

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
November 7, 2019**

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

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

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I	9:00 A.M.	SDAB-D-19-195	Change the Use from Automotive and Minor Recreation Vehicle Sales/Rentals to the Greenhouses, Plant Nurseries and Garden Centres Use (Agrola Inc.)  15035 - 127 Street NW Project No.: 312964149-001
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II	10:30 A.M.	SDAB-D-19-196	Construct an Accessory Building (addition to Existing Accessory Building, 2.28 metres by 6.71 metres).  12A – Valleyview Crescent NW Project No.: 328004462-001
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**TO BE RAISED**

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III	1:30 P.M.	SDAB-D-19-172	Install (1) Minor Digital On-premises Off-premises Freestanding Sign (SIGNPATICO OUTDOOR   TIM HORTONS), and to remove an existing Freestanding On-premises Sign (246871770-001)  11913 – Wayne Gretzky Drive NW Project No.: 314230342-001
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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-19-195

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 312964149-001

APPLICATION TO: Change the Use from Automotive and Minor Recreation Vehicle Sales/Rentals to the Greenhouses, Plant Nurseries and Garden Centres Use (Agrola Inc.)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 27, 2019

DATE OF APPEAL: October 15, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15035 – 127 Street NW

LEGAL DESCRIPTION: Plan 8422077 Blk 62 Lot 3, Plan 8422077 Blk 62 Lot 4

ZONE: (IB) Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

***Grounds for Appeal***

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

- a. Setback was no shown on the plans.
- b. Officer requested 53 trees and 88 shrubs, were no developing buildings required.
- c. To add a seasonal tent from our old site on 137 Ave (movement).
- d. No landscaping plans.
- e. Height of buildings (no buildings).

***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,

- (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, [...]

**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 clauses (a.4) and (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 400.3(13), **Greenhouses, Plant Nurseries and Garden Centres** are a **Discretionary Use** in the **(IB) Industrial Business Zone**.

Under section 7.4(25), **Greenhouses, Plant Nurseries and Garden Centres** means:

development used for propagation, storage and sale of plants, and for the sale of products used for landscaping purposes. This does not include Cannabis Retail Sales or Cannabis Production and Distribution.

Section 400.1 states that the **General Purpose** of the **(IB) Industrial Business Zone** is:

to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

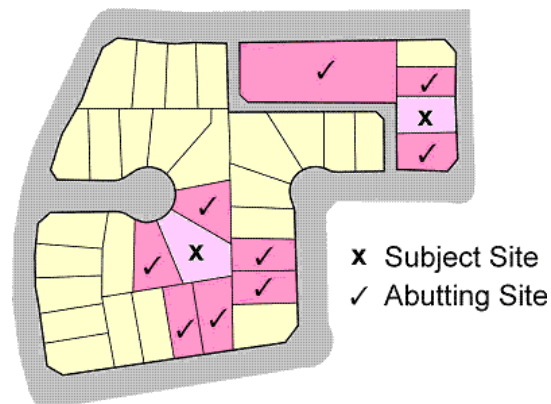
<b><i>Setbacks</i></b>
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Section 400.4(3) states “a minimum Setback of 6.0 metres shall be required where any lot line of a Site abuts a public roadway, other than a Lane, or abuts the property line of a Site zoned residential.”

Under section 6, **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.

Under section 6, **Abut** or **abutting** means:

immediately contiguous to or physically touching, and when used with respect to a lot or Site, means that the lot or Site physically touches upon another lot, Site, or piece of land, and shares a property line or boundary line with it.



### Development Officer's Determination

The proposed development, which falls under the Greenhouses, Plant Nurseries and Garden Centres Use, is a Discretionary Use in the Industrial Business (IB) Zone. Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer. In the opinion of the Development Officer, the proposed development is not a suitable use in the context of the site and is refused for the following reasons:

1. Section 400.4(3) - A minimum Setback of 6.0 m shall be required where any lot line of a Site abuts a public roadway, other than a Lane, or abuts the property line of a Site zoned residential.

**Required Setback: 6.0 m**

**Proposed Setback: 0 m**

***Landscaping***

Section 55.3(1)(b)(i) states the following with respect to **General Planting Requirements**:

1. Unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following:
  - b. for new development consisting of Residential-Related Use Classes, Commercial Use Classes, Industrial Use Classes, Basic Services Use Classes, and Community, Educational, Recreational and Cultural Service Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:
    - i. one tree for each 25 m<sup>2</sup> and one shrub for each 15 m<sup>2</sup> of Setback.

