

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
August 12, 2015**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I 9:00 A.M. SDAB-D-15-181

Construct (1) Freestanding Minor Digital On-Premises Sign (ROGERS BROADCASTING)  
5913 - Gateway Boulevard NW  
Project No.: 165191429-001

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II 1:00 P.M. SDAB-S-15-007

Create two (2) semi-detached residential units from the north portion of Lots 1 and 2, Block 11, Plan 2064 S located north of 77 Avenue and west of 112 Street; McKernan  
7716 - 112 Street NW  
Project No.: 167663658-001

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**NOTE:** *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Revised City of Edmonton, by-law No 12800, Edmonton Zoning Bylaw ("Edmonton Zoning Bylaw")*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-181

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	165191429-001
APPLICATION TO:	Construct (1) Freestanding Minor Digital On-Premises Sign (ROGERS BROADCASTING)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	June 25, 2015
DATE OF APPEAL:	July 17, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	5913 - Gateway Boulevard NW
LEGAL DESCRIPTION:	Plan 0720014 Blk 80 Lot 4C
ZONE:	CB2- General Business Zone
OVERLAY:	N/A
PLANS IN EFFECT:	Calgary Trail Land Use Study Southeast Industrial Area Outline Plan

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DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1) The proposed development, a Minor Digital On-premises Sign is listed as a Discretionary Use under the CB2 Zone Section 340.3(43)).

The Site is located within the Calgary Trail Land Use Study Statutory Plan Area. Section 3.4 of the Calgary Trail Land Use Study, General Urban Design Policies, states:

b) Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by:

i) promoting within the business community the voluntary replacement of older advertising signage;

ii) discouraging the use of portable signs and free-standing billboards; and

iii) improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.

In the opinion of the Development Officer, the intent of Section 3.4(b)(ii) of the Calgary Trail Land Use Study with respect to billboards, refers to the built form of large freestanding signs located along roadways for the purpose of outdoor advertising.

Therefore, the proposed Major Digital On-premises Off-premises Sign is in contradiction to Section 3.4(b)(ii) of the Calgary Trail Land Use Study.

2) Proposed Signs with an area 8.0 m<sup>2</sup> to 20m<sup>2</sup>, shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup>, or Off-premises Sign up to 20m<sup>2</sup>, by a separation distance of 100 m. (Reference Section 59F.3(5)(d)).

Minimum Separation Distance: 100 m

Proposed: 86 m

Deficient by: 14 m

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#### APPELLANT'S SUBMISSION

We worked with the Development Officer to identify different locations on the property, all were rejected. The final location to be rejected was identified as a suitable location by another Development Officer during a conference call. This new location brought our sign into conflict with another sign. It is also our opinion that the development officer categorized our project improperly - we are not a portable sign or a outdoor billboard. We are a video billboard to be used for on premise promotion. It was the opinion of the development officer that other aspects of the same company cannot be displayed on the sign, therefor changed our application to on-premise / off premise sign. Lastly, my client is extremely familiar with the Calgary Trail land use study and as a result they have created one of the most well planned and landscaped properties on all of Calgary Trail. We believe the interpretation and spirit of the land use study was not wholly considered when planning for this sign. We welcome the opportunity to meet and discuss this important project.

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#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Sustainable Development has submitted a copy of the Development Permit which indicated the date of the decision is June 25, 2015.

Sustainable Development has submitted a Canada Post Registered Mail Delivery Certificate dated July 14, 2015 indicating the delivery date of the decision is July 10, 2015.

The Subdivision Development Appeal Board received a notice of appeal on July 17, 2015.

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.”

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

Section 7.9(8) states the **Use Class Definition** for **Minor Digital On-premises Signs** as follows:

**Minor Digital On-premises Sign** means 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 physically or mechanically replace the Sign face or its components. The Copy on such Sign identifies a business, activity, service or product located on the premises or Site where the Sign is displayed.

