

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**January 21, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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**TO BE RAISED**

I 9:00 A.M. SDAB-D-21-014

Change the use from General Industrial Use to a Liquor Store (floor area - 165.9m<sup>2</sup>) and to construct interior alterations

12510 - 82 Street NW  
Project No.: 378023961-002

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**TO BE RAISED**

II 10:30 A.M. SDAB-D-21-016

Construct exterior alterations to a Single Detached House (Driveway extension, 7.01m x 1.53m)

4310 - 151A Avenue NW  
Project No.: 371887252-002

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III 1:30 P.M. SDAB-D-21-017

Install a Minor Digital On-premises Freestanding Sign (WANDA WHOLESALE FOODS LTD)

7321 - 104 Street NW  
Project No.: 371287095-001

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

**TO BE RAISED**

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-014

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 378023961-002

APPLICATION TO: Change the use from General Industrial Use to a Liquor Store (floor area - 165.9m2) and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 2, 2020

DATE OF APPEAL: December 15, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12510 - 82 Street NW

LEGAL DESCRIPTION: Plan 5811KS Blk 55 Lot 2

ZONE: (IB) Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

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***Grounds for Appeal***

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

Please see attached liquor store location map:

1. As we can see there is no liquor store in Eastwood and Elkwood park area. Based on the discussion with the residences in this community, the client understand that the residences in these area need a closer convenient liquor store.

2. The 2 existing liquor stores along 82 St. are over 1,600m, there can be one liquor store in the middle, however all the properties along 82 St. between 118 Ave and 127 Ave are residential except this building, there is now\where else we can put a liquor store except this location.

3. Same in this map, we can see the 2 liquor stores at 97 St. and 118 Ave are also less then 500 m.

4. The client has done some more research of the existing liquor stores in City of Edmonton, and found out that many liquor stores are actual within 500 m distance, including but not limited to:

1) Albertino liquor store (7244-101 Avenue) Distance (200 Meters) (101 Avenue Liquor store 7430-101 Avenue)

2) Delton Liquor Mart (8103 127 Avenue NW) Distance (350 Meters) BROS.LIQUOR DISCOUNT (12902 82 street)

3) Sobeys liquor Holick Kenyon (5215 167Avenue NW) Distance (400 Meters) Ace Liquor Discounter (4857 167 Avenue)

4) Econo Liquor ( 4313 167 Avenue NW) Distance (100 Meters) Ace Liquor Discounter (4857 167 Avenue)

5) Easy Liquor Store (4938 98 Avenue) Distance (400 Meters) Liquor Depot Capilano ( 5055 101 Avenue NW)

We hope the SDAB will review these and consider the face that there is no other available location along 82 St between 118 Ave and 127 ave. (over 1.6 km, and approval our development application. Thanks a lot!

***General Matters***

**Appeal Information:**

**On December 16, 2020, the Subdivision and Development Appeal Board made and passed the following motion:**

**“SDAB-D-21-014 is postponed until January 21, 2021.”**

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 clause (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 400.2(8), a **Liquor Store** is a **Permitted Use** in the **(IB) Industrial Business Zone**.

Under section 7.4(30), **Liquor Store** means:

development used for the retail sale of any and all types of alcoholic beverages to the public for off-site consumption. This Use may include retail sales of related products such as soft drinks and snack foods.

Section 400.1 states that the **General Purpose** of the **(IB) Industrial Business Zone** is:

to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

***Liquor Stores***

Section 85.1 states “Any Liquor Store shall not be located less than 500 m from any other Liquor Store.”

Section 85.4 states:

Any Site containing a Liquor Store shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the Liquor Store. Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, are exempt from this restriction. For the purposes of this subsection only:

- a. the 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
- b. the term "community or recreation activities" is limited to Community Recreation Services, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children’s playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits, or Religious Assembly;
- c. the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools; and

- d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.

**Development Officer's Determination**

**1) Section 85(1) - Any Liquor Store shall not be located less than 500 m from any other Liquor Store.**

**Proposed: 291m away from an existing Liquor Store location (unit-6, 8103 - 127 Avenue NW, Project no: 996239-001).**

**Deficient by: 209m**

**2) Section 85(4) - Any Site containing a Liquor Store shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the Liquor Store. For the purposes of this subsection only:**

**a) 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and**

**shall not be measured from Zone boundaries or from the edges of structures.**

**c) the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools,**

**driving schools or other Commercial Schools;**

**Proposed: 72m away from St.Gerard Catholic Elementary School located at 12404 - 83 Street NW.**

**Deficient by: 28m**

[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.

