

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Wednesday, 9:00 A.M.**  
**November 18, 2020**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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**TO BE RAISED**

I 9:00 A.M. SDAB-S-19-004

To create one (1) Single Detached Residential lot

3333 - 28 Avenue SW

Project No.: 284946199-002

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**TO BE RAISED**

II 1:30 P.M. SDAB-D-20-147

Install a Freestanding Off-premises Sign  
(COLLEGE COPY SHOP | BGE (INDOOR AIR  
QUALITY SOLUTIONS)

5718 - Gateway Boulevard NW

Project No.: 356402802-002

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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.*

**TO BE RAISED**

ITEM I: 9:00 A.M.

FILE: SDAB-S-19-004

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 284946199-002

APPLICATION TO: To create one (1) Single Detached Residential lot

DECISION OF THE  
SUBDIVISION AUTHORITY: Refused

DECISION DATE: March 21, 2019

DATE OF APPEAL: April 2, 2019

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 3333 - 28 Avenue SW

LEGAL DESCRIPTION: Plan 9320215 Lot 1A

ZONE: (RR) Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Decoteau Area Structure Plan

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***Grounds for Appeal***

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

I, Alfred Dohmann of 3333 - 28 Avenue SW, Edmonton, AB T6X 1A5 wish to file an appeal regarding the Subdivision Authority's decision to refuse the proposed subdivision of my acreage lot. I find the reasons stated to be unreasonable and inaccurate in accordance with other development in the area. Please note I will be submitting formal documentation to the

Edmonton Tribunals, SDAB Appeal which will rebut the specific reasons provided by the City of Edmonton Subdivision Authority. An appropriate timeline is needed to submit a response and the timeline given does not provide adequate time. I will be in touch with the Edmonton Tribunals. Please note I am out of the country until the end of April 2019.

<b><i>General Matters</i></b>
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**Appeal Information:**

**The appeal hearing was scheduled to November 18 or 19, 2020 with the written consent of the Appellant and the City of Edmonton.**

**The Subdivision and Development Appeal Board made and passed the following motion on May 28, 2020:**

**“That the appeal hearing be postponed to a date to be determined in October, 2020.”**

**The Subdivision and Development Appeal Board made and passed the following motion on July, 5 2019 :**

**“The appeal hearing of SDAB-S-19-004 will be postponed to June 2020.”**

**The Subdivision and Development Appeal Board made and passed the following motion on June 20, 2019**

**“That the appeal hearing be postponed to July 3, 2019.”**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Appeals**

**678(1)** The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of

the municipality or the municipal planning commission of the municipality is not the subdivision authority, or

- (d) by a school board with respect to
  - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
  - (ii) the location of school reserve allocated to it, or
  - (iii) the amount of school reserve or money in place of the reserve.

**(2)** An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

- (a) with the Municipal Government Board
  - (i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the Public Lands Act,
  - (ii) if the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, or
  - (iii) in any other circumstances described in the regulations under section 694(1)(h.2),

or

- (b) in all other cases, with the subdivision and development appeal board.

**(2.1)** Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

**(3)** For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

**(4)** A notice of appeal under this section must contain

- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

**(5)** If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

#### **Hearing and decision**

**680(1)** The board hearing an appeal under section 678 is not required to hear from any person or entity other than

- (a) a person or entity that was notified pursuant to section 679(1), and
- (b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons' behalf.

**(1.1)** For the purposes of subsection (1), “adjacent land” and “owner” have the same meanings as in section 653.

**(2)** In determining an appeal, the board hearing the appeal

- (a) must act in accordance with any applicable ALSA regional plan;
- (a.1) must have regard to any statutory plan;
- (b) must conform with the uses of land referred to in a land use bylaw;
- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;

- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

**Approval of application**

**654(1)** A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

**(1.1)** Repealed 2018 c11 s13.

**(1.2)** If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

**(2)** A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

**General Provisions from the Edmonton Zoning Bylaw:**

Under section 240.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RR) Rural Residential Zone**.

