

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
February 27, 2020**

**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-20-023 To install (1) Roof mounted Minor Digital Off-premises Sign (3 metres by 6.1 metres facing NE) (PATTISON | KAWA CORPORATION)

10103 - 107 Avenue NW  
Project No.: 348770384-001

---

**TO BE RAISED**

II 10:30 A.M. SDAB-D-19-142 To install a Freestanding Minor Digital On-premises Off-premises Sign (4.9 metres by 6.1 metres, including digital panel 3 metres by 6.1 metres facing North) (PATTISON - TOOR HOLDINGS INC.)

9440 - 149 Street NW  
Project No.: 311645449-001

---

III 1:30 P.M. SDAB-D-20-024 To construct an 8 Dwellings of Multi-Unit Housing

2523 - Price Way SW, 2521 - Price Way SW,  
2519 - Price Way SW, 2517 - Price Way SW  
Project No.: 342079736-002

---

**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-20-023

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 348770384-001

APPLICATION TO: Install (1) Roof mounted Minor Digital Off-premises Sign (3 metres by 6.1metres facing NE) (PATTISON | KAWA CORPORATION)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 17, 2020

DATE OF APPEAL: January 29, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10103 - 107 Avenue NW

LEGAL DESCRIPTION: Plan B3 Blk 1 Lot 253

ZONE: CB2 - General Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Central McDougall/Queen Mary Park Area Redevelopment Plan

---

***Grounds for Appeal***

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

1. Minor Digital Off-premises Signs and Roof Off-Premises Signs are Discretionary Uses in the CB-2 Zone.
2. The proposed application represents a request to renew the Permit for a digital sign that has existed in the present location for several years without complaint or incident.
3. The question of variances required relative to the Reasons for Refusal referenced in the Development Officer's decision have all been addressed in previous SDAB hearings.

4. The subject sign has been located in accordance with an engineered study approved by the City's Transportation Department.
5. The subject location is purely commercial in nature, and there is no risk that residential properties would be affected.
6. Such further and other reasons as may be presented at the hearing of this appeal.

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

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 written decision is given under section 642, [...]

**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 clauses (a.4) and (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(40), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the **(CB2) General Business Zone**.

Under section 340.3(43), **Roof Off-premises Signs** is a **Discretionary Use** in the **(CB2) General Business Zone**.

Under section 7.9(6), **Minor Digital Off-premises Signs** means:

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

Under section 7.9(11), **Roof Off-premises Signs** means:

a Roof Sign, which is a Permanent Sign, and displays Off-premises Advertising.

Under section 6.2, **Off-Premise Sign** means:

any Sign 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, service or entertainment provided on the premises or Site where the Sign is displayed.

Under section 6.2, **Roof Sign** means:

A Sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.

Section 819.5(2) provides the following with respect to Development Regulations for Signs:

Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw, except that:

- a. the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.
- b. Projecting Signs shall be located within 1.0 m of each individual business entrance of the building facing a public roadway other than a Lane.
- c. Notwithstanding Section 59E.2(2)(e), one additional projecting sign may be permitted per building for the purpose of advertising businesses that do not have access at ground level.
- d. Where regulations for a Sign Use do not appear within Schedule 59E, the Schedule applicable to the underlying Zone shall apply.

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.

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.

**Section 59 – General Sign Provisions**

Section 59.2(15) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs.

**Development Officer’s Determination**

- 1) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs. (Reference Section 59.2(15) General Provisions).

The proposed sign is a Minor Digital Off-premises Sign that is a Roof Sign.

**Schedule 59E**

Schedule 59E.3(5) states the following with respect to Minor Digital Off-premises Signs:

- a. the maximum Height shall be 8.0 m;
- ...
- d. proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m<sup>2</sup> or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than <u>8.0 m<sup>2</sup></u> or Off-premises Signs
Greater than <u>8.0 m<sup>2</sup></u> to less than <u>20 m<sup>2</sup></u>	<u>100 m</u>
<u>20 m<sup>2</sup></u> to <u>40 m<sup>2</sup></u>	<u>200 m</u>
Greater than <u>40 m<sup>2</sup></u>	<u>300 m</u>

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

...

**Development Officer’s Determination**

- 2) Proposed Sign location shall be separated from Signs containing Digital Copy greater than 8.0m<sup>2</sup> or Off-premises Signs by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59E.3(5)(d)).