The Development Officer’s decision in the application noted above reads:

**The proposed development, a Minor Digital On-premises Sign is listed as a Discretionary Use under the CB2 Zone Section 340.3(43)).**

**The Site is located within the Calgary Trail Land Use Study Statutory Plan Area. Section 3.4 of the Calgary Trail Land Use Study, General Urban Design Policies states:**

- b) Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by:**
  - i) promoting within the business community the voluntary replacement of older advertising signage;**
  - ii) discouraging the use of portable signs and free-standing billboards; and**
  - iii) improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.**

**In the opinion of the Development Officer, the intent of Section 3.4(b)(ii) of the Calgary Trail Land Use Study with respect to billboards, refers to the built form of large freestanding signs locating along roadways for the purpose of outdoor advertising.**

**Therefore, the proposed Major Digital On-premises Off-premises Sign is in contradiction to Section 3.4(b)(ii) of the Calgary Trail Land Use Study.**

Section 340 states the following with respect to **General Business Zone:**

...

**340.4 Development Regulations for Permitted and Discretionary Uses**

- 9. Signs shall comply with the regulations found in Schedule 59 F.

...

Schedule 59F.3 states the following with respect to **Regulations for Discretionary Signs:**

...

- 5. Minor Digital On-premises Signs shall be subject to the following regulations:

...

- d. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m <sup>2</sup> or other Off-premises Sign
Greater than 8.0 m <sup>2</sup> to less than 20 m <sup>2</sup>	100 m
20 m <sup>2</sup> to 40 m <sup>2</sup>	200 m
Greater than 40 m <sup>2</sup>	300 m

The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

The Development Officer's decision in the application noted above reads:

**Minimum Separation Distance: 100 m**

**Proposed: 86 m**

**Deficient by: 14 m**

Schedule 59F.3 states the following with respect to **Regulations for Discretionary Signs:**

...

- 5. Minor Digital On-premises Signs shall be subject to the following regulations:

- a. the maximum Height shall be 8.0 m;
  - b. the maximum Width shall be 8.0 m;

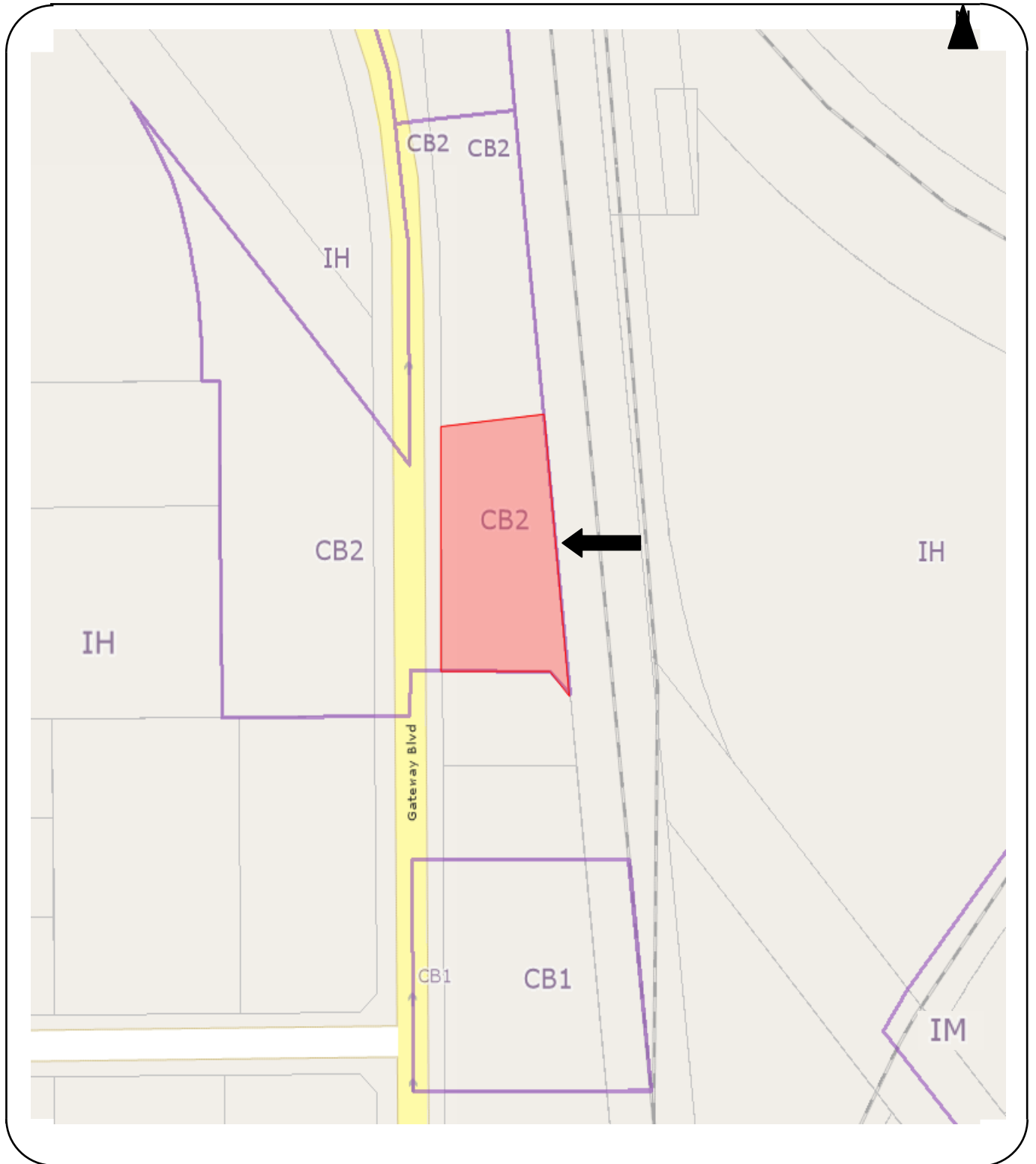
- c. the maximum Area shall be:
  - i. 20 m<sup>2</sup>, to a maximum of 25% wall coverage for proposed Signs that are Fascia Signs; or
  - ii. 20 m<sup>2</sup> for proposed Signs that are Freestanding Signs. The combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 30 m<sup>2</sup>;
- d. ...
- e. the top of proposed Signs that are Fascia Signs shall not extend more than 30 cm above the building roof or parapet wall;
- f. proposed Signs that are Fascia Signs shall have structural elements concealed from view;
- g. proposed Signs that are Fascia Signs shall not extend more than 40 cm out from the wall or structure and shall not extend beyond the horizontal limits of the wall;
- h. proposed Signs that are Fascia Signs extending over a public right-of-way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m; and
- i. the maximum number of Freestanding On-premises Signs, Minor Digital On-premises Signs and Minor Digital Off-premises Signs on a Site shall be four.

