

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
January 18, 2017**

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

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

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I     9:00 A.M.     SDAB-D-17-011     Place a Temporary Sign for 90 days ending 19-MAR-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #2)  
  
17010 - 90 Avenue NW  
Project No.: 235624962-001

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II    9:00 A.M.     SDAB-D-17-012     Place a Temporary Sign for 90 days ending 19-MAR-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #1)  
  
17010 - 90 Avenue NW  
Project No.: 235624894-001

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III   12:30 P.M.     SDAB-D-17-013     Change the Use of a Single Detached House to a Duplex House  
  
11142 - 125 Street NW  
Project No.: 221254882-005

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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-17-011

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

APPELLANT:

APPLICATION NO.: 235624962-001

APPLICATION TO: Place a Temporary Sign for 90 days ending 19-MAR-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #2)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 28, 2016

DATE OF APPEAL: December 20, 2016

NOTIFICATION PERIOD: Dec. 6, 2016 through Dec. 20, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17010 - 90 Avenue NW

LEGAL DESCRIPTION: Plan 0928218 Blk 30 Lot 10

ZONE: DC2-Site Specific Development Control Provision (746)

OVERLAY: N/A

STATUTORY PLAN: The Summerlea Neighbourhood Area Structure Plan

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*Grounds for Appeal*

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

Misappropriate use of a temporary sign.

<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.

**(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 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

...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**Designation of direct control districts**

**641(4)** Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) ...

- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

**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 DC2.746.3.ii, a **Temporary On-premises Sign** is a **listed Use** in the DC2.746 Site Specific Development Control Provision.

Under section 7.9(13), a **Temporary On-premises Sign** means:

any Sign that is relocatable or removable from a Site and used for advertising of a limited duration. The Copy on such a sign identifies or advertises a business, activity, product, service or entertainment located on the premises or Site where the Sign is displayed.

DC2.746.1 states that the **General Purpose** of the **DC2.746 Site Specific Development Control Provision** is:

To accommodate a shopping center development that may include office and entertainment uses intended to serve a community or regional trade area, to remove the residential and residential related use opportunities that would conflict with the current level of contamination and to establish site development regulations, which will ensure compatibility with surrounding land uses.

DC2.746.4.j states “Signs shall be developed in accordance with Schedule 59E.”

<i>Schedule 59E Sign Regulations</i>
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Schedule 59E.2(4) states Temporary On-premises Signs shall be subject to the following regulations [UNEDITED]:

- a. for a single tenant Site with a Frontage greater than 30.0 m, not more than two Temporary On-premises Signs shall be allowed. The maximum number of Temporary Signs, whether On-premises or Off-premises, shall be two. Where the Site has a Frontage greater than 100.0 m, the Development Officer may use discretion to increase the maximum number of Temporary On-premises Signs allowed per Site;
- b. for a multiple tenant development with a Frontage of greater than 30.0 m, one Temporary On-premises Sign shall be allowed for each 30.0 m of Frontage with a minimum separation space of 30.0 m between each Sign. The maximum number of Temporary On-premises Signs shall be five. Where multiple tenant Sites have a Frontage greater than 300.0 m, the Development Officer may use discretion to increase the maximum number of Temporary On-premises Signs allowed per Site;

- c. notwithstanding clause (b) above, where a Site with a Frontage of less than 30.0 m exists, an applicant may, by providing to the Development Officer written consent from the owners of adjacent Sites, identify to the Development Officer, a combination of Sites having a total Frontage of 30.0 m or more, in order to allow placement of a Temporary On-premises Sign;
- d. Temporary On-premises Signs shall be located within the property lines of the Site. A Temporary On-premises Sign shall not interfere with access to or from the Site and shall not impair the sight lines for vehicular traffic;
- e. Temporary On-premises Signs may be illuminated but shall not have any flashing or running lights;
- f. Temporary On-premises Freestanding Signs shall have a maximum Height of 3.0 m and a maximum Area of 5 m<sup>2</sup>; and
- g. Temporary On-premises Signs that are Volumetric Signs shall not exceed the maximum building Height of the Zone and shall not be located within any Setback. For Temporary Roof On-premises Signs that are Volumetric Signs, the combined Height of the Sign and building shall not exceed the Height of the Zone.
- i. Temporary Signs that are inflated shall not exceed the maximum building Height of the Zone and shall not be located within any Setback. When the inflated Sign is located on a building, the combined Height of the Sign and building shall not exceed the Height of the Zone;
- j. all Temporary Signs shall have a permanent tag, label, plate, marking or other means of identifying ownership of the Sign for enforcement purposes. The ownership information shall be located in a visible location on the Sign; and
- k. Temporary Signs shall be removed on or before the date that the permit expires.

***Section 59 Sign Regulations***

Section 59.2(16) of the *Edmonton Zoning Bylaw* states the maximum duration of display for each Temporary On-premises Sign shall be 365 days, unless otherwise specified in the Sign Schedule. Temporary On-premises Signs shall be removed on or before the date that the Development Permit expires.

Section 59.2(17) of the *Edmonton Zoning Bylaw* states the maximum duration of display for each Temporary Off-premises Sign shall be 30 days, unless otherwise specified in the Sign Schedule. Temporary Off-premises Signs shall be removed on or before the date that the Development Permit expires.