Area of Existing Freestanding Off-premises Sign (DP 218838352-001): 18.6 m<sup>2</sup>

Location: 10720-101 Street NW  
Required Separation Distance: 100 m  
Proposed Separation Distance: 91.4 m Deficient by: 8.6 m

The proposed sign is deficient in separation distance contrary to Section 59E.3(5)(d). [unedited]

- 3) Proposed Sign location shall be separated from Signs containing Digital Copy greater than 8.0m<sup>2</sup> or Off-premises Signs, greater than 20m<sup>2</sup> by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Area of Existing Minor Digital Off-premises Sign (DP 180163072-002): 27 m<sup>2</sup>

Location: 10730-99 Street NW  
Required Separation Distance: 200 m  
Proposed Separation Distance: 146 m  
Deficient by: 54 m

The proposed sign is deficient in separation distance contrary to Section 59E.3(5)(d).

- 4) Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations: the maximum Height shall be 8.0 m. (Reference Section 59E.3(5)(a)).

PROPOSED: Height from ground surface to top of sign: 10.5m  
EXCEEDS BY: 2.5m [unedited]

---

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.

---





Project Number: **348770384-001**  
 Application Date: DEC 02, 2019  
 Printed: January 30, 2020 at 9:24 AM  
 Page: 1 of 2

## Application for Sign Combo Permit

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

<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10103 - 107 AVENUE NW Plan B3 Blk 1 Lot 253
	<b>Location(s) of Work</b> Building: 10103 - 107 AVENUE NW

**Scope of Application**

To install (1) Roof mounted Minor Digital Off-premises Sign (3m x 6.1m facing NE) (PATTISON | KAWA CORPORATION).

**Permit Details**

ASA Sticker No./Name of Engineer:  
 Construction Value: 0

Class of Permit:  
 Expiry Date:

Fascia Off-premises Sign: 0  
 Fascia On-premises Sign: 0  
 Roof Off-premises Sign: 0  
 Roof On-premises Sign: 0  
 Minor Digital On-premises Sign: 0  
 Minor Digital Off-premises Sign: 1  
 Minor Digital On/Off-premises Sign: 0

Freestanding Off-premises Sign: 0  
 Freestanding On-premises Sign: 0  
 Projecting Off-premises Sign: 0  
 Projecting On-premises Sign: 0  
 Replacement Panel on Existing Sign: 0  
 Comprehensive Sign Design: 0  
 Major Digital Sign: 0

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

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

**Development Application Decision**

Refused

**Issue Date:** Jan 17, 2020    **Development Authority:** NOORMAN, BRENDA

**THIS IS NOT A PERMIT**



## Application for Sign Combo Permit

Project Number: **348770384-001**  
 Application Date: DEC 02, 2019  
 Printed: January 30, 2020 at 9:24 AM  
 Page: 2 of 2

**Reason for Refusal**

1) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs. (Reference Section 59.2(15) General Provisions).

The proposed sign is a Minor Digital Off-premises Sign that is a Roof Sign.

2) Proposed Sign location shall be separated from Signs containing Digital Copy greater than 8.0m<sup>2</sup> or Off-premises Signs by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59E.3(5)(d))

Area of Existing Freestanding Off-premises Sign (DP 218838352-001): 18.6 m<sup>2</sup>  
 Location: 10720-101 Street NW  
 Required Separation Distance: 100 m  
 Proposed Separation Distance: 91.4 m  
 Deficient by: 8.6 m

The proposed sign is deficient in separation distance contrary to Section 59E.3(5)(d).

3) Proposed Sign location shall be separated from Signs containing Digital Copy greater than 8.0m<sup>2</sup> or Off-premises Signs, greater than 20m<sup>2</sup> by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Area of Existing Minor Digital Off-premises Sign (DP 180163072-002): 27 m<sup>2</sup>  
 Location: 10730-99 Street NW  
 Required Separation Distance: 200 m  
 Proposed Separation Distance: 146 m  
 Deficient by: 54 m

The proposed sign is deficient in separation distance contrary to Section 59E.3(5)(d).

4) Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations: the maximum Height shall be 8.0 m. (Reference Section 59E.3(5)(a))

