

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
May 17, 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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**TO BE RAISED**

I     9:00 A.M.     SDAB-D-17-073     Install a Freestanding Minor Digital On-Premises Sign (Top panel backlit static - Midnight Sun Restaurant & Digital Panel - Cheers and Beers)  
  
11003 - 124 Street NW  
Project No.: 234073082-001

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II    10:30 A.M.     SDAB-D-17-086     Install a Fascia Minor Digital Off-premises Sign (6.1 m x 3 m - facing North)  
  
9914 - 109 Street NW  
Project No.: 232166360-001

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

TO BE RAISED  
ITEM I: 9:00 A.M.

FILE: SDAB-D-17-073

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 234073082-001

APPLICATION TO: Install a Freestanding Minor Digital On-Premises Sign (Top panel backlit static - Midnight Sun Restaurant & Digital Panel - Cheers and Beers)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 22, 2017

DATE OF APPEAL: April 4, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11003 - 124 Street NW

LEGAL DESCRIPTION: Plan RN39B Blk 45 Lot 20

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: West Ingle Area Redevelopment Plan

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***Grounds for Appeal***

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

We believe that the reasons stated for the refusal of the permit are not a accurate representation of what the sign will actually be. The sign, while being a digital sign can have its brightness drastically reduced so it does not interfere with the surrounding area. We also believe that due to the size of the sing itself the light pollution will not be a issue in the first place. As for the setback requirement the sign that is there has been at that location for over 10 years with no issue or complaints and the city was not even aware that the sign did not have a valid permit associated with it until we went to apply for our current permit.

Because of these reasons we believe that the sign we are applying for will not negatively impact the surrounding area to the degree that has been stated. [unedited]

***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
  - ...

The decision of the Development Officer is dated March 22, 2017. The Notice of Appeal was filed on April 4, 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 330.1 states that the **General Purpose** of the **CB1 Low Intensity Business Zone** is:

...to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

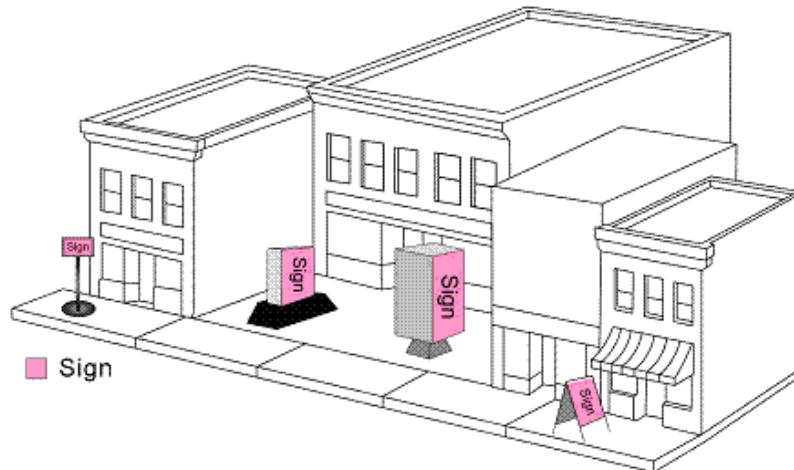
Under Section 330.3(42), **Minor Digital On-premises Signs** are a **Discretionary Use** in the CB1 Low Intensity Business Zone.

Section 7.9(8) states:

**Minor Digital On-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 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 identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Section 6.2(8) provides as follows:

**Freestanding Signs** means any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground;



***Sign Location and Orientation***

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 Development Officer referenced section 59.2(3) and made the following determination:

The proposed Minor Digital On-premises Sign is oriented N/S, directly facing Single Family detached house 28 m to North and light illumination from the Digital sign negatively impacts the use, enjoyment

and value of residential apartment unit towards NW 23.5 m from the sign, contrary to section 59.2(3).

***Minimum Setback***

Section 330.4(3) states:

A minimum Setback of 3.0 m shall be required where a Site abuts a public roadway, other than a Lane except:

- a. where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, buildings shall be built at the property line of the Site;

**Development Officer's Determination**

The Development Officer referenced section 330.4(3) and made the following determination:



Required Setback: 3.0 m  
Proposed: 0.5 m  
Deficient by: 2.5 m

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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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	Project Number: <b>234073082-001</b> Application Date: NOV 01, 2016 Printed: April 19, 2017 at 4:01 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.			
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 11003 - 124 STREET NW Plan RN39B Blk 45 Lot 20		
<b>Scope of Application</b> To install a Freestanding Minor Digital On-Premises Sign (Top panel backlit static - Midnight Sun Restaurant & Digital Panel - Cheers and Beers)			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     ASA Sticker No./Name of Engineer:                      Construction Value: 4000                 </td> <td style="width: 50%; border: none;">                     Class of Permit:                      Expiry Date:                 </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 4000	Class of Permit: Expiry Date:
ASA Sticker No./Name of Engineer: Construction Value: 4000	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: 2 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		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1) ) Minor Digital On-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 On-premises Sign is oriented N/S, directly facing Single Family detached house 28 m to North and light illumination from the Digital sign negatively impacts the use, enjoyment and value of residential apartment unit towards NW 23.5 m from the sign, contrary to section 59.2(3).  2) A minimum Setback of 3.0 m shall be required where a Site abuts a public roadway (Reference Section 330.4(3)).  Required Setback: 3.0 m Proposed: 0.5 m Deficient by: 2.5 m			
<b>THIS IS NOT A PERMIT</b>			





Project Number: **234073082-001**  
Application Date: NOV 01, 2016  
Printed: April 19, 2017 at 4:01 PM  
Page: 2 of 2

## Application for Sign Combo Permit

### Rights of Appeal

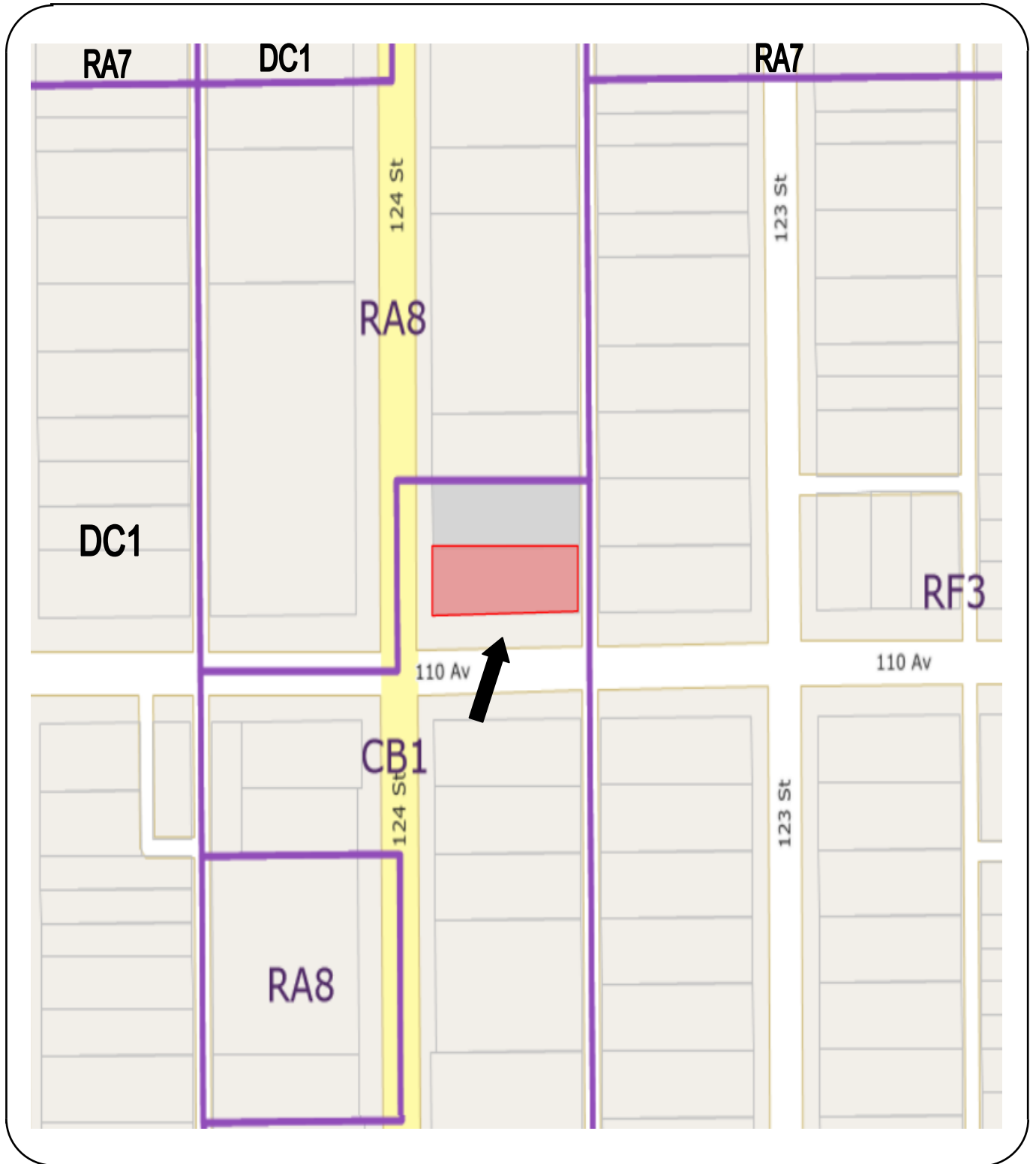
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Mar 22, 2017    **Development Authority:** AHUJA, SACHIN    **Signature:** \_\_\_\_\_

