

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
November 2, 2017**

**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-17-206	Construct exterior alterations to a Single Detached House, existing without permits (Driveway extension, 0.90 metres by 5.57 metres)
---	-----------	---------------	--

13119 - 208 Street NW  
Project No.: 257396013-002

---

II	10:30 A.M.	SDAB-D-17-203	To install (3) Fascia On-premises Signs (Remedy Cafe)
----	------------	---------------	---

8625 - 109 Street NW  
Project No.: 257830695-001

---

**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-17-206

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 257396013-002

APPLICATION TO: Construct exterior alterations to a Single Detached House, existing without permits (Driveway extension, 0.90 metres by 5.57 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 28, 2017

DATE OF APPEAL: October 6, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13119 - 208 Street NW

LEGAL DESCRIPTION: Plan 1425609 Blk 8 Lot 112

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Trumpeter Neighbourhood Structure Plan

---

***Grounds for Appeal***

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

Leave as built side walk [piece] added to side. The grading department approved the grading with no issues. Windward and United the developer approved what was done. At this time, no neighbours live next door. My son will be one of neighbours on the side we are talking about. I sent photos and it doesn't affect the look of the subdivision. The owner of home does not want to remove the [piece] added. Thank you.

**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

...

**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 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

Under section 6.1(2), **Accessory** means, “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1(30), **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1(76), **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1(122), **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 115.1 states that the **General Purpose** of the **(RSL) Residential Small Lot Zone** is:

...to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.

***Off-street Parking and Loading Regulations***

Section 54.1(4) states:

The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;

...

**Development Officer’s Determination:**

**Other than the approved front Driveway, the proposed extension to the North Side Lot Line, existing without permits, does not lead to an overhead garage door. The extension can be used for vehicular parking.**

***Location of Vehicular Parking Facilities***

Section 54.2(2)(e) states:

Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and
- ii. ...

**Development Officer’s Determination:**

**The proposed extension to the Driveway, existing without permits, is in the Front Yard and will be used for parking. Parking is not allowed on the Front Yard, which should be suitably landscaped.**

***Off-street Parking and Loading Regulations***

Section 54.1(4) states:

The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

...

- c. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side

parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser;

...

**Development Officer’s Determination:**

**Proposed width of driveway and extension, existing without permits: 8.22m**

**Maximum width of driveway: 7.32m (width of Garage)**

**Exceeds by: 0.9m**

***Landscaping***

Under section 6.1(62), **Landscaping** means:

the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative Fencing, walls and sculpture.

Section 55.2(1)(g) states:

Unless otherwise specified in this Bylaw, or developed as part of a Multi-unit Project Development, all new Single Detached Housing, Semi-detached Housing, Duplex Housing, Row Housing and Stacked Row Housing, shall be Landscaped in accordance with the following:

...

- g. all Yards visible from a public roadway, other than a Lane, shall be seeded or sodded.

...

Section 55.3(1) states:

Unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following:

...

- e. all open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

...

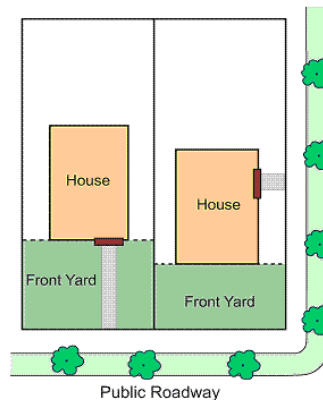
Section 45.7 states:

In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:

- a. vehicles shall not be located on the landscaped portion of the Yard; and
- b. vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

Under section 6.1(45), **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



**Development Officer's Determination:**

**Hardsurfacing is proposed in the Front Yard and is intended to be used as parking. Based on the landscaping regulations, the Front Yard must be suitably landscaped.**



***Amenities of Neighbourhood and Neighbourhood Properties***

Section 11.2(1) states the Development Officer may approve, with or without conditions as a Class B Discretionary Development, an application for development that does not comply with this Bylaw where:

- a. the proposed development would not, in their opinion:
  - i. unduly interfere with the amenities of the neighbourhood; or
  - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- b. the proposed development would, in their opinion, conform with the Use prescribed for that land or building in this Bylaw.