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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. 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*, RSA 2000, c M-26.

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**SURROUNDING LAND USE DISTRICTS**

Site Location



File: SDAB-D-15-181



ITEM II: 1:00 P.M.

FILE: SDAB-S-15-007

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 167663658-001

APPLICATION TO: Create two (2) semi-detached residential units from the north portion of Lots 1 and 2, Block 11, Plan 2064 S located north of 77 Avenue and west of 112 Street; McKernan

DECISION OF THE SUBDIVISION AUTHORITY: Refused

DECISION DATE: July 3, 2015

DATE OF APPEAL: July 15, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7716 - 112 STREET NW

LEGAL DESCRIPTION: Plan 2064S Blk 11 Lots 1-2

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

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SUMMARY

The proposed subdivision by Bare Land Condominium is REFUSED on July 3, 2015, for the following reason(s):

1. The proposed subdivision does not comply with the minimum Development Regulations identified in Section 140 of the City of Edmonton Zoning Bylaw. The minimum site depth identified in the RF3 (Small Scale Infill Development) Zone for permitted and discretionary uses is 30.0 metres. The proposed lot depths are 18.9 metres each and therefore significantly deficient in depth by 11.1 metres, or 37%.

The proposal will result in site depths, and ultimately lot sizes, that are uncharacteristically small when compared to properties on the block face. For example, the site depths on the block face are approximately 40.2 metres. As stated, the proposed lot depths are 18.9 metres each, which are significantly smaller than those of other properties characteristic to the block face.

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APPELLANT'S SUBMISSION

Development permits to construct 2 semi-detached residential dwellings on the subject property, are granted by the SDAB on Nov 28,2013 (File No. SDAB-D-13-236).