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Building Permit Fee	\$149.00	\$149.00	03717860	Nov 01, 2016
Sign Dev Appl Fee - Digital Signs	\$850.00	\$850.00	03717860	Nov 01, 2016
Safety Codes Fee	\$5.96	\$5.96	03717860	Nov 01, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$1,004.96	<u>\$1,004.96</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-073



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-086

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 232166360-001

APPLICATION TO: Install a Fascia Minor Digital Off-premises Sign (6.1 m x 3 m - facing North)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 22, 2017

DATE OF APPEAL: April 6, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9914 - 109 STREET NW

LEGAL DESCRIPTION: Plan NB Blk 9 Lot 63

ZONE: CMU Commercial Mixed Use Zone

OVERLAY: Special Area Downtown Overlay

STATUTORY PLAN: Capital City Downtown Plan

***Grounds for Appeal***

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

1. New technology does not affect neighbors.
2. Landowner has agreed to remove on premise sign.

***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

- (d) fails or refuses to issue a development permit to a person,
- (e) issues a development permit subject to conditions, or
- (f) 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,

- (b) in the case of an appeal made by a person referred to in section 685(1), after
  - (ii) 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 22, 2017. The Notice of Appeal was filed on April 6, 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 910.6(1) states that the **General Purpose** of the **CMU Commercial Mixed Use Zone** is:

... to provide a Zone for medium intensity development that accommodates a mix of predominantly commercial, office, institutional and business Uses as a secondary office commercial area while emphasizing retail activities, entertainment and service Uses at Grade. The intent is to accommodate the existing commercial development west of 109 Street; and to allow Conversion to residential and related Uses.

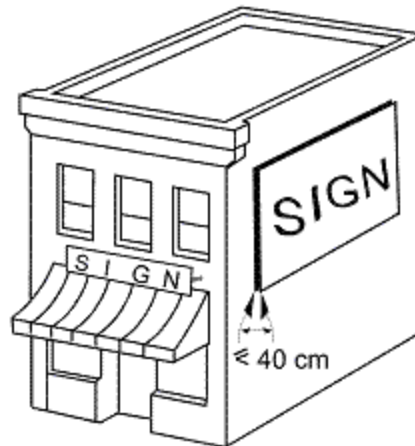
Under Section 910.6(3)(bb), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the CMU Commercial Mixed Use Zone.

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 6.2(7) provides as follows:

**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;



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,

***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 Fascia Minor Digital Off-premises Sign is facing North and light illumination from the Digital sign negatively impacts the use, enjoyment and value of residents of Mixed Use Residential Apartment units towards NE, contrary to section 59.2(3).

***Sign Illumination***

Section 59F.3(6)(e) provides as follows:

...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
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 Distance: 100 m  
 Proposed Separation Distance: 85 m  
 Deficient by: 15 m

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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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Project Number: **232166360-001**  
Application Date: OCT 06, 2016  
Printed: May 4, 2017 at 3:15 PM  
Page: 1 of 2

## Application for Sign Combo Permit

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

<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 9914 - 109 STREET NW Plan NB Blk 9 Lot 63
	<b>Location(s) of Work</b> Entryway: 9914 - 109 STREET NW Building: 9914 - 109 STREET NW

**Scope of Application**  
To install a Fascia Minor Digital Off-premises Sign (6.1 m x 3 m - facing North)

<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: Construction Value: 35000	Class of Permit: Class B 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

I/We certify that the above noted details are correct.  
Applicant signature: \_\_\_\_\_

**Development Application Decision**  
Refused

**THIS IS NOT A PERMIT**





Project Number: **232166360-001**  
 Application Date: OCT 06, 2016  
 Printed: May 4, 2017 at 3:15 PM  
 Page: 2 of 2

## Application for Sign Combo Permit

**Reason for Refusal**

1) ) Minor Digital On-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 Fascia Minor Digital Off-premises Sign is facing North and light illumination from the Digital sign negatively impacts the use, enjoyment and value of residents of Mixed Use Residential Apartment units towards NE, contrary to section 59.2(3).

2) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m2 or Off-premises Signs. If the proposed Sign Area is greater than 8m2 to less than 20m2 the minimum separation distance from Digital Signs greater than 8.0 m2 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 59F.3(6)(e))

Required Separation Distance: 100 m  
 Proposed Separation Distance: 85 m  
 Deficient by: 15 m

**Rights of Appeal**

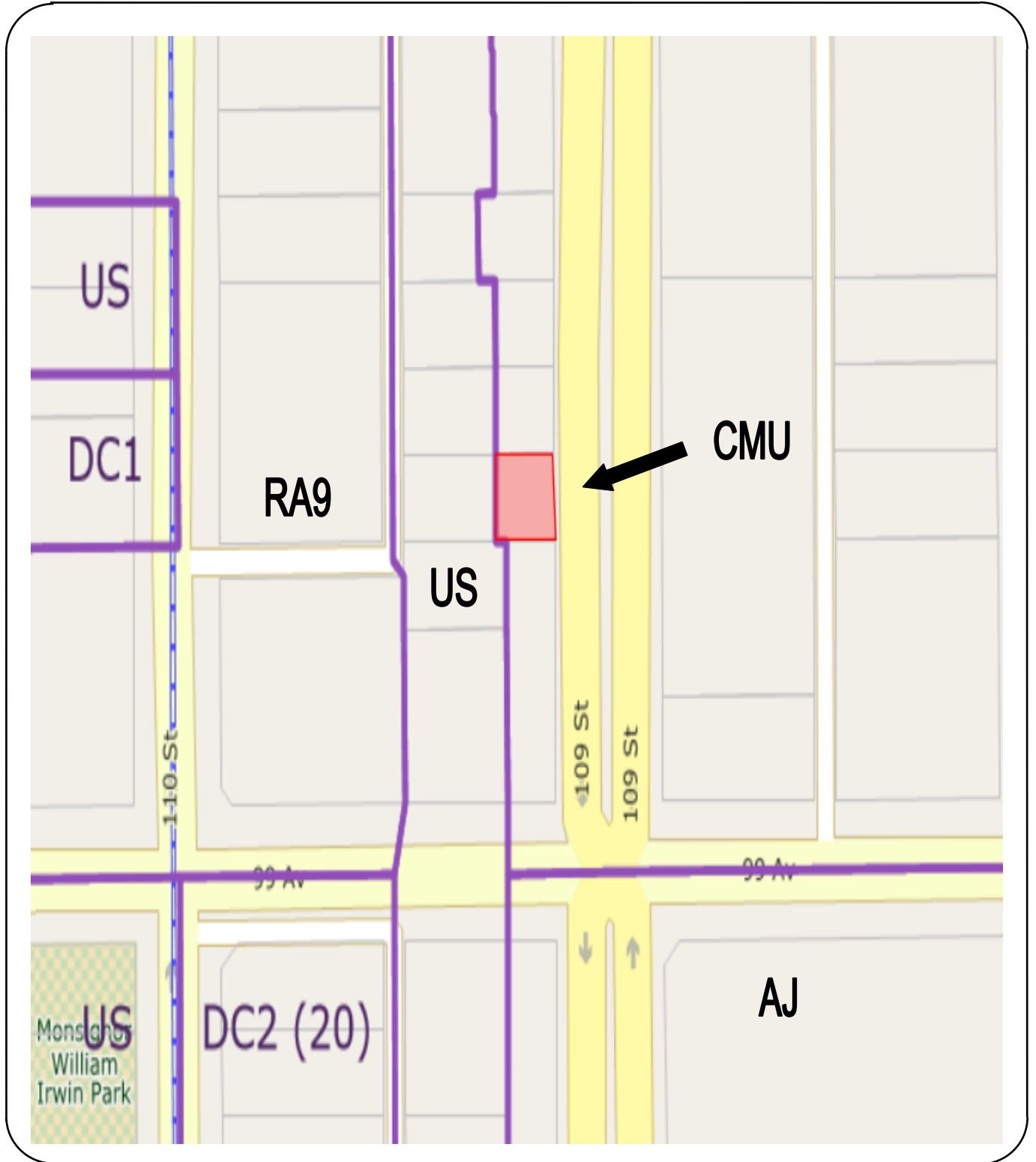
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Mar 22, 2017    **Development Authority:** AHUJA, SACHIN    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$102.00	\$102.00	03871408	Jan 19, 2017
Sign Building Permit Fee	\$350.00	\$350.00	I3720636,03871408	Jan 19, 2017
Safety Codes Fee	\$14.00	\$14.00	I3720636,03871408	Jan 19, 2017
Sign Dev Appl Fee - Digital Signs	\$425.00	\$425.00	03720636	Nov 02, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$891.00	\$891.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-086

