

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 3, 2019**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I 9:00 A.M. SDAB-D-19-102

Erect Privacy Screening at 3.05 metres in Height in the Rear Yard and Side Yard of a Single Detached House.

3416 - Watson Place SW
Project No.: 305134980-001

II 11:00 A.M. SDAB-D-19-103

Install one (1) Minor Digital On-premises Off-premises Freestanding Sign (PATTISON | SHOPPES AT TERWILLEGAR)

14203 - 23 Avenue NW
Project No.: 311652056-001

NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-19-102

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN
ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 305134980-001

APPLICATION TO: Erect Privacy Screening at 3.05 metres in
Height in the Rear Yard and Side Yard of
a Single Detached House.

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: April 18, 2019

DATE OF APPEAL: May 21, 2019

NOTIFICATION PERIOD: Apr 30, 2019 through May 21, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 3416 - Watson Place SW

LEGAL DESCRIPTION: Plan 1125822 Blk 3 Lot 34

ZONE: RSL-Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Windermere Area Structure Plan
Windermere Neighbourhood Structure
Plan

Grounds for Appeal

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

1. this was built before a permit was filed
2. distance of this structure was built next to the permanent fence

3. the fence is grey while this structure is brown and does not follow architectural guidelines
4. Overall height is over 8 feet

General Matters

The Subdivision and Development Appeal Board made and passed the following motion on May 29, 2019:

"That the appeal hearing be scheduled for July 3, 2019 at the written request of the Respondent and in agreement with the Appellant."

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.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (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 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

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

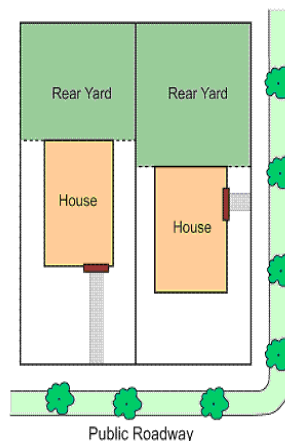
Under section 6.1, **Privacy Screening** means “a feature that obscures direct and otherwise unimpeded sightlines. Common examples include: vegetative screening, such as shrubs and trees, lattice, masonry or wooden walls, parapet walls, translucent glass or any combination of these or like features. Privacy Screening does not include a balustrade railing or similar railing system.”

Under section 6.1, **Fence** means “a structure constructed at ground level, used to prevent or restrict passage, provide visual screening, noise attenuation, Landscaping, or to mark a boundary.”

Under section 6.1, **Height** means “a vertical distance between two points.”

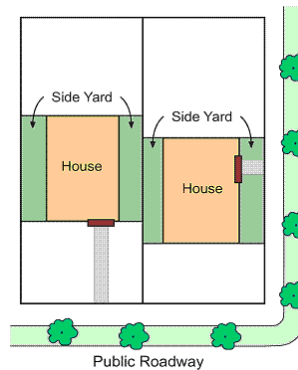
Under section 6.1, **Rear Yard** means

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



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

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



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

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four principal Dwellings under certain conditions, including Secondary Suites and Garden Suites.

Fences, Walls, Gates, and Privacy Screening in Residential Zones

Section 49.1 states the following with respect to *Fences, walls and gates*:

- a. The regulations contained within Section 49.1 of this Bylaw apply to:
 - i. the Height of the material used in the construction of a Fence, wall, or gate, such as but not limited to boards, panels, masonry, ornamental iron, and chain link, plus any additional elements used for screening, such as, but not limited to, lattice.
- b. Notwithstanding subsection 49(1)(a), the regulations for Fences, walls, and gates contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Fence, wall, or gate.
- c. The Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 m back from the property line of the Site on which the Fence, wall, or gate is to be constructed.
- d. On an Interior Site, the Height of a Fence, wall, or gate shall not exceed:

- i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard, and
 - ii. 1.85 m in all other Yards.
- e. On a Corner Site, the Height of a Fence, wall, or gate shall not exceed:
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard,
 - ii. 1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line, and
 - iii. 1.85 m in all other Yards.
- f. In the case where the permitted Height of a Fence, wall, or gate is 1.2 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- g. In the case where the permitted Height of a Fence, wall, or gate is 1.85 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 2.44 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- h. Notwithstanding subsection 49.1(f) and subsection 49.1(g) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow a Fence, wall, or gate of up to 1.85 m in Height in one of the Front Yards, and allow a Fence, wall, or gate of up to 2.44 m in Height in the other Front Yard, having regard to the location of Fences, walls, and gates in the surrounding area and the requirement for screening.

