

# **Edmonton Subdivision and Development Appeal Board**

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Date: August 14, 2015  
Project Number: 173542245-001  
File Number: SDAB-D-15-166

## **Notice of Decision**

This appeal dated July 5, 2015, from the decision of the Development Authority for permission to:

construct a Single Detached House with a front attached Garage, veranda, fireplace, rear uncovered deck (0.61m x 2.29m) and Basement development (NOT to be used as an additional Dwelling)

On Plan 0721809 Blk 17 Lot 1, located at 5161 - Mullen Road NW, was heard by the Subdivision and Development Appeal Board ("SDAB") on July 30, 2015.

### **Summary of Hearing:**

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The Board first dealt with an e-mail from the Appellant, F. Elloumi, requesting a postponement for after September 2, 2015, as he is out of the country and unable to attend today's hearing. The e-mail was dated Sunday, July 26, 2015, and was received by the SDAB office on Monday, July 27, 2015.

The Board heard from Ms. F. Hamilton, representing the City of Edmonton Sustainable Development Department, who spoke to the Postponement Request.

1. She confirmed that this is a Class A Development Permit with no variances.
2. Prior to this appeal the Respondents had a valid Development Permit as well as a valid Building Permit. It is unfair to delay their ability to pursue construction any further.

The Board heard from the Respondents, Ms. G. and Mr. H. Onovwiona, who spoke to the postponement request.

1. They reiterated what Ms. Hamilton stated.
2. As professional engineers they were thoughtful about their plans.
3. They believe this is another delay tactic by the Appellant and find the delays stressful and unfair to them.
4. There is no good reason to grant the postponement.

SDAB Administration confirmed the following information:

1. The appeal was filed on July 5, 2015 and tentative hearing dates of July 29 or July 30, 2015, were provided to the Appellant on July 6, 2015.
2. The notice of the hearing was sent out July 14, 2015.
3. The postponement request was made on July 26, 2015, and was received by the SDAB office on July 27, 2015.

**MOTION:**

“That the request for a postponement be denied.”

Reasons:

1. The Board finds the Appellant had ample notice of when the hearing was to take place and had adequate time to provide a request for an adjournment prior to this week.
2. There was no one that appeared on behalf of the Appellant at the hearing. The Board is relying on an e-mail that was sent from the Appellant which states that he is out of the country and knew of his travel plans since February, 2015.
3. The Appellant was given tentative hearing dates of July 29 or 30, 2015, on July 6, 2015.
4. The Board heard from the Development Officer, who indicated to the Board that this was a Class A Permitted Development with no variances. She finds no merit or justification for allowing the postponement.
5. The Board then heard from the Respondents that the postponement would provide a significant prejudice to them with respect to further delaying the construction of their home.
6. The Board accepts that the Appellant had ample time to request an adjournment prior to scheduling the appeal, and the Board finds no just reason to postpone the hearing until September.

The Presiding Officer then addressed the issue of jurisdiction and whether the appeal was filed within the allowable 14-day appeal period, pursuant to s 686 of the *Municipal Government Act*, RSA 2000, c. M-26 (the "MGA").

Ms. F. Hamilton provided the following information regarding the late filing issue.

1. The Development Application was approved on June 17, 2015, and confirmed the appeal was filed late.
2. She received a phone call from the Appellant sometime after the approval date inquiring as to whether the proposed development was in compliance with all City bylaws and if any variances had been granted. She confirmed to the Appellant that this was a Class A Development with no variances.

3. The Appellant advised her that he disagreed with the location of the development. She advised him that he had a 14 day period of time from the approval date of June 17, 2015, to file an appeal, although she did not state the exact filing deadline date of July 1, 2015.
4. She does not recall the exact date of the phone call from the Appellant.
5. She referenced s 685(3) of the *MGA* and stated that the only grounds for an appeal for a Permitted Use would be that the Development Authority misinterpreted the zoning bylaw. The Appellant has not demonstrated that she has.

The Board heard from Ms. G and Mr. H Onovwiana, who provided the following information regarding the late filing issue.

1. There was no good reason provided by the Appellant to support the late filing; therefore the appeal should not be considered.
2. They confirmed that they were advised of the approved Building Permit on June 30, 2015, and picked up the documents on July 8, 2015.