Under section 6, **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

**Development Officer's Determination**

**2. Section 55.3(1)(b)(i) - Unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following: for new development consisting of Commercial Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following: one tree for each 25 m<sup>2</sup> and one shrub for each 15 m<sup>2</sup> of Setback.**

**Minimum number of trees required: 53 trees**

**Number of trees provided: 0 trees**

**Minimum number of shrubs required: 88 shrubs**

**Number of shrubs provided: 0 shrubs**


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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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	Project Number: <b>312964149-001</b> Application Date: MAY 06, 2019 Printed: October 22, 2019 at 12:29 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> <b>Property Address(es) and Legal Description(s)</b>                      15035 - 127 STREET NW                      Plan 8422077 Blk 62 Lot 3                      15035 - 127 STREET NW                      Plan 8422077 Blk 62 Lot 4                 </td> </tr> <tr> <td style="padding: 5px;"> <b>Specific Address(es)</b>                      Suite: 12645 - 151 AVENUE NW                      Suite: 15035 - 127 STREET NW                      Entryway: 12645 - 151 AVENUE NW                      Entryway: 15035 - 127 STREET NW                      Building: 12645 - 151 AVENUE NW                      Building: 15035 - 127 STREET NW                 </td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b> 15035 - 127 STREET NW Plan 8422077 Blk 62 Lot 3 15035 - 127 STREET NW Plan 8422077 Blk 62 Lot 4	<b>Specific Address(es)</b> Suite: 12645 - 151 AVENUE NW Suite: 15035 - 127 STREET NW Entryway: 12645 - 151 AVENUE NW Entryway: 15035 - 127 STREET NW Building: 12645 - 151 AVENUE NW Building: 15035 - 127 STREET NW
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<b>Scope of Application</b> To change the Use from Automotive and Minor Recreation Vehicle Sales/Rentals to the Greenhouses, Plant Nurseries and Garden Centres Use (Agrola Inc.)			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit: Class B                      Gross Floor Area (sq.m.):                      New Sewer Service Required: N                      Site Area (sq. m.):                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings:                      Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Sep 27, 2019 <b>Development Authority:</b> KENNEDY, CLARK			
THIS IS NOT A PERMIT			



Project Number: **312964149-001**  
 Application Date: MAY 06, 2019  
 Printed: October 22, 2019 at 12:29 PM  
 Page: 2 of 2

## Application for Major Development Permit

**Reason for Refusal**

The proposed development, which falls under the Greenhouses, Plant Nurseries and Garden Centres Use, is a Discretionary Use in the Industrial Business (IB) Zone. Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer. In the opinion of the Development Officer, the proposed development is not a suitable use in the context of the site and is refused for the following reasons:

1. Section 400.4(3) - A minimum Setback of 6.0 m shall be required where any lot line of a Site abuts a public roadway, other than a Lane, or abuts the property line of a Site zoned residential.

Required Setback: 6.0 m  
 Proposed Setback: 0 m

2. Section 55.3(1)(b)(i) - Unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following: for new development consisting of Commercial Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following: one tree for each 25 m<sup>2</sup> and one shrub for each 15 m<sup>2</sup> of Setback.

Minimum number of trees required: 53 trees  
 Number of trees provided: 0 trees  
 Minimum number of shrubs required: 88 shrubs  
 Number of shrubs provided: 0 shrubs

