

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 1:15 P.M.
October 14, 2015

Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 1:15 P.M. SDAB-D-15-242

Install (1) Freestanding Off-Premises Sign
2303 Gateway Boulevard NW
Project No.: 174935500-001

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

ITEM I: 1:15 P.M.

FILE: SDAB-D-15-242

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	174935500-001
APPLICATION TO:	Install (1) Freestanding Off-Premises Sign
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	September 9, 2015
DATE OF APPEAL:	September 21, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	2303 Gateway Boulevard NW
LEGAL DESCRIPTION:	Plan CE1 Blk RLY Lot 52
ZONE:	IB Industrial Business Zone
OVERLAY:	N/A
PLANS IN EFFECT:	Calgary Trail Land Use Study South Industrial Area Outline Plan

Grounds for Appeal

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

1. The application meets all of the requirements of the Bylaw.
 2. Given the very "commercial" nature of the location, the sign would be appropriate in the location applied for.
- [unedited]

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or...

The decision of the Development Officer is dated September 9, 2015. The Notice of Appeal Period expired on September 23, 2015, and the Notice of Appeal was filed on September 21, 2015.

The subject site is on the east side of 2303 Gateway Boulevard NW, approximately 330 metres south of 34 Avenue. This portion of Gateway Boulevard is zoned IB Industrial Business Zone.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 400.1 states the following with respect to the **General Purpose** of the **IB Industrial Business Zone**:

The purpose of this 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.

Under Section 400.3(36), **Freestanding Off-premises Signs** are a **Discretionary Use** in the IB Industrial Business Zone.

Section 7.9(3) defines **Freestanding Off-premises Signs** as follows:

Freestanding Off-premises Signs means any Sign supported independent of a building, 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, entertainment or service provided on the premises or Site where the Sign is displayed.

Development Officer's Determination

Relevant Provisions from the *Edmonton Zoning Bylaw* and the *Municipal Government Act*:

Section 6.1(96) defines **Statutory Plan** as follows:

Statutory Plan means for the purpose of this Bylaw only, any plan defined as a Statutory Plan by the Municipal Government Act, or any planning policy document approved by City Council by resolution having specific impact on a defined geographic area such as a neighbourhood.

Part 17, Section 616(dd) of the *Municipal Government Act* defines **Statutory Plan** as “an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4”.

The Calgary Trail Land Use Study (as amended) was approved by Resolution of Council on September 11, 1984 and consolidated in July 2011.

The South Industrial Area Outline Plan was approved by Resolution of Council on January 15, 1974 and consolidated in December 2012.

Section 687(3) of the *Municipal Government Act* states, in part:

- (a.1) In determining an appeal, the subdivision and development appeal board must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;
- ...
- (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.

Relevant Sections of the Calgary Trail Land Use Study

Section 3.4(b) states:

b) Greater attention shall be given to improving the location, siting, Signage comprehensibility [*sic*] and design of signage in the corridor by:

- i) promoting within the business community the voluntary replacement of older advertising signage;
- ii) discouraging the use of portable signs and free-standing billboards; and
- iii) improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.

Development Officer's Determination

The Development Officer's reasons for refusal are as follows:

1) A Freestanding Off-premises Sign is a Discretionary Use in the Industrial Business Zone (IB) Zone (Section 400.3(36)).

The Site is located within the Calgary Trail Land Use Study, identified as a Statutory Plan in accordance to Section 6.1(96) of the Edmonton Zoning Bylaw.



In accordance to Section 3.4(b)(ii) of the Calgary Trail Land Use Study, greater attention shall be given to improving the location, siting, signage comprehensibility and design of signage in the corridor by discouraging the use of free-standing billboards.

The intent of Section 3.4(b)(ii), General Urban Design Policies of the Calgary Trail Land Use Study, with respect to billboards, refers to the built form of large freestanding signs located along roadways for the purpose of outdoor advertising.

Notwithstanding Sign Schedule 59F of the Zoning Bylaw, the proposed Major Digital On-premises Off-premises Sign is contrary to the General Urban Design Policies of the Calgary Trail Land Use Study in discouraging free-standing billboards.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 174935500-001 Application Date: JUN 25, 2015 Printed: October 6, 2015 at 2:06 PM 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 GO OUTDOOR ADVERTISING LTD 	Property Address(es) and Legal Description(s) 2303 - GATEWAY BOULEVARD NW Plan CE1 Blk RLY Lot 52		
Scope of Application To install (1) Freestanding Off-Premises Sign			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Expiry Date: Num. Temp., Fasica or Temporary 0 Signs: Sign Permit Label No. : </td> <td style="width: 50%; border: none;"> Construction Value: 6000 Num. of Freestanding, Projecting or Roof 1 Signs: Number of Additional Signs: Sign Type: Freestanding Off-Premises Sign </td> </tr> </table>		Class of Permit: Class B Expiry Date: Num. Temp., Fasica or Temporary 0 Signs: Sign Permit Label No. :	Construction Value: 6000 Num. of Freestanding, Projecting or Roof 1 Signs: Number of Additional Signs: Sign Type: Freestanding Off-Premises Sign
Class of Permit: Class B Expiry Date: Num. Temp., Fasica or Temporary 0 Signs: Sign Permit Label No. :	Construction Value: 6000 Num. of Freestanding, Projecting or Roof 1 Signs: Number of Additional Signs: Sign Type: Freestanding Off-Premises Sign		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal 1) A Freestanding Off-premises Sign is a Discretionary Use in the Industrial Business Zone (IB) Zone (Section 400.3(36)). The Site is located within the Calgary Trail Land Use Study, identified as a Statutory Plan in accordance to Section 6.1(96) of the Edmonton Zoning Bylaw. In accordance to Section 3.4(b)(ii) of the Calgary Trail Land Use Study, greater attention shall be given to improving the location, siting, signage comprehensibility and design of signage in the corridor by discouraging the use of free-standing billboards. The intent of Section 3.4(b)(ii), General Urban Design Policies of the Calgary Trail Land Use Study, with respect to billboards, refers to the built form of large freestanding signs located along roadways for the purpose of outdoor advertising. Notwithstanding Sign Schedule 59F of the Zoning Bylaw, the proposed Major Digital On-premises Off-premises Sign is contrary to the General Urban Design Policies of the Calgary Trail Land Use Study in discouraging free-standing billboards. Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.			
Issue Date: Sep 09, 2015 Development Authority: AHUJA, SACHIN Signature: _____			
THIS IS NOT A PERMIT			



