

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
August 24, 2017**

**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-17-151	Construct exterior alterations to a Single Detached House (Driveway extension, 1.67m x 5.60m)  4103 - 171 Avenue NW Project No.: 254389409-001
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II	10:30 A.M.	SDAB-D-17-152	Construct exterior alterations to a Single Detached House (rooftop pergola with adjustable louvered roof, 3.66m x 4.27m, and rear awning canopy, 0.76m x 5.79m).  10609 - 127 Street NW Project No.: 246842887-001
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III	1:30 P.M.	SDAB-D-17-153	Install (1) Freestanding Minor Digital Off-premises Sign (2 sided facing E/W)  10430 - 106 Avenue NW Project No.: 241119425-001
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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-17-151

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 254389409-001

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension, 1.67m x 5.60m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 21, 2017

DATE OF APPEAL: July 28, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4103 - 171 Avenue NW

LEGAL DESCRIPTION: Plan 1425758 Blk 13 Lot 19

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Cy Becker Neighbourhood Structure Plan  
Pilot Sound Area Structure Plan

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***Grounds for Appeal***

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

The decision was made based on the City's general bylaw and special circumstance (two spate legal dwelling) was not considered. As well, the proposed development area is not wide enough to be considered as street parking. There is no impact to the neighborhood as I will be presenting consent signatures from my neighbors. Also there is a proper drainage area of 6 inches available which was obtained from the City's lot and grading division. [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 27, 2017 and the Notice of Appeal was filed July 28, 2017.

**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 115.1 states that the **General Purpose** of the **RSL Residential Small Lot Zone** is:

...to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Under section 115.2(4), **Single Detached Housing** is a **Permitted Use** in the (RSL) Residential Small Lot Zone.

Under section 7.2(9), **Single Detached Housing** means:

development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Under section 6.1(31), **Driveway** “means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Section 6.1(121) states: “**Walkway** means a path for pedestrian circulation that cannot be used for vehicular parking.”

***Definition of Driveway***

The Development Officer referenced the definition of Driveway under section 6.1(26), cited above, and made the following determination:

Other than the approved 5.79 m wide concrete front driveway, the existing concrete extension left side property line does not lead to an overhead garage door or parking area. (Section 6.1(26)).

***Landscaping***

Section 55.3(1)(e) states: “All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing”

**Development Officer’s Determination**

The driveway extension is in the front of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. [unedited]

***Location of Vehicular Parking***

Section 54.2(2)(e) states:

Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and
- ii. on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard Abutting the flanking public roadway, other than a Lane.

**Development Officer’s Determination**

The Front yard of this property between the right side property line and the edge of the approved driveway, is being used for parking. This areas should been landscaped and parking is also not allowed within these yards. [unedited]

***Development Officer's Variance Powers***

Section 11.3(1) states:

1. In approving a Development Permit Application pursuant to Section 11.2, the Development Officer shall adhere to the following:
  - a. a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone;
  - b. except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio or Density regulations;
  - c. on rectangular shaped Lots, there shall be no variance from the minimum Site Width, for new Single Detached Housing in the RF1, RF2, RF3, and RF4 Zones for all Sites which received subdivision approval after June 12, 2017; and
  - d. there shall be no variance to the General Purpose of the appropriate Zone or Overlay.

**Development Officer's Determination**

Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

The extensive concrete which will cover the majority of the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal. This proposed driveway extension is not in keeping with the character of the neighbourhood. [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: **254389409-001**  
Application Date: JUN 14, 2017  
Printed: August 17, 2017 at 2:46 PM  
Page: 1 of 2

## Application for Minor Development Permit

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

<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 4103 - 171 AVENUE NW Plan 1425758 Blk 13 Lot 19  <b>Specific Address(es)</b> Suite: 4103 - 171 AVENUE NW Suite: BSMT, 4103 - 171 AVENUE NW Entryway: 4103 - 171 AVENUE NW Building: 4103 - 171 AVENUE NW
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**Scope of Application**  
To construct exterior alterations to a Single Detached House (Driveway extension, 1.67m x 5.60m)

<b>Permit Details</b>	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: (none)

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

Applicant signature: \_\_\_\_\_

**Development Application Decision**  
Refused

**THIS IS NOT A PERMIT**



Project Number: **254389409-001**  
 Application Date: JUN 14, 2017  
 Printed: August 17, 2017 at 2:46 PM  
 Page: 2 of 2

## Application for Minor Development Permit

**Reason for Refusal**

1.) Section 6.1(26): Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area

Other than the approved 5.79 m wide concrete front driveway, the existing concrete extension left side property line does not lead to an overhead garage door or parking area. (Section 6.1(26)).