**Development Officer's Determination:**

Other than areas approved as a Driveway, the Front Yard should be suitably landscaped. The proposed concrete extension, which further reduces the landscaped area of the Front Yard, is unsightly. Parking on areas that should be landscaped, also takes away from desirable curb appeal. On-street parking may be affected by the concrete parking pad.

Notes:

Sufficient on site parking is provided through the provision of a 2-car front attached garage and 2 parking spaces in tandem on the approved Driveway for a total for 4 spaces.

It is the opinion of the Development Authority that the concrete extension sets a negative precedent for the neighbourhood.

This driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

---

**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: 257396013-002  
Application Date: AUG 21, 2017  
Printed: October 6, 2017 at 11:37 AM  
Page: 1 of 3

## Application for Minor Development Permit

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

### Applicant

### Property Address(es) and Legal Description(s)

13119 - 208 STREET NW  
Plan 1425609 Blk 8 Lot 112

### Scope of Application

To construct exterior alterations to a Single Detached House, existing without permits (Driveway extension, 0.90m x 5.57m)

### Permit Details

# of Dwelling Units Add/Remove: 0  
Client File Reference Number:  
Minor Dev. Application Fee: Exterior Alterations (Res.)  
Secondary Suite Included?: N

Class of Permit:  
Lot Grading Needed?: N  
New Sewer Service Required: N  
Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: \_\_\_\_\_

### Development Application Decision

Refused

**THIS IS NOT A PERMIT**



## Application for Minor Development Permit

Project Number: **257396013-002**  
 Application Date: AUG 21, 2017  
 Printed: October 6, 2017 at 11:37 AM  
 Page: 2 of 3

### Reason for Refusal

1. Section 6.1(29) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.

Section 6.1(121) - Walkway means a path for pedestrian circulation that cannot be used for vehicular parking

Section 54.1(4)(a) - The Driveway shall lead directly from the roadway to the Garage or Parking Area.

- Other than the approved front Driveway, the proposed extension to the North Side Lot Line, existing without permits, does not lead to an overhead garage door. The extension can be used for vehicular parking.

2. Section 54.2(2)(e)(i) - Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.

- The proposed extension to the Driveway, existing without permits, is in the Front Yard and will be used for parking. Parking is not allowed on the Front Yard, which should be suitably landscaped.

3. Section 54.1(4)(c) - The Driveway Shall for a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser.

Proposed width of driveway and extension, existing without permits: 8.22m

Maximum width of driveway: 7.32m (width of Garage)

Exceeds by: 0.9m

4. Section 55.3(1)(e) - all open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

- Hardsurfacing is proposed in the Front Yard and is intended to be used as parking. Based on the landscaping regulations, the Front Yard must be suitably landscaped.

5. Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

- Other than areas approved as a Driveway, the Front Yard should be suitably landscaped. The proposed concrete extension, which further reduces the landscaped area of the Front Yard, is unsightly. Parking on areas that should be landscaped, also takes away from desirable curb appeal. On-street parking may be affected by the concrete parking pad.