PROPOSED: Height from ground surface to top of sign: 10.5m  
 EXCEEDS BY: 2.5m

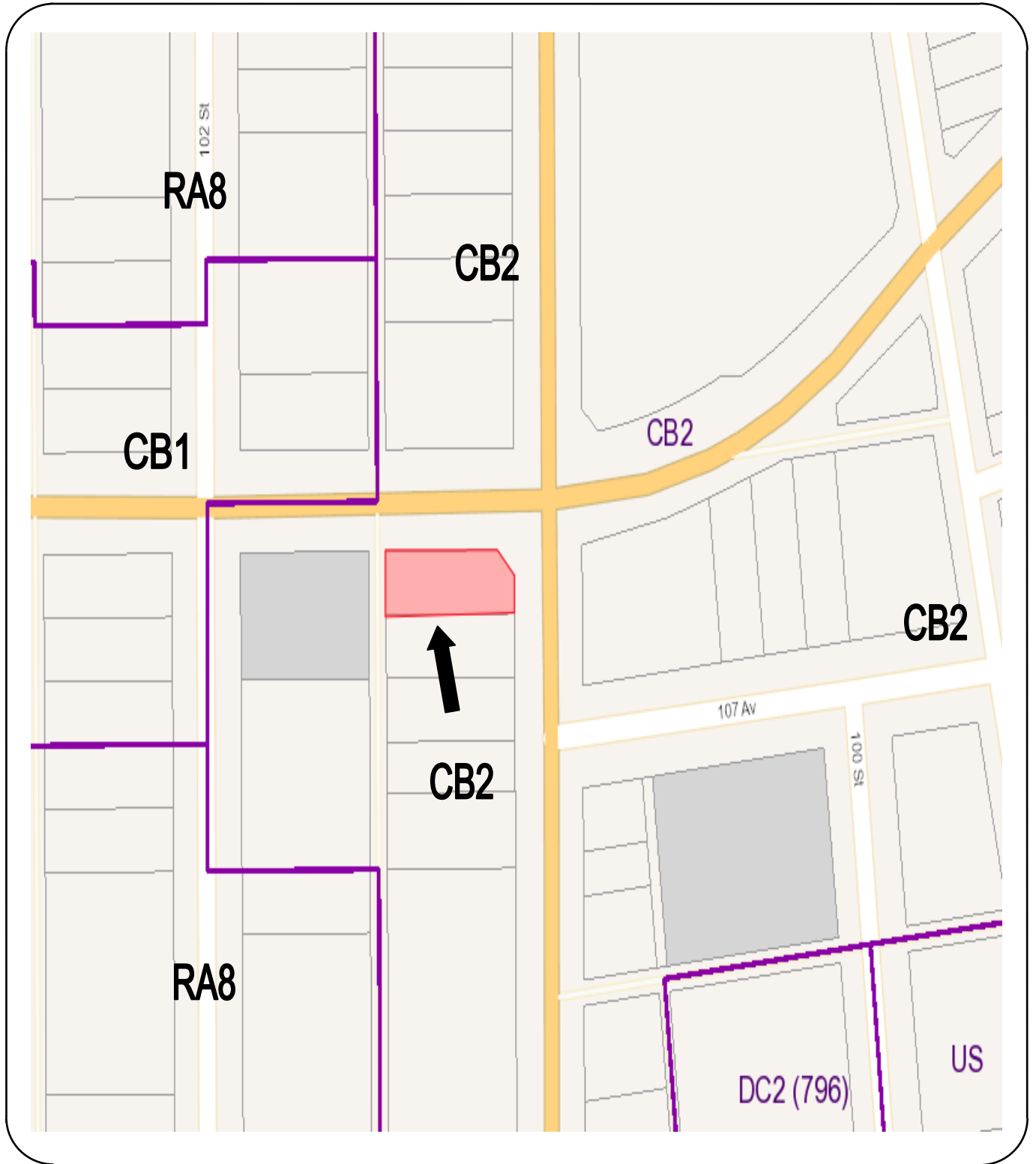
**Rights of Appeal**

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.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	06310271	Dec 02, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$458.00	\$458.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-023



**TO BE RAISED**  
**ITEM II: 10:30 A.M.**

**FILE: SDAB-D-19-142**

**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER**

APPELLANT:

APPLICATION NO.: 311645449-001

APPLICATION TO: Install a Freestanding Minor Digital On-premises Off-premises Sign (4.9m x 6.1m, incl digital panel 3m x 6.1m facing N) (PATTISON - TOOR HOLDINGS INC.)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 31, 2019

DATE OF APPEAL: August 12, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9440 - 149 Street NW

LEGAL DESCRIPTION: Plan 5710AF Blk 68 Lot 3

ZONE: (CB1) Low Intensity 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:

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. The proposed sign does not face the residential site to the south. Rather it faces the commercial intersection to the north.
2. The proposed sign has been re-located to accommodate concerns expressed by Transportation in relation to its initial location.

3. Our clients are proposing a landscape solution that will ensure the proposed sign is isolated from the property to the south.
4. Such further and other reasons as may be presented at the hearing of this appeal.

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

**Appeal Information:**

**The Subdivision and Development Appeal Board made and passed the following motion on September 5, 2019:**

**“That the appeal hearing be scheduled for November 13 or 14, 2019 at the written request of Legal Counsel for the Appellant in agreement with the Development Officer.”**

**The Subdivision and Development Appeal Board made and passed the following motion on November 13, 2019:**

**“That the appeal hearing be scheduled for Tuesday, December 10, 2019 at the written request of Legal Counsel for the Appellant and with agreement from the Development Officer.”**

**The Subdivision and Development Appeal Board made and passed the following motion on November 27, 2019:**

**“That the appeal hearing be scheduled for February 27, 2020 at the written request of Legal Counsel for the Appellant and with agreement from the Development Officer.”**

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 written decision is given under section 642, [...]