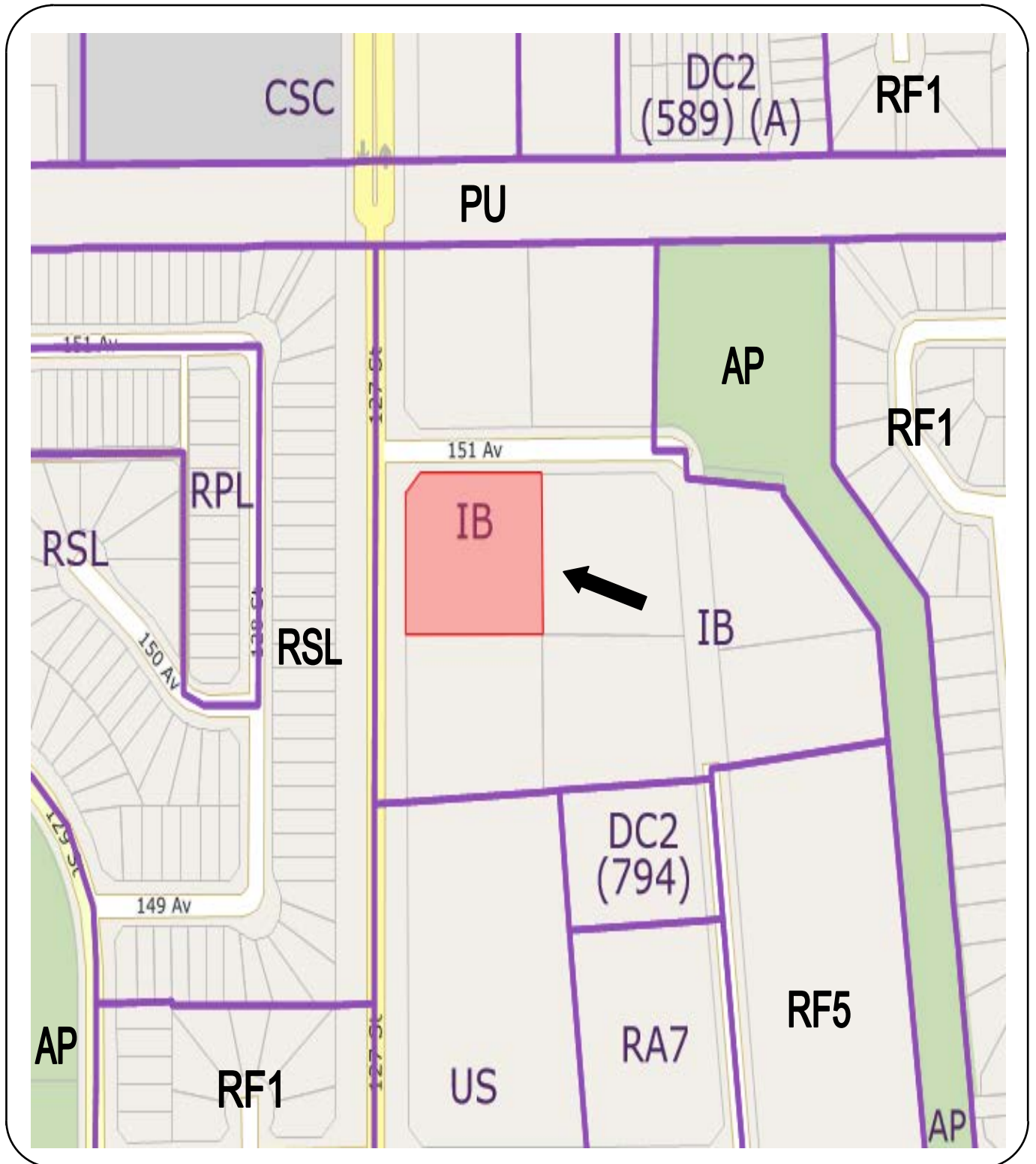
**Rights of Appeal**

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>
Major Dev. Application Fee	\$518.00	\$518.00	05829572	May 06, 2019
Development Permit Inspection Fee	\$518.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,036.00	\$518.00		
(\$518.00 outstanding)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-195



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-196

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 328004462-001

APPLICATION TO: Construct an Accessory Building (addition to Existing Accessory Building, 2.28 metres by 6.71 metres).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 30, 2019

DATE OF APPEAL: October 7, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12A – Valleyview Crescent NW

LEGAL DESCRIPTION: Plan 1820775 Blk 9 Lot 19B

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

***Grounds for Appeal***

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

**This is in regards to Permit Number: 328004462-001. We are requesting a triple garage variance for the address 12A Valleyview Crescent.**

Seeking **only one** variance for a triple garage. The variance is as follows: an increase of 4% over maximum site coverage. The increase will not impact neighbours' safety and privacy.

ATTACHMENT 1: We have taken the time to speak with nearby neighbours and make sure they understand the variance in detail.

Attached are 9 letters from nearby neighbours who are in full support of the triple garage.

ATTACHMENT 2: Revised surveyor plot plan and architectural drawings showing blueprint for the triple garage.

Below are 8 other houses within a 5km radius that have subdivided lots with triple garages approved and/or built:

1. 12B Valleyview Crescent
2. 8620 137 Street
3. 8622 137 Street
4. 14027 - 91A Ave
5. 14023 - 91A Ave
6. 13910 - 92 Ave
7. 13504 Ravine Drive
8. 13508 Ravine Drive

Below are a list of pros for a triple garage:

- 4% increase in site development will not negatively impact the neighbours or compromise anyone's safety or privacy
- Alleviate street parking in the residential area
- Increase in accessibility from the garage to the house, especially in winter, for those with mobility issues

With the attached supporting documents and aforementioned information, we are confident that you can grant a triple garage variance for permit number: 328004462-001.

