

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Tuesday, 9:00 A.M.
September 21, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-154

Amend the Comprehensive Sign Design Plan (ref. 263833206-001) for (GREEN BOTTLE DEPOT and CLEAN CARWASH)

3515 - Allan Drive SW
Project No.: 399414024-002

II 10:30 A.M. SDAB-D-21-155

Construct a 4 Dwelling unit Row House with 4 secondary suites and walkout Basement and to demolish existing Single Detached House and Accessory Building (detached garage)

16201 - 100A Avenue NW
Project No.: 389731866-002

III 1:30 P.M. SDAB-D-21-158

Install (1) Freestanding On-Premises Sign (CENTURY PARK PROFESSIONAL CENTRE)

10940 - 23 Avenue NW
Project No.: 401518598-002

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-21-154

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 399414024-002

APPLICATION TO: Amend the Comprehensive Sign Design Plan (ref. 263833206-001) for (GREEN BOTTLE DEPOT and CLEAN CARWASH)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 10, 2021

DATE OF APPEAL: August 25, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3515 - Allan Drive SW

LEGAL DESCRIPTION: Plan 1521954 Blk 4 Lot 3

ZONE: DC1 - Direct Development Control Provision (Bylaw 17494)

OVERLAY: N/A

STATUTORY PLAN(S): Ambleside Neighbourhood Structure Plan
Windermere Area Structure Plan

Grounds for Appeal

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

I would like to respectfully ask SDAB to consider interpreting the proposed (Refused) Sign #4 as a Fascia On-Premises Advertising Sign and not as a Wayfinding Sign, one which does not meet DC1(17494).5(e)(iv.)

There is sufficient existing Wayfinding signage at the site, installed more directly in the sightlines of customers on the site

Fascia On-Premises Signs are a Permitted Use in the DC1 Zone.

Proposed Sign meets requirements of EZB 7.9 Sign Uses & EZB 6.2 On-Premises Advertising Signs

Sign which directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed

Proposed Sign #4 directs attention the attention of a longer-range audience to a service which is available at this site, therefore, the proposed Sign # 4 is consistent with the DC1 - To accommodate the development of commercial and service type uses for servicing the greater neighborhood.

Sign #4 was originally approved under the original, current, CSDP Project# 263833206-1, as a non-illuminated Fascia On-Premises Sign.

The proposed Sign #4 would be manufactured at the same size & installed in the same location as per Project# 263833206-1

EZB requirements have not amended or expanded since that original approval.

A different elevation on the same building already has installed, 2 similar Fascia On-Premises Signs with copy matching the copy on the Refused sign.

These signs were approved Project# 263833206-1

As the applicant, representing the property owners, I am respectfully seeking the opportunity to present to SDAB, a further, appropriately detailed explanation, as to why I believe the proposed signage does meet all the applicable EZB requirements.

Thank you.

<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 the decision in accordance with subsection (2.1).

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.

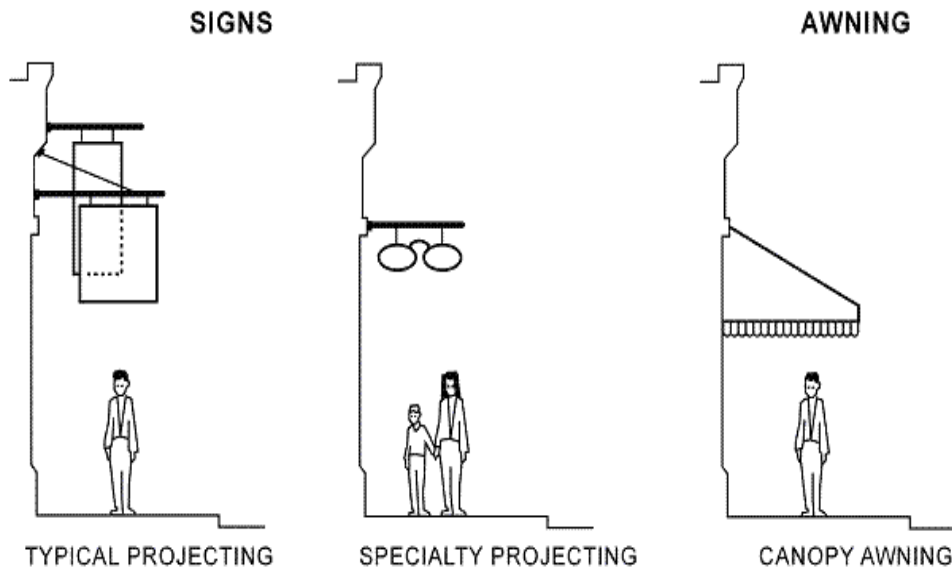
General Provisions from the DC1 - Direct Development Control Provision (Bylaw 17494) (“DC1”):