**Development Officer's Determination**

**1. Duration Of Temporary Signs On Site - A Temporary Sign location is permitted for greater than 180 days in a calendar year. (Section 79.9(3)(b)(iii)(B))**

**2. Time Between Temporary Signs On Site - There has not been 30 days between Temporary Sign permits at this location. (Section 79.9(3)(b)(iii)(B)) [unedited].**

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**Notice to Applicant/Appellant**

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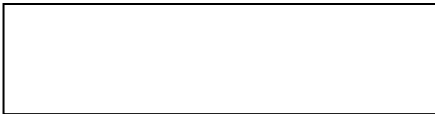


Project Number: 235624962-001  
Application Date: NOV 22, 2016  
Printed: December 21, 2016 at 9:22 AM  
Page: 1 of 3

### Temporary Sign Permit

This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

**Applicant**



**Property Address(es) and Legal Description(s)**

17010 - 90 AVENUE NW  
Plan 0928218 Blk 30 Lot 10

**Scope of Permit**

To place a Temporary Sign for 90 days ending 19-MAR-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #2)

**Permit Details**

Business Name (Temp. Sign): Multi: WESTGATE MALL #2  
Number of Days (Temp. Sign): 90

Class of Permit: Class B  
Start Date (Temp. Sign): 2016-12-19 00:00:00

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

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

**Development Permit Decision**

Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **235624962-001**  
 Application Date: NOV 22, 2016  
 Printed: December 21, 2016 at 9:22 AM  
 Page: 2 of 3

## Temporary Sign Permit

### Subject to the Following Conditions

The sign is approved starting 19-DEC-2016 and shall be removed on or before 19-MAR-2017. (Reference Section DC2.746.4(1), 59E.1(4)(d) of the April 2009 Edmonton Zoning Bylaw 12800). (Refer to Schedule 59E.)

For a multiple tenant development (Shopping Centre) with a Frontage of greater than 30.0 m, one Temporary Sign shall be allowed for each 30.0 m of Frontage provided that not more than four Temporary Signs shall be displayed on the same street Frontage with a minimum separation space of 30.0 m between each Temporary Sign; in no case shall there be more than four Temporary Signs per Site; (Reference Section 59E.1(4)(b))

No Temporary Sign shall remain at a location for more than 90 consecutive days, during which time, unlimited changes to the Copy of the Signs shall be allowed. (Reference Section 59E.1(4)(d))

Temporary On-premises Signs shall be located within the property lines of the Site. A Temporary On-premises Sign shall not interfere with access to or from the Site and shall not impair the sight lines for vehicular traffic; (Reference Section 59E.1(4)(f)) (NOTE: Portable Signs on road-right-of-way may be seized without warning.)

Temporary On-premises Signs may be illuminated but shall not have any flashing or running lights; (Reference Section 59E.1(4)(g)) (NOTE: Temporary signs shall not include electronic copy or animation.)

Temporary On-premises Freestanding Signs shall have a maximum Height of 3.0 m. and a maximum Area of 5 sq. m.; (Reference Section 59E.1(4)(h)) and

No Sign shall be erected, operated, used or maintained that:

-due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the Transportation Services; (Reference Section 59.2(1)(a))

-displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles; (Reference Section 59.2(1)(b)) and

-uses spot or reflector lights directed at on-coming traffic or displays travelling or flashing messages that create a hazard to traffic on a public roadway from which the Sign is visible. (Reference Section 59.2(1)(c))

All Temporary Signs shall have a development permit approval tag issued by the City of Edmonton. (Reference Section 59.2(8))

This Development Permit is NOT valid until the required Notification Period expires and no notice of appeal has been filed, in accordance with Sections 17.1, 20 and 21.1.

NOTE: This permit is for an On-premises Sign for businesses which have valid development approval (or a valid business licence) to operate from the Site. Unless this permit is specifically granted for general advertising, portable signs containing 3rd party (general) advertising may be revoked and subject to fines without warning. (Reference Section 59.2(9))

Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid and may constitute an offence. (Reference Section 13.1(7))

It is an offence for any person to place a Sign on land; for which a Development Permit is required but has not been issued or is not valid under this Bylaw. It is an offence to display a Temporary Sign without a valid Development Permit. It is an offence for a Temporary Sign to not have the Sign ownership displayed in a visible location on the Sign. It is an offence to deface, obscure or otherwise render the ownership identification illegible. It is an offence to display a Temporary Sign without a development permit approval tag issued by the City of Edmonton. It is an offence to have a Sign in an abandoned state. (Reference Section 23.2)

Temporary Signs must have authorization from the landowner or the landowner's agent to place a Temporary On-premises Sign on the land that is listed as the address for the location of the Temporary On-Premises Sign. (Reference Section 13.4(1)(f) of the Edmonton Zoning Bylaw 12800)

**The permit holder is advised to read the reverse for important information concerning this decision.**



Project Number: **235624962-001**  
Application Date: NOV 22, 2016  
Printed: December 21, 2016 at 9:22 AM  
Page: 3 of 3

