

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
August 25, 2016**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

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I 9:00 A.M. SDAB-D-16-202

Install a Freestanding Off-premises Sign (C.P.R  
Parcel)

6135 - 99 Street NW,  
9440 - 34 Street NW  
Project No.: 224516627-001

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II 10:30 A.M. SDAB-D-16-176

Install (1) Freestanding Off-premises Sign  
(Outfront Media), existing without permits

9549 - 118 Avenue NW  
Project No.: 220466051-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-202

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 224516627-001

ADDRESS OF APPELLANT: 6135 - 99 Street NW,  
9440 - 34 Street NW

APPLICATION TO: Install a Freestanding Off-premises Sign  
(C.P.R Parcel)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 15, 2016

DATE OF APPEAL: August 2, 2016

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 6135 - 99 Street NW  
9440 - 34 Street NW

LEGAL DESCRIPTION: Plan 5595KS Blk 4 Lot H, Plan 690EO  
Blk RLY

ZONE: IB Industrial 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:

Sign has existed at current location since 1994. Permit lapsed in 2013. We applied for renewal, but were refused due to lapse and inadequate separation distance. We are appealing to keep the sign in its current location.

[unedited]

***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,

**Determining an Appeal**

The *Municipal Government Act* states the following:

**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 400.1 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(39), **Freestanding Off-premises Signs** is a **Discretionary Use** in the IB Industrial Business Zone.

Section 7.9(3) states:

**Freestanding Off-premises Signs** means any Sign supported independent of a building, displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

***Separation Distance***

Section 59F.3(2)(g) of Schedule 59F states:

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

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

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

**Development Officer’s Determination**

1) Proposed Sign locations shall be separated from Digital Signs greater than 8.0 m<sup>2</sup> or Off-premises Signs. If the proposed Sign Area is less than 20m<sup>2</sup> the minimum separation distance from greater than 8.0 m<sup>2</sup> or other Off-premises Sign shall be 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59F.3(2)(g))

Separation distance: 59 m

Deficient by: 41 m

Note: Parent Job: 427427-003 was issued Jan 24, 2008 for 5 years. No new permit for existing Freestanding Off-premises Sign was applied until June 2016, which is 3 years from the parent permit expiry date.


[unedited]

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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*.

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	Project Number: <b>224516627-001</b> Application Date: JUN 23, 2016 Printed: August 2, 2016 at 2:48 PM Page: 1 of 2	
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>		
This document is a Development Permit Decision for the development application described below.		
<b>Applicant</b>  <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	<b>Property Address(es) and Legal Description(s)</b> 6135 - 99 STREET NW Plan 5595KS Blk 4 Lot H  9440 - 34 STREET NW Plan 690EO Blk RLY	
<b>Scope of Application</b> To install a Freestanding Off-premises Sign (C.P.R Parcel)		
<b>Permit Details</b>		
ASA Sticker No./Name of Engineer: Construction Value: 15000	Class of Permit: 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: 1 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: _____		
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1) Proposed Sign locations shall be separated from Digital Signs greater than 8.0 m2 or Off-premises Signs. If the proposed Sign Area is less than 20m2 the minimum separation distance from Digital Signs greater than 8.0 m2 or other Off-premises Sign shall be 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59F.3(2)(g))  Separation distance: 59 m Deficient by: 41 m  Note: Parent Job: 427427-003 was issued Jan 24, 2008 for 5 years. No new permit for existing Freestanding Off-premises Sign was applied until June 2016. which is 3 years from the parent permit expiry date.  <b>Rights of Appeal</b> 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.		
<b>Issue Date:</b> Jul 15, 2016	<b>Development Authority:</b> AHUJA, SACHIN	<b>Signature:</b> _____
<b>THIS IS NOT A PERMIT</b>		