Under section 3.2.bb, Area B, a **Projecting On-premises Sign**, is a **Listed Use** in the **DC1**.

Under section 3.2.z, Area B, a **Fascia On-premises Sign**, is a **Listed Use** in the **DC1**

Under Section 7.9(10), **Projecting On-premises Signs** means a Projecting Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.

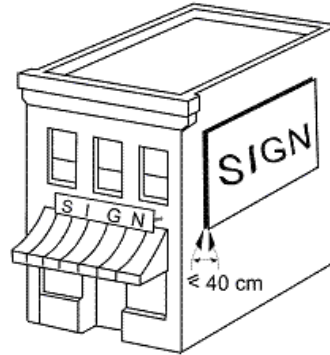
Under section 6.2, **Projecting Signs** means a Sign that is attached to an exterior building wall, or any other structure, or suspended below the ceiling of a canopy, awning, or other structure. Projecting Signs extend more than 40 cm out from the building wall or structure.



Under section 7.9(2) states **Fascia On-premises Signs** means a Fascia Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.

Under section 6.2, **Fascia Signs** means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Section 1 states that the **General Purpose** of the **DC1** is:

To accommodate the development of a range of business employment uses with potential for limited commercial and service type uses for servicing the greater neighbourhood. This Provision allows the opportunity for the development of high rise buildings, which may be designed in a stand alone or mixed use format for hotel and office applications, together with ancillary and complementary commercial uses. This Provision provides development controls and urban design regulations and guidelines to establish a high quality urban environment, to ensure that the development is well integrated with the adjacent Ambleside commercial and residential areas, and to create an aesthetic and architecturally appealing development adjacent to Windermere Boulevard.

Design Regulations

Section 5, Design Regulations, states the following:

- e. Signage
 1. A Comprehensive Sign Design Plan and Schedule shall be submitted, consistent with the overall intent of Subsection 59.3 of the Zoning Bylaw prior to the approval of any development permit;

2. Signs shall be designed to reflect an aesthetically pleasing and cohesive approach to complement the architectural features of all buildings;
3. Individual business identification Signs located on the Façades of buildings shall be similar in proportion, construction materials and placement. The design, scale and placement of Signs shall be such that the Signs do not detract from the overall appearance of the development and that the Signs are not obtrusive, having regard to the scale of the buildings on the Site and to the distance of the building Setback;
4. Directional Signs shall be provided for wayfinding information at critical locations relating to tenants, pedestrian movement, parking lots, loading zones and pick up areas, entrances, exits and amenity areas;
5. Movement and brightness of Signs shall be designed to minimize light pollution and visual intrusion on surrounding residential properties.

Development Officer's Determination

1) Section DC1(17494).5(e)(iii): Individual business identification Signs located on the Façades of buildings shall be similar in proportion, construction materials and placement. The design, scale and placement of Signs shall be such that the Signs do not detract from the overall appearance of the development and that the Signs are not obtrusive, having regard to the scale of the buildings on the Site and to the distance of the building Setback;

The placement of individual business identification Sign #4 (Carwash) located on the façade of the Bottle Depot building is predominant on the Bottle Depot building elevation and draws attention to, and identifies, a business that is not located in this building, detracting from the overall appearance of the development.

[unedited]

Sign Regulations

Section 4.k, Development Regulations, states the following:

Signs shall comply with the regulations found in Schedule 59E of the Zoning Bylaw.