Thank you kindly for your consideration. I can be reached anytime at for further information pertaining to the matter.

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<b><i>General Matters</i></b>
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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,

- (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, [...]

### **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 clauses (a.4) and (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 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 6.1, **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, **Garage** means “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

Section 110.1 states that the **General Purpose** of **(RF1) Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Site Coverage***

Section 50.3(4) states “the Site Coverage of Accessory buildings or structures shall not exceed 12%, unless a different standard is prescribed within the regulations contained within the relevant Zone.”

Section 110.4(6) states the Maximum Site Coverage shall be as follows:

	Principal Dwelling / building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached Housing – Site greater than 300 m2	28%	12%	40%	40%

Under section 6.1, **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above Grade.

**Development Officer’s Determination**

**The site coverage of Accessory Buildings or Structures shall not exceed 12%. (Reference Section 50.3(4))**

**12%: 46.8m2  
Proposed: 61.1m2  
Exceeds by: 14.3m2**

**The maximum total site coverage shall not exceed 40%, with a maximum of 28% for the principal building and a maximum of 12% for accessory buildings. Where a garage is attached to or designed as an integral part of a Dwelling the maximum for the principal building shall be 40%. (Reference Section 110.4(6))**

**40%: 156.2m2  
Proposed: 170.3m2  
Exceeds by: 14.1m2**



***Side Lot Line***

Section 50.3(5)(b) states “an Accessory building or structure shall be located not less than 0.9 metres from the interior Side Lot Line.”

**Development Officer’s Determination**

**An Accessory Building or Structure shall be located not less than 0.9m (3.0ft.) from the side lot line. (Reference Section 50.3(5)(b))**

**Proposed: 0.6m**


**Deficient by: 0.3m**

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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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	Project Number: <b>328004462-001</b> Application Date: AUG 16, 2019 Printed: September 30, 2019 at 12:12 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Accessory Building Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 12A - VALLEYVIEW CRESCENT NW Plan 1820775 Blk 9 Lot 19B
<b>Scope of Application</b> To construct an Accessory Building (addition To Existing Accessory Building, 2.28m x 6.71m).	
<b>Permit Details</b>	
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 390.2
I/We certify that the above noted details are correct. Applicant signature: _____	
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Sep 30, 2019 <b>Development Authority:</b> BERNUY, MICHELLE <b>Reason for Refusal</b> <p>The site coverage of Accessory Buildings or Structures shall not exceed 12%. (Reference Section 50.3(4))</p> 12%: 46.8m2 Proposed: 61.1m2 Exceeds by: 14.3m2 <p>An Accessory Building or Structure shall be located not less than 0.9m (3.0ft.) from the side lot line. (Reference Section 50.3(5)(b) )</p> Proposed: 0.6m Deficient by: 0.3m <p>The maximum total site coverage shall not exceed 40%, with a maximum of 28% for the principal building and a maximum of 12% for accessory buildings. Where a garage is attached to or designed as an integral part of a Dwelling the maximum for the principal building shall be 40%. (Reference Section 110.4(6))</p> 40%: 156.2m2 Proposed: 170.3m2 Exceeds by: 14.1m2 <b>Rights of Appeal</b> 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.	
<b>Building Permit Decision</b> <h3 style="margin: 0;">THIS IS NOT A PERMIT</h3>	



