SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M. August 17, 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-16-196	Install (1) Fascia On-premises Sign and (1) Roof On-premises Sign (Rayacom)
			11004 - 105 Avenue NW Project No.: 222174111-001
II	11:00 A.M.	SDAB-D-16-136	Extend the duration of a Freestanding Minor Digita Off-premises Sign (3.05m x 10.37m Single Sided Facing South)
			7222 - 99 Street NW Project No.: 127140622-004

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-16-196

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 222174111-001

ADDRESS OF APPELLANT: 11004 - 105 Avenue NW

APPLICATION TO: Install (1) Fascia On-premises Sign and

(1) Roof On-premises Sign (Rayacom)

DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 12, 2016

DATE OF APPEAL: July 25, 2016

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 11004 - 105 Avenue NW

LEGAL DESCRIPTION: Plan B4 Blk 10 Lot 218

ZONE: DC1 (14141) Direct Development Control

Provision

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Central McDougall/Queen Mary Park

Area Redevelopment Plan

Grounds for Appeal

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

Due to recent developments in the area, we would like to extend our new fascia sign above the allowable height over the building roof-line. The proposed signage will provide some added dimension to the typical two stories warehouse around the area. Since the property is located on a corner lot, the angled signage will allow the business to have only one side to serve visibility along the street and avenue. This is also a reason the business owner would like to have a more prominent signage.

The building owner also like the new signage to line up (same height) to the same elevation as the next building, which is owned by the same owner.

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, or

. . .

The decision of the Development Officer is dated July 12, 2016. The Notice of Appeal was filed on July 25, 2016.

Direct Control Districts

The Municipal Government Act states:

Designation of direct control districts

- **641(1)** The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.
- (2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control

the use or development of land or buildings in the district in any manner it considers necessary.

- (3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.
- (4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district
 - (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
 - (b) 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.

General Provisions from the *Edmonton Zoning Bylaw:*

Section 2 of DC1(14141) states that the **Rationale** of **DC1(14141)** Area 2 – Precinct **D** is:

To accommodate a business residential mixed use node that creates a compatible and diverse mixture of residential, office, and commercial land uses at a human scale with a built form that has a strong relationship to the street and accommodates pedestrian activity along the 105 Avenue Multi-use Trail Corridor.

Under Section 3(s), **Fascia On-premises Signs** are a **Listed Use** in DC1(14141). However, **Roof On-premises Signs** is not a Listed Use.

Section 7.9(2) states:

Fascia On-premises Signs means any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. The Copy on such a Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Section 7.9(12) states:

Roof On-premises Signs means any Sign erected upon, against, or above a roof, or on top of or above, the parapet of a building displaying Copy that identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Unlisted Use

The Development Officer made the following determination:

1) Roof On-premises Sign is neither listed as Permitted or Discretionary Use class.(Central McDougall/ Queen Mary Park ARPDC1(Area2-Precinct 'D'))

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*.



Application for Sign Combo Permit

Project Number: 222174111-001 Application Date: MAY 19, 2016 Printed:

August 5, 2016 at 9:29 AM 1 of 2

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

Applicant



Property Address(es) and Legal Description(s)

11004 - 105 AVENUE NW Plan B4 Blk 10 Lot 218

Location(s) of Work

11004 - 105 AVENUE NW Entryway: 11004 - 105 AVENUE NW Building: 11004 - 105 AVENUE NW

Scope of Application

To install (1) Fascia On-premises Sign and (1) Roof On-premises Sign (Rayacom).

Permit Details

Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0

ASA Sticker No./Name of Engineer: 5889

Construction Value: 6300

Roof On-premises Sign: 1 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0 Class of Permit: Expiry Date:

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

I/We certify that the above noted details are correct.

Applicant signature:

Development Application Decision

Refused

Reason for Refusal

1) Roof On-premises Sign is neither listed as Permitted or Discretionary Use class.(Central McDougall/ Queen Mary Park ARP-DC1(Area2- Precinct 'D'))

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.

Issue Date: Jul 12, 2016 Development Authority: AHUJA, SACHIN Signature:

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$5.96	\$5.96	03293385	May 19, 2016
Sign Building Permit Fee	\$149.00	\$149.00	03293385	May 19, 2016



Totals for Permit:

Application for Sign Combo Permit

\$502.96

Project Number: 222174111-001 MAY 19, 2016 August 5, 2016 at 9:29 AM Application Date: Printed: 2 of 2

Fees

Amount Paid Receipt # Date Paid Fee Amount Sign Development Application Fee \$348.00 \$348.00 03293385 May 19, 2016 Total GST Amount:

\$502.96



SURROUNDING LAND USE DISTRICTS

Site Location File: SDAB-D-16-196



Ν

TO BE RAISED

ITEM II: 11:00 A.M. FILE: SDAB-D-16-136

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 127140622-004

ADDRESS OF APPELLANT: 7222 - 99 Street NW

APPLICATION TO: Extend the duration of a Freestanding

Minor Digital Off-premises Sign (3.05m x

10.37m Single Sided Facing South)

DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 21, 2016

DATE OF APPEAL: May 4, 2016

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 7222 - 99 STREET NW

LEGAL DESCRIPTION: Plan 3860V Blk 10 Lot 15

ZONE: IB Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: Strathcona Junction Area Redevelopment

Plan

Grounds for Appeal

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

My office is in receipt of the City of Edmonton refusal decision for our sign extension application numbered and dated: 127140622-004 and Feb 17, 2016 respectively. The decision was physically received on April 30, 2016. It is the purpose of this letter (and enclosed form and fee) to appeal the development officer's decision.

As we solicit advice from our tenant and with the potential that we shall require expert evidence in support of our appeal, we request that the

appeal be accepted by the board as compliant to the timing requirements and adjourned sine die (i.e. to later date).

Reason for Appeal

As will be further elaborated upon at the hearing, the applicant/appellant takes the position that:

- 1. The sign does not negatively impact nearby landowners.
- 2. The sign does not negatively obscure a driver decision point.
- 3. Given the unusual orientation of the subject property (10.6 meters in width), that the setback requirement of 6 meters is a significant hardship for the landowner; and, relaxing this requirement will not unduly interfere with the amenities of the neighborhood, or materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.
- 4. Consistent with prior panels of this esteemed board, the distance between required between signs by the development office (200 meters) does not (i) factor in the smaller size of the sign and (ii) that relaxing this requirement will not unduly interfere with the amenities of the neighborhood, or materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

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, or

. . .

The decision of the Development Officer is dated April 21 1, 2016. The Notice of Appeal was filed on May 4, 2016.

Determining an Appeal

Hearing and decision

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

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

. . .

- (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:

Section 110.1 states that the **General Purpose** of the **IB Industrial Business Zone** is:

... to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

Under Section 400.3(43), **Minor Digital On-premises Off-premises Signs** are a **Discretionary Use** in the IB Industrial Business Zone.

Section 7.9(7) states:

Minor Digital On-premises Off-premises Signs 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 Off-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 may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

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

...to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Sign Illumination

Section 59.2(3) states:

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

Development Officer's Determination

The Development Officer referenced Section 59.2(3) and made the following determination:

The proposed sign faces adjacent residential use class and sign illumination projects onto surrounding residential properties as they are within 30 m to 37m radius, contrary to Section 59.2(3)

Driver Field of View

Section 59.2(2)(c) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs

shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:

. . .

 c. is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways;

Development Officer's Determination

The Development Officer referenced Section 59.2(2)(c) and made the following determination:

The Development Officer, in consultation with Transportation Department, does not support extending the duration for proposed Freestanding Minor Digital Off-premises sign, as it encroaches into the 20 degree cone associated with the intersection of 72 Avenue and 99 Street.

With respect to this location it is noted that 99 Street in this area is an arterial roadway that carries in the order of approximately 30,000 vehicles per day. The 99 Street / 72 Avenue intersection is an unsignalized intersection but is considered a legal crossing location for pedestrians wishing to cross 99 Street. There are northbound and southbound bus stops on 99 Street in the vicinity of 72 Avenue that are serviced at a 8 minute frequency during the peak hours. In addition, it is one of the intersections used to access the school and park sites associated with J.H. Picard and the Waldorf Independent School.

Setback

Section 59F.3(6)(j) states: "Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations: ...proposed Signs with an Area greater than 8.0 m2shall not be located within any Setback".

Development Officer's Determination

The Development Officer referenced Section 59F.3(6)(j) and made the following determination:

Required Setback: 6m (Reference Section 400.4(3))

Proposed Setback: 1.2 m Deficient by: 4.8 m

Separation Distance

Section 59F.3(6)(e) provides as follows:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

. . .

e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m^2 or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m ² or other Off-premises Sign
Greater than 8.0 m ² to less than 20 m ²	100 m
$20 \text{ m}^2 \text{ to } 40 \text{ m}^2$	200 m
Greater than 40 m ²	300 m

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

Development Officer's Determination

The Development Officer referenced Section 59F.3(6)(e) and made the following determination:

Proposed Separation Distance: 152 m

Deficient By: 48 m

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*.



Application for Sign Combo Permit

Project Number: 127140622-004 FEB 17, 2016 Application Date: Printed: August 5, 2016 at 9:32 AM

1 of 3

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

Applicant



Property Address(es) and Legal Description(s)

7222 - 99 STREET NW Plan 3860V Blk 10 Lot 15

Location(s) of Work

7222 - 99 STREET NW Entryway: 7222 - 99 STREET NW Building: 7222 - 99 STREET NW

Scope of Application

To extend the duration of a Freestanding Minor Digital Off-premises Sign (3.05m x 10.37m Single Sided Facing South)

Permit Details

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: 0 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

I/We certify that the above noted details are correct.