Section 49.2 states the following with respect to *Privacy Screening*:

- a. The regulations contained within Section 49.2 of this Bylaw apply to:
 - i. the Height of the material used in the construction of Privacy Screening such as but not limited to lattice, wooden or masonry walls, parapet walls or translucent glass.
- b. Notwithstanding subsection 49(2)(a), the regulations for Privacy Screening contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Privacy Screening.
- c. Privacy Screening, excluding vegetative screening, constructed on a Platform Structure located within a Front Yard, required Side Setback or within 2.5 m of a

Rear Lot Line shall not exceed 1.2 m in Height, and 1.85 m in Height in all other Yards, when measured from the surface of a Platform Structure.


- d. Privacy Screening, excluding vegetative screening, constructed on a Rooftop Terrace shall be a minimum Height of 1.5 m and shall not exceed 1.7 m in Height, when measured from the surface of a Rooftop Terrace.
- e. Privacy Screening, excluding vegetative screening, constructed on a Rooftop Terrace shall conform with the Stepback regulations of Section 61 of this Bylaw.
- f. The Height of Privacy Screening constructed at ground level shall be measured from the average ground level 0.5 m back from the Privacy Screening.
- g. On an Interior Site, the Height of Privacy Screening, excluding vegetative screening, constructed at ground level, shall not exceed:**
 - i. 1.2 m for the portion of the Privacy Screening constructed in the Front Yard, and**
 - ii. 1.85 m in all other Yards.**
- h. On a Corner Site, the Height of Privacy Screening, excluding vegetative screening, constructed at ground level, shall not exceed:
 - i. 1.2 m for the portion of the Privacy Screening constructed in the Front Yard,
 - ii. 1.2 m for the portion of Privacy Screening situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Rear Lot Line to the Front Lot Line, and
 - iii. 1.85 m in all other Yards.
- i. In the case where the permitted Height of Privacy Screening is 1.2 m, the Development Officer may vary the Height of Privacy Screening to a maximum of 1.85 m, in order to prevent visual intrusion and provide additional screening from adjacent properties.
- j. In the case where the permitted Height of Privacy Screening is 1.85 m, the Development Officer may vary the Height of Privacy Screening to a maximum of 3.05 m, in order to prevent visual intrusion and provide additional screening from adjacent properties.**
- k. Notwithstanding subsection 49.2(i) and subsection 49.2(j) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow Privacy Screening, excluding vegetative screening, of up to 1.85 m in Height in one of the Front Yards, and allow Privacy Screening, excluding vegetative screening, of up to 3.05 m in Height in the other Front Yard, having regard to the location of Fences, walls, gates and Privacy Screening in the surrounding area and the requirement for screening.

Development Officer's Determination

Privacy Screening Height- The privacy screen in the Rear Yard and Side Yard is 3.05m high, instead of 1.85m (Section 49.2.g and Section 49.2.j). [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: 305134980-001 Application Date: FEB 15, 2019 Printed: April 18, 2019 at 2:44 PM Page: 1 of 2		
<h2 style="margin: 0;">Overheight Fence Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 3416 - WATSON PLACE SW Plan 1125822 Blk 3 Lot 34		
Scope of Permit To erect Privacy Screening @ 3.05m in Height in the Rear Yard and Side Yard of a Single Detached House.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none) </td> <td style="width: 50%; border: none;"> Site Area (sq. m.): 1172.32 </td> </tr> </table>		Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 1172.32
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 1172.32		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved Issue Date: Apr 18, 2019 Development Authority: SELTZ, AARON Subject to the Following Conditions The Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). Reference Section 17 (1). This Development Permit authorizes the development of Privacy Screening @ 3.05m in Height in the Rear and Side Yard of a Single Detached House. The development shall be constructed in accordance with the stamped and approved drawings. Immediately upon completion of the exterior alterations, the site shall be cleared of all debris. As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Reference Section 57.3(1)). ADVISEMENTS: An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2) Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.			
VariANCES Privacy Screening Height- The privacy screen in the Rear Yard and Side Yard is 3.05m high, instead of 1.85m (Section 49.2.g and Section 49.2.j).			