2.) Section 55.3.1.e: All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

The driveway extension is in the front of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. (Section 55.4(1)) (Section 6.1(55))

3.) Section 54.2(2(e)): Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.

The Front yard of this property between the right side property line and the edge of the approved driveway, is being used for parking. This areas should been landscaped and parking is also not allowed within these yards.

4.) Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

The extensive concrete which will cover the majority of the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal. This proposed driveway extension is not in keeping with the character of the neighbourhood.

**NOTES:**

Sufficient on site parking is provided through the provision of a 2-car front attached garage, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.

Runoff may drain onto neighbouring properties creating a negative impact.

This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

**Rights of Appeal**

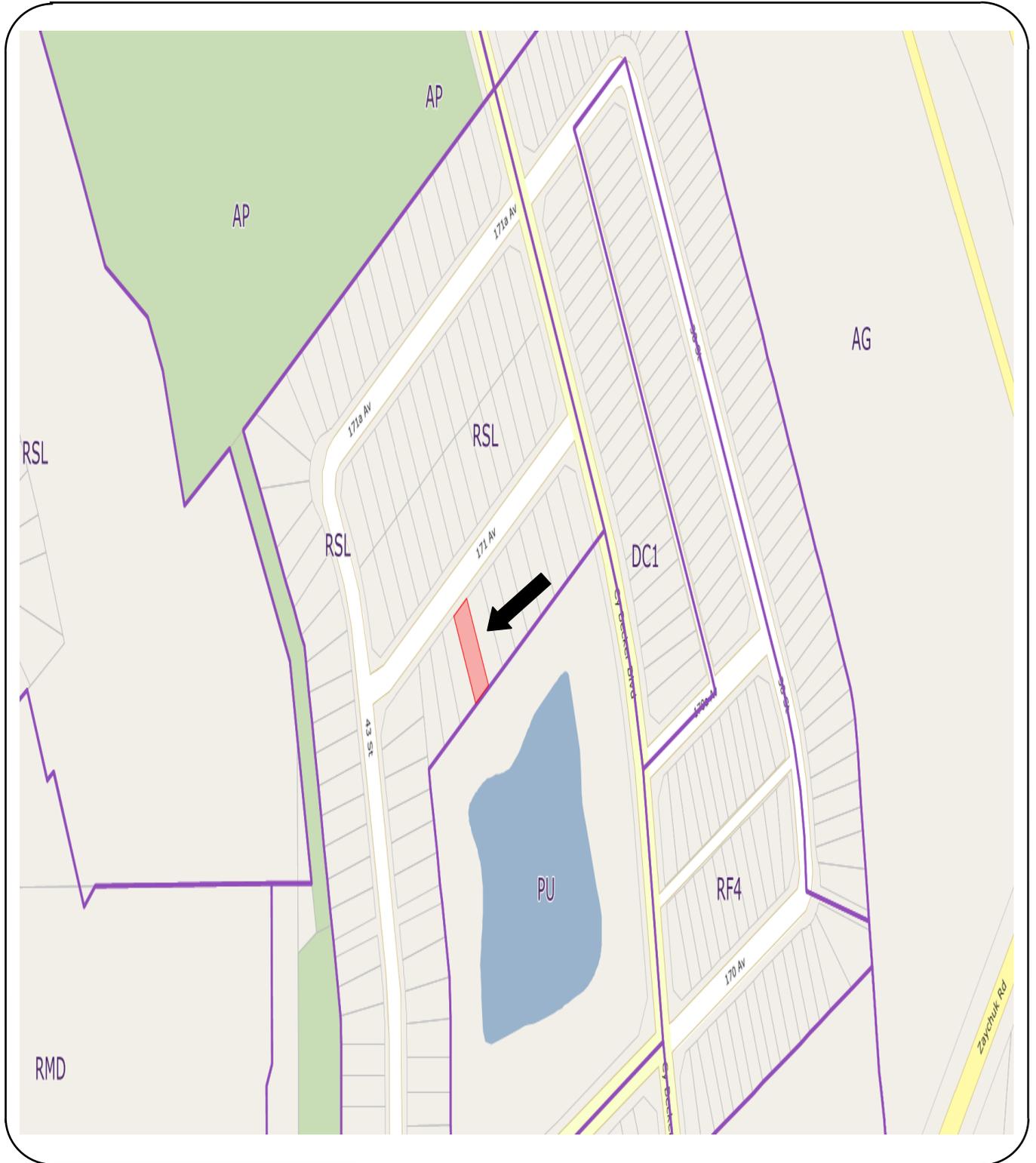
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Jul 21, 2017      **Development Authority:** ZIOBER, MELISSA      **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$166.00	\$166.00	04207926	Jun 14, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$166.00	\$166.00		

