

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
May 4, 2016**

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

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

I	9:00 A.M.	SDAB-D-16-113	Construct (1) Freestanding On-premises Sign (Zee's Car Wash). 16303 - 107 Avenue NW Project No.: 182506670-001
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II	10:30 A.M.	SDAB-D-16-114	Install 3 Fascia On-Premises Signs (Spasation), existing without permits 10358 - 82 Avenue NW Project No.: 180111336-001
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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-16-113

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 182506670-001

ADDRESS OF APPELLANT: 16303 - 107 Avenue NW

APPLICATION TO: Construct (1) Freestanding On-premises Sign (Zee's Car Wash).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 30, 2016

DATE OF APPEAL: April 7, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16303 - 107 Avenue NW

LEGAL DESCRIPTION: Plan 4746KS Blk OT

ZONE: CNC Neighbourhood Convenience Commercial Zone, RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

The proposed sign would project beyond the D.O's reason for refusal however we believe there is a strong argument that variance could have been considered as per Zoning Bylaw 12800. Therefore, we respectfully ask that the Board hear our Appeal as per its authority under sections 683-689 of the MGA. [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.

685(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 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,

The Board is advised that the decision of refusal by the Development Officer is dated March 30, 2016. The Notice of Appeal was filed on April 7, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 310.1 states that the **General Purpose** of the **CNC Neighbourhood Convenience Commercial Zone** is:

...to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.

Under Section 310.2(8), **Freestanding On-premises Signs** is a **Permitted Use** in the CNC Neighbourhood Convenience Commercial Zone.

Section 210.1 states that the **General Purpose** of the **RA7 Low Rise Apartment Zone** is, "to provide a Zone for Low Rise Apartments."

Under Section 210.3(17), **Freestanding On-premises Signs** are a **Discretionary Use** in the RA7 Low Rise Apartment Zone.

Section 7.9(4) states:

Freestanding On-premises Signs means any Sign supported independent of a building, displaying Copy that identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is:

...to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

No Portion of Sign to Project Beyond the Property Lines

Section 59.2(12) states:

All Freestanding Signs, Temporary 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.


Development Officer's Determination

1. All Freestanding 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))

The proposed Freestanding On-premises Sign encroaches 1.5m onto City Right-of-Way, contrary to Section 59.2(12). [unedited]

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: 182506670-001 Application Date: NOV 16, 2015 Printed: April 7, 2016 at 11:27 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 FIVE STAR PERMITS Care of: CY OR DAVID ATKINSON <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 16303 - 107 AVENUE NW Plan 4746KS Blk OT Location(s) of Work Entryway: 16303 - 107 AVENUE NW Building: 16303 - 107 AVENUE NW		
Scope of Application To construct (1) Freestanding On-premises Sign (Zee's Car Wash).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> ASA Sticker No./Name of Engineer: Construction Value: 17000 </td> <td style="width: 50%; border: none;"> Class of Permit: Class A Expiry Date: </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 17000	Class of Permit: Class A Expiry Date:
ASA Sticker No./Name of Engineer: Construction Value: 17000	Class of Permit: Class A 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: 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: _____			
Development Application Decision Refused Reason for Refusal 1. All Freestanding 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)) The proposed Freestanding On-premises Sign encroaches 1.5m onto City Right-of-Way, contrary to Section 59.2(12). 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 30, 2016 Development Authority: ADAMS, PAUL Signature: _____			
THIS IS NOT A PERMIT			



