

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
May 10, 2017**

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

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

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I 9:00 A.M. SDAB-D-17-083

To install a Roof mounted Minor Digital Off-premises Sign (Single sided facing Southwest)

10752 - Jasper Avenue NW  
Project No.: 111208527-006

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II 11:00 A.M. SDAB-D-17-084

**WITHDRAWN**

To construct a 74 dwelling two and three storey addition to an approved 244 dwelling Apartment House (318 total), and revise the Landscape Plan

10505 - 122 Street NW  
Project No.: 159393487-011

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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-17-083

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 111208527-006

APPLICATION TO: Install a Roof mounted Minor Digital Off-premises Sign (Single sided facing Southwest)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 21, 2017

DATE OF APPEAL: April 3, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10752 Jasper Avenue NW

LEGAL DESCRIPTION: Plan NB Blk 7 Lot 92

ZONE: JAMSC Jasper Avenue Main Street Commercial Zone

OVERLAY: Special Area Downtown

STATUTORY PLAN: Capital City Downtown 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. The Application as submitted was to renew the Development Permit issued by the SDAB December 23, 2011 in Board File # SDAB-D-11-285. The Application was submitted electronically December 20, 2016 pursuant to established City of Edmonton protocols and the electronic system acknowledged receipt of the same at 2:09 p.m. that day. To the contrary and inaccurately, the Refusal issued by the Development Officer indicates:

- (a) the Application was made December 29, 2016; and
- (b) the Application was "To install a Roof mounted Minor Digital Off-premises Sign (Single sided facing SW)".

2. The applicable, JAMSC zoning allows for Minor Digital Off-premises Signs as a use along Jasper Avenue from 110th Street to 103rd Street — a seven block span. The current location of the sign is the only reasonable site within the downtown portion of that stretch where a Minor Digital Off-premises Sign can be located. Moreover, the zoning contemplates that all of the uses available thereunder can exist harmoniously within that strip.

3. The subject site is to be redeveloped within a relatively short time. In the result, the Appellants would be satisfied with a shorter than usual renewal period.

4. The owner of the subject site confirms that there have been no complaints whatsoever regarding the existing sign. Neither have the Appellants received any complaints in regard to the sign.

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

<i>General Matters</i>
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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.

**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
- ...

The decision of the Development Officer is dated March 21, 2017. The Notice of Appeal was filed on April 3, 2017.

### **Determining an Appeal**

#### **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*:**

Section 910.9(1) states that the **General Purpose** of the **JAMSC Jasper Avenue Main Street Commercial Zone** is:

... to provide a Zone that accommodates at Grade, predominantly retail commercial, office and service Uses suitable for the Downtown's Main Street, Jasper Avenue, and to ensure that infill developments and the retrofitting and preservation of historical and older buildings incorporate human scale design characteristics to enhance a revitalized, dynamic Main Street atmosphere.

Under Section 910.9(3)(x), **Minor Digital Off-premises Signs** are a **Discretionary Use** in the JAMSC Zone.

Section 910.9(4)(f) states: “Signs shall comply with the regulations found in Schedule 59F.”

Section 7.9(6) states:

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

Section 910.1 states that the **General Purpose** of the **Special Area Downtown** is “To designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.”

Section 910.4(5) of the Special Area Downtown provides as follows:

5. Signage

- a. The Development Officer shall have regard for visual harmony and the compatibility of the proposed sign with the architectural character and finish of the development and with the design, location and appearance of other signs on the development.
- b. A Comprehensive Sign Design Plan in accordance with the Provisions of Section 59.3. may be required at the discretion of the Development Officer,

***Roof Signs Prohibited***

Section 59.2(15) states: “Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs.”

**Development Officer’s Determination**

1) Minor Digital Off-premises Signs shall not be Roof Signs (Reference 59.2(15)).  
The proposed sign is a Minor Digital Off-premises Sign mounted on the Roof, contrary to Section 59.2(15). [unedited]

***Restrictions Upon Sign Illumination***

Section 59.2(3) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

**Development Officer’s Determination**

The proposed Minor Digital Off-premises Sign directly faces new Residential Mixed Used Apartment located 40 m to the SW corner of intersection of 108 street and Jasper Ave. The sign negatively impacts material value of neighbouring properties because the light emitted from the sign will infiltrate in residential units affecting their daily life, especially at night contrary to section 59.2(3).