### Notes:

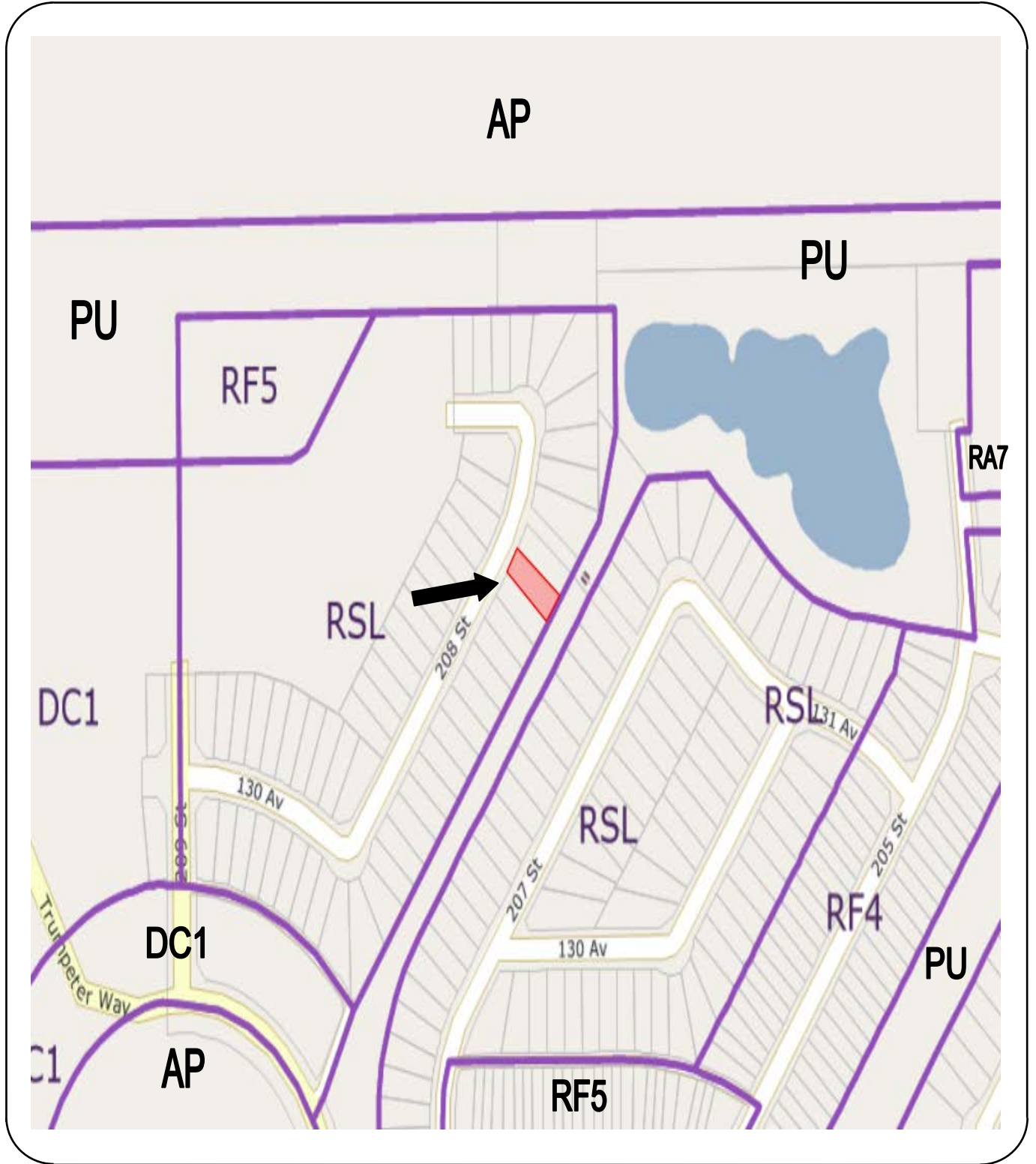
- Sufficient on site parking is provided through the provision of a 2-car front attached garage and 2 parking spaces in tandem on the approved Driveway for a total for 4 spaces.
- It is the opinion of the Development Authority that the concrete extension sets a negative precedent for the neighbourhood.
- This driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

### 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.

**THIS IS NOT A PERMIT**

	<h2>Application for Minor Development Permit</h2>	Project Number: <b>257396013-002</b> Application Date: AUG 21, 2017 Printed: October 6, 2017 at 11:37 AM Page: 3 of 3		
<b>Issue Date:</b> Sep 28, 2017 <b>Development Authority:</b> XIE, JASON <b>Signature:</b> _____				
<b>Fees</b>				
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$166.00	\$166.00	04388198	Aug 21, 2017
Existing Without Permit Penalty Fee	\$166.00	\$166.00	04388198	Aug 21, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$332.00	\$332.00		
<b>THIS IS NOT A PERMIT</b>				