**Decision:**

The Board does not have jurisdiction to hear the appeal because it was filed outside of the 14 day appeal period as per s 686(1)(b) of the *MGA*.

**Reasons for the Decision:**

1. The Board accepts the information provided by the Development Officer that a conversation was held with the Appellant within the appeal period that provided precise direction as to the late filing and the grounds for appeal.
2. The Board acknowledges that the appeal was filed on-line on Sunday, July 5, 2015, which indicated to the Board that despite the last day of the appeal falling on a Statutory Holiday (July 1, 2015), the Appellant had the opportunity to file that day as well.
3. The Board has further determined that the Appellant has not provided any reasons for not being able to adhere to the 14 days required pursuant to s 686(1) of the *MGA*. The Board therefore cannot assume jurisdiction to hear this appeal.

**Important Information for Applicant/Appellant**

1. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under s 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.

2. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

Mr. V. Laberge, Presiding Officer  
Subdivision and Development Appeal Board

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Date: August 14, 2015  
Project Number: 168252302-005  
File Number: SDAB-D-15-136

## **Notice of Decision**

This appeal dated May 29, 2015, from the decision of the Development Authority for permission to:

Construct and operate a Residential Sales Centre on Plan 1521524 Blk 127 Lot 25, located at 13605 - 102 Avenue NW,

was heard by the Subdivision and Development Appeal Board (“SDAB”) at its hearing held on June 25, 2015. The decision of the Board was as follows:

### **Summary of Hearing:**

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with s 686 of the *Municipal Government Act* (“MGA”), RSA 2000, c M-26.

The Board heard an appeal of the decision of the Development Authority to approve an application to construct and operate a Residential Sales Centre, subject to conditions and a deficiency of one on-site parking space, located at 13605 - 102 Avenue NW. The subject site is zoned RF4 Semi-detached Residential Zone and is within the Mature Neighbourhood Overlay. The approved development permit application was appealed by an adjacent property owner.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

- 40 letters from neighbouring property owners in opposition to the proposed development.

The Board heard from Mr. D. Percy, acting as Agent for the Appellant, Mr. D. Johnson. Mr. Percy was accompanied by Ms. B. Finlay, a neighbouring property owner from outside of the 60 metre notification area. Ms. Finlay’s role in the hearing was primarily to provide support for Mr. Percy with the document presentation and organization. Mr. Percy provided the following information to the Board:

1. The Appellant lives in a heritage home on 136 Street.
2. There is a school crosswalk located at the intersection of 102 Avenue and 136 Street.
3. Mr. Percy is Chair of the Old Glenora Conservation Association. He addressed the history of the lot, the Mature Neighbourhood Overlay and parking issues as follows:

#### History of the lot

- a. The owner of the lot was denied subdivision approval 3 times between 2007 and 2014: two of these refusals were appealed to this Board who also denied the subdivision, and the third refusal was not appealed. These refusals were due to non-compliance with the Mature Neighbourhood Overlay as the previously proposed plans were not sensitive in scale to existing development and the impact on the existing streetscape.
- b. Subdivision approval was received in 2014 when the SDAB decided infill was a priority over the consideration of the Mature Neighbourhood Overlay.

#### Mature Neighbourhood Overlay

- a. He acknowledged that the Mature Neighbourhood Overlay cannot be used to prevent infill housing applications but the Overlay itself has not changed in any other way.
- b. Many opponents to this development and prior appeals have appeared before City Council on numerous occasions.
- c. Changes in the *Edmonton Zoning Bylaw* allowing for subdivisions and infill were not intended to allow commercial developments. Commercial development applications should be subject to the Mature Neighbourhood Overlay and be sensitive in scale to existing development and the existing streetscape.
- d. The Mature Neighbourhood Overlay is a guide to discretion and planning considerations. A Residential Sales Centre is not in character with the neighbourhood, not sensitive in scale and will look different from the rest of the street.
- e. The Appellant provided 9 pictures (Exhibit "A") one of which was of the proposed sales centre and sales sign. The sign to be erected is expected to be larger than that shown in the picture.
- f. Two of the pictures showed the streetscape along 136 street, and children and crossing guards using a pedestrian activated crosswalk light on 102 Avenue.
- g. The route along 136 Street is popular, not just with school children, but with pedestrians viewing the ambiance of the neighbourhood and the heritage homes.
- h. The Residential Sales Centre will attract traffic, impeding a pedestrian friendly street.

