whether the provisions under Section 79.9(3)(b)(iii)(B) apply to Temporary Signs or Portable Signs, she stated that Section 79.9(3)(b)(v), Temporary Signs exceeding 0.5 square metres or greater in area or greater than 1.5 metres in Height shall be subject to the provision of 79.9(3)(b)(iii). In this case, the Sign Area exceeds 0.5 square metres.
4. With regard to the other Temporary Signs on the subject Site, she stated that the Sign is a similar size and the current *Edmonton Zoning Bylaw 12800* will allow for two Signs on the subject Site provided they are located more than 30 metres apart. In this case, the two Signs are located more than 30 metres apart.
5. Under the current *Edmonton Zoning Bylaw 12800*, there is no restriction on renewing a Temporary Sign permit after it expires, essentially allowing for Temporary Signs to remain on the subject Site indefinitely.
6. With regard to the definition of Temporary Signs in the *Land Use Bylaw 5996*, she stated that the proposed Sign does not meet the definition of a Temporary Sign.
7. She did not have any photographs of the proposed Sign. However, she believes the Sign is on a trailer with wheels.

The Board then heard from Mr. Semeniuk, representing the Respondent, Magnetsigns Edmonton West, who made the following point:

1. The subject business has a valid permit and there is no reason to discriminate against the Sign that belongs to this business, which is comparable to those belonging to other businesses.

In response to questions by the Board, Mr. Semeniuk provided the following information:

1. The proposed Sign will advertise promotions for his business.
2. There is one other Sign on the subject site advertising Red Wing Shoes and usually there is another Sign advertising Cash Money.
3. These signs are black framed metal Signs that are approximately 2.0 metres high and 3.9 metres wide.
4. The caged frame can hold a Sign and accommodate changeable letters.
5. The proposed Sign is not mounted on a trailer.
6. The copy on the Sign can be changed manually.
7. The proposed Sign meets the definition of Portable Signs in the *Land Use Bylaw 5996*.

Decision:

that the appeal be DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as approved by the Development Authority, subject to the following CONDITIONS:

The sign is approved starting 21-APR-2015 and shall be removed on or before 20-JUL-2015. (Reference Section 79E.1(1)(b) & (e) and 79E.2(3), 79.9(3)(b)(iii)(B) of the November 15th, 1985 Edmonton Land Use Bylaw 5996). (Refer to Schedule 79E).

Any Portable Sign, Temporary Sign or Balloon Sign that requires a Development Permit shall be located within the property lines of the site as identified by the legal or municipal description indicated in the permit. (Reference Section 79.9(1)(a)).

No Portable Sign, Temporary Sign or Balloon Sign shall be located closer than 1 m (3.3 ft.) to any property line. Where a Sign is located at a site on a corner formed by the intersection of two or more public roadways, not including a lane, the Sign shall not be located within a 10 m (32.8 ft.) radius of the corner measured from the midpoint of the curved portion of the curb line. (Reference Section 79.9(1)(b)).

A Portable Sign, Temporary Sign or Balloon Sign shall not interfere with access to or from a site. (Reference Section 79.9(1)(c)).

Portable Signs, Temporary Signs or Balloon Signs may be illuminated but may not contain flashing, Scintillating or Running Lights or animation devices, and any device designed to intensify or vary the illumination of lighting. Illumination shall be from a steady light source located within the interior of the Sign, or from an exterior light source directed at the face of the Sign and shielded to eliminate glare when viewed by on-coming traffic. No exterior accessory lighting may be attached to any portion of a Portable Sign, including the trailer or support structure, except that lights required by the Highway Traffic Act shall be allowed. (Reference Section 79.9(1)(d)).

The trailer frame excluding the hitch and the support legs, or structure used to support a Portable Sign shall not exceed 3.5 m (11.5 ft.) in length nor 2.2 m (7.2 ft.) in width. (Reference Section 79.9(1)(e)).

All Portable Signs shall be double-faced. The horizontal dimension of the Sign face shall not exceed 3.1 m (10.2 ft.) and the vertical dimension of the Sign face shall not exceed 1.7 m (5.6 ft.). The frame surrounding the Sign face shall not include embellishments and animation devices. (Reference Section 79.9(1)(f)).

The background face of a Portable Sign shall be of a single uniform colour. (Reference Section 79.9(1)(g)).

A Portable Sign shall not exceed a maximum Height of 3 m (9.8 ft.) above grade. (Reference Section 79.9(1)(h)).

A Temporary Sign, a Portable Sign or a Balloon Sign shall be removed on or before the expiry date specified in the Development Permit. (Reference Section 79.9(2)(a)).

The maximum duration of display for each Portable Sign location complying with Clause (A) above shall be a total of 180 days in a calendar year, provided that no Portable Sign shall remain at a location for more than 90 consecutive days, and following each removal of a Sign, the location shall remain free of Portable Signs for a minimum of 30 consecutive days. (Reference Section 79.9(3)(b)(iii)(B)).

