

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Thursday, 9:00 A.M.**  
**June 24, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-21-097

Construct an Accessory Building (rear detached  
Garage 12.20m x 20.12m)

20945 - 45 Avenue NW  
Project No.: 387589091-002

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II 10:30 A.M. SDAB-D-21-098

Install a Minor Digital On-premises Freestanding  
Sign ((Digital 2.7 metres by 4.85 metres facing  
North) MIDWAY ARCADE BAR KITCHEN  
LTD.)

6103 / 6111 - 104 Street NW  
Project No.: 327110449-004

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III 1:30 P.M. SDAB-D-21-100

Construct exterior alterations to a Single Detached  
House (Front Yard parking pad)

11315 - 56 Street NW  
Project No.: 386096943-002

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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.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-097

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 387589091-002

APPLICATION TO: Construct an Accessory Building (rear detached Garage  
12.20m x 20.12m)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 25, 2021

DATE OF APPEAL: May 25, 2021

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 20945 - 45 Avenue NW

LEGAL DESCRIPTION: Plan 0021920 Blk 2 Lot 2A

ZONE: (RR) Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Edgemont 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:

We would like to appeal the height limit to allow for storage of taller vehicles and to accommodate future development of a partial second floor within the building (for possible future legal suite addition without adding to the building's exterior.)

The development officer reviewing our file told us that section 50 height restrictions apply to the garage because there is no height restriction in the bylaw for accessory buildings within the rural residential (RR) district.

From our understanding, the height restriction is in place for detached garages on much smaller city lots. This lot has much more space than a typical city lot so we do not feel that the same height restriction, that was intended for smaller city lots should apply to this larger rural lot.

This proposed garage is not close to any existing residences or structures of the neighboring lots.

<b><i>General Matters</i></b>
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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.

**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 240.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RR) Rural Residential Zone**.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Garage** means “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

Section 240.1 states that the **General Purpose** of the **(RR) Rural Residential Zone** is “to regulate rural residential uses that existed prior to February 9, 2021. Any subdivision of lands zoned Rural Residential is strictly prohibited.”

<b><i>Height</i></b>
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Section 50.3(3) states “an Accessory building or structure shall not exceed 4.3 m in Height.”

Under section 6.1, Height means “a vertical distance between two points.”

**Development Officers Determination**

**- Accessory Building Height: An Accessory Building shall not exceed 4.3m in Height. (Section 50.3.3)**

**Permitted Height: 4.3m**

**Proposed Height: 6.7m**

**Exceeds by: 2.4m**

[unedited]

***Height and Grade***

Section 52.2(c) states:

Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.7 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

**Development Officers Determination**

**- Height to ridge: The ridge line of the roof shall not extend more than 1.7 m above the maximum permitted building Height. (Section 52.2.c)**

**Permitted Height: 6.0m  
Proposed Height: 8.0m  
Exceeds by: 2.0m**

[unedited]

***Previous Subdivision and Development Appeal Board Decision***


<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-01-035	Construct a single detached house with attached garage, covered deck, and fireplace	March 9, 2001; that the appeal be ALLOWED and the development GRANTED.

