

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Thursday, 9:00 A.M.**  
**May 13, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-21-075

Install a Fascia Minor Digital On-Premises Sign  
(6.4 metres by 0.74 metres | PLAZZA 66)

6604C - 127 Avenue NW  
Project No.: 378961549-002

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II 10:30 A.M. SDAB-D-21-076

**WITHDRAWN**

Construct a two-storey Garden Suite (main floor  
Garage 7.32 metres by 10.21 metres, second floor  
Garden Suite, 7.32 metres by 8.53 metres) with  
balcony and to install a Renewable Energy Device  
(4 Solar-electric (PV) panels on the roof)

10742 - Capilano Street NW  
Project No.: 386788243-002

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**NOTE:** *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-075

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 378961549-002

APPLICATION TO: Install a Fascia Minor Digital On-Premises Sign (6.4 metres by 0.74 metres | PLAZZA 66)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 18, 2021

DATE OF APPEAL: April 13, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6604C - 127 Avenue NW

LEGAL DESCRIPTION: Plan 1422956 Blk 1 Lot 13

ZONE: (CB2) General Business Zone

OVERLAY(S): Main Streets Overlay  
Major Commercial Corridor Overlay

STATUTORY PLAN: Belvedere Station Area Redevelopment Plan

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***Grounds for Appeal***

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

Appeal condition of approved development permit for 5 year "renewal" term.

<b><i>General Matters</i></b>
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**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 clause (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(41), a **Minor Digital On-premises Sign** is a **Discretionary Use** in the **(CB2) General Business Zone**.

Under section 7.9(8), **Minor Digital On-premises Signs** means:

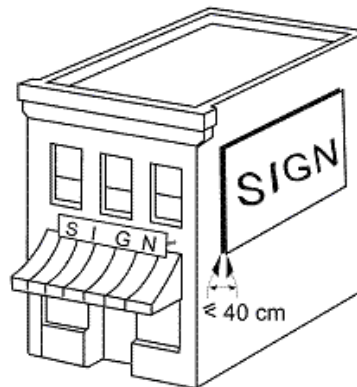
a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Digital Copy** means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, a **Fascia Sign** means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Section 340.1 states that the **General Purpose** of the **(CB2) General Business Zone** is:

to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways. This zone also accommodates limited Residential-related uses.

Section 813.1 states that the **General Purpose** of the **Major Commercial Corridors Overlay** is “to ensure that development along Major Commercial Corridors is visually attractive and that due consideration is given to pedestrian and traffic safety.”

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:


to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

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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.

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	Project Number: <b>378961549-002</b> Application Date: NOV 23, 2020 Printed: March 18, 2021 at 1:40 PM Page: 1 of 3
<h2 style="margin: 0;">Application for Sign Permit</h2>	
<p>This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 6604C - 127 AVENUE NW Plan 1422956 Blk: 1 Lot 13
<b>Scope of Application</b> To install a Fascia Minor Digital On-Premises Sign (6.4 m x 0.74 m   PLAZZA 66).	
<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: 5280 Construction Value: 7500	Class of Permit: Class B Expiry Date: 2026-03-18 00:00:00
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: 1 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
<b>Development Permit Decision</b> Approved Issue Date: Mar 18, 2021 Development Authority: MERCIER, KELSEY	
<b>THIS IS NOT A PERMIT</b>	



	<h2>Application for Sign Permit</h2>	Project Number: <b>378961549-002</b> Application Date: NOV 23, 2020 Printed: March 18, 2021 at 1:40 PM Page: 2 of 3
<p><b>Subject to the Following Conditions</b>          NOTE: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Section 17.1)</p> <ol style="list-style-type: none"> <li>1. The permit will expire on March 18, 2026.</li> <li>2. The proposed Minor Digital On-premises Sign shall comply in accordance with the approved plans submitted.</li> <li>3. Ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/ Sunset calculator from the National Research Council of Canada; (Reference Section 59.2(5)(a))</li> <li>4. Brightness level of the Sign shall not exceed 400 nits when measured from the sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada; (Reference Section 59.2(5)(b))</li> <li>5. Minor Digital On-premises Sign shall have a Message Duration of no less than 30 seconds.</li> <li>6. All Freestanding Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule. (Reference Section 59.2(12))</li> <li>7. The following conditions, in consultation with the Transportation department (Subdivision Planning), shall apply to the proposed Minor Digital On-premises Sign, in accordance to Section 59.2.11:             <ol style="list-style-type: none"> <li>a. The owner/applicant must immediately address any safety concerns identified by City Operations by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and/or address the concern in another manner acceptable to City Operations.</li> <li>b. That the owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by City Operations within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.</li> <li>c. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/onto road right-of-way.</li> </ol> </li> </ol> <p><b>ADVISEMENT:</b>          Should the owner/applicant wish to display video or any form of moving images on the sign, a new Development Application for a Major Digital Sign will be required. At that time, Subdivision Planning will require a safety review of the sign prior to responding to the application.</p> <p>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).</p>		
<p><b>Rights of Appeal</b>          This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p> <p><b>Notice Period Begins:</b> Mar 25, 2021      <b>Ends:</b> Apr 15, 2021</p>		
<p><b>THIS IS NOT A PERMIT</b></p>		



