# **SUBDIVISION**

# AND

# **DEVELOPMENT APPEAL BOARD**

# AGENDA

Thursday, 1:30 P.M. January 20, 2022

Ι	1:30 P.M.	SDAB-D-22-006	
			Install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNITIES)
			2 - Michener Park NW Project No.: 408738458-002
II	1:30 P.M.	SDAB-D-22-007	
			Install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNITIES)
			10531 - 90 Street NW Project No.: 407931491-002
III	1:30 P.M.	SDAB-D-22-008	
			Install (2) Fascia On-Premises Signs (BOARDWALK RENTAL COMMUNITIES)
			6511 - 177 Street NW Project No.: 408740763-002
	NOTE:	Unless otherwise stated	, all references to "Section numbers" in this Agenda

# SUBDIVISION AND DEVELOPMENT APPEAL BOARD

#### ITEM I: 1:30 P.M.

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER				
APPELLANT:				
APPLICATION NO.:	408738458-002			
APPLICATION TO:	Install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNITIES)			
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused			
<b>DECISION DATE:</b>	November 4, 2021			
DATE OF APPEAL:	November 30, 2021			
DATE OF APPEAL: MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	November 30, 2021 2 - Michener Park NW			
MUNICIPAL DESCRIPTION				
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	2 - Michener Park NW			
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: LEGAL DESCRIPTION:	2 - Michener Park NW Plan 9624107 Lot 2			
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: LEGAL DESCRIPTION: ZONE:	2 - Michener Park NW Plan 9624107 Lot 2 (AJ) Alternative Jurisdiction Zone			

# Grounds for Appeal

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

Does not appear to adversely impact sun-shadowing, pedestrian or vehicular traffic, parking, noise, massing, etc.

May be considered an enhancement of the former streetscape

Does not unduly interfere with the amenities of the neighborhood nor materially interfere with, or affect the use, enjoyment, or value of neighboring parcels of land Lack of understanding regarding permit requirements for painting of letters

# **General Matters**

# **Appeal Information:**

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

#### **Grounds for Appeal**

685(1) If a development authority

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

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

•••

(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:

# 560 (AJ) Alternative Jurisdiction Zone

# 560.1 General Purpose

The purpose of this Zone is to provide for lands that do not require a Development Permit when operating under the jurisdiction of federal legislation, provincial legislation or the Constitution Act, and to prescribe land uses and regulations for these lands if the legal status of these lands change and they become subject to this Bylaw.

#### 560.2 Permitted Uses

1. Any Use that is consistent with those Uses, activities and operations prescribed in the appropriate superior legislation.

# 560.3 Discretionary Uses

1. All Uses listed in the most restrictive Zone adjacent to the Site.

# 560.4 Development Regulations for Permitted and Discretionary Uses

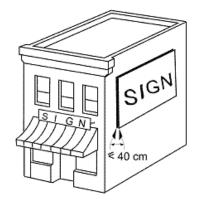
- 1. A Development Permit is not required for Permitted Uses
- 2. If for any reason (including a change in Use, ownership or legislation) lands to which this Zone applies become subject to this Bylaw, the most restrictive Zone on the adjacent lands shall apply. Any development shall be considered a Class B Discretionary Development.
- 3. In addition to the information normally required for a Development Application under this Bylaw, the applicant shall submit a narrative explaining how the proposed Use or development would be consistent with Plan Edmonton, any other applicable Statutory Plan, existing surrounding development and Abutting Zones.
- 4. Signs shall comply with regulations found in <u>Schedule 59H</u>.

# Section 110.2(9) states a Fascia On-premises Sign is a Permitted Use in the (RF1) Single Detached Residential Zone.

Under section 7.9(1), **Fascia On-premises Signs** means "a Fascia Sign, which is a Permanent Sign, displays Off-premises Advertising and contains no Digital Copy."

Under section 6.2, a Fascia Sign means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Section 110.4(17) states Signs shall comply with the regulations of Schedule 59A of this Bylaw.

