

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Wednesday, 9:00 A.M.**  
**December 2, 2020**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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**TO BE RAISED**

I 9:00 A.M. SDAB-D-20-159

Construct a Minor Digital On-premises Off-premises Sign (6.1 metres by 3.1 metres single-sided facing south) (OUTFRONT MEDIA | BIG RIG COLLISION REPAIR)

5834 - Gateway Boulevard NW  
Project No.: 169445911-003

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**TO BE RAISED**

II 10:30 A.M. SDAB-D-20-158

Install a Minor Digital On-premises Off-premises Freestanding Sign (Single Face-Facing North) (OUTFRONT | LIBERTY SECURITY)

5604 - 104 Street NW  
Project No.: 168359422-003

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III 1:30 P.M. SDAB-D-20-166

Operate a Major Home Based Business (Automotive Detailing and Tire Services - DUO DYNAMIC AUTO GARAGE). Expires October 26, 2025

6020 - 142 Avenue NW  
Project No.: 374958997-001

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

**TO BE RAISED**

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-159

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 169445911-003

APPLICATION TO: Construct a Minor Digital On-premises Off-premises Sign (6.1 metres by 3.1 metres single-sided facing south) (OUTFRONT MEDIA | BIG RIG COLLISION REPAIR)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 30, 2020

DATE OF APPEAL: October 19, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5834 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 4269HW Blk 83 Lot 4

ZONE: (IH) Heavy Industrial 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:

The sign was approved as per current zoning, and has existed for 5 years with no issues or complaints. We would like to simply extend the permit length, with no modifications to the structure since it was erected.

***General Matters***

**Appeal Information:**

**The Subdivision and Development Appeal Board (the “Board”) at a hearing on October 28, 2020, made and passed the following motion:**

**“That SDAB-D-20-159 be postponed until December 2 or 3, 2020 at the written request of the Appellant.”**

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.

**(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,

- (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, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**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 clause (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 430.3(17), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **(IH) Heavy Industrial Zone**.

Under section 7.9(7), **Minor Digital On-premises Off-premises Sign** means:

Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, a **Freestanding Sign** means “a Sign supported independently of a building.”

Section 430.4(8) states “Signs shall comply with the regulations found in Schedule 59G.”

Section 430.1 states that the **General Purpose** of the **(IH) Heavy Industrial Zone** is:

to provide for industrial Uses that, due to their appearance, noise, odour, risk of toxic emissions, or fire and explosion hazards are incompatible with residential, commercial, and other land Uses. This Zone should normally be located on the interior of industrial or agricultural areas, such that it does not interfere with the safety, Use, amenity or enjoyment of any surrounding Zones.

***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 Officers Determination**

**1. The proposed development, a Major Digital On-premises Off-premises Sign, is listed as a Discretionary Use under the IH (Heavy Industrial) Zone (Section 430.3(14)).**

**The Site is located within the Calgary Trail Land Use Study Statutory Plan Area. Section 3.4 of the Calgary Trail Land Use Study, General Urban Design Policies, states:**

**b) Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by:**

**i) promoting within the business community the voluntary replacement of older advertising signage;**

**ii) discouraging the use of portable signs and free-standing billboards; and**

**iii) improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.**

**In the opinion of the Development Officer, the intent of Section 3.4(b)(ii) of the Calgary Trail Land Use Study with respect to billboards, refers to the built form of large freestanding signs located along roadways for the purpose of outdoor advertising.**

**Therefore, the proposed Major Digital On-premises Off-premises Sign is in contradiction to Section 3.4(b)(ii) of the Calgary Trail Land Use Study.**

[unedited]

***Sign Regulations - General Provisions***

Section 59.2(7) states:

For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

**Development Officers Determination**

**2. Pursuant to Section 59.2(7) of the Edmonton Zoning Bylaw, the Development Officer may refuse the permit that adversely impacts the built environment.**

**The proposed Major Digital On-premises Off-premises Sign (billboard) does not serve to enhance the built environment, nor does it contribute to or serve to enhance the Gateway Boulevard major commercial corridor.**

[unedited]

***Previous Subdivision and Development Appeal Board Decision***

| <b>Application Number</b> | <b>Description</b>   | <b>Decision</b>  |
|---------------------------|--|--|
| SDAB-D-15-173             | To construct a Minor Digital On-premises Off-premises Sign (1733298 Alberta Ltd.). | August 20, 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, subject to the following CONDITION:<br><br>The permit for this Sign shall |




