

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Tuesday, 9:00 A.M.
October 27, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-145 Ogilvie LLP

Install a Minor Digital On-premises Off-premises Freestanding Sign (PATTISON | SAFETY FIRST PROJECTS & LTD | REVOLVE FURNISHING).

4219 - 99 Street NW
Project No.: 369897023-001

II 10:30 A.M. SDAB-D-20-146 Pattison Outdoor Advertising

Install a Minor Digital On-premises Off-premises Freestanding Sign ((PATTISON | R.B. Palmer & Associates LTD | INTEGRA TIRE & AUTO CENTRE).

5015 - 99 Street NW
Project No.: 167232980-003

III 1:30 P.M. SDAB-D-20-147 Permit Solutions Inc

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

5718 - Gateway Boulevard NW
Project No.: 356402802-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-145

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 369897023-001

APPLICATION TO: Install a Minor Digital On-premises Off-premises
Freestanding Sign (PATTISON | SAFETY FIRST
PROJECTS & LTD | REVOLVE FURNISHING).

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 22, 2020

DATE OF APPEAL: September 30, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 4219 - 99 Street NW

LEGAL DESCRIPTION: Plan 9424063 Blk 6 Lot 10A

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:

1. This sign replaces a much larger sign initially approved for this location in April of 2013. In addition to the reduction in size, the application proposes a single sign face instead of two.

2. That larger sign stood at the present location for many years with no apparent complaints.

3. Owing to the smaller sign size, we are able to reduce the deficiency in setback from 5.13m to 4.14m, but a variance is still required to maintain the efficient use of the parking lot. Given the location of the site and the distance at which neighbouring properties might view the sign, it is submitted that the requested variance would not unduly nor materially impact on surrounding properties or the amenities of the neighbourhood.

4. Such further and other reasons as may be presented at the hearing of this appeal.

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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 400.3(44), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **(IB) Industrial Business 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, **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, a **Freestanding Sign** means “a Sign supported independently of a building.”

Section 400.4(6) states “Signs shall comply with the regulations found in Schedule 59F.”

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.

Setback

Schedule 59F.3(5)(j) states “proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.”

Section 400.4(3) states “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.”

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

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

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

Development Officers Determination

1. Section 59F.3(6)(j) - Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback; (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.

Required: 6.0 m

Proposed: 1.86 m

Deficient by: 4.14 m

[unedited]

Sign Regulations - General Provisions

Section 59.2(6) states:

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.

Development Officers Determination

2. Section 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.

In the opinion of the Development Officer the proposed Sign has a negative effect on the built and visual environment of the Site; because of the proposed size, scale and location of the Sign is dominates the Site and the streetscape.

[unedited]

Previous Subdivision and Development Appeal Board Decision

| Application Number | Description | Decision |
|---------------------------|---|---|
| SDAB-D-13-064 | To construct an On/Off-Premises Freestanding Sign (WORLD HEALTH with 3.73m x 7.62m Minor Digital panel - double sided facing North / South and 2.13m x 7.62m On-premises panel) | April 18, 2013; that the appeal be ALLOWED and the DEVELOPMENT GRANTED. |

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.

| | | |
|--|---|---|
|  | <p>Application for Sign Combo Permit</p> | <p>Project Number: 369897023-001 Application Date: AUG 10, 2020 Printed: September 22, 2020 at 3:04 PM Page: 1 of 2</p> |
| <p>This document is a Development Permit Decision for the development application described below.</p> | | |
| <p>Applicant</p> | <p>Property Address(es) and Legal Description(s) 4219 - 99 STREET NW Plan 9424063 Blk 6 Lot 10A</p> | |
| <p>Scope of Application To install a Minor Digital On-premises Off-premises Freestanding Sign (PATTISON SAFETY FIRST PROJECTS & LTD REVOLVE FURNISHING).</p> | | |
| <p>Permit Details</p> | | |
| <p>ASA Sticker No./Name of Engineer: Construction Value: 100000</p> | <p>Class of Permit: Class B Expiry Date:</p> | |
| <p>Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 1</p> | <p>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</p> | |
| <p>Development Application Decision Refused</p> <p>Issue Date: Development Authority: MERCIER, KELSEY</p> <p>Reason for Refusal</p> <p>1. Section 59F.3(6)(j) - Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback; (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.</p> <p>Required: 6.0 m Proposed: 1.86 m Deficient by: 4.14 m</p> <p>2. Section 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.</p> <p>In the opinion of the Development Officer the proposed Sign has a negative effect on the built and visual environment of the Site; because of the proposed size, scale and location of the Sign is dominates the Site and the streetscape.</p> <p>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.</p> | | |
| <p>THIS IS NOT A PERMIT</p> | | |