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	Project Number: <b>378023961-002</b> Application Date: NOV 11, 2020 Printed: December 2, 2020 at 10:40 AM Page: 1 of 2						
<h2 style="margin: 0;">Application for Major Development Permit</h2>							
This document is a Development Permit Decision for the development application described below.							
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 12510 - 82 STREET NW Plan 5811KS Blk 55 Lot 2  <b>Specific Address(es)</b> Suite: 12510 - 82 STREET NW Entryway: 12510 - 82 STREET NW Building: 12510 - 82 STREET NW						
<b>Scope of Application</b> To change the use from General Industrial Use to a Liquor Store (floor area - 165.9m <sup>2</sup> ) and to construct interior alterations.							
<b>Permit Details</b>  <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">                     Class of Permit:                      Gross Floor Area (sq.m.):                      New Sewer Service Required:                      Site Area (sq. m.):                 </td> <td style="width: 50%;">                     Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings:                      Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>				Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)						
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Dec 02, 2020 <b>Development Authority:</b> SHAH, NIKHIL  <b>Reason for Refusal</b> 1) Section 85(1) - Any Liquor Store shall not be located less than 500 m from any other Liquor Store.  Proposed: 291m away from an existing Liquor Store location (unit-6, 8103 - 127 Avenue NW, Project no:996239-001). Deficient by: 209m  2) Section 85(4) - Any Site containing a Liquor Store shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the Liquor Store. For the purposes of this subsection only:  a) 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures. c) the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools;  Proposed: 72m away from St.Gerard Catholic Elementary School located at 12404 - 83 Street NW. Deficient by: 28m  <b>Rights of Appeal</b> 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.							
<b>Fees</b>  <table border="0" style="width: 100%; text-align: center;"> <tr> <td><b>Fee Amount</b></td> <td><b>Amount Paid</b></td> <td><b>Receipt #</b></td> <td><b>Date Paid</b></td> </tr> </table>				<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
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<b>THIS IS NOT A PERMIT</b>							