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-206



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-203

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

ADDRESS OF APPELLANT: 8650 – 108A Street NW / 8701 – 109 Street NW

APPLICATION NO.: 257830695-001

APPLICATION TO: To install (3) Fascia On-premises Signs (Remedy Cafe)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: September 12, 2017

DATE OF APPEAL: October 5, 2017

NOTIFICATION PERIOD: September 26, 2017 through October 10, 2017

RESPONDENT: City Image Signs

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8625 - 109 Street NW

LEGAL DESCRIPTION: Plan 3901AJ Blk 186 Lots 17-21

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

***Grounds for Appeal***

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

Please be advised our firm has have been retained by 1032818 Alberta Ltd. (the "Appellants"), the owners of the 109 Street Shopping Plaza located directly adjacent to Remedy Café on 8631-109 Street, to appeal the approval of Permit #257830695-001.

### Background

By way of background, the permit allows for the installation of three Fascia On-Premises Signs (the "Signs") on the north wall of Remedy Café (the "Wall"). This permit was granted despite non-compliance with s.59E of Bylaw 12800.

There is a zero property line position between Remedy Café and the Appellants' property. As such, the Wall lies directly on the edge of the property line and any protruding objects will be encroaching on the property of the Appellants. The Signs will be protruding from the Wall resulting on encroachment on the property of the Appellants.

The Appellants have economic reasons for appealing this permit. Historically, they have had concerns with signage on the Wall which they previously conveyed to Mark de La Bruyere, owner of Midwest Properties. These previous signs created the impression the parking lot of the 109 Street Shopping Plaza (the "Lot") was for the tenants of the adjacent building. Numerous vehicles have parked illegally on the Lot .due to this misconception. To enforce their property rights, the Appellants incurred financial expenses to hire a parking attendant to ticket or tow cars illegally parked on the Lot. This adverse impact is the primary focus of our appeal.

### Reasons for Appeal

Although relatively minor, it should be noted the Development Officer has permitted the development of the Signs, notwithstanding the fact they do not face a public roadway pursuant to s.59E of Bylaw 12800. This statement, however is partially incorrect. The Zone in question has been classified as a "CBI Low Intensity Business Zone". Accordingly, the appropriate Schedule is s.59F for the regulation of sign development.

There are three main grounds for our appeal. The first is the failure of the Development Officer to comply with s.59.2(6) of Bylaw 12800. The second is the failure of the development Officer to comply with s.11.2(1) of Bylaw 12800. The third is the fact the Signs will be trespassing on the Appellants' property.

### **Failure to Comply with Section 59.2(6)**

The first ground of appeal is the failure of the Development Officer to follow s.59.2(6) of Bylaw 12800 which states:

**s.59.2(6)** For all Sign Applications, the Development Officer **shall have regard** for the scale and architectural character of the building and the **land use characteristics of surrounding development**. The Development Officer **shall refuse any Sign Application that may adversely impact the amenities or character of the Zone**.

The Development Officer failed to consider the impact the Signs would have on the surrounding properties. Notwithstanding the fact the Signs are encroaching on their property, the Appellants have made it clear, through personal experiences, the Signs will likely result in financial expenses to enforce their property rights. This clearly creates an adverse impact on the Appellant's property. The Development Officer should have been live to this adversity and failed to properly follow the requirements under s.59.2(6). Had

the Development Officer considered this effect, the development permit would never have been approved.

Bylaw 12800 makes it clear, the Development Officer is under a strict obligation to deny any Sign Application that would adversely impact the surrounding area. Established above, the prospective signage will result in constant monitoring of the Appellants' property rights. This will require consistent financial obligations on their part. The adversity they will face triggers the Development Officers strict obligation to reject the installation of the Signs on the Wall.

While it may be argued the financial burden is merely speculative, the Bylaw clearly states "... may adversely impact." The Bylaw does not require a definitive impact, merely a potential impact. The Development Officer failed to address the probable adverse financial impacts and should not have granted the development permit.