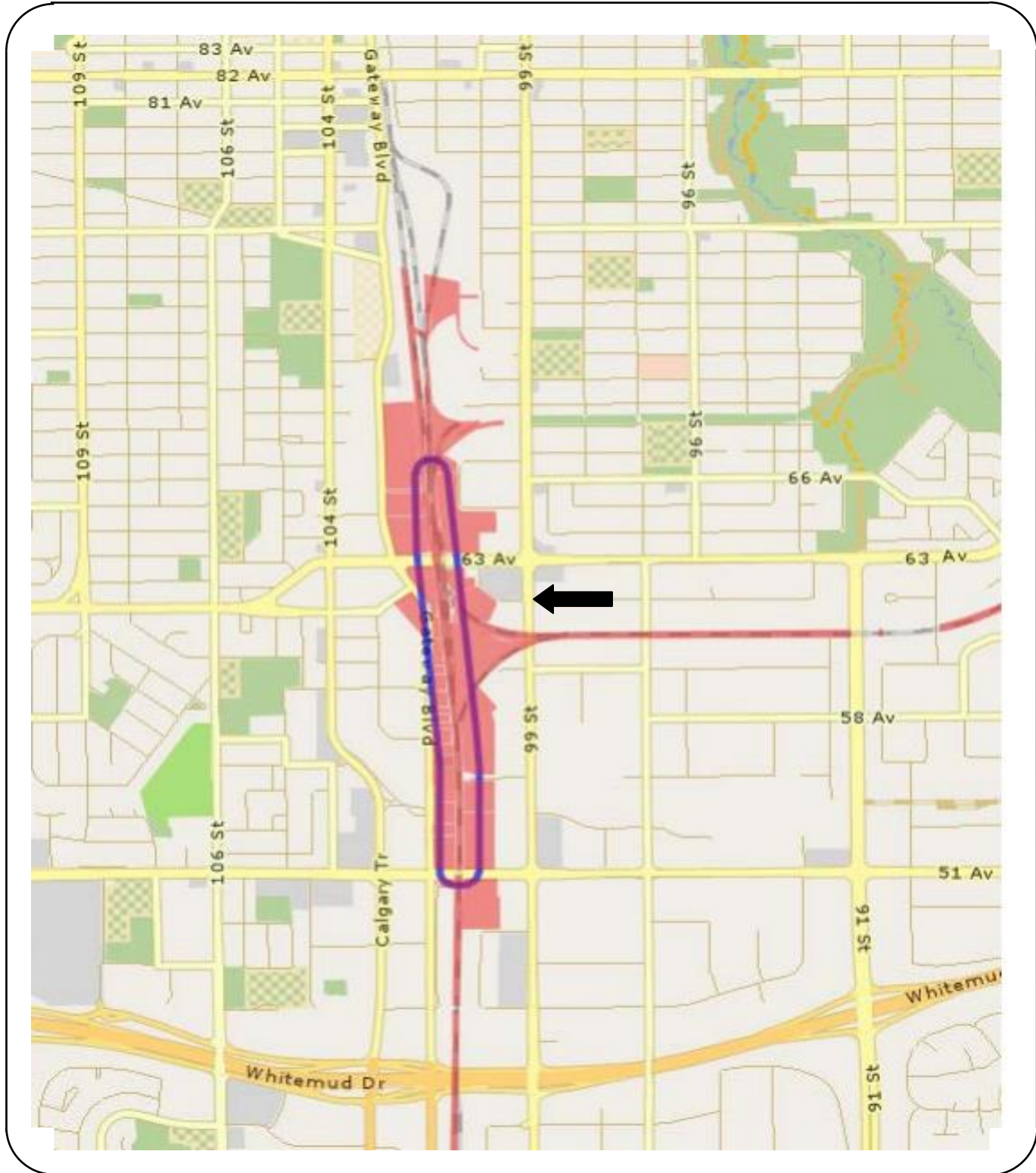
Project Number: **174935500-001**
Application Date: JUN 25, 2015
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Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$5.84	\$5.84	02535535	Jun 25, 2015
Sign Building Permit Fee	\$146.00	\$146.00	02535535	Jun 25, 2015
Sign Development Application Fee	\$255.00	\$255.00	02535535	Jun 25, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$506.84	<u>\$406.84</u>		
(\$100.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-242



BUSINESS LAID OVER

SDAB-D-15-211	An appeal to change the Use from Professional, Financial, and Office Support Services to General Retail Stores (main floor) and Health Services (2 nd floor), and construct additions, interior alterations, and exterior alterations <i>October 29, 2015</i>
SDAB-D-15-236 to 241	An appeal to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>November 19, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

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