

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 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 refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 1:30 P.M.

FILE: SDAB-D-22-006

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

DECISION DATE: November 4, 2021

DATE OF APPEAL: November 30, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2 - Michener Park NW

LEGAL DESCRIPTION: Plan 9624107 Lot 2

ZONE: (AJ) Alternative Jurisdiction Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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

<i>General Matters</i>

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

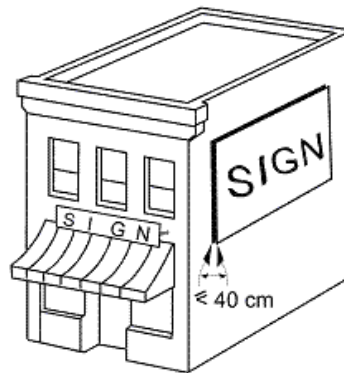
1. A Development Permit is not required for Permitted Uses
2. **If for any reason (including a change in Use, ownership or legislation) lands to which this Zone applies become subject to this Bylaw, the most restrictive Zone on the adjacent lands shall apply. Any development shall be considered a Class 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 Schedule 59H.

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 m². 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 m².

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 m². 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 3.0 m 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.

[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.

		Project Number: 408738458-002 Application Date: SEP 17, 2021 Printed: November 30, 2021 at 11:08 AM Page: 1 of 2	
<h2>Application for Sign Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant 		Property Address(es) and Legal Description(s) 2 - MICHENER PARK NW Plan 9624107 Lot 2 Location(s) of Work Entryway: 2 - MICHENER PARK NW Building: 2 - MICHENER PARK NW	
Scope of Application To install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNITIES).			
Permit Details			
ASA Sticker No./Name of Engineer: Construction Value: 3528		Class of Permit: Expiry Date:	
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0		Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0	
Development Application Decision 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, 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. Rights of Appeal 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.			
THIS IS NOT A PERMIT			