Section 59E.2(2) states:

2. Projecting On-premises Signs shall be subject to the following regulations:

1. any Projecting On-premises Sign shall not be less than 2.4 m above Grade;
2. the top of a Projecting On-premises Sign on a building two Storeys or higher shall not extend more than 75 cm above the floor of the second Storey;
3. any Projecting On-premises Sign and its supporting structure may project a maximum of 2.0 m;
4. the horizontal separation distance between a Projecting On-premises Sign and its support structure and the curb line of a public roadway shall be not less than 0.6 m;
5. not more than one Projecting On-premises Sign shall be allowed for each individual business premises Frontage;
6. Projecting On-premises Signs shall be erected such that the structural support elements are designed or concealed so as to appear as an integral part of the overall Sign design and such that no angle iron bracing, guide wires or similar support elements are visible from a public roadway or other public right-of-way; and
7. Projecting On-premises Signs may be illuminated.

Development Officer’s Determination

2) Section 59E.2(2)(a): any Projecting On-premises Sign shall not be less than 2.4 m above Grade;

**Proposed: Projecting On-premises Sign #18 is 2.1m above grade
Deficient by: 0.3m**



[unedited]

<i>Previous Subdivision and Development Appeal Board Decision</i>
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Application Number	Description	Decision
SDAB-D-17-123	To install (1) Fascia On-premises Sign (Car Wash).	July 14, 2017; That the appeal be DENIED and the decision of the Development Authority CONFIRMED

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: 399414024-002 Application Date: JUN 14, 2021 Printed: August 10, 2021 at 6:19 PM Page: 1 of 2
<h2>Application for Sign Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant 	Property Address(es) and Legal Description(s) 3515 - ALLAN DRIVE SW Plan 1521954 Blk 4 Lot 3 Location(s) of Work Suite: 3523 - ALLAN DRIVE SW Entryway: 3523 - ALLAN DRIVE SW Building: 3523 - ALLAN DRIVE SW
Scope of Application To amend the Comprehensive Sign Design Plan (ref. 263833206-001) for (GREEN BOTTLE DEPOT and CLEAN CARWASH).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 0	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: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 1 Major Digital Sign: 0
Development Application Decision Refused Issue Date: Aug 10, 2021 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Section DC1(17494).5(e)(iii): Individual business identification Signs located on the Façades of buildings shall be similar in proportion, construction materials and placement. The design, scale and placement of Signs shall be such that the Signs do not detract from the overall appearance of the development and that the Signs are not obtrusive, having regard to the scale of the buildings on the Site and to the distance of the building Setback; The placement of individual business identification Sign #4 (Carwash) located on the facade of the Bottle Depot building is predominant on the Bottle Depot building elevation and draws attention to, and identifies, a business that is not located in this building, detracting from the overall appearance of the development. 2) Section 59E.2(2)(a): any Projecting On-premises Sign shall not be less than 2.4 m above Grade; Proposed: Projecting On-premises Sign #18 is 2.1m above grade Deficient by: 0.3m	
THIS IS NOT A PERMIT	



Application for Sign Permit

Project Number: **399414024-002**
Application Date: JUN 14, 2021
Printed: August 10, 2021 at 6:19 PM
Page: 2 of 2