#### Parking Issues

- a. The only realistic place for visitors of the Residential Sales Centre to park is along 136 Street which has no sidewalks on either side. Visitors will step on to adjacent yards when exiting vehicles.

- b. 136 Street already has parking congestion and a fire hydrant on the west side further encourages parking all along the east side of the street.
  - c. There is a school kitty corner from the proposed development on 102 Avenue resulting in heavy foot and vehicle traffic. There are parking issues at all times of the day.
  - d. The proposed development is “the thin edge of the wedge” that will establish a precedent for the encroachment of business development in a purely single family area.
4. Although City Council has allowed the subdivision of slim RF1 Single Detached Residential Zone lots this does not mean that existing rules would cease to be in effect. A Residential Sales Centre would remain a Discretionary Use. It was his opinion that the Development Officer’s decision to permit this Discretionary Use does not align with the Mature Neighbourhood Overlay and the intent of City Council.

Mr. Percy provided the following responses to questions:

1. He confirmed that the proposed development is located in the RF4 Semi-detached Residential Zone.
2. Children walk along 136 Street and have worn a path in the grass although this path is likely on City property.
3. The pictures presented were taken the day before this hearing. Although they depict few, if any vehicles on 136 Street to the south of 102 Avenue, this is often not the case and there are also two intersecting alleyways. History has proven this street to be a dangerous place.
4. This area is allocated for neighbourhood renewal next year which will result in increased traffic congestion due to construction traffic, as well as temporary no parking zones for residents.
5. There is not a school zone speed limit on 102 Avenue.
6. The Mature Neighbourhood Overlay applies to this decision because it is a Discretionary Use and a Commercial Use. Neighbours are unaware as to what the proposed development will look like.
7. Since the proposed development is a sales centre as well as a show home, it is different from the residential marketing and sale of a private home. It markets both the developer and the developer’s three developments, not just the subject property.

The Board heard from Ms. M. Robinson, a resident in the neighbourhood just outside of the 60 metre notification area. Ms. Robinson provided the following information:

1. She is affected by the proposed development as she uses 136 Street regularly and her children use it to go to school.
2. She clarified that school children and other residents of the neighbourhood do not always use the path on the east side of 136 Street and walk on the road.
3. Her main concern is safety.

The Board heard from Ms. F. Hetherington representing the City of Edmonton Sustainable Development Department, who was appearing on behalf of Mr. M. Zentner, the Development Officer who issued the initial permit.

Ms. Hetherington referred to a copy of Mr. Zentner's report (Exhibit "B"). The Board recessed briefly to review the materials. The Parties were also provided copies of Mr. Zentner's report for review. Prior to reconvening the hearing, the Board confirmed with the parties that they did not require more time to review the report. The parties had no objections, and the Board continued the hearing.

Ms. Hetherington provided the following responses to questions:

1. Residential Sales Centres are located in most residential areas in the City.
2. The sales centre component will be 24 square feet located on the second floor of the show home.
3. The original Development Officer determined that three parking spaces were required: two for the principal dwelling and one parking space for every 20 square metres to be used as a sales centre.
4. In her opinion, only one parking space is required as the development is not considered a dwelling until the Residential Sales Centre ceases operating.
5. High volumes of visitors are not expected.
6. She could not advise if a Residential Sales Centre increases the intensity of Use, because it would depend on the number of visitors.
7. The proposed development is not considered a Commercial Use but requires a Major Development Permit.
8. A permit for a Residential Sales Centre is typically granted for two years.
9. There are two available parking spaces at the rear of the proposed development.

The Board heard from the Respondent, Mr. Richard Nault of Urbanage Homes who provided the following information:

1. The variance allowing two parking spaces is justified and fair. He believes he has exceeded the parking requirement as six parking spaces are available within their three lots.
2. They will not be developing on the adjacent lots while the Residential Sales Centre is in operation.
3. His Company is respectful of City of Edmonton bylaws, as well as the communities within which they build.
4. The subject property will not be a show home parade; it will just be a single sales centre.
5. They do not own the three lots to the west of the subject site.