Temporary Signs exceeding 0.5 sq. m (5.4 sq. ft.) in area or greater than 1.5 m (4.9 ft.) in Height which are used for local or general advertising of business services or products shall be subject to the Development Permit requirements for Portable Signs and shall comply with the provisions of Subclause (iii) of this Clause 79.9(3)(b). (Reference Section 79.9(3)(b)(v)).

Note: This permit is for an On-premises Sign for businesses which have valid development approval (or a valid business license) to operate from the Site. Unless this permit is specifically granted for general advertising, portable signs containing 3rd party (general) advertising may be revoked and subject to fines without warning.

Note: All Temporary Signs shall have a development permit approval tag issued by the City of Edmonton. (Reference Section 59.2(8)).

Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid and may constitute an offence. (Reference Section 13.1(7)).

It is an offence for any person to place a Sign on land; for which a Development Permit is required but has not been issued or is not valid under this Bylaw. It is an offence to display a Temporary Sign without a valid Development Permit. It is an offence for a Temporary Sign to not have the Sign ownership displayed in a visible location on the Sign. It is an offence to deface, obscure or otherwise render the ownership identification illegible. It is an offence to display a Temporary Sign without a development permit approval tag issued by the City of Edmonton. It is an offence to have a Sign in an abandoned state. (Reference Section 23.2)

Temporary Signs must have authorization from the landowner or the landowner's agent to place a Temporary On-premises Sign on the land that is listed as the address for the location of the Temporary On-Premises Sign. (Reference Section 13.4(1)(f) of the Edmonton Zoning Bylaw 12800).

In granting the development, the following variance to the *Land Use Bylaw 5996* is allowed.

Section 79.9(3)(b)(iii)(A)&(B) of the November 15, 1985 Land Use Bylaw - to allow more than 1 Temporary On-premise Sign on site and to waive the requirement that a location be free of Temporary Signs for 30 consecutive days.

Reasons for Decision:

The Board finds the following:

1. The proposed development is allowed within the DC2.90 Site Specific Development Control Provision, subject to a list of development regulations.
2. The application is for a proposed Temporary Sign.
3. The Site is subject to DC2.90 Site Specific Development Control Provision which permits Signs provided they comply with Schedule 79E and Sections 79.1 through 79.9 inclusive, of the *Land Use Bylaw 5996*.

4. As this is an appeal to a Direct Control District, the Board's jurisdiction in this matter is set out in 641(4)(b) of the *Municipal Government Act* Chapter M-26 which states, "if a decision with respect to a development permit application in respect of a direct control district is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision."
5. The Board finds that the Development Authority followed the direction of City Council in DC2.90 Site Specific Development Control Provision for the following reasons:
 - a. The Development Authority's decision requires compliance with all of the development regulations in Section 79.9 that apply to both Temporary Signs and Portable Signs.
 - b. The Development Authority found that the proposed development does not follow the requirements of Section 79.9(3)(b)(iii)(A) which limits this site to one Portable Sign; and does not follow the requirements of Section 79.9(3)(b)(iii)(B) which states the location shall remain free of a Portable Sign for a minimum of 30 consecutive days following each removal of a Portable Sign. However, the Development Authority granted variances to both of these provisions, further to a provision of DC2.90 that delegated a variance power to the Development Authority with respect to signs.
 - c. The Development Authority relied on Section DC2.90.4(g) of the Site Specific Development Control Provision that states developments in this district shall be evaluated with respect to compliance with the General Development Regulations of Sections 59 to 79 inclusive, of the *Land Use Bylaw 5996* but may grant relaxations to the regulations contained in Sections 50 through 79 and the provisions of this district, if, in his opinion, such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities, use, and enjoyment of neighbouring properties.
 - d. The Development Authority found that, the variances granted allowing the proposed Sign were in keeping with the General Purpose of the District and will not affect the use, enjoyment or value of neighbouring properties. Other commercial zones, not subject to *Land Use Bylaw 5996*, are allowed Temporary Signs for up to 365 days. As a result, allowing the variances will not unduly impact the use and enjoyment of neighbouring properties, as it is characteristic of this commercial neighbourhood.
 - e. The Board finds that the Development Authority properly applied DC2.90.4(g), in granting the variance that it did, the Development Authority was following the direction of City Council.
6. The Board accepts the evidence submitted by the Development Authority, that these Signs are now common place and in most commercial zones are allowed for an extended period of time with no impact on neighbouring properties.
7. The Board finds that further to *Land Use Bylaw 5996*, the proposed Sign is properly defined as a Portable Sign and not a Temporary Sign.