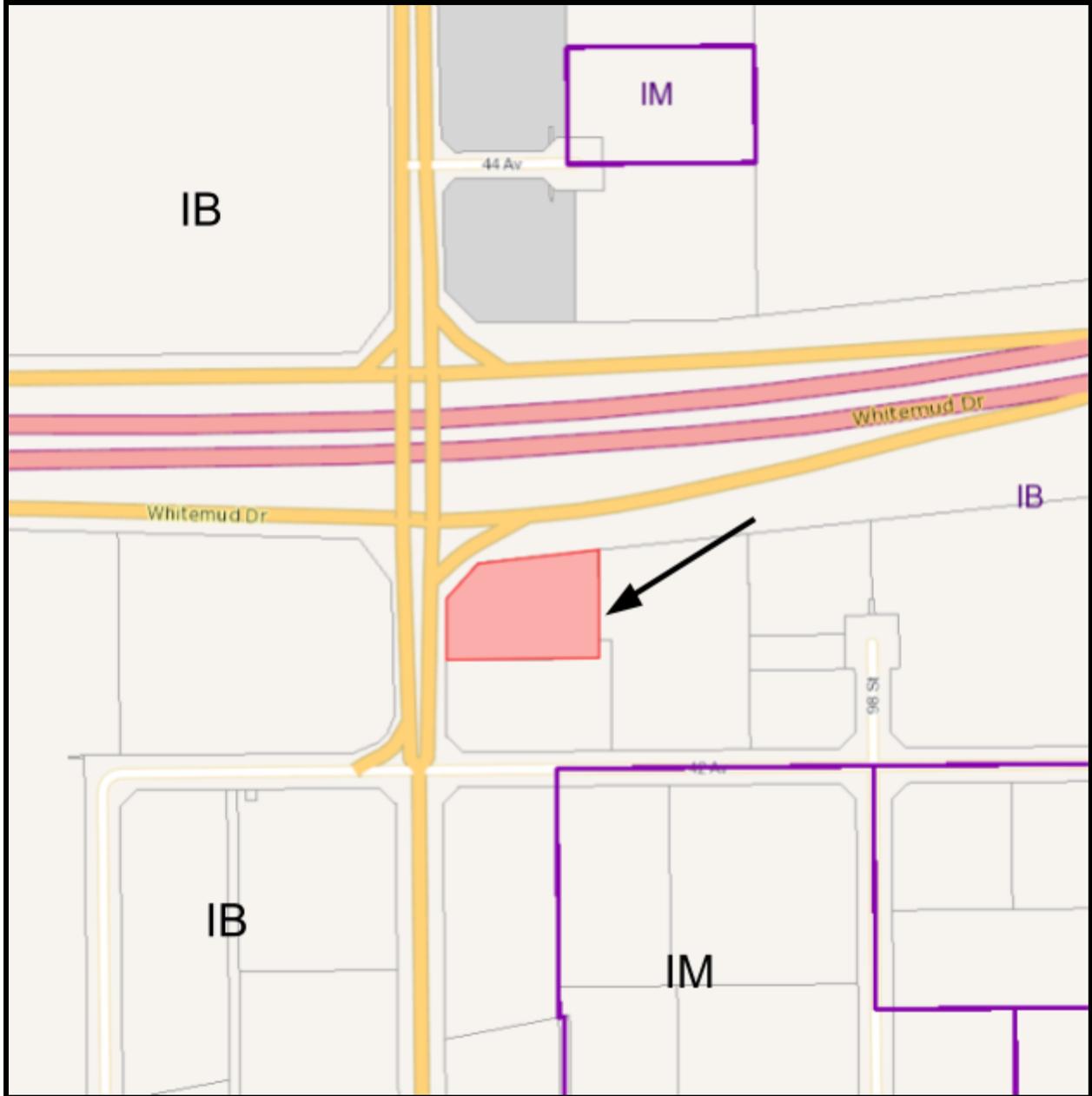
Application for Sign Combo Permit

Project Number: **369897023-001**
Application Date: AUG 10, 2020
Printed: September 22, 2020 at 3:04 PM
Page: 2 of 2