**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 clauses (a.4) and (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*:**

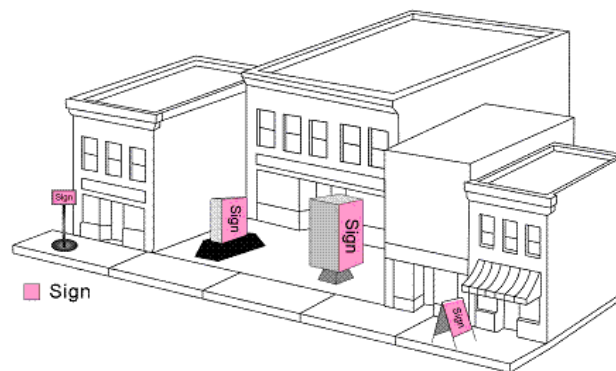
Under section 330.3(44), **Minor Digital On-premises Off-premises Signs** is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.9(3), **Minor Digital On-premises Off-premises Signs** means:

a 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, **Freestanding Signs** means:

a Sign supported independently of a building.



Under section 6.2, **Off-Premise Signs** means:

any Sign 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, service or entertainment provided on the premises or Site where the Sign is displayed.

Under section 6.2, **On-Premises Advertising** means “On-Premises Advertising means Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.”

Section 330.4(10) states: “Signs shall comply with the regulations found in Schedule 59F.”

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

***Setback***

Section 330.4(4) states “A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone.”

Under section 6.1, **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

**Development Officer’s Determination**

**1) A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone (Reference Section 330.4(4))**

**PROPOSED: 1.27 m from abutting RA7 Zone to the south**  
**DEFICIENT BY: 1.7 m [unedited]**

***Section 59 – General (Sign) Provisions***

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 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 Officer's Determination**

2) 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. (Reference Section 59.2(6)).

**The proposed sign is insensitive, and not in scale with the land use and surrounding development. The large scale of the sign dominates the site, and is located directly in front of an apartment building (to the south) adversely impacting the amenities and character of the Zone, by significantly obstructing the sight lines from the windows of the building. (Reference Section 59.2(6) and 330.1)).**

3) 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. (Reference Section 59.2(7)).

**The proposed sign is in close proximity to the residential apartment building to the south. In the opinion of the Development Officer, the sign will adversely impact the surrounding built environment by obstructing the light and sight lines from multiple residential units on the first, second and third floors of the neighboring apartment building located to the south.**


**The applicant was advised that the sign was insensitive to neighboring residential uses. However, there have been no revisions made to the scale, design, height, or location of the the proposed Minor Digital On Premises/Off Premises sign to mitigate the negative impacts to the adjacent residential use, or surrounding developments. [unedited]**

---

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.

---

	Project Number: <b>311645449-001</b> Application Date: APR 23, 2019 Printed: August 19, 2019 at 1:42 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 9440 - 149 STREET NW Plan 5710AF Blk 68 Lot 3  <b>Location(s) of Work</b> Suite: 9440 - 149 STREET NW Entryway: 9440 - 149 STREET NW Building: 9440 - 149 STREET NW
<b>Scope of Application</b> To install a Freestanding Minor Digital On-premises Off-premises Sign (4.9m x 6.1m, incl digital panel 3m x 6.1m facing N) (PATTISON - TOOR HOLDINGS INC.).	
<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: Construction Value: 100000	Class of Permit: Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 1	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct. Applicant signature: _____	
<b>Development Application Decision</b> Refused  Issue Date: Jul 31, 2019    Development Authority: NOORMAN, BRENDA	
<b>THIS IS NOT A PERMIT</b>	



Project Number: **311645449-001**  
 Application Date: APR 23, 2019  
 Printed: August 19, 2019 at 1:42 PM  
 Page: 2 of 2

## Application for Sign Combo Permit

**Reason for Refusal**

1) A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone (Reference Section 330.4(4))

PROPOSED: 1.27 m from abutting RA7 Zone to the south  
 DEFICIENT BY: 1.7 m

2) 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. (Reference Section 59.2(6)).

The proposed sign is insensitive, and not in scale with the land use and surrounding development. The large scale of the sign dominates the site, and is located directly in front of an apartment building (to the south) adversely impacting the amenities and character of the Zone, by significantly obstructing the sight lines from the windows of the building. (Reference Section 59.2(6) and 330.1)).

3) 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. (Reference Section 59.2(7)).