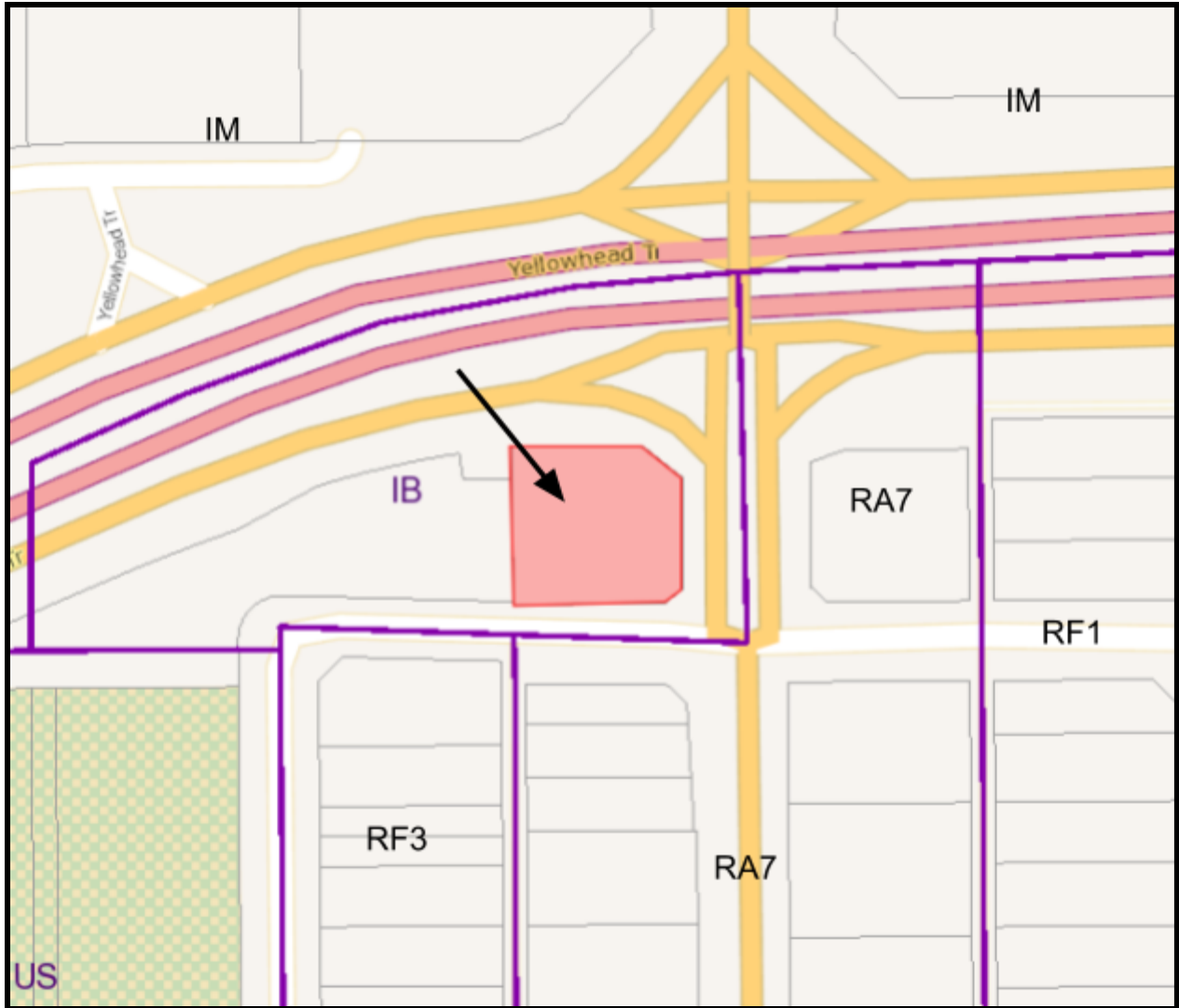
Project Number: **378023961-002**  
Application Date: NOV 11, 2020  
Printed: December 2, 2020 at 10:40 AM  
Page: 2 of 2

## Application for Major Development Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$286.00	\$286.00	06830895	Nov 17, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$286.00</u>	<u>\$286.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

▲  
**N**

File: SDAB-D-21-014

**TO BE RAISED**

**ITEM II: 10:30 A.M.**

**FILE: SDAB-D-21-016**

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

APPELLANT:

APPLICATION NO.: 371887252-002

APPLICATION TO: Construct exterior alterations to a Single Detached House  
(Driveway extension, 7.01m x 1.53m)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 8, 2020

DATE OF APPEAL: December 17, 2020

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 4310 - 151A Avenue NW

LEGAL DESCRIPTION: Plan 0223820 Blk 13 Lot 34

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Miller Neighbourhood Area Structure Plan

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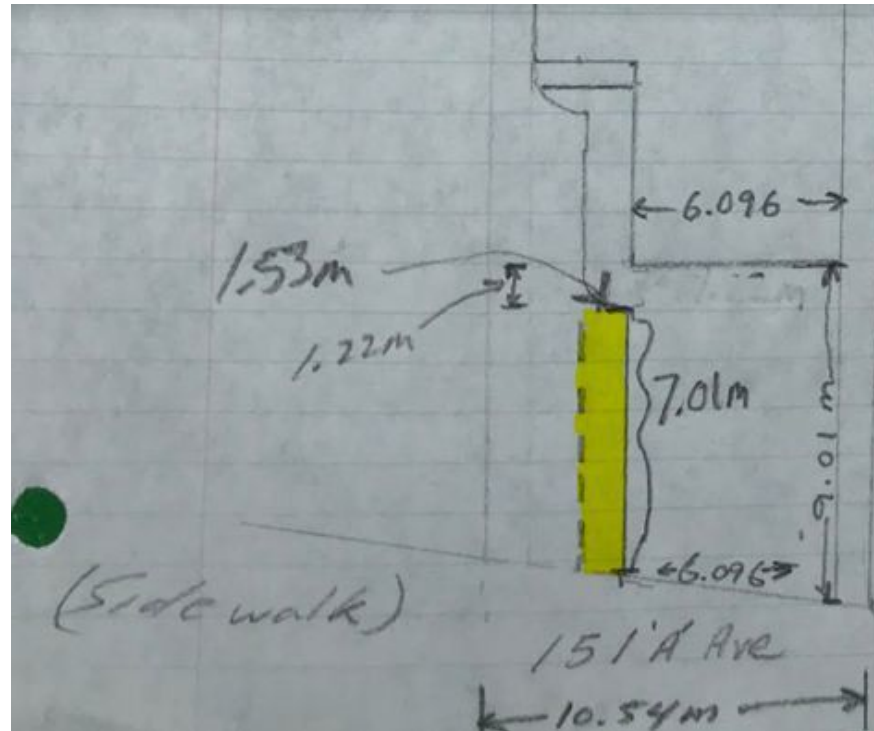
***Grounds for Appeal***