## Application for Accessory Building Permit

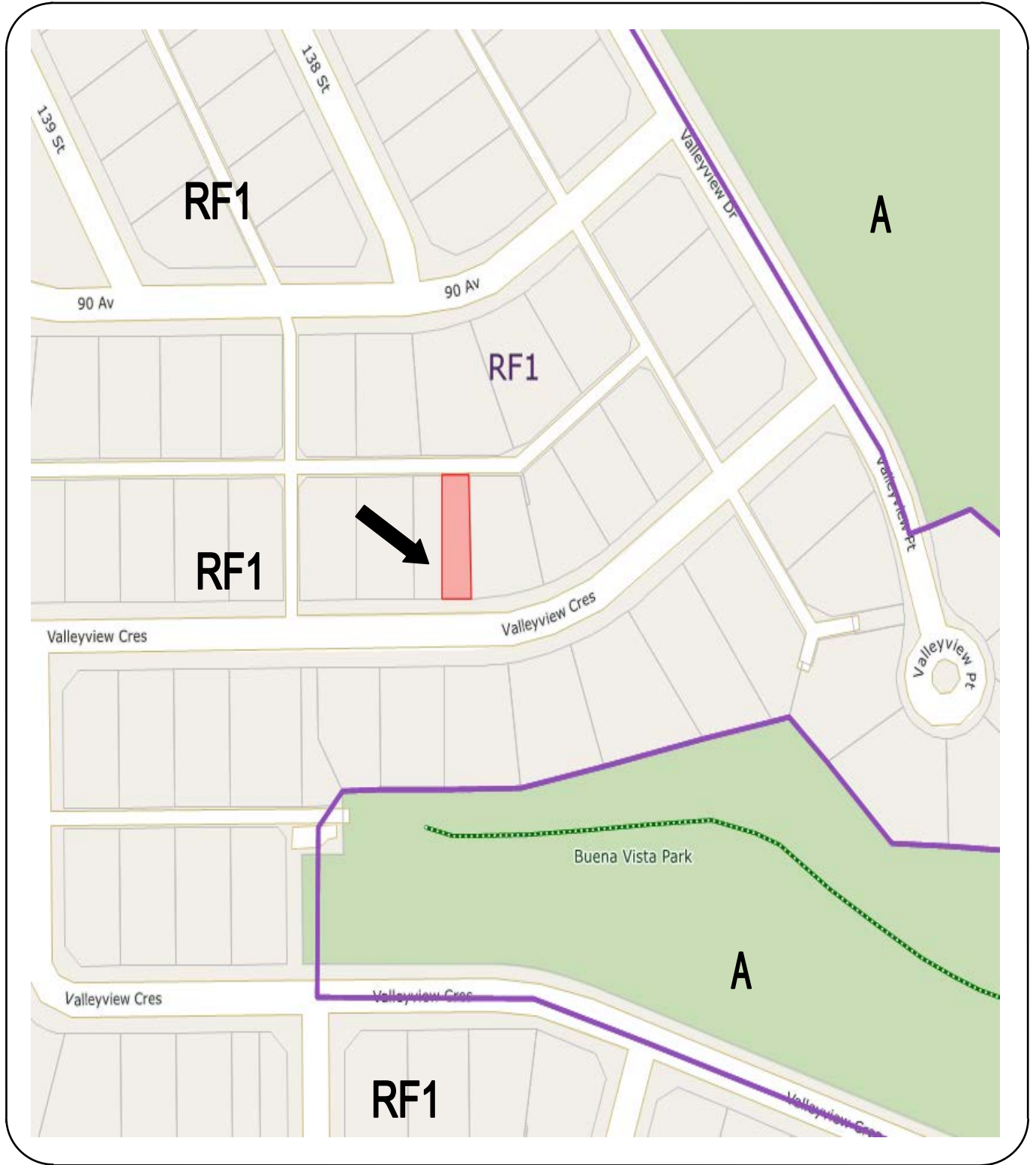
Project Number: **328004462-001**  
Application Date: AUG 16, 2019  
Printed: September 30, 2019 at 12:12 PM  
Page: 2 of 2

Refused

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	06071034	Aug 16, 2019
Building Permit Fee (Accessory Building)	\$110.00	\$110.00	06071034	Aug 16, 2019
Development Application Fee	\$118.00	\$118.00	06071034	Aug 16, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$232.50</u>	<u>\$232.50</u>		

THIS IS NOT A PERMIT



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-196



**TO BE RAISED**

**ITEM III: 1:30 P.M.**

**FILE: SDAB-D-19-172**

**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER**

APPELLANT:	r
APPLICATION NO.:	314230342-001
APPLICATION TO:	Install (1) Minor Digital On-premises Off-premises Freestanding Sign (SIGNPATIO OUTDOOR   TIM HORTONS), and to remove an existing Freestanding On-premises Sign (246871770-001)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	August 26, 2019
DATE OF APPEAL:	September 14, 2019
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	11913 - Wayne Gretzky Drive NW
LEGAL DESCRIPTION:	Plan 0728378 Blk 7 Lot 31
ZONE:	(CO) Commercial Office Zone
OVERLAY:	Main Streets Overlay
STATUTORY PLAN:	Montrose / Santa Rosa Area Redevelopment Plan

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***Grounds for Appeal***

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

We are asking for your consideration that Schedule 59f for this Commercial Office zone (CO) is more applicable and appropriate for the following reasons:

The Main Street Overlay refers to "pedestrian-oriented character" and for this parcel it is located between two major roadways with little pedestrian traffic. Adjacent to the proposed display location is the high

volume, 4 lane, southbound roadway of Wayne Gretzky Drive and to the west of the roadway is the old Northlands Ice Coliseum (whose use has considerably lessened), Northlands expansive parking lot and the railway tracks.

To the east of the parcel is the high volume, 4 lane, northbound roadway of Wayne Gretzky Drive.