# Schedule 59A

# 59A.2 Regulations for Permitted Signs

- 1. On a Site for a Show Home or Residential Sales Centre, Fascia On-premises Signs identifying the builder, contractor or real estate company associated with the Show Home or Residential Sales Centre shall be allowed on Site. The maximum Area for any such single Sign shall not exceed 2.0 m2 and the top of the Sign shall not be located higher than the second Storey.
- 2. A maximum of two Fascia On-premises Signs on any Site of a Non-residential Use shall be allowed. The Signs shall only face a public roadway other than a Lane and the Signs may be illuminated. The maximum Area for any such single Sign shall not exceed 2.0 m<sup>2</sup>. A Fascia Sign shall not extend higher than 75 cm above the floor of the second Storey. The top of a Fascia Sign on a one Storey building shall not extend more than 30 cm above the building roof or parapet wall. Any Fascia Sign, which extends over a public right-of-way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m.
- 3. A maximum of two Freestanding On-premises Signs may be placed at each entrance to a subdivision, neighbourhood or Mobile Home Park. The Signs shall not exceed a Height of 1.8 m and shall have a maximum Area of 4 m<sup>2</sup>.

The Copy on such Signs shall be restricted to the marketing name of the subdivision and the official municipal name of the neighbourhood. The marketing name of the subdivision and the official municipal name of the neighbourhood shall be of equal prominence and shall be located entirely upon private property within the Area they refer. The marketing name shall not be the same as an official municipal name previously assigned to another neighbourhood in the City of Edmonton.

4. A maximum of two Fascia On-premises Signs may be placed on permitted structures at each entrance to a subdivision, neighbourhood or Mobile Home Park. The Signs shall not exceed the Height of the structure and shall have a maximum Area of 4 m<sup>2</sup>. The Copy on such Signs shall be restricted to the marketing name of the subdivision and the official municipal name of the neighbourhood. The marketing name of the subdivision and the official municipal name of the neighbourhood shall be of equal prominence and shall be located entirely upon private property within the Area to which they refer. The marketing name of a neighbourhood shall not be the same as an official municipal name previously assigned to another neighbourhood in the City of Edmonton.

# 59A.3 Regulations for Discretionary Signs

- 1. On any Site of a non-Residential Use, the Development Officer may approve a Freestanding On-premises Sign if the design of the Sign is compatible with the character of the existing development and the neighbourhood. A maximum of two Freestanding On-premises Signs shall be allowed. The Signs shall only face a public roadway other than a Lane, and the Signs may be illuminated. The maximum Area for any such Sign shall not exceed 3 m2 and the maximum Height shall be 1.8 m.
- 2. In developing areas, three non-illuminated Temporary On-premises Signs shall be allowed for each entrance roadway. The Sign shall be located wholly within the boundary of the subdivision or neighbourhood that it identifies. The maximum duration of display for each Temporary On-premises Sign shall be 365 days. The maximum Height of the Sign shall be <u>3.0 m</u> and the maximum Area shall be 5.0 m2.
- 3. On a Site containing a show home or Residential Sales Centre, one Temporary On-premises Sign shall be allowed. The maximum Area of this Sign shall not exceed 5.0 m2 and the maximum Height shall not exceed 3.0 m.
- 4. Freestanding Off-premises Signs shall be subject to the following Regulations:
  - a. Freestanding Off-premises Sign permits may be approved for a period of up to five years; and

