

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
June 17, 2015**

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

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

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I	9:00 A.M.	SDAB-D-15-126	Construct a Minor Digital On-premises Off-premises Sign (double sided facing North & South)  12435 - 97 Street NW Project No.: 160590710-001
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II	11:00 A.M.	SDAB-D-15-125	Construct an uncovered deck (1.95m x 4.90m at 1.10m in height), existing without permits  15012 - 109 Avenue NW Project No.: 170465146-003
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**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-15-126

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

APPLICATION NO.:	160590710-001
APPLICATION TO:	Construct a Minor Digital On-premises Off-premises Sign (double sided facing North & South)
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with Conditions
DECISION DATE:	May 7, 2015
DATE OF APPEAL:	May 21, 2015
NOTIFICATION PERIOD:	May 12, 2015 through May 25, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	12435 - 97 Street NW
LEGAL DESCRIPTION:	Plan 5701HW Blk 11 Lot D, Plan 5701HW Blk 11 Lot A
ZONE:	CSC Shopping Centre Zone
OVERLAY:	N/A
STATUTORY PLAN:	Yellowhead Corridor Area Structure Plan

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DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

- 1) Minor Digital Off-premises Sign permit is approved for a period of up to five years. A new application will be required to extend the display duration on or before May 07, 2020
- 2) Freestanding Off-premises Signs may be allowed only on Sites that are an integral part of a commercial strip. (Reference Section 59E.3(2)(a))
- 3) The maximum Height shall be 8.0 m. (Reference Section 59E.3(5)(a))

- 4) The maximum Width shall be 8.0 m; (Reference Section 59E.3(5)(b))
- 5) The maximum Area shall be 20 m<sup>2</sup> for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m<sup>2</sup>; (Reference Section 59E.3(5)(c)(ii))
- 6) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Signs. If the proposed Sign Area is greater than 8.0m<sup>2</sup> to less than 20m<sup>2</sup> the minimum separation distance from Digital Signs greater than 8.0 m<sup>2</sup> or other Off-premises Sign shall be 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59E.3(5)(d))
- 7) Proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback (Reference Section 59E.3(5)(i)) ok
- 8) 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. (Reference 320.4(3))
- 9) 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; and. (Reference Section 59E.3(5)(j))
- 10) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

**VARIANCE:**

Minor Digital Off-premises Sign Signs are Discretionary in the CSC Zone. (Reference Section 320.3(35))

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**APPELLANT'S SUBMISSION**

I wish to appeal permit # 160590710-001 for a Minor Digital On/Off Premise Sign.

I currently hold an existing permit and development for a similar type sign. My permit # is 118347852-001 at Address 12429-97 Street

The new proposed permit is within 10 meters of our existing development. Please refuse new development.

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**SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS**

**Minor Digital On-premises Off-premises Signs** is a Discretionary Use in the CSC Shopping Centre Zone, Section 320.3(35).

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.

This application was approved by the Development Officer subject to conditions.

The decision of approval by the Development Officer has been appealed by a neighbouring property owner located at 12429 - 97 Street.

**It should be noted** multiple elevation drawings were submitted with the stamped plans.

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

Schedule 59E.3(5) states Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- a. the maximum Height shall be 8.0 m;
- b. the maximum Width shall be 8.0 m;
- c. the maximum Area shall be:
  - i. 20 square metres, to a maximum of 25 percent wall coverage for proposed Signs that are Fascia Signs; or
  - ii. 20 square metres for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m<sup>2</sup>;
- d. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m <sup>2</sup> or other Off-premises Sign
Greater than 8.0 m <sup>2</sup> to less than 20 m <sup>2</sup>	100 m
20 m <sup>2</sup> to 40 m <sup>2</sup>	200 m
Greater than 40 m <sup>2</sup>	300 m

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

- e. ...
- f. ...
- g. ...
- h. ...
- i. proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback;

- j. 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; and
- k. 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).

