

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
October 23, 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-19-179

To install two (2) Freestanding On-premises  
Signs (GROVE ON 17 | TENANT SIGNS)

845 - Tamarack Way NW  
Project No.: 339770511-001

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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-19-179

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 339770511-001

APPLICATION TO: Install two (2) Freestanding On-premises Signs (GROVE ON 17 | TENANT SIGNS)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 24, 2019

DATE OF APPEAL: September 26, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 845 - Tamarack Way NW

LEGAL DESCRIPTION: Plan 5886RS Lot A

ZONE: DC1 - Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Tamarack Neighbourhood Structure Plan  
The Meadows Area Structure Plan

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*Grounds for Appeal*

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

We are solicitors for Forster Harvard Development Corp., the property owners in the above matter and the persons on whose behalf the subject Development Permit Application was filed. Our clients' Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The Development Officer failed to follow the directions of Council in that the proposed development is a Permitted Use within the applicable zoning that otherwise complies with all of the applicable development control regulations.

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

<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.

(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.

**685(4)** Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

**General Provisions from the DC1 (Bylaw 18989 – Area A) Direct Development Control Provision passed August 26, 2019 (“DC1”):**

Under Section 3 **Uses**:

3.1 Area A – - Commercial / Retail / Office Node

kk. Freestanding On-premises Signs

The **General Purpose** of the DC1 is:

The purpose of this (DC1) Direct Development Control Provision is to facilitate the development of a pedestrian oriented and transit-supportive mixed use area that may accommodate a range of commercial, residential, and office uses.

Under Section 7.9(4) of the *Edmonton Zoning Bylaw*, **Freestanding On-premises Signs** means a Freestanding Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.

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, **Signs** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business.

Without limiting the generality of the foregoing Signs include banners, placards, and painted messages, and Signs attached to or painted on a vehicle (or trailer) that is parked on a property and being used for advertising purposes. Signs shall not include national flags, interior window displays of merchandise, or Signs painted on or attached to a motor vehicle on a public roadway.

Section 4.3(g) states Signs shall comply with the regulations in Schedule 59D, as amended.

***Schedule 59D***

Section 59D.2(3)(c) states the maximum number of Freestanding On-premises Signs shall not exceed one per Frontage abutting a public roadway.

Section 59D.2(3)(d) states the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs, and Minor Digital Off-premises Signs on a Site shall be four.

**Development Officer’s Determination**

1. The maximum number of Freestanding On-premises Signs shall not exceed one per Frontage abutting a public roadway; (Reference Schedule 59D.2(3)(c))

Proposed on 17 Street Frontage: 2

Existing on 17 Street Frontage: 1

Total on 17 Street Frontage: 3

Exceeds by: 2

2. The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs, and Minor Digital Off-premises Signs on a Site shall be four (Reference Schedule 59D.2(3)(d)).

Proposed Signs: 2 Freestanding On-premises

Existing Signs: 3 (2 Freestanding On-premises, 1 Minor Digital On-premises)

Total number on Site: 5


Exceeds by: 1

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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>339770511-001</b> Application Date: AUG 30, 2019 Printed: September 30, 2019 at 10:49 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
<b>Applicant</b>  PRAIRIE SIGN 7 - INDUSTRIAL DRIVE WEST EMERALD PARK, SASKATCHEWAN CANADA S4L1C6	<b>Property Address(es) and Legal Description(s)</b>  845 - TAMARACK WAY NW Plan 5886RS Lot A	
<b>Scope of Application</b> To install (2) Freestanding On-premises Signs (GROVE ON 17   TENANT SIGNS).		
<b>Permit Details</b>		
ASA Sticker No./Name of Engineer: Construction Value: 100000	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: 0 Freestanding On-premises Sign: 2 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> Sep 24, 2019 <b>Development Authority:</b> MERCIER, KELSEY  <b>Reason for Refusal</b> 1. The maximum number of Freestanding On-premises Signs shall not exceed one per Frontage abutting a public roadway; (Reference Schedule 59D.2(3)(c))  Proposed on 17 Street Frontage: 2 Existing on 17 Street Frontage: 1 Total on 17 Street Frontage: 3 Exceeds by: 2  2. The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs, and Minor Digital Off-premises Signs on a Site shall be four (Reference Schedule 59D.2(3)(d)).  Proposed Signs: 2 Freestanding On-premises Existing Signs: 3 (2 Freestanding On-premises, 1 Minor Digital On-premises) Total number on Site: 5 Exceeds by: 1		
<b>THIS IS NOT A PERMIT</b>		





