

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
August 3, 2017**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

Members Scheduled

Kathy Cherniawsky, Presiding Officer
Art Peterson
Colleen Van Tighem
Louise Gibson
Rohit Handa

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I 9:00 A.M. SDAB-D-17-140

WITHDRAWN

To operate a Major Home Based Business (registered massage therapy, maximum 4 clients per day, no overlapping appointments, hours of operation: Mon - Wed 2pm to 8pm; Weekend 10am to 2pm - AUTUMN RAIN WELLNESS), expires June 16, 2022.

9320 - 64 Avenue NW
Project No.: 253241165-001

TO BE RAISED

II 11:00 A.M. SDAB-D-17-086

Install a Fascia Minor Digital Off-premises Sign (6.1 m x 3 m - facing North)

9914 - 109 Street NW
Project No.: 232166360-001

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-17-140

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 253241165-001

APPLICATION TO: To operate a Major Home Based Business (registered massage therapy, maximum 4 clients per day, no overlapping appointments, hours of operation: Mon - Wed 2pm to 8pm; Weekend 10am to 2pm - AUTUMN RAIN WELLNESS), expires June 16, 2022.

WITHDRAWN

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: June 16, 2017

DATE OF APPEAL: July 6, 2017

NOTIFICATION PERIOD: Jun 22, 2017 through Jul 6, 2017

RESPONDENT: Ayla Modeste

ADDRESS OF RESPONDENT: 9320 - 64 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9320 - 64 Avenue NW

LEGAL DESCRIPTION: Plan 6045HW Blk 13 Lot 23

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A



TO BE RAISED
ITEM II: 11:00 A.M.

FILE: SDAB-D-17-086

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 232166360-001

APPLICATION TO: Install a Fascia Minor Digital Off-premises Sign (6.1 m x 3 m - facing North)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 22, 2017

DATE OF APPEAL: April 6, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9914 - 109 Street NW

LEGAL DESCRIPTION: Plan NB Blk 9 Lot 63

ZONE: CMU Commercial Mixed Use Zone

OVERLAY: Special Area Downtown Overlay

STATUTORY PLAN: Capital City Downtown Plan

Grounds for Appeal

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

1. New technology does not affect neighbors.
2. Landowner has agreed to remove on premise sign.

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 March 22, 2017. The Notice of Appeal was filed on April 6, 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 910.6(1) states that the **General Purpose** of the **CMU Commercial Mixed Use Zone** is:

... to provide a Zone for medium intensity development that accommodates a mix of predominantly commercial, office, institutional and business Uses as a secondary office commercial area while emphasizing retail activities, entertainment and service Uses at Grade. The intent is to accommodate the existing commercial development west of 109 Street; and to allow Conversion to residential and related Uses.

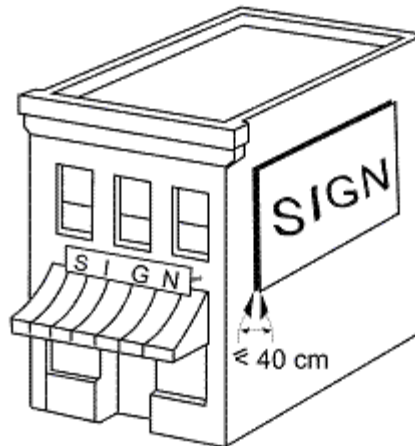
Under Section 910.6(3)(bb), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the CMU Commercial Mixed Use Zone.

Section 7.9(6) states:

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.

Section 6.2(7) provides as follows:

Fascia 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, so that the Sign does not extend more than 40 cm out from the wall or structure nor beyond the horizontal limits of the wall. Fascia Signs may or may not be permanent. This definition includes banners or any other two dimensional medium;



Section 910.1 states that the **General Purpose** of the **Special Area Downtown** is “To designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.”

Section 910.4(5) of the Special Area Downtown provides as follows:

5. Signage

- a. The Development Officer shall have regard for visual harmony and the compatibility of the proposed sign with the architectural character and finish of the development and with the design, location and appearance of other signs on the development.
- b. A Comprehensive Sign Design Plan in accordance with the Provisions of Section 59.3. may be required at the discretion of the Development Officer,

Sign Illumination

Section 59.2(3) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, 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 Fascia Minor Digital Off-premises Sign is facing North and light illumination from the Digital sign negatively impacts the use, enjoyment and value of residents of Mixed Use Residential Apartment units towards NE, contrary to section 59.2(3).

Sign Illumination

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

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

e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign as follows:

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



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

Development Officer’s Determination

Required Separation Distance: 100 m
 Proposed Separation Distance: 85 m
 Deficient by: 15 m

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 232166360-001 Application Date: OCT 06, 2016 Printed: May 4, 2017 at 3:15 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) 9914 - 109 STREET NW Plan NB Blk 9 Lot 63 Location(s) of Work Entryway: 9914 - 109 STREET NW Building: 9914 - 109 STREET NW
Scope of Application To install a Fascia Minor Digital Off-premises Sign (6.1 m x 3 m - facing North)	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 35000	Class of Permit: Class B Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 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	
THIS IS NOT A PERMIT	



Project Number: **232166360-001**
 Application Date: OCT 06, 2016
 Printed: May 4, 2017 at 3:15 PM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1)) Minor Digital On-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 Fascia Minor Digital Off-premises Sign is facing North and light illumination from the Digital sign negatively impacts the use, enjoyment and value of residents of Mixed Use Residential Apartment units towards NE, contrary to section 59.2(3).

2) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m2 or Off-premises Signs. If the proposed Sign Area is greater than 8m2 to 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(6)(e))

Required Separation Distance: 100 m
 Proposed Separation Distance: 85 m
 Deficient by: 15 m

Rights of Appeal

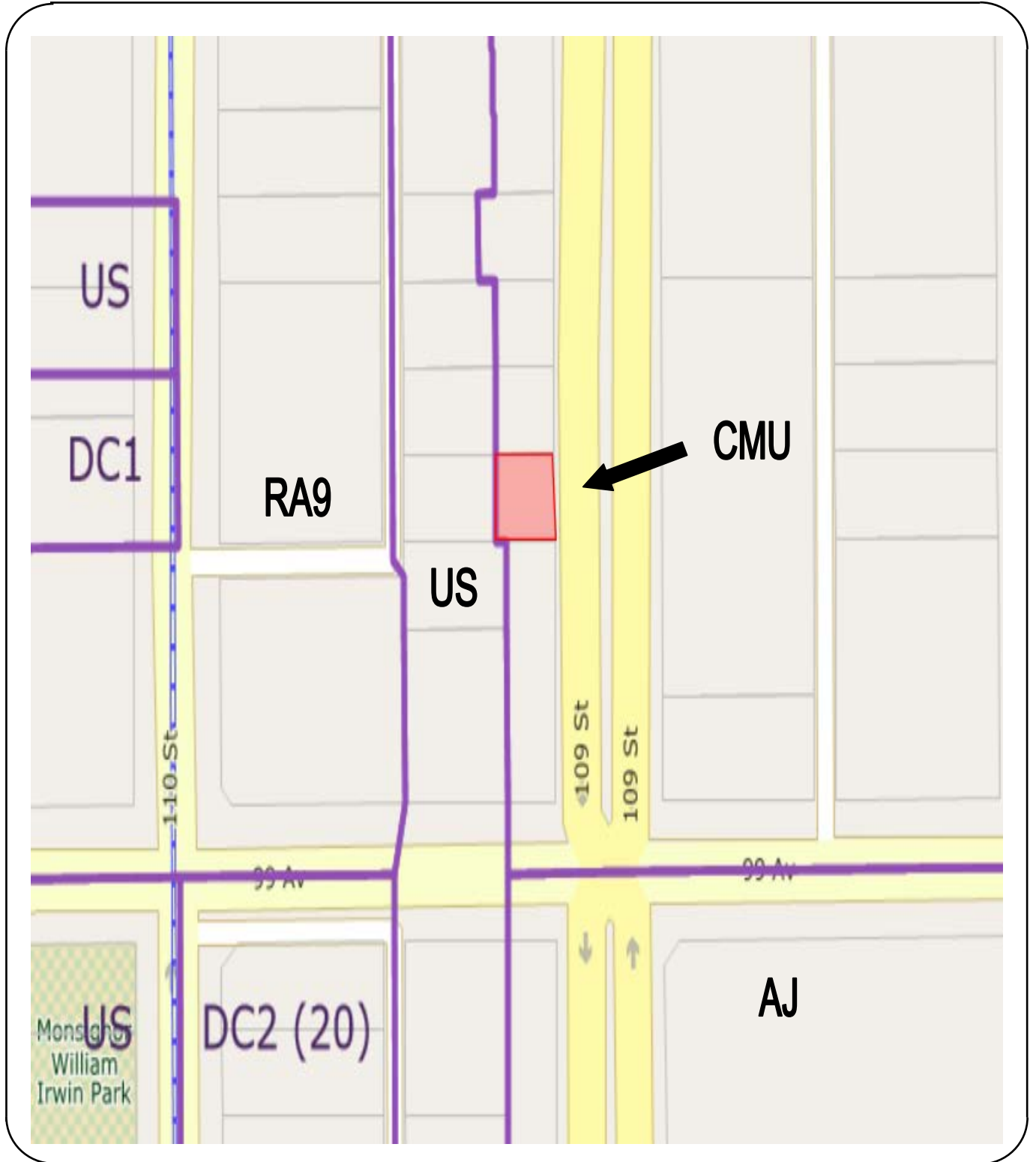
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Mar 22, 2017 **Development Authority:** AHUJA, SACHIN **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$102.00	\$102.00	03871408	Jan 19, 2017
Sign Building Permit Fee	\$350.00	\$350.00	13720636,03871408	Jan 19, 2017
Safety Codes Fee	\$14.00	\$14.00	13720636,03871408	Jan 19, 2017
Sign Dev Appl Fee - Digital Signs	\$425.00	\$425.00	03720636	Nov 02, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$891.00	\$891.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-086

