

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
September 16, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-120

WITHDRAWN

Construct an 89 Dwelling Multi-unit Housing building with underground parkade. There are 4 existing Multi-unit Housing buildings (24 Dwellings each) that will remain onsite

9505 - 80 Street NW
Project No.: 360864623-002

II 1:30 P.M. SDAB-D-20-121

Install a Minor Digital On-premises Sign (Freestanding) (3-Sided Sign, 2-digital panels facing 100 Ave and 178 st)(EXECUTIVE | ROYAL HOTEL | STEELS)

10010 - 178 Street NW
Project No.: 143901847-005

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-20-120

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 360864623-002

APPLICATION TO: Construct an 89 Dwelling Multi-unit Housing building with underground parkade. There are 4 existing Multi-unit Housing buildings (24 Dwellings each) that will remain onsite

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 27, 2020

WITHDRAWN

DATE OF APPEAL: August 25, 2020

NOTIFICATION PERIOD: August 4, 2020 through August 25, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9505 - 80 Street NW

LEGAL DESCRIPTION: Plan 1640KS Blk 3 Lot 48

ZONE: (RA7) Low Rise Apartment 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:

ITEM II: 1:30 P.M.

FILE: SDAB-D-20-121

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 143901847-005

APPLICATION TO: Install a Minor Digital On-premises Sign (Freestanding)
(3-Sided Sign, 2-digital panels facing 100 Ave and 178
st)(EXECUTIVE | ROYAL HOTEL | STEELS)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 19, 2020

DATE OF APPEAL: August 22, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10010 - 178 Street NW

LEGAL DESCRIPTION: Plan 9922363 Blk 10 Lot 7

ZONE: (CHY) Highway Corridor Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: Place LaRue West Neighbourhood Area Structure Plan

Grounds for Appeal

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

We are writing this letter to ask for your support of our application on behalf of The Royal Hotel. The application is to renew the existing permit for a freestanding sign with digital cabinet.

The permit for this sign was originally approved in 2014 for a five-year term. To our knowledge, the sign has been operated in accordance with the rules set out in that permit, and there haven't been any complaints or issues with the sign.

To secure the original permit, The Royal Hotel worked with planning for some time to come to the approved design and location, and certainly did their part to work with City planning staff. The value of the sign was \$75,000, which is a very sizeable investment.

When we made the application for renewal, current planning staff identified some issues with the sign. This came as a great surprise to The Royal Hotel, as they thought that everything was resolved prior to their permit being issued in 2014.

In response to the Reason for Refusal, we have these comments:

1. Section 59F.3(5)(a): Minor Digital On-Premise Signs shall be subject to the following regulation: the maximum height shall be 8.0m.

There was an error in the drawings supplied the applicant showing the sign being over height by 0.4 m. This error has been corrected and the sign conforms to the height of 8.0 m that was approved in 2014.

2. Section 59F.3(5)(c)(ii): The maximum area shall be 20 m² for proposed signs that are Freestanding Signs. The maximum combined area of Digital Sign Copy and any other type of copy on the same sign face shall not exceed 30 m².

The existing permit references approval for a sign area variance of 3.45 m². However, the definition of "sign area" is for the portion of the sign on which copy is intended to be placed. The bottom six feet of this sign is not intended for copy. The actual sign area is 23 m², and therefore a variance should not be required for this.

3. Sign location

The plan in effect is the Place la Rue West Neighborhood area structure plan (NASP) Sub-area B-Highway Commercial and Auto Sales District.

The existing location was approved by a staff variance in 2014. The current staff refusal references a desire to protect "the privacy of residents south of 100 Avenue." It's important to note that only two sides of the sign have a digital cabinet, and the third side has a traditional cabinet.

The sign has been placed so that the digital sides are not visible from the residences to the south. Further, the sign is over 80 m from the nearest residential lot. We don't believe that the sign poses any negative impacts to nearby residents.

In summary, the sign was installed in 2014 in accordance with the approved permit, and in good faith that it would be re-approved as long as those rules were followed. We submit that The Royal Hotel has followed the rules of their permit and should be allowed to maintain their very valuable signage. We ask that a variance be granted to allow the freestanding sign with its digital component to remain.

Thank you for your consideration.

<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 350.3(27), a **Minor Digital On-premises Sign** is a **Discretionary Use** in the **(CHY) Highway Corridor Zone**.