The proposed sign is in close proximity to the residential apartment building to the south. In the opinion of the Development Officer, the sign will adversely impact the surrounding built environment by obstructing the light and sight lines from multiple residential units on the first, second and third floors of the neighboring apartment building located to the south.

The applicant was advised that the sign was insensitive to neighboring residential uses. However, there have been no revisions made to the scale, design, height, or location of the the proposed Minor Digital On Premises/Off Premises sign to mitigate the negative impacts to the adjacent residential use, or surrounding developments.

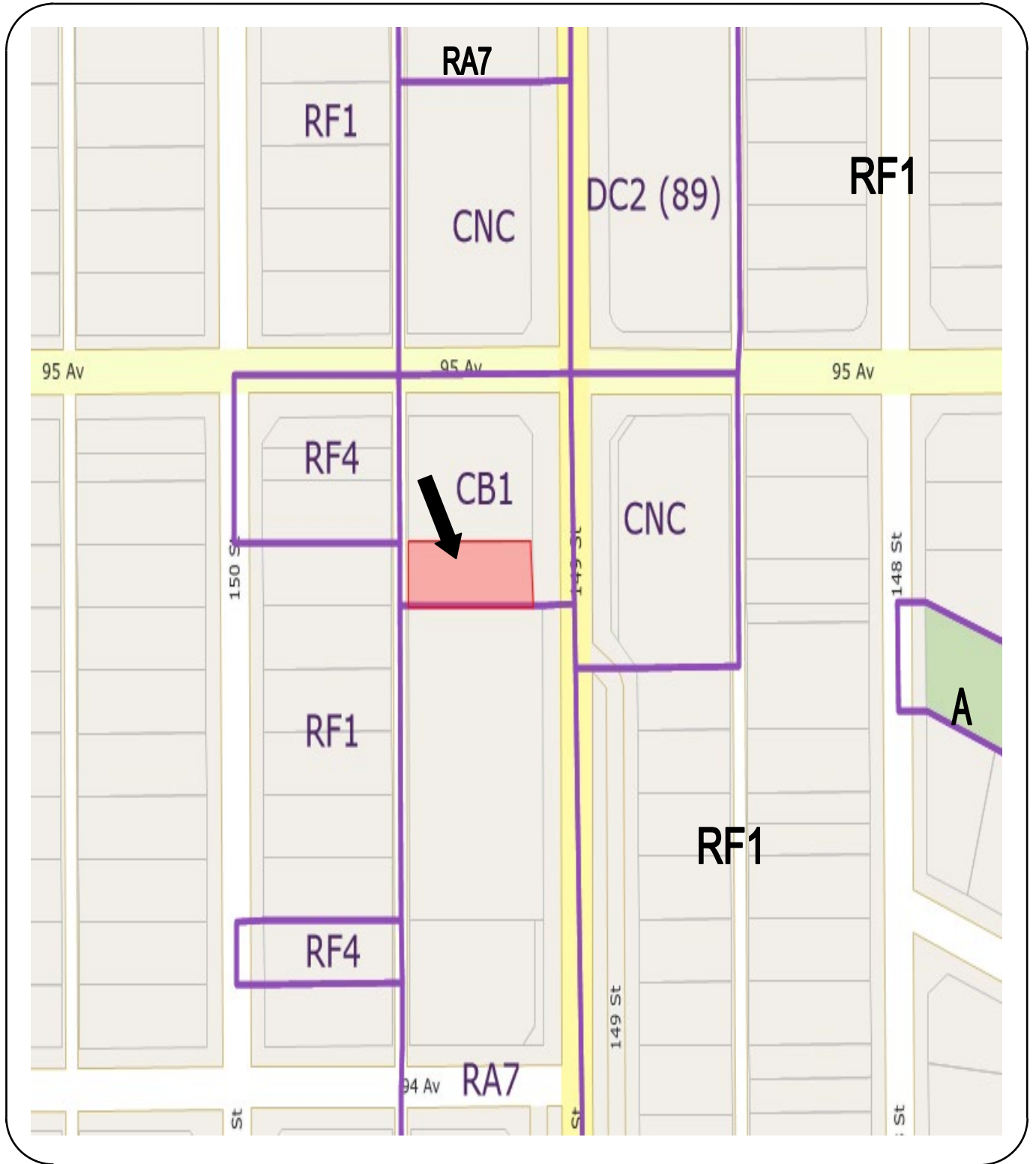
**Rights of Appeal**

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.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Building Permit Fee	\$1,057.00	\$1,057.00	05795713	Apr 23, 2019
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05795713	Apr 23, 2019
Safety Codes Fee	\$42.28	\$42.28	05795713	Apr 23, 2019
Total GST Amount:	\$0.00			
<b>Totals for Permit:</b>	<b>\$1,557.28</b>	<b>\$1,557.28</b>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-142



ITEM III: 1:30 P.M.