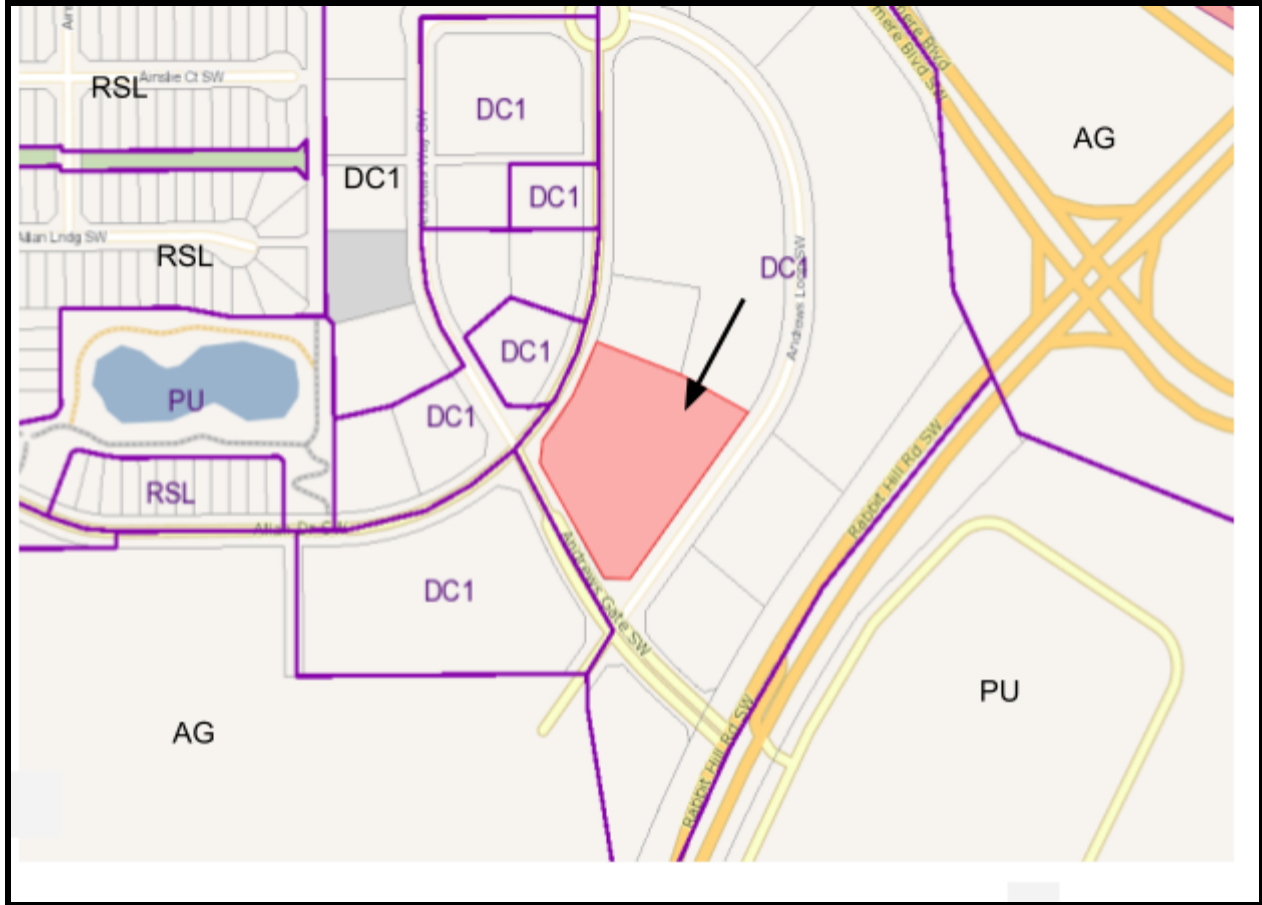
Rights of Appeal

THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Comprehensive Design Fee	\$380.00	\$380.00	112279654548001	Jun 14, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$380.00</u>	<u>\$380.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-154

▲
N

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-155

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 389731866-002

APPLICATION TO: Construct a 4 Dwelling unit Row House with 4 secondary suites and walkout Basement and to demolish existing Single Detached House and Accessory Building (detached garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 11, 2021

DATE OF APPEAL: August 28, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16201 - 100A Avenue NW

LEGAL DESCRIPTION: Plan 2169HW Blk 4A Lot 1

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

I am the director of SOGY HOMES for writing on behalf of the company, whose application for a development permit to build a four plex housing on above given address was refused. I write to request me an appeal to refusal on the grounds that:

1. Four plex housing on a site with RF3 zoning (Small Scale Infill Development Zone) use fall under Permitted uses.
2. the proposed Four plex housing is appropriate at the subject location.
3. the proposed four plex housing will not unduly interfere with the amenities of the neighborhoods, nor will it materially interfere with or affect the use, enjoyment and value of neighboring parcels of land.
4. the proposed Liquor store will fill in a current big void for supply and demand of new built houses and in-fills in the area and community of Glenwood as it is one of the up-and-coming communities of our city.
5. the proposed four plex housing will be diversely different from old houses in the area but we shall maintain and follow all the bylaws by city was construction process.
6. such further and other grounds as may be presented at the hearing of the appeal. We look forward to your advice on the scheduling of the appeal.

<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 the decision in accordance with subsection (2.1).

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 board hearing the appeal referred to in subsection (1)

...