The Main Street Overlay refers to "proximity to residential" and in this case there is no adjacent residential to the west, north and south and to the east the nearest residential is 1 1/2 blocks away, with the northbound Wayne Gretzky Drive and a commercial strip of buildings in between and acting as a buffer.

The Main Street Overlay refers to "proximity to transit-oriented residential" and in this case the nearest transit station is over 350 m to the northwest, located on the other side of Northlands Coliseum.

The Main Street Overlay refers to "... by providing visual interest, transparent storefront displays and amenities for pedestrians". Unlike other areas of Edmonton where the Main Street overlay also applies to (i.e. Whyte Avenue) this area is not one for providing an attractive, vibrant and walkable commercial street with numerous store fronts and neighborhood amenities for pedestrians.

Immediately adjacent to the north of the proposed display, and the direction the display is facing, is City-owned land that will not be developed. Further north are industrial warehouses. To the south is the Coliseum Inn, a destination requiring vehicular traffic.

Prior to this parcel being developed there was an Off-Premises sign located on this site that was double-sided and whose size was in accordance with Section 59f for CO, in particular having a sign area of up to 65 sq. m.

Proposed display is located well over 50 m from nearest intersection. We are not aware of any concerns or issues regarding our application from surrounding businesses.

*General Matters*

**Appeal Information:**

**The Subdivision and Development Appeal Board made and passed the following motion on October 9, 2019.**

**"That the appeal hearing be postponed to November 7, 2019 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.

**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, [...]

**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 clauses (a.4) and (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.

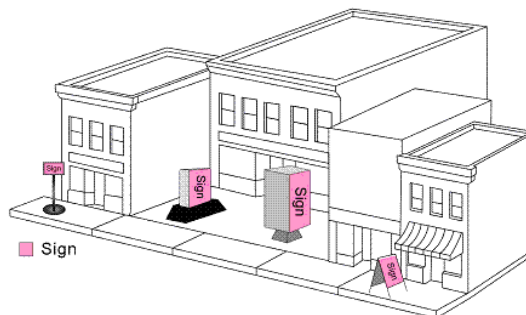
**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 360.3(28), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **(CO) Commercial Office Zone**.

Under section 7.9(7), **Minor Digital On-premises Off-premises Signs**:

means a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

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





Under section 6.2, **On-Premises Advertising** means:

Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.

Under section 6.2, **Off-Premise Sign** means:

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 360.1 states that the **General Purpose** of the **(CO) Commercial Office Zone** is:

to provide for medium intensity office, commercial and residential development in the inner city, around Light Rail Transit station areas or other locations offering good accessibility by both private automobile and transit.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is to:

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 819.5(2) states "Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw."

<b><i>General (Sign) Provisions</i></b>
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Section 59.2(2) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:

- a. does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic;
- b. is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic;

- c. is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways; and
- d. illumination does not compete with or dull the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic.

**Development Officer’s Determination**

**1. Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic, or other traffic conflict points such as intersections (Reference Section 59.2(2)).**

**Subdivision Planning has reviewed the proposed Minor Digital Sign location and HAS CONCERNS for the oversized digital sign (14.4m x 4.16m). While the proposed digital Sign is located outside the Transportation Association of Canada's (TAC) cone of vision for the rightmost southbound lane on Wayne Gretzky Road, the oversized sign will still be in the direct driver's field of view on a downhill lane and upstream of a major signalized intersection and the size and proximity of the sign may draw drivers' attention away from the major intersection.**

<i>Height</i>
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Section 819.5(2)(a) of the Main Streets Overlay states “the maximum Height of a Freestanding Sign shall be 6.0 metres, as measured from Grade to the top of the Freestanding Sign.”

**Development Officer’s Determination**

**2. The maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign (Reference Section 819.5(2)(a)).**

**Proposed Height: 8.0 m  
Maximum Height: 6.0 m  
Exceeds by: 2.0 m**

***Sign Width***

Schedule 59E.3(5)(b) states:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

...

- b. the maximum Width shall be 8.0 m;

...

Under section 6.2, **Width** means “that horizontal distance measured across the face of the Sign perpendicular to the Height of the Sign.”

**Development Officer’s Determination**

**3. the maximum Width of a Minor Digital On-premises Off-premises Sign shall be 8.0 m (Reference Section 59E.3(5)(b)).**

**Proposed Width: 14.4 m**

**Maximum Width: 8.0 m**

**Exceeds by: 6.40 m**

***Maximum Area***

Schedule 59E.3(5) states:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

...