- b. all proposed Freestanding Off-premises Sign locations shall be reviewed in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; and proximity to residential development. The Development Officer may require revisions to the application to mitigate the impact of a proposed Off-premises Sign or may refuse a permit that adversely impacts the built environment.
- 5. On a Site containing a Religious Assembly, one Temporary On-premises Sign shall be allowed. The maximum Area of this Sign shall not exceed 5.0 m2 and the maximum Height shall not exceed 3.0 m.
- 6. In developing residential areas, Freestanding On-premises Signs for real estate purposes shall be allowed and are subject to the following regulations:
  - a. Freestanding On-premises Sign Development Permits may be approved for a period of up to 5 years;
  - b. Freestanding On-premises Signs may be illuminated but shall not have any flashing or running lights;
  - c. Freestanding On-premises Signs shall have a maximum Height of 4.0 m and a maximum Area of 12 m2,
  - d. Only one Sign shall be allowed for each approved Site and shall be located wholly within the boundary of the subdivision or neighbourhood that it identifies; and,
  - e. all proposed Freestanding On-premises Sign Sites shall be reviewed in context with the surrounding development, including consideration of: the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; and proximity to residential development. The Development Officer may require revisions to the application to mitigate the impact of a proposed On-premises Sign or may refuse a Development Permit that adversely impacts the surrounding development.
- 7. Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs, and Minor Digital Off-premises Signs shall be subject to the following regulations:
  - a. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

### **Development Officer's Determination**

The subject property is zoned 560 (AJ) Alternative Jurisdiction Zone.

1) Section 560.4(2): If for any reason (including a change in Use, ownership or legislation) lands to which this Zone applies become subject to this Bylaw, the most restrictive Zone on the adjacent lands shall apply. Any development shall be considered a Class B Discretionary Development.

Note: The ownership of the land changed from the University of Alberta in 1997 to a commercial entity (currently BOARDWALK REIT PROPERTIES HOLDINGS (ALBERTA) LTD.). As a result, the site is no longer under superior legislation of the Province, and the site shall comply with the Zoning Bylaw.

The most restrictive Zone on the adjacent lands is the RF1 Zone, which references Sign Schedule 59A.

The proposed sign does not meet the criteria in Section 59A.2 or 59A.3 for either Permitted or Discretionary uses, and therefore is not allowed.

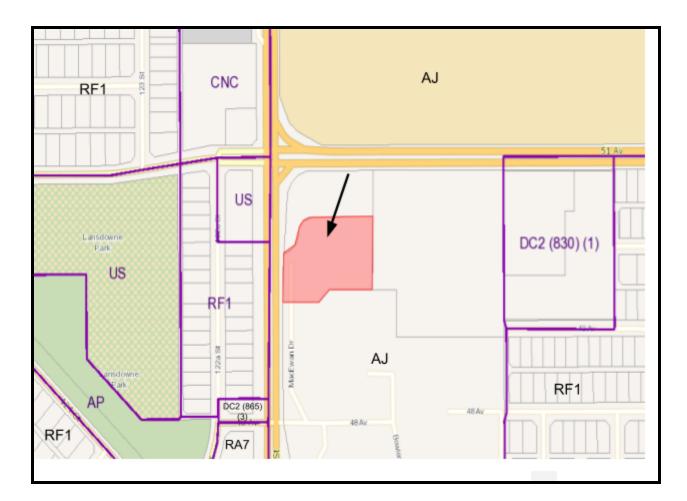
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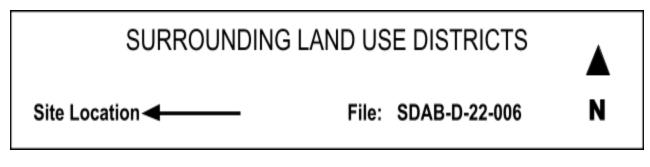
Notice to Applicant/Appellant

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.

