

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
August 14, 2019**

**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-19-123     Install (1) Minor Digital Off-premises  
Freestanding Sign (PATTISON | C.A.Y.  
INVESTMENTS INC.)  
  
6029 – Gateway Boulevard NW  
Project No.: 315245131-001

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II    10:30 A.M.    SDAB-D-19-124    Construct four Apartment House buildings (total  
of 725 Dwellings) with an underground parkade  
(Building 4 has main floor Convenience Retail  
Store Uses)  
  
**WITHDRAWN**  
  
8311 - 93 Avenue NW  
Project No.: 298214168-002

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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-19-123

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 315245131-001

APPLICATION TO: Install (1) Minor Digital Off-premises Freestanding Sign (PATTISON | C.A.Y. INVESTMENTS INC.)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 22, 2019

DATE OF APPEAL: July 23, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6029 – Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 2657NY Blk 80 Lot A

ZONE: CB1 - Low Intensity Business 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:

We are solicitors for Pattison Outdoor Advertising, the Applicant. Our client's Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The proposed sign is not contrary to the Calgary Trail Land Use Study, but is compatible with it. The Calgary Trail land Use Study is not binding on the Board in any event.
2. In the context of Gateway Boulevard, the required variance in separation distance from what is referred to in the refusal as the "Lumican Sign" is appropriate. Moreover, a variance was granted by the Board in its approval of the Lumican Sign, so the tests for the variance will have already been met.

3. The proposed sign was approved by the Board while the Fascia On-premises Sign referenced in the refusal was in place. Subsequently, the Board approved the Fascia Major Digital Sign referenced in the refusal while the subject sign was in place. The signs existed together without complaint for many years.

4. Such further and other reasons as may be presented at the hearing of this appeal.

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<i>General Matters</i>
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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.

**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, [...]

**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 clauses (a.4) and (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.

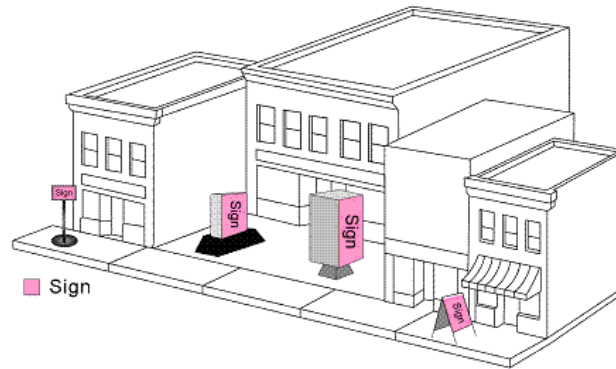
**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 330.3(42), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.9(6), **Minor Digital Off-premises Signs** means “a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.”

Under section 6.2, **Freestanding Signs** means:

a Sign supported independently of a building.



Under section 6.2, **Off-Premise Signs** means:

any Sign 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, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 330.4(10) states “Signs shall comply with the regulations found in Schedule 59F.”

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

***Calgary Trail Land Use Study***

The *City of Edmonton Charter*, 2018 Regulation, Alta Reg 39/2018 states the following:

**(31) In section 616 of the Act,**

**(e) clause (dd) is to be read as follows:**

(dd) “statutory plan” means

- (i) an intermunicipal development plan,
- (ii) a municipal development plan,
- (iii) an area structure plan,
- (iv) an area redevelopment plan, and

(v) an additional statutory plan under section 635.1

adopted by the City under Division 4;

**Development Officer’s Determination**

**1. The proposed sign is located within the Calgary Trail Land Use Study. Section 3.4(b)(ii) of the Calgary Trail Land Use Study states that greater attention shall be given to improving the location, siting, signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards (billboards are considered Off-premises signs).**

**The proposed Minor Digital Off-premises Sign is contrary to Section 3.4(b)(ii) of the Calgary Trail Land Use Study. [unedited]**

***Schedule 59F - Separation Distance***

Schedule 59F.3(6)(e) states:

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

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

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

**Development Officer’s Determination**

**2. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m<sup>2</sup> or Off-premises Signs greater than 20 m<sup>2</sup> by 200 m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.**