# Application for Sign Combo Permit

Project Number: **339770511-001**  
Application Date: AUG 30, 2019  
Printed: September 30, 2019 at 10:49 AM  
Page: 2 of 2

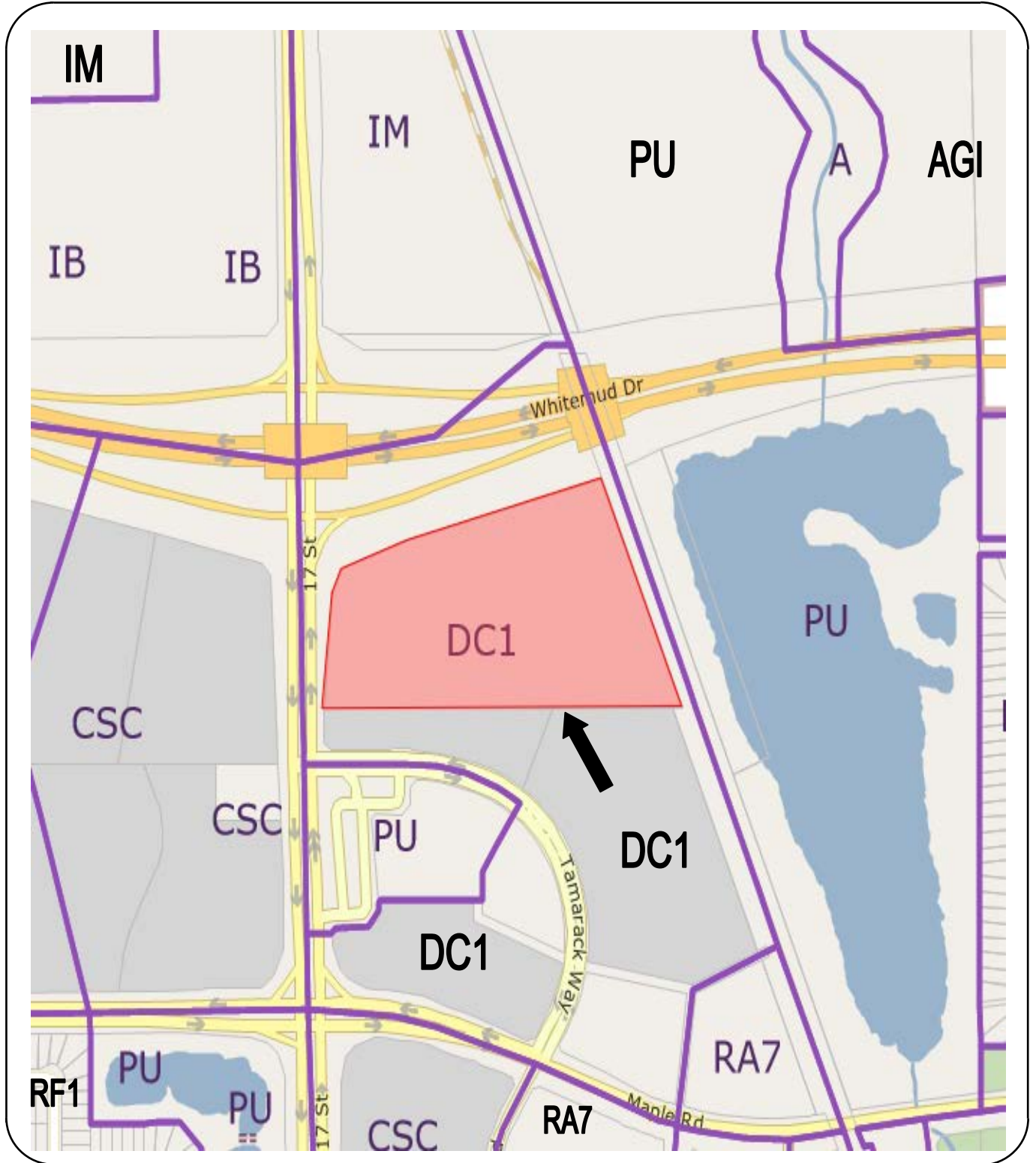
**Rights of Appeal**

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**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Development Application Fee	\$564.00	\$564.00	06119494	Sep 05, 2019
Safety Codes Fee	\$42.28	\$42.28	06119494	Sep 05, 2019
Sign Building Permit Fee	\$1,057.00	\$1,057.00	06119494	Sep 05, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,663.28</u>	<u>\$1,663.28</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-179