Project Number: **305134980-001**
Application Date: FEB 15, 2019
Printed: April 18, 2019 at 2:44 PM
Page: 2 of 2

Overheight Fence Permit

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Apr 30, 2019

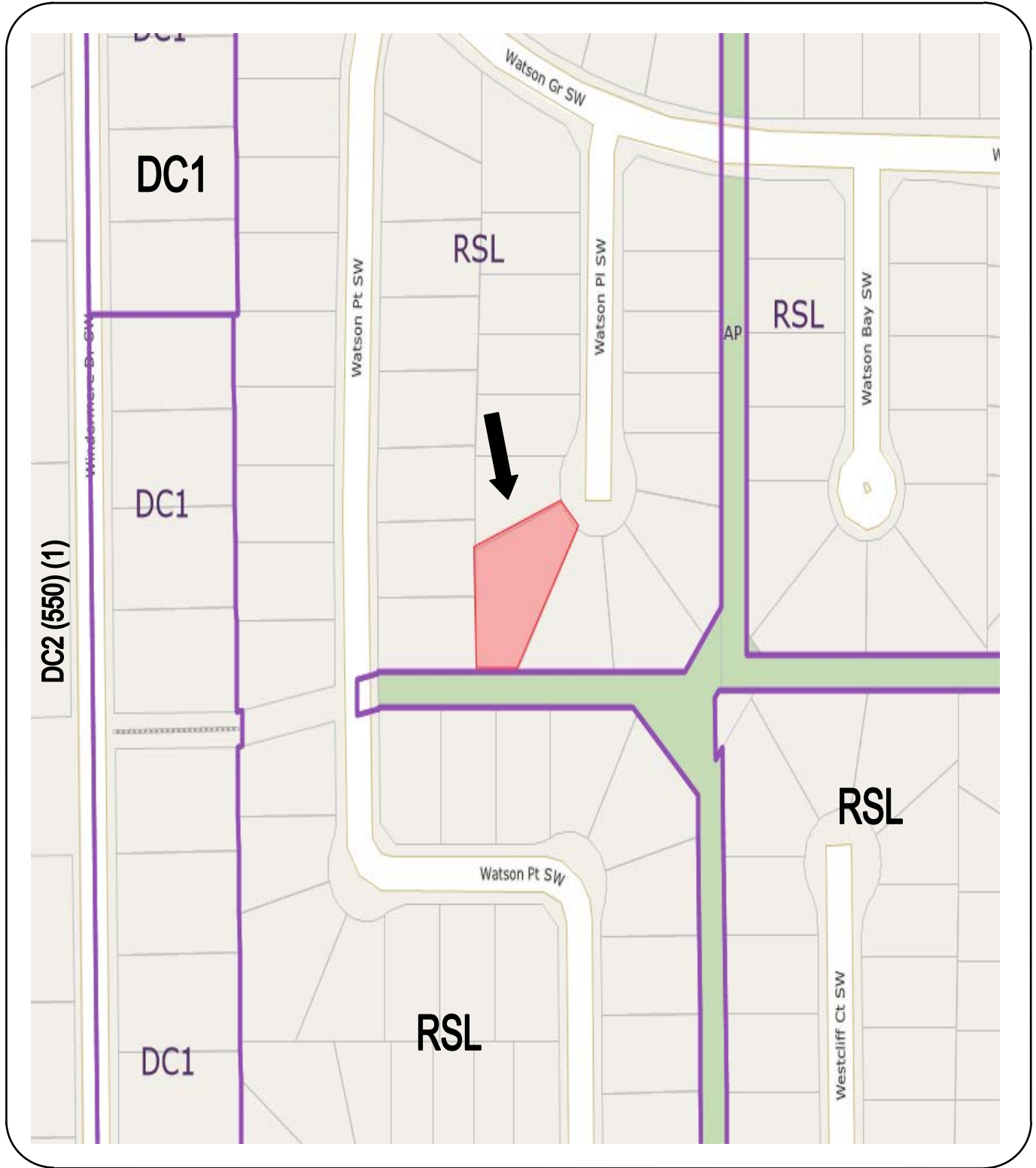
Ends: May 21, 2019

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$179.00	\$179.00	804888013242001	Feb 15, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$179.00	\$179.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-102



ITEM II: 11:00 A.M.

FILE: SDAB-D-19-103

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 311652056-001

APPLICATION TO: Install one (1) Minor Digital On-premises
Off-premises Freestanding Sign
(PATTISON | SHOPPES AT
TERWILLEGAR)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 30, 2019

DATE OF APPEAL: June 10, 2019

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 14203 - 23 Avenue NW

LEGAL DESCRIPTION: Plan 0220792 Blk 70 Lot 89

ZONE: CSC-Shopping Centre Zone

OVERLAY: Special Area Terwillegar

STATUTORY PLAN: Terwillegar Towne Neighbourhood Area
Structure Plan

Grounds for Appeal

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

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. Radial Separation On Site — Sec. 59.2(21)

- a. The proposed Sign does require a minor variance (12.4 metres) from an existing Tenant On-premises Sign.
- b. The proposed Sign does not require a variance from the "Shoppes at Terwillegar Gardens" Sign. That latter mention Sign is not a

Freestanding Sign. It is an "Identification Sign" within the meaning set out in Section 6.2 of the Zoning Bylaw and it is a "Fascia Sign" within the meaning set out in that same section.

2. Setback Issue — sec. 59.E3(5)(i) [D.O. cites 59.E2(5)(i)]

There is a large boulevard area between the proposed Sign and the adjacent road surface. While there is a technical deficiency in setback from the property line, the practical setback from the road is approximately 13 metres. Since the property owner is responsible to maintain the boulevard area [Community Standards Bylaw No. C14600, sec. 8], it seems reasonable that he be permitted to take advantage of it in support of his requirement for a variance.

