



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

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Date: November 4, 2016
Project Number: 227163855-001
File Number: SDAB-D-16-259

Notice of Decision

- [1] On October 20, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **September 27, 2016**. The appeal concerned the decision of the Development Authority, issued on September 16, 2016, to refuse the following development:

**Construct exterior alterations (Driveway extension 8.99m wide total)
to a Single Detached House.**

- [2] The subject property is on Plan 0226042 Blk 5 Lot 8, located at 141 - MacEwan Road SW, within the RSL Residential Small Lot Zone. The MacEwan Neighbourhood Area Structure Plan applies to the subject property.
- [3] The following documents were received and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
 - The Development Officer's written submission; and
 - The Appellant's written submission.
- [4] The following exhibit was presented during the hearing and form part of the record:
- Exhibit A – The original Real Property Report submitted by the Development Officer

Preliminary Matters

- [5] 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.
- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[7] The appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

Summary of Hearing

i) Position of the Appellant, Mr. B. Elhayek

[8] Me. Elhayek indicated that he extended his Driveway without a permit and now realizes it was a mistake.

[9] He indicated that there is excessive traffic on MacEwan Road and there have been a number of traffic accidents that have led to collisions with parked vehicles from dangerous drivers.

[10] There is an existing snow route on MacEwan Road which further adds to issues for safe parking on the roadway.

[11] Extending the Driveway has allowed him to comfortably park his two registered vehicles and has also created a safe pad for his children to play on.

[12] With respect to questions from the Board, Mr. Elhayek provided the following:

- a. He currently uses his Garage for storage and prefers to keep his vehicles outside.
- b. With regard to snow removal on his Driveway and sidewalks he indicated that there is room on his parking pad.
- c. With regard to the consequences of allowing every property to have a paved Front Yard, he stated that other properties have paving stones and others park on the grass which has created mud covered yards.
- d. With regard to neighbourhood consultation, he stated some neighbours wanted to also pour concrete pads because of the vehicular accidents from the past. No one had any concerns with his Driveway extension.
- e. He indicated that the neighbours who signed in support of the Driveway extension are within the 60-metre notification radius
- f. With regard to drainage, he made sure the concrete was poured so water would lead to the side walk.
- g. He indicated that his children prefer to ride their bikes on the concrete extension which is safer than biking on the street.

- h. He indicated that there are stepping stones on the gravel that leads toward his back yard.
- i. He confirmed that MacEwan Road is a bus route, but there are no general parking restrictions.
- j. With regard to the regulation prohibiting cars from being parked in the Front Yard, he had no concerns with a possible condition that parking is restricted on the concrete extension leading to the front door.
- k. He indicated that he poured concrete on the City boulevard portion because it was just mud.

ii) *Position of the Development Officer, Ms. S. Watts*

- [13] Ms. Watts indicated that this permit application was started by a compliance complaint with regard to parking in the required Front Yard.
- [14] She submitted "*Exhibit A*" (the original Real Property Report) and showed that the new extension doubles the width of the Driveway, which she finds excessive.
- [15] She agreed that a walkway is undefined in the Edmonton Zoning Bylaw. She is acceptable to allowing the new (west) walkway extension but is opposed to allowing the (east) Driveway extension.
- [16] She indicated that she realizes the original Driveway was tight parking two cars, but the Residential Small Lot Zone only requires two parking spaces and the original configuration is adequate.
- [17] She indicated that the Appellant has a large Rear Yard and if safety was an issue for his children, she recommended pouring concrete in the Rear Yard. In her opinion, a Front Yard extension is not needed for a play area.
- [18] In her opinion, if the Board were to approve the plans as is, she would add a condition to restrict vehicle parking and add landscaping.
- [19] With regard to the small Garage width of 5.5 metres and the space needed for 2 parking spaces, she indicated that it is possibly an unintended consequence of the Residential Small Lot Zone. In her opinion, the House could have been redesigned to make the Garage larger. However, they built the most minimum Garage width required to be classified as a two-car Garage.
- [20] With respect to a question from the Board, she agreed that technically the Appellant is allowed a 6.2-metre wide Driveway and she agreed that he could have a 1.18-metre

Driveway extension beyond the (east) side of the Garage, but in her opinion the (west) walkway would not be allowed.