- c. the maximum Area shall be:

- i. ...

- ii. 20 square metres for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 square metres;

...

Under section 6.2, **Copy** means “the letters, graphics or characters that make up the message on the Sign face.”

Under section 6.2, **Copy Area** means “the total area of one or more geometric shapes, which contain all of the Copy on a Sign.”

Under section 6.2, **Digital Copy** means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, **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.

**Development Officer’s Determination**

**4. the maximum Area of a Minor Digital On-premises Off-premises Sign that are Freestanding Signs is 20 m<sup>2</sup> (Reference Section 59E.3(5)(c)(ii).**

**Proposed Area: 59 m<sup>2</sup>  
 Maximum Area: 20 m<sup>2</sup>  
 Exceeds by: 39 m<sup>2</sup>**

<i>Separation Distance</i>
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Under Schedule 59E.3(5)(d), 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 8.0 m <sup>2</sup> or Off-premises Signs
Greater than 8.0 m <sup>2</sup> to less than 20 m <sup>2</sup>	100 metres
20 m <sup>2</sup> to 40 m <sup>2</sup>	200 metres
Greater than 40 m <sup>2</sup>	300 metres

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

**Development Officer's Determination**

**5. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m<sup>2</sup> or Off-premises Signs greater than 20m<sup>2</sup> by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.**

**Area of Existing AXE MUSIC Sign (DP 099203830-003): 10 m<sup>2</sup>  
Location: 11919 - WAYNE GRETZKY DRIVE NORTHBOUND  
NW  
Required Separation Distance: 300 m  
Proposed Separation Distance: 77.3 m  
Deficient by: 223 m**

**Area of Existing PATTISON Sign (DP 251435170-001): 18.6 m<sup>2</sup>  
Location: 7300 – 116 AVENUE NW  
Required Separation Distance: 300 m  
Proposed Separation Distance: 296 m  
Deficient by: 4 m**

***Community Consultation***

Section 819.5(3) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.

Section 819.4(15) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

- a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 metres of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association operating within the distance described above to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed, unless the Development Officer receives feedback from all specified recipients; and


- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3.

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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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	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: <b>314230342-001</b> Application Date: MAY 21, 2019 Printed: September 16, 2019 at 10:48 AM Page: 1 of 3
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> 11913 - WAYNE GRETZKY DRIVE NW Plan 0728378 Blk 7 Lot 31	
<b>Scope of Application</b> To install (1) Minor Digital On-premises Off-premises Freestanding Sign (SIGNPATICO OUTDOOR   TIM HORTONS), and to remove an existing Freestanding On-premises Sign (246871770-001).		
<b>Permit Details</b>		
ASA Sticker No./Name of Engineer: Construction Value: 125000	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: _____		
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Aug 26, 2019 <b>Development Authority:</b> MERCIER, KELSEY		
<b>THIS IS NOT A PERMIT</b>		



## Application for Sign Combo Permit

Project Number: **314230342-001**  
 Application Date: MAY 21, 2019  
 Printed: September 16, 2019 at 10:48 AM  
 Page: 2 of 3

### Reason for Refusal

1. Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic, or other traffic conflict points such as intersections (Reference Section 59.2(2)).

Subdivision Planning has reviewed the proposed Minor Digital Sign location and HAS CONCERNS for the oversized digital sign (14.4m x 4.16m). While the proposed digital Sign is located outside the Transportation Association of Canada's (TAC) cone of vision for the rightmost southbound lane on Wayne Gretzky Road, the oversized sign will still be in the direct driver's field of view on a downhill lane and upstream of a major signalized intersection and the size and proximity of the sign may draw drivers' attention away from the major intersection.

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Proposed Height: 8.0 m  
 Maximum Height: 6.0 m  
 Exceeds by: 2.0 m

3. the maximum Width of a Minor Digital On-premises Off-premises Sign shall be 8.0 m (Reference Section 59E.3(5)(b)).

Proposed Width: 14.4 m  
 Maximum Width: 8.0 m  
 Exceeds by: 6.40 m

4. the maximum Area of a Minor Digital On-premises Off-premises Sign that are Freestanding Signs is 20 m<sup>2</sup> (Reference Section 59E.3(5)(c)(ii)).