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

Appeal for walkway from front entrance of home to public sidewalk.

I would like to add a straight direct walkway to join the front entrance directly to the sidewalk. (Currently the front entrance walkway turns and to joins the driveway).

The following is the proposed concrete sidewalk location:



This is a narrow lot. To increase green space I could add a flowerbed to the length of walkway design and or add bushes etc.

The reason for this walkway completion is to allow my 71 year old mother easy access around the property. She has osteoporosis (easily breaks bones) and has fractured her wrist, bruised her face and needed teeth work done from falling down last year.

This walkway would eliminate one less hazard for her. Because she would have a clear path of travel and not need to negotiate space with vehicles parked in the driveway. Also snow removal becomes easier and convenient since there would be no need to move cars to shovel snow

Please Consider this information in your decision.

Just to be clear so you are able to let us know how you would like to move forward...we are not able to grant a variance to an extension of the hard-surfacing abutting the driveway (highlighted below). However, if you would like to create a separate walkway delineated from any parking space via landscaping or to increase the walkable space that anlin highlighted above, we can cuss a different design option.

Re: "The drive way is long and wide enough". – There is a down slope toward sidewalk that joins street, once there is heavy snow fall there is a slippery foot surface and walking area is reduced - due to snow piling.

The proposed walkway allows room for convenient snow removal. I would rather not add the proposed walkway but it is a necessity for my family , I do not live there but I see this as one less trip hazard that can be easily mediated.

My mother broke her wrist last year and fractured her face in the fall, she has osteoporosis , Understandably she is my primary reason for the walkway- to eliminate fall potential.

“Walkway connection is good and similar to Other walkways in neighbourhood” – There is a significant cost to this proposed walkway that is why it is not common. Ask anyone in the neighbourhood they want one but cost is the reason it is not done.

Because of the snowfall, a walkway would allow a clear path to travel and easier shoveling.

And yes there are at least 3 driveways in the immediate area that have this exact same proposed walkway currently done.

***General Matters***

**Appeal Information:**

**On December 18, 2020, the Subdivision and Development Appeal Board made and passed the following motion:**

**“SDAB-D-21-016 is postponed until January 21, 2021.”**

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,

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(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 clause (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 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

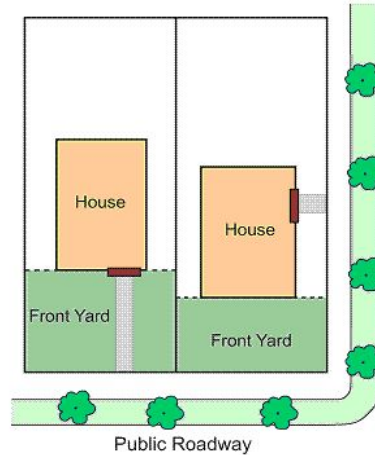
Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1, **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.





Under section 6.1, **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 115.1 states that the **General Purpose** of the **(RSL) Residential Small Lot Zone** is:

to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.

***Vehicle Parking Design for Low-density Residential***

Section 54.3(3) states:

The Front Yard of any ground level Dwelling that is not part of a Multi-Unit Project Development, or in the case of a corner Site, either the Front Yard or the flanking Side Yard, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;

...

Section 54.3(4) states:

Except as otherwise provided for in this Bylaw, Vehicle Parking spaces, not including Driveways, shall be located in accordance with the following:

- a. Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway; [...]

...