**THIS IS NOT A PERMIT**



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-151



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-152

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 246842887-001

APPLICATION TO: Construct exterior alterations to a Single Detached House (rooftop pergola with adjustable louvered roof, 3.66m x 4.27m, and rear awning canopy, 0.76m x 5.79m).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 28, 2017

DATE OF APPEAL: July 28, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10609 - 127 Street NW

LEGAL DESCRIPTION: Plan 1421799 Blk 49 Lot 6A

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: MNO Mature Neighbourhood 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:

Although it is a permanent structure added to the height of our house it is not an enclosed addition therefore the visual effect is minimum and after community consultations there have been no community concerns. Adding the pergola structure to our roof top patio will enable the use of the patio, as is the heat is prohibitive to enjoying the space. [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 28, 2017. The Notice of Appeal was filed on July 28, 2017.

**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 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

... to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(9) states:

**Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

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.

**Mature Neighbourhood Overlay Community Consultation**

Section 814.3(24) of the Mature Neighbourhood Overlay provides as follows:

24. When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
- d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

***Maximum Site Coverage***

Section 140.4(10)(a) states:

10. Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached and Duplex Housing - Site area 300 m <sup>2</sup> or greater	28%	12%	40%	40%

**Development Officer’s Determination**

1. Site Coverage - The Single Detached House and rear detached Garage covers 42% of the site, instead of 40% (Section 140.4(10)(a)).

***Projection into Setbacks***

Section 44.1(a) states:

The following features may project into a required Setback or Separation Space as provided for below:

1. a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 m above Grade;

**Development Officer's Determination**

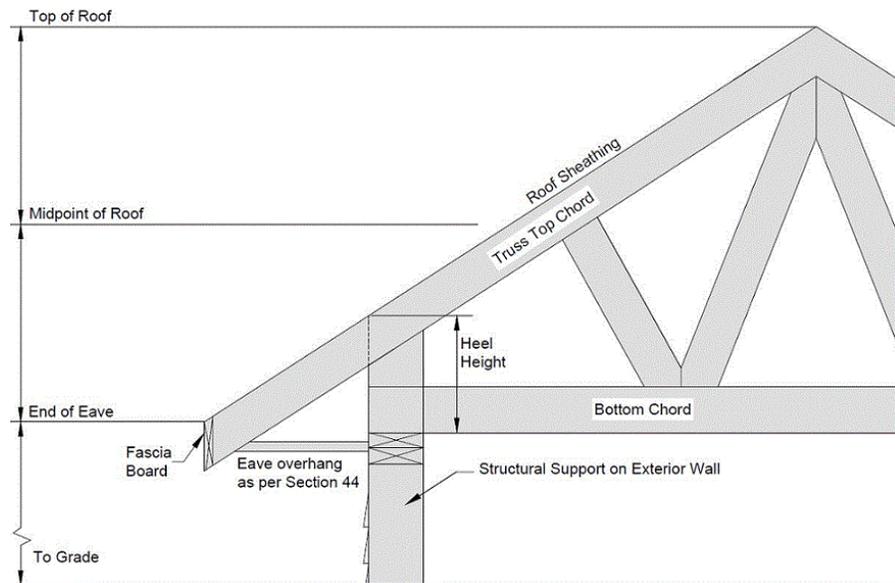
2. Projection - The distance from the rear canopy to the property line shared with 10607 127 Street NW(side lot line) is 0.5m, instead of 0.6m (Section 44.1(a)).

