

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
February 9, 2017**

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

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

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I 9:00 A.M. SDAB-D-17-030

Construct (1) Freestanding Off-premises Sign  
(Existing without permits)

11714 - 82 Street NW  
Project No.: 182968437-001

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II 10:30 A.M. SDAB-D-17-031

Relocate (1) Freestanding Minor Digital Off-  
premises Sign (6.1 metres by 3 metres).

5138 - Gateway Boulevard NW  
Project No.: 221482518-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-030

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 182968437-001

APPLICATION TO: Construct one (1) Freestanding Off-premises Sign (Existing without permits)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 4, 2017

DATE OF APPEAL: January 17, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11714 - 82 Street NW

LEGAL DESCRIPTION: Plan RN50 Blk 117 Lots 27-28

ZONE: CB2-General Business Zone

OVERLAY: Alberta Avenue Pedestrian Commercial Shopping Street Overlay

STATUTORY PLAN: Parkdale Area Redevelopment Plan

*Grounds for Appeal*

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

Sign has existed as is since 1993 with no issues or complaints. We are not modifying structure in any way, just looking to renew permit.

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

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

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

...

**Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

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

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

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

Under section 340.3(39), a **Freestanding Off-premises Sign** is a **Discretionary Use** in the **CB2 General Business Zone**.

Under section 7.9(3), **Freestanding Off-premises Signs** means:

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.

Section 320.1 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 821.1 states that the **General Purpose** of the **Alberta Avenue Pedestrian Commercial Shopping Street Overlay** is to facilitate development of a pedestrian-oriented character to commercial and mixed Use developments along 118 Avenue, between 76 and 105 Streets, in close proximity to residential areas, in accordance with the Avenue Initiative Revitalization Strategy and Plans in effect for this area of the City.

<b><i>Height</i></b>
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Section 821.3(23)(a) states 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 metres.

**Development Officer's Determination:**

- 1) The maximum height of a Freestanding Sign shall be 6.0 metres (Section 821.3(a))

Permitted Height: 6 metre

Proposed Height: 8 metres

Exceeds by: 2 metres

***Community Consultation***

Section 821.3(25) states where an application for a Development Permit does not comply with the regulations contained in this Overlay:


- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 metres of the Site of the proposed development and the President of each affected Community League and the President of each Business Revitalization Zone Association operating within the distance described above, at least 21 days prior to submission of a Development Application;
- b. the applicant shall outline to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
- d. the applicant shall submit this documentation as part of the Development Application.

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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. 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*.

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	Project Number: <b>182968437-001</b> Application Date: NOV 24, 2015 Printed: January 17, 2017 at 1:41 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>  <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	<b>Property Address(es) and Legal Description(s)</b> 11714 - 82 STREET NW Plan RN50 Blk 117 Lots 27-28  <b>Location(s) of Work</b> Entryway: 11714 - 82 STREET NW Building: 11714 - 82 STREET NW				
<b>Scope of Application</b> To construct (1) Freestanding Off-Premises Sign (Existing without permits)					
<b>Permit Details</b> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; padding: 5px;">                             ASA Sticker No./Name of Engineer:                              Construction Value: 10000                         </td> <td style="width: 50%; padding: 5px;">                             Class of Permit:                              Expiry Date:                         </td> </tr> <tr> <td style="padding: 5px;">                             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: 0                         </td> <td style="padding: 5px;">                             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                         </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 10000	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: 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
ASA Sticker No./Name of Engineer: Construction Value: 10000	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: 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: _____					
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1) The maximum height of a Freestanding Sign shall be 6.0 m (Section 821.3(a))  Permitted Height: 6 m Proposed Height : 8 m Exceeds by : 2 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 04, 2017      Development Authority: AHUJA, SACHIN      Signature: _____					
<b>THIS IS NOT A PERMIT</b>					



Project Number: **182968437-001**  
Application Date: NOV 24, 2015  
Printed: January 17, 2017 at 1:41 PM  
Page: 2 of 2