Mr. Nault provided the following responses to questions:

1. Typical show home hours are from 3:00 p.m. to 8:00 p.m. on weekdays and from 12:00 p.m. to 5:00 p.m. on weekends.



2. He plans to have the proposed development primarily open on weekends from 12:00 p.m. until 5:00 p.m. with an occasional weekday appointment after 5:00 p.m.
3. The primary purpose of the proposed development is to be a showcase for the Glenora development; however, if a visitor to their sales centre wishes to have them build in another area; they would be open to that. They currently do not own nor are they developing properties in other areas.
4. He would be amenable to the imposition of restricted operating hours and a permit duration of 12 to 16 months.
5. There is a lot of down time during weekdays. This is the reason the sales centre is not open during regular weekday business hours.
6. He would like to highlight the sales centre with some signage and have lights at Christmas time but would stay within City bylaws.

In rebuttal, Mr. Percy made the following points:

1. He was not pleased with the late delivery of the Development Officer's reasons and noted that the reasons addressed only the parking issue.
2. The Development Officer did not consider traffic concerns, the scheduled neighbourhood renewal or the Mature Neighbourhood Overlay.
3. He has concerns that once the Development Permit is approved the developers will proceed as they see fit. The Appellant and other opponents are tired of the rhetoric of developers who claim they are sensitive to community opinions. This Applicant has been unresponsive to prior communication attempts from community members and boards.
4. Two parking spaces are insufficient.
5. He is still concerned with respect to this being the first commercial development on the street.

**Motion:**

“That the appeal hearing be TABLED to July 15 or 16, 2015, or as the parties dictate”.

**Reasons for the Tabling:**

1. A Residential Sales Centre is a Discretionary Use in the RF4 Semi-detached Residential Zone, Section 150.3(7) of the *Edmonton Zoning Bylaw*.
2. The Board found that it did not receive sufficient information with respect to Sections 82(1) and 82(3) of the *Edmonton Zoning Bylaw* given that no report from the City of Edmonton Transportation Services Department was provided. The Board requires that information to render its decision.

**July 30, 2015 Hearing**

**Motion:**

“That SDAB-D-15-136 be raised from the Table.”

The Board heard from Mr. D. Johnson, the Appellant, who provided the following information.

1. He asserted that 102 Avenue will be very busy when the bridge re-opens.
2. Residents cannot park on the block because of neighborhood renewal. Next year reconstruction will come south of 102 Avenue.
3. There is currently great stress on visitor parking in the area and the proposed Sales Centre will add to it.
4. He had no comment regarding the e-mail from City of Edmonton Transportation Services Department.
5. He would be in favour of the development if the temporary use ends with the re-opening of the bridge.

The Respondent, Mr. Richard Nault of Urbanage Homes advised he had no new information to add.

The hearing was closed.

Due to a miscommunication of the start time, the hearing was re-opened to allow the Appellant's Agent, Mr. D. Percy, a chance to address the response received from the City of Edmonton Transportation Services Department. He provided the following information:

1. He noted that the City of Edmonton Transportation Services Department replied very quickly and it was his view they had given this matter very little consideration. The response seemed to be limited to parking and does not address the Board's request for further information.
2. Vehicles line up at 136 Street to get on to 102 Avenue.
3. There is no parking available on 102 Avenue and very few spaces on the west side of 136 Street because of the fire hydrant which is located along the property line of the proposed sales centre.
4. People walk to school along the road as there are no sidewalks.
5. 102 Avenue is going to be a bike route to 136 Street and the bike route will then turn south; bicycle traffic will add to the congestion on the street.
6. At certain times of the year there is parking on both sides of the street which makes it difficult to get through.
7. He disagrees that the proposed centre is only 24 square feet. The entire show home is a sales centre and would generate more traffic than two parking spaces can accommodate.

The Board heard from Mr. L. Lubin, an affected property owner, who provided the following information:

1. He is most concerned about the safety of children and has been involved with safety issues in the neighbourhood for many years.
2. The community had requested that the City of Edmonton install traffic lights for safety reasons.

3. There is not much traffic from 9:30 a.m. to 11:30 a.m. and 1:30 p.m. to 3:30 p.m. and these are the only safe times.

Mr. Lubin provided the following information in response to questions:

1. He is not aware of any requests for sidewalks and assumes they come with neighbourhood renewal.

The Respondent, Mr. Richard Nault of Urbanage Homes advised he had no new information to add.