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|-----------------------------------|-------------------|--------------------|------------------|------------------|
| Sign Building Permit Fee | \$1,077.00 | \$1,077.00 | 08885202 | Aug 12, 2020 |
| Sign Dev Appl Fee - Digital Signs | \$467.00 | \$467.00 | 08885202 | Aug 12, 2020 |
| Safety Codes Fee | \$43.08 | \$43.08 | 08885202 | Aug 12, 2020 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | <u>\$1,587.08</u> | <u>\$1,587.08</u> | | |

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-20-145 ▲
N

ITEM II: 10:30 A.M.

FILE: SDAB-D-20-146

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 167232980-003

APPLICATION TO: Install a Minor Digital On-premises Off-premises
Freestanding Sign ((PATTISON | R.B. Palmer &
Associates LTD | INTEGRA TIRE & AUTO CENTRE)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 22, 2020

DATE OF APPEAL: October 2, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 5015 - 99 Street NW

LEGAL DESCRIPTION: Plan 4187RS Blk 2 Lot 1

ZONE: (IM) Medium Industrial 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:

As a representative of Pattison Outdoor Advertising, the Applicant in the above noted matter, and in consideration of the refusal of our Development Permit Application, I hereby appeal the refusal on the following grounds:

1. Minor Digital On/Off-premises Signs are a Discretionary Use in the IM Zone.
2. The Minor Digital On/Off-Premises Sign has co-existed with the nearby Freestanding OnPremises Sign since its installation in November 2015.
3. To the extent any variance may be required, it is submitted that granting the same would be appropriate in the circumstances and that the proposed development would not unduly interfere with the amenities of the neighbourhood nor materially interfere with the use, enjoyment or value of neighbouring parcels of land.
4. Such further and other reasons as may be presented at the hearing of this appeal.

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| <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.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 420.3(14), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **(IM) Medium Industrial 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, **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, a **Freestanding Sign** means “a Sign supported independently of a building.”

Section 420.4(6) states “Signs shall comply with the regulations found in Schedule 59G.”

Section 420.1 states that the **General Purpose** of the **(IM) Medium Industrial Zone** is:

to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or

require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Sign Regulations - General Provisions

Section 59.2(21) states:

Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure.

Development Officers Determination

1. Section 59.2(21) Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure.

Required: 45.0 m

Proposed: 7.79 m

Deficient by: 37.21 m

[unedited]

Setback

Schedule 59G.3(6)(j) states “proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.”

Section 420.4(2) states “A minimum Setback of 3.0 m shall be required where any lot line of a Site abuts a public roadway, other than a Lane. If any lot line of the Site abuts a property line of a Residential Zone, a minimum Setback of 6.0 m shall be required.”

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

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

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

Development Officers Determination

2. Section 59G.3(10) proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback;

Required: 3.0 m (Section 420.4(2))

Proposed: 2.62 m

Deficient by: 0.38 m

[unedited]

Previous Subdivision and Development Appeal Board Decisions

| Application Number | Description | Decision |
|---------------------------|---|---|
| SDAB-D-15-167 | To install a Freestanding Minor Digital On-premises Off-premises Sign (Integra Tire) | April 14, 2015; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED. |
| SDAB-D-13-024 | Construct an Off-premises Minor Digital Freestanding Sign (3.0 m x 6.0 m - Double Sided facing N/S) | February 22, 2013; That the appeal be ALLOWED and the DEVELOPMENT GRANTED. |

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.