### Temporary Sign Permit

**Variance**

- 1. Duration Of Temporary Signs On Site - A Temporary Sign location is permitted for greater than 180 days in a calendar year. (Section 79.9(3)(b)(iii)(B))
- 2. Time Between Temporary Signs On Site - There has not been 30 days between Temporary Sign permits at this location. (Section 79.9(3)(b)(iii)(B))

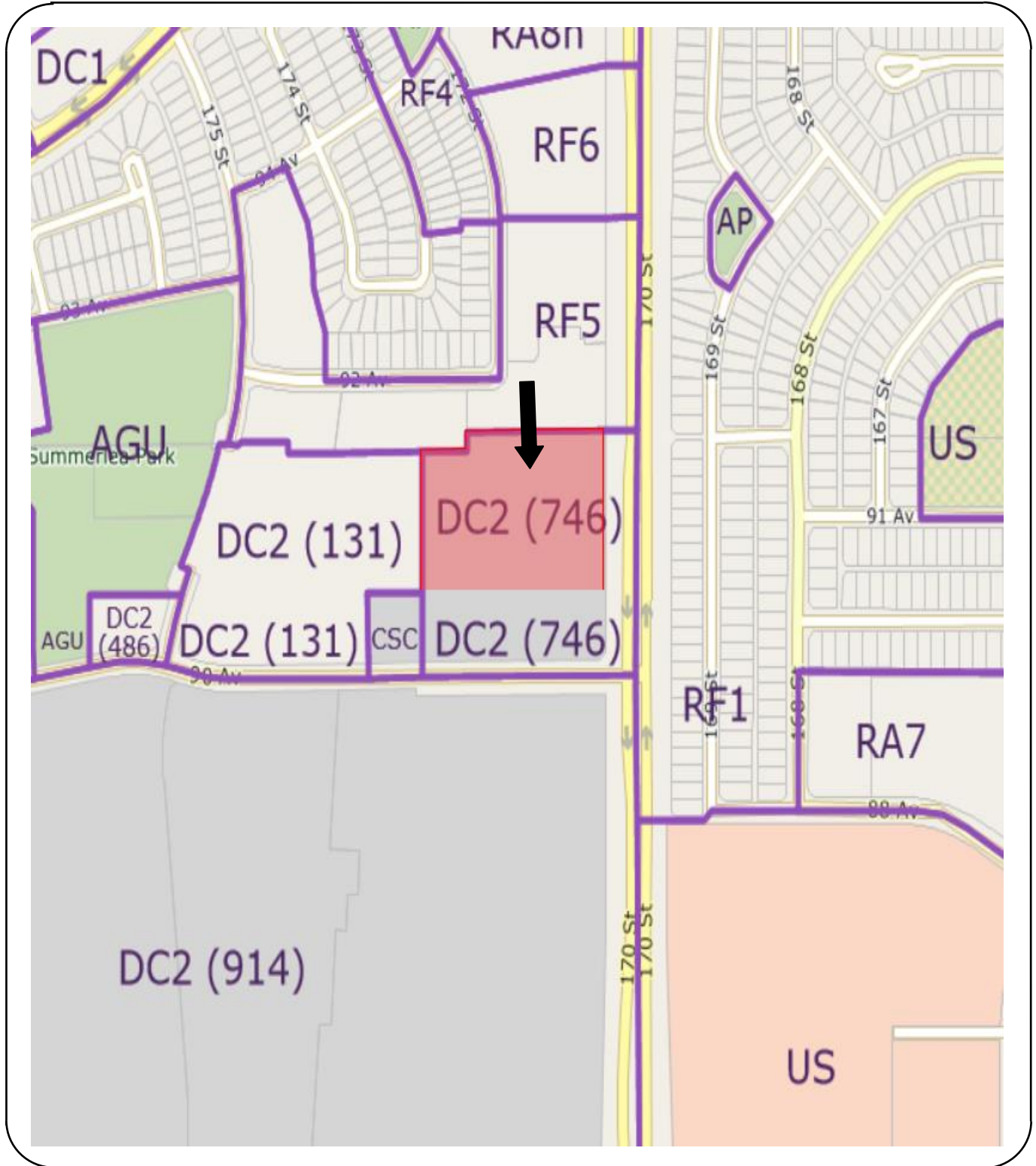
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 28, 2016    Development Authority: DAUM, JENNA    Signature: \_\_\_\_\_  
 Notice Period Begins: Dec 06, 2016    Ends: Dec 20, 2016

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Notification Fee	\$102.00	\$102.00	073546001001955V	Nov 24, 2016
Temporary sign permit fee	\$87.00	\$87.00	073648001001407V	Nov 22, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$189.00	\$189.00		

The permit holder is advised to read the reverse for important information concerning this decision.



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-011



ITEM II: 9:00 A.M.

FILE: SDAB-D-17-012

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

APPELLANT:

APPLICATION NO.: 235624894-001

APPLICATION TO: Place a Temporary Sign for 90 days ending 19-MAR-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #1)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 6, 2016

DATE OF APPEAL: December 23, 2016

NOTIFICATION PERIOD: Dec. 13, 2016 through Dec. 27, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17010 - 90 Avenue NW

LEGAL DESCRIPTION: Plan 0928218 Blk 30 Lot 10

ZONE: DC2-Site Specific Development Control Provision (746)

OVERLAY: N/A

STATUTORY PLAN: The Summerlea Neighbourhood Area Structure Plan

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*Grounds for Appeal*

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

Misappropriate use of a temporary sign.