The proposed and constructed development was found consistent with the RF3 Small Scale Development Zone, the General Purpose of the Mature Neighborhood Overlay and Section 5.2.1 of the Municipal Development Plan, The Way We Grow.

The Board's decision permits the deficiencies in minimum required site area and site depth for such variance is required for any development proposal on the subject Site. Sustainable Developments also issued building permits and construction of the two units is now complete.

The owner has spent lots of extra time, effort and expenses to design, construct, utilize and service each dwelling independently and the requirement to individually define the two dwellings in the Semi-detached House development is addressed and met.

Please note that the proposed subdivision plan does not reduce the site depth and similar subdivisions exist on the same block face with even smaller depths and areas. Their addresses and areas are as follows:

7821 112 Street Area: 170.01 m2 Depth approx.: 13m  
7819 112 Street Area: 179.89 m2 Depth approx.: 13m  
7817 112 Street Area: 244.72 m2 Depth approx.: 13m  
11202 77 Ave Area: 213.84 m2 Depth approx.: 21m  
11204 77 Ave Area: 213.84 m2 Depth approx.: 21m

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Sustainable Development has submitted a copy of the Decision Letter which indicated the date of the decision is July 3, 2015.

The Subdivision Development Appeal Board received a notice of appeal on July 15, 2015.

Section 60 states the following with respect to **Bare Land Condominium**:

1. A Bare Land Condominium project must comply with all the general regulations of this Bylaw and with the regulations of the applicable Zone such that each Bare Land Condominium Unit is to be treated in the same respect as a lot.

2. An application for a Bare Land Condominium project shall include a comprehensive Site plan, in accordance with Section 13.5 of this Bylaw.
3. In the case where a Bare Land Condominium subdivision is served by a private roadway, the following shall apply:
  - a. a private roadway includes a Lot, Bare Land Condominium Unit, Common Property or portion of Common Property that may be created pursuant to the Condominium Property Act, RSA 2000, c. C-22, created for the purpose of vehicular access and circulation throughout the subdivision or development, including a bridge and any structure incidental to the roadway;
  - b. for the sole purpose of applying the regulations of this Bylaw, a private roadway, as described in Section 60(3)(a), shall be deemed to be the same as a "public roadway";
  - c. the private roadway must allow for the safe and efficient movement of emergency vehicles and be designed to a standard acceptable to the Development Authority or Subdivision Authority;
  - d. where the physical parameters of the private roadway exceed the legally prescribed boundary of private roadway, the boundary of the private roadway shall be deemed to be the edge of the carriageway or sidewalk parallel with the carriageway.

Section 140 states the following with respect to **RF3 Small Scale Infill Development Zone**:

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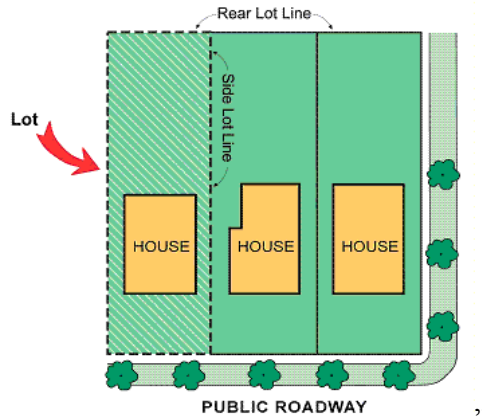
#### 140.4 Development Regulations for Permitted and Discretionary Uses

3. Site regulations for Semi-detached Housing:
  - a. the minimum Site area shall be 442.2 square metres;
  - b. on a non-Corner Lot, the minimum Site Width shall be 13.4 metres; except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 metres;
  - c. on a corner lot, the minimum Site Width shall be 14.8 metres; and
  - d. the minimum Site depth shall be 30.0 metres.

...