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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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	<h2 style="margin: 0;">Application for Accessory Building Permit</h2>	Project Number: <b>387589091-002</b> Application Date: APR 15, 2021 Printed: May 25, 2021 at 1:45 PM Page: 1 of 2																				
This document is a Development Permit Decision for the development application described below.																						
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 20945 - 45 AVENUE NW Plan 0021920 Blk 2 Lot 2A																					
<b>Scope of Application</b> To construct an Accessory Building (rear detached Garage 12.20m x 20.12m).																						
<b>Permit Details</b>																						
Class Of Permit: Class B Stat. Plan Overlay/Annex Area:	Site Area (sq. m.): 8800.02																					
<b>Development Application Decision</b> Refused <b>Issue Date:</b> May 25, 2021 <b>Development Authority:</b> SELTZ, AARON <b>Reason for Refusal</b> - Accessory Building Height: An Accessory Building shall not exceed 4.3m in Height. (Section 50.3.3)  Permitted Height: 4.3m Proposed Height: 6.7m Exceeds by: 2.4m  - Height to ridge: The ridge line of the roof shall not extend more than 1.7 m above the maximum permitted building Height. (Section 52.2.c)  Permitted Height: 6.0m Proposed Height: 8.0m Exceeds by: 2.0m  <b>Rights of Appeal</b> 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.																						
<b>Building Permit Decision</b> No decision has yet been made.																						
<b>Fees</b> <table style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$120.00</td> <td style="text-align: right;">\$120.00</td> <td style="text-align: left;">0857610213310010</td> <td style="text-align: left;">Apr 15, 2021</td> </tr> <tr> <td>Building Permit Fee (Accessory Building)</td> <td style="text-align: right;">\$112.00</td> <td style="text-align: right;">\$112.00</td> <td style="text-align: left;">0857610213310010</td> <td style="text-align: left;">Apr 15, 2021</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: left;">0857610213310010</td> <td style="text-align: left;">Apr 15, 2021</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$120.00	\$120.00	0857610213310010	Apr 15, 2021	Building Permit Fee (Accessory Building)	\$112.00	\$112.00	0857610213310010	Apr 15, 2021	Safety Codes Fee	\$4.50	\$4.50	0857610213310010	Apr 15, 2021
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THIS IS NOT A PERMIT																						





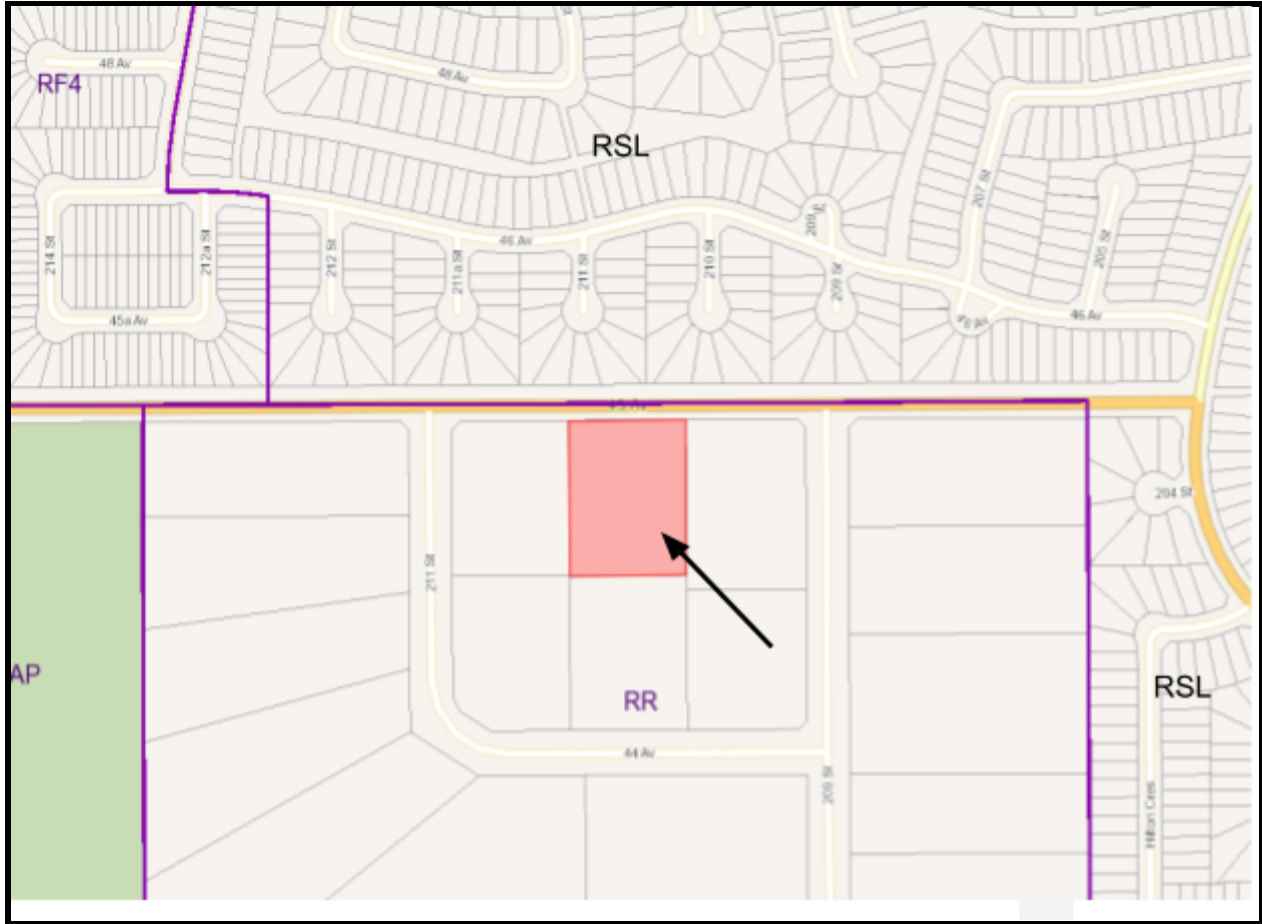
Project Number: **387589091-002**  
Application Date: APR 15, 2021  
Printed: May 25, 2021 at 1:45 PM  
Page: 2 of 2