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

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**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
  - ...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**Designation of direct control districts**

**641(4)** Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) ...

- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

**Hearing and Decision**

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

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

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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*:**

Under DC2.746.3.ii, a **Temporary On-premises Sign** is a **listed Use** in the DC2.746 Site Specific Development Control Provision.

Under section 7.9(13), a **Temporary On-premises Sign** means:

any Sign that is relocatable or removable from a Site and used for advertising of a limited duration. The Copy on such a sign identifies or advertises a business, activity, product, service or entertainment located on the premises or Site where the Sign is displayed.

DC2.746.1 states that the **General Purpose** of the **DC2.746 Site Specific Development Control Provision** is:

To accommodate a shopping center development that may include office and entertainment uses intended to serve a community or regional trade area, to remove the residential and residential related use opportunities that would conflict with the current level of contamination and to establish site development regulations, which will ensure compatibility with surrounding land uses.

DC2.746.4.j states “Signs shall be developed in accordance with Schedule 59E.”

***Schedule 59E Sign Regulations***

Schedule 59E.2(4) states Temporary On-premises Signs shall be subject to the following regulations [UNEDITED]:

- a. for a single tenant Site with a Frontage greater than 30.0 m, not more than two Temporary On-premises Signs shall be allowed. The maximum number of Temporary Signs, whether On-premises or Off-premises, shall be two. Where the Site has a Frontage greater than 100.0 m, the Development Officer may use discretion to increase the maximum number of Temporary On-premises Signs allowed per Site;
- b. for a multiple tenant development with a Frontage of greater than 30.0 m, one Temporary On-premises Sign shall be allowed for each 30.0 m of Frontage with a minimum separation space of 30.0 m between each Sign. The maximum number of Temporary On-premises Signs shall be five. Where multiple tenant Sites have a Frontage greater than 300.0 m, the Development Officer may use discretion to increase the maximum number of Temporary On-premises Signs allowed per Site;



- c. notwithstanding clause (b) above, where a Site with a Frontage of less than 30.0 m exists, an applicant may, by providing to the Development Officer written consent from the owners of adjacent Sites, identify to the Development Officer, a combination of Sites having a total Frontage of 30.0 m or more, in order to allow placement of a Temporary On-premises Sign;
- d. Temporary On-premises Signs shall be located within the property lines of the Site. A Temporary On-premises Sign shall not interfere with access to or from the Site and shall not impair the sight lines for vehicular traffic;
- e. Temporary On-premises Signs may be illuminated but shall not have any flashing or running lights;
- f. Temporary On-premises Freestanding Signs shall have a maximum Height of 3.0 m and a maximum Area of 5 m<sup>2</sup>; and
- g. Temporary On-premises Signs that are Volumetric Signs shall not exceed the maximum building Height of the Zone and shall not be located within any Setback. For Temporary Roof On-premises Signs that are Volumetric Signs, the combined Height of the Sign and building shall not exceed the Height of the Zone.
- i. Temporary Signs that are inflated shall not exceed the maximum building Height of the Zone and shall not be located within any Setback. When the inflated Sign is located on a building, the combined Height of the Sign and building shall not exceed the Height of the Zone;
- j. all Temporary Signs shall have a permanent tag, label, plate, marking or other means of identifying ownership of the Sign for enforcement purposes. The ownership information shall be located in a visible location on the Sign; and
- k. Temporary Signs shall be removed on or before the date that the permit expires.

***Section 59 Sign Regulations***

Section 59.2(16) of the *Edmonton Zoning Bylaw* states the maximum duration of display for each Temporary On-premises Sign shall be 365 days, unless otherwise specified in the Sign Schedule. Temporary On-premises Signs shall be removed on or before the date that the Development Permit expires.

Section 59.2(17) of the *Edmonton Zoning Bylaw* states the maximum duration of display for each Temporary Off-premises Sign shall be 30 days, unless otherwise specified in the Sign Schedule. Temporary Off-premises Signs shall be removed on or before the date that the Development Permit expires.

**Development Officer's Determination**

**1. Duration Of Temporary Signs On Site - A Temporary Sign location is permitted for greater than 180 days in a calendar year. (Section 79.9(3)(b)(iii)(B))**

**2. Time Between Temporary Signs On Site - There has not been 30 days between Temporary Sign permits at this location. (Section 79.9(3)(b)(iii)(B)) [unedited].**

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**Notice to Applicant/Appellant**

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. 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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SDAB-D-17-012

Project Number: 235624894-001  
Application Date: NOV 22, 2016  
Printed: December 23, 2016 at 10:32 AM  
Page: 1 of 3

### Temporary Sign Permit

SDAB-D-17-012

This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

**Applicant**



**Property Address(es) and Legal Description(s)**

17010 - 90 AVENUE NW  
Plan 0928218 Blk 30 Lot 10

**Scope of Permit**

To place a Temporary Sign for 90 days ending 19-MAR-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #1)

