

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
July 6, 2017**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-17-122

To install one (1) Freestanding Minor Digital On-premises Off-premises Sign (two digital panels facing North/Southeast 6.1 metres by 3.0 metres) (BIG SKY MEDIA - St. Paul's Lutheran Church) and to remove one (1) existing Freestanding On-premises Sign (St. Paul's)

5004 - Ellerslie Road SW
Project No.: 244255743-001

II 10:30 A.M. SDAB-D-17-123

To install one (1) Fascia On-premises Sign (Car Wash)

3515 - Allan Drive SW
Project No.: 251319953-001

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-17-122

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 244255743-001

APPLICATION TO: Install one (1) Freestanding Minor Digital On-premises Off-premises Sign (two digital panels facing North/Southeast 6.1metres by 3.0 metres) (BIG SKY MEDIA - St. Paul's Lutheran Church) and to remove one (1) existing Freestanding On-premises Sign (St. Paul's)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 24, 2017

DATE OF APPEAL: May 31, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5004 - Ellerslie Road SW

LEGAL DESCRIPTION: Plan 8221657 Lot 5

ZONE: US-Urban Services Zone

OVERLAY: N/A

STATUTORY PLAN: Charlesworth Neighbourhood Structure Plan
Southeast Area Structure Plan

Grounds for Appeal

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

1. Apply to have entire sign face digital - client wishes.
2. St. Paul's Lutheran Church has plans to renovate buildings and facilities. Signage is the first phase.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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 510.3(26), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **US Urban Services Zone**.

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

any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

Section 510.4(6) states “Signs shall comply with the regulations found in Schedule 59C.”

<i>Sign Area</i>

Section 59C.3(4)(c)(ii) states the maximum Area shall be 8.0 square metres for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 square metres.

Development Officer’s Determination:

Proposed Digital Panel: 6.1 metres by 3.0 metres = 18.3 square metres
Exceeds by: 10.3 square metres

Amenities and Character of the Zone

Section 59.2(6) states for all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.

Section 510.1 states that the **General Purpose** of the **US Urban Services Zone** is:

to provide for publicly and privately owned facilities of an institutional or community service nature.

Development Officer's Determination:

The general purpose of the US Zone is to provide for publicly and privately owned facilities of an institutional or community service nature. The development on this site is a Historic Church, and small residence. The sign is not in keeping with the land use characteristics of surrounding development. The sign will adversely impact the amenities and character of the Zone.

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **244255743-001**
 Application Date: MAR 27, 2017
 Printed: June 1, 2017 at 11:36 AM
 Page: 1 of 2

Application for Sign Combo Permit

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

Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 5004 - ELLERSLIE ROAD SW Plan 8221657 Lot 5
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Scope of Application
 To install (1) Freestanding Minor Digital On-premises Off-premises Sign (2 digital panels facing N/SE 6.1m x 3.0m) (BIG SKY MEDIA - St. Paul's Lutheran Church) and to remove (1) existing Freestanding On-premises Sign (St.Paul's).

Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 40000	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: 2	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

Reason for Refusal

1) Minor Digital On-premises Off-premises Signs shall be subject to the following regulation, the maximum Area shall be 8.0 m2 for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m2 (Reference Section 59C.3(4)(c)(ii)).

Proposed Digital Panel: 6.1m x 3.0m = 18.3m2
 Exceeds by: 10.3m2

2) For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2(6)).

The general purpose of the US Zone is to provide for publicly and privately owned facilities of an institutional or community service nature. The development on this site is a Historic Church, and small residence. The sign is not in keeping with the land use characteristics of surrounding development. The sign will adversely impact the amenities and character of the Zone.

