

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Thursday, 9:00 A.M.**  
**January 13, 2022**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-22-005

To install a Freestanding On-Premises Sign  
(WESTMOUNT 107)

12225 - 107 Avenue NW  
Project No.: 410745529-002

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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.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-22-005

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 410745529-002

APPLICATION TO: Install a Freestanding On-Premises Sign (WESTMOUNT 107)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 9, 2021

DATE OF APPEAL: November 15, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12225 - 107 Avenue NW

LEGAL DESCRIPTION: Plan RN22 Blk 7 Lots 1-2

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets 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:

EZB 11.4 1. (b) specifically precludes the Development Officer from exercising powers of variance to approve any Freestanding Sign with a proposed total overall height which exceeds the maximum total allowable under EZB.

Therefore, we are seeking the opportunity to make a presentation to SDAB. To request that The Board consider exercising its powers of variance as per the MGA, to revoke the Sign Permit Refusal.

It is our intention to submit a more detailed and formal presentation to the Board, prior to the scheduled Hearing.

This presentation will include supporting written and graphic materials.

<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 the decision in accordance with subsection (2.1).

**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 board hearing the appeal referred to in subsection (1)

...

(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 (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

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

(i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
  - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

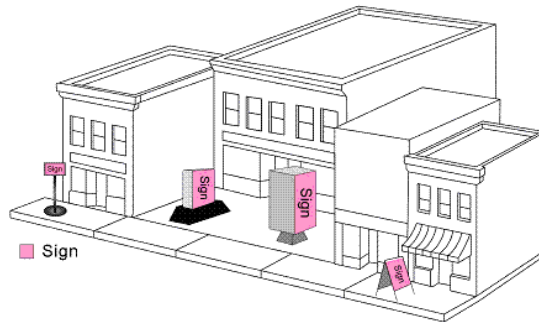
**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 330.2(22), a **Freestanding On-premises Sign** is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.9(6), **Freestanding On-premises Signs** means “a Freestanding Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

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

means a Sign supported independently of a building.



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

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

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

***Height***

Section 819.5(2)(a) states:

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

- a. the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.

Under section 6.2, **Height Signs** means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

**Development Officer’s Determination**

**1. Section 819.5(2)(a) - the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.**

**Proposed: 7.32 m**  
**Exceeds by: 1.32 m**

[unedited]

***Community Consultation***

Section 819.5(3) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.

Section 819.4(15) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

- a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association operating within the distance described above to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed, unless the Development Officer receives feedback from all specified recipients; and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3.

<b><i>Previous Subdivision and Development Appeal Board Decision</i></b>
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<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-18-180	To change the use from a Health Services to a Cannabis Retail Sales	November 18, 2021; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to CONDITIONS.