**Permit Details**

Business Name (Temp. Sign): Multi: WESTGATE MALL #1  
Number of Days (Temp. Sign): 90

Class of Permit: Class B  
Start Date (Temp. Sign): 2016-12-19 00:00:00

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

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

**Development Permit Decision**

Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **235624894-001**  
 Application Date: NOV 22, 2016  
 Printed: December 23, 2016 at 10:32 AM  
 Page: 2 of 3

## Temporary Sign Permit

### Subject to the Following Conditions

The sign is approved starting 19-DEC-2016 and shall be removed on or before 19-MAR-2017. (Reference Section DC2.746.4(1), 59E.1(4)(d) of the April 2009 Edmonton Zoning Bylaw 12800). (Refer to Schedule 59E.)

For a multiple tenant development (Shopping Centre) with a Frontage of greater than 30.0 m, one Temporary Sign shall be allowed for each 30.0 m of Frontage provided that not more than four Temporary Signs shall be displayed on the same street Frontage with a minimum separation space of 30.0 m between each Temporary Sign; in no case shall there be more than four Temporary Signs per Site; (Reference Section 59E.1(4)(b))

No Temporary Sign shall remain at a location for more than 90 consecutive days, during which time, unlimited changes to the Copy of the Signs shall be allowed. (Reference Section 59E.1(4)(d))

Temporary On-premises Signs shall be located within the property lines of the Site. A Temporary On-premises Sign shall not interfere with access to or from the Site and shall not impair the sight lines for vehicular traffic; (Reference Section 59E.1(4)(f)) ( NOTE: Portable Signs on road-right-of-way may be seized without warning.)

Temporary On-premises Signs may be illuminated but shall not have any flashing or running lights; (Reference Section 59E.1(4)(g)) ( NOTE: Temporary signs shall not include electronic copy or animation.)

Temporary On-premises Freestanding Signs shall have a maximum Height of 3.0 m. and a maximum Area of 5 sq. m.; (Reference Section 59E.1(4)(h)) and

No Sign shall be erected, operated, used or maintained that:

-due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the Transportation Services; (Reference Section 59.2(1)(a))

-displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles; (Reference Section 59.2(1)(b)) and

-uses spot or reflector lights directed at on-coming traffic or displays travelling or flashing messages that create a hazard to traffic on a public roadway from which the Sign is visible. (Reference Section 59.2(1)(c))

All Temporary Signs shall have a development permit approval tag issued by the City of Edmonton. (Reference Section 59.2(8))

This Development Permit is NOT valid until the required Notification Period expires and no notice of appeal has been filed, in accordance with Sections 17.1, 20 and 21.1.

NOTE: This permit is for an On-premises Sign for businesses which have valid development approval (or a valid business licence) to operate from the Site. Unless this permit is specifically granted for general advertising, portable signs containing 3rd party (general) advertising may be revoked and subject to fines without warning. (Reference Section 59.2(9))

Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid and may constitute an offence. (Reference Section 13.1(7))

It is an offence for any person to place a Sign on land; for which a Development Permit is required but has not been issued or is not valid under this Bylaw. It is an offence to display a Temporary Sign without a valid Development Permit. It is an offence for a Temporary Sign to not have the Sign ownership displayed in a visible location on the Sign. It is an offence to deface, obscure or otherwise render the ownership identification illegible. It is an offence to display a Temporary Sign without a development permit approval tag issued by the City of Edmonton. It is an offence to have a Sign in an abandoned state. (Reference Section 23.2)

Temporary Signs must have authorization from the landowner or the landowner's agent to place a Temporary On-premises Sign on the land that is listed as the address for the location of the Temporary On-Premises Sign. (Reference Section 13.4(1)(f) of the Edmonton Zoning Bylaw 12800)

**The permit holder is advised to read the reverse for important information concerning this decision.**



Project Number: 235624894-001  
Application Date: NOV 22, 2016  
Printed: December 23, 2016 at 10:32 AM  
Page: 3 of 3

### Temporary Sign Permit

**Variance**

1. Duration Of Temporary Signs On Site - A Temporary Sign location is permitted for greater than 180 days in a calendar year. (Section 79.9(3)(b)(iii)(B))

2. Time Between Temporary Signs On Site - There has not been 30 days between Temporary Sign permits at this location. (Section 79.9(3)(b)(iii)(B))