THIS IS NOT A PERMIT



Project Number: **244255743-001**
Application Date: MAR 27, 2017
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Page: 2 of 2

Application for Sign Combo Permit

Rights of Appeal

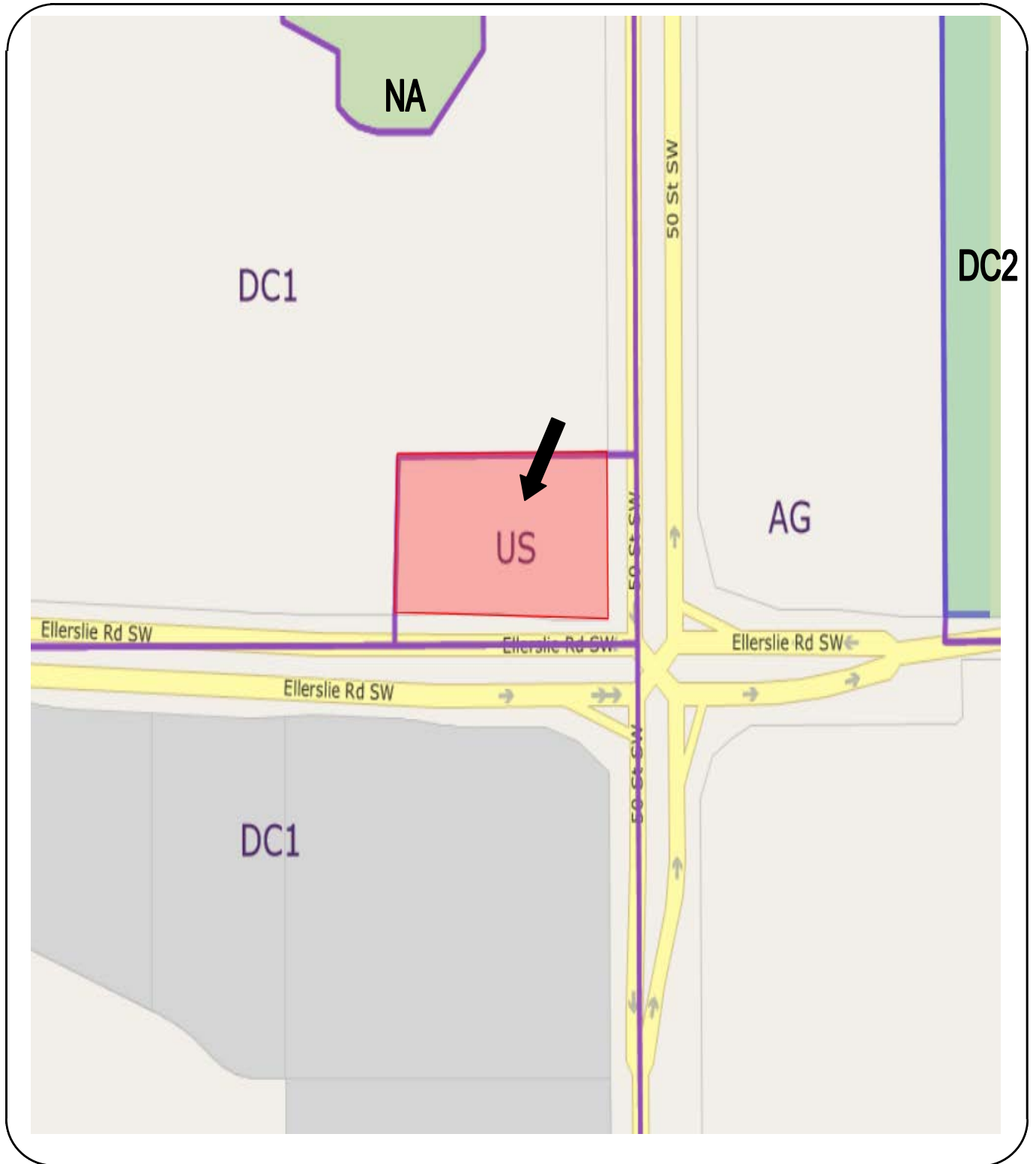
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: May 24, 2017 Development Authority: NOORMAN, BRENDA Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$884.00	\$884.00	04007225	Mar 27, 2017
Safety Codes Fee	\$16.00	\$16.00	04007225	Mar 27, 2017
Sign Building Permit Fee	\$400.00	\$400.00	04007225	Mar 27, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,300.00	\$1,300.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-122



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-123

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 251319953-001

APPLICATION TO: Install one (1) Fascia On-premises Sign (Car Wash)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 7, 2017

DATE OF APPEAL: June 9, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3515 - Allan Drive SW