### **Failure to Comply with Section 11.2(1)**

The second ground of appeal is the failure of the Development Officer to follow s.11.2(1) of Bylaw 12800 which states:

#### **112 Variance to Regulations**

(1) The Development Officer may approve, with or without conditions as a Class B Discretionary Development an application for development that does not comply with this Bylaw where:

(a) **the proposed development would not, in their opinion:**

- (i) unduly interfere with the amenities of the neighbourhood; or
- (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Variance was permitted through the authority pursuant to s.11.2. The Development Officer permitted the development of the Signs despite not facing a public roadway pursuant to s.59F.2(1)(a):

#### **59E2 Regulations for Permitted Signs**

(1) Fascia On-premises Signs shall be subject to the following regulations:

(a) Fascia On-premises Signs shall only face a public roadway other than a Lane;

This variance is only to be permitted where the proposed development would not materially interfere or affect the use, enjoyment or value of neighbouring properties. Although the Development Officer is permitted to allow non-compliant development, the facts at hand do not support the exercise of this authority.



It is our submission the financial burdens, addressed previously is sufficient to qualify as a material interference on their neighbouring property pursuant to s.11.2(1)(a)(ii). Therefore, the Development Officer should not have allowed this non-compliant development to be approved.

### **Permitting the Trespass of Property**

The final ground of appeal is the fact the Signs will be legally trespassing on the Lot. Pursuant to the Alberta Court of Appeal decision in *Didow v Alberta Power Ltd*, 1988 ABCA 257 [*Didow*], the reasonable air space above the land is a part of the landowner's property.

*Didow* involved power lines crossing over an individual's land. Despite being six feet into the air space above the individual's land, the Court found the power lines were trespassing on his property. Coming to this decision, the Court came to two important conclusions:

[38] The problem is to balance the rights of an owner to enjoy the use of his land against the rights of the general public to take advantage of all that science now offers in the use of air space. This balance is in my judgment best struck in our present society by restricting the rights of an owner in the air space above his land to such height as is necessary for the ordinary use and enjoyment of his land and the structures on it, and declaring that above that height he has no greater rights in the air space than any other member of the public.

[42] ... I view this test as saying a landowner is entitled to freedom from permanent structures which in any way impinge upon the actual or potential use and enjoyment of his land. The cross-arms constitute a low level intrusion which interferes with the appellant's potential, if not actual, use and enjoyment. This amounts to trespass.

As previously mentioned, the properties in question are separated by a zero property line. Any objects overhanging or protruding from the property will be hanging over the adjacent landowner's property similarly to the power lines in *Didow*. Therefore, it must be considered whether the intrusion will affect the Appellants' actual or potential use and enjoyment of their land. This must be answered in the affirmative.

Historically, the Appellants have faced economic burdens as a result of signage on the Wall. If the Signs were to be permitted they would be again faced with this familiar burden which would interfere with their use of their land. The Appellants, as land owners, should be free from this actual or potential burden that will impinge on their use and enjoyment of the land. The Signs will clearly constitute legal trespass on the Appellants and should not be permitted to be installed.

### **Conclusion**

Our appeal should be allowed and the development and installation of the Signs should be rejected.

Bylaw 12800 makes it clear the Development Officer is under an obligation to consider the impact sign development will have on the surrounding properties. We submit the Development Officer has failed to act within this obligation. It is clear based on the fact the Signs will be encroaching on the Appellants' property, as well as the fact they will have to incur expenses to enforce their property rights. The Appellants will be significantly impacted by the Signs. Had the Development Officer considered this detriment, they would have been under a strict obligation to deny the application.

Although Bylaw 12800 permits the approval of non-compliant development, the facts at hand do not support this variation. Allowing the Signs to be placed on the Wall where they do not face a public roadway creates a material interference on the use, enjoyment, and value of the Appellants' property. The expenses they will likely incur to enforce their property rights is a material interference. This significant interference is sufficient to demonstrate variation of the regulations is inappropriate in these circumstances.