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

Issue Date: Dec 06, 2016    Development Authority: DAUM, JENNA

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

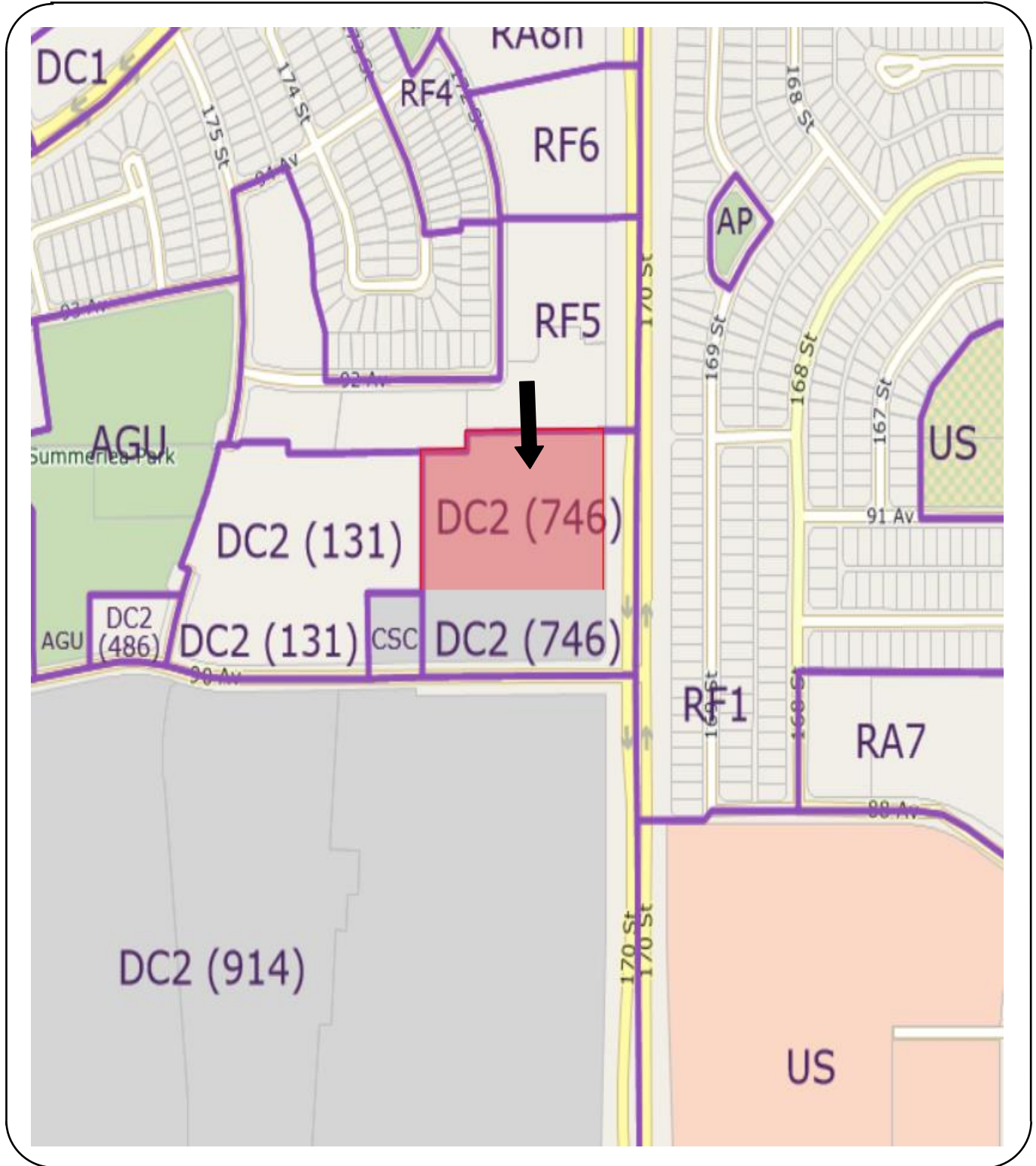
Notice Period Begins: Dec 13, 2016

Ends: Dec 27, 2016

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Temporary sign permit fee	\$87.00	\$87.00	083054001001405V	Nov 22, 2016
Development Permit Notification Fee	\$102.00	\$102.00	002700001001956V	Nov 24, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$189.00	\$189.00		

The permit holder is advised to read the reverse for important information concerning this decision.



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-012



ITEM III: 12:30 P.M.

FILE: SDAB-D-17-013

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 221254882-005

APPLICATION TO: Change the Use of a Single Detached House to a Duplex House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 19, 2016

DATE OF APPEAL: December 21, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11142 - 125 Street NW

LEGAL DESCRIPTION: Plan RN39A Blk 5 Lot 9

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

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*Grounds for Appeal*

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

We are the Representatives for Arthouse Residential Inc., the Applicant in the above noted matter.

Our application for a Secondary Suite Development Permit has been refused. We hereby appeal the refusal on the following grounds:

1. We do NOT wish to construct a duplex building. We believe that existing building is appropriate for secondary suite usage.
2. The proposed development will not:
  - a. unduly interfere with the amenities of the neighbourhood; or
  - b. materially interfere with or affect the use, enjoyment of value of neighbouring properties.

3. The proposed development is appropriate at this location, and is and approved use.
4. The proposed development is in keeping with the aesthetic and use of the neighboring properties, the RF3 zoning bylaw, and the City of Edmonton Infill Roadmap.
5. Such further and other reasons as may be presented at the hearing of this appeal.

<b><i>General Matters</i></b>
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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.

**(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 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

...



- (b) in the case of an appeal made by a person referred to in section 685(2), 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 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*:**

Section 140.2(9) states **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(9), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 140.2(7) states a **Secondary Suite** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(7), **Secondary Suite** means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use includes the development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

**Section 140.4(24) states Secondary Suites shall comply with Section 86 of this Bylaw.**

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

Under Section 7.2(2), **Duplex Housing** means development consisting of a building containing only two Dwellings, with one Dwelling placed over the other in whole or in part. Each Dwelling has separate and individual access, not necessarily directly to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Secondary Suites or Semi-detached Housing.