| | | | |
|---|--|---|--|
|  | Project Number: 167232980-003 Application Date: JUL 29, 2020 Printed: September 22, 2020 at 10:48 AM Page: 1 of 2 | | |
| <h2 style="margin: 0;">Application for Sign Combo Permit</h2> | | | |
| This document is a Development Permit Decision for the development application described below. | | | |
| Applicant | Property Address(es) and Legal Description(s) 5015 - 99 STREET NW Plan 4187RS Blk 2 Lot 1 | | |
| Scope of Application To install a Minor Digital On-premises Off-premises Freestanding Sign ((PATTISON R.B. Palmer & Associates LTD INTEGRA TIRE & AUTO CENTRE). | | | |
| Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> ASA Sticker No./Name of Engineer: Construction Value: 100000 </td> <td style="width: 50%;"> Class of Permit: Class B Expiry Date: </td> </tr> </table> | | ASA Sticker No./Name of Engineer: Construction Value: 100000 | Class of Permit: Class B Expiry Date: |
| ASA Sticker No./Name of Engineer: Construction Value: 100000 | Class of Permit: Class B Expiry Date: | | |
| Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 1 | 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 | | |
| Development Application Decision Refused Issue Date: Development Authority: MERCIER, KELSEY Reason for Refusal 1. Section 59.2(21) Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure. Required: 45.0 m Proposed: 7.79 m Deficient by: 37.21 m 2. Section 59G.3(10) proposed Signs with an Area greater than 8.0 m ² shall not be located within any Setback; Required: 3.0 m (Section 420.4(2)) Proposed: 2.62 m Deficient by: 0.38 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 | | | |



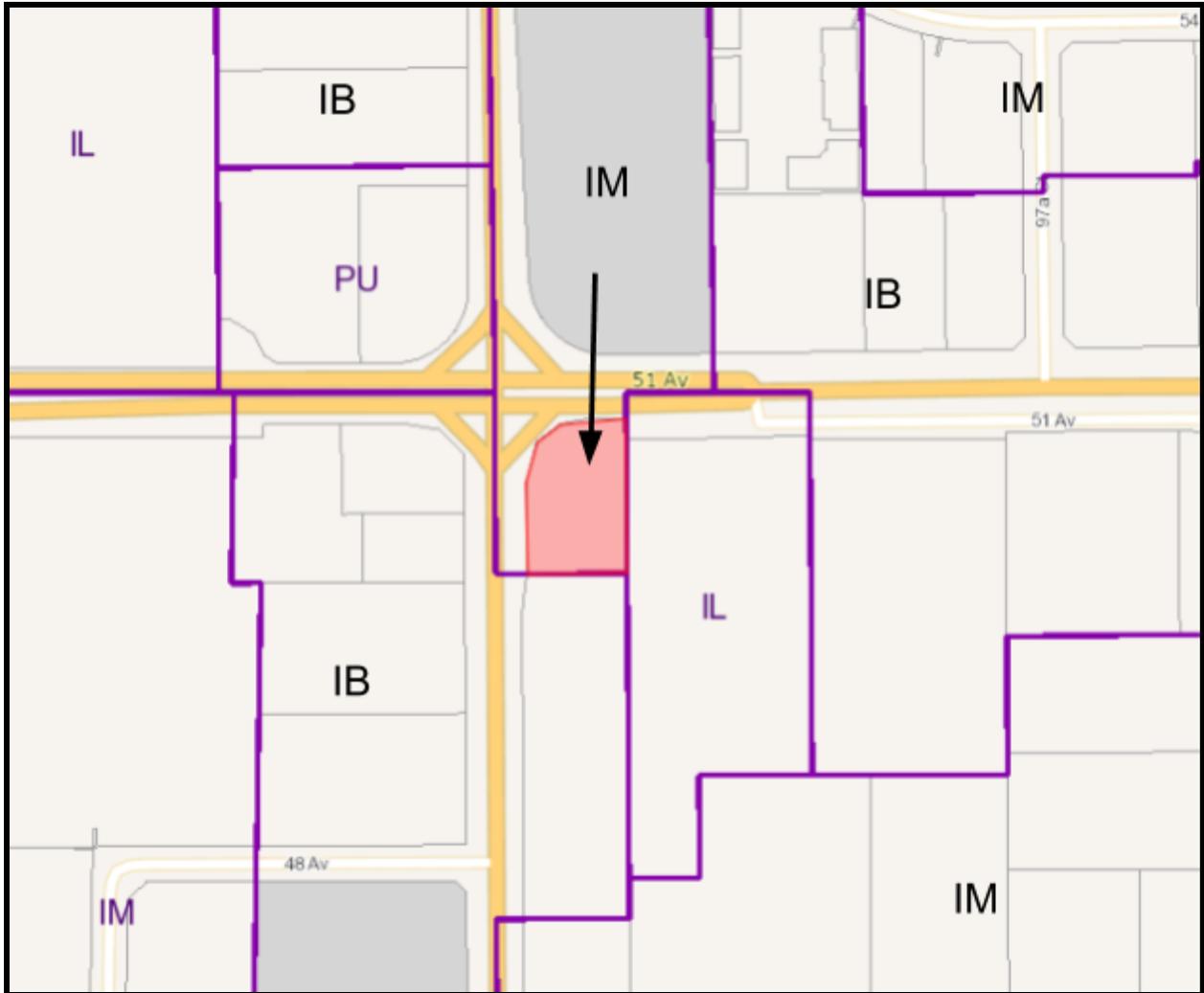
Application for Sign Combo Permit

Project Number: **167232980-003**
Application Date: JUL 29, 2020
Printed: September 22, 2020 at 10:48 AM
Page: 2 of 2