The common law also makes it clear, the installation of these Signs will constitute legal trespass against the Appellants' property. The air space above the Lot is a part of their property. As such, the Appellants have the right to be free from any permanent structures in their air space that affects their use and enjoyment of the land. It is highly likely the Appellants will be facing financial burdens if the Signs are permitted which, in turn, affects their right to use and enjoy their land. Therefore, the Signs constitute trespass on The Appellants' property and should not be permitted.

We respectfully ask the Subdivision Development Appeal Board to recognize the fact the Signs will be trespassing on the property of the Appellants resulting in financial burdens. Recognizing this detriment, we kindly ask the Subdivision Development Appeal Board to allow our appeal of Permit #257830695001 and prevent the installation of the Signs.

<i>General Matters</i>
------------------------

**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.

(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.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

### **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

...

(b) in the case of an appeal made by a person referred to in section 685(2), 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 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 330.2(17) states a **Fascia On-premises Sign** is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

Under Section 7.9(2), **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 representation may be placed. The Copy on such a Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Section 330.1 states 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.

Section 819.1 states the **General Purpose** of the **Main Streets Overlay** is to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

Section 819.3(26) states:

Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw, [...]

***Signs Face a Public Roadway***

Section 59E.2(1)(a) states Fascia On-premises Signs shall only face a public roadway other than a Lane.

**Development Officer's Determination**

Signs: The 3 Fascia On-premises Signs on the north facade do not face a public roadway. (Section 59E)

***Previous Subdivision and Development Appeal Board Decision***


<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-97-232	To construct and operate a General Retail Store(s) and a Minor Eating and Drinking Establishment (20 seats), and develop parking	September 5, 1997; that the appeal be ALLOWED IN PART and the decision of the DEVELOPMENT OFFICER VARIED, together with the Development Officer's conditions.

---

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>257830695-001</b> Application Date: JUL 20, 2017 Printed: October 5, 2017 at 11:20 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>			
This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit			
<b>Applicant</b>  <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<b>Property Address(es) and Legal Description(s)</b> 8625 - 109 STREET NW Plan 3901AJ Blk 186 Lots 17-21  <b>Location(s) of Work</b> Suite: 8631 - 109 STREET NW Entryway: 8631 - 109 STREET NW		
<b>Scope of Application</b> To install (3) Fascia On-premises Signs (Remedy Cafe)			
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     ASA Sticker No./Name of Engineer: 6639                      Construction Value: 10000                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class B                      Expiry Date:                 </td> </tr> </table>		ASA Sticker No./Name of Engineer: 6639 Construction Value: 10000	Class of Permit: Class B Expiry Date:
ASA Sticker No./Name of Engineer: 6639 Construction Value: 10000	Class of Permit: Class B Expiry Date:		
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 3 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: _____			
<b>Development Permit Decision</b> Approved  <b>Subject to the Following Conditions</b> <ol style="list-style-type: none"> <li>1. The 3 proposed Fascia On-premises Signs shall be installed in accordance with the approved plans.</li> <li>2. The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens. (Reference Section 59.2(4))</li> </ol> <p><b>ADVISEMENTS:</b>                  An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Reference Section 5.2)</p> <p><b>Variances</b>                  Signs: The 3 Fascia On-premises Signs on the north facade do not face a public roadway. (Section 59E)</p> <p><b>Rights of Appeal</b>                  This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p>			
<b>THIS IS NOT A PERMIT</b>			



Project Number: 257830695-001  
Application Date: JUL 20, 2017  
Printed: October 5, 2017 at 11:20 AM  
Page: 2 of 2

