

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
August 4, 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-16-189

To install (2) Fascia On-premises Signs
(Pharmasave & Lynwood)

8720 - 149 Street NW
Project No.: 187404079-001

II 11:00 A.M. SDAB-D-16-190

To install a Freestanding Off-premises Sign (6.1
metres by 3 metres facing N/S).

8603 - 61 Avenue NW
Project No.: 222047927-001

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-16-189

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 187404079-001

ADDRESS OF APPELLANT: 8720 - 149 Street NW

APPLICATION TO: Install (2) Fascia On-premises Signs
(Pharmasave & Lynwood)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 15, 2016

DATE OF APPEAL: July 7, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8720 - 149 Street NW

LEGAL DESCRIPTION: Plan 5572HW Blk 1 Lots 4-10

ZONE: CSC Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

The reason we are applying late is because we tried emailing a city planner around June 20th, and kept following up and never heard back about what to do.

Please accept the following documents.

[Reasons for Appeal attached as series of documents]

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 June 15, 2016. The Notice of Appeal was filed on July 17, 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 320.1 states that the **General Purpose** of the **CSC Shopping Centre Zone** is:

...to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

Under Section 320.2(25), **Fascia On-premises Signs** are a **Permitted Use** in the CSC Shopping Centre Zone.

Section 7.2(9) 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.

Development Officer's Discretion

Section 59.2(6) states:

For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.

Development Officer's Determination

The Development Officer referenced Section 59.2(6) and made the following determination:



The proposed Pharmasave Fascia Sign is not in keeping the architectural character of building and overall intent of signage design. All the signs

on the development/ building are channel letters without any background mounted on the canopy. The development permit approved for exterior alterations to the building in early 2015 identifies the signage design for overall development and all existing signs on the building are in accordance with proposed design.

Note: The Fascia On-premises sign has been installed without permits.
[unedited]

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*.

	Project Number: 187404079-001 Application Date: FEB 18, 2016 Printed: June 15, 2016 at 8:38 AM 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.	
Applicant 	Property Address(es) and Legal Description(s) 8720 - 149 STREET NW Plan 5572HW Blk 1 Lots 4-10 Location(s) of Work Entryway: 8764 - 149 STREET NW Building: 8720 - 149 STREET NW
Scope of Application To install (2) Fascia On-premises Signs (Pharmasave & Lynwood).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 1250	Class of Permit: Class A Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 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 Reason for Refusal 1) For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone (Reference Section 59.2(6)) The proposed Pharmasave Fascia Sign is not in keeping the architectural character of building and overall intent of signage design. All the signs on the development/ building are channel letters without any background mounted on the canopy. The development permit approved for exterior alterations to the building in early 2015 identifies the signage design for overall development and all existing signs on the building are in accordance with proposed design. Note: The Fascia On-premises sign has been installed without permits. 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.	
THIS IS NOT A PERMIT	



Project Number: **187404079-001**
Application Date: FEB 18, 2016
Printed: June 15, 2016 at 8:38 AM
Page: 2 of 2