Under section 7.9(8), **Minor Digital On-premises Signs** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-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.”

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.

Section 350.4(10) states “Signs shall comply with the regulations found in Schedule 59F.”

Section 350.1 states that the **General Purpose** of the **(CHY) Highway Corridor Zone** is:

to provide for high quality commercial development along those public roadways, which serve as entrance routes to the City or along limited access public roadways intended to provide a connection to entrance routes.

Section 813.1 states that the **General Purpose** of the **Major Commercial Corridors Overlay** is “to ensure that development along Major Commercial Corridors is visually attractive and that due consideration is given to pedestrian and traffic safety.”

Height

Schedule 59F.3(5)(a) states “the maximum Height shall be 8.0 m.”

Under section 6.2, **Height Signs** means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

Development Officers Determination

1) Section 59F.3(5)(a): Minor Digital On-premises Signs shall be subject to the following regulations: the maximum Height shall be 8.0 m.

Proposed: 8.4m

Exceeds by: 0.4m

[unedited]

Area

Schedule 59F.3(5)(c)(ii) states:

the maximum Area shall be:

- i. ...
- ii. 20 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 30 m².

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, **Copy Area** means “the total area of one or more geometric shapes, which contain all of the Copy on a Sign.”

Development Officers Determination

2) Section 59F.3(5)(c)(ii): The maximum Area shall be 20 m2 for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 30 m2;

PROPOSED: 33.9m2

Exceeds by: 3.9m2

[unedited]

Place LaRue West Neighbourhood Area Structure Plan

Development Officers Determination

3) The plan in effect is the Place La Rue West Neighbourhood Area Structure Plan (NASP), Sub-area B - Highway Commercial and Auto Sales District

Section 4.2 - Sub-Area B

Land Use Policies (pg.20):

To implement these objectives, it is Council policy that:

4. The uses described in Section 5.1 will not be permitted on properties with frontage on 100 Avenue, where they are discretionary in the existing Zone and will not be allowed as uses in any future Direct Control Provision. Site design and signage will comply with the guidelines outlined in Sections 5.2 and 5.3.

Section 5.3 Signage Guidelines:

These guidelines will be applied to properties with frontage on 100 Avenue in the approval of all discretionary permits and in all future Direct Control Provisions to ensure the privacy of residents south of 100 Avenue.

5.3(1): Any sign listed as a discretionary use in a Zone is not allowed.

The proposed sign use is a Minor Digital On-premises Sign which is a Discretionary Use (350.3(27)) in the CHY Zone.


5.3(5): Signs are allowed within required yards if they are developed as a feature of the landscaped yard but are not to exceed a height of 10 m and any illumination is to be backlit only.

The proposed sign is a digital sign, so it is not "backlit"

[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.

	<p>Application for Sign Combo Permit</p>	<p>Project Number: 143901847-005 Application Date: JUL 03, 2020 Printed: August 24, 2020 at 8:30 AM 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) 10010 - 178 STREET NW Plan 9922363 Blk 10 Lot 7</p>	
<p>Scope of Application To install a Minor Digital On-premises Sign (Freestanding) (3-Sided Sign, 2-digital panels facing 100 Ave and 178 st)(EXECUTIVE ROYAL HOTEL STEELS).</p>		
<p>Permit Details</p>		
<p>ASA Sticker No./Name of Engineer: Construction Value: 15000</p>	<p>Class of Permit: 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: 2 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0</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 Issue Date: Development Authority: NOORMAN, BRENDA</p>		
<p>THIS IS NOT A PERMIT</p>		



Project Number: **143901847-005**
 Application Date: JUL 03, 2020
 Printed: August 24, 2020 at 8:30 AM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1) Section 59F.3(5)(a): Minor Digital On-premises Signs shall be subject to the following regulations: the maximum Height shall be 8.0 m.

Proposed: 8.4m
 Exceeds by: 0.4m

2) Section 59F.3(5)(c)(ii): The maximum Area shall be 20 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 30 m²;

PROPOSED: 33.9m²
 Exceeds by: 3.9m²

3) The plan in effect is the Place La Rue West Neighbourhood Area Structure Plan (NASP), Sub-area B - Highway Commercial and Auto Sales District

Section 4.2 - Sub-Area B
 Land Use Policies (pg.20):

To implement these objectives, it is Council policy that:

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5.3(5): Signs are allowed within required yards if they are developed as a feature of the landscaped yard but are not to exceed a height of 10 m and any illumination is to be backlit only.