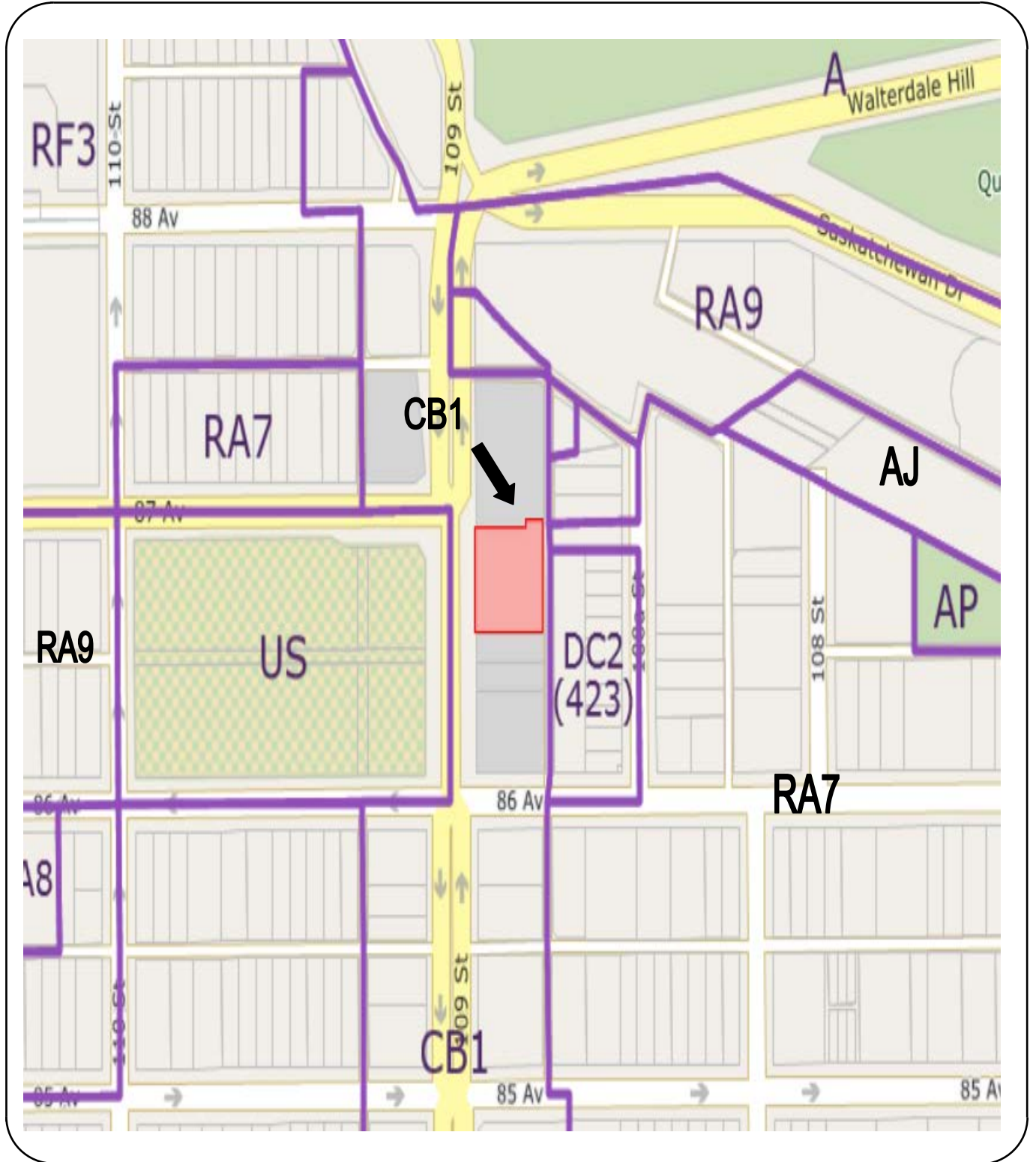
## Application for Sign Combo Permit

Issue Date: Sep 12, 2017    Development Authority: BUCCINO, SAMANTHA    Signature: \_\_\_\_\_  
Notice Period Begins: Sep 26, 2017    Ends: Oct 10, 2017

**Building Permit Decision**  
No decision has yet been made.

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$6.08	\$6.08	04315235	Jul 24, 2017
Sign Development Application Fee	\$273.00	\$273.00	04315235	Jul 24, 2017
Sign Building Permit Fee	\$152.00	\$152.00	04315235	Jul 24, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$431.08	\$431.08		

THIS IS NOT A PERMIT



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-203