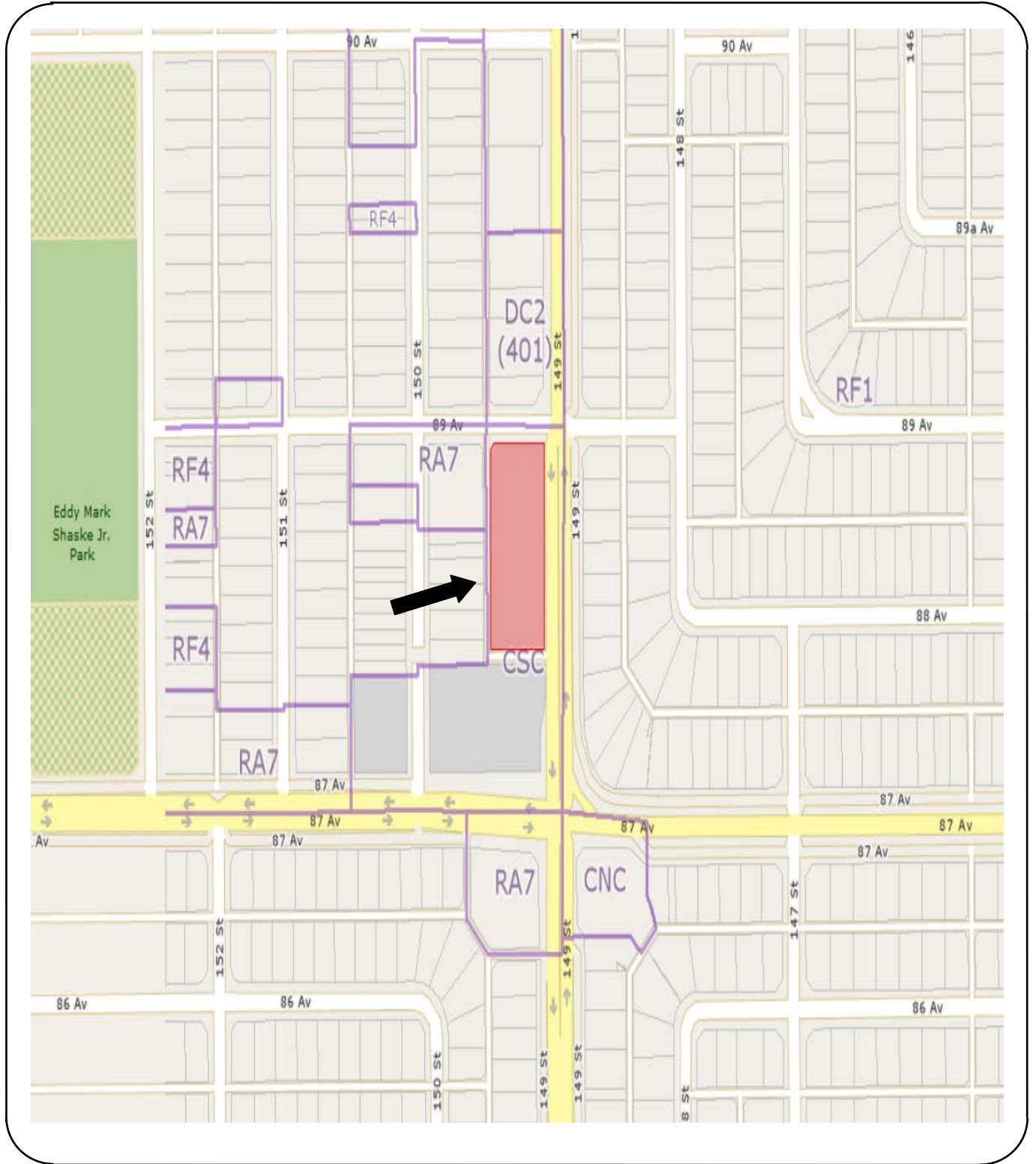
Application for Sign Combo Permit

Issue Date: Jun 15, 2016 Development Authority: AHUJA, SACHIN Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$5.96	\$5.96	03076135	Feb 19, 2016
Sign Building Permit Fee	\$149.00	\$149.00	03076135	Feb 19, 2016
Sign Development Application Fee	\$174.00	\$174.00	03076135	Feb 19, 2016
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$328.96	\$328.96		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-189



ITEM II: 11:00 A.M.

FILE: SDAB-D-16-190

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 222047927-001

ADDRESS OF APPELLANT: 8603 - 61 Avenue NW

APPLICATION TO: Install a Freestanding Off-premises Sign
(6.1m x 3 m facing N/S).

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 7, 2016

DATE OF APPEAL: July 12, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8603 - 61 Avenue NW

LEGAL DESCRIPTION: Plan 5119TR Blk 11 Lot 1A

ZONE: PU Public Utility Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

Sign is in a vacant lot, setback by 6m. No residential nearby.
Surrounding zones are IM, IB, IH. [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, or
 - ...

The decision of the Development Officer is dated July 7, 2016. The Notice of Appeal was filed on July 12, 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 520.1 states that the **General Purpose** of the **PU Public Utility Zone** is:

... to provide for a system or works that is used to provide for public consumption, benefit, convenience or use such as water or steam, sewage disposal, public transportation, irrigation, drainage, fuel, electric power, heat, waste management and telecommunications.

Under Section 520.3(5), **Freestanding Off-premises Signs**, in a location where such Signs lawfully existed as of the Effective Date of this Bylaw [15735, passed on June 20, 2011], and that such Signs shall not be subject to the Setback provisions of this Zone, are a **Discretionary Use** in the PU Public Utility 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.

Development Officer's Decision



The Development Officer refused the development application for the following reason:

- 1) Freestanding Off-premises Signs are allowed in a location where such Signs lawfully existed as of the Effective Date of Bylaw 15735.(Reference Section 520.3(5))

The permit for the existing Freestanding Sign on the property expired June 23, 2001. The current sign permit application renewal is applied 15 years after last expiry. The Bylaw 15735 was passed by Council June 20, 2011 and the sign in consideration did not have a lawful permit as of the effective date of Bylaw 15735. [unedited]

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*.

	Project Number: 222047927-001 Application Date: MAY 18, 2016 Printed: July 7, 2016 at 2:02 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.	
Applicant 	Property Address(es) and Legal Description(s) 8603 - 61 AVENUE NW Plan 5119TR Blk 11 Lot 1A
Scope of Application To install a Freestanding Off-premises Sign (6.1m x 3 m facing N/S).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 1000	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: _____	
Development Application Decision Refused Reason for Refusal 1) Freestanding Off-premises Signs are allowed in a location where such Signs lawfully existed as of the Effective Date of Bylaw 15735.(Reference Section 520.3(5)) The permit for the existing Freestanding Sign on the property expired June 23, 2001. The current sign permit application renewal is applied 15 years after last expiry. The Bylaw 15735 was passed by Council June 20, 2011 and the sign in consideration did not have a lawfull permit as of the effective date of Bylaw 15735. 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 07, 2016 Development Authority: AHUJA, SACHIN Signature: _____	
THIS IS NOT A PERMIT	