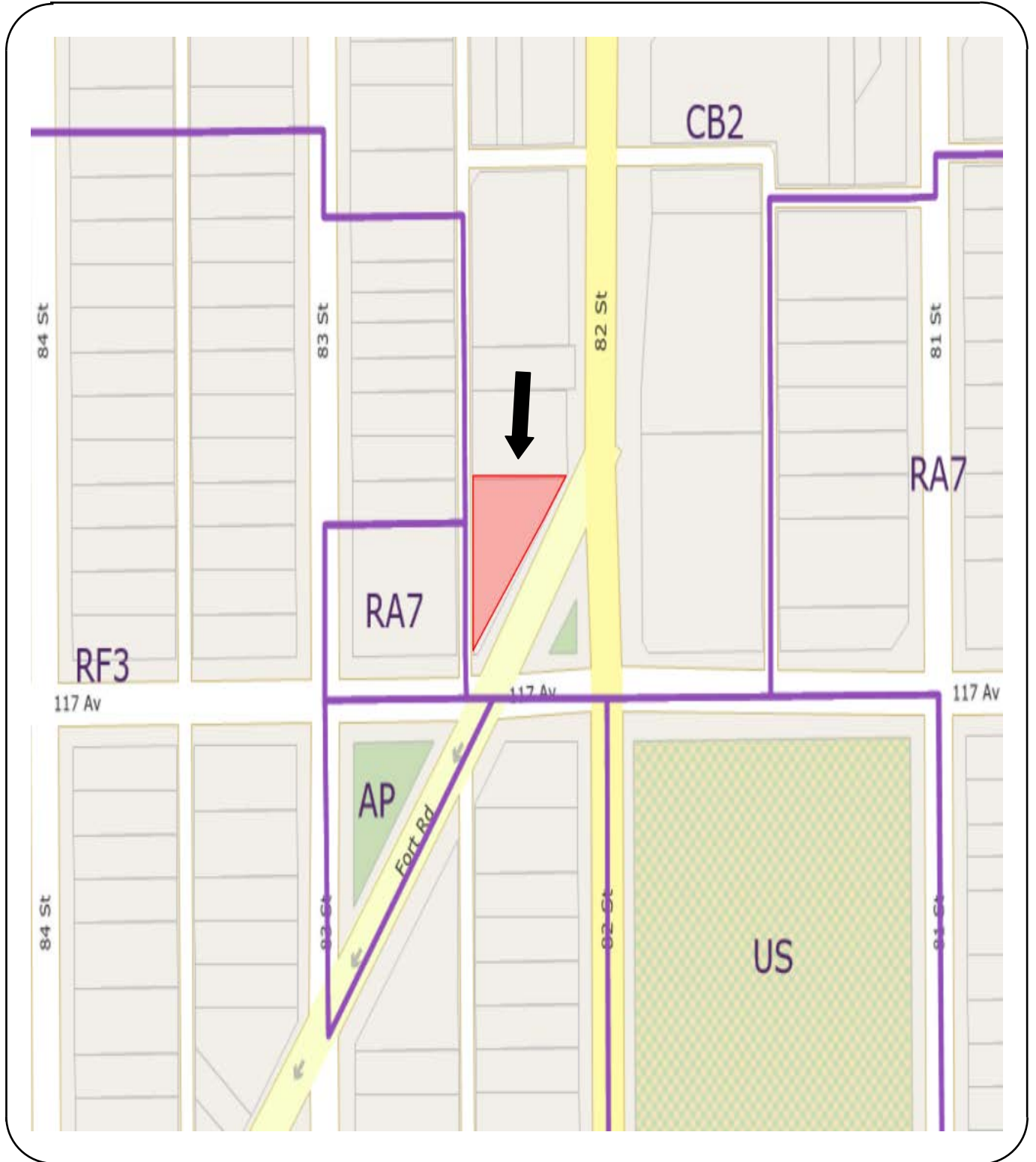
## Application for Sign Combo Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Existing Without Dev Permit Penalty Fee	\$255.00	\$255.00	02965263	Dec 21, 2015
Sign Development Application Fee	\$255.00	\$255.00	02965263	Dec 21, 2015
Existing Without Building Permit Penalty Fee	\$146.00	\$146.00	02965263	Dec 21, 2015
Safety Codes Fee	\$5.84	\$5.84	02965263	Dec 21, 2015
Sign Building Permit Fee	\$146.00	\$146.00	02965263	Dec 21, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$807.84</u>	<u>\$807.84</u>		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-030



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-031

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 221482518-001

APPLICATION TO: Relocate (1) Freestanding Minor Digital Off-premises Sign (6.1 metres by 3 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 14, 2016

DATE OF APPEAL: December 27, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5138 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 1525501 Blk 94 Lot 1

ZONE: CB2-General Business Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: N/A

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*Grounds for Appeal*

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

I am a representative of Pattison Outdoor Advertising, the Applicant in the above noted matter. Our Development Permit Application has been refused. On behalf of Pattison Outdoor Advertising, I hereby appeal the refusal on the following grounds:

1. The proposed development is a sign which has existed 30 metres to the south, on the premises, without incident or complaint for many years. The relocation of our sign is required in order to accommodate the construction of a new hotel on the premises.
2. The proposed relocation of our existing development will not enhance its visibility to the southbound traffic on Calgary Trail to which it has been exposed for many years.