***Height***

Section 52.1(a) states:

***52. Height and Grade***

1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:
  - a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof; or



Section 814.3(13) states: “The maximum Height shall not exceed 8.6 m, in accordance with Section 52.”

**Development Officer’s Determination**

3. Height - The overall Height of the Single Detached House with covered pergola is 9.72m to the midpoint of the roof, instead of 8.6m (Reference Section 814.3(13) & 52.1(a))

Notes:

A) Variance was granted under job #155583514-001 to allow 29% Site Coverage for the Single Detached House and 41% for Total Site Coverage (Section 140.4(10)(a)).

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: <b>246842887-001</b> Application Date: MAY 02, 2017 Printed: August 17, 2017 at 3:11 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 10609 - 127 STREET NW Plan 1421799 Blk 49 Lot 6A  <b>Specific Address(es)</b> Suite: 10609 - 127 STREET NW Entryway: 10609 - 127 STREET NW Building: 10609 - 127 STREET NW		
<b>Scope of Application</b> To construct exterior alterations to a Single Detached House (rooftop pergola with adjustable louvered roof, 3.66m x 4.27m, and rear awning canopy, 0.76m x5.79m).			
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     # of Dwelling Units Add/Remove: 0                      Client File Reference Number:                      Minor Dev. Application Fee: Exterior Alterations (Res.)                      Secondary Suite Included?: N                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class B                      Lot Grading Needed?: N                      New Sewer Service Required: N                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1. Site Coverage - The Single Detached House and rear detached Garage covers 42% of the site, instead of 40% (Section 140.4(10)(a)).  2. Projection - The distance from the rear canopy to the property line shared with 10607 127 Street NW(side lot line) is 0.5m, instead of 0.6m (Section 44.1(a)).  3. Height - The overall Height of the Single Detached House with covered pergola is 9.72m to the midpoint of the roof, instead of 8.6m (Reference Section 814.3(13) & 52.1(a))  Notes:  A) Variance was granted under job #155583514-001 to allow 29% Site Coverage for the Single Detached House and 41% for Total Site Coverage (Section 140.4(10)(a)).  <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 28, 2017 <b>Development Authority:</b> McARTHUR, JORDAN <b>Signature:</b> _____			
<b>THIS IS NOT A PERMIT</b>			