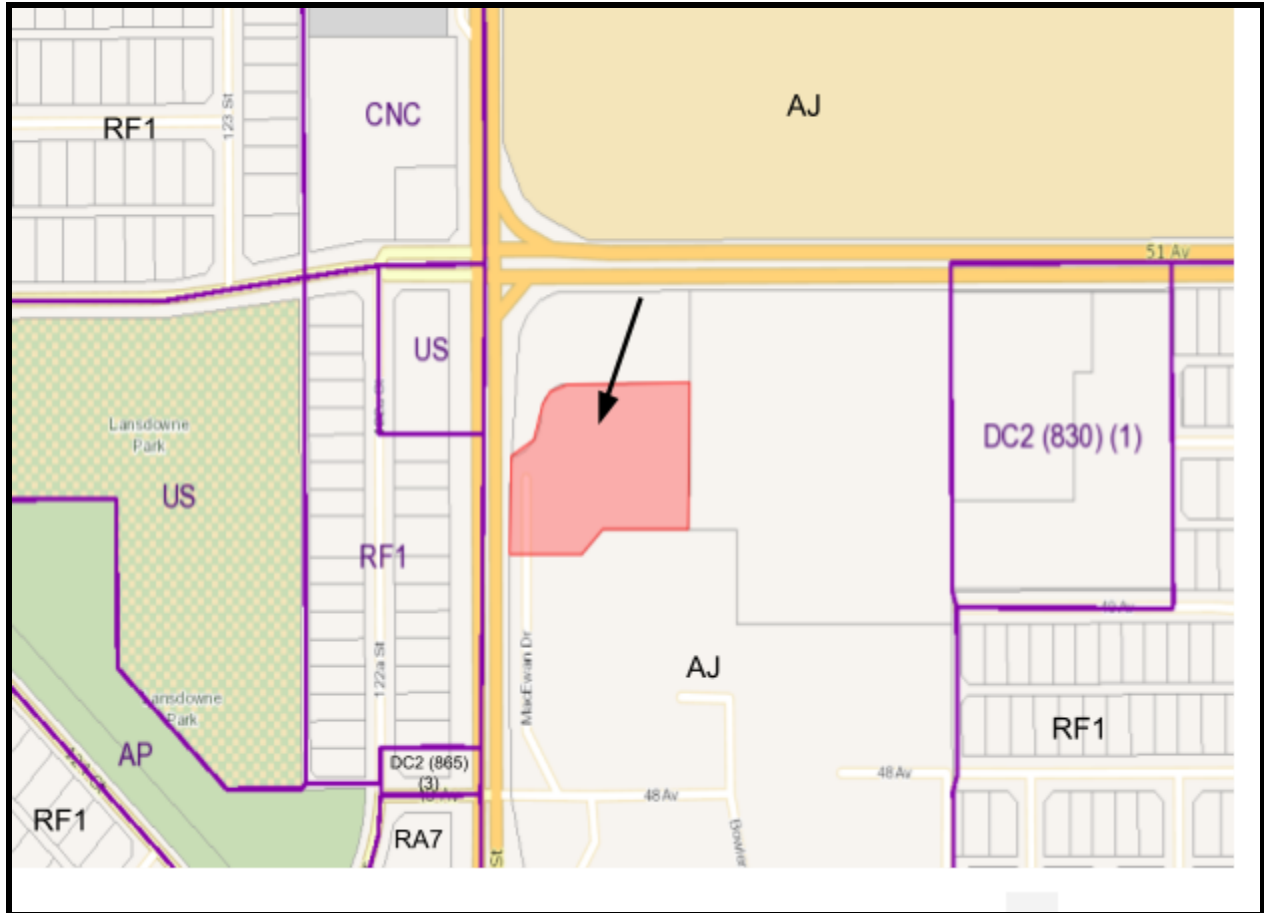
Application for Sign Permit

Project Number: **408738458-002**
Application Date: SEP 17, 2021
Printed: November 30, 2021 at 11:08 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$120.00	\$120.00	151428005072001	Sep 17, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$120.00	\$120.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-22-006** **N** ▲

ITEM II: 1:30 P.M.

FILE: SDAB-D-22-007

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

LEGAL DESCRIPTION: Plan 155HW Blk 5

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

OVERLAY: N/A

STATUTORY PLAN: Boyle Street McCauley Area Redevelopment Plan

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

<i>General Matters</i>

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

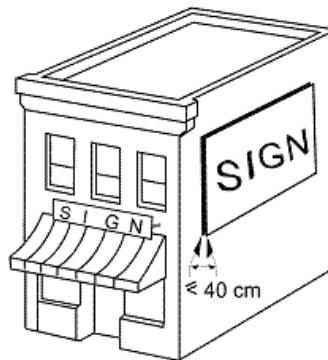
(a) ...

(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 *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 Schedule 59H.”

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]

<i>Sign Regulations</i>

Section 230.7(12) of the (RA9) High Rise Apartment Zone states “Signs shall comply with the regulations found in Schedule 59B.”

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)