**Section 240.1 states that the General Purpose** of the **(RR) Rural Residential Zone** is:

to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.

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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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Subdivision Authority

7th Floor, Edmonton Tower  
10111 – 104 Avenue NW  
Edmonton, Alberta T5J 0J4

March 21, 2019

File No. LDA19-0039

RE: Tentative plan of subdivision to create one (1) single detached residential lot, from Lot 1A, Plan 932 0215, located south of 28 Avenue SW and east of 34 Street SW; **DECOTEAU**

**I The Subdivision by Plan is REFUSED on March 21, 2019, for the following reasons:**

1. The subdivision does not comply with section 3.4.2 of the Decoteau Area Structure Plan which states, "land use concept for Decoteau maintains the existing country residential development in the central portion of the plan area. The existing Country Residential land uses may remain in perpetuity unless it is the desire of the landowners to redevelop. Should any existing residential area be redeveloped in the future, an amendment to the Decoteau ASP will be required and will need to meet the Capital Region Board's density targets.;"
2. The subdivision contravenes policy 4.4.4 d. iii. of the Edmonton Metropolitan Growth Plan which states, "New country residential development in the Region shall only be considered if a member municipality's proposal meets all of the following criteria: the proposed country residential lots are: not less than 4.8 km (3.0 mi) from the boundary of an existing urban community in the metropolitan area." The proposed subdivision is within 4.8 km of the City of Edmonton boundary;
3. The subject lot is zoned as (RR) Rural Residential Zone and is therefore subject to the regulations of Section 240 of the Edmonton Zoning Bylaw 12800. The subdivision does not comply with section 240.1 of the Edmonton Zoning Bylaw 12800 which states, "The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.;"
4. The proposed lot will contribute to the fragmentation of land in the Decoteau area, posing a barrier to economic redevelopment and wide-scale servicing of this area;
5. Access is not permitted from 34 Street because it is Transportation Standard Practice that single family residential developments can only access collectors or local roadways. New access to the arterial will not be approved, as it will ultimately have to be closed with the redevelopment of the area and the upgrade of the arterial roadway; and
6. Public fire protection is not provided in this location due to the 2.4 km distance from the nearest water source. Further densification in areas that do not meet City Standards for water infrastructure is not supported because there would be significant delays establishing firefighting operations at this location.

Please be advised that an appeal may be lodged in accordance to Section 678 of the Municipal Government Act with the Subdivision and Development Appeal Board, 10019 – 103 Avenue NW, Edmonton Alberta, T5J 0G9, within 14 days from the date of the receipt of this decision. The date of receipt of the decision is deemed to be seven (7) days from the date the decision is mailed.

If you have further questions, please contact Marco Beraldo at marco.beraldo@edmonton.ca or 780-496-6092.