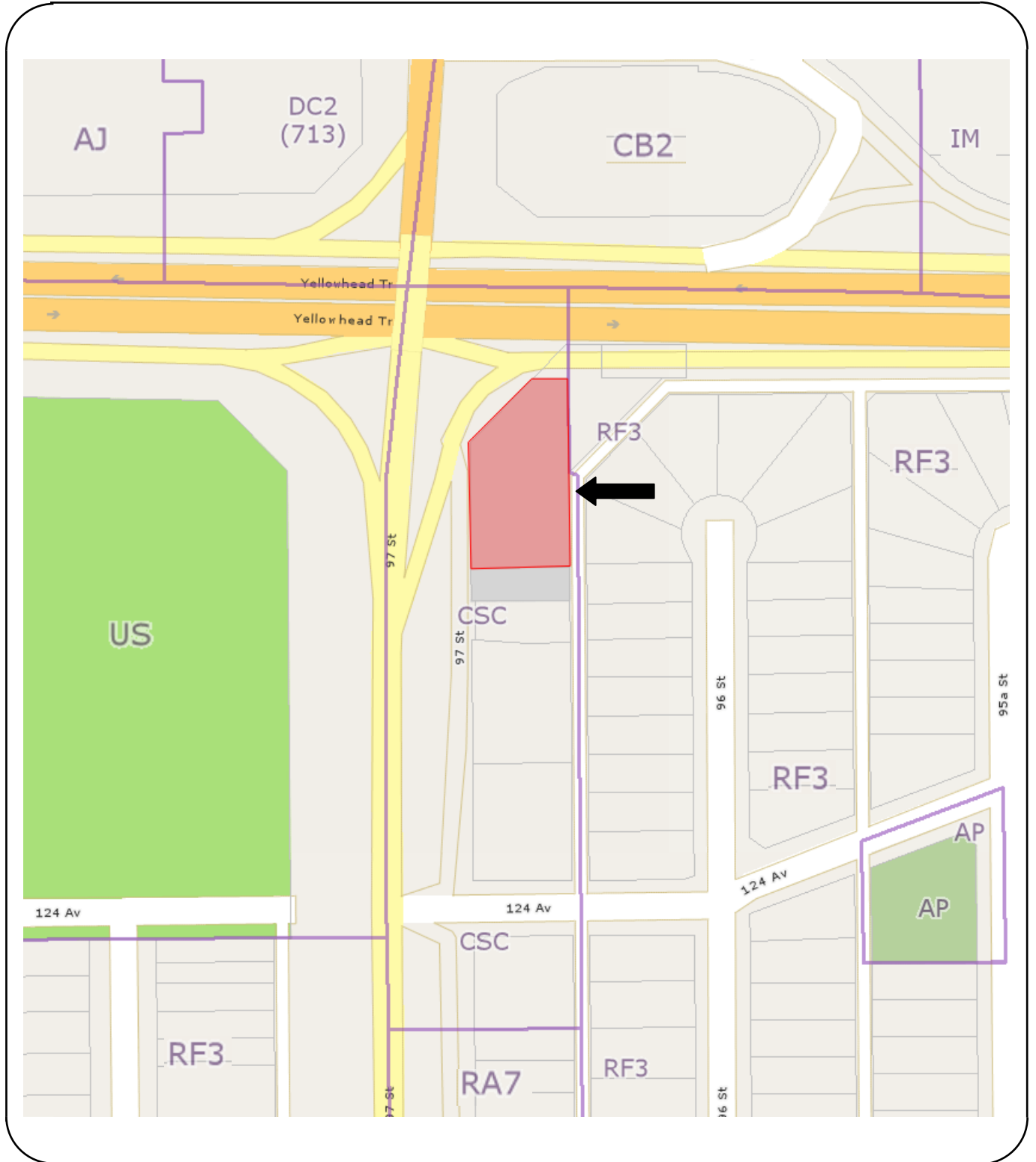
Section 320.1 states the purpose of this Zone is to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

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NOTICE TO APPLICANT/APPELLANT

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

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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-126



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-125

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

APPLICATION NO.:	170465146-003
APPLICATION TO:	Construct an uncovered deck (1.95m x 4.90m at 1.10m in height), existing without permits
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with conditions
DECISION DATE:	May 13, 2015
DATE OF APPEAL:	May 24, 2015
NOTIFICATION PERIOD:	May 19, 2015 through June 1, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	15012 - 109 Avenue NW
LEGAL DESCRIPTION:	Plan 2028AO Blk 51 Lot 22
ZONE:	RF1 Single Detached Residential Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	N/A

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

This Development Permit authorizes the development of an uncovered deck (1.95m x 4.90m @ 1.10m in height), existing without permits. The development shall be constructed in accordance with the stamped and approved drawings.