FILE: SDAB-D-20-024

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

APPELLANT:

APPLICATION NO.: 342079736-002

APPLICATION TO: Construct an 8 Dwellings of Multi-Unit Housing

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 6, 2020

DATE OF APPEAL: February 3, 2020

NOTIFICATION PERIOD: January 14, 2020 through February 4, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2523 - Price Way SW, 2521 - Price Way SW, 2519 - Price Way SW, 2517 - Price Way SW

LEGAL DESCRIPTION: Plan 1720738 Blk 11 Lot 36, Plan 1720738 Blk 11 Lot 37, Plan 1720738 Blk 11 Lot 38, Plan 1720738 Blk 11 Lot 39

ZONE: HVRH - Heritage Valley Row Housing Zone

OVERLAY: N/A

STATUTORY PLAN: Paisley Neighbourhood Area Structure Plan

---

*Grounds for Appeal*

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

We would like to appeal to the proposal of Brookfield or Five Star Developers of building an 8 unit building right next to our house. (2525 Price

Way SW). We have disputed this plan in front of the City council back in May 2018, when the initial plan was to build a 6 unit stacked town homes building.

Reasons of appeal back in 2018:

- 1) In bad faith we were sold our house being told and shown on a plan (we have pictures of this plan) that this will be a family oriented neighbourhood with a mix of row town homes/ row duplexes and single family homes. This no longer exist....and our house will drop in value since the esthetic look of a house next to a stacked home type of building is not appealing and is not that of a "family homes type of street" view. We would have never bought this house if we were told what the plans were... Brookfield had already applied for the rezoning permits at the time we purchase our house.
- 2) lack of privacy: balconies of these units would be directly overseeing it...
- 3) Foot/car traffic in between our house and these units.
- 4) Losing the chance of splitting the cost of building a fence on the left side of our house with the town home owner+ having to wait to build the fence until Brookfield decides what to do with the lot.
- 5) Unfinished landscaping at the left side of our house (on our property) due to these plans being in the limbo. Unappealing and devaluing our house.
- 6) overcrowded street parking due to the lack of parking space for these units (these units will have single car garages and it is a fact that most residents/families nowadays have at least 2 cars.

After an open house was held by Brookfield Developers on June 21st 2018 for the residents of Price Way SW and shown how the units would look like and where these would be built, we were informed by Bridgette Beaulieu (Brookfield Area Sales Manager) that Brookfield will no longer be building multi stacked homes next to our house as it would be too expensive...and they will attempt to build these next to their show homes down the street and see how these sell. When asked what will become of the lot next to our house, we were told that the original planned rowed town homes (4) will be built and that we and our neighbours will be informed of it.

At the end of the day, Brookfield has been untruthful to us....never offered to do compensate or fix any of these issues and we are asked to empathise that with the fact that the real estate market is bad and they need to find another way to finish the project on our street, as they're town homes are not selling well. How about empathise with the fact that as first time home buyers and young family, we bought this home in good faith with what we were told...and we paid and are paying for it with very hard worked money. We wanted our son to be able to safely enjoy our backyard and neighbourhood

and now...this is NOT possible because of endless construction on our street...lack of fencing around the lot/ overcrowded street with cars etc.

We are not the only ones who were sold a fake dream by Brookfield.

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

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 clauses (a.4) and (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 981.3(c), **Multi-unit Housing** is a **Permitted Use** in the **(HVRH) Heritage Valley Row Housing Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

Development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings. This Use does not include Blatchford Townhousing or Blatchford Stacked Row Housing.

Section 981.1 states that the **General Purpose** of the **(HVRH) Heritage Valley Row Housing Zone** is:

To provide for medium density housing with the opportunity for Row Housing, Multi-Unit Housing, and Paisley Laneway Housing, in accordance with the design objectives in the Paisley Neighbourhood Area Structure Plan.

***Variance - Plant Size***

Section 55.3(1)(c)(iii) states:

1. Unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following:

...

(c) new trees and shrubs shall be provided on the following basis:

...

(iii) approximately 75% of required coniferous trees shall be a minimum of 2.5 m in Height and approximately 25% shall be a minimum of 3.5 m in Height;

...

**Development Officer's Determination**

Plant size - 2 of the proposed coniferous trees are 2.5m in height instead of 3.5m in Height (section 55.3(1)(c)(iii)).

---

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.