**Development Officer's Determination**

**Section 54.3.3.a - The Driveway shall lead directly from the roadway to the Garage or Parking Area.**

**Section 54.3.4.a - Vehicle Parking spaces shall not be located within a Front Yard.**


[unedited]

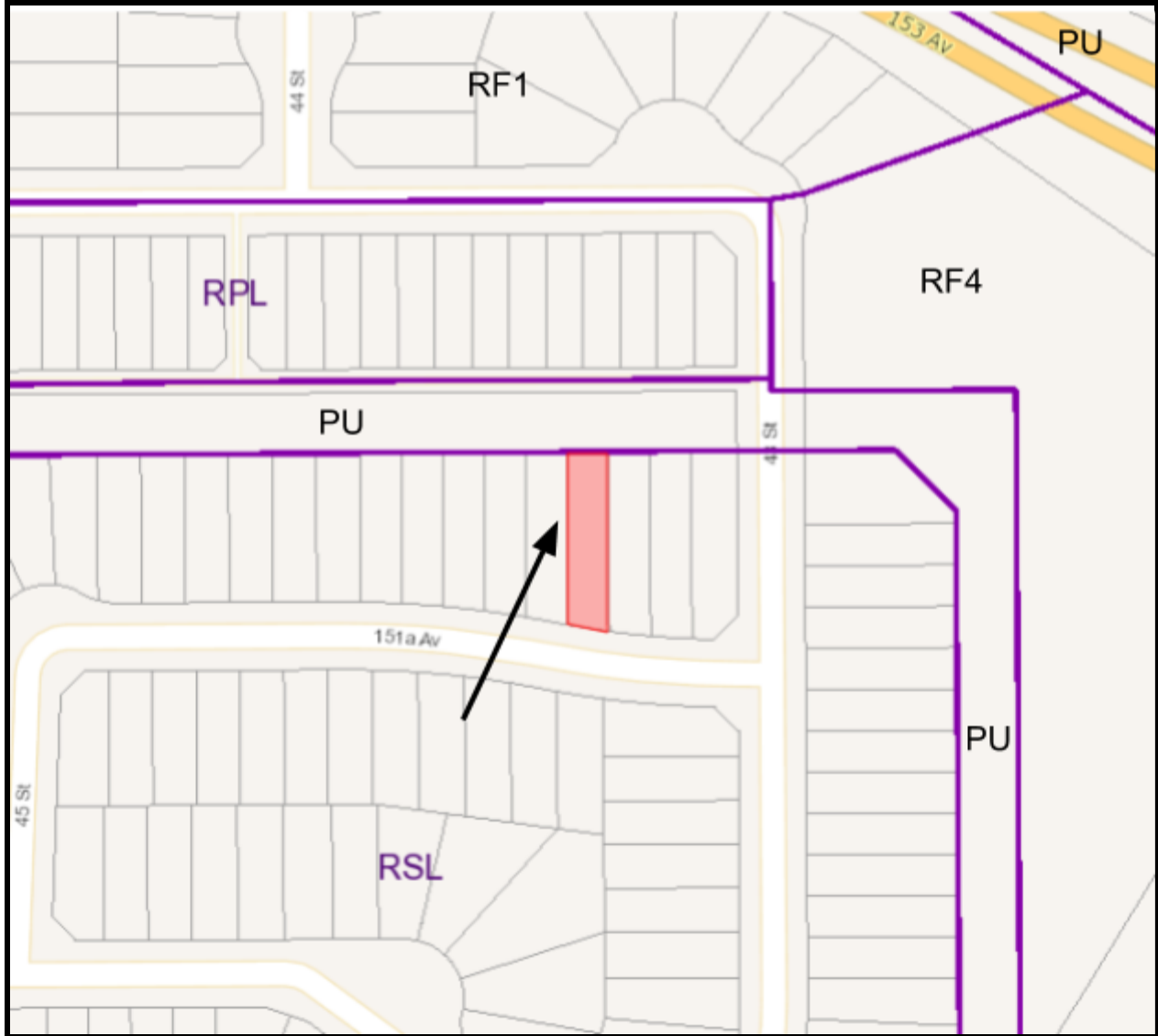
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**Notice to Applicant/Appellant**

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.

