

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
May 31, 2017

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

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

TO BE RAISED

I 9:00 A.M. SDAB-D-17-031 Relocate (1) Freestanding Minor Digital Off-
premises Sign (6.1 metres by 3 metres)
WITHDRAWN 5138 - GATEWAY BOULEVARD NW
Project No.: 221482518-001

II 12:30 P.M. SDAB-D-17-096 Install (1) Freestanding Minor Digital Off-
premises Sign (10.98 metres by 3 metres)
13315 - 126 AVENUE NW
Project No.: 244025691-001

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-17-031

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 221482518-001

APPLICATION TO: Relocate (1) Freestanding Minor Digital
Off-premises Sign (6.1 metres by 3
metres)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 14, 2016

DATE OF APPEAL: December 27, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 5138 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 1525501 Blk 94 Lot 1

ZONE: CB2 General Business Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: N/A

WITHDRAWN

ITEM II: 12:30 P.M.

FILE: SDAB-D-17-096

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 244025691-001

APPLICATION TO: Install (1) Freestanding Minor Digital Off-premises Sign (10.98 metres by 3 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 1, 2017

DATE OF APPEAL: May 5, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13315 - 126 AVENUE NW

LEGAL DESCRIPTION: Plan 209AN Blk 28A Lot 17

ZONE: IM-Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

Grounds for Appeal

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

I act on behalf of 1319416 Alberta Ltd., which wishes to appeal the above development permit refusal. The grounds of appeal are as follows:

1. The Subdivision and Development Appeal Board previously has approved a free-standing digital sign at a height of 13.5 metres for this site.
2. The proposed sign is 31.8 square metres, which requires a separation distance of 200 metres from other digital or off-premises signs. There are no other approved digital or off-premises signs within 200 metres of the proposed sign.

3. The proposed sign is a discretionary use in the Medium Industrial (IM) Zone. Other than the height, the proposed sign complies with all development regulations.
4. The proposed sign is appropriate for this location and will not, in any manner, detract from or diminish the character of the neighbourhood or the surrounding built environment.
5. Such further and other grounds may be raised at the hearing of the appeal.

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| <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

...

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 420.3(12), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **IM Medium Industrial Zone**.

Under section 7.9(6), **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 420.4(5) states “Signs shall comply with the regulations found in Schedule 59G.”

Section 420.1 states that the **General Purpose** of the **IM Medium Industrial Zone** is to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Height

Section 59G.3(6)(b) states the maximum Height shall be 8.0 metres.

Development Officer’s Determination:

Required Height: 8.0 metres
 Proposed Height: 13.5 metres
 Exceeds by: 5.5 metres

Separation Distance

Section 59G.3(6)(e) states proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 square metres or Off-premises Sign as follows:

| Proposed Sign Area | Minimum separation distance from Digital Signs greater than 8.0 square metres or other Off-premises Sign |
|--|--|
| Greater than 8.0 square metres to less than 20.0 square metres | 100 metres |
| 20 square metres to 40 square metres | 200 metres |
| Greater than 40 square metres | 300 metres |

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

Development Officer’s Determination:


Proposed Sign Area: 31.8 square metres
 Required Separation Distance: 200 metres
 Proposed Separation Distance: 112 metres
 Deficient by: 88 metres

Previous SDAB Decisions

| SDAB Number | Application | DECISION |
|--------------------|---|--|
| SDAB-D-16-095 | To replace Roof Off-premises Sign with (1) Freestanding Minor Digital Off-Premises Sign (6.1 metres by 3 metres). | April 29, 2016; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to conditions and variance of 5.5 metres in Height pursuant to Section 59G.3(6)(b) to allow for a maximum Height of 13.5 metres. |
| SDAB-D-15-307 | To replace a Roof Off-premises Sign with a roof mounted Minor Digital On-premises Off-premises Sign | December 24, 2015; The appeal is DENIED and the decision of refusal of the Development Authority is CONFIRMED. |

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: 244025691-001 Application Date: MAR 23, 2017 Printed: May 8, 2017 at 8:35 AM 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) 13315 - 126 AVENUE NW Plan 209AN Blk 28A Lot 17 |
| Scope of Application To install (1) Freestanding Minor Digital Off-premises Sign (10.98m x 3m) | |
| Permit Details | |
| ASA Sticker No./Name of Engineer: Construction Value: 15000 | 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 |
| I/We certify that the above noted details are correct. Applicant signature: _____ | |
| Development Application Decision Refused Reason for Refusal 1) The maximum height for Minor Digital Off-premises Sign shall be 8.0 m. (Reference Section 59G.3(6)(b)) Required Height: 8 m Proposed Height: 13.5 m Exceeds by: 5.5 m 2) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m ² or Off-premises Signs. If the proposed Sign Area is greater than 20m ² and less than 40m ² the minimum separation distance from Digital Signs greater than 8.0 m ² or other Off-premises Sign shall be 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location (Reference Section 59G.6(e)). Proposed Sign Area: 31.8 m ² Required Separation Distance: 200m Proposed Separation Distance: 112 m Deficient by: 88 m | |
| THIS IS NOT A PERMIT | |