Mr. D. Johnson and Mr. D. Percy declined the opportunity for rebuttal.

**Decision:**

The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is REFUSED.

**Reasons for Decision:**

The Board finds the following:

1. A Residential Sales Centre is a Discretionary Use in the RF4 Semi-detached Residential Zone. (Section 150.3(7))
2. The Board does not accept the Development Officer's calculation with respect to the Floor Area of the Residential Sales Centre and has determined the entire structure is a Residential Sales Centre for the following reasons:
  - a. The Development Officer determined that the Floor Area of the proposed Residential Sales Centre is 2.25 square metres; therefore one parking space is required. The Board felt that based on the intended use provided by the Respondent more than the designated space will be used as a Residential Sales Center.
  - b. The Board finds the entire structure is a Residential Sales Centre and the Floor Area, based on the approved plans, is 174.01 square metres; therefore 9 parking spaces are required.
  - c. The Board is not prepared to grant a variance of up to 8 parking spaces.
3. The Respondent's presentation clearly identified that they have only 2 properties to develop on 102 Avenue. The Board finds that the proposed Residential Sales Centre will be operated as a show piece for the Respondent and it will be bringing in clients from outside of the Glenora neighbourhood.
4. The Board received significant neighbourhood opposition for the proposed development. No one, other than the Respondent, appeared to support the development.

5. The Board accepts that there is no parking on 102 Avenue and that there are no sidewalks on either side of 136 Street, south of 102 Avenue. The Board accepts that the proposed development will add to vehicle congestion and pedestrian safety concerns for the neighbourhood.
6. The Board, despite a request to the City of Edmonton Transportation Services Department for their feedback on this development, did not receive anything that the Board deemed useful in determining if there were any parking or traffic safety concerns.
7. Pursuant to s 687(3)(d) of the *MGA*, the Board finds that the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

**Important Information for Applicant/Appellant**

1. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under s 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
2. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

Mr. V. Laberge, Presiding Officer  
Subdivision and Development Appeal Board

CC: r

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Date: August 14, 2015  
Project Number: 167232980-001  
File Number: SDAB-D-15-167

## **Notice of Decision**

This appeal dated July 7, 2015, from the decision of the Development Authority for permission to:

install a Freestanding Minor Digital On-premises Off-premises Sign (Integra Tire)

On Plan 4187RS Blk 2 Lot 1, located at 5015 - 99 Street NW, was heard by the Subdivision and Development Appeal Board on July 30, 2015.

### **Summary of Hearing:**

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with s 686 of the *Municipal Government Act*, RSA 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to install a Freestanding Minor Digital On-premises Off-premises Sign (Integra Tire) at 5015 – 99 Street NW. The subject site is zone IM Medium Industrial Zone.

The development permit application was refused because the existing Freestanding On-premises Sign is 6.6 metres from the proposed Freestanding Minor Digital On-premises Off-premises Sign and will result in a proliferation of signage on the Site. It is the opinion of the Development Authority that the proximity of the proposed and existing Sign will obstruct the visibility of the building on Site, which adversely impacts the built environment.

Prior to the hearing the following information was provided to the Board:

- A written submission from the Appellant received on July 28, 2015
- A written submission from the Development Authority received on July 27, 2015

The Board heard from Mr. J. Murphy, representing the Appellant, Pattison Outdoor Advertising, who provided the following information:

1. His client is applying for a sign that requires no variances and the sign meets all the requirements of Schedule 59G of the *Edmonton Zoning Bylaw*.