3. Total Signs — Sec. 59E.3(5)(j) [D.O. cites 59E.2(5)(j)]

In her refusal, the Officer has included the Centre's Fascia Identification Sign in the restricted sign total, implicitly classifying it as either a Freestanding On-premises Sign, a Roof On-premises Sign, a Major Digital Sign, a Minor Digital On-premises Sign, a Minor Digital On-premises Off-premises Sign or a Minor Digital Off-premises Sign. As indicated above, this sign is an "Identification Sign" within the meaning set out in Section 6.2 of the Zoning Bylaw and it is a "Fascia Sign" within the meaning set out in that same section. Accordingly, the number of restricted Signs existing on site is four, and the variance required is only one. Given the size of the site and the particular location of the proposed Sign, a variance of one additional sign is warranted.

4. Separation from Neighbouring Centre's Sign — Sec. 59E.3(5)(d) [D.O. cites 59E.2(5)(d)]

The existing Sign on the neighbouring Centre (which the proposed Sign is intended to juxtapose) is of a curvilinear design which triggers the jump from a 100 metre separation distance to 200 metres. It is not the proposed Sign which necessitates the required variance. In point of fact, the "face on" view of the existing Sign is the same view one would have of a flat, 10' x 20' Sign like the one proposed by the Appellants. Moreover, because the two Signs will face each other directly, neither sign-face will be visible at the same time.

5. Such further and other reasons as may be presented at the hearing of this appeal.

Our clients initially proposed to place the subject Sign at a more "Bylaw-friendly" location along the north boundary of the site and west of the currently proposed location to avoid the proximity issue vis-à-vis the existing Sign located in the Centre northeast of the subject site (see SDAB-D-18-022). In response to concerns raised by neighbours that the previously

suggested location would be inappropriate given the increased proximity to residential development, that earlier application was withdrawn.