## Application for Sign Combo Permit

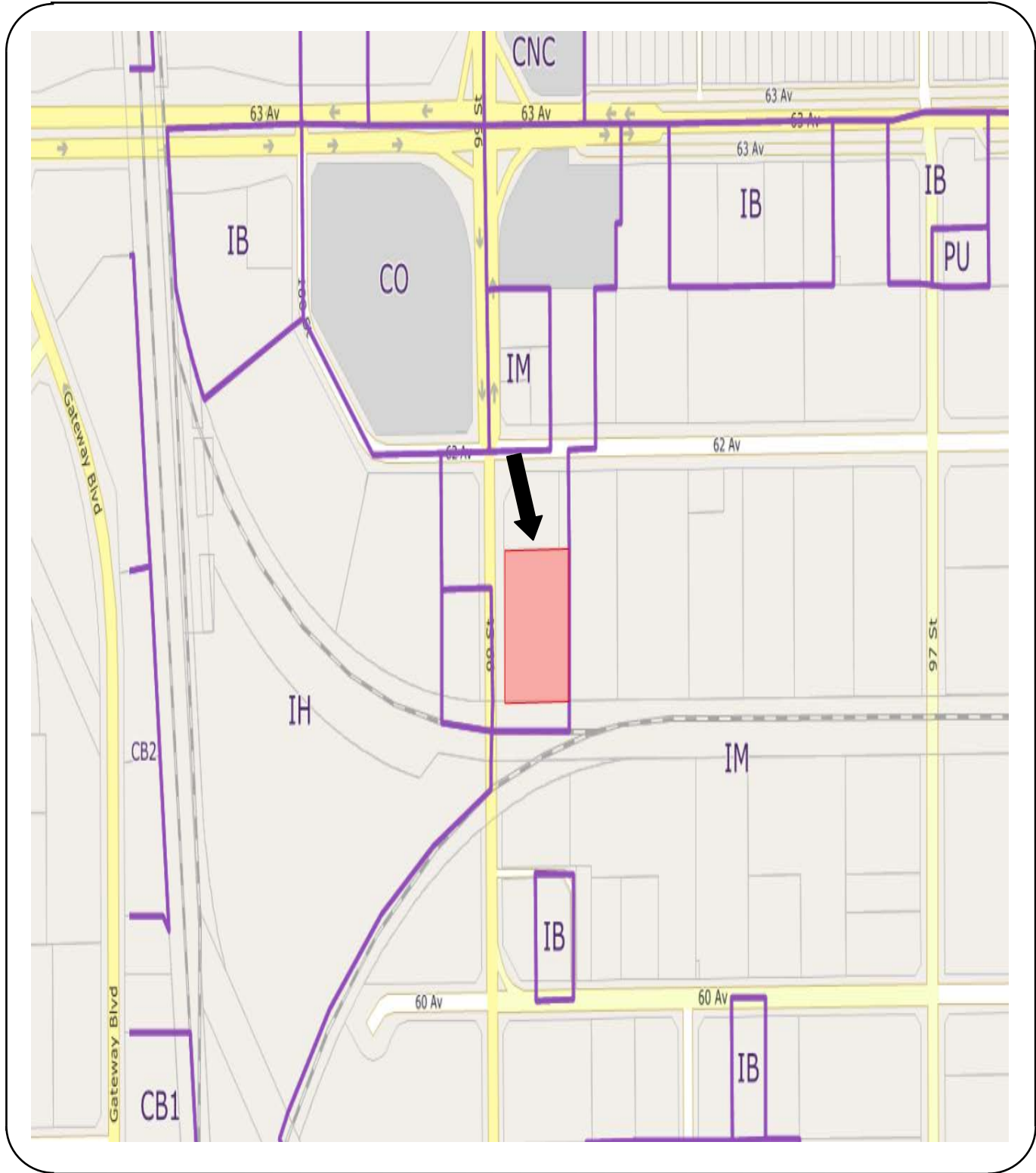
Project Number: **224516627-001**  
Application Date: JUN 23, 2016  
Printed: August 2, 2016 at 2:48 PM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Development Application Fee	\$261.00	\$261.00	03419983	Jul 06, 2016
Existing Without Dev Permit Penalty Fee	\$261.00	\$261.00	03419983	Jul 06, 2016
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$522.00	\$522.00		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-202



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-176

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 220466051-001

ADDRESS OF APPELLANT: 9549 - 118 Avenue NW

APPLICATION TO: Install (1) Freestanding Off-premises Sign (Outfront Media), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 16, 2016

DATE OF APPEAL: June 29, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9549 - 118 Avenue NW

LEGAL DESCRIPTION: Plan RN43 Blk 19 Lots 16-17

ZONE: CB2 General Business Zone

OVERLAY: Alberta Avenue Pedestrian Commercial Shopping Street 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:

Sign was erected in 1994, and abided by all bylaws at time of construction. Height has been 8 meters for 22 years with no issues. Current overlay states that maximum height shall not exceed 6 meters.  
[unedited]

***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.

**685(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 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,

**Determining an Appeal**

The *Municipal Government Act* states the following:

**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.

The Board is advised that the decision of refusal by the Development Officer is dated June 16, 2016. The Notice of Appeal was filed on June 29, 2016.