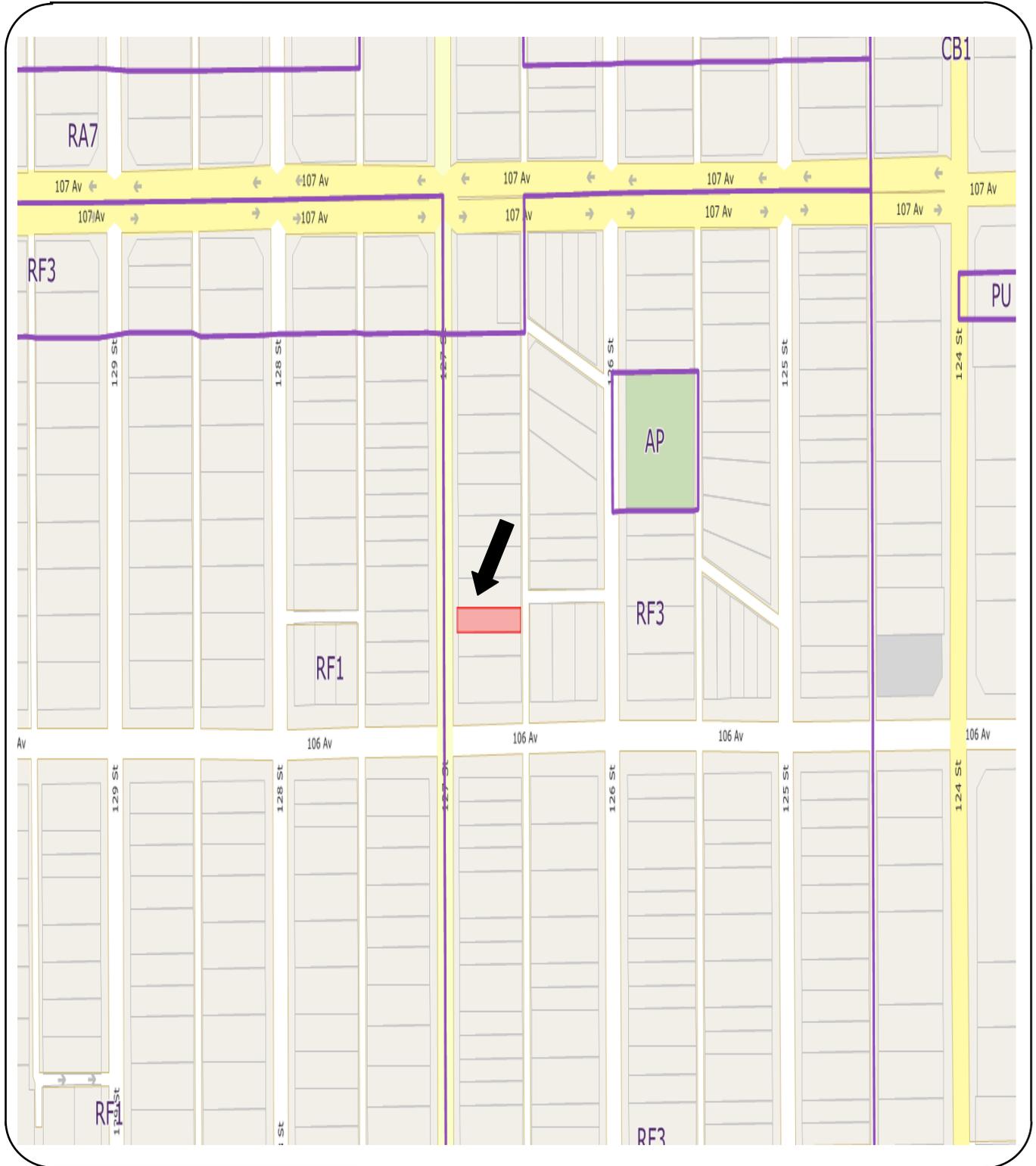
Project Number: **246842887-001**  
Application Date: MAY 02, 2017  
Printed: August 17, 2017 at 3:11 PM  
Page: 2 of 2

## Application for Minor Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$166.00	\$166.00	04091974	May 02, 2017
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$166.00	\$166.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-152



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-153

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 241119425-001

APPLICATION TO: Install (1) Freestanding Minor Digital Off-premises Sign (2 sided facing E/W)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 7, 2017

DATE OF APPEAL: July 27, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10430 - 106 Avenue NW

LEGAL DESCRIPTION: Plan B3 Blk 4 Lots 209-210

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: N/A

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:

The reason why this digital billboard should be approved go beyond the reasons why it should not been there.

First, let us start by acknowledging that there is a mayor LTR line in 104 Street and due to the intersection on 104 street and 106 avenue there are traffic signals lights and safety bars. These ones specifically design to keep pedestrians and motorist safe. They produce sounds and flashing lights that directly affect the surrounding s of the clinic.

The proposed sign is design with an angle that will prevent direct and reduce the light interference in the residential building as well as a photo sensor that controls the brightness. The screen will automatically dim at night. Reducing the light pollution to a minimum.

The proposed sign will increase the value of the neighborhood. The area will enjoy of a technological investment. Increasing the value of the area in general. Other reasons will be explain during the appeal hearing.  
[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, 2017 and the Notice of Appeal was filed July 27, 2017.**

**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*:**

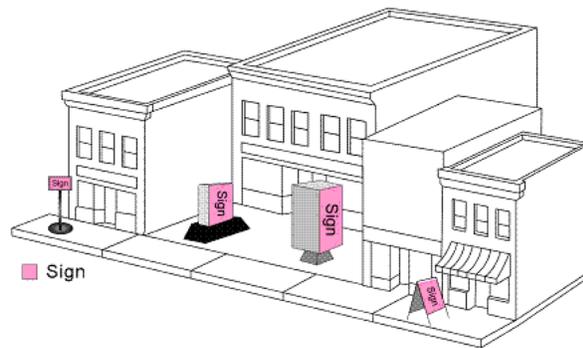
Under section 330.3(41), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the (CB1) Low Intensity Business Zone.