**Area of Existing PATTISON Sign (DP 117242-001 ): 27 m<sup>2</sup>  
 Location: 6103 - GATEWAY BOULEVARD NW  
 Required Separation Distance: 200 m  
 Proposed Separation Distance: 158 m  
 Deficient by: 42 m**

**Area of Existing LUMICAN Sign (DP 239130502-001): 19.3 m<sup>2</sup>**

**Location: 6024 - GATEWAY BOULEVARD NW**  
**Required Separation Distance: 100 m**  
**Proposed Separation Distance: 65 m**  
**Deficient by: 35 m [unedited]**

***Section 59 – General (Sign) Provisions***

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**

**3. 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 Freestanding Minor Digital Sign, in addition to the Fascia Major Digital Sign and Fascia On-premises Sign overshadows the building front and adversely impacts the architectural character of building contrary to section 59.2(6). [unedited]**

***Previous Subdivision and Development Appeal Board Decisions***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-15-306	To insall (1) Fascia Major Digital On-Premises Sign (PCwhoop Electronics / LED Pros)	December 24, 2015; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority.
SDAB-D-14-182	Install (1) Minor Digital Off-premises Sign (Plaza 103)	July 25, 2014; The appeal be ALLOWED and the DEVELOPMENT GRANTED subject to conditions.



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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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# Application for Sign Combo Permit

Project Number: **315245131-001**  
Application Date: MAY 30, 2019  
Printed: July 22, 2019 at 1:14 PM  
Page: 1 of 2

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

**Applicant**

PATTISON OUTDOOR ADVERTISING  
Care of: MARCUS CANEY  
10707 - 178 STREET  
EDMONTON, ALBERTA CANADA T5S 1J6

**Property Address(es) and Legal Description(s)**

6029 - GATEWAY BOULEVARD NW  
Plan 2657NY Blk 80 Lot A

**Scope of Application**

To install (1) Minor Digital Off-premises Freestanding Sign (PATTISON | C.A.Y. INVESTMENTS INC.)

**Permit Details**

ASA Sticker No./Name of Engineer:  
Construction Value: 100000

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: 1  
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

**Issue Date:** Jul 22, 2019    **Development Authority:** MERCIER, KELSEY

**THIS IS NOT A PERMIT**



## Application for Sign Combo Permit

Project Number: **315245131-001**  
 Application Date: MAY 30, 2019  
 Printed: July 22, 2019 at 1:14 PM  
 Page: 2 of 2

**Reason for Refusal**

1. The proposed sign is located within the Calgary Trail Land Use Study. Section 3.4(b)(ii) of the Calgary Trail Land Use Study states that greater attention shall be given to improving the location, siting, signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards (billboards are considered Off-premises signs).

The proposed Minor Digital Off-premises Sign is contrary to Section 3.4(b)(ii) of the Calgary Trail Land Use Study.

2. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m<sup>2</sup> or Off-premises Signs greater than 20 m<sup>2</sup> by 200 m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Area of Existing PATTISON Sign (DP 117242-001 ): 27 m<sup>2</sup>  
 Location: 6103 - GATEWAY BOULEVARD NW  
 Required Separation Distance: 200 m  
 Proposed Separation Distance: 158 m  
 Deficient by: 42 m

Area of Existing LUMICAN Sign (DP 239130502-001): 19.3 m<sup>2</sup>  
 Location: 6024 - GATEWAY BOULEVARD NW  
 Required Separation Distance: 100 m  
 Proposed Separation Distance: 65 m  
 Deficient by: 35 m

3. 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 Freestanding Minor Digital Sign, in addition to the Fascia Major Digital Sign and Fascia On-premises Sign overshadows the building front and adversely impacts the architectural character of building contrary to section 59.2(6).