(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 (a.4) and (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 140.2(5), **Multi-unit Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(4), **Multi-unit Housing** means development:

that consists of:

- a. three or more principal Dwellings arranged in any configuration and in any number of buildings;
- or
- b. any number of Dwellings developed in conjunction with a Commercial Use where allowed in the Zone.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

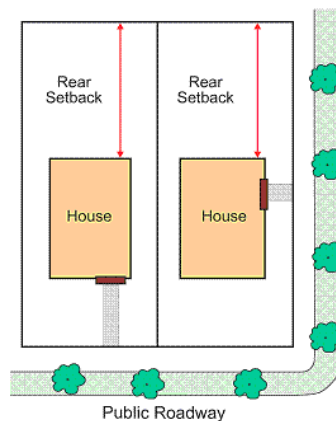
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer’s Determination

Reduced Rear Setback - The distance from the Row House to the rear property line is 13.1 m (31.7% of site depth) instead of 16.6 m (40% of site depth). (Section 814.3.4)

[unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:



- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

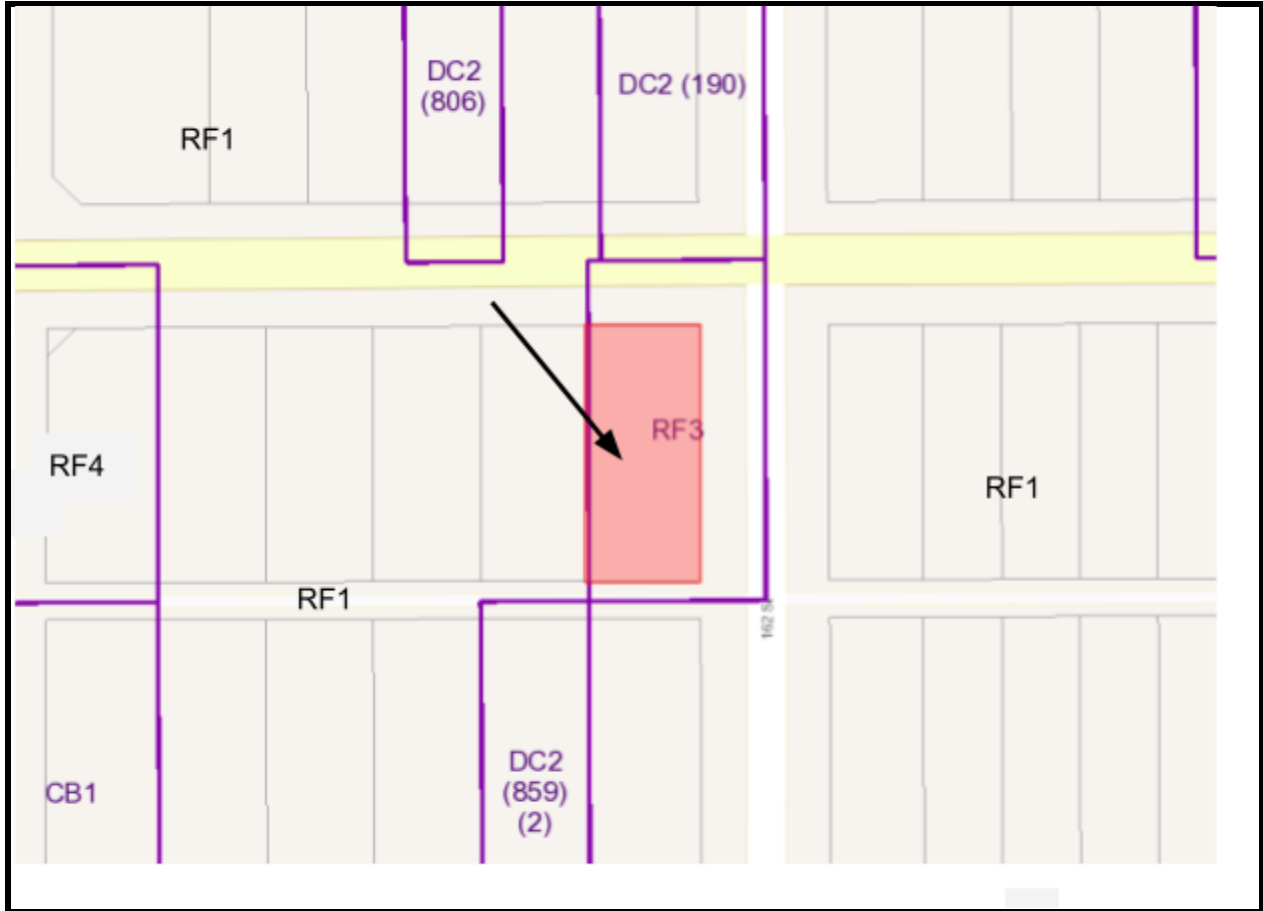
Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) - Rear Setback