---



Project Number: **342079736-002**  
 Application Date: SEP 25, 2019  
 Printed: February 4, 2020 at 8:54 AM  
 Page: 1 of 4

## Major Development Permit

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>	<p><b>Property Address(es) and Legal Description(s)</b></p> <p>2523 - PRICE WAY SW Plan 1720738 Blk 11 Lot 36</p> <p>2521 - PRICE WAY SW Plan 1720738 Blk 11 Lot 37</p> <p>2519 - PRICE WAY SW Plan 1720738 Blk 11 Lot 38</p> <p>2517 - PRICE WAY SW Plan 1720738 Blk 11 Lot 39</p> <p><b>Specific Address(es)</b></p> <p>Entryway: 2517 - PRICE WAY SW                  Entryway: 2519 - PRICE WAY SW                  Entryway: 2521 - PRICE WAY SW                  Entryway: 2523 - PRICE WAY SW                  Entryway: 2FL, 2517 - PRICE WAY SW                  Entryway: 2FL, 2519 - PRICE WAY SW                  Entryway: 2FL, 2521 - PRICE WAY SW                  Entryway: 2FL, 2523 - PRICE WAY SW                  Building: 2517 - PRICE WAY SW</p>
------------------	---

**Scope of Permit**  
 To construct an 8 Dwellings of Multi-Unit Housing

<p><b>Permit Details</b></p> <p>Class of Permit: Class B                  Gross Floor Area (sq.m.): 295.06                  New Sewer Service Required: Y                  Site Area (sq. m.): 920.02</p>	<p>Contact Person:                  Lot Grading Needed?: Y                  NumberOfMainFloorDwellings: 4                  Stat. Plan Overlay/Annex Area: (none)</p>
---	--

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

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

**Development Permit Decision**  
 Approved

**Issue Date:** Jan 06, 2020    **Development Authority:** BAUER, KERRY

**Subject to the Following Conditions**

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(Reference Section 17.1).

This Development Permit authorizes the proposed development of 8 Dwellings of Multi-unit Housing.

The Site shall be developed in accordance with the stamped, signed, and conditionally approved drawings.



Project Number: **342079736-002**  
Application Date: SEP 25, 2019  
Printed: February 4, 2020 at 8:54 AM  
Page: 2 of 4

## Major Development Permit

Hardsurfaced walkway is required between the Garage or Parking Area and an entry to the principal Dwelling (Reference Section 981.5(o))

All roof leaders from the Dwelling are connected to the individual storm sewer service for each Lot. (Reference Section 981.5.(t))

Maintenance and/or drainage and utility easement(s) may be required between Abutting properties and/or through private Yards of one or more Dwellings to ensure adequate access for property, drainage and utility maintenance. (Reference Section 981.5(u))

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)

Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.

Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed ([www.edmonton.ca/landscapeinspectionrequest](http://www.edmonton.ca/landscapeinspectionrequest)).

Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.

Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.

### ADVISEMENTS:

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

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

Signs require separate Development Applications.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.



Project Number: **342079736-002**  
Application Date: SEP 25, 2019  
Printed: February 4, 2020 at 8:54 AM  
Page: 3 of 4

## Major Development Permit

### FIRE RESCUE SERVICES ADVISEMENT:

1. Ensure that a Fire Safety Plan is prepared for this project, in accordance with the EFRS Construction Site Fire Safety Plan Template:

[https://www.edmonton.ca/programs\\_services/fire\\_rescue/fire-safety-planning-for-const.aspx](https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx)

A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time). If you have any questions at this time, please contact Technical Services at [cmsfpts@edmonton.ca](mailto:cmsfpts@edmonton.ca).

Reference: 5.6.1.3. Fire Safety Plan

1) Except as required in Sentence (2), prior to the commencement of construction, alteration or demolition operations, a fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site and shall include...

For additional information please contact our office.

Swapnil Brahmhatt  
[cmsfpts@edmonton.ca](mailto:cmsfpts@edmonton.ca)

### WASTE MANAGEMENT ADVISEMENT:

This is a residential property and therefore falls under the City of Edmonton bylaw 13777, requiring the waste services is provided by the City of Edmonton.

Waste Services recommends storing each of the residential cans in waste enclosure until collection days. On collection days, the resident and/or property manager will be responsible to move the cans to the lane for service.

### Subject to the Following Adviselements

Zoning Adviselements:

Signs require separate Development Applications.

Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for lot grading inspection inquiries.

The driveway access must maintain a minimum clearance of 1.5m from the service pedestal and all other surface utilities.

Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

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

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 including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

### Variations

Plant size - 2 of the proposed coniferous trees are 2.5m in height instead of 3.5m in Height (section 55.3(1)(c)(iii))

### Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.