2 - MIC         PI         Location(s)         Entryway: 2         Building: 2         Scope of Application         To install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNI         Permit Details         ASA Sticker No/Name of Engineer:         Construction Value: 3528         Class of Permit         Explay Date:         Fascia Off-premises Sign: 0         Fascia On-premises Sign: 0         Roof Off-premises Sign: 0         Minor Digital On-premises Sign: 0         Minor Digital On-premises Sign: 0	Project Number: 408738458-002 Application Date: SEP 17, 2021 Printed: November 30, 2021 at 11:08 AM Page: 1 of 2
This document is a Development Permit Decision for the development application de         Applicant       Property A         2 - MIQ         Pill         Location(s)         Entryway: 2         Building: 2         Scope of Application         To install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNI         Permit Details         ASA Sticker No.Name of Engineer:         Contruction Value: 3528         Fascia Off-premises Sign: 0         Fascia Off-premises Sign: 0         Fascia Off-premises Sign: 0         Minor Digital Off-premises Sign: 0         Minor Digital Off-premises Sign: 0         Minor Digital Outpremises Sign: 0         Refused         Issue Date: Nov 04, 2021	
2 - MIC         Pi         Location(s)         Entryway: 2         Building: 2         Scope of Application         To install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNI         Permit Details         ASA Sticker No/Name of Engineer:         Construction Value: 3528         Pascia Off-premises Sign: 0         Fascia Off-premises Sign: 0         Fascia On-premises Sign: 0         Roof On-premises Sign: 0         Minor Digital On-premises Sign: 0         Minor Digital On-Off-premises Sign: 0         Comprehensive Market         Refused         Issue Date: Nov 04, 2021 Development Authority: NOORMAN, BRENDA         Reason for Refusal         The subject property is zoned 560 (AJ) Alternative Jurisdiction Zone.         1) Section 560.4(2): If for any reason (including a change in Use, ownershi subject to this Bylaw, the most restrictive Zone on the adjacent lands shall a Discretionary Development.         Note: The ownership of the land changed from the University of Alberta in RETT PROPERTIES HOLDINGS (ALBERTA) LTD.). As a result, the site and the site shall comply with the Zoning Bylaw.         The most	scribed below.
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THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Dev	either Permitted or Discretionary uses, and therefore is
SECTION 683 THROUGH 689 OF THE Municipal Government Act.	
THIS IS NOT A PERMIT	

Gmonton	A	Application	n for	Project Number:         408738458-00           Application Date:         SEP 17, 203           Printed:         November 30, 2021 at 11:08 Al           Page:         2 of
		Sign Pe	rmit	
es				
Sign Development Application Fee Total GST Amount: Totals for Permit:	Fee Amount \$120.00 \$0.00 \$120.00	Amount Paid \$120.00  \$120.00	Receipt # 151428005072001	Date Paid Sep 17, 2021
		THIS IS NOT A	PERMIT	





#### ITEM II: 1:30 P.M.

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER				
APPELLANT:				
APPLICATION NO.:	407931491-002			
APPLICATION TO:	Install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNITIES)			
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused			
DECISION DATE:	November 4, 2021			
DATE OF APPEAL:	November 30, 2021			
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10531 - 90 Street NW			
	10531 - 90 Street NW Plan 155HW Blk 5			
OF SUBJECT PROPERTY:				
OF SUBJECT PROPERTY: LEGAL DESCRIPTION:	Plan 155HW Blk 5			
OF SUBJECT PROPERTY: LEGAL DESCRIPTION: ZONE:	Plan 155HW Blk 5 DC2(A) - Site Specific Development Control Provision			

# Grounds for Appeal

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

Does not appear to adversely impact sun-shadowing, pedestrian or vehicular traffic, parking, noise, massing, etc.

May be considered an enhancement of the former streetscape

Does not unduly interfere with the amenities of the neighbourhood nor materially interfere with, or affect the use, enjoyment, or value of neighbouring parcels of land Lack of understanding regarding permit requirements for painting of letters Zoning is of mixed use

# **General Matters**

# **Appeal Information:**

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

#### **Grounds for Appeal**

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

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

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

(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,

- (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 Edmonton Zoning Bylaw:

Under section 7.9(2), **Fascia On-premises Signs** means "a Fascia Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy."

Under Section 6.2, **Fascia Signs** means a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



# Sign Regulations

Section 720.3(4) states "Signs shall comply with the regulations found in <u>Schedule 59H</u>."

Schedule 59H.2(2) states Where there is no Sign Schedule or criteria contained within the DC2 Provision, Signs requiring a Development Permit shall be Discretionary Developments in a DC2 Provision. The Development Officer may consider Sign Applications having regard for all or any of the following:

- a. Sign criteria specified within the Development Agreement approved by Council to regulate the Use and development of the Site where the Sign is proposed;
- b. the Sign provisions of the Sign Schedules applicable to the Land Use Zones abutting the DC2 Site where the proposed Sign is to be erected; and
- c. the visual harmony and compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development.