Project Number: **244025691-001**
Application Date: MAR 23, 2017
Printed: May 8, 2017 at 8:35 AM
Page: 2 of 2

Application for Sign Combo Permit

Rights of Appeal

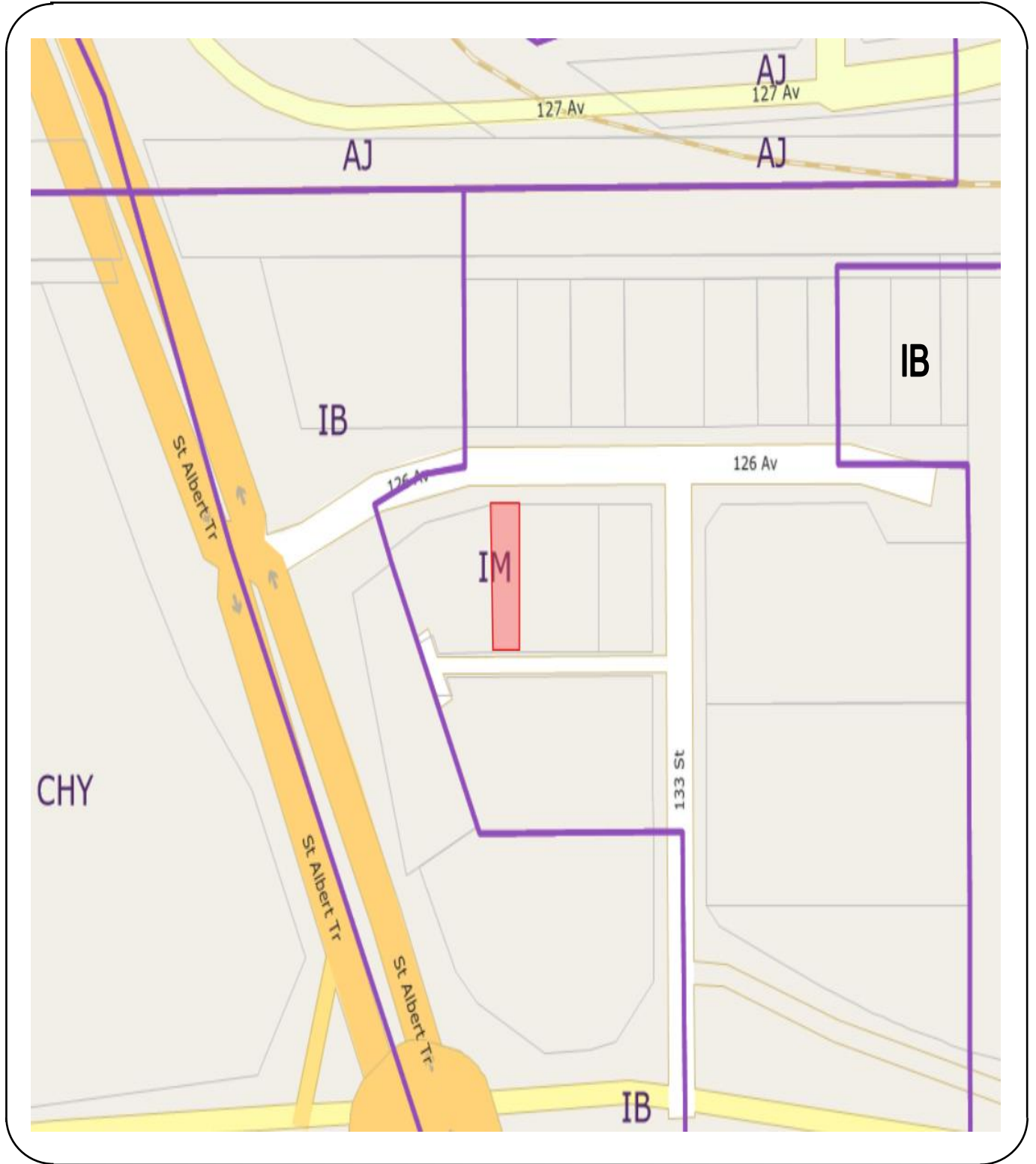
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: May 01, 2017 **Development Authority:** AHUJA, SACHIN **Signature:** _____

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|-----------------------------------|-------------------|--------------------|------------------|------------------|
| Sign Dev Appl Fee - Digital Signs | \$442.00 | \$442.00 | 04014794 | Mar 29, 2017 |
| Sign Building Permit Fee | \$152.00 | \$152.00 | 04014794 | Mar 29, 2017 |
| Safety Codes Fee | \$6.08 | \$6.08 | 04014794 | Mar 29, 2017 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$600.08 | \$600.08 | | |

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-096