LEGAL DESCRIPTION: Plan 1521954 Blk 4 Lot 3

ZONE: DC1-Direct Development Control Provision (Ambleside; Bylaw 17494)

OVERLAY: N/A

STATUTORY PLAN: Ambleside Neighbourhood Area Structure Plan
Windermere Area Structure Plan

Grounds for Appeal

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

We are appealing this decision based on the fact that there are many other developments that have set precedence on this matter where signage is allowed on multiple sides of the building including illuminated signage. Also the proposed signage would face Windermere Blvd. and Rabbit Hill Road due to the orientation of the building on the property. We respectfully request that the additional non illuminated signage be allowed on the North elevation of the building.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Designation of direct control districts

641(4) Despite section 685, 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.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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 DC1.3.2 Area B(z), a **Fascia On-premises Sign** is a **Listed Use** in the **DC1 Direct Development Control Provision**.

Under section 7.9(2), a **Fascia On-premises Sign** means any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. The Copy on such a Sign identifies or

advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Under section 6.2(7), **Fascia Signs** means any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed, so that the Sign does not extend more than 40 cm out from the wall or structure nor beyond the horizontal limits of the wall. Fascia Signs may or may not be permanent. This definition includes banners or any other two dimensional medium.

DC1.4.k states “Signs shall comply with the regulations found in Schedule 59E of the Zoning Bylaw.”

DC1.1 states that the **General Purpose** of the **DC1 Direct Development Control Provision** is:

To accommodate the development of a range of business employment uses with potential for limited commercial and service type uses for servicing the greater neighbourhood. This Provision allows the opportunity for the development of high rise buildings, which may be designed in a stand alone or mixed use format for hotel and office applications, together with ancillary and complementary commercial uses. This Provision provides development controls and urban design regulations and guidelines to establish a high quality urban environment, to ensure that the development is well integrated with the adjacent Ambleside commercial and residential areas, and to create an aesthetic and architecturally appealing development adjacent to Windermere Boulevard.

Section 720.3(3) states all Regulations in the Zoning Bylaw shall apply to development in the Direct Control Provision, unless such Regulations are specifically excluded or modified in a Direct Control Provision.


Schedule 59E Sign Regulations

Section 59E.2(1)(a) states Fascia On-premises Signs shall only face a public roadway other than a Lane.

Development Officer’s Determination

Proposed: The proposed Sign does not face a public roadway. The sign is located on the back of the building and faces the adjacent property to the north.

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 251319953-001 Application Date: MAY 08, 2017 Printed: June 9, 2017 at 2:06 PM Page: 1 of 2										
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>											
This document is a Development Permit Decision for the development application described below.											
Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 3515 - ALLAN DRIVE SW Plan 1521954 Blk 4 Lot 3 Location(s) of Work Suite: 3515 - ALLAN DRIVE SW Entryway: 3515 - ALLAN DRIVE SW Building: 3515 - ALLAN DRIVE SW										
Scope of Application To install (1) Fascia On-premises Sign (Car Wash).											
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> ASA Sticker No./Name of Engineer: 6435 Construction Value: 2600 </td> <td style="width: 50%; border: none;"> Class of Permit: Expiry Date: </td> </tr> </table>		ASA Sticker No./Name of Engineer: 6435 Construction Value: 2600	Class of Permit: Expiry Date:								
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I/We certify that the above noted details are correct. Applicant signature: _____											
Development Application Decision Refused Reason for Refusal 1) Fascia On-premises Signs shall only face a public roadway other than a Lane; (Reference Section 59E.2(1)(a)) Proposed: The proposed Sign does not face a public roadway. The sign is located on the back of the building and faces the adjacent property to the north. Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.											
Issue Date: Jun 07, 2017 Development Authority: NOORMAN, BRENDA Signature: _____											
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Development Application Fee</td> <td style="text-align: center;">\$91.00</td> <td style="text-align: center;">\$91.00</td> <td style="text-align: center;">04108959</td> <td style="text-align: center;">May 08, 2017</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Development Application Fee	\$91.00	\$91.00	04108959	May 08, 2017
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Sign Development Application Fee	\$91.00	\$91.00	04108959	May 08, 2017							
THIS IS NOT A PERMIT											