Regards,



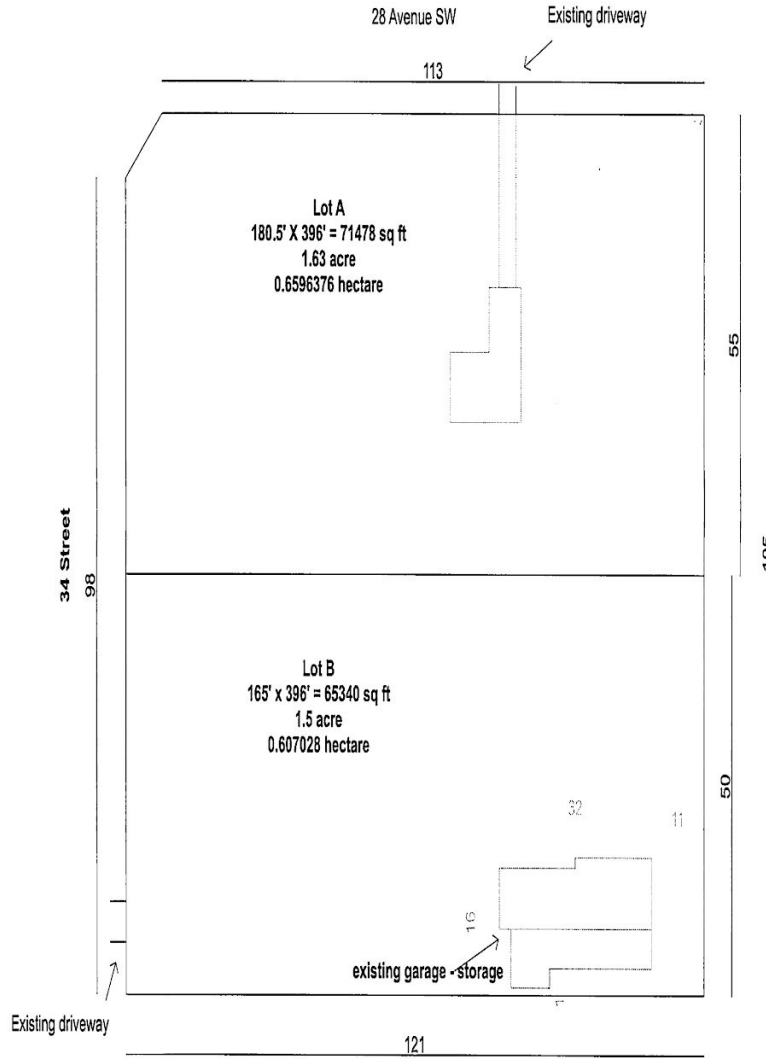
Blair McDowell  
Subdivision Authority

BM/mb/Posse #284946199-002

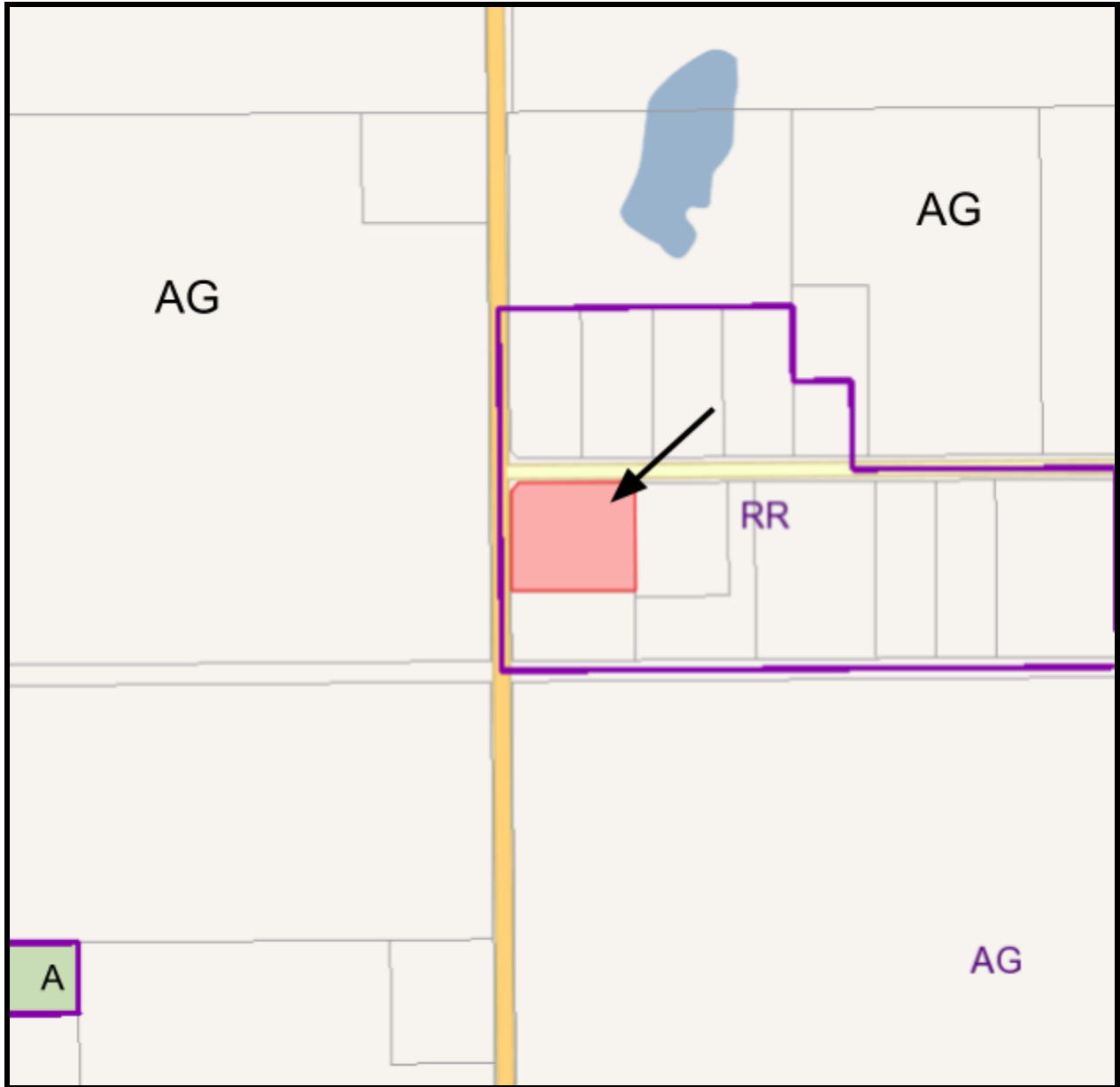
Lot 1A, Plan 932 0215  
N.W. 1/4 Sec.18-Twp.51-Rge.23-W4M