Under section 6.1(92), "**Site** means an area of land consisting of one or more abutting Lots;"

Under section 6.1(58), "**Lot** means 'lot' as defined under Part 17 of the *Municipal Government Act*:"

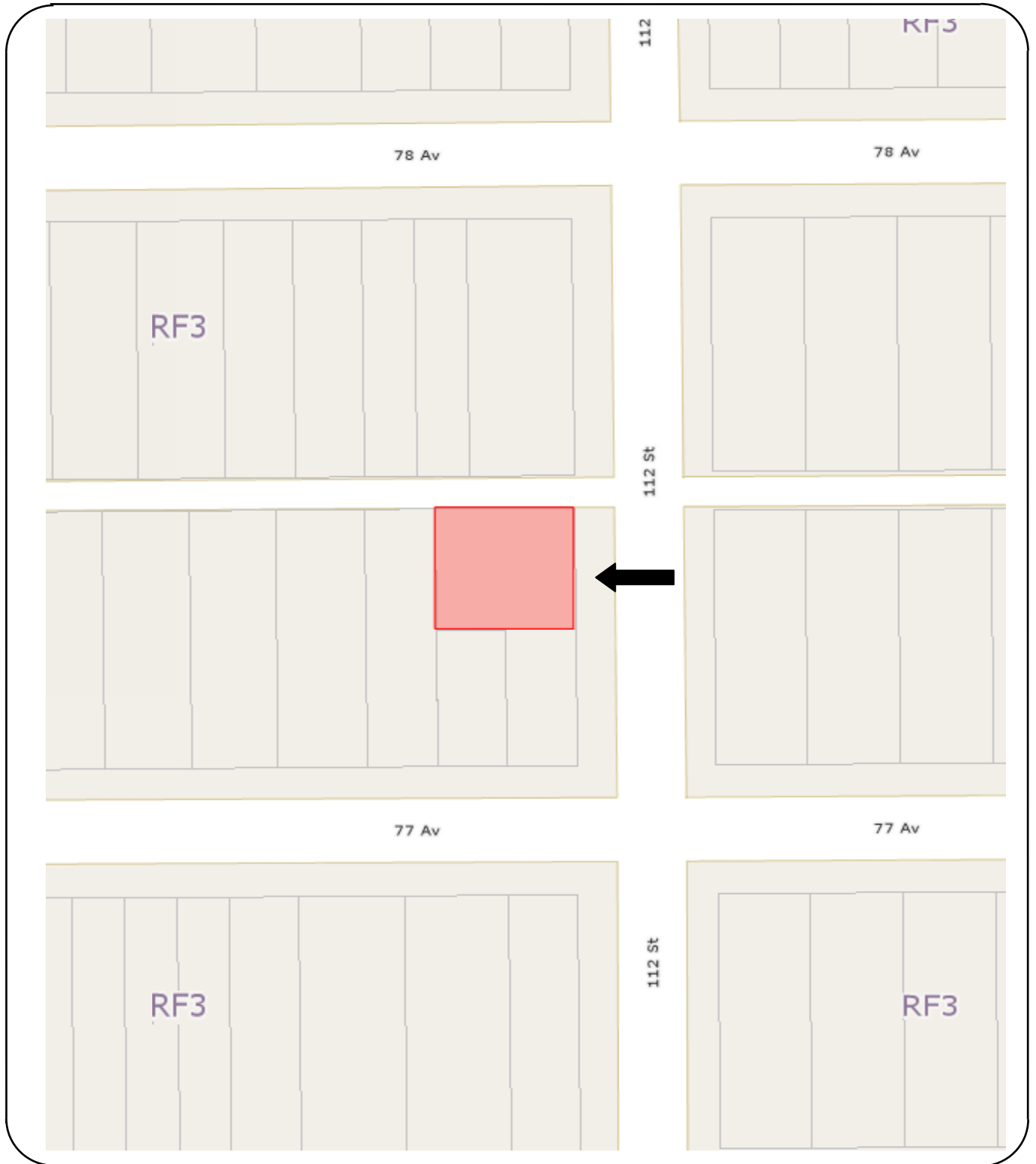


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**SURROUNDING LAND USE DISTRICTS**

Site Location



File: SDAB-S-15-007



**BUSINESS LAID OVER**

SDAB-D-15-184 /185/186/187/ 188/189	An appeal to cease the operation of the Non-Accessory Parking and completely prohibit vehicular access to the site with barricades <b><i>August 26 or 27, 2015</i></b>
SDAB-D-15-161	An appeal to construct four Dwellings of Row Housing with attached Garages and to demolish the existing Single Detached House and rear detached Garage <b><i>September 23 or 24, 2015</i></b>