## Application for Accessory Building Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	\$236.50	\$236.50		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-21-097

▲  
**N**

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 327110449-004

APPLICATION TO: Install a Minor Digital On-premises Freestanding Sign  
((Digital 2.7 metres by 4.85 metres facing North)  
MIDWAY ARCADE BAR KITCHEN LTD.)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 25, 2021

DATE OF APPEAL: May 26, 2021

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 6103 / 6111 - 104 Street NW

LEGAL DESCRIPTION: Plan 0120197 Blk 79A Lot 10A, Plan 0120197 Blk 79A  
Lot 11A

ZONE: (CB2) General Business 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:

I have owned and operated a concert venue/night club at this location since 2011, when I leased the space there was an existing pylon sign with digital board on it, then in 2019 I was informed and ticked by a bylaw officer that there was not a permit for the sign, however when I called the land lord he told me that he had a permit but unfortunately I wasn't able to get any prove this.

I then applied for the sign on my own and have now been denied because it is 1.14 meters too tall, if it was easy to reduce the size I would of but unfortunately it's all welded together so I am asking the city to allow the sign current sign that has been there for over 10 years to exist as is and not cause any more financial burden on our small hospitality company that is barley staying a float due to covid. thank you

<b><i>General Matters</i></b>
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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.

**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 340.3(41), a **Minor Digital On-premises Sign** is a **Discretionary Use** in the **(CB2) General Business Zone**

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

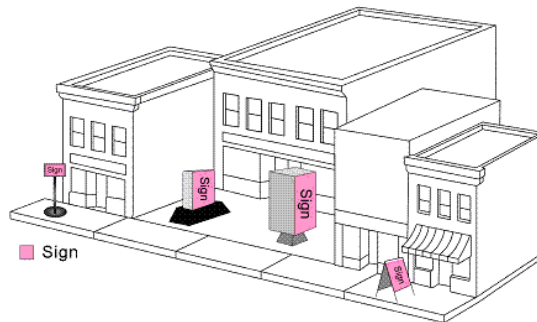
a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

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 Sign** means:

means a Sign supported independently of a building.



Section 340.1 states that the **General Purpose** of the **(CB2) General Business Zone** is:

to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways. This zone also accommodates limited Residential-related uses

***Height***

Section 340.4(10) states “Signs shall comply with the regulations found in Schedule 59F.”