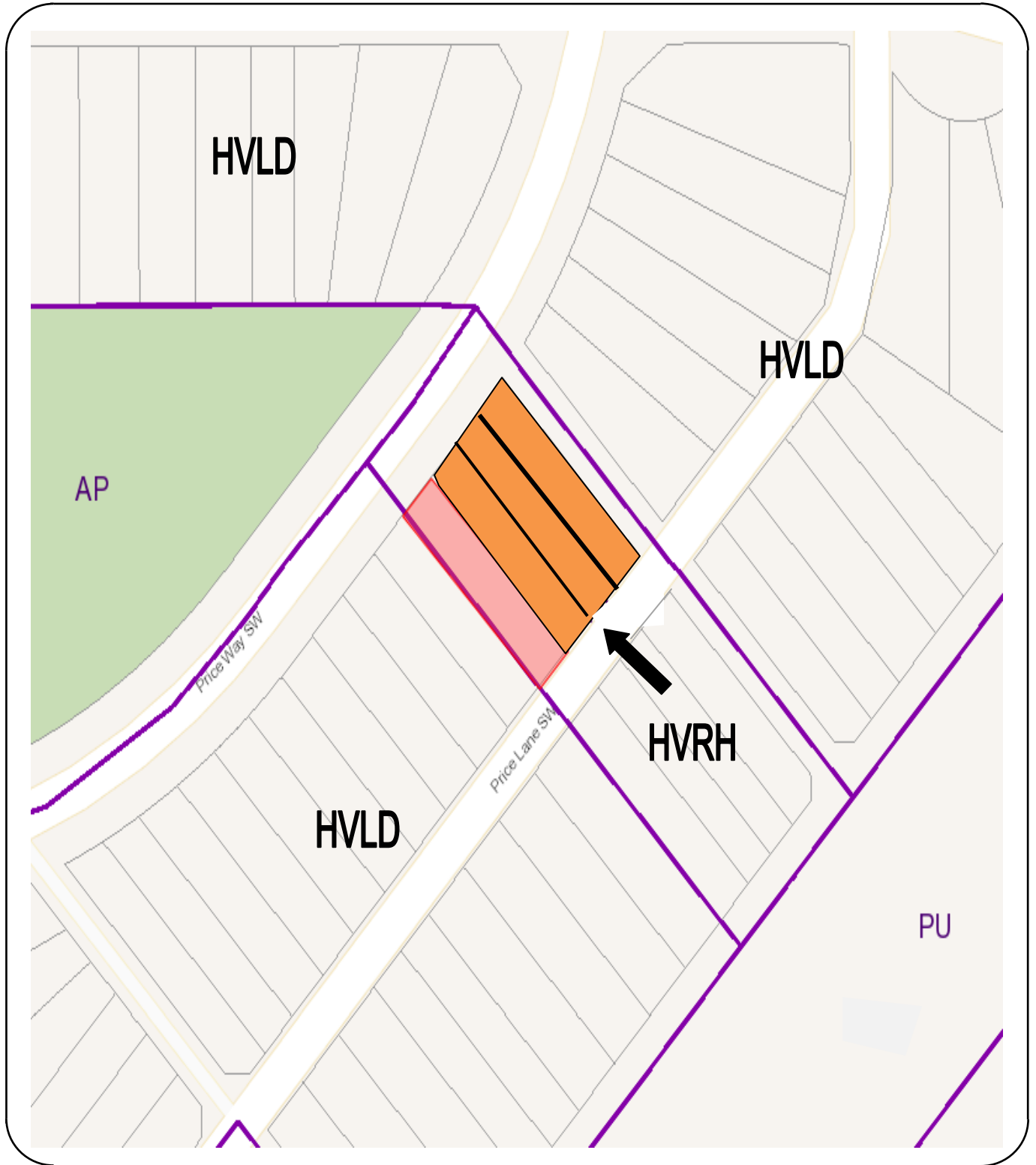
Project Number: **342079736-002**  
 Application Date: SEP 25, 2019  
 Printed: February 4, 2020 at 8:54 AM  
 Page: 4 of 4

## Major Development Permit

**Notice Period Begins:** Jan 14, 2020      **Ends:** Feb 04, 2020

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$848.00	\$848.00	883679024252001	Oct 02, 2019
Dev. Application Fee # of dwelling units	\$304.00	\$304.00	883679024252001	Oct 02, 2019
Development Permit Inspection Fee	\$518.00	\$518.00	06384807	Jan 21, 2020
Sanitary Sewer Trunk Fund 2012+	\$9,488.00	\$9,488.00	06384807	Jan 21, 2020
Lot Grading Fee	\$468.00	\$468.00	06384807	Jan 21, 2020
Total GST Amount:	\$0.00			
<b>Totals for Permit:</b>	<b>\$11,626.00</b>	<b>\$11,626.00</b>		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-024