- [21] In her opinion, the paved City Boulevard in front of the Appellant's Front Yard should be removed if the Board deems the west portion a walkway because from the street level, it looks like a parking pad and not a walkway.
- [22] Her main concern is the amount of concrete in the Front Yard and the perceived parking space and total lack of landscaping.
- [23] She indicated that during the application stage for a proposed Driveway extension, Transportation Services and Drainage Services would have reviewed it. However, because it was existing without permits and was given a Refusal, the application was not circulated to those departments. She indicated that there will always be drainage concerns when concrete is poured without proper landscaping.
- [24] She confirmed that there was a Front Yard landscaping requirement when the 1997 Real Property Report was issued.
- [25] She indicated that although there are types of hard surface landscaping, she stated that landscaping is required 'to the Development Officer's satisfaction' and this usually calls for some greenery.

iii) Rebuttal of the Appellant

- [26] He indicated that he has no issue removing the concrete between the sidewalk and the City street.
- [27] He does not mind trimming the Driveway extension but would rather put in gravel than landscaping.
- [28] He is opposed to putting in permanent landscaping structures on the concrete extension, but he is not opposed to placing moveable structures like flower beds. He is acceptable to put shrubs on the paving stones that are currently placed.
- [29] He indicated that he will look into pouring concrete in the Rear Yard for his children.
- [30] He agreed that the street would look bleak without greenery and understands the Board's challenge with conditioning landscaping and greenery.

Decision

- [31] The appeal is **ALLOWED IN PART** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** subject to the following **CONDITIONS**:

1. The (west) walkway is allowed to remain. *(Highlighted in green)*.
2. Parking of vehicles on the (west) walkway is PROHIBITED.
3. The concrete portion on the City Boulevard shall be REMOVED. *(Highlighted in yellow on the Site Plan)*.
4. The Driveway is allowed a width of 6.2 metres from the west corner of the Garage toward the (east) Side Lot Line. *(Highlighted in pink)*.

The remaining 0.48-metre separation between the (east) Side Lot Line and the Driveway must be REMOVED and soft landscaping SHALL be installed. *(Highlighted in red)*.

5. Six shrubs SHALL be added to the gravel portion of the Front Yard adjacent to the Walkway. *(Highlighted in blue)*.

Reasons for Decision

- [32] The proposed development is Accessory to a Permitted Use in the RSL Residential Small Lot Zone.
- [33] The Board finds that the removal of the Walkway extension on the City Boulevard will decrease the amount of concrete in the Front Yard and will eliminate the Walkway appearance of a large Driveway extension.
- [34] The maximum allowed Driveway width is 6.2 metres as per section 54.1(4)(b) of the *Edmonton Zoning Bylaw*, the existing Driveway width is 6.68 metres. Therefore, the Board determined that the excess of 0.48 metres must be removed and a variance was not granted. Soft landscaping will be installed which will enhance the visual impact on the streetscape.
- [35] The Board finds that Condition No. 5 will mitigate the amount of concrete in the Front Yard and will also enhance the visual impact on the streetscape.
- [36] The Board acknowledges that six neighbours were in support of the existing concrete extension because of previous events that have occurred on MacEwan Road SW. However, the Board takes the position that walkways are necessary but green space is also necessary. By installing additional landscaping to both the west and east portions of the Front Yard, the Board finds that it will improve the streetscape and the ambience of the area.
- [37] The Board finds that allowing a 6.2-metre wide Driveway provides sufficient space to park two vehicles.

[38] For the above reasons, the Board finds that the proposed development with the conditions will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Patricia Jones, Presiding Officer
Subdivision and Development Appeal Board

Board Members in Attendance:

Mr. V. Laberge; Ms. E. Solez; Mr. A. Bolstad; Mr. I. O'Donnell

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street NW, 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*, RSA 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 NW, 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.