Schedule 59F.3(5)(a) states “that maximum Height shall be 8.0 m”

Under section 6.1, **Height Signs** means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

**Development Officers Determination**

**1. For Minor Digital On-premises Signs, the maximum Height shall be 8.0 m. (Reference Section 59F.3(5)(a))**

**Proposed Height: 9.14 m  
Exceeds by: 1.14 m**

[unedited]

***Previous Subdivision and Development Appeal Board Decision***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-10-272	Construct an On-premises Freestanding Animated Sign ("Billy Bob's" with 2.7 metres by 4.85 metres "video screen")	September 16, 2010; the appeal be ALLOWED and the DEVELOPMENT GRANTED and the excess of 0.37 square metres in the maximum allowable Sign Area and the excess of 1.75 metres in the maximum allowable Sign Height be permitted, subject to the following conditions:  1. the Appellant shall submit, to the satisfaction of the City Transportation Department and the Board, on or before October 15, 2010 a Site Plan showing:

		<p>a) the specific location of the proposed sign;</p> <p>b) the radial separation distance from the nearest Freestanding On-premises Sign on the subject site;</p> <p>c) the setback distances from 104 Street and property lines of all adjacent properties; and</p> <p>d) the distance of the location of the proposed Sign from the nearest Residential Zone as set out in Section 59F.1.3(a);</p> <p>2. the Freestanding On-premises Sign shall be designed according to the description and specifications submitted with the Development Permit Application provided to the Board on August 13, 2010;</p> <p>3. the Sign permit is approved for five years;</p> <p>4. the frequency of the change in changeable copy cannot be less than six second intervals;</p> <p>5. due to its position, shape, colour, format or illumination, the proposed sign shall not obstruct the view of, or be confused with an official traffic Sign, signal or device, as determined by the Transportation Department;</p> <p>6. the proposed sign shall not display lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;</p> <p>7. the proposed sign shall not operate or employ</p>
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		<p>any sound or stereo option or use holography;</p> <p>8. the proposed Sign shall comply with the building and sign setback requirements in the IB Industrial Business Zone;</p> <p>9. the brightness of the proposed Sign shall be adjustable and controlled relative to ambient light, to the satisfaction of the Transportation Department;</p> <p>10. that should at any time the Transportation Department determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing of the sign, de-energizing the sign, changing the message conveyed on the sign, and/or addressing the concern in another manner acceptable to the Transportation Department;</p> <p>11. that the owner/applicant must provide a written statement of the actions taken to mitigate a safety concern identified by the Transportation Department within 30 days of the notification of the concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.</p> <p>12. prior to the construction of this sign, the existing Freestanding On-premises Sign "Billy Bobs" on the subject site shall be removed;</p>
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		13. the proposed Freestanding On-premises Sign shall be single-sided and oriented to the north.
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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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	<h2>Application for Sign Permit</h2>		Project Number: <b>327110449-004</b> Application Date: MAY 21, 2021 Printed: May 25, 2021 at 3:18 PM Page: 1 of 2	
This document is a Development Permit Decision for the development application described below.				
<b>Applicant</b>		<b>Property Address(es) and Legal Description(s)</b> 6103 - 104 STREET NW Plan 0120197 Blk 79A Lot 10A 6111 - 104 STREET NW Plan 0120197 Blk 79A Lot 11A		
<b>Scope of Application</b> To install a Minor Digital On-premises Freestanding Sign ((Digital 2.7m x 4.85 Facing North) MIDWAY ARCADE BAR KITCHEN LTD.).				
<b>Permit Details</b>				
ASA Sticker No./Name of Engineer: Construction Value: 0		Class of Permit: Class B Expiry Date:		
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		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		
<b>Development Application Decision</b>				
Refused				
<b>Issue Date:</b> May 25, 2021 <b>Development Authority:</b> MERCIER, KELSEY				
<b>Reason for Refusal</b>				
1. For Minor Digital On-premises Signs, the maximum Height shall be 8.0 m. (Reference Section 59F.3(5)(a))				
Proposed Height: 9.14 m Exceeds by: 1.14 m				
<b>Rights of Appeal</b>				
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.				
<b>Fees</b>				
Sign Development Application Fee - Digital Signs Existing Without Dev Permit Penalty Fee	<b>Fee Amount</b> \$0.00 \$0.00	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
<b>THIS IS NOT A PERMIT</b>				