The proposed sign is a digital sign, so it is not "backlit".

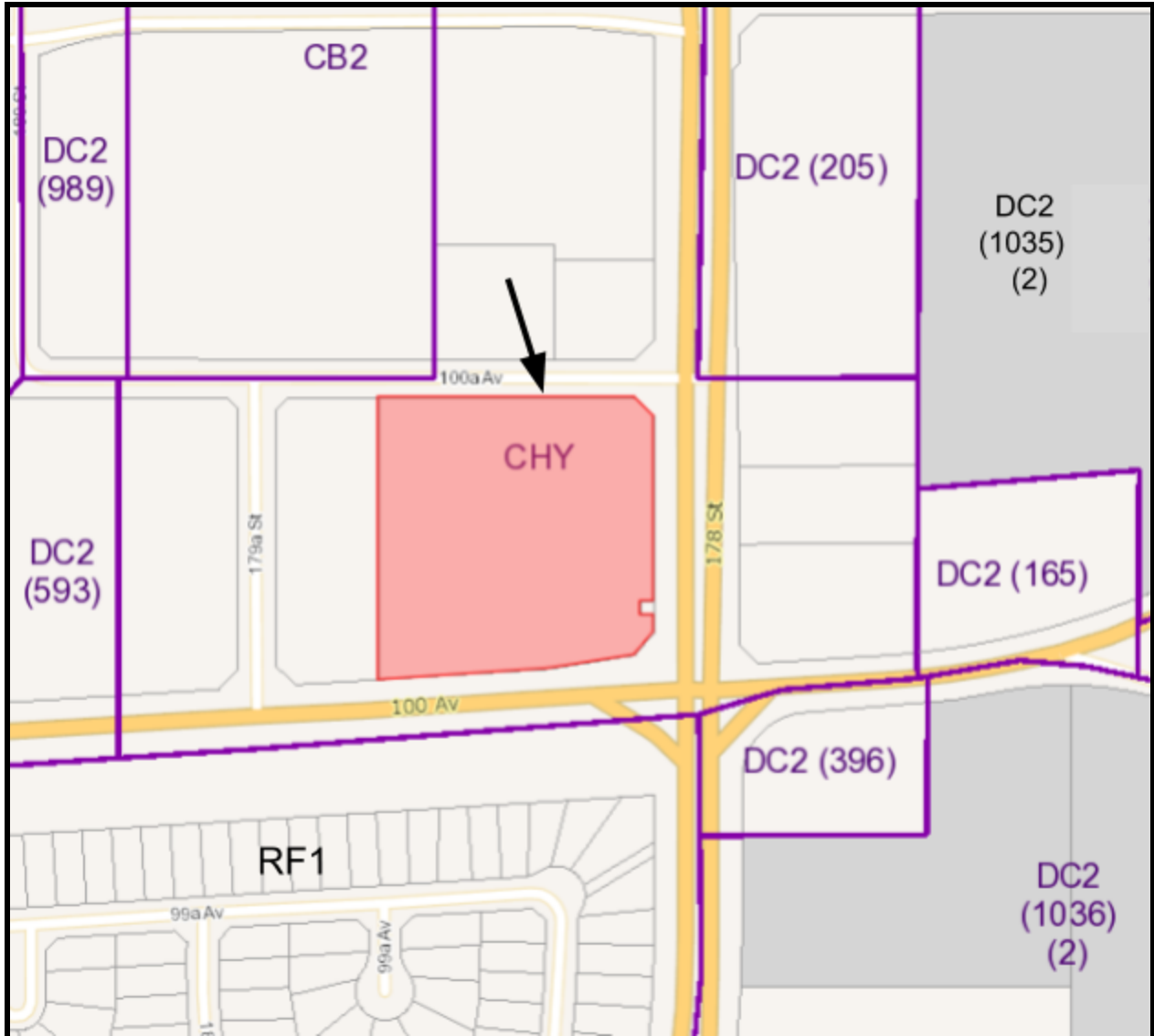
Rights of Appeal

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 Dev Appl Fee - Digital Signs	\$934.00	\$934.00	06645399	Jul 28, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$934.00	\$934.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-121

▲
N