Any future deck enclosure or cover requires a separate development and building permit approval.

Notes:



An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Unless otherwise stated, all references to section numbers refer to the Edmonton Zoning Bylaw 12800.

**VARIANCES:**

In the opinion of the Development Officer, the variances granted in this application and noted below will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring properties. (Section 11.3)

Subject to the right of appeal. (Reference Section 21.(1).)

Section 44.3(b) Platform Structures provided such projections do not exceed 0.60 m for Setbacks or Separation Spaces with a depth of less than 4.0 m

Existing Projection into Side Setback: 1.02m  
Allowable Projection into Side Setback: 0.60m  
Exceeds by: 0.42m

NOTE: Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

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**APPELLANT'S SUBMISSION**

The neighbour's non-conforming deck has a projection of 1.95m which is also the entirety of the 1.95m Side Setback of the neighbouring duplex, resulting in a projection variance of 1.35m.

The Development Officer in his "Notice to Property Owners" dated May 13th, has mistakenly stated the existing projection as being only 1.02m and therefore miscalculated the exceedance as being 0.42m. This materially incorrect noticing leads me to question whether the Development Officer has actually visited the two adjacent lots or even bothered to look at them in Google Street View.

The Development Officer's opinion that this variance does not unduly interfere with the neighbourhood, my enjoyment of my property, and the value of my property is not well founded:

1. The deck, stairs, and railings of are of poor quality in terms of materials, design, construction, and maintenance, and in summary are a shabby eye-sore visible from the street, my yard, and my kitchen window.

2. The deck, deck railings, stairs, and stair railings obviously do NOT meet Alberta Building Codes and are a present and future hazard to all occupants and visitors to the duplex.
3. The complete blockage of ground-level access by this deck prevents proper weed control and grass trimming, resulting in an unkempt side yard and an even larger eyesore.

Granting this development permit so that this structure continues to exist seems ill-advised and not in-keeping with sustainable development.

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#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

Section 44.3(b) states Platform Structures may project into a required Setback or Separation Space provided such projections do not exceed 0.60 metres for Setbacks or Separation Spaces with a depth of less than 4.0 metres.

**The Development Officer determined the maximum allowable projection in a required (north) Side Setback is 0.60 metres. The Development Officer determined the proposed projection is 1.02 metres into the required Side Setback which exceeds the maximum allowable by 0.42 metres.**

The decision of approval by the Development Officer has been appealed by an abutting property owner to the north located at 10906 - 150 Street.

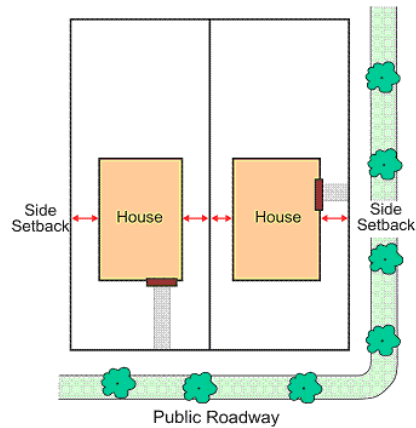
Section 814.3(2) states where the Site Width is less than 18.3 metres, the Side Setback requirements of the underlying Residential Zone shall apply.

Section 110.4(10)(a) states Side Setbacks shall total at least 20 percent of the Site Width, with a minimum Side Setback of 1.2 metres on each side.

The submitted Site Plan created by Navland Geomatics Inc. shows that the subject site has a Site Width of 15.27 metres and a Site depth of 45.06 metres. The existing Principal Building is located 8.96 metres from the (east) Front Lot Line, 2.10 metres from the (north) Side Lot Line, and 4.40 metres from the (south) flanking Side Lot Line. The proposed uncovered deck is attached to the (north) elevation of the Principal Building.

Under Section 6.1(74), **Platform Structures** means structures projecting from the wall of a building that may be surrounded by guardrails or parapet walls. Common structures include: balconies, raised terraces and decks.

Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

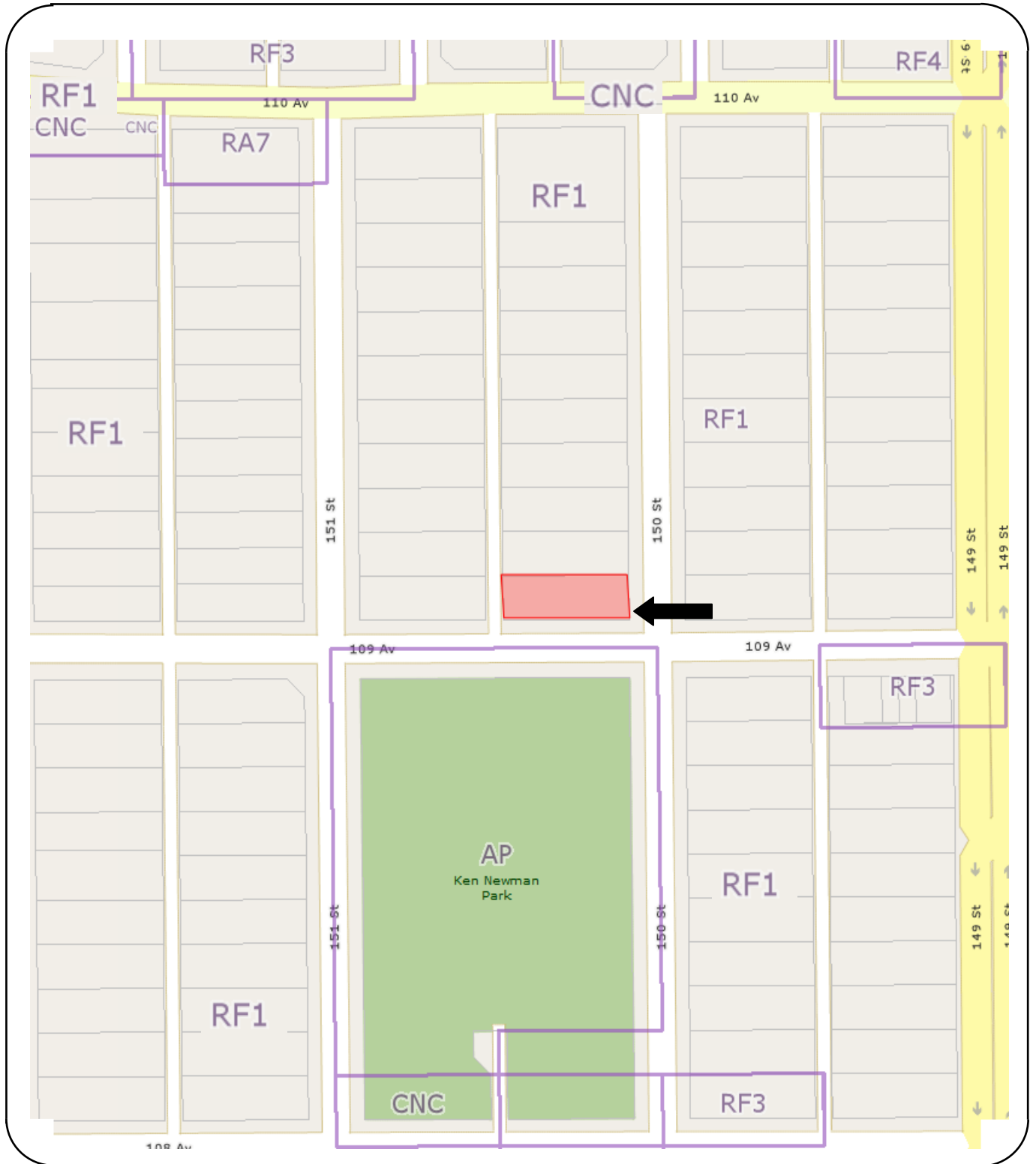
Section 110.1 states the purpose of the RF1 Single Detached Residential Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-125



**BUSINESS LAID OVER****APPEAL HEARINGS TO BE SCHEDULED**

170327437-001	An appeal to install (1) Freestanding Off-premises Sign (West Granville Centre). <b><i>June 24 or 25, 2015</i></b>
168696143-001	An appeal to comply with a Stop Order to dismantle and remove the Freestanding Off-premises Sign from the Site. <b><i>July 2, 2015</i></b>
152684111-003	An appeal to increase the height of an approved Fascia Minor Digital On-premises Off-premises Sign <b><i>July 8 or 9, 2015</i></b>