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|-----------------------------------|-------------------|--------------------|------------------|------------------|
| Sign Dev Appl Fee - Digital Signs | \$467.00 | \$467.00 | 06653323 | Aug 04, 2020 |
| Total GST Amount: | <u>\$0.00</u> | | | |
| Totals for Permit: | \$467.00 | \$467.00 | | |

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-20-146

ITEM III: 1:30 P.M.

FILE: SDAB-D-20-147

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 356402802-002

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

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 15, 2020

DATE OF APPEAL: October 5, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5718 - Gateway Boulevard NW

LEGAL DESCRIPTION: Plan 1661KS Blk 87 Lot 1A

ZONE: (IH) Heavy Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

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

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

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| <i>General Matters</i> |
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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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

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

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

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

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

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

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

to provide for industrial Uses that, due to their appearance, noise, odour, risk of toxic emissions, or fire and explosion hazards are incompatible with residential, commercial, and other land Uses. This Zone should normally be located on the interior of industrial or agricultural areas, such that it does not interfere with the safety, Use, amenity or enjoyment of any surrounding Zones.

Setback

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

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

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

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

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

Development Officers Determination

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

Proposed: encroaches 0.12 m over property line

Required: 3.0 m Setback

Deficient by: 3.12 m

[unedited]

Separation Distance

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

proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

| Proposed Sign Area | Minimum separation distance from Signs with Digital Copy greater than <u>8.0 m²</u> or Off-premises Signs |
|-----------------------------------|--|
| less than <u>20 m²</u> | <u>100 m</u> |

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

Development Officers Determination

2. Section 59G.2(5)(d) - Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m² or Off-premises Signs, greater than 10m² by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

Area of Existing Sign (DP# 146410313-004): 18.6 m² Digital

Location: 5735 - GATEWAY BOULEVARD N

Required Separation Distance: 100 m

Proposed Separation Distance: 34 m

Deficient by: 66 m

[unedited]

Sign Regulations - General Provisions

Section 59.2(12) states:

All Freestanding Signs, Temporary Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule.

Development Officers Determination

3. Section 59.2(12) - All Freestanding Signs, shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines.

Proposed: Sign encroaches 0.12 m over property line.

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

| | | |
|--|--|---|
|  | <h2>Application for Sign Combo Permit</h2> | Project Number: 356402802-002 Application Date: AUG 25, 2020 Printed: October 5, 2020 at 3:31 PM Page: 1 of 2 |
| This document is a Development Permit Decision for the development application described below. | | |
| Applicant | Property Address(es) and Legal Description(s) 5718 - GATEWAY BOULEVARD NW Plan 1661KS Blk 87 Lot 1A | |
| Scope of Application To install a Freestanding Off-premises Sign (COLLEGE COPY SHOP BGE (INDOOR AIR QUALITY SOLUTIONS)). | | |
| Permit Details | | |
| ASA Sticker No./Name of Engineer: Construction Value: 1000 | Class of Permit: Expiry Date: | |
| Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On-Off-premises Sign: 0 | Freestanding Off-premises Sign: 1 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0 | |
| Development Application Decision Refused Issue Date: Development Authority: MERCIER, KELSEY Reason for Refusal 1. Section 59G.2(5)(c) - No part of any Freestanding Off-premises Sign shall be located within any Setback; Proposed: encroaches 0.12 m over property line Required: 3.0 m Setback Deficient by: 3.12 m 2. Section 59G.2(5)(d) - Proposed Sign locations shall be separated from Signs containing Digital Copy greater than 8.0m ² or Off-premises Signs, greater than 10m ² by 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. Area of Existing Sign (DP# 146410313-004): 18.6 m ² Digital Location: 5735 - GATEWAY BOULEVARD N Required Separation Distance: 100 m Proposed Separation Distance: 34 m Deficient by: 66 m 3. Section 59.2(12) - All Freestanding Signs, shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines. Proposed: Sign encroaches 0.12 m over property line. | | |
| THIS IS NOT A PERMIT | | |