## **Development Officer's Determination**

- 1) Section 59H.2(2): Where there is no Sign Schedule or criteria contained within the DC2 Provision, Signs requiring a Development Permit shall be Discretionary Developments in a DC2 Provision. The Development Officer may consider Sign Applications having regard for all or any of the following:
  - a) Sign criteria specified within the Development Agreement approved by Council to regulate the Use and development of the Site where the Sign is proposed;

**PROPOSED:** No sign criteria is specified within the Development Agreement approved by Council.

b) the Sign provisions of the Sign Schedules applicable to the Land Use Zones abutting the DC2 Site where the proposed Sign is to be erected; and

PROPOSED: The Development Officer used the sign provisions from the abutting Land Use Zone RA9 (High Rise Apartment Zone) which references Sign Schedule 59B (Section 230.7(12). The RA9 Zone is similar to the USE on the subject site; and

c) the visual harmony and compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development.

**PROPOSED:** 

The Development Officer also considered the visual harmony and compatibility of the proposed sign on the building and determined that the sign is not in keeping with the design, location and appearance of other Signs on the building. The scale and height of the sign dominates the building and visually impacts the surrounding built environment.

[unedited]

# Sign Regulations

Section 230.7(12) of the (RA9) High Rise Apartment Zone states "Signs shall comply with the regulations found in <u>Schedule 59B</u>."

Schedule 59B.2(b) states the maximum Area for any Fascia On-premises Sign shall not exceed 3 m2.

Schedule 59B.2(c) states Fascia On-premises Signs shall not extend higher than 75 cm above the floor of the second Storey. The top of a Fascia On-premises Sign shall not extend more than 30 cm above the building roof or parapet wall.

### **Development Officer's Determination**

2) Section 59B.2(b): the maximum Area for any Fascia On-premises Sign shall not exceed 3 m2.

PROPOSED: 67m2

Exceeds by: 64m2

3) Section 59B.2(c): Fascia On-premises Signs shall not extend higher than 75 cm above the floor of the second Storey.

PROPOSED: 42.88m above the floor of the second storey

Exceeds by: 4,213 cm (42.1m)

[unedited]