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Date: November 4, 2016
Project Number: 224849661-002
File Number: SDAB-D-16-260

Notice of Decision

- [1] On October 20, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **September 26, 2016**. The appeal concerned the decision of the Development Authority, issued on September 16, 2016, to refuse the following development:

Construct an addition to an existing Accessory Building (rear detached Garage, addition dimensions: 6.25m x 0.96m), existing without permits.

- [2] The subject property is on Plan 8220107 Blk 48 Lot 14, located at 18915 - 78 Avenue NW, within the RF1 Single Detached Residential Zone. The West Jasper Place (South) Area Structure Plan and Lymburn Neighbourhood Structure Plan apply to the subject property.

- [3] The following documents were received and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
- The Development Officer's written submission;
- The Appellant's written submissions; and
- An Online response from a neighbour in opposition to the proposed development.

- [4] The following exhibit was presented during the hearing and form part of the record:

- Exhibit A – A Real Property Report submitted by the Development Officer.

Preliminary Matters

- [5] 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.

- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [7] The appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

Summary of Hearing

i) Position of the Appellant, T. Sroka

- [8] The Garage addition was built 17 years ago. At the time, they just moved to Canada and were unaware they needed a permit. They made sure that the roof did not extend into their neighbour's property to the west.
- [9] Ms. Sroka referenced her photographs and indicated that the water does not spill into her neighbour's property during snow melt or rain fall. She stated that the terrain slopes toward the back alley and all water flows there.
- [10] With regard to the Development Officer stating that the Garage addition interferes with the property to the west, she does not agree. She indicated that the neighbour who was renting the property made a complaint out of vengeance and that person no longer lives there.
- [11] The previous property owner lived next door to them for 19 years and never had any concerns with their Garage addition.
- [12] She indicated that the neighbour who wrote a letter of opposition to her Garage addition was friends with the person who filed the complaint.
- [13] With regard to the on-line response from a neighbour in opposition, she had concerns about snow removal hitting her fence but never had concerns with the Garage addition.
- [14] With regard to the alignment of the Garage and the Garage doors facing the (east) Side Lot Line, she indicated that the contractor at that time built it incorrectly. It was always their intent for the Garage doors to face the rear lane.
- [15] To remove the Garage addition would be a hardship because of the Garage configuration. There would be no space to build a shed.
- [16] With respect to questions from the Board, Ms. Sroka provide the following:
- a. If the (west) neighbour ever needed to paint or maintain the fence, it would be easy for her to dismantle the roof to allow their neighbour in.

- b. In her opinion, the Garage addition does not affect anyone.
- c. She referenced her photographs to demonstrate the current rear yard layout and show that there is no space for a separate shed.

ii) Position of the Development Officer, Ms. S. Watts

- [17] Ms. Watts indicated that her main concern is that there is no (west) Setback. She indicated that this will be a Building Codes issue.
- [18] Because there is no eaves trough, there is a concern that water drains into the property to the west.
- [19] She understands that the former property owner had no concerns over the years but the new property owner's concerns are just as valid if this development is affecting their enjoyment of their property.
- [20] She indicated that even though the existing shed is not actually touching the Garage it is still considered an addition because it is so close. It is not considered a stand alone shed.
- [21] She referenced the Real Property Report of the subject Site and demonstrated how a portable shed is included even though it is not there anymore. In her opinion, a new shed can be situated on that location.

vi) Rebuttal of the Appellants

- [22] Ms. Sroka indicated that when the portable shed was located as shown on the Real Property Report, the Garage did not exist at that time.
- [23] With respect to the adjacent neighbour needing to enjoy their property, in her opinion she does not feel like she is allowed to enjoy her property.
- [24] She understands she is in violation of the *Edmonton Zoning Bylaw* setback, however she referenced two examples of properties with outdoor storage. In her opinion, their Garage addition hides their storage, prevents their equipment from deteriorating and is nicely built.
- [25] She referenced several properties in walking distance that have similar shed additions and in her opinion, she should be able to keep theirs. She was unaware if those properties had development permits.