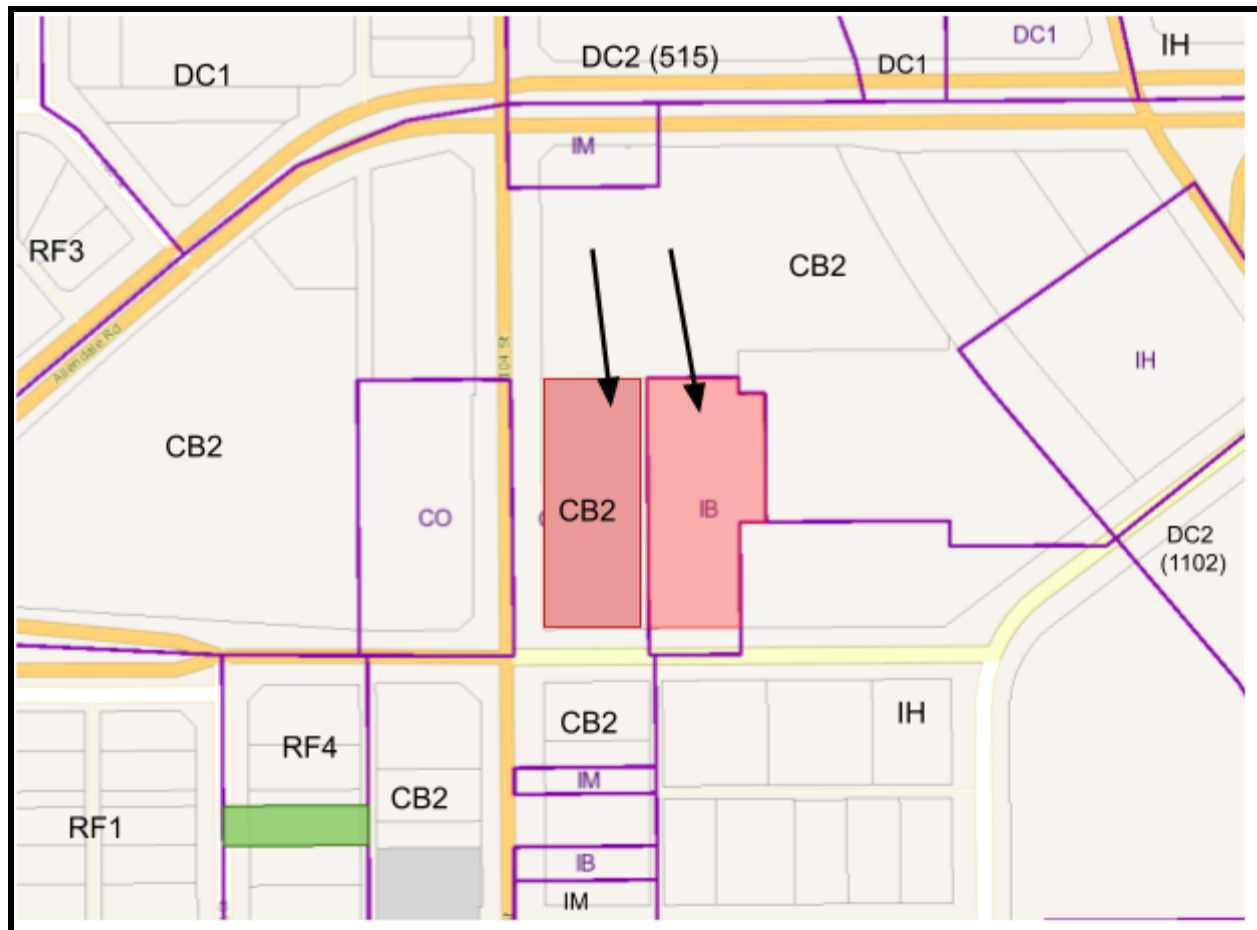
## Application for Sign Permit

Project Number: **327110449-004**  
Application Date: MAY 21, 2021  
Printed: May 25, 2021 at 3:18 PM  
Page: 2 of 2

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	\$0.00	\$0.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←

**File: SDAB-D-21-098**

▲  
**N**

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-100

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 386096943-002

APPLICATION TO: Construct exterior alterations to a Single Detached House  
(Front Yard parking pad)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 14, 2021