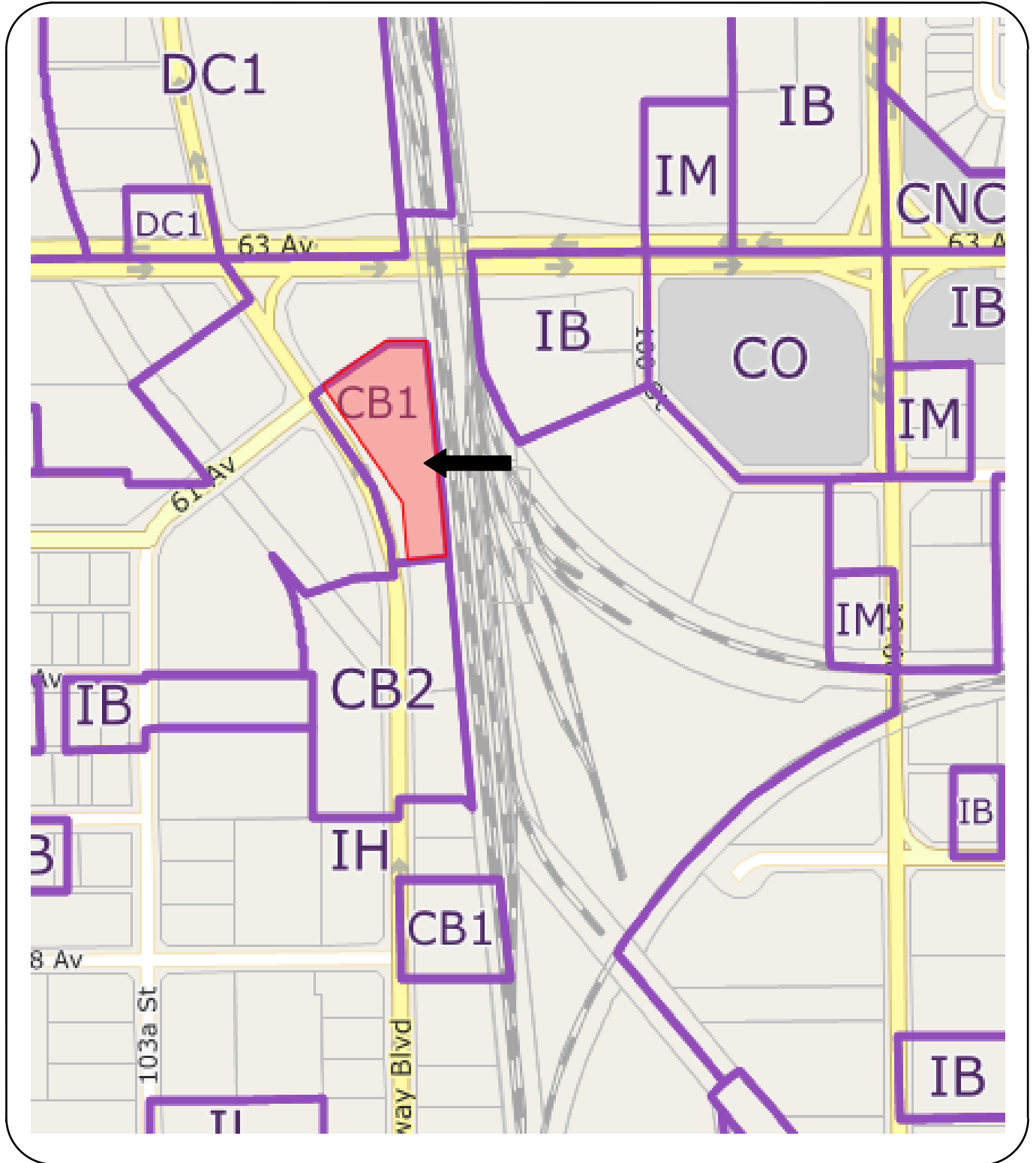
**Rights of Appeal**

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Building Permit Fee	\$1,057.00	\$1,057.00	05893490	Jun 03, 2019
Safety Codes Fee	\$42.28	\$42.28	05893490	Jun 03, 2019
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05893490	Jun 03, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,557.28	\$1,557.28		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-123



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-124

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER THE  
COMMUNITY LEAGUE

APPELLANT:

APPLICATION NO.: 298214168-002

APPLICATION TO: Construct 4 Apartment House buildings  
(total of 725 Dwellings) with an  
underground parkade. Building 4 has  
main floor Convenience Retail Store Uses.

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: June 24, 2019

DATE OF APPEAL: July 22, 2019

NOTIFICATION PERIOD: July 2, 2019 through July 23, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 8311 - 93 Avenue NW

LEGAL DESCRIPTION: Plan 1820389 Blk 26 Lot 23

ZONE: DC2 - Site Specific Development Control  
Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

**WITHDRAWN**