Proposed Area: 59 m<sup>2</sup>  
 Maximum Area: 20 m<sup>2</sup>  
 Exceeds by: 39 m<sup>2</sup>

5. Proposed Sign locations shall be separated from Digital Signs greater than 8.0m<sup>2</sup> or Off-premises Signs greater than 20m<sup>2</sup> by 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

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 Location: 7300 – 116 AVENUE NW  
 Required Separation Distance: 300 m  
 Proposed Separation Distance: 296 m  
 Deficient by: 4 m

### 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.

**THIS IS NOT A PERMIT**





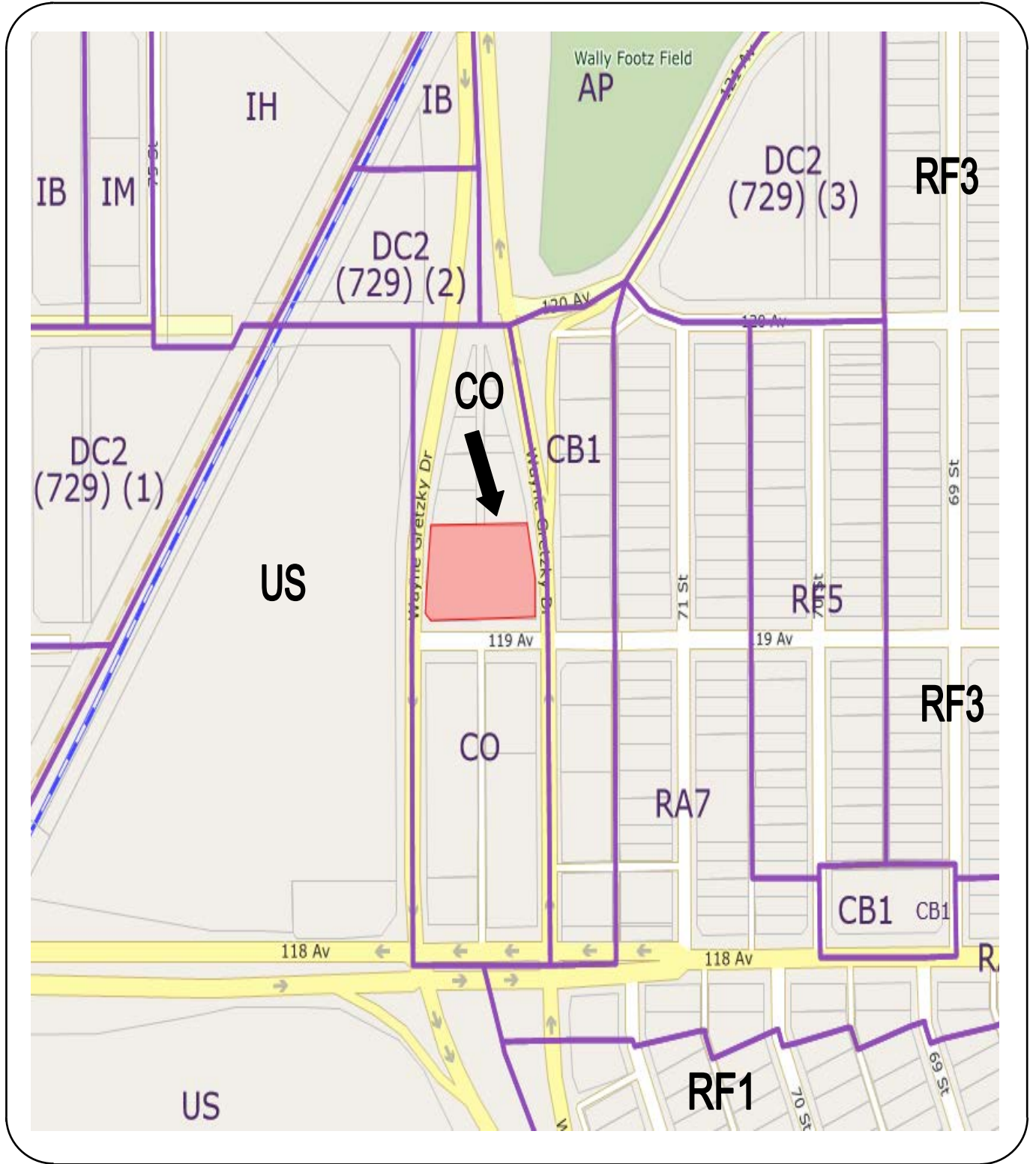
## Application for Sign Combo Permit

Project Number: **314230342-001**  
Application Date: MAY 21, 2019  
Printed: September 16, 2019 at 10:48 AM  
Page: 3 of 3

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Safety Codes Fee	\$52.85	\$52.85	05889834	May 31, 2019
Sign Building Permit Fee	\$1,321.25	\$1,321.25	05889834	May 31, 2019
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05889834	May 31, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,832.10</u>	<u>\$1,832.10</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-172