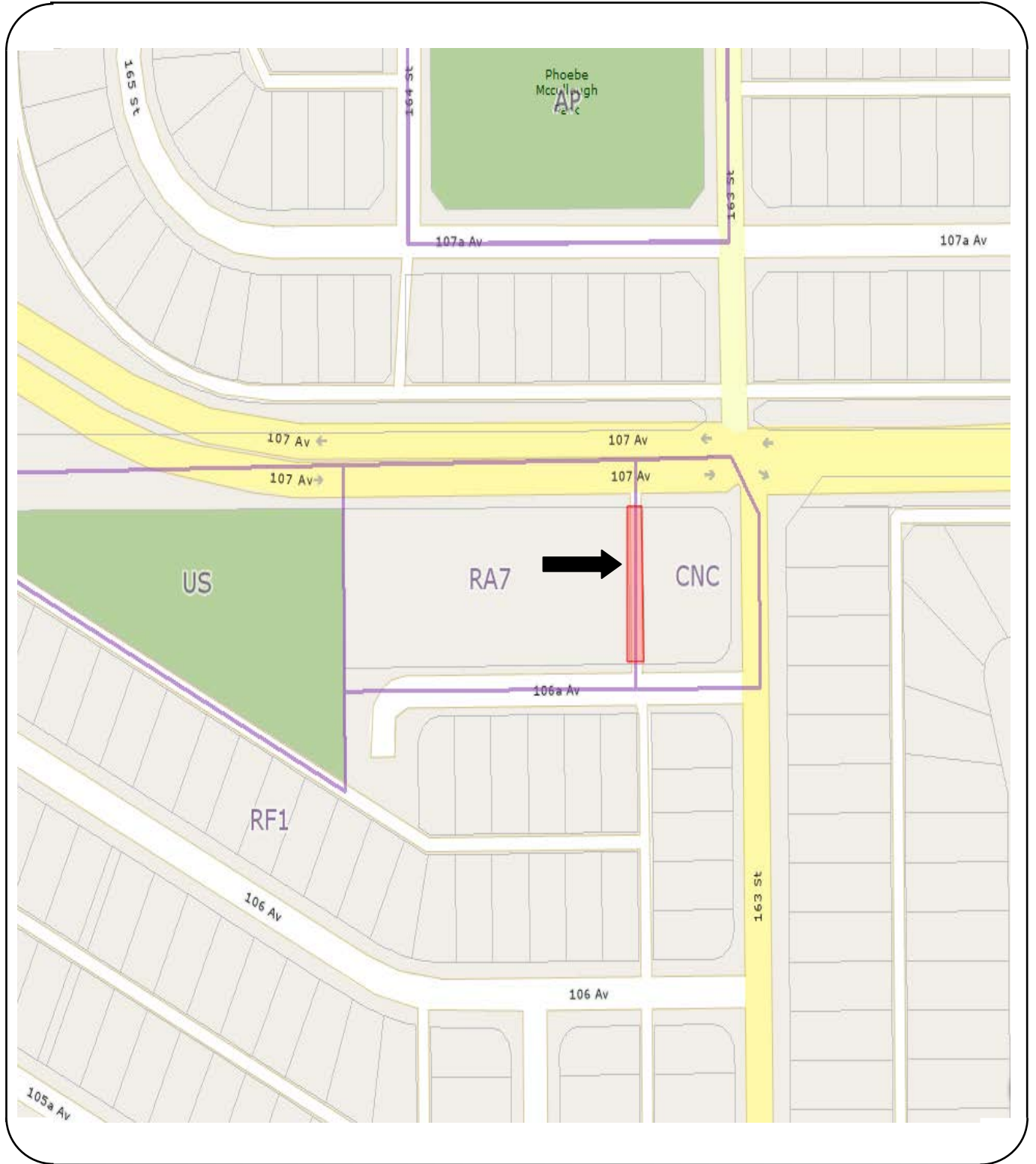
Application for Sign Combo Permit

Project Number: **182506670-001**
Application Date: NOV 16, 2015
Printed: April 7, 2016 at 11:27 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$6.66	\$6.66	02898491	Nov 17, 2015
Sign Building Permit Fee	\$166.60	\$166.60	02898491	Nov 17, 2015
Sign Development Application Fee	\$255.00	\$255.00	02898491	Nov 17, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$428.26	\$428.26		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-113



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-114

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180111336-001

ADDRESS OF APPELLANT: 10358 - 82 Avenue NW

APPLICATION TO: Install 3 Fascia On-Premises Signs (Spasation), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 31, 2016

DATE OF APPEAL: April 8, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10358 - 82 Avenue NW

LEGAL DESCRIPTION: Plan I Blk 68 Lots 13-14

ZONE: DC1 Direct Development Control Provision (DC1 (999))

OVERLAY: Whyte Avenue Commercial Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

Spasation entered into an agreement with My Design company to supply and install 3 signs. My design applied for and was granted a approval prior to the installation. My design also spoke with the Strathcona Business Association and the was granted approval. These three signs installed as same dimension as that was permitted for Bold Spa never changed anything except the wording. Had we not gotten approval these signs would not be installed. I really appreciate your understanding and co-operation! [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.

685(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 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,

The Board is advised that the decision of approval by the Development Officer is dated March 31, 2016. The Notice of Appeal was filed on April 8, 2016.

Direct Control Districts

The *Municipal Government Act* states:

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 2.7 of the *Edmonton Zoning Bylaw* states:

Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

Section 710.1 states that the **General Purpose** of the **DC1 Direct Development Control Provision** is:

...to provide for detailed, sensitive control of the use, development, siting and design of buildings and disturbance of land where this is necessary to establish, preserve or enhance:

- a. areas of unique character or special environmental concern, as identified and specified in an Area Structure Plan or Area Redevelopment Plan; or
- b. areas or Sites of special historical, cultural, paleontological, natural, scientific or aesthetic interest, as designated under the Historical Resources Act.

Section 7.9(2) states:

Fascia On-premises Signs means any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional presentation may be placed. 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 710.4 states that, in relation to a DC1 Direct Development Control Provision, "Signs shall comply with the regulations found in Schedule 59H."

Section 820.1 states that the **General Purpose** of the **Whyte Avenue Commercial Overlay** is:

...to prohibit new Bars and Neighbourhood Pubs, and Nightclubs; and to prohibit the expansion of existing Bars and Neighbourhood Pubs, and Nightclubs in the Whyte Avenue Commercial Area.

Sign Extension From Wall

With respect to DC1 Direct Development Control Provisions, Section 5(r)(f)(1) of the Strathcona Area Redevelopment Plan states:

f) Fascia On-premises Signs:

1. shall not extend more than 14.5 cm out from the wall nor beyond the horizontal limits of the wall;

Development Officer's Determination

1. Fascia On-premises Signs shall not extend more than 14.5 cm out from the wall nor beyond the horizontal limits of the wall.