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|--|--|----------------------------|
|  |  | expire on August 20, 2020. |
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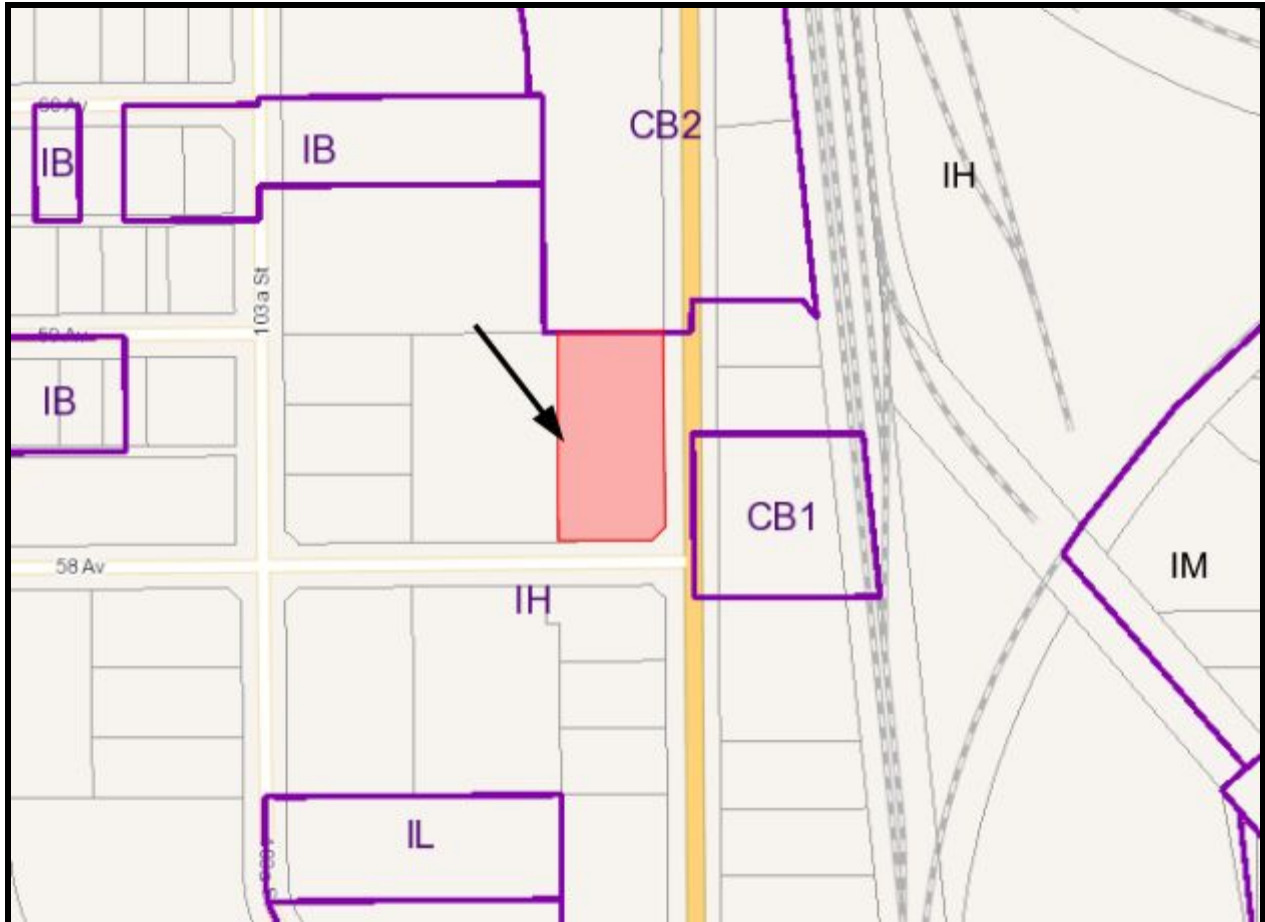
Notice to Applicant/Appellant