***Maximum Height***

Section 59F.3(6)(b) states, in part: “Minor Digital Off-premises Signs shall be subject to the following regulations... the maximum Height shall be 8.0 m”.

**Development Officer’s Determination**

Required Sign Height: 8 m  
Proposed sign Height: 9.75 m  
Exceeds by: 1.75 m

***Separation Distance***

Section 59F.3(6)(e) states:

...Minor Digital Off-premises Signs shall be subject to the following regulations:

e. 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
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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.

**Development Officer’s Determination**

Required Separation: 100 m  
 Proposed Separation: 70 m  
 Deficient by: 30 m

Contrary to Section 59F.6(e), the deficiency in the established separation distances from other existing Off-Premises signs, will create a negative impact in terms of the proliferation of Off-premises signs within the neighbourhood.

***Structural Elements***

Section 59F.3(4)(h) states that “Roof Off-premises Signs shall have the structural elements concealed from view.”



**Development Officer’s Determination**

The structural elements of proposed Roof Off-Premises sign are not concealed, contrary to Section 59F.3(4)(h))

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: <b>111208527-006</b> Application Date: DEC 29, 2016 Printed: April 27, 2017 at 4:21 PM Page: 1 of 2				
<h2>Application for Sign Combo Permit</h2>					
<p>This document is a Development Permit Decision for the development application described below.</p>					
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 10752 - JASPER AVENUE NW Plan NB Blk 7 Lot 92  <b>Location(s) of Work</b> Suite: 10756 - JASPER AVENUE NW				
<b>Scope of Application</b> To install a Roof mounted Minor Digital Off-premises Sign (Single sided facing SW)					
<b>Permit Details</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">           ASA Sticker No./Name of Engineer:            Construction Value: 1000         </td> <td style="width: 50%; vertical-align: top;">           Class of Permit:            Expiry Date:         </td> </tr> <tr> <td style="vertical-align: top;">           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: 1            Minor Digital On/Off-premises Sign: 0         </td> <td style="vertical-align: top;">           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         </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 1000	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: 1 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
ASA Sticker No./Name of Engineer: Construction Value: 1000	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: 1 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				
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>					
<b>Development Application Decision</b> Refused					
<b>THIS IS NOT A PERMIT</b>					



Project Number: **111208527-006**  
 Application Date: DEC 29, 2016  
 Printed: April 27, 2017 at 4:21 PM  
 Page: 2 of 2

## Application for Sign Combo Permit

**Reason for Refusal**

1) Minor Digital Off-premises Signs shall not be Roof Signs (Reference 59.2(15)).

The proposed sign is a Minor Digital Off-premises Sign mounted on the Roof, contrary to Section 59.2(15).

2) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use Class, shall not face an abutting or adjacent Residential-Related Use Class, and shall not face the Extended Medical Treatment Services Use Class to the satisfaction of the Development Officer (Reference Section 59.2(3)).

The proposed Minor Digital Off-premises Sign directly faces new Residential Mixed Used Apartment located 40 m to the SW corner of intersection of 108 street and Jasper Ave. The sign negatively impacts material value of neighbouring properties because the light emitted from the sign will infiltrate in residential units affecting their daily life, especially at night contrary to section 59.2(3).

3) The maximum height of Minor Digital Off-premises Sign shall be 8.0 m. (Reference Section 59F.3(6)(b))

Required Sign Height: 8 m  
 Proposed sign Height: 9.75 m  
 Exceeds by: 1.75 m

4) 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 (Reference Section 59F.6(e))

Required Separation: 100 m  
 Proposed Separation: 70 m  
 Deficient by: 30 m

Contrary to Section 59F.6(e), the deficiency in the established separation distances from other existing Off-Premises signs, will create a negative impact in terms of the proliferation of Off-premises signs within the neighbourhood.