Applicant signature:

Development Application Decision

Refused



Application for Sign Combo Permit

Project Number: 127140622-004
Application Date: FEB 17, 2016
Printed: August 5, 2016 at 9:32 AM
Page: 2 of 3

Reason for Refusal

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

The proposed sign faces adjacent residential use class and sign illumination projects onto surrounding residential properties as they are within 30 m to 37m radius, contrary to Section 59.2(3)

2) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways. (Reference 59.2(2)(c)).

The Development Officer, in consultation with Transportation Department, does not support extending the duration for proposed Freestanding Minor Digital Off-premises sign, as it encroaches into the 20 degree cone associated with the intersection of 72 Avenue and 99 Street.

With respect to this location it is noted that 99 Street in this area is an arterial roadway that carries in the order of approximately 30,000 vehicles per day. The 99 Street / 72 Avenue intersection is an un-signalized intersection but is considered a legal crossing location for pedestrians wishing to cross 99 Street. There are northbound and southbound bus stops on 99 Street in the vicinity of 72 Avenue that are serviced at a 8 minute frequency during the peak hours. In addition, it is one of the intersections used to access the school and park sites associated with J.H. Picard and the Waldorf Independent School.

3) Proposed Signs with an Area greater than 8.0 m2 shall not be located within any Setback (Reference Section 59F.3(6)(j))

Required Setback: 6m (Reference Section 400.4(3))

Proposed Setback: 1.2 m

Deficient by: 4.8 m

4) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m2 or Off-premises Signs. If the proposed Sign Area is greater than 20.0m2 to less than 40m2 the minimum separation distance from Digital Signs greater than 8.0 m2 or other Off-premises Sign shall be 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59F.3(6)(e))

Proposed Separation Distance: 152 m

Deficient By: 48 m

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.

Issue Date: Apr 21, 2016 Development Authority: AHUJA, SACHIN Signature:

Fees

 Fee Amount
 Amount Paid
 Receipt #
 Date Paid

 DP Notification Fee
 \$102.00
 \$102.00
 03073794
 Feb 18, 2016



Application for Sign Combo Permit

Project Number: 127140622-004
Application Date: FEB 17, 2016
Printed: August 5, 2016 at 9:32 AM 3 of 3

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital	Signs \$425.00	\$425.00	03073794	Feb 18, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$527.00	\$527.00		



SURROUNDING LAND USE DISTRICTS

Site Location

File: SDAB-D-16-136



SDAB-D-16-176	An appeal by Outfront Media to install (1) Ergestanding Off promises Sign
SDAD-D-10-1/0	An appeal by Outfront Media to install (1) Freestanding Off-premises Sign
	(Outfront Media), existing without permits
	August 25, 2016
SDAB-D-16-190	An appeal by Outfront Media to install a Freestanding Off-premises Sign (6.1
	metres by 3 metres facing N/S)
	September 1, 2016
SDAB-D-16-187	An appeal by New Era Luxury Homes / Ogilvie LLP to construct a 3
	Dwelling Apartment House and to demolish the existing Single Detached
	House.
	August 31, 2016 or September 1, 2016
SDAB-D-16-205	An appeal by Rossdale Community League & Gabe Shelley VS Edmonton
	Fire Rescue Services to continue and intensify the use of an existing
	Protective and Emergency Services Use (Fire Station 21 with a 24/7 crew)
	and to allow interior and exterior alterations
	September 1, 2016
SDAB-D-16-204	An appeal by Omer Moyen to develop a Secondary Suite in the basement of a
	Single Detached House, existing without permits
	September 21 or 22, 2016
SDAB-D-16-192	An appeal by Vishal Kapoor to change the Use from General Retail to Minor
	Alcohol Sales (AKP Liquors)
	September 21 or 22, 2016
SDAB-D-16-144	An appeal by Kiewit Energy Canada Corp to construct 6 Accessory General
	Industrial Use buildings - existing without permits (Kiewit Energy Canada
	Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building)
	November 30 or December 1, 2016

APPEAL HEARINGS TO BE SCHEDULED

186484308-002	An appeal by Elaine (Jo) & Myron Kucher; Starr Curry; Mark Stephen; Ryan McCann & Arianna Piccinin; and Ross Brown VS Nasib Ranu to convert an
	existing Single Detached House to Child Care Services and to construct interior and exterior alterations (120 children occupancy).
	September 7 or 8, 2016
169544513-002	An appeal by Michael Skare to construct an Accessory Building (Shed 1.98m
	x 4.57 m).
	September 28 or 29, 2016