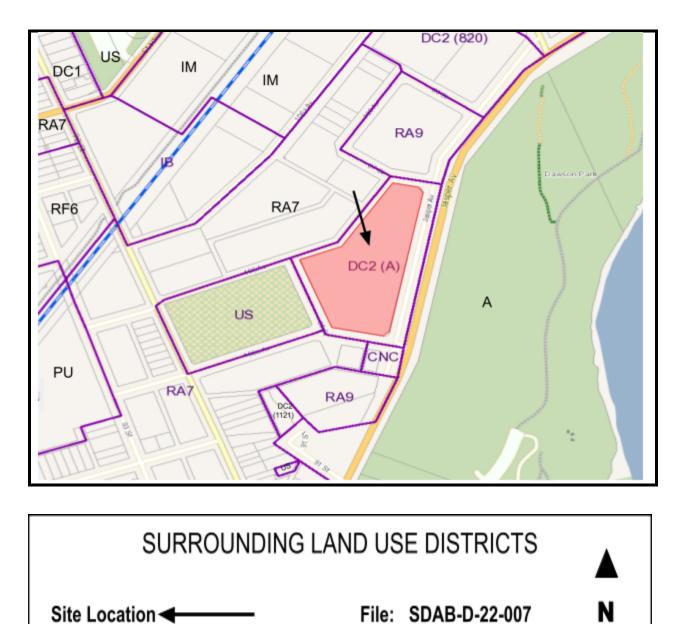
# Notice to Applicant/Appellant

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

This document is a Development Permit Decision for the development application described below.         Applicati Instantion       Property Address(ex) and Legal Description(s) 10531 - 90 STREET NW Pain 1538W Bk 5         Control of Company Street Instantion of the development application of the development application of the development of the de		cation for Project Number: 407931491-002 Application Date: SEP 09, 2021 Printed: November 4, 2021 at 11.04 AM Page: 1 of 2 In Permit				
Applicant         Property Address(es) and Legal Description(s)           10531 - 90 STREET NW         10531 - 90 STREET NW           Plan 155RW Dik 5         Location(s) of Work           Entryway:         1950 - JASPER AVENUE NW           Building:         10531 - 90 STREET NW           Scope of Application         To install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNITES).           Permit Details         A5 Studer No. Name of Engineer:           Controction Value 6017         Equip Date:           Pascia Off premises Sign: 0         Preentending Off premises Sign: 0           Fascia Off premises Sign: 0         Preentending Off premises Sign: 0           Reof Off premises Sign: 0         Preentending Off premises Sign: 0           Minor Digital Off-premises Sign: 0         Preglement Paul on Existing Sign: 0           Minor Digital On-premise Sign: 0         Preglement Paul on Existing Sign: 0           Minor Digital On-premise Sign: 0         Mayer Digital Sign: 0           Minor Digital On-premise Sign: 0         Mayer Digital Sign: 0           Minor Digital On-premise Sign: 0         Mayer Digital Sign: 0           Minor Digital On-premise Sign: 0         Mayer Digital Sign: 0           State Date: Nov 04, 2021         Development Authority: NOORMAN, BRENDA		,				
10531 - 90 STREET NW Plan 155HW Blk 5         Location(s) of Work Entryway: 8930 - JASPER AVENUE NW Building: 10331 - 90 STREET NW         Scope of Application To install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNITIES).         Premit Details         A5A 5ticker No./Name of Engineer: Construction Value: 687       Class of Premit Expiry Date         Pascia Offpremises Sign: 0 Fascia Offpremises Sign: 0 Reof Obspremises Sign: 0 Moor Digital Obs						
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Roof On-premises Sign: 0       Projecting On-premises Sign: 0         Minor Digital On-premises Sign: 0       Replacement Panel on Existing Sign: 0         Minor Digital On-Off-premises Sign: 0       Major Digital Sign: 0         More Digital On-Off-premises Sign: 0       Major Digital Sign: 0         Development Application Decision Refused       Results         Issue Date: Nov 04, 2021 Development Authority:NOORMAN, BRENDA						
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Development Application Decision Refused Issue Date: Nov 04, 2021 Development Authority: NOORMAN, BRENDA						
Refused Issue Date: Nov 04, 2021 Development Authority: NOORMAN, BRENDA	Minor Digital On/Off-premises Sign: 0	Major Digital Sign: 0				
THIS IS NOT A PERMIT	Refused	RMAN, BRENDA				
	THIS IS NOT A PERMIT					

Gmonton		A	£	Application Printed:	umber: <b>407931491-00</b> Date: SEP 09, 20 November 4, 2021 at 11:04 <i>A</i> 2 o
	1	Application	Ior	Page:	20
		Sign Perr	nit		
Reason for Refusal 1) Section 59H.2(2): Wher Development Permit shall Applications having regard	be Discretionary D	Developments in a DC2			
a) Sign criteria specified where the Sign is proposed PROPOSED: No sign crite	,			-	nd development of the S
b) the Sign provisions of	he Sign Schedules	annlicable to the Land	Use Zones abutting	the DC'2 Site wi	are the proposed Sign is
to be erected; and PROPOSED: The Develop Zone) which references Sig	ment Officer used	the sign provisions fro	m the abutting Land	l Use Zone RA9 (	High Rise Apartment
c) the visual harmony and with the design, location as PROPOSED:	• •	•••		aracter and finish	of the development and
The Development Officer a determined that the sign is height of the sign dominate	not in keeping wit	h the design, location a	nd appearance of ot	her Signs on the l	-
2) Section 59B.2(b): the m PROPOSED: 67m2 Exceeds by: 64m2	aximum Area for a	any Fascia On-premise	s Sign shall not exce	eed 3 m2.	
3) Section 59B.2(c): Fascia PROPOSED: 42.88m abov	e the floor of the s		ier than 75 cm abov	e the floor of the	second Storey.
Exceeds by: 4,213 cm (42.	111)				
Rights of Appeal					
THE Applicant has THE R AFTER THE date ON whi SECTION 683 THROUG	h THE decision Is	S made AS outlined IN	Chapter M-26,	ppeal Board (SDA	AB) WITHIN 21 days
es					
	Fee Amount	Amount Paid	Receipt #	Date Paid	
Existing Without Dev Permit Penalty Fee	\$120.00	\$120.00	07335610	Oct 18, 2021	
Sign Development Application Fee	\$120.00	\$120.00	07242556	Sep 10, 2021	
	\$0.00				
Total GST Amount: Totals for Permit:	\$240.00	\$240.00			