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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|  |   |
|--|---|
|   | Project Number: <b>169445911-003</b><br>Application Date: AUG 21, 2020<br>Printed: September 30, 2020 at 10:02 AM<br>Page: 1 of 2   |
| <h2 style="margin: 0;">Application for<br/>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><br>5834 - GATEWAY BOULEVARD NW<br>Plan 4269HW Blk 83 Lot 4<br><br><b>Location(s) of Work</b><br>Suite: 5834 - GATEWAY BOULEVARD NW<br>Entryway: 5834 - GATEWAY BOULEVARD NW<br>Building: 5834 - GATEWAY BOULEVARD NW |
| <b>Scope of Application</b><br>To construct a Minor Digital On-premises Off-premises Sign (6.1m x 3.1m single-sided facing south) (OUTFRONT MEDIA   BIG RIG COLLISION REPAIR).   |   |
| <b>Permit Details</b>  |   |
| ASA Sticker No./Name of Engineer:<br>Construction Value: 200000  | Class of Permit:<br>Expiry Date:  |
| Fascia Off-premises Sign: 0<br>Fascia On-premises Sign: 0<br>Roof Off-premises Sign: 0<br>Roof On-premises Sign: 0<br>Minor Digital On-premises Sign: 0<br>Minor Digital Off-premises Sign: 0<br>Minor Digital On/Off-premises Sign: 1 | Freestanding Off-premises Sign: 0<br>Freestanding On-premises Sign: 0<br>Projecting Off-premises Sign: 0<br>Projecting On-premises Sign: 0<br>Replacement Panel on Existing Sign: 0<br>Comprehensive Sign Design: 0<br>Major Digital Sign: 0                              |
| <b>Development Application Decision</b>  |   |
| Refused  |   |
| Issue Date:                      Development Authority: NOORMAN, BRENDA  |   |
| <b>THIS IS NOT A PERMIT</b>  |   |

|   | <h2 style="margin: 0;">Application for<br/>Sign Combo Permit</h2> | Project Number: <b>169445911-003</b><br>Application Date: AUG 21, 2020<br>Printed: September 30, 2020 at 10:02 AM<br>Page: 2 of 2 |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
|--|---|---|-----------|--------------|-------------|-----------|-----------|-----------------------------------|----------|----------|----------|--------------|-------------------|--------|--|--|--|--------------------|----------|----------|--|--|
| <p><b>Reason for Refusal</b></p> <p>1. The proposed development, a Major Digital On-premises Off-premises Sign, is listed as a Discretionary Use under the IH (Heavy Industrial) Zone (Section 430.3(14)).</p> <p>The Site is located within the Calgary Trail Land Use Study Statutory Plan Area. Section 3.4 of the Calgary Trail Land Use Study, General Urban Design Policies, states:</p> <p style="margin-left: 40px;">b) Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by:</p> <ul style="list-style-type: none"> <li>i) promoting within the business community the voluntary replacement of older advertising signage;</li> <li>ii) discouraging the use of portable signs and free-standing billboards; and</li> <li>iii) improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.</li> </ul> <p>In the opinion of the Development Officer, the intent of Section 3.4(b)(ii) of the Calgary Trail Land Use Study with respect to billboards, refers to the built form of large freestanding signs located along roadways for the purpose of outdoor advertising.</p> <p>Therefore, the proposed Major Digital On-premises Off-premises Sign is in contradiction to Section 3.4(b)(ii) of the Calgary Trail Land Use Study.</p> <p>2. Pursuant to Section 59.2(7) of the Edmonton Zoning Bylaw, the Development Officer may refuse the permit that adversely impacts the built environment.</p> <p>The proposed Major Digital On-premises Off-premises Sign (billboard) does not serve to enhance the built environment, nor does it contribute to or serve to enhance the Gateway Boulevard major commercial corridor.</p> <p><b>Rights of Appeal</b></p> <p>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.</p> |   |   |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| <p><b>Fees</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: right; width: 10%;">Receipt #</th> <th style="text-align: right; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Dev Appl Fee - Digital Signs</td> <td style="text-align: right;">\$467.00</td> <td style="text-align: right;">\$467.00</td> <td style="text-align: right;">06713608</td> <td style="text-align: right;">Sep 08, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$467.00</td> <td style="text-align: right; border-top: 1px solid black;">\$467.00</td> <td></td> <td></td> </tr> </tbody> </table>  |   |   |           | Fee Amount   | Amount Paid | Receipt # | Date Paid | Sign Dev Appl Fee - Digital Signs | \$467.00 | \$467.00 | 06713608 | Sep 08, 2020 | Total GST Amount: | \$0.00 |  |  |  | Totals for Permit: | \$467.00 | \$467.00 |  |  |
|  | Fee Amount  | Amount Paid   | Receipt # | Date Paid    |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| Sign Dev Appl Fee - Digital Signs  | \$467.00  | \$467.00  | 06713608  | Sep 08, 2020 |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| Total GST Amount:  | \$0.00  |   |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| Totals for Permit:   | \$467.00  | \$467.00  |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| <p><b>THIS IS NOT A PERMIT</b></p>   |   |   |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

▲  
**N**

File: SDAB-D-20-159

**TO BE RAISED**

ITEM II: 10:30 A.M.

FILE: SDAB-D-20-158

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 168359422-003

APPLICATION TO: Install a Minor Digital On-premises Off-premises  
Freestanding Sign (Single Face-Facing North)  
(OUTFRONT | LIBERTY SECURITY)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 5, 2020

DATE OF APPEAL: October 19, 2020

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 5604 - 104 Street NW

LEGAL DESCRIPTION: Plan 7621019 Blk 52A Lot 6A

ZONE: (CB2) General 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:

The sign was approved as per current zoning / Land Use Study, and has not been modified since its original approval. Nor has the orientation of the other on premise signage on site. We would like to extend the term on our approval on the sign as built, as there have been no issues/complaints regarding the signage placement.

*General Matters*

**Appeal Information:**

**The Subdivision and Development Appeal Board (the “Board”) at a hearing on October 28, 2020, made and passed the following motion:**

**“That SDAB-D-20-158 be postponed until December 2 or 3, 2020 at the written request of the Appellant.”**

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.

**(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,

- (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, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of

that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

### **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 clause (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 340.3(42), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **(CB2) General Business Zone**.

Under section 7.9(7), **Minor Digital On-premises Off-premises Sign** means:

Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, a **Freestanding Sign** means “a Sign supported independently of a building.”

Section 340.4(9) states “Signs shall comply with the regulations found in Schedule 59F.”

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. This zone also accommodates limited Residential-related uses

***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 Officers Determination**

**1. A freestanding Minor Digital On-premises Off-premises Signs is listed as a Discretionary Use within the CB2 Zone. The sign is also located within the Calgary Trail Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study: "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."**

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

[unedited]

***Sign Regulations - General Provisions***

Section 59.2(12) states:

All Freestanding Signs, Temporary Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule.

**Development Officers Determination**

**2. Section 59.2(12) - All Freestanding Signs, Temporary Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support**

**structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule.**

**PROPOSED: Sign encroaches 0.30 m onto 5704 - 104 STREET NW**

[unedited]

Section 59.2(21) states:

Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure.

**Development Officers Determination**

**3. Section 59.2(21) - Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure**

**Entrance Sign**

**Required Separation Distance: 45 m**

**Proposed Separation Distance: 11.74 m**

**Deficient by: 33.26 m**

**Liberty Sign**

**Required Separation Distance: 45 m**

**Proposed Separation Distance: 43.34 m**

**Deficient by: 1.66 m**


[unedited]


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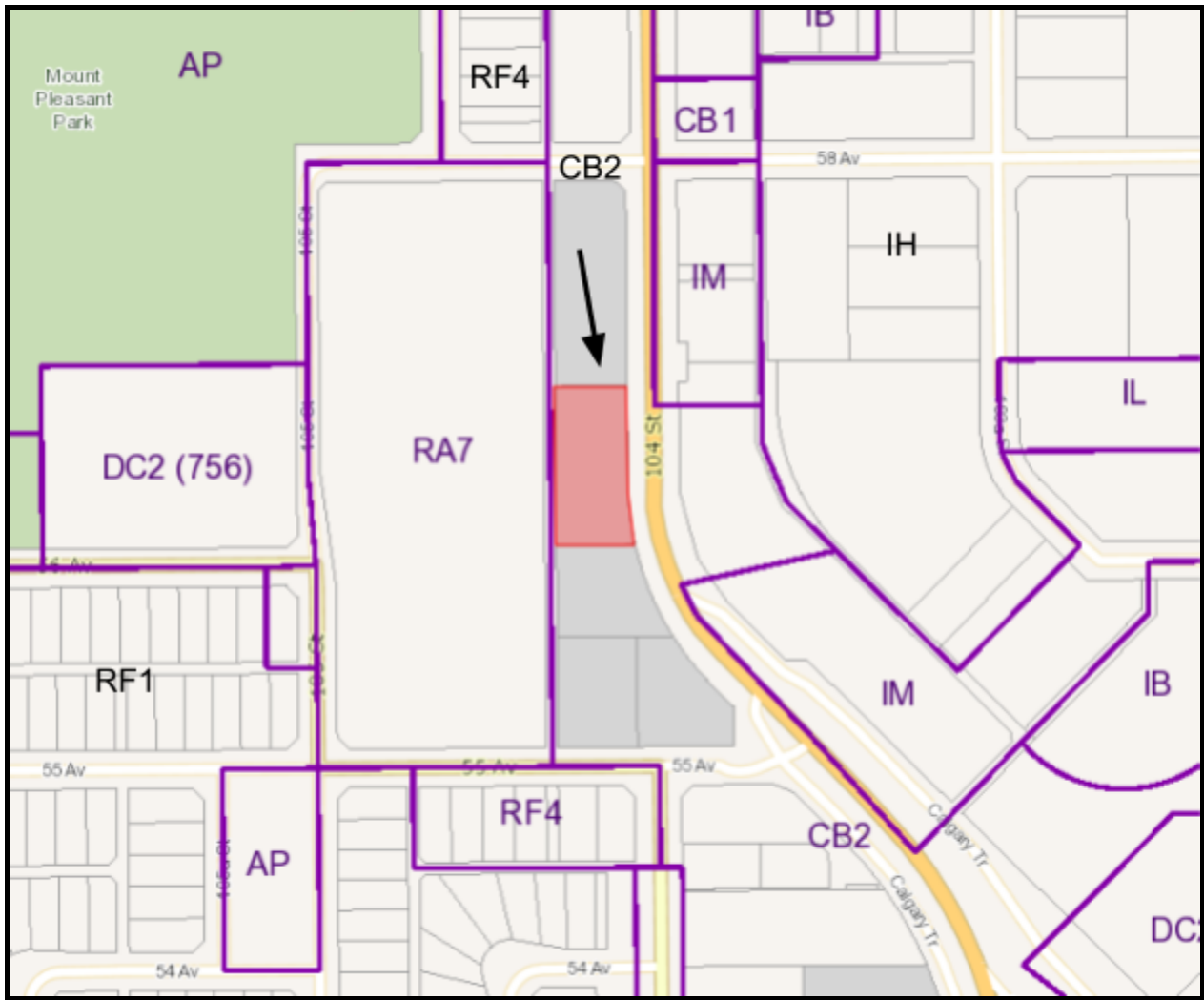
**Notice to Applicant/Appellant**

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.

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|--|--|---|
|   | <h2>Application for<br/>Sign Permit</h2>   | Project Number: <b>168359422-003</b><br>Application Date: APR 20, 2020<br>Printed: October 19, 2020 at 12:47 PM<br>Page: 1 of 2 |
| This document is a Development Permit Decision for the development application described below.  |  |   |
| <b>Applicant</b><br><br>OUTFRONT MEDIA<br>Care of: JULIA HARDING<br>11703 - 170 STREET NW<br>EDMONTON, ALBERTA CANADA T5M3W7   | <b>Property Address(es) and Legal Description(s)</b><br>5604 - 104 STREET NW<br>Plan 7621019 Blk 52A Lot 6A  |   |
| <b>Scope of Application</b><br>To install a Minor Digital On-premises Off-premises Freestanding Sign (Single Face-Facing North) (OUTFRONT   LIBERTY SECURITY).   |  |   |
| <b>Permit Details</b>  |  |   |
| ASA Sticker No./Name of Engineer:<br>Construction Value: 200000  | Class of Permit:<br>Expiry Date:   |   |
| Fascia Off-premises Sign: 0<br>Fascia On-premises Sign: 0<br>Roof Off-premises Sign: 0<br>Roof On-premises Sign: 0<br>Minor Digital On-premises Sign: 0<br>Minor Digital Off-premises Sign: 0<br>Minor Digital On/Off-premises Sign: 1 | Freestanding Off-premises Sign: 0<br>Freestanding On-premises Sign: 0<br>Projecting Off-premises Sign: 0<br>Projecting On-premises Sign: 0<br>Replacement Panel on Existing Sign: 0<br>Comprehensive Sign Design: 0<br>Major Digital Sign: 0 |   |
| <b>Development Application Decision</b><br>Refused<br>Issue Date: Oct 05, 2020 Development Authority: MERCIER, KELSEY  |  |   |
| <b>THIS IS NOT A PERMIT</b>  |  |   |

|    | <h2 style="margin: 0;">Application for<br/>Sign Permit</h2> | <p>Project Number: <b>168359422-003</b><br/>                 Application Date: APR 20, 2020<br/>                 Printed: October 19, 2020 at 12:47 PM<br/>                 Page: 2 of 2</p> |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
|---|---|--|-----------|--------------|-------------|-----------|-----------|-----------------------------------|----------|----------|----------|--------------|-------------------|--------|--|--|--|--------------------|----------|----------|--|--|
| <p><b>Reason for Refusal</b></p> <p>1. A freestanding Minor Digital On-premises Off-premises Signs is listed as a Discretionary Use within the CB2 Zone. The sign is also located within the Calgary Trail Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study: "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."</p> <p>The proposed Minor Digital Off-premises Sign is contrary to Section 3.4(b)(ii) of the Calgary Trail Land Use Study.</p> <p>2. Section 59.2(12) - All Freestanding Signs, Temporary Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule.</p> <p>PROPOSED: Sign encroaches 0.30 m onto 5704 - 104 STREET NW</p> <p>3. Section 59.2(21) - Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure</p> <p>Entrance Sign<br/>                 Required Separation Distance: 45 m<br/>                 Proposed Separation Distance: 11.74 m<br/>                 Deficient by: 33.26 m</p> <p>Liberty Sign<br/>                 Required Separation Distance: 45 m<br/>                 Proposed Separation Distance: 43.34 m<br/>                 Deficient by: 1.66 m</p> <p><b>Rights of Appeal</b></p> <p>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.</p> |   |  |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| <p><b>Fees</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Dev Appl Fee - Digital Signs</td> <td style="text-align: right;">\$467.00</td> <td style="text-align: right;">\$467.00</td> <td>06546465</td> <td>May 27, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$467.00</td> <td style="text-align: right; border-top: 1px solid black;">\$467.00</td> <td></td> <td></td> </tr> </tbody> </table>   |   |  |           | Fee Amount   | Amount Paid | Receipt # | Date Paid | Sign Dev Appl Fee - Digital Signs | \$467.00 | \$467.00 | 06546465 | May 27, 2020 | Total GST Amount: | \$0.00 |  |  |  | Totals for Permit: | \$467.00 | \$467.00 |  |  |
|   | Fee Amount  | Amount Paid  | Receipt # | Date Paid    |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| Sign Dev Appl Fee - Digital Signs   | \$467.00  | \$467.00   | 06546465  | May 27, 2020 |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| Total GST Amount:   | \$0.00  |  |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| Totals for Permit:  | \$467.00  | \$467.00   |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |
| <p><b>THIS IS NOT A PERMIT</b></p>  |   |  |           |              |             |           |           |                                   |          |          |          |              |                   |        |  |  |  |                    |          |          |  |  |



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-158

▲  
**N**

ITEM III: 1:30 P.M.

FILE: SDAB-D-20-166

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 374958997-001

APPLICATION TO: Operate a Major Home Based Business (Automotive Detailing and Tire Services - DUO DYNAMIC AUTO GARAGE). Expires Oct. 26, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 26, 2020

DATE OF APPEAL: November 5, 2020

NOTIFICATION PERIOD: November 3, 2020 through November 24, 2020

RESPONDENT: J. Tobar

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6020 - 142 AvenueNW

LEGAL DESCRIPTION: Plan 5631MC Blk 14 Lot 37

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: 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:

The proposed development is directly across the street from my residence. This type of development is totally inappropriate in a quiet residential neighborhood, it will bring noise and increased traffic.

|                               |
|-------------------------------|
| <b><i>General Matters</i></b> |
|-------------------------------|

**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.

**(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,

- (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, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**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 clause (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 110.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Discretionary Use***

**Development Officer's Determination**

**You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.**

**Note: The proposed development complies with the Bylaw, and there are no variances to the development regulations.**

[unedited]

|   |
|---|
| <b><i>Major Home Based Business</i></b> |
|---|

Under section 75 a **Major Home Based Business** shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and

9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.
10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.


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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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|---|---|---|---|
|    | Project Number: <b>374958997-001</b><br>Application Date: OCT 07, 2020<br>Printed: October 26, 2020 at 12:02 PM<br>Page: 1 of 3   |   |   |
| <h2>Home Occupation</h2>  |   |   |   |
| This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.   |   |   |   |
| <b>Applicant</b>  | <table border="1"> <tr> <td data-bbox="816 438 1373 527"> <b>Property Address(es) and Legal Description(s)</b><br/>                     6020 - 142 AVENUE NW<br/>                     Plan 5631MC Blk 14 Lot 37                 </td> </tr> <tr> <td data-bbox="816 527 1373 632"> <b>Specific Address(es)</b><br/>                     Entryway: 6020 - 142 AVENUE NW<br/>                     Building: 6020 - 142 AVENUE NW                 </td> </tr> </table> | <b>Property Address(es) and Legal Description(s)</b><br>6020 - 142 AVENUE NW<br>Plan 5631MC Blk 14 Lot 37   | <b>Specific Address(es)</b><br>Entryway: 6020 - 142 AVENUE NW<br>Building: 6020 - 142 AVENUE NW   |
| <b>Property Address(es) and Legal Description(s)</b><br>6020 - 142 AVENUE NW<br>Plan 5631MC Blk 14 Lot 37   |   |   |   |
| <b>Specific Address(es)</b><br>Entryway: 6020 - 142 AVENUE NW<br>Building: 6020 - 142 AVENUE NW   |   |   |   |
| <b>Scope of Permit</b><br>To operate a Major Home Based Business (Automotive Detailing and Tire Services - DUO DYNAMIC AUTO GARAGE). Expires Oct. 26, 2025.   |   |   |   |
| <b>Permit Details</b> <table border="1" style="width: 100%;"> <tr> <td data-bbox="285 783 808 947">                     # of business related visits/day: 2<br/>                     Administration Office Only?: N<br/>                     Class of Permit: Class B<br/><br/>                     Do you live at the property?: Y<br/>                     Outdoor storage on site?: N                 </td> <td data-bbox="816 783 1373 947">                     # of vehicles at one time:<br/>                     Business has Trailers or Equipment?:<br/>                     Description of Business: Automotive detailing and tire services in rear detached Garage Maximum of 2 client visits per day by appointment only.<br/>                     Expiry Date: 2025-10-26 00:00:00                 </td> </tr> </table> |   | # of business related visits/day: 2<br>Administration Office Only?: N<br>Class of Permit: Class B<br><br>Do you live at the property?: Y<br>Outdoor storage on site?: N | # of vehicles at one time:<br>Business has Trailers or Equipment?:<br>Description of Business: Automotive detailing and tire services in rear detached Garage Maximum of 2 client visits per day by appointment only.<br>Expiry Date: 2025-10-26 00:00:00 |
| # of business related visits/day: 2<br>Administration Office Only?: N<br>Class of Permit: Class B<br><br>Do you live at the property?: Y<br>Outdoor storage on site?: N   | # of vehicles at one time:<br>Business has Trailers or Equipment?:<br>Description of Business: Automotive detailing and tire services in rear detached Garage Maximum of 2 client visits per day by appointment only.<br>Expiry Date: 2025-10-26 00:00:00   |   |   |
| <b>Development Permit Decision</b><br>Approved<br>Issue Date: Oct 26, 2020 Development Authority: FOLKMAN, JEREMY   |   |   |   |

|   |  |
|---|--|
|    | <p>Project Number: <b>374958997-001</b><br/>         Application Date: OCT 07, 2020<br/>         Printed: October 26, 2020 at 12:02 PM<br/>         Page: 2 of 3</p> |
| <h2>Home Occupation</h2>  |  |
| <p><b>Subject to the Following Conditions</b></p>   |  |
| <p>Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.</p>  |  |
| <ol style="list-style-type: none"> <li>1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).</li> <li>2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).</li> <li>3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).</li> <li>4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.</li> <li>5. If there are visits associated with the business the number shall not exceed the number applied for with this application.</li> <li>6. Clients visit must be by-appointment only and appointments shall not overlap.</li> <li>7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).</li> <li>8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.</li> <li>9. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.</li> <li>10. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.</li> <li>11. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).</li> <li>12. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on Oct. 26, 2025.</li> </ol> |  |
| <p>Notes:</p>   |  |
| <ol style="list-style-type: none"> <li>1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).</li> <li>2. This Development Permit is not a Business License.</li> <li>3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).</li> </ol>   |  |
| <p><b>Rights of Appeal</b></p>  |  |
| <p>This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p>  |  |
| <p><b>Notice Period Begins:</b> Nov 03, 2020</p>  | <p><b>Ends:</b> Nov 24, 2020</p>   |

