

***Edmonton Subdivision and  
Development Appeal Board***

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**SDAB-D-15-242**

Application No. 174935500-001

An appeal by Go Outdoor Advertising Ltd. Install (1) Freestanding Off-Premises Sign, located at 2303 - Gateway Boulevard NW, was **TABLED TO NOVEMBER 12, 2015.**

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Go Outdoor Advertising Ltd.  
Care of: Rich Donadt  
322, 9768 - 170 Street NW  
Edmonton AB T5T 5L4

Date: October 29, 2015  
Project Number: 174935500-001  
File Number: SDAB-D-15-242

### **Notice of Decision**

This appeal dated September 21, 2015, from the decision of the Development Authority for permission to:

Install (1) Freestanding Off-Premises Sign

on Plan CE1 Blk RLY Lot 52, located at 2303 - Gateway Boulevard NW, was heard by the Subdivision and Development Appeal Board on October 14, 2015 and November 12, 2015.

### **October 14, 2015 Hearing**

#### **Summary of Hearing:**

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

At the outset of the hearing, the Presiding Officer indicated that there was a preliminary issue to address.

The Presiding Officer indicated that the area to be notified did not match the actual proposed location of the proposed Sign.

Due to the notification discrepancy, the Board is not in compliance with Section 686(3)(c) of the *Municipal Government Act* that states: The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

Therefore, the Board will not be able to proceed with the appeal hearing and the Board is proposed to table the appeal hearing to November 12, 2015 in order to properly notify properties in the notification radius.

The Board then heard from Mr. Donadt, representing the Appellant, Go Outdoor Advertising Ltd., who made the following points:

1. He was aware of the notification radius that was used to notify property owners.

2. Although the notification radius that was used was incorrect, he did speak to property owners within the 60 metre notification radius.
3. He did not have an objection to tabling the appeal hearing until November 12, 2015 in order to properly notify properties within the notification radius.

Mr. Ahuja, representing Sustainable Development had no objection to the Board tabling the appeal hearing.

**Decision:**

That SDAB-D-15-242 be TABLED TO NOVEMBER 12, 2015.

**Reasons for Decision:**

The Board finds the following:

1. The appeal hearing is tabled in order for administration to properly notify properties within the notification radius.

**November 12, 2015 Hearing**

**Motion:**

That SDAB-D-15-242 be raised from the table.

**Summary of Hearing:**

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to install (1) Freestanding Off-Premises Sign located at 2303 Gateway Boulevard NW. The subject site is zoned IB Industrial Business Zone.

The Development Permit Application was refused because the proposed Major Digital On-premises Off-premises Sign is contrary to the General Urban Design Policies of the Calgary Trail Land Use Study which discourages free-standing billboards.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

- A submission received from the Respondent on October 9, 2015.

The Board heard from Mr. Donadt, representing the Appellant, Go Outdoor Advertising Ltd., who made the following points:

- 1.

In response to questions by the Board, Mr. Donadt provided the following information:

- 1.

The Board then heard from Mr. Ahuja, representing Sustainable Development, who made the following points:

- 1.

In response to questions by the Board, Mr. Ahuja provided the following information:

- 1.

In rebuttal, Mr. Donadt made the following points:

- 1.

**Decision:**

**Reasons for Decision:**

The Board finds the following:

1. The proposed development is a Discretionary Use in the IB Industrial Business Zone.
- 2.
3. Based on the above, it is the opinion of the Board that the proposed development will not unduly interfere with the amenities of the neighbourhood, and materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Important Information for Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5<sup>th</sup> Floor, 10250 – 101 Street, Edmonton.

2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.*

Mr. , Presiding Officer  
Subdivision and Development Appeal Board

CC: City of Edmonton, Sustainable Development, Attn: Sachin Ahuja