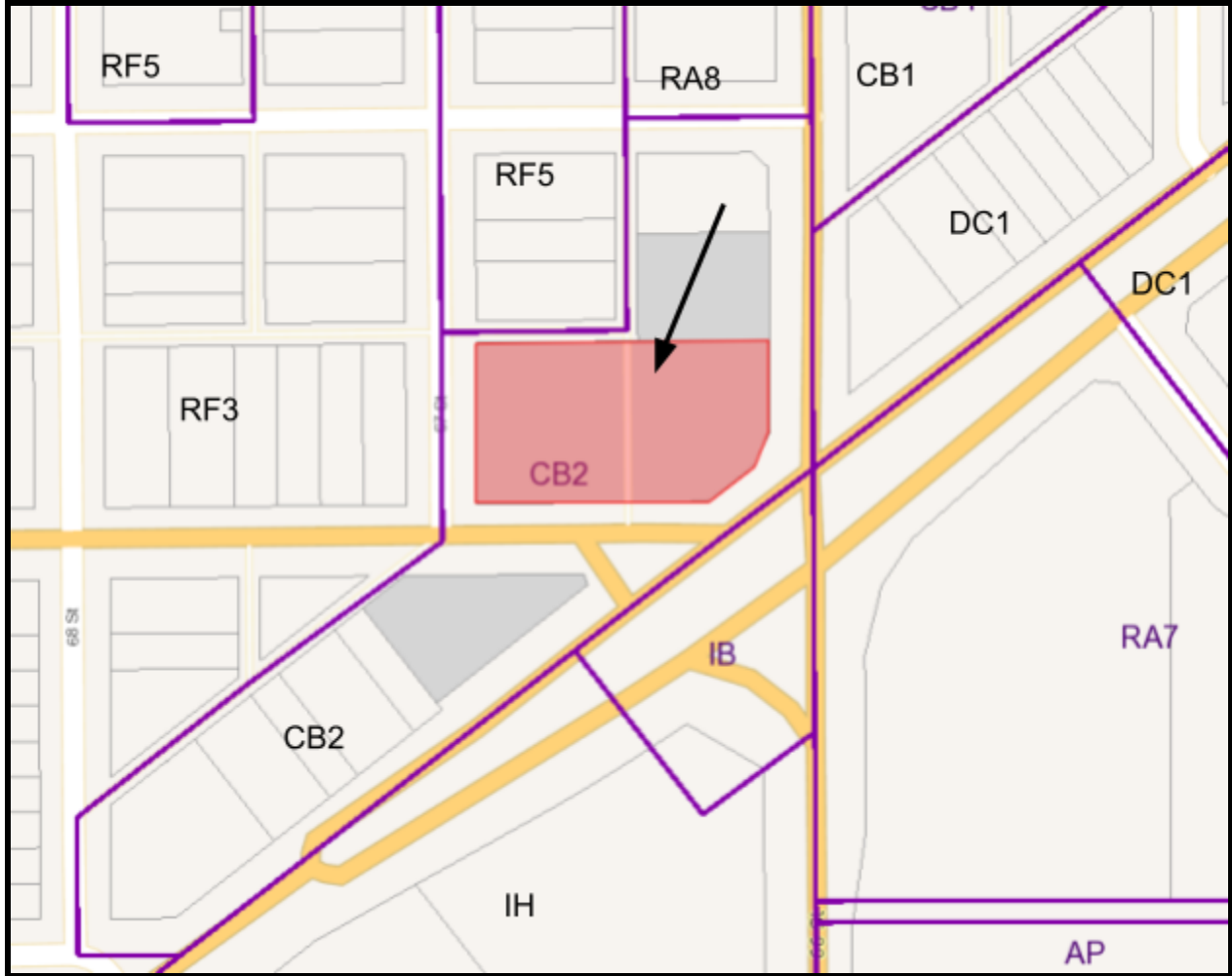
## Application for Sign Permit

Project Number: **378961549-002**  
Application Date: NOV 23, 2020  
Printed: March 18, 2021 at 1:40 PM  
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### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Dev Appl Fee - Digital Signs	\$467.00	\$467.00	02779907015J001	Nov 23, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$467.00</u>	<u>\$467.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←      File: SDAB-D-21-075      ▲  
N