The currently proposed location does require variances, but not to the extent suggested by the Development Officer. Moreover, none of the required variances have any impact whatsoever on the use, enjoyment of value of neighbouring properties and the amenities of the neighbourhood are the four, major commercial shopping Centres that exist at the intersection of Rabbit Hill Road and 23rd Avenue. This is an expected location for a digital Sign, the proposed location mirrors that kitty-corner across the intersection without the possibility that both Signs will be visible at the same time.

<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,

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Appeals

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 - (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, [...]

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (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.

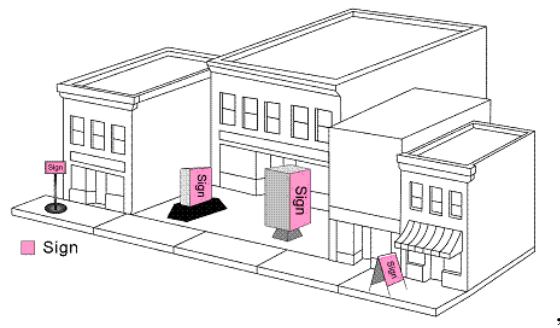
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 340.3(37), **Minor Digital On-premises Off-premises Signs** is a **Discretionary Use** in the (CSC) Shopping Centre Zone.

Under section 7.9(7), **Minor Digital On-premises Off-premises Signs** means:

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

Under section 6.2, **Freestanding Signs** means “a Sign supported independently of a building.



Under section 6.2, **Off-Premise Sign** means:

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Under section 6.2, **Off-Premise Advertising** means:

means Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.

Section 320.4(8) states “**Signs** shall comply with the regulations found in **Schedule 59E**.”

Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is “to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.”

Separation Distance on Same Site

Section 59.2(21) states that any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure.

Development Officer’s Determination

Existing Tenant On-premises Sign
Required Separation Distance: 45.0 m
Proposed Separation Distance: 32.6 m
Deficient by: 12.4 m

Shoppes at Terwillegar Gardens Sign
Required Separation Distance: 45.0 m
Proposed Separation Distance: 0.5 m
Deficient by: 44.5 m

There is no unnecessary hardship or practical difficulties that would justify an additional sign on the site. The proposed sign would result in crowding of Signs on the site.

Setback

Schedule 59E.3(5)(i) states “proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.”

Section 320.4(3) states “A minimum Setback of 6.0 m shall be required where a Site abuts a public roadway, other than a Lane, or the property line of a Site in a Residential Zone.”

Under section 6.1, **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

Under section 6.2, **Sign Area** means “the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.”

Development Officer’s Determination

Required Setback: 6.0 m (Reference Section 320.4(3))
Proposed Setback: 1.6 m
Deficient By: 4.4 m

In the opinion of the Development Officer, a variance to this setback distance will add visual clutter, and there is no unnecessary hardship for the Site.

Maximum Number of Signs

Section 59E.3(5)(j) states the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor

Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four (Reference Section 59E.2(5)(j)).

Development Officer’s Determination

Existing Signs: 5 Freestanding On-premises Signs
 Proposed: 1 Minor Digital On-premises Off-premises Sign
 Exceeds by: 2 Signs

There is no unnecessary hardship or practical difficulties that would justify an additional sign on the site. The proposed sign would result in proliferation of Signs on the site.

<i>Separation Distance</i>

Section 59E.3(5)(d) states proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 square metres or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 square metres or other Off-premises Sign
Greater than 8.0 square metres to less than 20 square metres	100 metres
20 square metres to 40 square metres	200 metres
Greater than 40 square metres	300 metres

The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Development Officer’s Determination

4. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m² or Off-premises Signs greater than 20m² by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location (Reference Section 59E.2(5)(d)).

Area of Existing Sign 25 m² (DP# 124483997-001)
 Required Separation Distance: 200 m
 Proposed Separation Distance: 110 m
 Deficient by: 90 m

The Zoning Bylaw establishes the separation distances between Digital Signs and Off-premises Signs to prevent the proliferation of such Signs.