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	<h2>Application for Driveway Extension Permit</h2>		Project Number: <b>371887252-002</b> Application Date: SEP 02, 2020 Printed: December 8, 2020 at 11:12 AM Page: 1 of 1																					
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> 4310 - 151A AVENUE NW Plan 0223820 Blk 13 Lot 34																						
<b>Scope of Application</b> To construct exterior alterations to a Single Detached House (Driveway extension, 7.01m x 1.53m).																								
<b>Permit Details</b>  <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Class Of Permit: Class A</td> <td style="width: 50%;">Site Area (sq. m.): 462.00</td> </tr> <tr> <td>Stat. Plan Overlay/Ames Area: (none)</td> <td></td> </tr> </table>					Class Of Permit: Class A	Site Area (sq. m.): 462.00	Stat. Plan Overlay/Ames Area: (none)																	
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<b>Development Application Decision</b> Refused <b>Issue Date:</b> Dec 08, 2020 <b>Development Authority:</b> LANGILLE, BRANDON <b>Reason for Refusal</b> Section 54.3.3.a - The Driveway shall lead directly from the roadway to the Garage or Parking Area.  Section 54.3.4.a - Vehicle Parking spaces shall not be located within a Front Yard.  <b>Rights of Appeal</b> 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.																								
<b>Building Permit Decision</b> No decision has yet been made.																								
<b>Fees</b> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">\$176.00</td> <td>0054980661910010</td> <td>Sep 02, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Totals for Permit:</b></td> <td style="text-align: right; border-top: 1px solid black;"><b>\$176.00</b></td> <td style="text-align: right; border-top: 1px solid black;"><b>\$176.00</b></td> <td></td> <td></td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$176.00	\$176.00	0054980661910010	Sep 02, 2020	Total GST Amount:	\$0.00				<b>Totals for Permit:</b>	<b>\$176.00</b>	<b>\$176.00</b>		
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<b>THIS IS NOT A PERMIT</b>																								



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-21-016

▲  
**N**

ITEM III: 1:30 P.M.

FILE: SDAB-D-21-017

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 371287095-001

APPLICATION TO: Install a Minor Digital On-premises Freestanding Sign

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 16, 2020

DATE OF APPEAL: December 21, 2020

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 7321 - 104 Street NW

LEGAL DESCRIPTION: Plan 6082Q Blk 41 Lots 19-20

ZONE: (DC1) Direct Development Control Provision (Charter  
Bylaw 18636)

OVERLAY: N/A

STATUTORY PLAN: Strathcona Junction Area Redevelopment Plan

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***Grounds for Appeal***

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

With this letter, we would like to appeal to the development officer decision dated Dec 16, 2020. We proposed and requested a variance on the application for 7321 - 104 Street NW. We have done all the possible changes to comply with the request from the development office of the City of Edmonton. Request for decision appeal Taking into considerations that the Strathcona Junction APR is a long-term redevelopment plan we

would like to request the variance to allow our sign to be there for a few years. We would like to offer in exchange our commitment to the City and the community as:

1. Keep the information and display of our sign pedestrian and automobile oriented.
2. Follow any recommendations or requests from the appeal board and neighbors.
3. Prepare for the possibility of a future removal of the sign when the 104 Street corridor becomes a dedicated pedestrian-only corridor. This will allow our business to grow for a couple of years. Also, We are retrofitting an existing structure that has been abandoned and not making the 104 Street corridor look good. This investment will improve the overall look of the corridor while being sustainable for the environment since we are reusing the existing structure and giving it a few more years of life. Thank you for your time and understanding.

<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,

- (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.

**685(4)** Despite subsections (1), (2) and (3), 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.

**General Provisions from the (DC1) Direct Development Control Provision (Charter Bylaw 18636) ("DC1"):**

Under section 3.00, a **Minor Digital On-premises Sign** is a **Listed Use** in the **DC1**.

Section 1 states that the **Purpose** of the **DC1** is:

The purpose of this Provision is to provide transition for the area to become a pedestrian-oriented, urban style commercial mixed use area, while respecting the character of 104 Street and Gateway Boulevard. This Provision enhances the pedestrian environment by incorporating

pedestrian scaled architecture, amenities and landscaping. It allows for industrial, commercial and limited residential uses.