APP18-0453 LDA file #

Dimensions in meters unless marked otherwise



3333-28 Avenue SW  
Alfred Dohmann 780-436-3131 alfred@alkim.ca



**SURROUNDING LAND USE DISTRICTS**

Site Location ←      File: SDAB-S-19-004      ▲  
N

**TO BE RAISED**

ITEM II: 1:30 P.M.

FILE: SDAB-D-20-147

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 356402802-002

APPLICATION TO: Install a Freestanding Off-premises Sign (COLLEGE COPY SHOP | BGE (INDOOR AIR QUALITY SOLUTIONS))

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 15, 2020

DATE OF APPEAL: October 5, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5718 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 1661KS Blk 87 Lot 1A

ZONE: (IH) Heavy Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

We are appealing the decision for refusal of a face change in an existing freestanding sign. The face is a copy change from the "Filter Shop" to "BGE". The reasons for our appeal are as follows:

1. The application is for a copy change in an existing cabinet in an existing sign - we are not asking to change or alter the sign location or structure.
2. The parcel where the freestanding sign is located has been subdivided. In order for the freestanding sign to have the BGE ("Filter Centre) identification on it, it will be classified as an off premises sign. It will need a radial separation of 100m from an off premises digital billboard sign which is 35.6m south east. Given the fact that the face change is to be a static change not digital and it is replacing the existing panel, we do not feel that it is in the same category as off premises sign and should not be subject to the same sort of separations.
3. The sign encroaches only 0.12m or 4.75" over the property line. The amount is not enough to be egregious or affect the lot or the roadway in any way.

<i>General Matters</i>
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**Appeal Information:**

**The Subdivision and Development Appeal Board at a hearing on October 27, 2020, made and passed the following motion:**

**“That SDAB-D-20-147 be postponed to November 18, 2020 at the written request of the Appellant”.**

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 430.2(7), a **Freestanding Off-premises Sign**, where they are not within 100.0 m of a Residential Zone, is a **Permitted Use** in the **(IH) Heavy Industrial Zone**.

Under section 430.3(13), a **Freestanding Off-premises Sign**, where they are within 100.0 m of a Residential Zone, is a **Discretionary Use** in the **(IH) Heavy Industrial Zone**.

Under section 7.9(3), **Freestanding Off-premises Signs** means “a Freestanding Sign, which is a Permanent Sign, displays Off-premises Advertising and contains no Digital Copy.”

Under section 6.2, a **Freestanding Sign** means “a Sign supported independently of a building.”