6) Roof Off-premises Signs shall have the structural elements concealed from view.(Reference Section 59F.3(4)(h))

The structural elements of proposed Roof Off-Premises sign are not concealed, contrary to Section 59F.3(4)(h))

**Rights of Appeal**

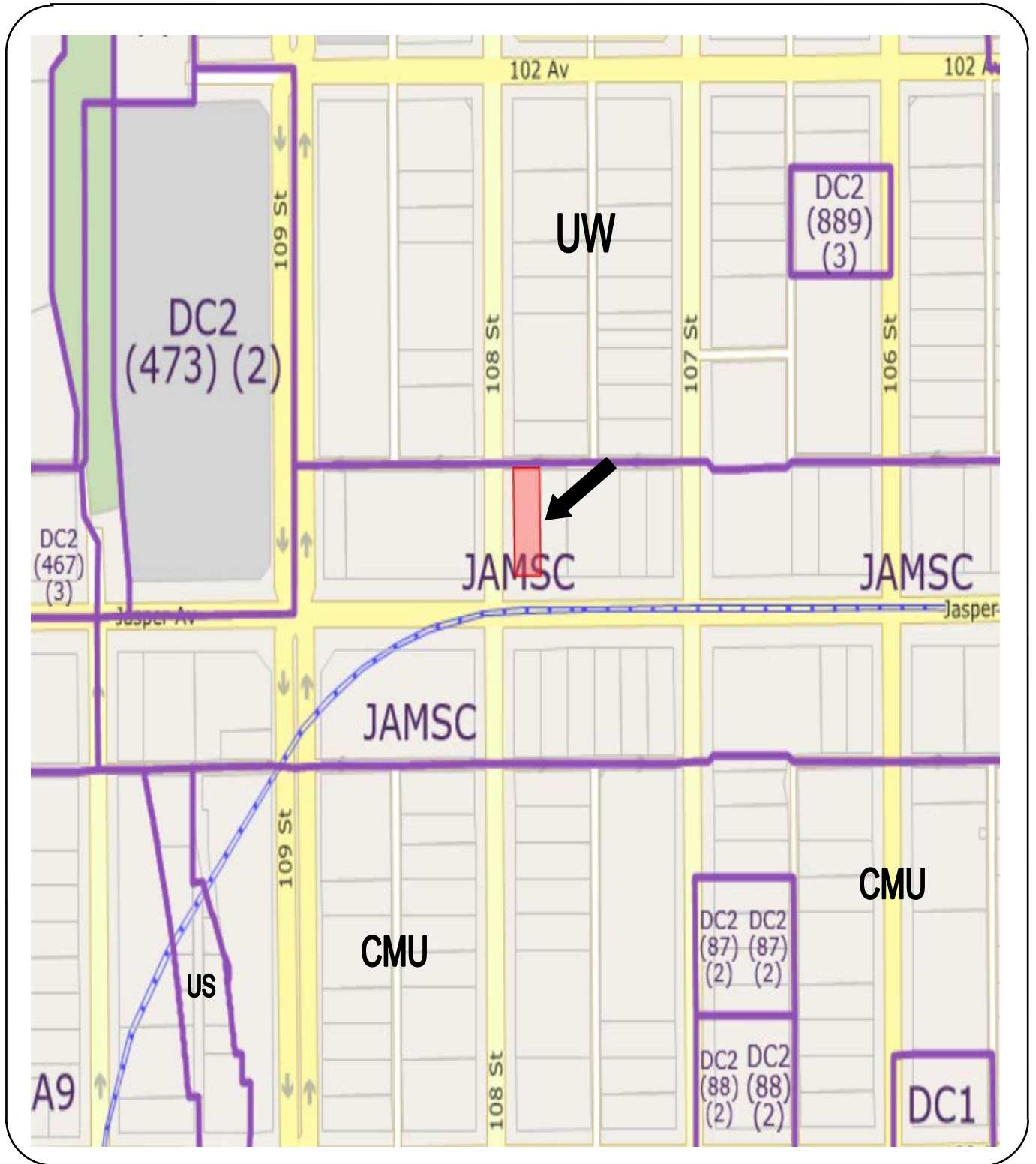
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Mar 21, 2017    Development Authority: AHUJA, SACHIN    Signature: \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$425.00	\$425.00	03852311	Jan 09, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$425.00	\$425.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-083