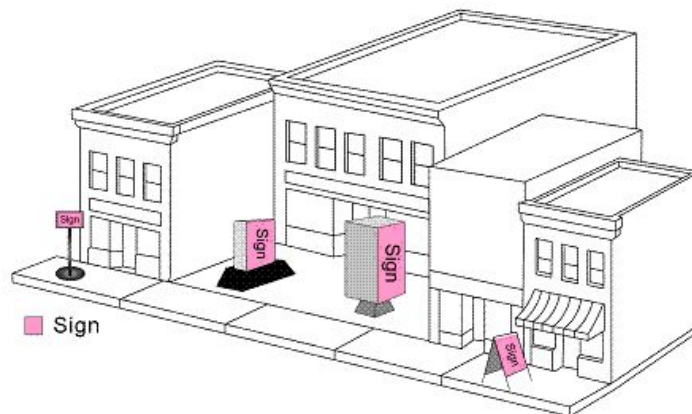
**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 7.9(8), **Minor Digital On-premises Signs** means:

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

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

a Sign supported independently of a building.



***Strathcona Junction Area Redevelopment Plan***

**Development Officer’s Determination**

**1. Strathcona Junction APR - 3.1.10. Signs will respect the character of an urban area. Billboards will not be allowed. Proposed: Billboard**

[unedited]

***DC1 - General Development and Design Regulations***

Section 7(l) states “Signs shall be provided with the intent to complement a pedestrian-oriented environment. Signs shall comply with the regulations found in Schedule 59 E [...]”



**Development Officer's Determination**

**2. DC1 Bylaw 18636 - Section 7 - Signs shall be provided with the intent to complement a pedestrian-oriented environment. Proposed: Billboards are inherently auto-oriented. Their size and scale are designed to capture the attention of drivers, with extensive science around content design that relates specifically to the speed of passing cars.**

[unedited]

***Schedule 59E***

Schedule 59E.3(4)(c)(ii) states:

the maximum Area shall be:

10.0 m<sup>2</sup> for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20.0 m<sup>2</sup>.

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

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

**Development Officer's Determination**

**3. Section 59E.3(4)(c)(ii) - the maximum Area shall be 10.0 m<sup>2</sup> for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20.0 m**

**Proposed: 10.6 m<sup>2</sup>**

**Exceeds by: 0.6 m<sup>2</sup>**


[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.