Decision

- [39] The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** as applied for to the Development Authority.
- [40] In granting the development the following variances to the *Zoning Bylaw* are allowed:
1. The minimum required distance of 0.9 metres between an Accessory building and the Side Lot Line as per section 50.3(4)(b) is varied to allow a deficiency of 0.88 metres, thereby decreasing the minimum required distance to 0.02 metres.

Reasons for Decision

- [41] The proposed development, a Garage (shed) addition is Accessory to a Permitted Use in the RF1 Single Detached Residential Zone.
- [42] The Board finds that the Garage (shed) addition has 1 exterior door on the (north) elevation but there is no connecting door between the Garage and the shed addition.
- [43] Based on photographic evidence, the shed addition is completely situated within the subject Site.
- [44] The shed addition has existed for approximately 17 years with no prior complaints.
- [45] Based on photographic evidence, the Board finds that this type of shed addition is characteristic of the neighbourhood.
- [46] Based on the photographic evidence, the Board finds that the shed addition is aesthetically pleasing and has an exterior finish that is compatible with the existing Garage.
- [47] The Board finds that although the roof of the shed addition hangs directly above the (west) Side Lot Line, the Board accepts the evidence that the terrain slopes toward the rear lane, which mitigates drainage concerns.
- [48] The Board accepts the evidence that the neighbourhood was canvassed by the Appellant and the majority of properties owners are not opposed to the shed addition. The Board notes that the property owner to the rear of the Site only complained about the shed addition not having a permit and did not express and concerns with the shed addition itself.

[49] For the above reasons, the Board finds that the proposed development will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Patricia Jones, Presiding Officer
Subdivision and Development Appeal Board

Board Members in Attendance:

Mr. V. Laberge; Ms. E. Solez; Mr. A. Bolstad; Mr. I. O'Donnell

Important Information for the Applicant/Appellant

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 - g) the requirements of the *Alberta Safety Codes Act*,
 - h) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - i) the requirements of any other appropriate federal, provincial or municipal legislation,
 - j) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
9. 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.
10. A Development Permit will expire in accordance to the provisions of section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
11. 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*, RSA 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.
12. 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 NW, Edmonton.

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Date: November 4, 2016
Project Number: 226253919-001
File Number: SDAB-D-16-261

Notice of Decision

[22] On October 20, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **September 26, 2016**. The appeal concerned the decision of the Development Authority, issued on September 13, 2016, to refuse the following development:

Install (2) Freestanding Off-premises Signs (6.1 m x 3 m, (1) single sided facing South & (1) single sided facing North), existing without permits.

[23] The subject property is on Plan 6266KS Blk 6 Lots 1-2, located at 12410 - 142 Street NW, within the IB Industrial Business Zone. The Yellowhead Corridor Area Structure Plan applies to the subject property.

[24] The following documents were received and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit; and
- The Development Officer's written submission.

Preliminary Matters

[25] 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.

[26] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[27] The appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

Summary of Hearing*i) Position of the Appellants, Mr. M. Levine and Ms. J. Harding representing Outfront Media*

- [28] Mr. Levine referenced his submitted documentation and demonstrated that the subject property is a very large plot of land in an industrial district.
- [29] The two Signs were built in 1999 and complied with the Land Use Bylaw at that time and have remained on the subject Site since.
- [30] For some reason, the Sign permits were never renewed and as a company, they are trying to comply with the Edmonton Zoning Bylaw and attain permits for all of their Signs.
- [31] He indicated that the Digital Sign located at 14215 – Yellowhead Trail has a Sign Area of approximately 25 to 27 square metres. Because that Sign Area is between 20 and 40 square metres, there needs to be a 200-metre buffer between their two Signs and the Digital Sign.
- [32] He indicated that neither of their two Signs are visible from the existing Digital Sign to the north and the Digital Sign faces Yellowhead Trail traffic and their Signs face 142 Street traffic.
- [33] Their two Signs are illuminated at night to provide all day advertising and they have never received any complaints. In his opinion, the Signs don't clash with the nature of the Industrial area and provide some color to an otherwise bleak environment.
- [34] In his opinion the difference between an 18 square metre to 27 square metre Sign is not noticeable to the human eye.
- [35] With respect to questions from the Board, Mr. Levine provided the following:
- a. They did not talk to adjacent properties or businesses about their two Signs.
 - b. He understands that the intent of the separation distance requirement is to prevent a proliferation of signs.
 - c. Based on the layout of the subject Site, they cannot build one Sign with two faces.
 - d. They would prefer to keep both of their Signs.
 - e. With respect to the residential neighbourhood to the east of 142 Street, he indicated that there is no impact as the lighting reflects onto the Signs themselves and does not reflect outward like a Digital Sign.