2. No one has opposed this application.
3. The Development Officer is required to review a discretionary sign in the IM Medium Industrial Zone in the context of the surrounding environment and he refused the sign based on this review. He disagrees with this reason for refusal and referred the Board to Tab 1 of his submission which illustrates numerous industrial zones around the subject site.
4. There is no historical designation in the area and the City of Edmonton Transportation Services Department has no concerns with this sign.
5. The sign is within 6.6 metres to an existing sign and the proliferation of signs was of concern to the Development Officer. He felt that the use of the word *proliferation* is inappropriate here and stated that *proximity* does not infer *proliferation*.
6. He cited Schedule 59G.3(6)(k) of the *Edmonton Zoning Bylaw* which puts a constraint on the number of signs permitted at four. With the addition of the proposed new sign, the total will only be three.
7. He referred the Board to the City of Edmonton Digital Sign Regulations (Tab 8 of his submission). He specifically referred to Item 5 which reads:
  - “Controlling sign proliferation by
    - Restricting digital signs to appropriate commercial and industrial zones
    - Establishing appropriate separation distances between large digital sign”Their proposed sign fits this regulation and does not cause any kind of proliferation.
8. He referred the Board to an earlier SDAB decision (SDAB-D-13-024) regarding a Minor Digital Off-premises Sign that was approved. Reason No. 2 supporting the decision was that “Minor Digital Off-premises Signs are characteristic in the IM Medium Industrial Zone”.
9. The Development Officer felt that the proposed sign will obstruct the visibility of the building on the site creating an adverse impact. He referred to Tab 2 of his submission which shows that their proposed sign has been oriented to catch the attention of southbound and westbound traffic and would provide no significant obstruction of the building. He did acknowledge that a south bound view of the proposed sign would slightly obstruct the building.
10. There is very little obstruction of the very large building by the proposed sign. A tree on the site substantially obstructs the building more than the proposed sign does.
11. The site’s owner provided written support of the application (Tab 3) and has no concern about visibility problems created by the sign.
12. In summary, the proposed sign complies with the regulations appropriate for the site and there are no proliferation problems.

The Board heard from Mr. S. Ahuja, representing the City of Edmonton Sustainable Development Department, who provided the following information:

1. He submitted the following exhibits:
  - a. Exhibit A-1: A photo of the existing site with the proposed sign imposed onto the photo.
  - b. Exhibit A-2: A photo of the existing sign when travelling west along 51 Avenue.

- c. Exhibit A-3: An aerial view of the existing sign.
  - d. Exhibit A-4: A photo of a site plan from a previous freestanding sign which included a representation of where this proposed sign would be located.
2. Four signs are allowed on the subject site. There is presently no bylaw restricting the minimum distance between On-premises and On-premises Off-premises Signs on the property.
  3. The Development Officer found that the building already has a surplus of signage, the proposed development adversely impacts the build environment and the signage is too close at this particular location.
  4. The existing signage already meets the needs of the tenant of the building.
  5. Exhibit A-1 shows that the sign would cause the building to be obscured.

Mr. Ahuja provided the following response to questions:

1. Inclusion of the site map from the previous application is to serve the purpose of illustrating the proximity of the existing sign to the proposed sign.
2. He confirmed that he has visited the site and finds there is a proliferation of signage present.

In rebuttal, Mr. Murphy made the following points:

1. The sign presentation (Exhibit A-1) used by the Development Officer was prepared by him and he acknowledged that the mock-up did not realistically indicate the true height of the sign. When they prepare their submissions they rely on submitted professional plans and documentation.
2. This proposed sign is targeted for traffic not covered by the existing sign.
3. The signage does not require specific separation distances as conceded by Development Officer.

**Decision:**

The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED subject to the following condition:

1. The Freestanding Minor Digital On-premises Off-premises Sign is approved for a period of five years and will expire on August 14, 2020.

**Reasons for Decision:**

The Board finds the following:

1. A Minor Digital On-premises Off-premises Sign is a Discretionary Use in the IM Medium Industrial Zone, Section 420.3(12) of the *Edmonton Zoning Bylaw*.

2. The Board agrees with the Appellant that this is the third of four signs allowed on the site in the IM Medium Industrial Zone pursuant to Schedule 59G.3(6)(k) of the *Edmonton Zoning Bylaw*.
3. The Board accepts that the Sign Height in relation to the building will have minimal visual impact on the building.
4. The proposed Sign complies completely with the IM Medium Industrial Zone and Schedule 59G of the *Edmonton Zoning Bylaw*.
5. The City of Edmonton Transportation Services Department has no objections.
6. The Board received one letter of support and there was no opposition to the proposed development.
7. Pursuant to s 687(3)(d) of the *Municipal Government Act* the Board finds that the proposed development will 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.

### **Important Information for the Applicant/Appellant**

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1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5<sup>th</sup> Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under s 688 of the *Municipal Government Act*, RSA 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.



6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.*

Mr. V. Laberge, Presiding Officer  
Subdivision and Development Appeal Board