3. The proposed development complies with the Calgary Trail Land Use Study, since our proposed development is not a freestanding billboard. In any event, the Study is not a Statutory Plan as defined by the Municipal Government Act and therefore the Board is not bound by it.
4. Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>
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**Appeal Information:**

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

**Grounds for Appeal**

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

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

...

**Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

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

Under section 340.3(41), a **Minor Digital Off-premises Signs** is a **Discretionary Use** in the **CB2 General Business Zone**.

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

means any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

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

Section 320.1 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 813.1 states the **General Purpose** of the **Major Commercial Corridors Overlay** is to ensure that development along Major Commercial Corridors is visually attractive and that due consideration is given to pedestrian and traffic safety.

***Setback***

Schedule 59F.3(6)(j) states proposed Signs with an Area greater than 8.0 square metres shall not be located within any Setback.

Section 340.4(3) states a minimum Setback of 4.5 metres shall be required where a Site abuts a public roadway, other than a Lane. Where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, no Setback shall be required.

Section 813.4(6)(a) states Setbacks with a minimum Width of 7.5 metres shall be provided adjacent to Major Arterial Roads within the Major Commercial Corridors and adjacent Arterial Roads that directly intersect such Major Arterial Roads. However, the Development Officer may use variance power to reduce this Setback requirement to a minimum Width of 4.5 metres, provided that:

- i. the average Width of the Setback is not less than 6.0 metres; and
- ii. this Setback width relaxation is required to allow for a more efficient utilization of the Site and the relaxation shall result in an articulation of the Setback width that shall enhance the overall appearance of the Site.

**Development Officer's Determination:**

Required setback: 4.5 metres

Proposed setback: 0 metres

Deficient by 4.5 metres

The proposed Sign encroaches 0.91 metres on to City Right Of Way.

***Sign Location***

Section 59.2(2) states Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:

- a. does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic;

- b. is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic;
- c. is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways; and
- d. illumination does not compete with or dull the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic.

**Development Officer's Determination:**

Transportation Planning and Engineering does not support a digital sign installed at a location, as the sign encroaches in the TAC's cone of vision and 20 degree cone associated with the signalized pedestrian crossing. The proposed Sign is installed right off Calgary Trail, which is a four - lane arterial road that carries about 35,000 vehicles per day. The signalized pedestrian crosswalk exists about 90 metres north of the proposed sign location. There is a bus stop as well in the vicinity of the subject site just south of the pedestrian crossing that are serviced at a 30 minutes frequency during the peak hour.

***Calgary Trail Land Use Study***

3.4 GENERAL URBAN DESIGN POLICIES

- b) Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by:
  - i. promoting within the business community the voluntary replacement of older advertising signage;
  - ii. discouraging the use of portable signs and free-standing billboards; and
  - iii. improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.

**Development Officer's Determination:**

Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards (Reference Section 3.4(b)(ii)) - Calgary Trail Land Use Study).

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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. 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*.

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# Application for Sign Combo Permit

Project Number: **221482518-001**  
Application Date: MAY 10, 2014  
Printed: January 3, 2017 at 10:26 AM  
Page: 1 of 2

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

### Applicant



**Property Address(es) and Legal Description(s)**  
5138 - GATEWAY BOULEVARD NW  
Plan 1525501 Blk 94 Lot 1

### Scope of Application

To relocate (1) Freestanding Minor Digital Off-premises Sign (6.1 m x 3 m).

### Permit Details

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

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

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

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

### Development Application Decision

Refused

**THIS IS NOT A PERMIT**





Project Number: **221482518-001**  
 Application Date: MAY 10, 2016  
 Printed: January 3, 2017 at 10:26 AM  
 Page: 2 of 2

## Application for Sign Combo Permit

**Reason for Refusal**

1) Proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback. (Reference Section 59F.3(6)(j)) . A minimum Setback of 4.5 m shall be required where a Site abuts a public roadway, other than a Lane (Section 340.4(3)). Within the Major Commercial Corridor Overlay, the minimum set back requirement is 4.5 m provided the average width of setback is not less than 6.0 m. (Reference Section 813.4(6)(a)(i)).

Required setback: 4.5m  
 Proposed setback: 2 m  
 Deficient by 2.5 m

2) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:

- a. does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic;
- b. is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic;

Transportation Planning and Engineering does not support a digital sign installed at a location, as the sign encroaches in the TAC's cone of vision and 20 degree cone associated with the signalized pedestrian crossing. The proposed Sign is installed right off Calgary Trail, which is a four - lane arterial road that carries about 35,000 vehicles per day. The signalized pedestrian crosswalk exists about 90m north of the proposed sign location. There is a bus stop as well in the vicinity of the subject site just south of the pedestrian crossing that are serviced at a 30 min frequency during the peak hour.

3) Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards (Reference Section 3.4(b)(ii)) - Calgary Trail Land Use Study).

**Rights of Appeal**

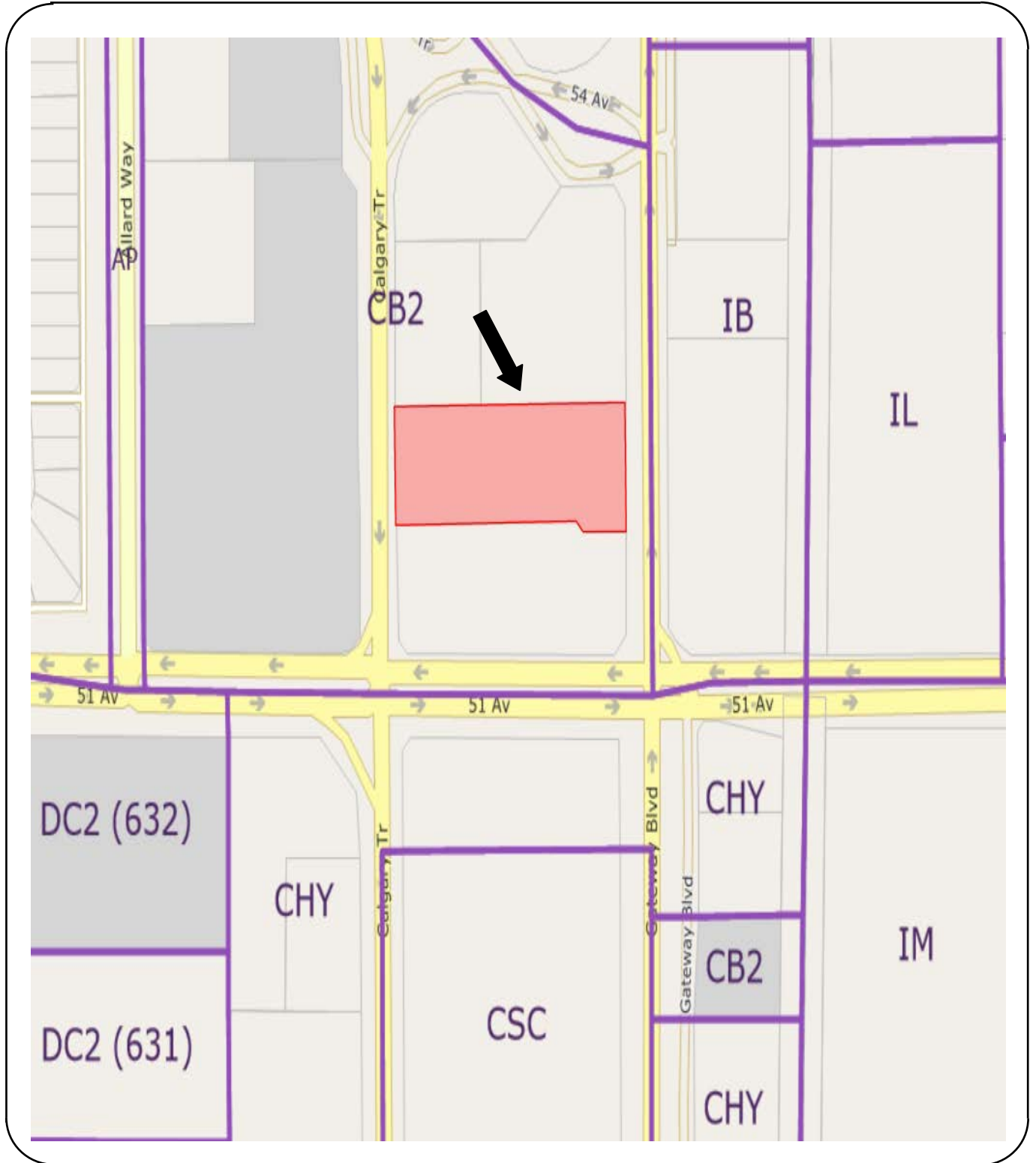
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Dec 14, 2016    **Development Authority:** AHUJA, SACHIN    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$425.00	\$425.00	03270840	May 10, 2016
Sign Building Permit Fee	\$1,000.00			
Safety Codes Fee	\$40.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,465.00	\$425.00		
(\$1,040.00 outstanding)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-031