Section 430.4(8) states “Signs shall comply with the regulations found in Schedule 59G.”

Section 430.1 states that the **General Purpose** of the **(IH) Heavy Industrial Zone** is:

to provide for industrial Uses that, due to their appearance, noise, odour, risk of toxic emissions, or fire and explosion hazards are incompatible



with residential, commercial, and other land Uses. This Zone should normally be located on the interior of industrial or agricultural areas, such that it does not interfere with the safety, Use, amenity or enjoyment of any surrounding Zones.

***Setback***

Schedule 59G.2(5)(c) states “no part of any Freestanding Off-premises Sign shall be located within any Setback.”

Section 430.4(3) states “A minimum Setback of 3.0 m shall be required where any lot line of a Site abuts a public roadway, other than a Lane.”

Under section 6.1, **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

Under section 6.1, **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

**Development Officers Determination**

**1. Section 59G.2(5)(c) - No part of any Freestanding Off-premises Sign shall be located within any Setback;**

**Proposed: encroaches 0.12 m over property line  
Required: 3.0 m Setback  
Deficient by: 3.12 m**

[unedited]

***Separation Distance***

Schedule 59G.2(5)(d) states:

proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m<sup>2</sup> or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than <u>8.0 m<sup>2</sup></u> or Off-premises Signs
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less than <u>20 m<sup>2</sup></u>	<u>100 m</u>
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The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

**Development Officers Determination**

**2. Section 59G.2(5)(d) - Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m<sup>2</sup> or Off-premises Signs, greater than 10m<sup>2</sup> by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.**

**Area of Existing Sign (DP# 146410313-004): 18.6 m<sup>2</sup> Digital  
Location: 5735 - GATEWAY BOULEVARD N  
Required Separation Distance: 100 m  
Proposed Separation Distance: 34 m  
Deficient by: 66 m**

[unedited]

***Sign Regulations - General Provisions***

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 Officers Determination**

**3. Section 59.2(12) - 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.**

**Proposed: Sign encroaches 0.12 m over property line.**


[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.

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	<h2>Application for Sign Combo Permit</h2>	Project Number: <b>356402802-002</b> Application Date: AUG 25, 2020 Printed: October 5, 2020 at 3:31 PM Page: 1 of 2
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> 5718 - GATEWAY BOULEVARD NW Plan 1661KS Blk 87 Lot 1A	
<b>Scope of Application</b> To install a Freestanding Off-premises Sign (COLLEGE COPY SHOP   BGE (INDOOR AIR QUALITY SOLUTIONS)).		
<b>Permit Details</b>		
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: 0 Minor Digital On-Off-premises Sign: 0	Freestanding Off-premises Sign: 1 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 Application Decision</b> Refused <b>Issue Date:</b> <b>Development Authority:</b> MERCIER, KELSEY <b>Reason for Refusal</b> 1. Section 59G.2(5)(c) - No part of any Freestanding Off-premises Sign shall be located within any Setback; Proposed: encroaches 0.12 m over property line Required: 3.0 m Setback Deficient by: 3.12 m  2. Section 59G.2(5)(d) - Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m <sup>2</sup> or Off-premises Signs, greater than 10m <sup>2</sup> by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.  Area of Existing Sign (DP# 146410313-004): 18.6 m <sup>2</sup> Digital Location: 5735 - GATEWAY BOULEVARD N Required Separation Distance: 100 m Proposed Separation Distance: 34 m Deficient by: 66 m  3. Section 59.2(12) - 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.  Proposed: Sign encroaches 0.12 m over property line.		
<b>THIS IS NOT A PERMIT</b>		



## Application for Sign Combo Permit

Project Number: **356402802-002**  
Application Date: AUG 25, 2020  
Printed: October 5, 2020 at 3:31 PM  
Page: 2 of 2