- f. He indicated that the Houses in the residential neighbourhood face away from the two Signs.
- g. They have no issues with any of the Development Officer's conditions if the Signs are approved.
- h. They have no intention of converting either of these signs to Digital Signs but would like to retain them as Static Signs.

Position of the Development Officer, Ms. B. Noorman

- [36] Ms. Noorman stated that she would add a further condition that the two Signs have a 5-year limit if they are approved.
- [37] She indicated that the intent of the separation distance requirement was to regulate and prevent the proliferation of signs.
- [38] She indicated that the Digital Sign to the north most likely would not have been approved if the two billboard Signs had development permits.
- [39] In her opinion, the two Signs adversely impact the neighbourhood because of the proliferation of Signs and she feels that there is no hardship for the Appellant to comply with the Edmonton Zoning Bylaw. In her opinion the lighting of the Signs would negatively impact the adjacent residential neighbourhood.
- [40] She indicated that this is not a one-off situation as there are many signs throughout the city without development permits.
- [41] With respect to questions from the Board, Ms. Noorman provided the following:
 - a. With regard to the automatic assumption that because two Signs are within 200 metres of each other, there is adverse impact on the neighbourhood – the Board asked if there were any other planning factors to take into consideration. She indicated that the Sign regulations used to be based on the visibility between multiple Signs but Council changed the regulation to radial separation only.
 - b. Her primary concern is the proliferation of Signage and not as much the illumination of the two subject Signs.

vi) Rebuttal of the Appellants

- [21] Mr. Levine reiterated that the lighting faces onto the Sign itself and does not reflect outward.

Decision

[50] The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:

1. The proposed Freestanding Off-premises Signs shall comply in accordance to the approved plans submitted.
2. The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens. (Reference Section 59.2(4))
3. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the two Signs from this location. This Development Permit expires on November 4, 2021.

[51] In granting the development the following variance to the *Edmonton Zoning Bylaw* is waived.

1. The minimum required separation distance as per Schedule 59F.3(2)(g), between the two proposed Signs and the Digital Sign to the north is waived.

Reasons for Decision

[52] The proposed two Freestanding Off-premises Signs are a Discretionary Use in the IB Industrial Business Zone.

[53] The Board notes that the two Signs have been in existence since 1999 with no known complaints.

[54] Both of the two Signs are Static and there is no intention to convert them to Digital.

[55] One Sign faces northbound traffic on 142 Street and the other Sign faces southbound traffic on 142 Street. Based on the aerial photography, the two Signs are not visible from the Digital Sign to the north and that Sign faces traffic on Yellowhead Trail.

[56] The lighting of the Signs does not face outward and therefore has a minimal impact to the surrounding neighbourhood.

[57] The Board notes the Development Officer's main concern of proliferation. The Board considered the impact on the neighbourhood and finds that there will be little to no impact on the residential neighbourhood to the east because the Houses face away from the Signs and are separated by detached Garages, a lane, and a berm.

- [58] There was no opposition to the two Signs and no one appeared in opposition.
- [59] For the above reasons, the Board finds that the proposed development will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Patricia Jones, Presiding Officer
Subdivision and Development Appeal Board

Board Members in Attendance:

Mr. V. Laberge; Ms. E. Solez; Mr. A. Bolstad; Mr. I. O'Donnell

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 - n) the requirements of any other appropriate federal, provincial or municipal legislation,
 - o) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
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17. 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*, RSA 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.
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