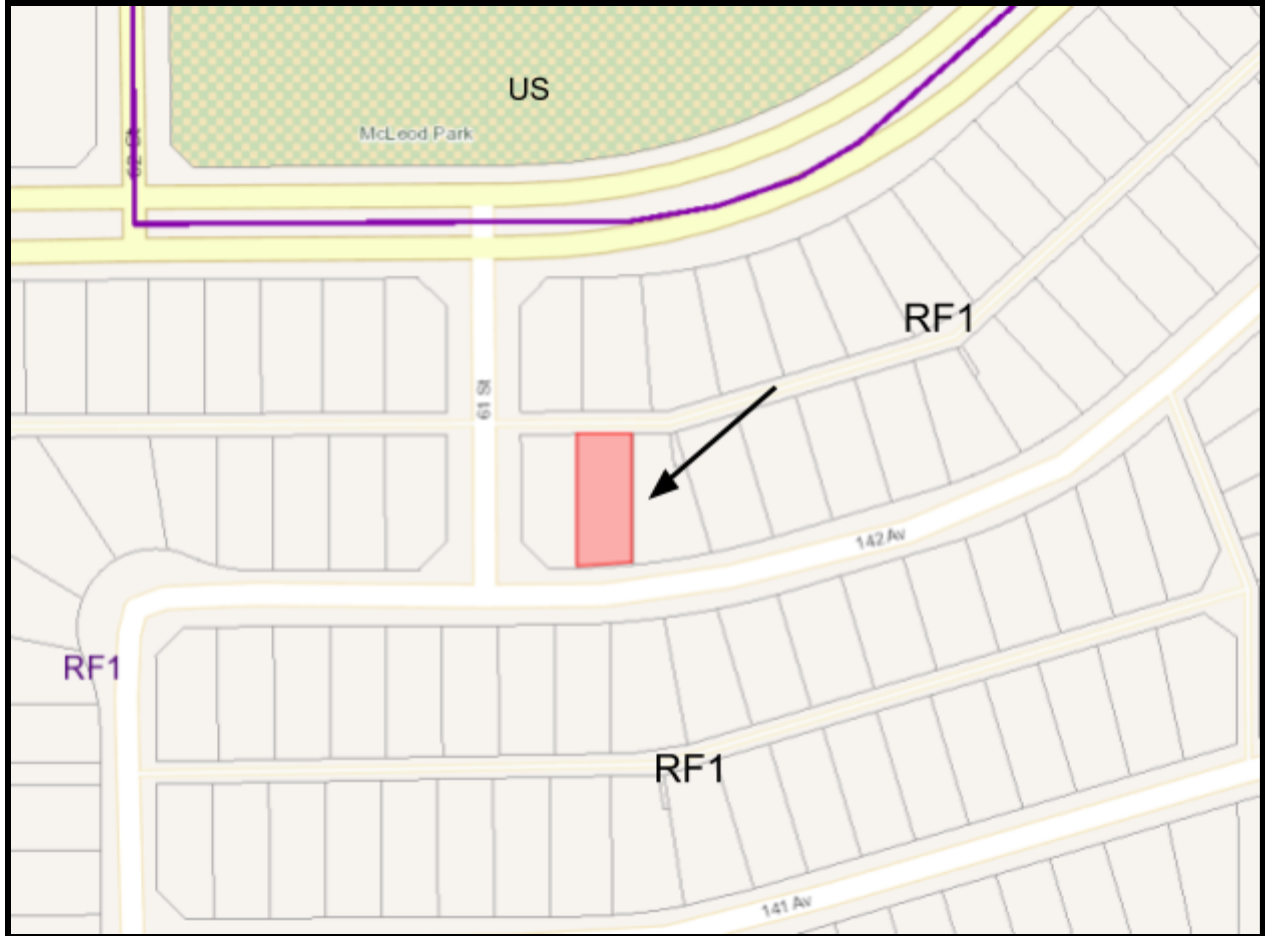


Project Number: **374958997-001**  
Application Date: OCT 07, 2020  
Printed: October 26, 2020 at 12:02 PM  
Page: 3 of 3

## Home Occupation

### Fees

|                      | <b>Fee Amount</b> | <b>Amount Paid</b> | <b>Receipt #</b> | <b>Date Paid</b> |
|----------------------|-------------------|--------------------|------------------|------------------|
| Dev. Application Fee | \$327.00          | \$327.00           | 01236809857P001  | Oct 14, 2020     |
| Total GST Amount:    | \$0.00            |                    |                  |                  |
| Totals for Permit:   | <u>\$327.00</u>   | <u>\$327.00</u>    |                  |                  |



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-166

▲  
**N**