8. In the *Land Use Bylaw 5996*, Portable Signs are defined as a Sign greater than 0.5 square metres (5.4 square feet) in area mounted on a trailer, stand or other support structure which is designed in such a manner that the Sign can readily be relocated to provide advertising at another location or readily taken on and off a Site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means. The Respondent indicated that the proposed development meets this description.
9. However, the Board finds that the regulations applied by the Development Authority are also the regulations that apply to Portable Signs under 79.9 of the *Land Use Bylaw 5996*. The Development Authority treated the application as an application for a Temporary Sign. Section 79.9(3)(b)(v) states that Temporary Signs of 0.5 square metres (5.4 square feet) or greater than 1.5 metres (4.9 feet) shall be subject to the requirements of Portable Signs and shall comply with the provisions of Subclause (iii) of this Clause 79.9(3)(b).
10. The regulations for Temporary Signs that are 0.5 square metres (5.4 square feet) or greater than 1.5 metres (4.9 feet) in the *Land Use Bylaw 5996* are identical for Portable Signs. Those were the regulations that the Development Authority applied. Therefore, the description of the Sign as a Temporary Sign rather than as a Portable Sign is not one that has significance.
11. Under the current usage in the *Edmonton Zoning Bylaw 12800* the proposed Sign will be described as a Temporary Sign.
12. As a result, the Board finds that the Development Authority followed the direction of City Council, and the appeal must therefore fail.

Important Information for Applicant/Appellant

1. **THIS IS NOT A BUILDING PERMIT.** A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from responsibility for complying with:
 - a) the requirements of the Edmonton Zoning Bylaw, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board;
 - b) the requirements of the Alberta Safety Codes Act,
 - c) the Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
(Refer to Section 5 of the Edmonton Zoning Bylaw, Bylaw No. 12800 as amended.)

3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the Edmonton Zoning Bylaw 12800 as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

Mr. I. Wachowicz, Chairman
Subdivision and Development Appeal Board

CC:

Edmonton Subdivision and Development Appeal Board

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Date: May 21, 2015
Project Number: 152514895-001
File Number: SDAB-D-15-075

Notice of Decision

This appeal dated March 24, 2015, from the decision of the Development Authority for permission to:

Construct exterior alterations to an existing Single Detached House (extension to front concrete Driveway 9.50m x 15.5m)

on Plan 9721701 Blk 1 Lot 14, located at 199 - Dunvegan Road NW, was heard by the Subdivision and Development Appeal Board at its hearing held on May 6, 2015. The decision of the Board was as follows:

April 1, 2015 Hearing:

MOTION:

“that the appeal hearing be scheduled for May 6, 2015 at the written request of the Appellants.”

May 6, 2015 Hearing:

MOTION:

“that SDAB-D-15-075 be raised from the table.”

Summary of Hearing:

At the outset of the appeal hearing, the Chairman confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The Presiding Officer first addressed the issue of jurisdiction and whether the appeal was filed within the allowable 14-day appeal period, pursuant to section 686 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the “MGA”).

The Board heard from Mr. Furman, Legal Counsel for the Appellant, Ms. Bourgeois, who provided the following information with regard to the timing of filing the appeal:

1. The refused development permit was received on March 10, 2015 and the appeal was filed on March 24, 2015.
2. He indicated that Ms. Bourgeois received an email indicating that the proposed development would be refused prior to receiving the formal decision on March 10. The email did not contain reasons for the refusal.

Mr. Sifat, representing the Sustainable Development Department, did not have anything to add with regard to the date of the appeal being filed.

MOTION:

That the Board assumes jurisdiction pursuant to Section 686(1)(a)(i) of the *Municipal Government Act*.

REASONS FOR DECISION:

The Board finds the following:

1. Based on the evidence provided, the Board determined the Appellant was notified of the refusal of the development permit on March 10, 2015, and filed the appeal on March 24, 2015. Therefore, pursuant to section 686(1)(a)(i) of the *MGA*, the appeal was filed within the allowable 14 days.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct exterior alterations to an existing Single Detached House (extension to front concrete Driveway 9.50m x 15.5m) located at 199 Dunvegan Road NW. The subject site is zoned RF1 Single Detached Residential Zone and is within the Mature Neighbourhood Overlay and the Dunvegan Area Structure Plan.

The development permit was refused because the concrete extension does not lead directly to a Garage or Parking Area, does not comply with the Landscaping condition that was imposed upon the Development Permit that was issued for the construction of the Single Detached House and because parking spaces are not allowed within a Front Yard.

The Board notes that no letters were received in support or opposition to the proposed development.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

- A written submission from Legal Counsel for the Appellant received on May 4, 2015.
- A written submission from the Development Authority received on May 1, 2015.