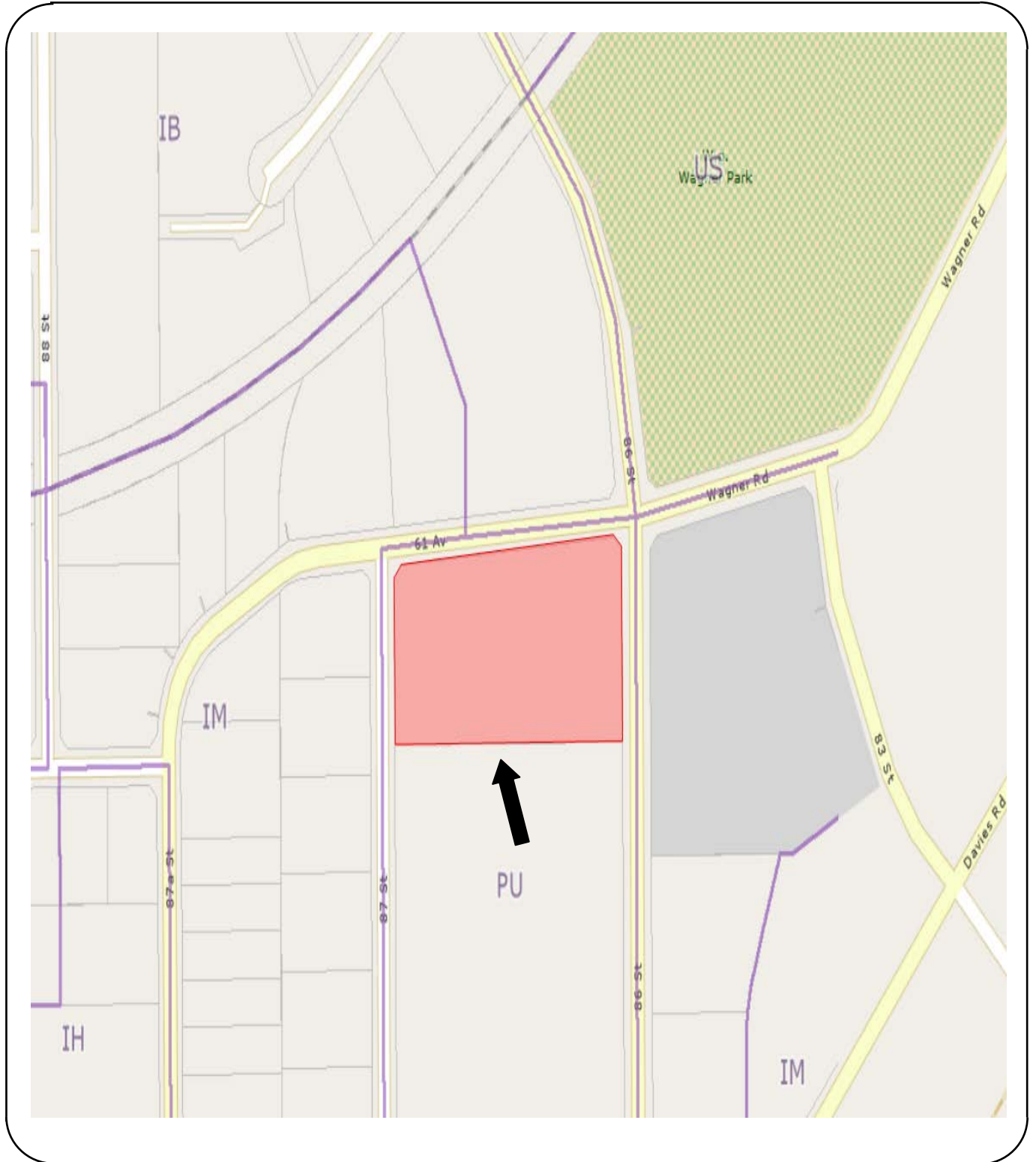
Project Number: **222047927-001**
Application Date: MAY 18, 2016
Printed: July 7, 2016 at 2:02 PM
Page: 2 of 2

Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Dev Permit Penalty Fee	\$261.00	\$261.00	03316161	May 30, 2016
Sign Development Application Fee	\$261.00	\$261.00	03316161	May 30, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$522.00	<u>\$522.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-190



BUSINESS LAID OVER

SDAB-D-16-136	An appeal to extend the duration of a Freestanding Minor Digital Off-premises Sign (3.05m x 10.37m Single Sided Facing South) <i>August 17 or 18, 2016</i>
SDAB-D-16-176	An appeal to install (1) Freestanding Off-premises Sign (Outfront Media), existing without permits <i>August 25, 2016</i>
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) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

189288219-004	An appeal to leave as built an Accessory Building <i>August 17, 2016</i>
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). <i>September 7 or 8, 2016</i>