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, and including Secondary Suites under certain conditions.

Section 7.1(3) states (in part) the following guidelines shall be applied in interpreting the Use Class definitions:

- a. the typical Uses, which may be listed in the definitions, are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class;
- b. where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may, in his discretion, deem that the use conforms to and is included in that Use Class which he considers to be the most appropriate in character and purpose. In such a case, the use shall be considered a Discretionary Use, whether or not the Use Class is listed as Permitted or Discretionary within the applicable Zone.

**Development Officer's Determination**

The Development Officer deems the Development to be a Duplex (Reference Section 7.1(3), 7.2(2), and Section 11.2).

***Projection***

Section 44.1(a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, may project into a required Setback or Separation Space, provided such projections do not exceed 0.6 metres in the case of Setbacks or Separation Spaces of 1.2 metres or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 metres above Grade.

**Development Officer's Determination**

Projection - The distance from the front unenclosed steps to the property line along 125 Street (front lot line) is 6.05 metres, instead of 6.8 metres (Section 44.1).

***Private Outdoor Amenity Area*****47. Private Outdoor Amenity Area**

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

**Development Officer's Determination**

Private Outdoor Amenity Area - There is no Private Outdoor Amenity Area provided for the lower Dwelling (Section 47.2 & 47.4)

***Site Width for a Duplex***

Section 140.4(2)(b) states the minimum Site Width for Duplex Housing shall be 10.0 metres.

**Development Officer's Determination**

Upon subdivision, the Site will be deficient in required Site Width for a Duplex by 2.38 metres (Reference Section 140.4(2)(b)).

***Parking Spaces***

Section 54.2(4)(a)(i) states except as provided below, each required off-street parking space shall be a minimum of 2.6 metres width with a minimum clear length of 5.5 metres exclusive of access drives or aisles, ramps, columns. Parking spaces shall have a vertical clearance of at least 2.0 metres.

**Development Officer's Determination**


The parking plan as submitted is deficient by two parking spaces. The minimum required length of a parking space is 5.5 metres and the Parking Plan shows 4.88 metres. (Reference Section 54.2(4)(a)(i)).

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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>221254882-005</b> Application Date: JUL 04, 2016 Printed: December 22, 2016 at 8:40 AM 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.			
<b>Applicant</b>  <div style="border: 1px solid black; width: 200px; height: 40px; margin: 10px auto;"></div>	<b>Property Address(es) and Legal Description(s)</b> 11142 - 125 STREET NW Plan RN39A Blk 5 Lot 9  <b>Specific Address(es)</b> Suite: BSMT, 11142 - 125 STREET NW Entryway: 11142 - 125 STREET NW Building: 11142 - 125 STREET NW		
<b>Scope of Application</b> To Change the Use of a Single Detached House to a Duplex House.			
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     # of Dwelling Units Add/Remove: 1                      Client File Reference Number:                      Minor Dev. Application Fee: Duplex House                      Secondary Suite Included?: N                 </td> <td style="width: 50%; border: none;">                     Class of Permit:                      Lot Grading Needed?: N                      New Sewer Service Required: Y                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Duplex House Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Duplex House Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: N 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: _____			
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1. Projection - The distance from the front unenclosed steps to the property line along 125 Street (front lot line) is 6.05m, instead of 6.8m (Section 44.1).  2. The Development Officer deems the Development to be a Duplex (Reference Section 7.1(3), 7.2(2), and Section 11.2).  3. Private Outdoor Amenity Area - There is no Private Outdoor Amenity Area provided for the lower Dwelling (Section 47.2 & 47.4)  Notes:  a. When applying section 7.1(3)(b) the use shall be considered a Discretionary Use, whether or not the Use Class is listed as Permitted or Discretionary within the applicable Zone.  b. Upon subdivision, the Site will be deficient in required Site Width for a Duplex by 2.38m (Reference Section 140.4(2)(b)).  c. The parking plan as submitted is deficient by two parking spaces. The minimum required length of a parking space is 5.5m and the Parking Plan shows 4.88m (Reference Section 54.2(4)(a)(i)).  <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.			
<b>THIS IS NOT A PERMIT</b>			



Project Number: 221254882-005  
Application Date: JUL 04, 2016  
Printed: December 22, 2016 at 8:40 AM  
Page: 2 of 2