# THIS IS NOT A PERMIT



Site Location -

File: SDAB-D-22-007

## ITEM III: 1:30 P.M.

AN APPEAL FROM THE DECIS	ON OF THE DEVELOPMENT OFFICER
APPELLANT:	
APPLICATION NO .:	408740763-002
APPLICATION TO:	Install (2) Fascia On-Premises Signs (BOARDWALK RENTAL COMMUNITIES)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
<b>DECISION DATE:</b>	November 4, 2021
DATE OF APPEAL:	November 30, 2021
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	6511 - 177 Street NW
LEGAL DESCRIPTION:	Condo Common Area (Plan 8323220)
ZONE:	(RA8h) Medium Rise Apartment Zone With Special Height Regulations
ZONE: OVERLAY:	
	Height Regulations

# Grounds for Appeal

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

Does not appear to adversely impact sun-shadowing, pedestrian or vehicular traffic, parking, noise, massing, etc.

May be considered an enhancement of the former streetscape

Does not unduly interfere with the amenities of the neighbourhood nor materially interfere with, or affect the use, enjoyment, or value of neighbouring parcels of land

Lack of understanding regarding permit requirements for painting of letters.

#### **General Matters**

# **Appeal Information:**

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

# **Grounds for Appeal**

685(1) If a development authority

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

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

•••

(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.

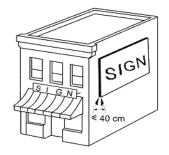
## General Provisions from the Edmonton Zoning Bylaw:

Under section 220.2(13), a Fascia On-premises Sign is a Permitted Use in the (RA8) Medium Rise Apartment Zone.

Under section 7.9(2) **Fascia On-premises Signs** means "a Fascia Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy."

Under Section 6.2, Fascia Signs means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Section 220.4(20) states Signs shall comply with the regulations found in Schedule 59B."

Section 220.1 states that the General Purpose of the (RA8) Medium Rise Apartment Zone is:

to provide for medium rise Multi-unit Housing.

Section 220.5(1) states "On any Site in this Zone which was zoned RA8h under the Edmonton Land Use Bylaw 5996, at the Effective Date of this Bylaw, and which is designated as such on the Zoning Map, the maximum Height shall be 45 m."

# Sign Regulations

Schedule 59B.2(1)(b) states the maximum Area for any Fascia On-premises Sign shall not exceed 3 m2.

Schedule 59B.2(1)(c) states Fascia On-premises Signs shall not extend higher than 75 cm above the floor of the second Storey. The top of a Fascia On-premises Sign shall not extend more than 30 cm above the building roof or parapet wall.