The Board heard from Mr. Furman, Legal Counsel for the Appellant, Danielle Bourgeois, who together made the following points:

1. In accordance with Section 687(3)(d)(i)(B) of the *Municipal Government Act* the existing driveway does not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. However, this is in contrast with the opinion of the Development Authority.
2. The City is aware of different standards for different neighbourhoods. In his opinion, an extended driveway should be permitted in neighbourhoods with front access driveways.
3. Mr. Furman referred to his submission and stated that the survey dated October 15, 1999 did not include the existing driveway in its entirety.
4. Mr. Furman provided the Board with a real estate listing of the property, marked "Exhibit A". The extended driveway was a selling feature in the real estate listing.
5. There are 42 houses in the area. The property owner obtained 38 signatures from neighbouring property owners in support of the extended driveway. This shows the majority of the neighbourhood is in support.
6. No letters of opposition was received and no one appeared in opposition at the hearing.

In response to questions by the Board, Mr. Furman and Ms. Bourgeois provided the following information:

1. They confirmed that a Compliance Certificate was obtained in 2003 when the property was purchased. The Compliance Certificate was based on the Real Property Report that did not include the extended driveway.
2. There will be a financial hardship to the property owner if the existing extended driveway needs to be removed.
3. There is no rear lane as all the houses in the area have front vehicular access garages.

The Board then heard from Mr. Sifat, representing the Sustainable Development Department, who made the following points:

1. He reviewed the photographs submitted by the Appellant and stated that only one out of the six extended driveways shown applied for a development permit on June 26, 2010 which was refused.
2. None of the other existing extended driveways have development permits.
3. Within his written submission to the Board he has recommend a condition to provide landscaping alternatives to prevent parking in this area if the appeal was approved. It was not his intention that the concrete extension must be removed.

In response to questions by the Board, Mr. Sifat provided the following information:

1. He outlined the five reasons that the development permit was refused. He stated that the amenities of the neighbourhood may not be affected, and although the neighbourhood supports the proposed development, parking in the front yard is a concern of the City.
2. Monolithic concrete is not classified as landscaping material.

3. He stated that the size and width of vehicles parking on the driveway were not considered when making his decision.
4. The subject site was inspected due to a complaint from an adjacent property owner and their concern with the vehicle that is parked on the property and not because of the extended parking area.
5. He referred to the aerial photograph showing the trailer and vehicle that is parked in the front yard.

In rebuttal, Mr. Furman and Ms. Bourgeois made the following points:

1. The Development Authority did not give enough weight to the community consultation obtained by the property owner.
2. The driveway extension is not a new development and the Board should treat this as a non-conforming use.
3. The Board should grant the variance as any modifications required will be a hardship on the property owner.
4. The Development Officer's suggestion of adding flower pots to the extended concrete area will not look good on the property.
5. The condition suggested by the Development Authority that parking shall not take place within the required front yard will affect any future sale of the property.

Decision:

The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** subject to the following **CONDITIONS**:

1. No commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight exceeding 4,500 kg shall be kept on Site.
2. No commercial equipment of any kind shall be stored in the Front Yard of the Site. This includes, without limitation, commercial trailers.
3. A Large Recreational Vehicle shall be kept only on portions of the Driveway between the Garage door and within 2.0 metres of the interior edge of the sidewalk adjacent to Dunvegan Road from April 1 through October 31 inclusive or for a duration that is reasonably necessary to load or unload such vehicle. No Large Recreational Vehicle, shall be parked in the Driveway extension as per the submitted Site Plan that is highlighted.

In granting the development, the following requirements of the *Edmonton Zoning Bylaw* are waived:

Section 55.4(1): 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 54.2.2(e): 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: parking spaces shall not be located within a Front Yard.

Reasons for Decision:

The Board finds the following:

1. The proposed development is Accessory to a Permitted Use in the RF1 Single Detached Residential Zone.
2. The conditions imposed by the Board will clarify that commercial vehicles and related trailers are not allowed anywhere in the Front Yard of the subject Site and will prevent the storage of a Large Recreation Vehicle on the Driveway extension minimizing the effect on neighbouring properties.
3. Based on the evidence submitted, Driveway extensions are common in the neighbourhood and approving the extended Driveway will not be uncharacteristic of other Driveways that exist in the neighbourhood.
4. The Appellant received signatures from the majority of the neighbouring property owners in support of the proposed development. This demonstrates that neighbouring property owners that live in the area do not feel that the requested variances will negatively impact the use, enjoyment or value of neighbouring properties.
5. Based on the above, it is the opinion of the Board, that the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

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- b) the requirements of the Alberta Safety Codes Act,
 - c) the Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
(Refer to Section 5 of the Edmonton Zoning Bylaw, Bylaw No. 12800 as amended.)
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
 4. A Development Permit will expire in accordance to the provisions of Section 22 of the Edmonton Zoning Bylaw 12800 as amended.
 5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
 6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

Mr. I. Wachowicz, Chairman
Subdivision and Development Appeal Board

CC: