

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 15, 2018**

**Hearing Room No. 7
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 7**

I	9:00 A.M.	SDAB-D-18-031	Construct a Semi -detached House with front verandas, fireplaces , and Basement developments (NOT to be used as an additional Dwelling) , and to demolish a Single Detached House and an Accessory Building (rear detached Garage) . 8529 - 89 Street NW Project No.: 238296517-001
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II	10:30 A.M.	SDAB-D-18-032	Increase the number of children in an existing Child Care Service (23 to 30 Children). (Tots 2 Kids) 14804 - 78 Street NW Project No.: 188667407-007
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III	1:00 P.M.	SDAB-D-18-033	Install a Roof Off-premises Sign. (PattisonOutdoor Advertising) 10805 - 124 Street NW Project No.: 263829840-001

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-18-031

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 238296517-001

APPLICATION TO: Construct a Semi -detached House with front verandas, fireplaces, and Basement developments (NOT to be used as an additional Dwelling) , and to demolish a Single Detached House and an Accessory Building (rear detached Garage) .

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 27, 2017

DATE OF APPEAL: January 19, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8529 - 89 Street NW

LEGAL DESCRIPTION: Plan 1522AS Blk 3 Lot 17

ZONE: RF3 Small Scale Infill Development 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:

The height not exceeding the limit as the print. The height is to the centre of 200m centre of the attic.

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

- (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 decision is made under section 642...

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;
- (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;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is “to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings under certain conditions, and including Secondary Suites and Garden Suites.”

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

[T]o 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.

Under section 140.2(9), **Semi-detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(7), **Semi-detached Housing** is defined as:

[D]evelopment consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Secondary Suites or Duplexes.

Section 814.5 states:

814.5 Proposed Variances

1. When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:
 - a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
 - b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
 - c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(1) – Front Setback 814.3(2) – Front Setback (RF3 Corner Sites) 814.3(5) – Height 814.3(6) – Basement Elevation 814.3(7) – Dormer Width 814.3(13) – Façade Articulation between Semi-Detached Dwellings 814.3(14) – Façade Articulation for Row Housing Dwellings 814.3(15) – Architectural Treatment 814.3(16) – Variation of Building Design 814.3(17) – Driveway Access 814.3(18) – Attached Garage 814.4(1) – Additional Development Regulations for Specific Areas
Tier 3	The municipal address and assessed owners of the land Abutting	The assessed owners of the land Abutting the Site of the proposed	814.3(3) – Side Setbacks 814.3(8) – Side Setbacks and Privacy 814.3(9) – Privacy Screening on Platform Structures

	<p>the Site of the proposed development and the President of each Community League</p>	<p>development</p>	<p>814.3(10) – Platform Structures (Front Yard) 814.3(11) – Platform Structures (Flanking Side Yard) 814.3(12) – Cantilevers in Side Setbacks 814.3(20) – Distance between Garage and Principal Dwelling 814.3(21) - Rear Detached Garage Location</p>
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Maximum Height

Section 814.3(5) states: “The maximum Height shall not exceed 8.9 m.”

Development Officer’s Determination

Height proposed: 9.8 m

Distance of First Storey Projections to Side Lot Line

Section 814.3(12) states: “On an Interior Site, a minimum distance of 1.2 m shall be maintained from one Side Lot Line to the outside wall of all projections from the first Storey.”

Development Officer’s Determination

[No determination provided]

Front Façade

Section 814.3(13) states:

Semi-detached Housing shall have:



- a. a portion of the principal front Façade of each Dwelling staggered a minimum of 0.6 m behind or forward from the principal front Façade of the other attached Dwelling; and
- b. a portion of the principal rear Façade of each Dwelling staggered a minimum of 0.6 m behind or forward from the principal rear Façade of the other attached Dwelling.

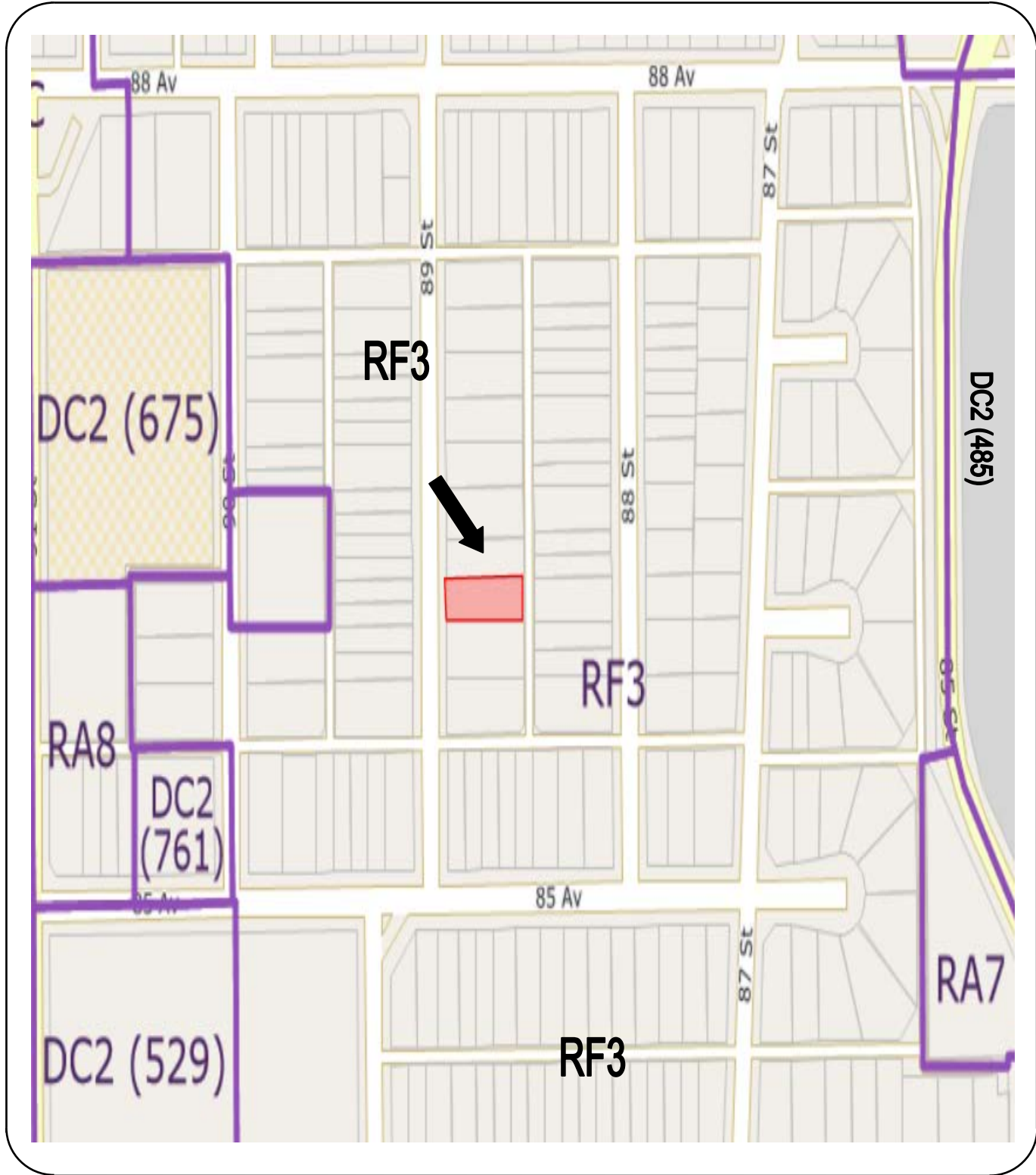
Development Officer’s Determination

[No determination provided]

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: 238296517-001 Application Date: DEC 30, 2016 Printed: September 27, 2017 at 3:13 PM Page: 1 of 2								
<h2 style="margin: 0;">Application for Minor Development Permit</h2>									
This document is a Development Permit Decision for the development application described below.									
Applicant 	Property Address(es) and Legal Description(s) 8529 - 89 STREET NW Plan 1522AS Blk 3 Lot 17 Specific Address(es) Entryway: 8529 - 89 STREET NW Entryway: 8531 - 89 STREET NW Building: 8529 - 89 STREET NW								
Scope of Application To construct a Semi -detached House with front verandas, fireplaces , and Basement developments (NOT to be used as an additional Dwelling) , and to demolish a Single Detached House and an Accessory Building (rear detached Garage) .									
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay						
# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay								
I/We certify that the above noted details are correct. Applicant signature: _____									
Development Application Decision Refused Reason for Refusal Section 814.3(5) The maximum Height shall not exceed 8.9 m. Height proposed: 9.8 m Section 814.3(12) On an Interior Site, a minimum distance of 1.2 m shall be maintained from one Side Lot Line to the outside wall of all projections from the first Storey. Section 814.3(13) Semi-detached Housing shall have: a.) a portion of the principal front Facade of each Dwelling staggered a minimum of 0.6 m behind or forward from the principal front Facade of the other attached Dwelling; and b.) a portion of the principal rear Facade of each Dwelling staggered a minimum of 0.6 m behind or forward from the principal rear Facade of the other attached Dwelling. 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: Sep 27, 2017 Development Authority: HETHERINGTON, FIONA Signature: _____									
Fees <table style="width: 100%; border: none; margin-top: 10px;"> <thead> <tr> <th style="text-align: left; border: none;">Fee Amount</th> <th style="text-align: left; border: none;">Amount Paid</th> <th style="text-align: left; border: none;">Receipt #</th> <th style="text-align: left; border: none;">Date Paid</th> </tr> </thead> <tbody> <tr> <td style="border: none;">Dev. Application Fee</td> <td style="border: none;">\$456.00</td> <td style="border: none;">\$456.00</td> <td style="border: none;">03835733 Dec 30, 2016</td> </tr> </tbody> </table>		Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$456.00	\$456.00	03835733 Dec 30, 2016
Fee Amount	Amount Paid	Receipt #	Date Paid						
Dev. Application Fee	\$456.00	\$456.00	03835733 Dec 30, 2016						
THIS IS NOT A PERMIT									



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-031



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-032

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 188667407-007

APPLICATION TO: Increase the number of children in an existing Child Care Service (23 to 30 Children). (Tots 2 Kids)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 11, 2018

DATE OF APPEAL: January 22, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14804 - 78 Street NW

LEGAL DESCRIPTION: Plan 6143NY Blk 23 Lot 9

ZONE: RF1 Single Detached Residential Zone

OVERLAY: MNO Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Permit Masters has been retained by the applicant for representation at the Subdivision and Development Appeal Board for the refusal of a Development Permit application which proposes to increase the number of children allowed in an existing Child Care Service from 23 to 30 children.

The Subdivision and Development Appeal Board approved the existing Child Care Service in July of 2016.

The owner and applicant is Selina Jessani. Selina is a child care professional with over 10 years of experience in the industry. Her goal with this business is to provide quality and convenient childcare services for the Kilkenny area. There is a high demand for this child care service in the neighbourhood as 3 schools are in close proximity

to the subject property. The increase in the number of children would aid in alleviating stress for parents by providing quality child care services within the community while not adversely affecting neighbouring properties.

The reasons for refusal as stated by the Development Officer are:

1. *Child Care Services is a Discretionary Use in the RF1 Zone (Reference Section 110.3.1 & 11.1.e). 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 (reference Section 110.1).*

In the opinion of the Development Officer, the conversion of a Single Detached house to a Child Care Service with 30 children proposed is excessive, and not in keeping with the general purpose of the RF1 Zone. Notwithstanding the Subdivision and Development Appeal Board's decision on July 7, 2016 (File #SDAB-D-16-133), it is the opinion of the Development Officer that the proposed development will still adversely impact adjacent development, materially interfere with or affect the use, enjoyment or value of neighbouring properties.

The use of the site as a Child Care Service is not in question as an approval is already in place. The property meets the location criteria for such a service as outlined in the Land Use Bylaw. The impact of an additional 7 children will not be excessive as there is ample indoor and outdoor space to provide care for the children. The additional spaces provided will also provide a valuable service to the community where there is a demonstrated demand for before and after school care in 3 neighbourhood schools.

Additional information will be provided prior to the appeal hearing.

<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

- (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

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(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 decision is made under section 642...

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;

(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;

...

(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 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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.”

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

[T]o 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.

Under section 110.3(1), **Child Care Services** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.8(2) states:

Child Care Services means a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider’s residence.

Discretionary Use

Section 11.1(e) states:

The Development Officer shall receive all applications for development and... shall approve, without conditions, or with such conditions as required to ensure compliance, an application for development of a Permitted Use provided the development complies with the regulations of this Bylaw, or shall refuse an application for development of a Permitted Use if the development does not comply with the regulations of this Bylaw, unless the Development Officer uses discretion pursuant to Sections 11.2 and 11.3 of this Bylaw



Development Officer's Determination

The Development Officer referenced the General Purpose of the RF1 Zone, and noted that the proposed development is a Discretionary Use. He determined:

In the opinion of the Development Officer, the conversion of a Single Detached house to a Child Care Service with 30 children proposed is excessive, and not in keeping with the general purpose of the RF1 Zone. Notwithstanding the Subdivision and Development Appeal boards decision on July 7/ 2016 (File #SDAB-D-16-133) , it is the opinion of the Development Officer that the proposed development will still adversely impact adjacent development, materially interfere with or affect the use, enjoyment or value of neighbouring properties.

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: 188667407-007 Application Date: NOV 16, 2017 Printed: January 11, 2018 at 5:13 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant 	Property Address(es) and Legal Description(s) 14804 - 78 STREET NW Plan 6143NY Blk 23 Lot 9 Specific Address(es) Suite: 14804 - 78 STREET NW Entryway: 14804 - 78 STREET NW Building: 14804 - 78 STREET NW		
Scope of Application To increase the number of children in an existing Child Care Service (23 to 30 Children). (Tots 2 Kids)			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 216.46 New Sewer Service Required: N Site Area (sq. m.): 659.44 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 216.46 New Sewer Service Required: N Site Area (sq. m.): 659.44	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal 1. Child Care Services is a Discretionary Use in the RF1 Zone. (Reference Section 110.3.1 & 11.1.e). 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 (reference Section 110.1). In the opinion of the Development Officer, the conversion of a Single Detached house to a Child Care Service with 30 children proposed is excessive, and not in keeping with the general purpose of the RF1 Zone. Notwithstanding the Subdivision and Development Appeal boards decision on July 7/ 2016 (File #SDAB-D-16-133) , it is the opinion of the Development Officer that the proposed development will still adversely impact adjacent development, materially interfere with or affect the use, enjoyment or value of neighbouring properties. 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 11, 2018 Development Authority: ADAMS, PAUL Signature: _____			
THIS IS NOT A PERMIT			



Project Number: **188667407-007**
Application Date: NOV 16, 2017
Printed: January 11, 2018 at 5:13 PM
Page: 2 of 2

Application for Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$271.00	\$271.00	04624765	Nov 16, 2017
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$271.00	\$271.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-032



ITEM III: 1:00 P.M.

FILE: SDAB-D-18-033

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 263829840-001

APPLICATION TO: Install a Roof Off-premises Sign. (Pattison Outdoor Advertising)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 13, 2017

DATE OF APPEAL: December 22, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10805 - 124 Street NW

LEGAL DESCRIPTION: Plan RN22 Blk 26 Lot 8

ZONE: CB1 Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

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

1. This is a location that was approved by the SDAB a short time back, but the sign was not constructed. The location remains appropriate.
2. Such further and other reasons as may be presented at the hearing of this appeal.

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,
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Hearing and decision

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- (a.1) must comply with the land use policies;
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- (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 330.1 states that the **General Purpose** of the **CB1 Low Intensity Business Zone** is “to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.”

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is: “to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.”

Under section 330.3(11), **Roof Off-premises Signs** are a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Section 7.9(11) states:

Roof Off-premises Signs means any Sign erected upon, against, or above a roof, or on top of or above, the parapet 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.

Sign Height

Section 330.4(9) states: “The maximum building Height shall not exceed 12.0 m, in accordance with Section 52.”

Schedule 59F.3(4)(d) states: “Roof Off-premises Signs shall be subject to the following regulations: ...the combined Height of the Roof Off-premises Sign and building shall not exceed the Height of the Zone”.

Development Officer’s Determination

Permitted height: 12.0 m
 Building height: 6.3 m
 Proposed Sign height (including supporting frame): 6.1 m
 Proposed Overall height: 12.4 m
 Exceeds by: 0.4 m

Structural Elements

Schedule 59F.3(4)(h) states: “Roof Off-premises Signs shall have the structural elements concealed from view.”

Development Officer’s Determination

The Sign is proposed with an exposed support structure to both the pedestrian oriented commercial strip, and the residential properties to the East, Contrary to Section 59F.3.4.h.

Separation Distance

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

Minor Digital On-premises Off-premises Signs and 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: 100 m

Proposed Separation: 2 m from previously approved Roof Off-Premises Sign to the north on same property, which the applicant has proposed to remove.

Deficient by: 98 m

Contrary to Section 59F.6(e), the deficiency in the established separation distances from other existing Off-Premises signs, will create a negative impact in terms of the proliferation of Off-premises signs within the neighbourhood.

Scale, Architectural Character, Surrounding Context

Section 59.2(6) states: “For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.”

Section 59F.3(4)(c) states: “all proposed Roof On-premises Sign locations shall be reviewed 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; and any streetscape improvements”.



Development Officer’s Determination

a. The Building and proposed Sign are approximately the same height (Building 6.3m, Sign 6.1m), the sign effectively doubling the height of the development. In the Development Officer’s opinion this Sign would significantly increase the massing of the overall development and is not in keeping with the scale and architecture of the Building, Contrary to Section 59.2.6.

b. The area is characterized by 1 or 2 storey shops of a similar character fronting directly onto the pedestrian realm. It is the Development Officers opinion that this Sign would not be in keeping with the architectural theme and the land use characteristics of the area as the increased massing and appearance of the sign structure on the building would significantly change the overall appearance of the street, contrary to Sections 59F.3.c & 59.2.6.

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: 263829840-001 Application Date: OCT 03, 2017 Printed: December 13, 2017 at 8:44 AM Page: 1 of 3
<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) 10805 - 124 STREET NW Plan RN22 Blk 26 Lot 8 Location(s) of Work Entryway: 10805 - 124 STREET NW Building: 10805 - 124 STREET NW
Scope of Application To install a Roof Off-premises Sign. (PattisonOutdoor Advertising)	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 10000	Class of Permit: Class B Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 1 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 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: **263829840-001**
 Application Date: OCT 03, 2017
 Printed: December 13, 2017 at 8:44 AM
 Page: 2 of 3

Application for Sign Combo Permit

Reason for Refusal

1. The combined Height of the Roof Off-premises Sign and building shall not exceed the maximum height of the CB1 Zone. (Reference Sections 330.4.9 & 59F.3.4.d)

Permitted height: 12.0 m
 Building height: 6.3 m
 Proposed Sign height (including supporting frame): 6.1 m
 Proposed Overall height: 12.4 m
 Exceeds by: 0.4 m

2. Roof Off-premises Signs shall have the structural elements concealed from view. (Reference Section 59F.3.4.h)

The Sign is proposed with an exposed support structure to both the pedestrian oriented commercial strip, and the residential properties to the East, Contrary to Section 59F.3.4.h.

3. 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 8.0m² to less than 20m² the minimum separation distance from Digital Signs greater than 8.0 m² or other Off-premises Sign shall be 100m (Reference Section 59F.6(e))

Required Separation: 100 m
 Proposed Separation: 2 m from previously approved Roof Off-Premises Sign to the north on same property, which the applicant has proposed to remove.
 Deficient by: 98 m

Contrary to Section 59F.6(e), the deficiency in the established separation distances from other existing Off-Premises signs, will create a negative impact in terms of the proliferation of Off-premises signs within the neighbourhood.

4. All proposed Roof Off-premises Sign locations shall be reviewed 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; and proximity to residential development. For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. (Reference Sections 59F.3.c & 59.2.6)

a. The Building and proposed Sign are approximately the same height (Building 6.3m, Sign 6.1m), the sign effectively doubling the height of the development. In the Development Officer's opinion this Sign would significantly increase the massing of the overall development and is not in keeping with the scale and architecture of the Building, Contrary to Section 59.2.6.

b. The area is characterized by 1 or 2 storey shops of a similar character fronting directly onto the pedestrian realm. It is the Development Officers opinion that this Sign would not be in keeping with the architectural theme and the land use characteristics of the area as the increased massing and appearance of the sign structure on the building would significantly change the overall appearance of the street, contrary to Sections 59F.3.c & 59.2.6.

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: Dec 13, 2017 **Development Authority:** ADAMS, PAUL **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$272.00	\$272.00	04506208	Oct 05, 2017
Sign Building Permit Fee	\$152.00	\$152.00	04506208	Oct 05, 2017

THIS IS NOT A PERMIT



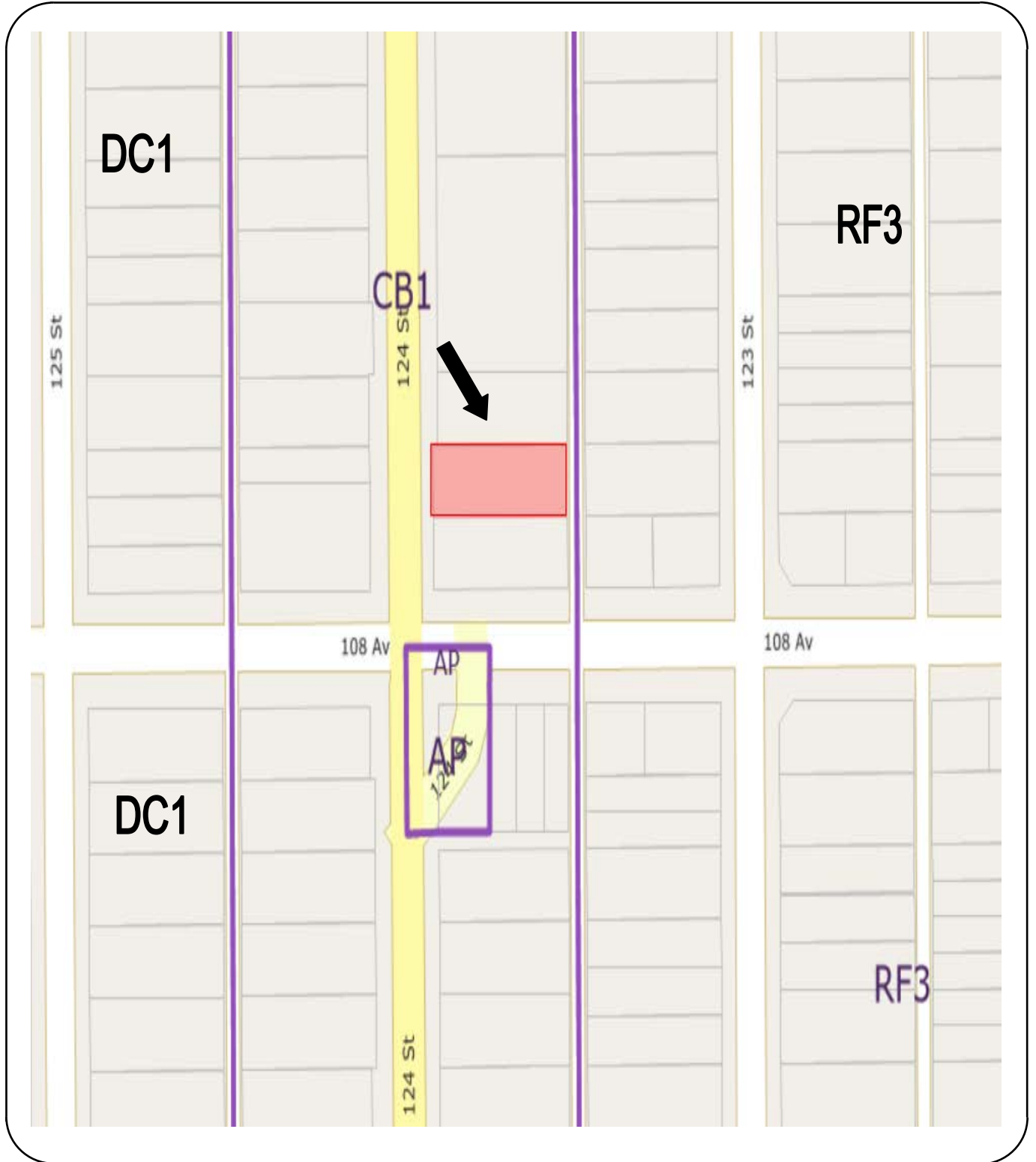
Project Number: **263829840-001**
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Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$6.08	\$6.08	04506208	Oct 05, 2017
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$430.08	\$430.08		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-033