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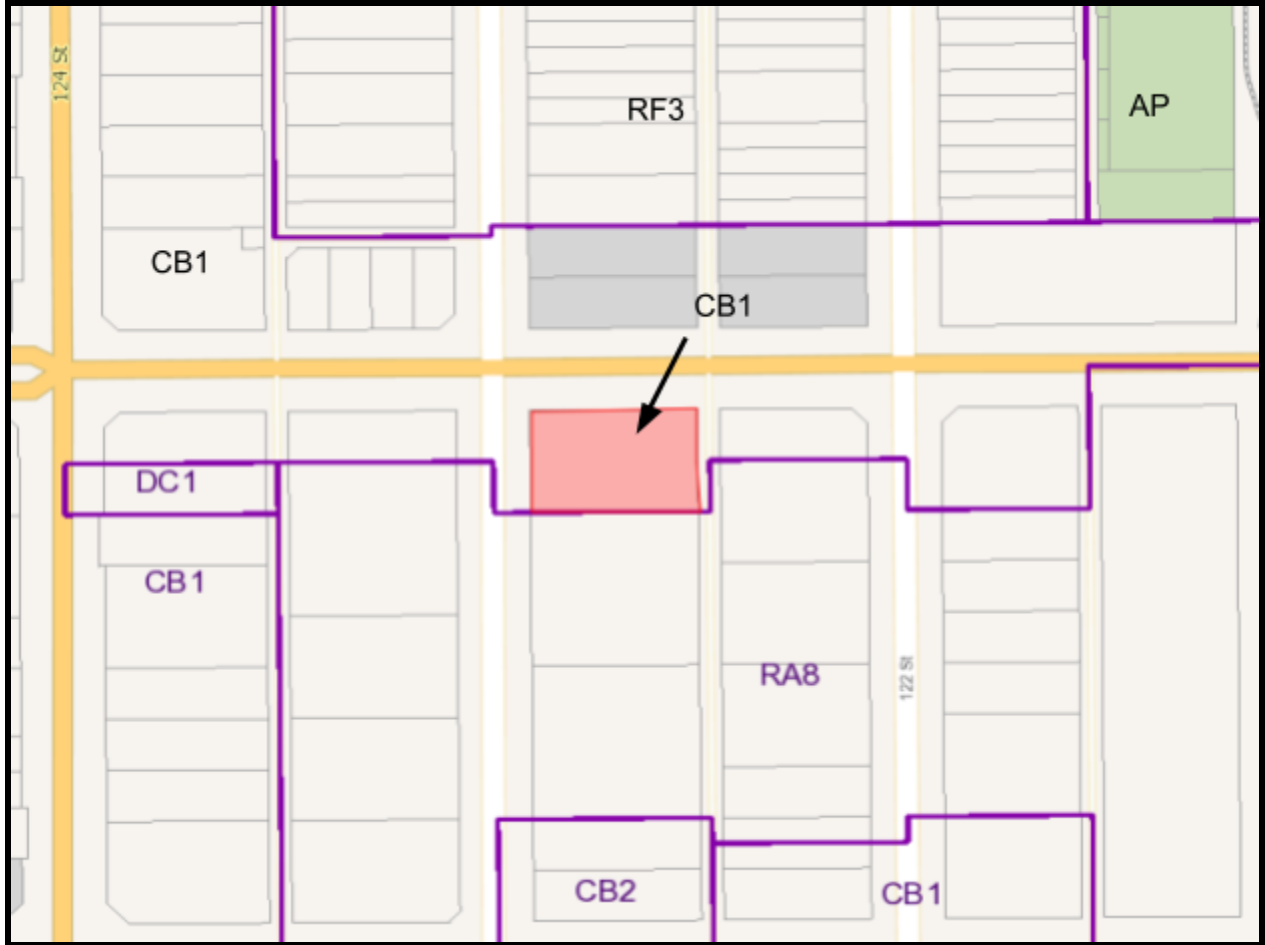
Notice to Applicant/Appellant

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 style="margin: 0;">Application for Sign Permit</h2>	Project Number: <b>410745529-002</b> Application Date: OCT 07, 2021 Printed: November 9, 2021 at 11:23 AM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
<b>Applicant</b>  INTEGRATED SIGNS SOLUTIONS  	<b>Property Address(es) and Legal Description(s)</b>  12225 - 107 AVENUE NW  Plan RN22 Blk 7 Lots 1-2																					
<b>Scope of Application</b> To install a Freestanding On-Premises Sign (WESTMOUNT 107)																						
<b>Permit Details</b>																						
ASA Sticker No./Name of Engineer: Construction Value: 36000	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: 1 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> Nov 09, 2021 <b>Development Authority:</b> MERCIER, KELSEY  <b>Reason for Refusal</b> 1. Section 819.5(2)(a) - the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.  Proposed: 7.32 m Exceeds by: 1.32 m  <b>Rights of Appeal</b> THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.																						
<b>Fees</b> <table style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Development Application Fee</td> <td style="text-align: right;">\$375.00</td> <td style="text-align: right;">\$375.00</td> <td>180045674881001</td> <td>Oct 07, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$375.00</td> <td style="text-align: right; border-top: 1px solid black;">\$375.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Development Application Fee	\$375.00	\$375.00	180045674881001	Oct 07, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$375.00	\$375.00		
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Totals for Permit:	\$375.00	\$375.00																				
THIS IS NOT A PERMIT																						



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-22-005

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**N**