(Strathcona Area Redevelopment Plan DC1 Section 5.r.(f)(1))

The applicant has not submitted information to determine compliance to Section 5.r.(f)(1) of the Strathcona Area Redevelopment Plan. [unedited]

Limitation of Signs per Building Face

With respect to DC1 Direct Development Control Provisions, Section 5(r)(f)(8) of the Strathcona Area Redevelopment Plan states:

f) Fascia On-premises Signs:

...

8. Fascia On-Premises Signs which consist only of a company Logogram, or an Identification Sign formed of individual letters, shall be allowed. Not more than one such Sign per business shall be allowed per building face and the Sign shall only be used to identify the tenants of the building.

Development Officer's Determination


2. Fascia On-Premises Signs which consist only of a company Logogram, or an Identification Sign formed of individual letters, shall be allowed. Not more than one such Sign per business shall be allowed per building face and the Sign shall only be used to identify the tenants of the building. (Strathcona Area Redevelopment Plan DC1 Section 5.r.(f)(8))

Proposed: Two Fascia On-premises Signs on the west elevation

Exceeds by: One Fascia On-Premises Sign [unedited]

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: 180111336-001 Application Date: SEP 30, 2015 Printed: April 8, 2016 at 11:50 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 SPASATION SPA & SALON Care of: HASOON RAHAL <div style="background-color: black; width: 200px; height: 20px; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 10358 - 82 AVENUE NW Plan I Blk 68 Lots 13-14 Location(s) of Work Suite: 8211 - 104 STREET NW Entryway: 8211 - 104 STREET NW Building: 10358 - 82 AVENUE NW		
Scope of Application To install 3 Fascia On-Premises Signs (Spasation), existing without permits.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> ASA Sticker No./Name of Engineer: 5658 Construction Value: 7950 </td> <td style="width: 50%; border: none;"> Class of Permit: Class A Expiry Date: </td> </tr> </table>		ASA Sticker No./Name of Engineer: 5658 Construction Value: 7950	Class of Permit: Class A Expiry Date:
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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: 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: _____			
Development Application Decision Refused Reason for Refusal 1. Fascia On-premises Signs shall not extend more than 14.5 cm out from the wall nor beyond the horizontal limits of the wall. (Strathcona Area Redevelopment Plan DC1 Section 5.r.(f)(1)) The applicant has not submitted information to determine compliance to Section 5.r.(f)(1)) of the Strathcona Area Redevelopment Plan. 2. Fascia On-Premises Signs which consist only of a company Logogram, or an Identification Sign formed of individual letters, shall be allowed. Not more than one such Sign per business shall be allowed per building face and the Sign shall only be used to identify the tenants of the building. (Strathcona Area Redevelopment Plan DC1 Section 5.r.(f)(8)) Proposed: Two Fascia On-premises Signs on the west elevation Exceeds by: One Fascia On-Premises Sign			
THIS IS NOT A PERMIT			



Project Number: **18011336-001**
 Application Date: SEP 30, 2015
 Printed: April 8, 2016 at 11:50 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: Mar 31, 2016 **Development Authority:** FOLKMAN, JEREMY **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Dev Permit Penalty Fee	\$255.00	\$255.00	02787276	Sep 30, 2015
Safety Codes Fee	\$5.84	\$5.84	02787276	Sep 30, 2015
Sign Building Permit Fee	\$146.00	\$146.00	02787276	Sep 30, 2015
Existing Without Building Permit Penalty Fee	\$146.00	\$146.00	02787276	Sep 30, 2015
Sign Development Application Fee	\$255.00	\$255.00	02787276	Sep 30, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$807.84	\$807.84		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-114



BUSINESS LAID OVER

SDAB-D-16-093	An appeal by Pro Consulting Design & Build to construct and operate a Child Care Services Use Building (95 children – 12, 0-11 months/15, 12-19 months/14, 19 months – 3 years/22, 3 – 4.5 years/15, 4.5 – 6 years/ 17, 6-12 years) and to construct exterior alterations (developing on-site outdoor play spaces and revisions to approved landscaping) <i>May 13, 2016</i>
SDAB-D-16-062	An appeal by Re/mex Excellence to operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors). <i>May 25 or 26, 2016</i>
SDAB-D-16-501	An appeal by Darren Crocker to demolish an existing building <i>May 25 or 26, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

172854843-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to comply with a Stop Order to comply with all conditions of Development Permit No. 139511609-001 before April 1, 2016 or Cease the Use (Operation of Automotive and Minor Recreation Vehicle Sales/Rentals Use and any subsequent Use) before April 1, 2016 and remove all stored material and equipment associated with the Use; including vehicles, tires, and vehicle parts before April 1, 2016 <i>May 25, 2016</i>
175846220-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to remove all advertising signs located on the building before April 2, 2016 or submit a complete Development Permit Application which reflects the current sign(s) installed on the building before April 1, 2016 <i>May 25, 2016</i>