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 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 389731866-002 Application Date: MAR 18, 2021 Printed: August 30, 2021 at 7:07 AM Page: 1 of 1																																								
This document is a Development Permit Decision for the development application described below.																																										
Applicant 2289081 AB LTD 	Property Address(es) and Legal Description(s) 16201 - 100A AVENUE NW Plan 2169HW Blk 4A Lot 1 Specific Address(es) Entryway: 16201 - 100A AVENUE NW Building: 16201 - 100A AVENUE NW																																									
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Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 7 # of Secondary Suite Dwelling Units To Construct: 4 Client File Reference Number: Minor Dev: Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>			# of Dwelling Units Add/Remove: 7 # of Secondary Suite Dwelling Units To Construct: 4 Client File Reference Number: Minor Dev: Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y	# of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																																						
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Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sanitary Sewer Trunk Fund (Secondary/Garden Suite)</td> <td style="text-align: right;">\$3,092.00</td> <td style="text-align: right;">\$3,092.00</td> <td>06988545</td> <td>Apr 26, 2021</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$528.00</td> <td style="text-align: right;">\$528.00</td> <td>06988545</td> <td>Apr 26, 2021</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$864.00</td> <td style="text-align: right;">\$864.00</td> <td>06988545</td> <td>Apr 26, 2021</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$3,238.00</td> <td style="text-align: right;">\$3,238.00</td> <td>06988545</td> <td>Apr 26, 2021</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$480.00</td> <td style="text-align: right;">\$480.00</td> <td>06988545</td> <td>Apr 26, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$8,202.00</td> <td style="text-align: right; border-top: 1px solid black;">\$8,202.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$3,092.00	\$3,092.00	06988545	Apr 26, 2021	Development Permit Inspection Fee	\$528.00	\$528.00	06988545	Apr 26, 2021	Dev. Application Fee	\$864.00	\$864.00	06988545	Apr 26, 2021	Sanitary Sewer Trunk Fund	\$3,238.00	\$3,238.00	06988545	Apr 26, 2021	Lot Grading Fee	\$480.00	\$480.00	06988545	Apr 26, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$8,202.00	\$8,202.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-155

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AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 401518598-002

APPLICATION TO: install (1) Freestanding On-Premises Sign (CENTURY PARK PROFESSIONAL CENTRE)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 10, 2021

DATE OF APPEAL: August 31, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10940 - 23 Avenue NW

LEGAL DESCRIPTION: Plan 0323339 Blk 32 Lot 11

ZONE: CSC-Shopping Centre 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:

I am the owner of the Development known as the Century Park Professional Centre and am asking for your support and approval for our 9.1 meter {30 foot} double-sided freestanding custom built sign with multiple spaces to be used by our tenants within the Centre .

In this era of extreme competition for tenants we are only wanting to compete on an equal footing to the other shopping centres in this shopping district (23 Ave and 111 Street). Location identification for any shopping centre is absolute

paramount in the success of this or any other retail project. Competition is very intense for customer's attention as the public drives by.

Currently our competition in this immediate location of 23 Avenue east of 111 Street have a total of 11 Pylon Signs. They are listed as follows with estimated heights:

- a) Pylon on 111 street about 50 meters south of 23 Ave. - 36 feet
- b) Freshco Grocery Pylon - 26 feet
- c) Boston Pizza Pylon - 26 feet
- d) McDonalds Pylon - 26 feet
- e) Fountain Tire Pylon immediately across 23 Ave from our site - 28 feet
- f) Sobeys Liquor Pylon immediately across 23 Ave from our site - 24 feet
- g) East of Sobeys are 3 rotating Pylon sign on consecutive sites all - 26 feet
- h) Immediately to the west of our site is firstly Safeway Gas Pylon - 22 feet
- i) **MOST importantly our next door neighbour to the west, Century Park Shopping Centre - 32 feet**

Our currently allowed sign of 8 meters (26 feet) will be dwarfed by the adjacent completion Pylon Sign.