DATE OF APPEAL: May 28, 2021

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 11315 - 56 Street NW

LEGAL DESCRIPTION: Plan 2839HW Blk B Lot 4

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

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:

I am in the process of converting my existing single front attached garage into living space under a separate permit, this permit to keep the existing driveway was separated from the main permit in order to expedite the main permit. There is no revision to the form of the home other than changing the use of the exiting garage to living space, but like many garages the existing garage has not been parking for quite some time, and was primarily bike parking, seasonal storage and workshop space. This is not a new driveway, it is existing and will continue to be used for the same

purpose as in the past: parking, loading, basketball more than garage access. We have a rear garage but it the rear driveway isn't long enough for parking or trailer prep, which is why we would like to keep the front drive. There are many homes in our neighbourhood that have converted garages with drives that remain, and are not at all out of character for the neighbourhood.. We also have support from our immediate neighbours to keep the existing drive.

<b><i>General Matters</i></b>
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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.

**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*:**

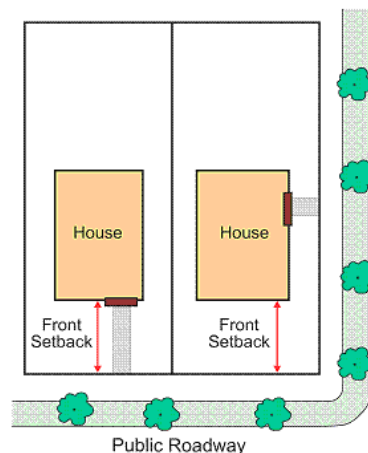
Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1, **Front Setback** means:

the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.



Under section 6.1, **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Vehicle Parking Design for Low-density Residential***

Section 54.3(4) states:

Except as otherwise provided for in this Bylaw, Vehicle Parking spaces, not including Driveways, shall be located in accordance with the following:

- a. Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway;
- b. ...

**Development Officer's Determination**

**1. Parking - Parking spaces shall not be located within a Front Yard in a Residential Zone. (Section 54.3.4.a)**

**Proposed: The driveway extension creates parking spaces in the Front Yard in a Residential Zone.**

[unedited]

Section 54.3(3) states:

The Front Yard of any ground level Dwelling that is not part of a Multi-Unit Project Development, or in the case of a corner Site, either

the Front Yard or the flanking Side Yard, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;

...

**Development Officer's Determination**

**2. Driveway - The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a)**

**Proposed: The driveway does not lead to the garage or parking area.**

[unedited]

***General Planting Requirements***

Section 55.3(1)(e) states:

all open space including Front Yards, Rear Yards, Side Yards and Yards, Amenity Areas at ground level, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

**Development Officer's Determination**

**3. Landscaping - All open space including the Front Yard shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs (Section 55.3.1.e).**

**Proposed: The Front Yard is hard surfaced.**

[unedited]

***Mature Neighbourhood Overlay - Driveway Access***

Section 814.3(17) states "Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue."

**Development Officer's Determination**

**4. Vehicular Access - Where a site abuts a lane, vehicular access shall be from the lane and no existing vehicular access from a public roadway other than a lane shall be permitted to continue (Section 814.3.17).**

**Proposed: The vehicular access is located off of 56 Street (front).**

[unedited]

***Community Consultation***

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

<b>Tier #</b>	<b>Recipient Parties</b>	<b>Affected Parties</b>	<b>Regulation of this Overlay to be Varied</b>
<b>Tier 1</b>	The municipal address and assessed owners of the land wholly or partially located within a	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the	814.3(17) - Driveway Access