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	<h2>Application for Sign Permit</h2>			Project Number: <b>371287095-001</b> Application Date: AUG 26, 2020 Printed: December 16, 2020 at 2:40 PM Page: 1 of 2									
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> 7321 - 104 STREET NW Plan 6082Q Blk 41 Lots 19-20												
<b>Scope of Application</b> To install a Minor Digital On-premises Freestanding Sign (WANDA WHOLESALE FOODS LTD)													
<b>Permit Details</b>													
ASA Sticker No./Name of Engineer: Construction Value: 6668	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: 1 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												
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Dec 16, 2020 <b>Development Authority:</b> MERCIER, KELSEY <b>Reason for Refusal</b> 1. Strathcona Junction APR - 3.1.10. Signs will respect the character of an urban area. Billboards will not be allowed. Proposed: Billboard 2. DC1 Bylaw 18636 - Section 7 - Signs shall be provided with the intent to complement a pedestrian-oriented environment. Proposed: Billboards are inherently auto-oriented. Their size and scale are designed to capture the attention of drivers, with extensive science around content design that relates specifically to the speed of passing cars. 3. Section 59E.3(4)(c)(ii) - the maximum Area shall be 10.0 m <sup>2</sup> for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20.0 m <sup>2</sup> Proposed: 10.6 m <sup>2</sup> Exceeds by: 0.6 m <sup>2</sup> <b>Rights of Appeal</b> 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.													
<b>Fees</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%;">Fee Amount</th> <th style="width: 20%;">Amount Paid</th> <th style="width: 20%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center; padding: 5px;"><b>THIS IS NOT A PERMIT</b></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	<b>THIS IS NOT A PERMIT</b>				
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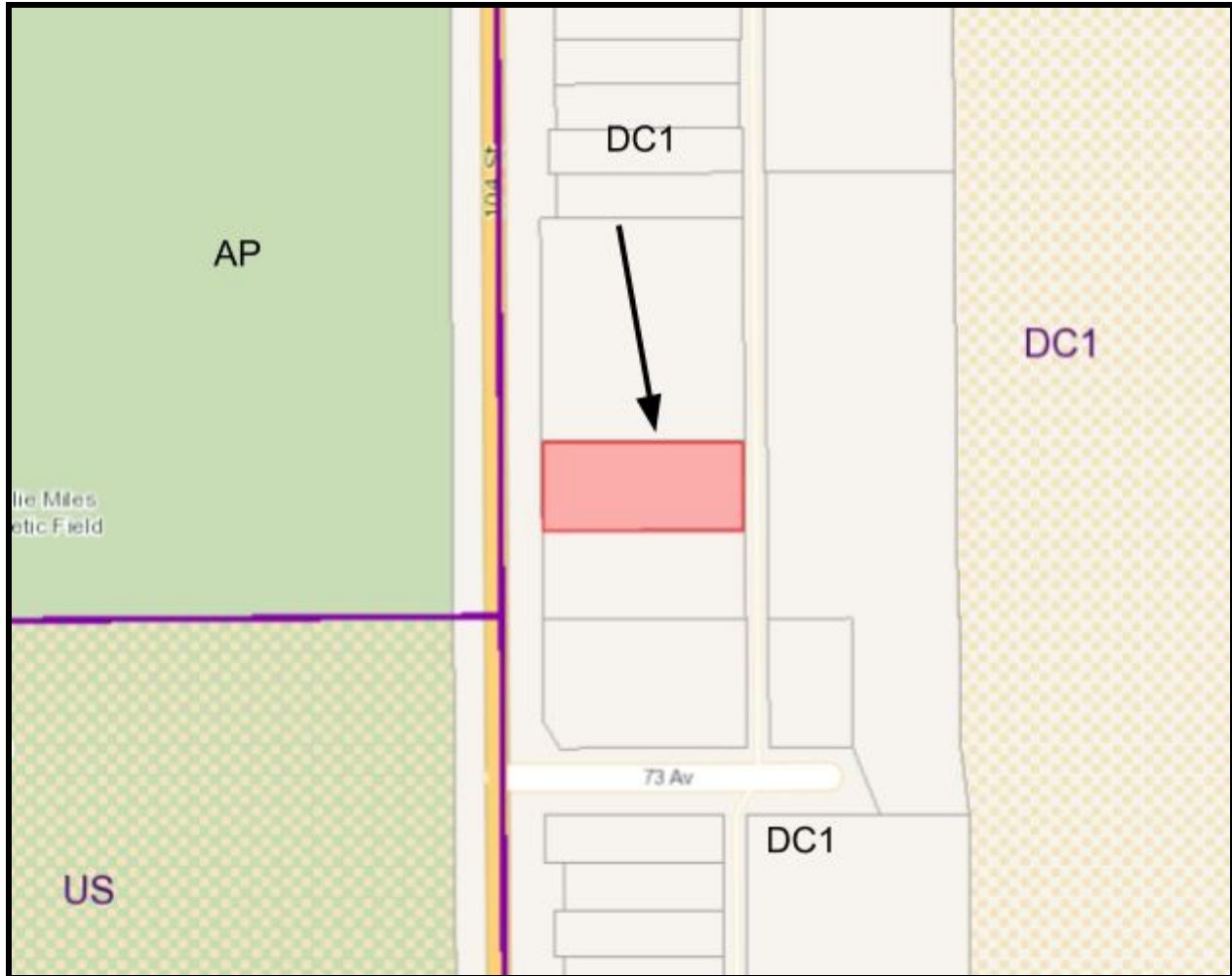
## Application for Sign Permit

Project Number: **371287095-001**  
Application Date: AUG 26, 2020  
Printed: December 16, 2020 at 2:40 PM  
Page: 2 of 2

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Safety Codes Fee	\$6.44	\$6.44	06745070	Sep 22, 2020
Sign Building Permit Fee	\$161.00	\$161.00	06745070	Sep 22, 2020
Sign Dev Appl Fee - Digital Signs	\$467.00	\$467.00	06745070	Sep 22, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$634.44</u>	<u>\$634.44</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←      File: SDAB-D-21-017      ▲  
N