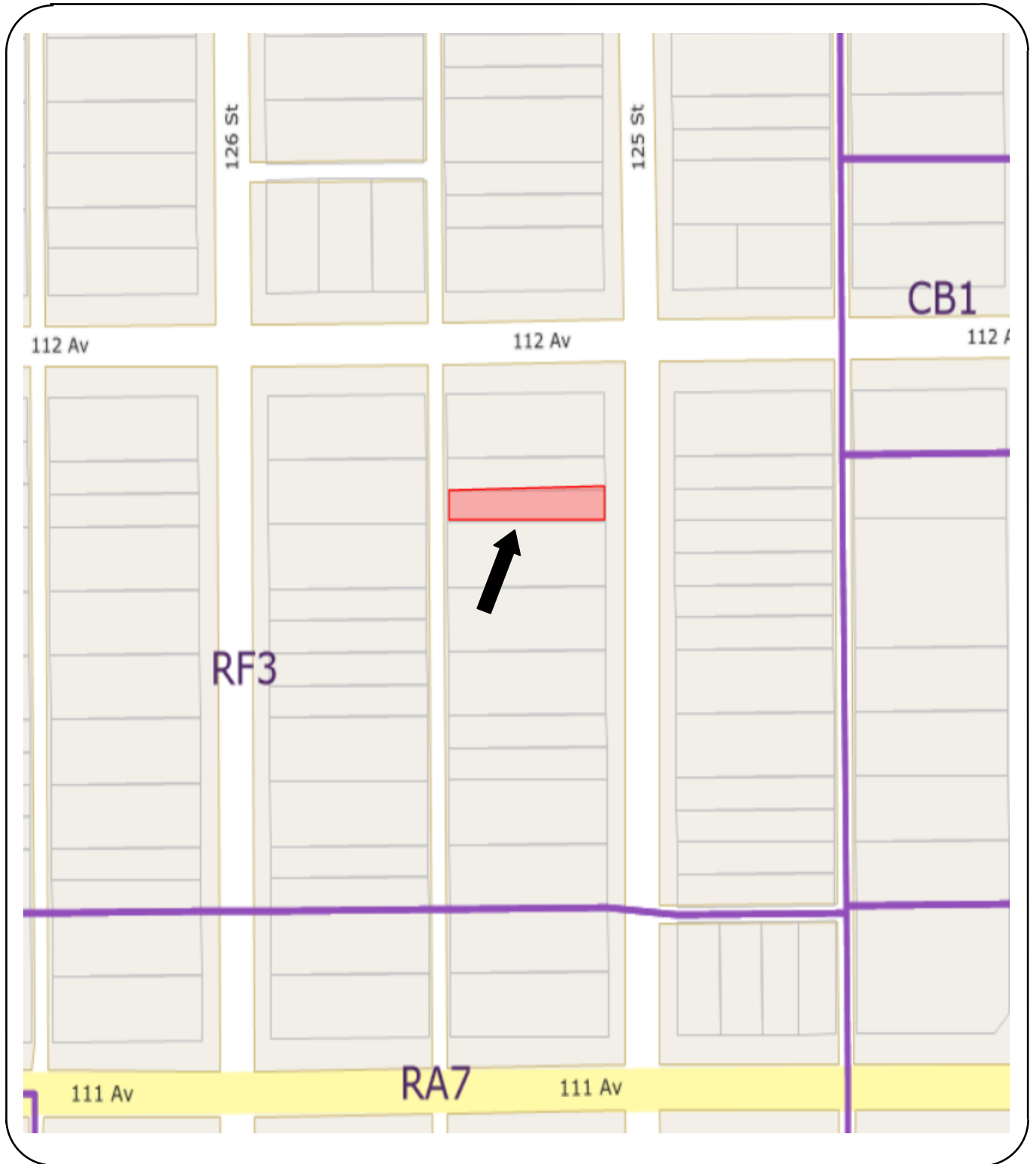
## Application for Minor Development Permit

Issue Date: Dec 19, 2016    Development Authority: McARTHUR, JORDAN    Signature: \_\_\_\_\_

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sanitary Sewer Trunk Fee for Secondary Suite	\$0.00	\$693.00	03413078	Jul 04, 2016
Dev. Application Fee	\$456.00	\$266.00	03413078	Jul 04, 2016
Sanitary Sewer Trunk Fund	\$1,566.00			
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$2,022.00	\$959.00		
(\$1,063.00 outstanding)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-013



**BUSINESS LAID OVER**

SDAB-D-16-316	An appeal by <u>Superior Buildings &amp; Design Ltd.</u> to construct an addition and exterior alterations to an existing Religious Assembly (250-seat addition to 250-seat building and parking lot expansion) (Ethiopian Church). <i>January 19, 2017</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>January 25, 2017</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>February 15, 2017</i>

**APPEAL HEARINGS TO BE SCHEDULED**

230469969-001	An appeal by <u>Pattison Outdoor Advertising / Ogilvie LLP</u> to install (1) freestanding Minor Digital Off-premises Sign (14.6m x 4.3m digital panel facing South, and static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920-101 Street, existing Freestanding Off-premises Signs on 2303 Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.) <i>January 26, 2017</i>
152674334-001	An appeal by <u>A&amp;E Architectural &amp; Engineering Group Inc.</u> to construct an Auctioneering Establishments building and operate an Auctioneering Establishment on the entire Site (including existing storage building and shed), and demolish an existing storage building (Osman Auction Inc.) <i>February 22, 2017</i>
223289173-005	An appeal by <u>Kennedy Agrios LLP</u> to change the Use from a General Retail Store to a Child Care Service (part of the main floor), construct alterations to the building exterior (new doors and canopies and facade changes) and interior (create two Professional, Financial and Office Support Services tenant spaces on the second floor ); Building 1. <i>March 2, 2017</i>