# **Development Officer's Determination**

1) SECTION 59B.2(1)(b): the maximum Area for any Fascia On-premises Sign shall not exceed 3 m2; PROPOSED: 30.7m2 Exceeds by: 27.7m2

2) SECTION 59B.2(1)(c): Fascia On-premises Signs shall not extend higher than 75 cm above the floor of the second Storey. PROPOSED: 3,688cm (36.88m) above the floor of the second Storey Exceeds by: 3,613cm (36.13m)

[unedited]

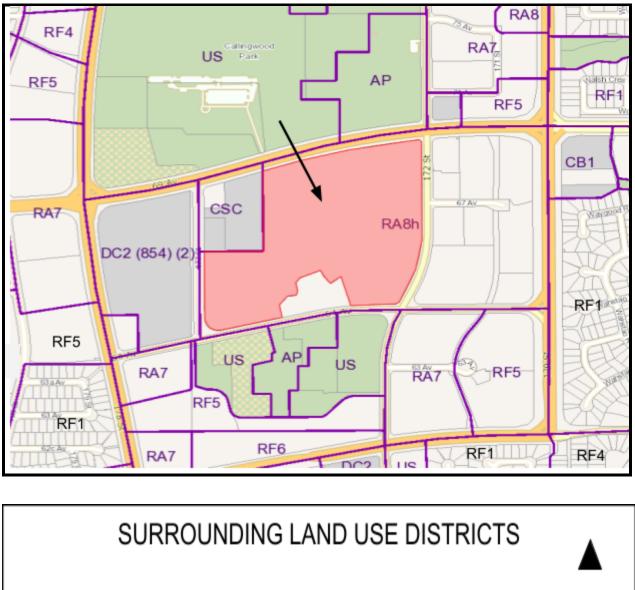
# Notice to Applicant/Appellant

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

Edmonton		Applicatio	n for	Project Number: 408740763-00 Application Date: SEP 17, 202 Printed: November 4, 2021 at 12:07 PJ Page: 1 of		
	-	Sign Pe				
'his document is a Development Pern	uit Decision for th					
-	In Decision for u					
Applicant		· · · · · ·	6511 - 177 STREE	and Legal Description(s)		
				on Area (Plan 8323220)		
		1	.ocation(s) of Work			
		Su	ute: 17327 - 69 A	VENUE NW		
		Er	atryway: 17327 - 69 A	VENUE NW		
		B	ailding: 17327 - 69 A	VENUE NW		
Scope of Application						
To install (2) Fascia On-Premise	s Signs (BOARD	WALK RENTAL (	COMMUNITIES).			
Permit Details						
ASA Sticker No./Name of Engineer:		-	ass of Permit			
Construction Value: 8245		E	quiry Date:			
Encole Off recentless Sime 0			terreture bine Off exemploye Si	- 0		
Fascia Off-premises Sign: 0			reestanding Off-premises Sig			
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Minor Digital On-premises Sign: 0 Replacement Panel on Existing Sign: 0						
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Minor Digital On/Off-premises Sign: 0		2	fajor Digital Sign: 0			
Development Application Decision Refused						
Issue Date: Nov 04, 2021 Dev	lonment Author	rity:NOORMAN 3	RENDA			
	ioparent Autor	ing involution, i	Phase Parts			
Reason for Refusal						
<ol> <li>SECTION 59B.2(1)(b): t PROPOSED: 30.7m2</li> </ol>	he maximum Are	a for any Fascia On	-premises Sign shall no	ot exceed 3 m2;		
Exceeds by: 27.7m2						
				a above the floor of the second Storey.		
PROPOSED: 3,688cm (36.8 Exceeds by: 3,613cm (36.13		oor of the second 5	lotey			
Laccos 07. 5,015411 (50.15						
Rights of Appeal						
				ppeal Board (SDAB) WITHIN 21 days		
AFTER THE date ON which						
SECTION 683 THROUG	H 089 OF THE 5	tunicipai Governin	ent Act.			
Fees						
	Fee Amount	Amount Paid	Receipt #	Date Paid		
Sign Development Application Fee	\$240.00	\$240.00	151440042802001	Sep 17, 2021		
		THIS IS NOT A	DEDATT			

Edmonton	A	Application	for	Project Number: 408740763-00 Application Date: SEP 17, 20 Printed: November 4, 2021 at 12:07 Page: 2 c
	Sign Permit			
Fees				
Total GST Amount:	Fee Amount \$0.00	Amount Paid	Receipt #	Date Paid
Totals for Permit:	\$240.00	\$240.00		
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Site Location



File: SDAB-D-22-008

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