

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
February 10, 2016**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

---

I 9:00 A.M. SDAB-D-16-046

To convert an existing Duplex to 3 Dwellings of Apartment Housing and to construct interior alterations.

11541 - 91 Street NW  
Project No.: 181499006-001

---

II 11:00 A.M. SDAB-D-16-047

To operate a Major Home Based Business (administrative office for a paving business).

12124 - 141 Street NW  
Project No.: 182970067-001

---

III 2:00 P.M. SDAB-D-16-048

To construct a Freestanding Off-Premises Sign

7026 - 109 Street NW  
Project No.: 183991922-001

---

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-046

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 181499006-001

ADDRESS OF APPELLANT: 11541 - 91 Street NW

APPLICATION TO: Convert an existing Duplex to 3 Dwellings of Apartment Housing and to construct interior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 12, 2016

DATE OF APPEAL: January 12, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11541 - 91 Street NW

LEGAL DESCRIPTION: Plan RN43B Blk 60 Lot 13

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Norwood Neighbourhood Improvement Plan

---

*Grounds for Appeal*

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

This building was granted duplex status in 1965. The units were the main floor and the basement. In the time period between that approval and the current owner's purchase, a third unauthorized unit with a separate entrance was developed on the top floor. This was in use until ~2001 and the entire property has been sitting unoccupied since then. This existed as 3 units for an undetermined amount of time and I am simply trying to legalize what is pre-existing.

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,

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

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

The purpose of this 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.

Section 140.1 states the following with respect to the **General Purpose** of the **RF3 Small Scale Infill Development Zone**:

The purpose of this 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(1) **Apartment Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 140.2(2) **Duplex Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(1) defines **Apartment Housing** as:

...development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

Section 7.2(2) defines **Duplex Housing** as:

... development consisting of a building containing only two Dwellings, with one Dwelling placed over the other in whole or in part. Each Dwelling has separate and individual access, not necessarily directly to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Semi-detached Housing.

#### ***Minimum Site Area***

Section 140.4(5)(a) states that the minimum Site area for Apartment Housing shall be 750 m<sup>2</sup>.

#### **Development Officer's Determination:**

Proposed: 368 m<sup>2</sup>

Deficient by: 382 m<sup>2</sup>

#### ***Minimum Site Width***

Section 140.4(5)(b) states that the minimum Site Width for Apartment Housing shall be 17.0 m.

#### **Development Officer's Determination:**

Proposed: 10.1 m.

Deficient by: 6.9 m.

#### ***Location Requirement for Apartment Housing***

Section 140.4(7) states that Apartment Housing shall be located:

- a. on Corner Sites,
- b. on Sites abutting an arterial or service road,
- c. where both Side Lot Lines abut existing Apartment Housing or Stacked Row Housing, or
- d. where a minimum of one Side Lot Line:
  - i. abuts a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use, or

- ii. is not separated by a public roadway, including a Lane, more than 10.0 m wide from a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use.

**Development Officer’s Determination:**

The location does not meet any of the location requirements.

***Location Requirement for Apartment Housing***

Section 140.4(17) states that Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw.

Section 47 provides the following with respect to Private Outdoor Amenity Area:

1. Where required in any Zone, a development shall provide Private Outdoor Amenity Area in accordance with the requirements of the Zone.
2. Private Outdoor Amenity Area shall be designed for the occupants of a specific Dwelling, and shall be provided immediately adjacent to, and with direct access from, the Dwelling it is to serve. It shall be landscaped and surfaced for convenient use for outdoor activities.
3. Private Outdoor Amenity Area shall be screened in a manner which prevents viewing into a part of it from any adjacent areas at a normal standing eye level. When such screening would impair a beneficial outward and open orientation of view, and there is no adverse effect on the privacy of the Private Outdoor Amenity Area, the extent of screening may be reduced.
4. Private Outdoor Amenity Area may be provided above Grade, and may be located within any Yard other than a Front Yard.
5. Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.
6. Private Outdoor Amenity Area may be located within a required Separation Space, but only if the Amenity Area is intended for the use of the Dwelling for which the Separation Space is provided.

**Development Officer’s Determination:**

No suitable space on the property for a Private Outdoor Amenity Area for each Dwelling.

***Minimum Off-street Parking***

Section 54.2 Schedule 1 provides the following minimum number of Parking Spaces or Garage Spaces for Apartment Housing:

	Minimum	Maximum	TOD minimum	TOD maximum
Bed sitting room	1	N/A	0.7	1
Bachelor Suite	1	N/A	0.7	1
1 Bedroom Dwelling	1	N/A	0.8	1
2 Bedroom Dwelling	1.5	N/A	1	1.5
3 or more Bedroom Dwelling	1.7	N/A	1.25	1.75
Visitor Parking	1 per 7 Dwellings	N/A	1 per 7 Dwellings	N/A

Where such Uses contain three or more dwelling units (or where Semi-Detached Housing, Duplex Housing, or Apartment Housing consisting of fewer than three dwelling units, comprise part of a Multi-Unit Project Development) and are located within 400 metres of an existing LRT station or a future LRT station with a Council-approved Concept Plan, within 400 metres of an existing Transit Centre or a future Transit Centre with a Council-approved Concept Plan, or within 100 metres of a Transit Avenue, the following minimum parking requirements and maximum parking requirements shall apply.

The visitor parking must be readily available to an entrance of the building and be clearly identified as visitor parking.

The Development Officer may accept Tandem Parking spaces of a number that is equivalent to the total required parking minus the total number of Dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem.

**Development Officer’s Determination:**

- Required: 5 parking spaces, 2 can be tandem
- Proposed: 4 parking spaces, 2 are tandem
- Deficiency: 1 parking space that is not tandem

<b><i>Length of Parking Spaces</i></b>
--

Section 54.2(4) provides the following with respect to Vehicular Parking Dimensions and Configuration

- a. All required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and shall conform to the following minimum dimensions:
  - i. except as provided below, each required off-street parking space shall be a minimum of 2.6 m width with a minimum clear length of 5.5 m exclusive of access drives or aisles, ramps, columns. Parking spaces shall have a vertical clearance of at least 2.0 m. For parallel parking, the length of the parking

- spaces shall be increased to 7.0 m, except that an end space with an open end shall be a minimum length of 5.5 m.
- ii. expanded parking spaces shall be a minimum of 2.9 m in width and 5.5 m in length, and shall be painted with double line markings;
  - iii. for parking spaces other than parallel parking spaces, up to 30% of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.6 m . Such spaces shall be clearly signed as small car spaces, easily located and convenient to use;
  - iv. where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3.0 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m.
  - v. where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.0 m.
  - vi. aisles shall be a minimum of 7.0 m wide for 90° parking, 5.5 m wide for 60° parking, and 3.6 m wide for 45° parking and parallel parking;
  - vii. disabled parking spaces shall be a minimum of 3.7 m in width and 5.5 m in length; and
  - viii. where parking spaces are located with access directly off a Lane, the required width of the aisle may be reduced by the width of the Lane, but the entire parking space must be provided on the site.

**Development Officer's Determination:**

Up to 30% of the required parking spaces may be a length shorter than that required under section 54.2.4.a.i and section 54.2.4.a.ii, to a minimum of 4,6 m.

Required: 1 parking space [out of 5 required parking spaces] with a clear length less than 5.5 m.

Proposed: 2 parking spaces [out of 4 available parking spaces] with a clear length of 5.4m. 50% of available parking spaces are small car spaces.

Deficiency: +20% of available parking spaces are designated small car spaces.



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: **181499006-001**  
Application Date: OCT 27, 2015  
Printed: January 13, 2016 at 9:25 AM  
Page: 1 of 3

## Application for Major Development Permit

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

<b>Applicant</b>  LEUNG, AMELIA <div style="border: 1px solid red; width: 200px; height: 20px; margin-top: 5px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 11541 - 91 STREET NW Plan RN43B Blk 60 Lot 13  <b>Specific Address(es)</b> Building: 11541 - 91 STREET NW
--	---

**Scope of Application**  
To convert an existing Duplex to 3 Dwellings of Apartment Housing and to construct interior alterations.

<b>Permit Details</b>  Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N/A Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 1 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
--	---

*RF3  
MNO*

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

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

**Development Application Decision**  
Refused

**THIS IS NOT A PERMIT**



Project Number: 181499006-001  
Application Date: OCT 27, 2015  
Printed: January 13, 2016 at 9:25 AM  
Page: 2 of 3

## Application for Major Development Permit

### Reason for Refusal

1. The minimum Site area for Apartment Housing shall be 750 m2 (Section 140.4.5.a)

Proposed: 368 m2  
Deficient by: - 382 m2

2. The minimum Site Width for Apartment Housing shall be 17.0 m (Section 140.4.5.b)

Proposed: 10.1 m  
Deficient by: -6.9 m

3. Apartment Housing or Stacked Row Housing shall be located:

- a. on Corner Sites,
- b. on Sites abutting an arterial or service road,
- c. where both Side Lot Lines abut existing Apartment Housing or Stacked Row Housing, or
- d. where a minimum of one Side Lot Line:
  - i. abuts a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use, or
  - ii. is not separated by a public roadway, including a Lane, more than 10.0 m wide from a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use. (Section 140.4.7)

Proposed:

- a. The lot is not a corner site.
- b. The lot abuts 91 Street NW, which is not an arterial or service road.
- c. The Side Lot Lines abut 2 Single Detached Houses.
- d.i. The lot does not abut a commercial use.
- d.ii. The lot is not separated by a public roadway from a commercial use.

Deficiency: The Apartment House does not meet any location regulations of Section 140.4.7 of the Zoning Bylaw.

4. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw.

Deficiency: No suitable space available on the property for Private Outdoor Amenity Area for each Dwelling.

5. The minimum number of off-street parking spaces required for the Apartment House is specified in Section 54.2, Schedule 1.1

Required: 5 parking spaces, 2 can be tandem  
Proposed: 4 parking spaces, 2 are tandem  
Deficiency: - 1 parking space that is not tandem

6. Up to 30% of the required parking spaces may be a length shorter than that required under Section 54.2.4.a.i and Section 54.2.4.a.ii, to a minimum of 4.6 m.

Required: 1 parking space [out of 5 required parking spaces] with a clear length less than 5.5 m.  
Proposed: 2 parking spaces [out of 4 available parking spaces] with a clear length of 5.4 m. 50% of available parking spaces are small car spaces.  
Deficiency: +20% of available parking spaces are designated small car spaces.

### 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: Jan 12, 2016      Development Authority: LIANG, BENNY

Signature: \_\_\_\_\_

**THIS IS NOT A PERMIT**



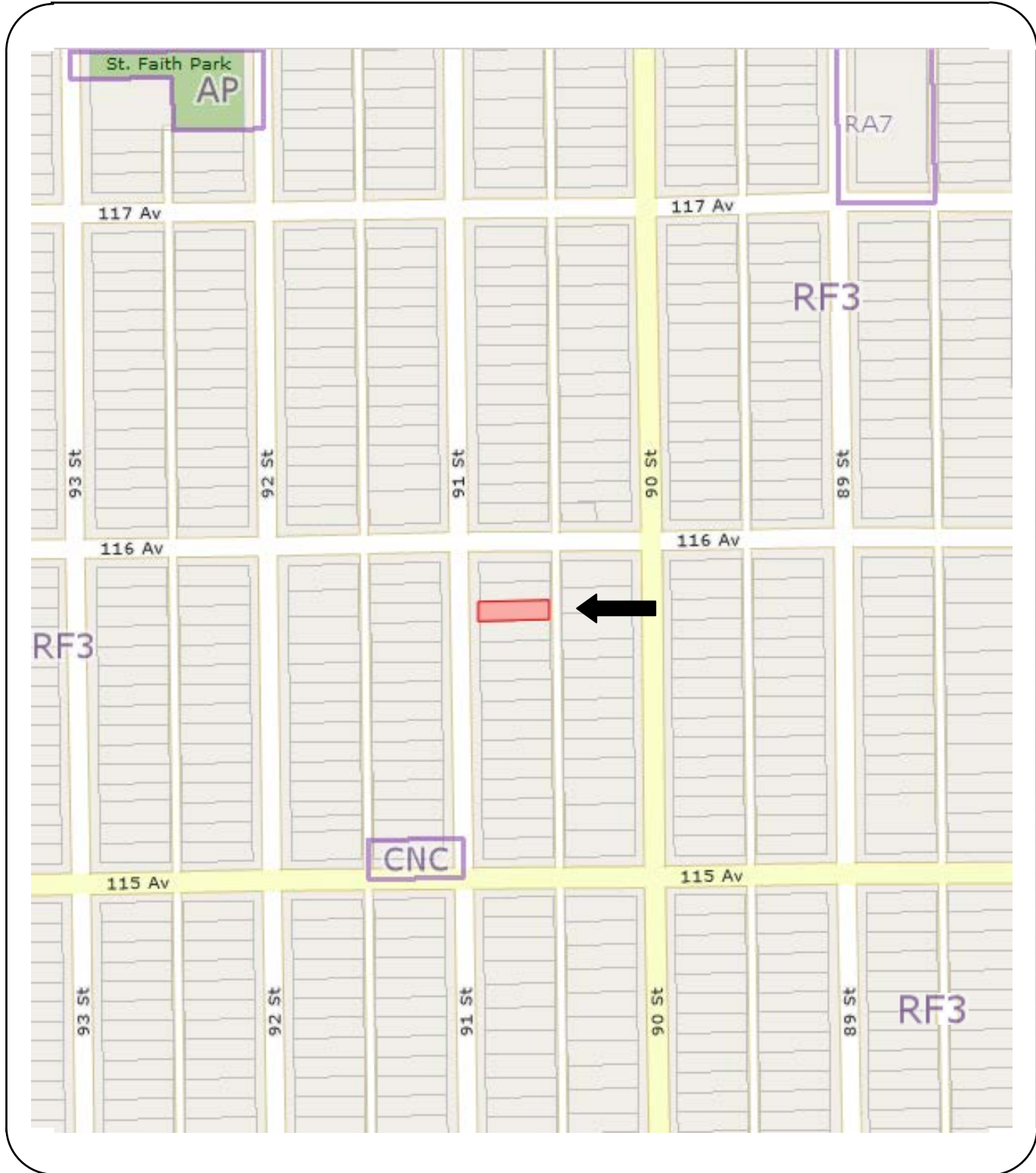
Project Number: **181499006-001**  
Application Date: OCT 27, 2015  
Printed: January 13, 2016 at 9:25 AM  
Page: 3 of 3

## Application for Major Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$254.00	\$254.00	02851357	Oct 27, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$354.00	\$254.00		
(\$100.00 outstanding)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-046



ITEM II: 11:00 A.M.

FILE: SDAB-D-16-047

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 182970067-001

ADDRESS OF APPELLANT: 12124 - 141 Street NW

APPLICATION TO: Operate a Major Home Based Business  
(administrative office for a paving business).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 4, 2016

DATE OF APPEAL: January 13, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12124 - 141 Street NW

LEGAL DESCRIPTION: Plan 5844HW Blk 18 Lot 30

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

---

*Grounds for Appeal*

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

Other owner operators have permits to operate a Home Based Business in a residential area. I have been doing this since 1978.

*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

- (d) fails or refuses to issue a development permit to a person,
- (e) issues a development permit subject to conditions, or
- (f) 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,

- (b) in the case of an appeal made by a person referred to in section 685(1),  
after
  - (ii) the date on which the person is notified of the order or decision or the issuance of the development permit,

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

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

The purpose of this 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.

Section 110.1 states the following with respect to the **General Purpose** of the **RF1 Single Detached Residential Zone**:

The purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.3(7) **Major Home Based Business** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.3(7) defines **Major Home Based Business** as:

... development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses 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 Class includes Bed and Breakfast Operations but does not include General Retail Sales.

***More appropriately Located in a Commercial or Industrial Zone***

Section 75.9 provides the following:

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.

**Development Officer's Determination**

The proposed development does not qualify as a Major Home Based Business. The proposed development would be more appropriately located in an Industrial Zone having regard for the overall compatibility of the use with the residential character of the area.

***Commercial Vehicle Prohibited or Restricted in Residential Zones***

Section 45 provides the following:

1. No person shall keep in any part of a Site in any Residential Zone:
  - a. any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg;
  - b. more than one commercial vehicle having a maximum gross vehicle weight (G.V.W.R.) of 4 600 kg or less, for longer than reasonably necessary while loading or unloading such vehicle.
2. For the purpose of subsection 45(1) a commercial vehicle means a vehicle that:
  - a. is intended or designed for commercial purposes; or
  - b. is used for commercial purposes.

**Development Officer's Determination:**

The applicant proposes to park a commercial vehicle (large truck) on a site which exceeds the maximum gross vehicle weight of 4,600 kg. allowance in a Residential District.

***Outdoor Storage of Equipment Associated with the Business***

Section 75.5 provides the following:

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




**Development Officer's Determination:**

The applicant proposes outdoor storage of equipment associated with the business (large truck).

**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>182970067-001</b> Application Date: NOV 24, 2015 Printed: January 13, 2016 at 9:34 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Home Occupation</h2>	

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

<b>Applicant</b>  MARCINEW, TERRY <div style="border: 1px solid red; width: 150px; height: 20px; margin-top: 5px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 12124 - 141 STREET NW Plan 5844HW Blk 18 Lot 30  <b>Specific Address(es)</b> Entryway: 12124 - 141 STREET NW Building: 12124 - 141 STREET NW
--	---

REF, MNO

**Scope of Application**  
 To operate a Major Home Based Business (administrative office for a paving business).

<b>Permit Details</b>  # of business related visits/day: 0 Administration Office Only?: Y Class of Permit: (none)  Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 0 Business has Trailers or Equipment?: N Description of Business: administrative office for a paving business Expiry Date:
---	--

I/We certify that the above noted details are correct.  
 Applicant signature: \_\_\_\_\_

**Development Application Decision**  
 Refused  
**Reason for Refusal**  
 The proposed development is refused for the following reasons:

- 1) The proposed development does not qualify as a Major Home Based Business. The proposed development would more appropriately be located in an Industrial Zone having regard for the overall compatibility of the use with the residential character of the area. (Reference Sections 75.9, 110.2 and 110.3)
- 2) The applicant proposes to park a commercial vehicle (large truck) on site which exceeds the maximum gross vehicle weight (G.V.W.) of 4,600 kg. allowance in a Residential District. (Reference Section 45.1(a) and 45.1(b))
- 3) The applicant proposes outdoor storage of equipment associated with the business (large truck). (Reference Section 75.5)

NOTE: 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:** Jan 04, 2016      **Development Authority:** ROBINSON, GEORGE      **Signature:** \_\_\_\_\_

**THIS IS NOT A PERMIT**



## Application for Home Occupation

Project Number: **182970067-001**  
Application Date: NOV 24, 2015  
Printed: January 13, 2016 at 9:34 AM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$291.00	\$291.00	02913638	Nov 24, 2015
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$291.00	\$291.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-047



ITEM III: 2:00 P.M.

FILE: SDAB-D-16-048

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 183991922-001

ADDRESS OF APPELLANT: 7026 - 109 Street NW

APPLICATION TO: Construct a Freestanding Off-Premises Sign

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 13, 2016

DATE OF APPEAL: January 19, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7026 - 109 Street NW

LEGAL DESCRIPTION: Plan 5718AE Blk 27 Lots 27-28

ZONE: CB1-Low Intensity Business Zone

OVERLAY: Pedestrian Commercial Shopping Street Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

---

*Grounds for Appeal*

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

As a representative of Pattison Outdoor Advertising, the Applicant in the above noted matter, and in consideration of the refusal of our Development Permit Application, I hereby appeal the refusal on the following grounds:

1. Freestanding Off-premises Signs are a Discretionary Use in the CB1 Zone.
2. Previously, a lawful (grandfathered) permit existed for a Freestanding Off-premises sign at 7026 - 109 Street. While this permit was active, a permit application was submitted to convert the existing Freestanding Off-premises sign to a Minor Digital Off-premises Sign and to add a second static advertising face. The City approved the permit application and Pattison proceeded to invest a

significant amount of capital to both remove and dispose of the existing sign, and procure and install a new one. The City soon thereafter revoked the permit for the Minor Digital Off-premises Sign, citing their own error in the approval process, and forced Pattison to remove the advertising faces from the property. With this enforcement, the City did not allow one static face to remain on the property even though one did lawfully exist prior to the application and subsequent approval of the aforementioned permit application. Not only would the original existing sign still be in existence if the City had not been erroneous in their decision, but the Applicant would not be liable for tens of thousands of dollars in invested and irrecoverable capital.

3. In consideration of the above, Pattison seeks to have the SDAB approve two static faces on the existing pole structure, in lieu of a digital sign and in consideration of the tribulations experienced by the Applicant.

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

<i>General Matters</i>
------------------------

**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Grounds for Appeal**

**685(1)** If a development authority

- (g) fails or refuses to issue a development permit to a person,
- (h) issues a development permit subject to conditions, or
- (i) 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,

e. in the case of an appeal made by a person referred to in section 685(1), after

- (iii) the date on which the person is notified of the order or decision or the issuance of the development permit,

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

Pursuant to section 819.1, the **General Purpose** of the **Pedestrian Commercial Shopping Street Overlay** is:

...to maintain the pedestrian-oriented character of commercial areas, comprised of shopping streets in close proximity to residential areas of the City.

Pursuant to Section 330.1, 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.

Under Section 330.3(37) **Freestanding Off-premises Signs** is a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Section 7.9(3) defines **Freestanding Off-premises Signs** as:

... any Sign supported independent of a building, displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

***Scale and Type of Signs in Pedestrian-oriented District***

Section 3.2.3.5 of the 109 Street Corridor Area Redevelopment Plan provides the following:

Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted.

**Development Officer's Determination:**

The proposed development does not meet the requirements of section 3.2.3.5

***Maximum Height***

Section 819.3(13) of the Pedestrian Commercial Shopping Street Overlay provides the following:

Signage shall be provided in accordance with Schedule 59E of this Bylaw, with the intent to compliment the pedestrian-oriented commercial environment, except that:

- a. the maximum Height of a Freestanding Sign shall be 6.0 m;
- b. a Projecting Sign may be used to identify businesses that are located entirely at or above the second Storey level; and
- c. the top of a Projecting Sign on a building two Storeys or higher shall not extend more than 75 cm above the floor of the second or third Storey, nor higher than the windowsill level of the second or third Storey.

**Development Officer's Determination:**


The proposed sign height: 8.0 m.  
Exceeds by: 2.0 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: <b>183991922-001</b> Application Date: DEC 07, 2015 Printed: February 2, 2016 at 8:04 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>  PATTISON OUTDOOR ADVERTISING <div style="border: 1px solid red; height: 30px; width: 250px; margin-top: 5px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 7026 - 109 STREET NW Plan 5718AE Blk 27 Lots 27-28  <b>Location(s) of Work</b> Building: 7026 - 109 STREET NW		
<b>Scope of Application</b> To construct a Freestanding Off-Premises Sign.			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit: Class B                      Expiry Date:                       Num. Temp., Fasica or Temporary Signs: 0                      Sign Permit Label No. :                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Construction Value: 10000                      Num. of Freestanding, Projecting or Roof Signs: 1                      Number of Additional Signs:                       Sign Type: Freestanding Off-Premises Sign                 </td> </tr> </table>		Class of Permit: Class B Expiry Date:  Num. Temp., Fasica or Temporary Signs: 0 Sign Permit Label No. :	Construction Value: 10000 Num. of Freestanding, Projecting or Roof Signs: 1 Number of Additional Signs:  Sign Type: Freestanding Off-Premises Sign
Class of Permit: Class B Expiry Date:  Num. Temp., Fasica or Temporary Signs: 0 Sign Permit Label No. :	Construction Value: 10000 Num. of Freestanding, Projecting or Roof Signs: 1 Number of Additional Signs:  Sign Type: Freestanding Off-Premises Sign		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1) The proposed development is located within the 109 Street Corridor Area Redevelopment Plan, Bylaw 16242, August 2014. Section 3.2.3.5 states that, "Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted.  The proposed development is to erect a Freestanding Off-premises sign, which is contrary to Section 3.2.3.5 of the 109 Street Corridor Area Redevelopment Plan. The proposed Freestanding Off-premises sign does not relate to local businesses and does not confirm to the pedestrian oriented character of the district, contrary to the 109 Street Corridor Area Redevelopment Plan.  2) Signage shall be provided in accordance with Schedule 59E of this Bylaw, with the intent to compliment the pedestrian-oriented commercial environment, except that the maximum Height of a Freestanding Sign shall be 6.0 m. (Reference Section 819.3(13)(a) of the Pedestrian Commercial Shopping Street Overlay).  The proposed sign height: 8.0 m. Exceeds by: 2.0 m  <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: Jan 13, 2016      Development Authority: FOLKMAN, JEREMY      Signature: _____			
<b>THIS IS NOT A PERMIT</b>			



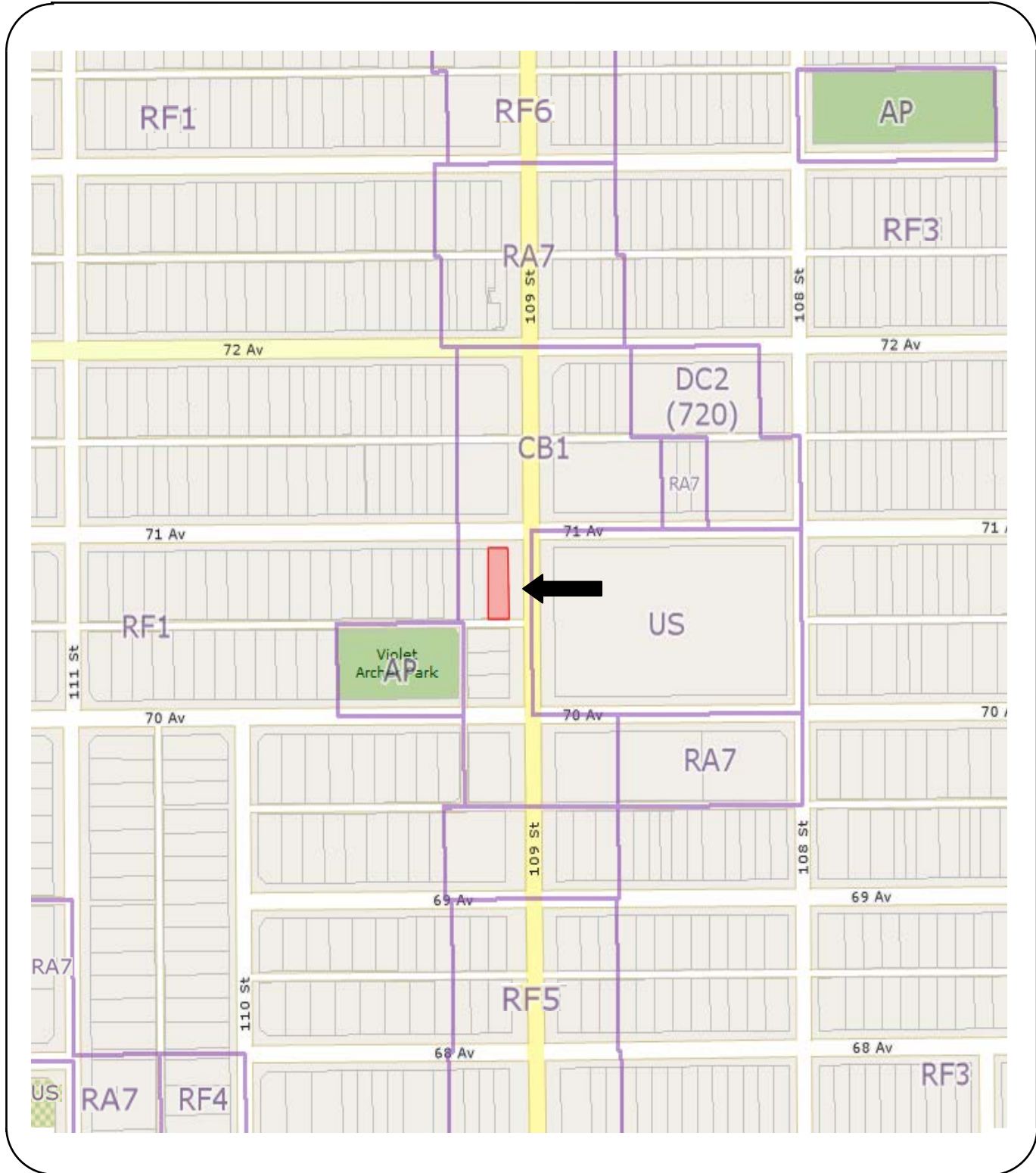
Project Number: **183991922-001**  
Application Date: DEC 07, 2015  
Printed: February 2, 2016 at 8:04 AM  
Page: 2 of 2

## Application for Sign Combo Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Safety Codes Fee	\$5.84	\$5.84	02945149	Dec 09, 2015
Sign Building Permit Fee	\$146.00	\$146.00	02945149	Dec 09, 2015
Sign Development Application Fee	\$255.00	\$255.00	02945149	Dec 09, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$506.84	\$406.84		
(\$100.00 outstanding)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-048



**BUSINESS LAID OVER**

SDAB-D-15-238	An appeal to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <b><i>February 17 or 18, 2016</i></b>
SDAB-D-16-022	An appeal to operate a Minor Alcohol Sales Use and to construct interior alterations. <b><i>February 19, 2016</i></b>
SDAB-D-15-285	An appeal to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <b><i>March 2 or 3, 2016</i></b>
SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <b><i>March 9 or 10, 2016</i></b>