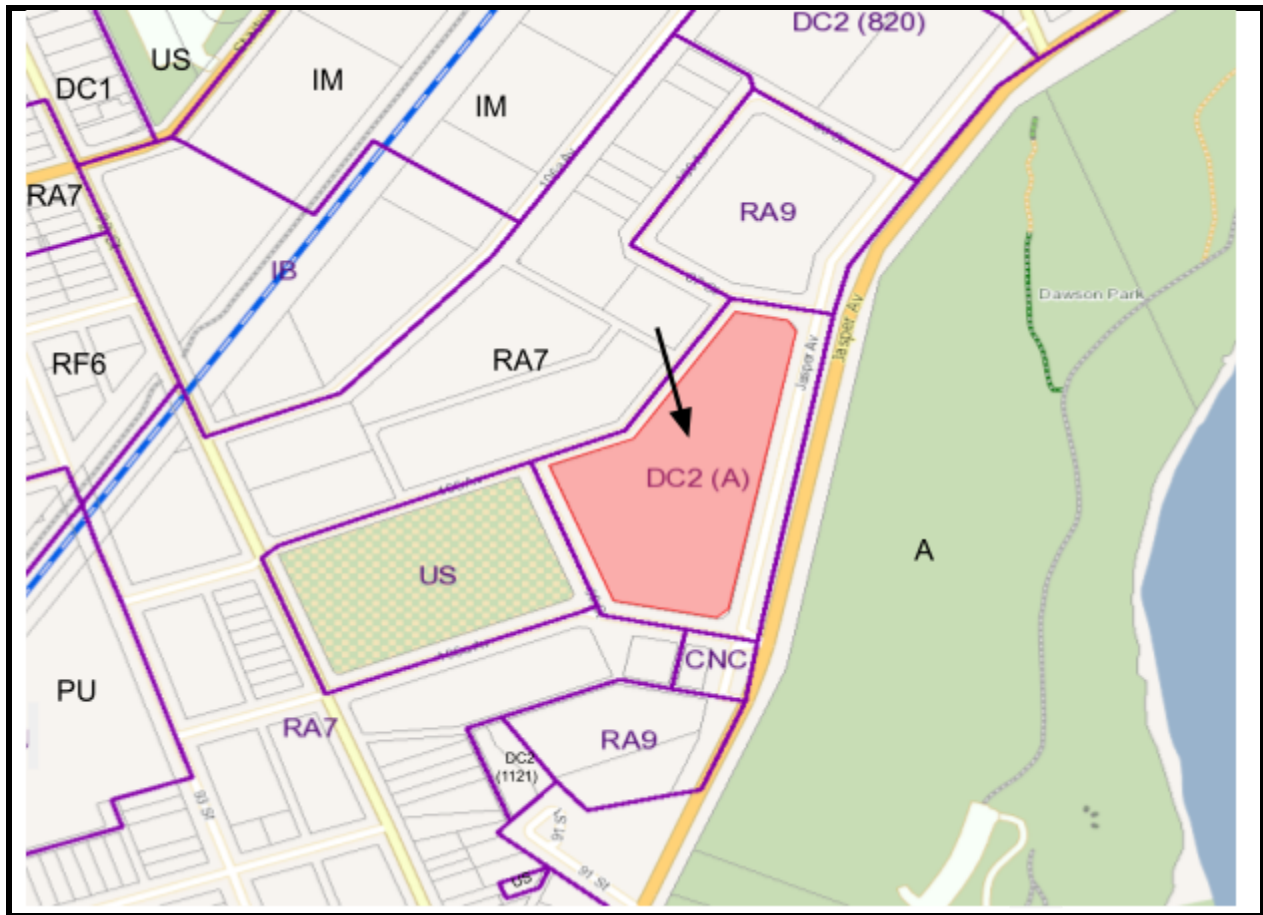
[unedited]

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.

		Project Number: 407931491-002 Application Date: SEP 09, 2021 Printed: November 4, 2021 at 11:04 AM Page: 1 of 2	
<h2>Application for Sign Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant 		Property Address(es) and Legal Description(s) 10531 - 90 STREET NW Plan 155HW Blk 5 Location(s) of Work Entryway: 8930 - JASPER AVENUE NW Building: 10531 - 90 STREET NW	
Scope of Application To install (1) Fascia On-Premises Sign (BOARDWALK RENTAL COMMUNITIES).			
Permit Details			
ASA Sticker No./Name of Engineer: Construction Value: 6637		Class of Permit: Expiry Date:	
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 1 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0		Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0	
Development Application Decision Refused Issue Date: Nov 04, 2021 Development Authority: NOORMAN, BRENDA			
THIS IS NOT A PERMIT			