<i>Previous Subdivision and Development Appeal Board Decisions</i>
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Application Number	Description	Decision
SDAB-D-18-022	To install (1) Freestanding Minor Digital On-premises Off-premises Sign (1 digital panel 3m x 6.1m facing NE) (PATTISON - SHOPPES AT TERWILLEGAR).	February 7, 2018; Appeal withdrawn
SDAB-D-16-292	To change the Use of a General Retail Store to a Major Alcohol Sales	January 26, 2017; Appeal is allowed and the decision of the Development Authority is revoked. The Development is Granted.
SDAB-D-16-023	To install one Minor Digital Off-premises Sign (Icewerx)	January 29, 2016; The Appeal is denied and the decision of the Development Authority is confirmed. The Development is Refused
SDAB-D-14-019	To construct a Freestanding Off-Premise Minor Digital Sign	March 27, 2014; The Appeal is denied and the decision of the Development Authority is confirmed. The Development is Refused

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.



Application for Sign Combo Permit

Project Number: **311652056-001**
Application Date: APR 23, 2019
Printed: May 30, 2019 at 1:51 PM
Page: 1 of 3

This document is a Development Permit Decision for the development application described below.

Applicant



Property Address(es) and Legal Description(s)

14203 - 23 AVENUE NW
Plan 0220792 Blk 70 Lot 89

Scope of Application

To install (1) Minor Digital On-premises Off-premises Freestanding Sign (PATTISON | SHOPPES AT TERWILLEGAR).

Permit Details

ASA Sticker No./Name of Engineer:
Construction Value: 100000

Class of Permit:
Expiry Date:

Fascia Off-premises Sign: 0
Fascia On-premises Sign: 0
Roof Off-premises Sign: 0
Roof On-premises Sign: 0
Minor Digital On-premises Sign: 0
Minor Digital Off-premises Sign: 0
Minor Digital On/Off-premises Sign: 1

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

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Issue Date: May 30, 2019 **Development Authority:** MERCIER, KELSEY

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Application for Sign Combo Permit

Project Number: **311652056-001**
Application Date: APR 23, 2019
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Page: 2 of 3

Reason for Refusal

1. Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure (Reference Section 59.2(21)).

Existing Tenant On-premises Sign
Required Separation Distance: 45.0 m
Proposed Separation Distance: 32.6 m
Deficient by: 12.4 m

Shoppes at Terwillegar Gardens Sign
Required Separation Distance: 45.0 m
Proposed Separation Distance: 0.5 m
Deficient by: 44.5 m

There is no unnecessary hardship or practical difficulties that would justify an additional sign on the site. The proposed sign would result in crowding of Signs on the site.

2. Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback (Reference Section 59E.2(5)(i)).

Required Setback: 6.0 m (Reference Section 320.4(3))
Proposed Setback: 1.6 m
Deficient By: 4.4 m

In the opinion of the Development Officer, a variance to this setback distance will add visual clutter, and there is no unnecessary hardship for the Site.

3. The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four (Reference Section 59E.2(5)(j)).

Existing Signs: 5 Freestanding On-premises Signs
Proposed: 1 Minor Digital On-premises Off-premises Sign
Exceeds by: 2 Signs

There is no unnecessary hardship or practical difficulties that would justify an additional sign on the site. The proposed sign would result in proliferation of Signs on the site.

4. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m² or Off-premises Signs greater than 20m² by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location (Reference Section 59E.2(5)(d)).

Area of Existing Sign 25 m² (DP# 124483997-001)
Required Separation Distance: 200 m
Proposed Separation Distance: 110 m
Deficient by: 90 m

The Zoning Bylaw establishes the separation distances between Digital Signs and Off-premises Signs to prevent the proliferation of such Signs.

Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

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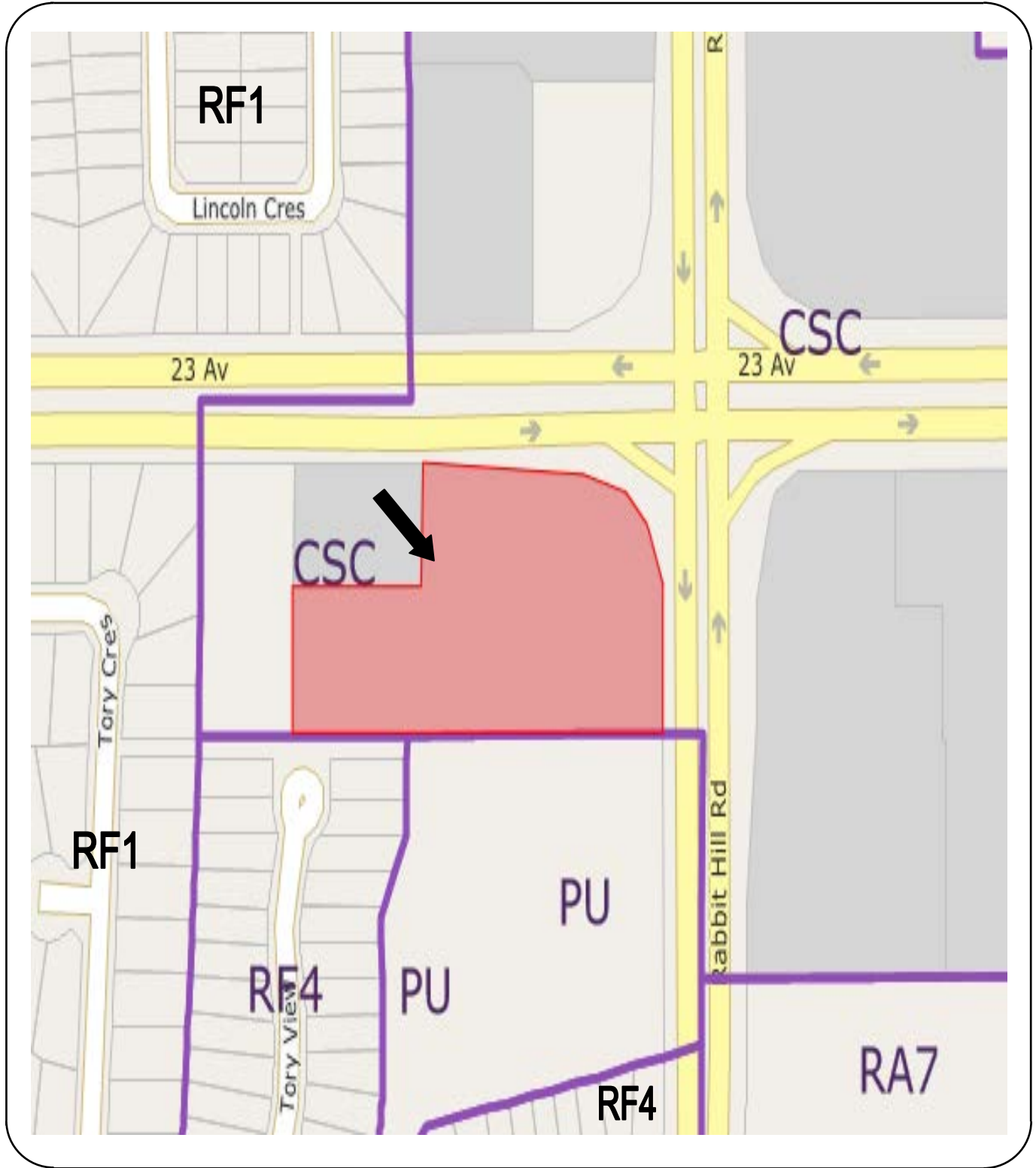
Application for Sign Combo Permit

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Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Building Permit Fee	\$1,057.00	\$1,057.00	05802909	Apr 25, 2019
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05802909	Apr 25, 2019
Safety Codes Fee	\$42.28	\$42.28	05802909	Apr 25, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,557.28</u>	<u>\$1,557.28</u>		

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-103