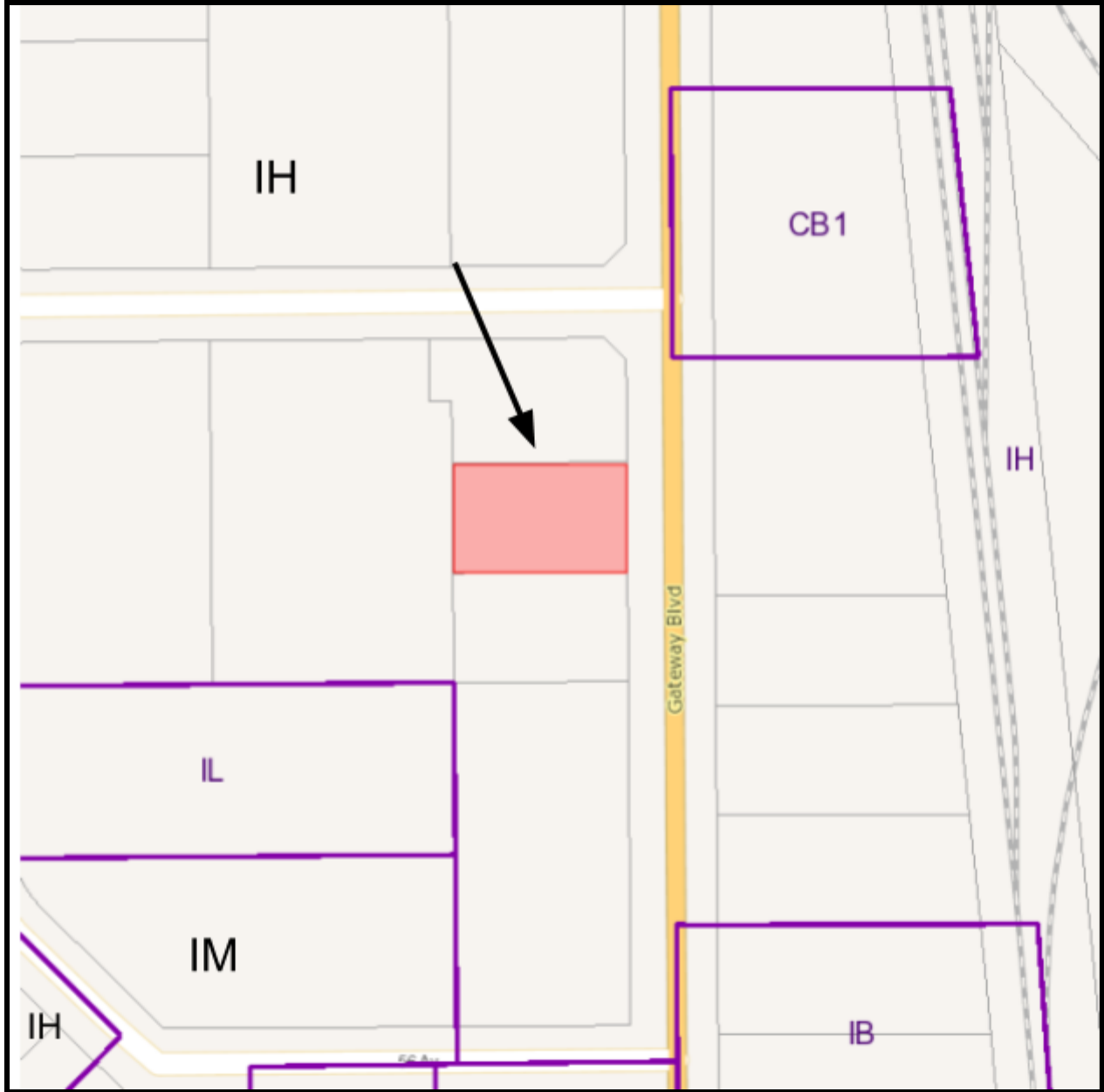
### Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Building Permit Fee	\$161.00	\$161.00	06708898	Sep 03, 2020
Sign Development Application Fee	\$287.00	\$287.00	06708898	Sep 03, 2020
Safety Codes Fee	\$6.44	\$6.44	06708898	Sep 03, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$454.44	\$454.44		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-147

▲  
**N**