Application for Sign Combo Permit

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

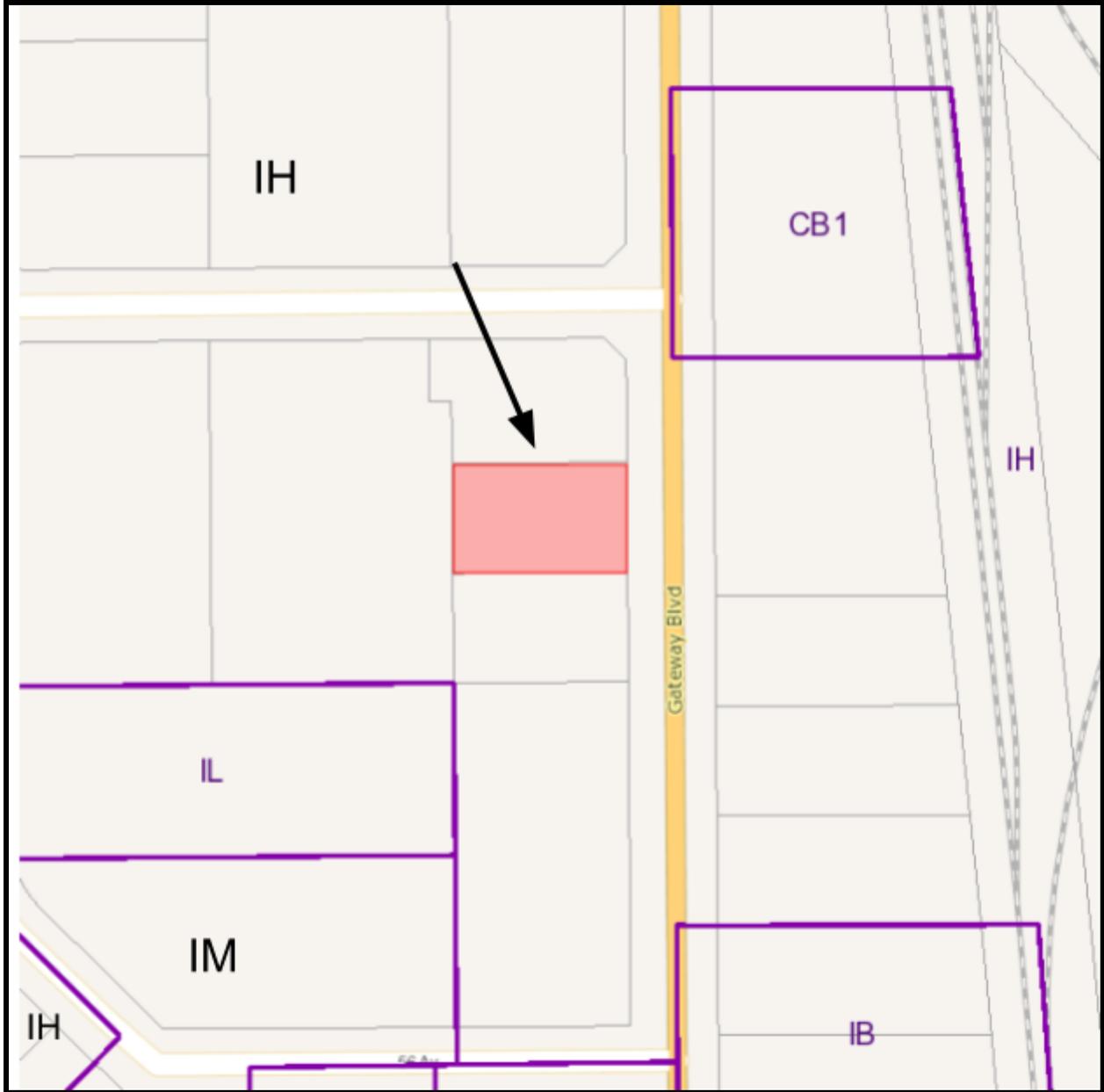
Rights of Appeal

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

Fees

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

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-147

▲
N