Under section 7.9(6), **Minor Digital 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 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 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.

Under section 6.2(8), **Freestanding Signs** means:

any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground;



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.

#### ***Sign Regulations – General Provisions***

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, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

#### **Development Officer’s Determination**

**The proposed Minor Digital Sign is a V shaped sign with the East panel directly facing residential use class 34 m from the sign and West panel directly facing residential use class 42 m from the sign. The light illumination from the sign will unduly interfere with value and enjoyment of neighbouring properties, contrary to section 59.2(3).**

**Schedule 59F**

Schedule 59F.3(6) states:

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

- a. proposed Signs are prohibited in the civic centre area bounded by 105 Avenue to the north, the North Saskatchewan River Valley to the south, 97 Street to the east, and 100 Street to the west;
- b. the maximum Height shall be 8.0 m;
- c. the maximum Width shall be 16.0 m;
- d. the maximum Area shall be:
  - i. 65.0 m<sup>2</sup>, to a maximum of 25% wall coverage for proposed Signs that are Fascia Signs; or
  - ii. 65.0 m<sup>2</sup> for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 65.0 m<sup>2</sup>;
- e. 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 <u>8.0 m<sup>2</sup></u> or other Off-premises Sign
Greater than <u>8.0 m<sup>2</sup></u> to 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>300m</u>

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

- f. ...
- g. ...
- h. ...
- i. ...

- j. proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback;
- k. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and
- l. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

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

<b>SDAB Number</b>	<b>Application</b>	<b>DECISION</b>
<p><b>SDAB-D-17-024 / 025</b></p> <p>— — — — — — — —</p>	<p>Cease the Use (Non-Accessory Parking), REMOVE all signage associated with the Use (Non-Accessory Parking) from the site and PREVENT the recurrence of the Use (Non-Accessory Parking) by barricading the site to restrict vehicles from accessing the site for the Use (Non-Accessory Parking) on or before January 23, 2017.</p>	<p>February 16, 2017; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The Stop Orders are UPHOLD as issued.</p>
<p>—</p> <p><b>SDAB-D-16-283</b></p> <p><b>Leave to Appeal Date: February 22, 2017</b></p>	<p>To demolish an existing Automotive and Recreational Vehicle Sales/Rentals building and change the use of the site to Non-accessory Parking.</p>	<p>November 24, 2016; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is REFUSED.</p>

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>241119425-001</b> Application Date: FEB 10, 2017 Printed: July 28, 2017 at 10:24 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.		
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10430 - 106 AVENUE NW Plan B3 Blk 4 Lots 209-210	
<b>Scope of Application</b> To install (1) Freestanding Minor Digital Off-premises Sign ( 2 sided facing E/W)		
<b>Permit Details</b>		
ASA Sticker No./Name of Engineer: Construction Value: 79000	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: 2 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: _____		
<b>Development Application Decision</b> Refused <b>Reason for Refusal</b> 1) Minor Digital 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 Minor Digital Sign is a V shaped sign with the East panel directly facing residential use class 34 m from the sign and West panel directly facing residential use class 42 m from the sign. The light illumination from the sign will unduly interfere with value and enjoyment of neighbouring properties, contrary to section 59.2(3).  <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.		
Issue Date: Jul 07, 2017	Development Authority: AHUJA, SACHIN	Signature: _____
<b>THIS IS NOT A PERMIT</b>		