	distance of 60.0 m of the Site of the proposed development and the President of each Community League	Site of the proposed development and the President of each Community League	
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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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	<b>Application for Driveway Extension Permit</b>				Project Number: <b>386096943-002</b> Application Date: MAR 05, 2021 Printed: May 28, 2021 at 10:52 AM Page: 1 of 2																											
This document is a Development Permit Decision for the development application described below.																																
<b>Applicant</b>	<table border="1" style="width: 100%;"> <tr> <td colspan="4" data-bbox="821 411 1347 443"><b>Property Address(es) and Legal Description(s)</b></td> </tr> <tr> <td colspan="4" data-bbox="821 443 1347 474">11315 - 56 STREET NW</td> </tr> <tr> <td colspan="4" data-bbox="821 474 1347 506">Plan 2839HW Blk B Lot 4</td> </tr> <tr> <td colspan="4" data-bbox="821 506 1347 537"><b>Location(s) of Work</b></td> </tr> <tr> <td data-bbox="821 537 1110 569">Suite:</td> <td colspan="3" data-bbox="902 537 1347 569">11315 - 56 STREET NW</td> </tr> <tr> <td data-bbox="821 569 1110 600">Entryway:</td> <td colspan="3" data-bbox="902 569 1347 600">11315 - 56 STREET NW</td> </tr> <tr> <td data-bbox="821 600 1110 632">Building:</td> <td colspan="3" data-bbox="902 600 1347 632">11315 - 56 STREET NW</td> </tr> </table>				<b>Property Address(es) and Legal Description(s)</b>				11315 - 56 STREET NW				Plan 2839HW Blk B Lot 4				<b>Location(s) of Work</b>				Suite:	11315 - 56 STREET NW			Entryway:	11315 - 56 STREET NW			Building:	11315 - 56 STREET NW		
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<b>Scope of Application</b> To construct exterior alterations to a Single Detached House (Front Yard parking pad).																																
<b>Permit Details</b> <table border="1" style="width: 100%;"> <tr> <td data-bbox="293 747 808 810">                     Class Of Permit: Class B                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> <td data-bbox="813 747 1347 810">                     Site Area (sq. m.): 571.14                 </td> </tr> </table>					Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 571.14																										