	<h2 style="margin: 0;">Application for Sign Permit</h2>	<p>Project Number: 407931491-002 Application Date: SEP 09, 2021 Printed: November 4, 2021 at 11:04 AM Page: 2 of 2</p>																									
<p>Reason for Refusal</p> <p>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:</p> <p style="margin-left: 40px;">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.</p> <p style="margin-left: 40px;">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</p> <p style="margin-left: 40px;">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.</p> <p>2) Section 59B.2(b): the maximum Area for any Fascia On-premises Sign shall not exceed 3 m². PROPOSED: 67m² Exceeds by: 64m²</p> <p>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)</p> <p>Rights of Appeal</p> <p>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.</p>																											
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 15%; text-align: right;">Receipt #</th> <th style="width: 20%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Existing Without Dev Permit Penalty Fee</td> <td style="text-align: right;">\$120.00</td> <td style="text-align: right;">\$120.00</td> <td style="text-align: right;">07335610</td> <td style="text-align: right;">Oct 18, 2021</td> </tr> <tr> <td>Sign Development Application Fee</td> <td style="text-align: right;">\$120.00</td> <td style="text-align: right;">\$120.00</td> <td style="text-align: right;">07242556</td> <td style="text-align: right;">Sep 10, 2021</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>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$240.00</td> <td style="text-align: right; border-top: 1px solid black;">\$240.00</td> <td></td> <td></td> </tr> </tbody> </table>				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	Total GST Amount:	\$0.00				Totals for Permit:	\$240.00	\$240.00		
	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																							
Total GST Amount:	\$0.00																										
Totals for Permit:	\$240.00	\$240.00																									
<p>THIS IS NOT A PERMIT</p>																											



ITEM III: 1:30 P.M.

FILE: SDAB-D-22-008

AN APPEAL FROM THE DECISION 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

DECISION DATE: 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

OVERLAY: N/A

STATUTORY PLAN: N/A

<i>Grounds for Appeal</i>

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.

<i>General Matters</i>

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.

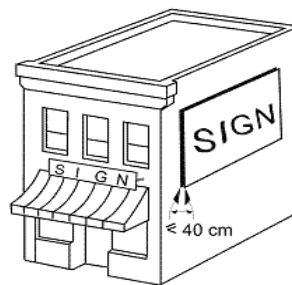
General Provisions from the *Edmonton Zoning Bylaw*:

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.”

<i>Sign Regulations</i>

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.

		Project Number: 408740763-002 Application Date: SEP 17, 2021 Printed: November 4, 2021 at 12:07 PM Page: 1 of 2	
<h2>Application for Sign Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant 		Property Address(es) and Legal Description(s) 6511 - 177 STREET NW Condo Common Area (Plan 8323220)	
		Location(s) of Work Suite: 17327 - 69 AVENUE NW Entryway: 17327 - 69 AVENUE NW Building: 17327 - 69 AVENUE NW	
Scope of Application To install (2) Fascia On-Premises Signs (BOARDWALK RENTAL COMMUNITIES).			
Permit Details			
ASA Sticker No./Name of Engineer: Construction Value: \$245		Class of Permit: Expiry Date:	
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 2 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0		Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0	
Development Application Decision Refused Issue Date: Nov 04, 2021 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) SECTION 59B.2(1)(b): the maximum Area for any Fascia On-premises Sign shall not exceed 3 m ² ; PROPOSED: 30.7m ² Exceeds by: 27.7m ² 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) Rights of Appeal 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.			
Fees			
	Fee Amount	Amount Paid	Receipt #
Sign Development Application Fee	\$240.00	\$240.00	151440042802001
			Date Paid Sep 17, 2021
THIS IS NOT A PERMIT			

	Application for Sign Permit				Project Number: 408740763-002 Application Date: SEP 17, 2021 Printed: November 4, 2021 at 12:07 PM Page: 2 of 2
Fees					
	Fee Amount	Amount Paid	Receipt #	Date Paid	
Total GST Amount:	\$0.00				
Totals for Permit:	\$240.00	\$240.00			
THIS IS NOT A PERMIT					