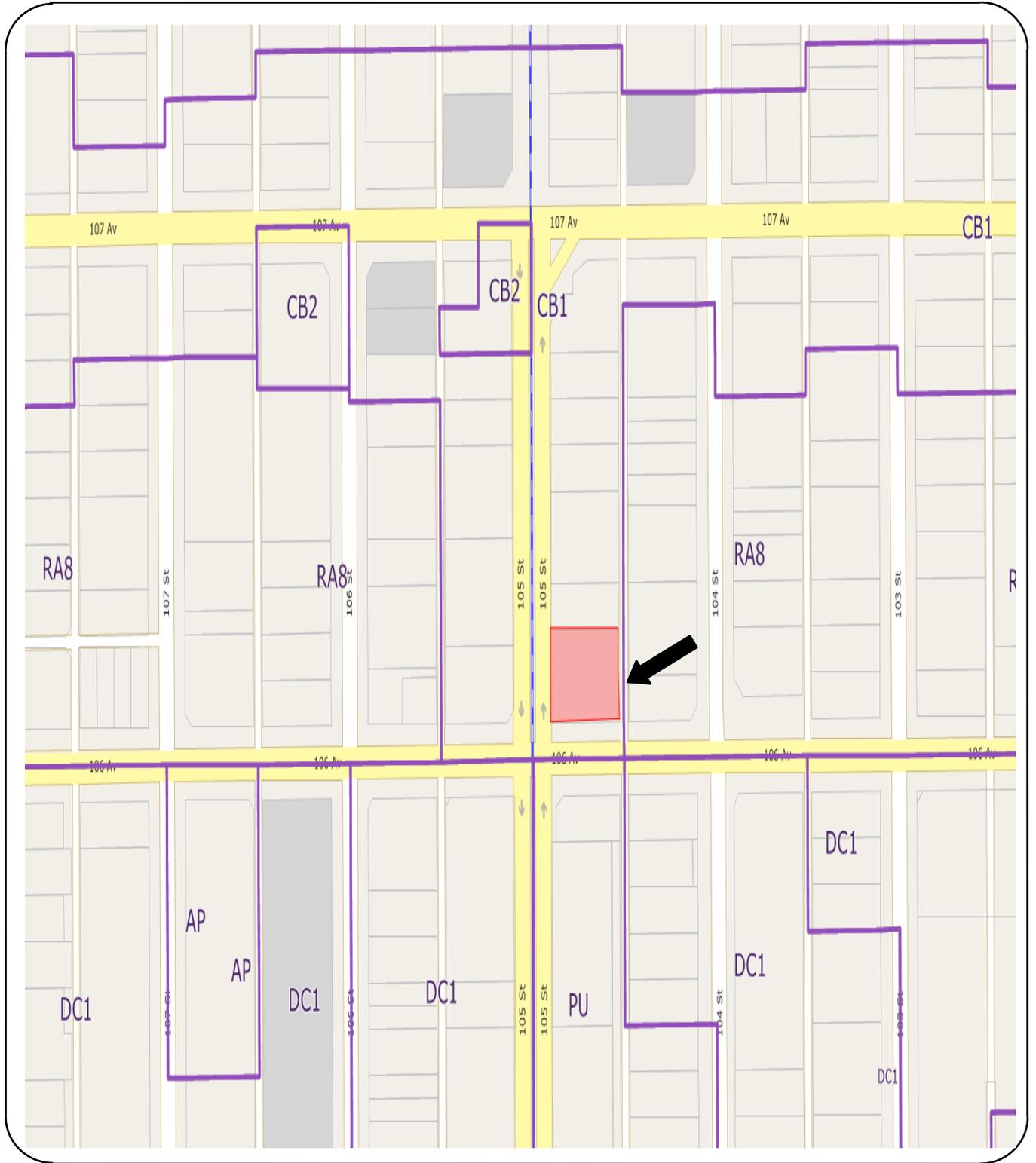
Project Number: **241119425-001**  
Application Date: FEB 10, 2017  
Printed: July 28, 2017 at 10:24 AM  
Page: 2 of 2

## Application for Sign Combo Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Dev Appl Fee - Digital Signs	\$884.00	\$884.00	03935780	Feb 22, 2017
Sign Building Permit Fee	\$790.00	\$790.00	03935780	Feb 22, 2017
Safety Codes Fee	\$31.60	\$31.60	03935780	Feb 22, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$1,705.60	\$1,705.60		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-153