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<b>Development Application Decision</b> Refused <b>Issue Date:</b> May 14, 2021 <b>Development Authority:</b> NICHOLAS, CAROLYN <b>Reason for Refusal</b> <ol style="list-style-type: none"> <li>1. Parking - Parking spaces shall not be located within a Front Yard in a Residential Zone. (Section 54.3.4.a)                      Proposed: The driveway extension creates parking spaces in the Front Yard in a Residential Zone.</li> <li>2. Driveway - The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a)                      Proposed: The driveway does not lead to the garage or parking area.</li> <li>3. Landscaping - All open space including the Front Yard shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs (Section 55.3.1.e).                      Proposed: The Front Yard is hard surfaced.</li> <li>4. Vehicular Access - Where a site abuts a lane, vehicular access shall be from the lane and no existing vehicular access from a public roadway other than a lane shall be permitted to continue (Section 814.3.17).                      Proposed: The vehicular access is located off of 56 Street (front).</li> </ol> <b>Rights of Appeal</b> 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.																																
<b>Building Permit Decision</b> No decision has yet been made.																																
<table border="1" style="width: 100%;"> <thead> <tr> <th data-bbox="253 1474 548 1505"><b>Fees</b></th> <th data-bbox="553 1505 683 1537"><b>Fee Amount</b></th> <th data-bbox="688 1505 818 1537"><b>Amount Paid</b></th> <th data-bbox="823 1505 953 1537"><b>Receipt #</b></th> <th data-bbox="958 1505 1088 1537"><b>Date Paid</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="253 1537 548 1568">Development Application Fee</td> <td data-bbox="553 1537 683 1568" style="text-align: center;">\$176.00</td> <td data-bbox="688 1537 818 1568" style="text-align: center;">\$176.00</td> <td data-bbox="823 1537 953 1568">06848909287F001</td> <td data-bbox="958 1537 1088 1568">Mar 05, 2021</td> </tr> </tbody> </table>					<b>Fees</b>	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>	Development Application Fee	\$176.00	\$176.00	06848909287F001	Mar 05, 2021																		
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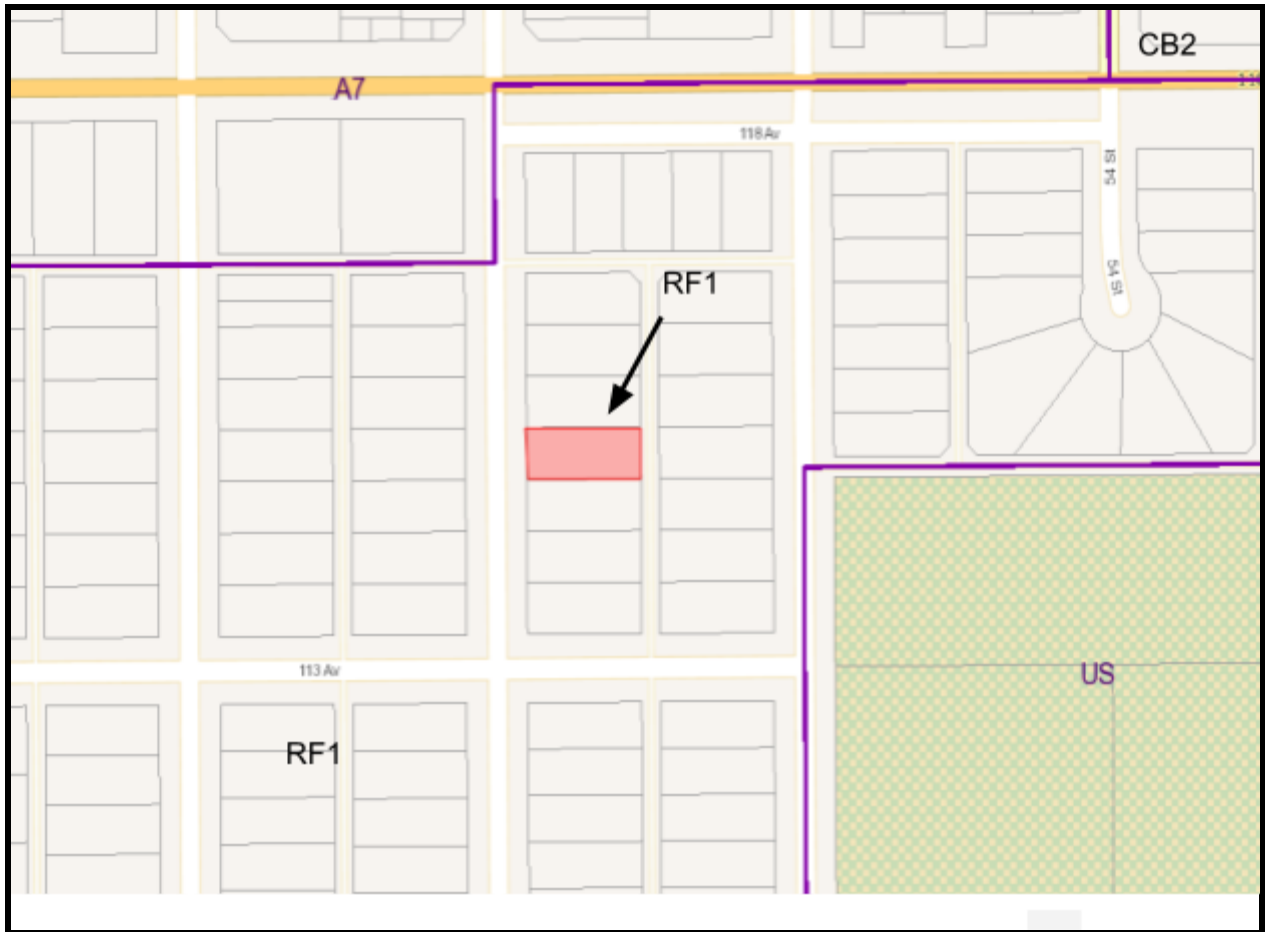
Project Number: **386096943-002**  
Application Date: MAR 05, 2021  
Printed: May 28, 2021 at 10:52 AM  
Page: 2 of 2

## Application for Driveway Extension Permit

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$176.00	\$176.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←                      **File: SDAB-D-21-100**                      ▲  
**N**