**General Provisions from the *Edmonton Zoning Bylaw*:**

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(39), **Freestanding Off-premises Signs** is a **Discretionary Use** in the CB2 General Business Zone.

Section 7.9(3) states:

**Freestanding Off-premises Signs** means any Sign supported independent of a building, displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

<b><i>Maximum Height</i></b>
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Section 821.3(23)(a) states:

23. Signage shall be provided in accordance with [Schedule 59E](#) of this Bylaw, with the intent to compliment the pedestrian-oriented commercial environment, except that:

- a. the maximum Height of a Freestanding Sign shall be [6.0 m](#);

**Development Officer's Determination**

1) The maximum Height of a Freestanding Sign shall be 6.0 m (Reference Section 821.3(a))

Proposed Height: 8 m

Exceeds by: 2 m

As per Section 11.4(2), there shall be no variance from maximum Height, Floor Area Ratio and Density regulations.

Note: The proposed sign was approved in October, 1994 for duration of 2 years and has not been renewed. Therefore, the sign is considered as a new application.


[unedited]

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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.

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	<p style="text-align: right;">Project Number: <b>220466051-001</b>                  Application Date: APR 27, 2016                  Printed: June 29, 2016 at 3:41 PM                  Page: 1 of 2</p>		
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
<p><b>Applicant</b></p> <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	<p><b>Property Address(es) and Legal Description(s)</b>                  9549 - 118 AVENUE NW                  Plan RN43 Blk 19 Lots 16-17</p>		
<p><b>Scope of Application</b>                  To install (1) Freestanding Off-premises Sign (Outfront Media), existing without permits</p>			
<p><b>Permit Details</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                 ASA Sticker No./Name of Engineer:                  Construction Value: 8000             </td> <td style="width: 50%; border: none;">                 Class of Permit: Class A                  Expiry Date:             </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 8000	Class of Permit: Class A Expiry Date:
ASA Sticker No./Name of Engineer: Construction Value: 8000	Class of Permit: Class A 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: 1 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		
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>			
<p><b>Development Application Decision</b>                  Refused</p> <p><b>Reason for Refusal</b>                  1) The maximum Height of a Freestanding Sign shall be 6.0 m (Reference Section 821.3(a))</p> <p>Proposed Height: 8 m                  Exceeds by: 2 m</p> <p>As per Section 11.4(2), there shall be no variance from maximum Height, Floor Area Ratio and Density regulations.</p> <p>Note: The proposed sign was approved in October, 1994 for duration of 2 years and has not been renewed. Therefore, the sign is considered as a new application.</p> <p><b>Rights of Appeal</b>                  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.</p>			
<p>Issue Date: Jun 16, 2016      Development Authority: AHUJA, SACHIN      Signature: _____</p>			
<p><b>THIS IS NOT A PERMIT</b></p>			



Project Number: **220466051-001**  
Application Date: APR 27, 2016  
Printed: June 29, 2016 at 3:41 PM  
Page: 2 of 2

## Application for Sign Combo Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Development Application Fee	\$261.00	\$261.00	03289589	May 18, 2016
Existing Without Dev Permit Penalty Fee	\$261.00	\$261.00	03289589	May 18, 2016
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$522.00	\$522.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-176





***BUSINESS LAID OVER***

SDAB-D-16-190	An appeal to install a Freestanding Off-premises Sign (6.1 metres by 3 metres facing N/S) <b><i>September 1, 2016</i></b>
SDAB-D-16-187	An appeal to construct a 3 Dwelling Apartment House and to demolish the existing Single Detached House. <b><i>August 31, 2016 or September 1, 2016</i></b>
SDAB-D-16-205	An appeal 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 <b><i>September 1, 2016</i></b>
SDAB-D-16-204	An appeal to develop a Secondary Suite in the basement of a Single Detached House, existing without permits <b><i>September 21 or 22, 2016</i></b>
SDAB-D-16-192	An appeal to change the Use from General Retail to Minor Alcohol Sales (AKP Liquors) <b><i>September 21 or 22, 2016</i></b>
SDAB-D-16-144	An appeal 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) <b><i>November 30 or December 1, 2016</i></b>

***APPEAL HEARINGS TO BE SCHEDULED***

186484308-002	An appeal to convert an existing Single Detached House to Child Care Services and to construct interior and exterior alterations (120 children occupancy). <b><i>September 7 or 8, 2016</i></b>
169544513-002	An appeal to construct an Accessory Building (Shed 1.98m x 4.57 m). <b><i>September 28 or 29, 2016</i></b>