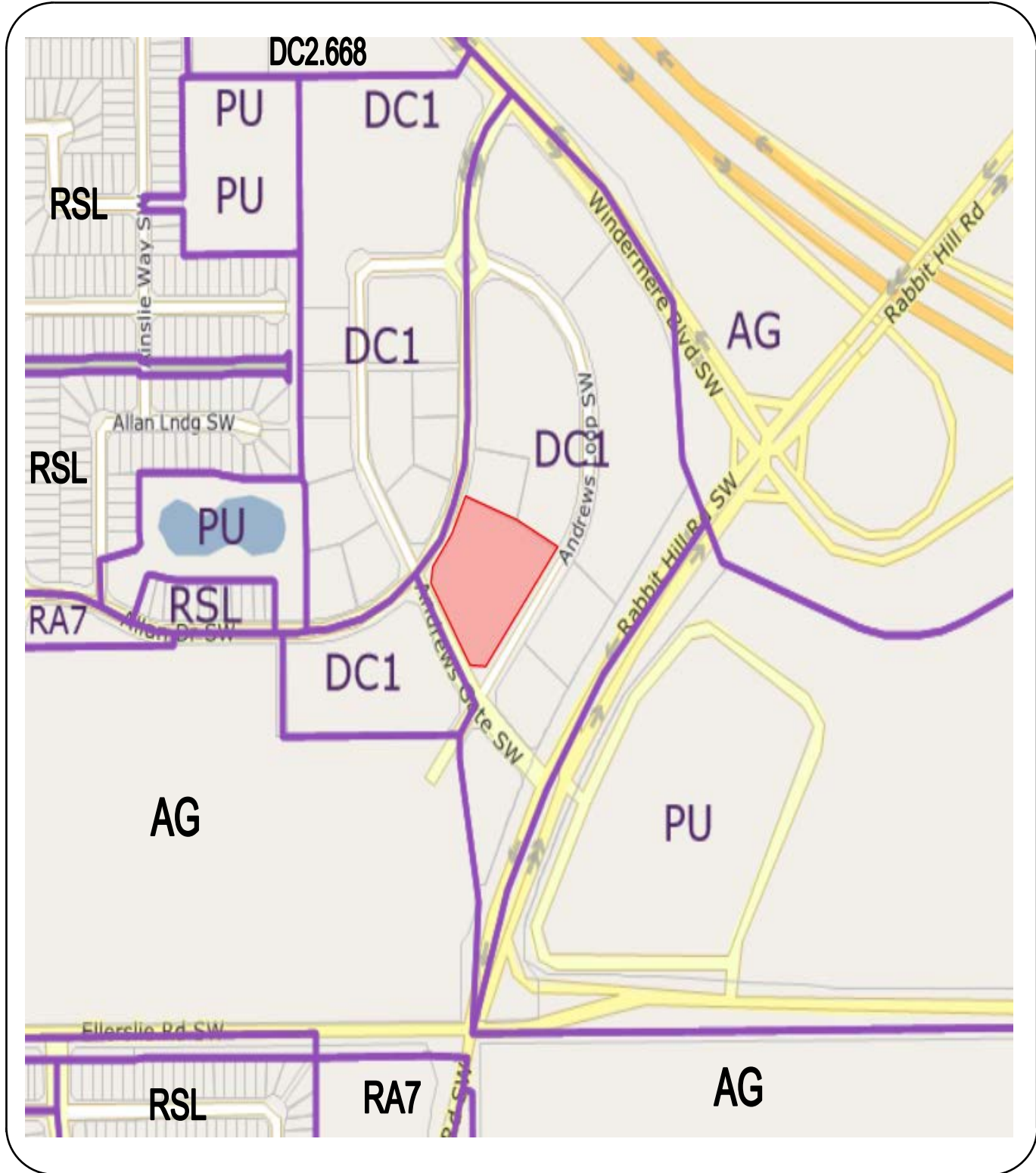
Project Number: **251319953-001**
Application Date: MAY 08, 2017
Printed: June 9, 2017 at 2:06 PM
Page: 2 of 2

Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$6.08	\$6.08	04108959	May 08, 2017
Sign Building Permit Fee	\$152.00	\$152.00	04108959	May 08, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$249.08	\$249.08		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-123