The 30 foot sign allows us the potential, if necessary only, to add one more panel at the bottom of the sign just in case there is a requirement for that type of exposure.

In addition, due to the supply chain disruption caused by the COVID pandemic, we had no alternative but to pre order the carbon zero panel cladding several months ago. Otherwise it would have been a year before we could get the product and the cost would have increased by approximately 50%.

I am appealing to your judgement to approve this 9.1 meter custom pylon sign as per our initial application.

<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 the decision in accordance with subsection (2.1).

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 board hearing the appeal referred to in subsection (1)

...

- (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 (a.4) and (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.

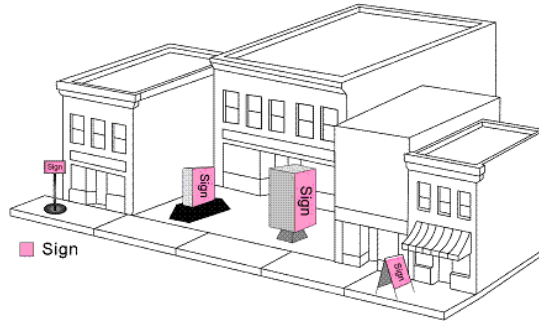
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 320.2(29), a **Freestanding On-premises Sign** is a **Permitted Use** in the **(CSC) Shopping Centre Zone**.

Under section 7.9(4), **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, a **Freestanding Sign** means:

means a Sign supported independently of a building.



Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is “to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.”

Section 320.4(8) states Signs shall comply with the regulations found in Schedule 59E.

Height

Section 59E.2(3)(a) states the maximum Height of a permitted Freestanding On-premises Sign is 8.0 m. The Development Officer may use their variance power to allow a Freestanding On-premises Sign up to 10.0 m in Height if a Site zoned residential is not within 60.0 m of the commercial Site.

Under section 6.1, **Height Signs** means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

Development Officer’s Determination

- 1) **Section 59E.2(3)(a): the maximum Height of a permitted Freestanding On-premises Sign is 8.0 m. The Development Officer may use their variance power to allow a Freestanding On-premises Sign up to 10.0 m in Height if a Site zoned residential is not within 60.0 m of the commercial Site;**

A site zoned residential DC2(952) Area 2 (Sub Area A) is located within 60m of the commercial site.

PROPOSED: 9.1m



EXCEEDS BY: 1.1m [unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-21-054	To construct a Liquor Store.	April 21, 2021; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, and the minimum Site Area requirement of 2 hectares (Section 320.4(1) of the Edmonton Zoning Bylaw) is waived, subject to CONDITIONS.

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 Permit</h2>		Project Number: 401518598-002 Application Date: JUL 05, 2021 Printed: August 10, 2021 at 10:14 AM Page: 1 of 2	
This document is a Development Permit Decision for the development application described below.				
Applicant FIVE STAR PERMITS 		Property Address(es) and Legal Description(s) 10940 - 23 AVENUE NW Plan 0323339 Blk 32 Lot 11 Location(s) of Work Suite: 10950 - 23 AVENUE NW Entryway: 10950 - 23 AVENUE NW Building: 10956 - 23 AVENUE NW		
Scope of Application To install (1) Freestanding On-Premises Sign (CENTURY PARK PROFESSIONAL CENTRE).				
Permit Details				
ASA Sticker No./Name of Engineer: Construction Value: 35000		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: 1 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: Aug 10, 2021 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Section 59E.2(3)(a): the maximum Height of a permitted Freestanding On-premises Sign is 8.0 m. The Development Officer may use their variance power to allow a Freestanding On-premises Sign up to 10.0 m in Height if a Site zoned residential is not within 60.0 m of the commercial Site; A site zoned residential DC2(952) Area 2 (Sub Area A) is located within 60m of the commercial site. PROPOSED: 9.1m EXCEEDS BY: 1.1m Rights of Appeal THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$375.00	\$375.00	12105403917J001	Jul 05, 2021
THIS IS NOT A PERMIT				



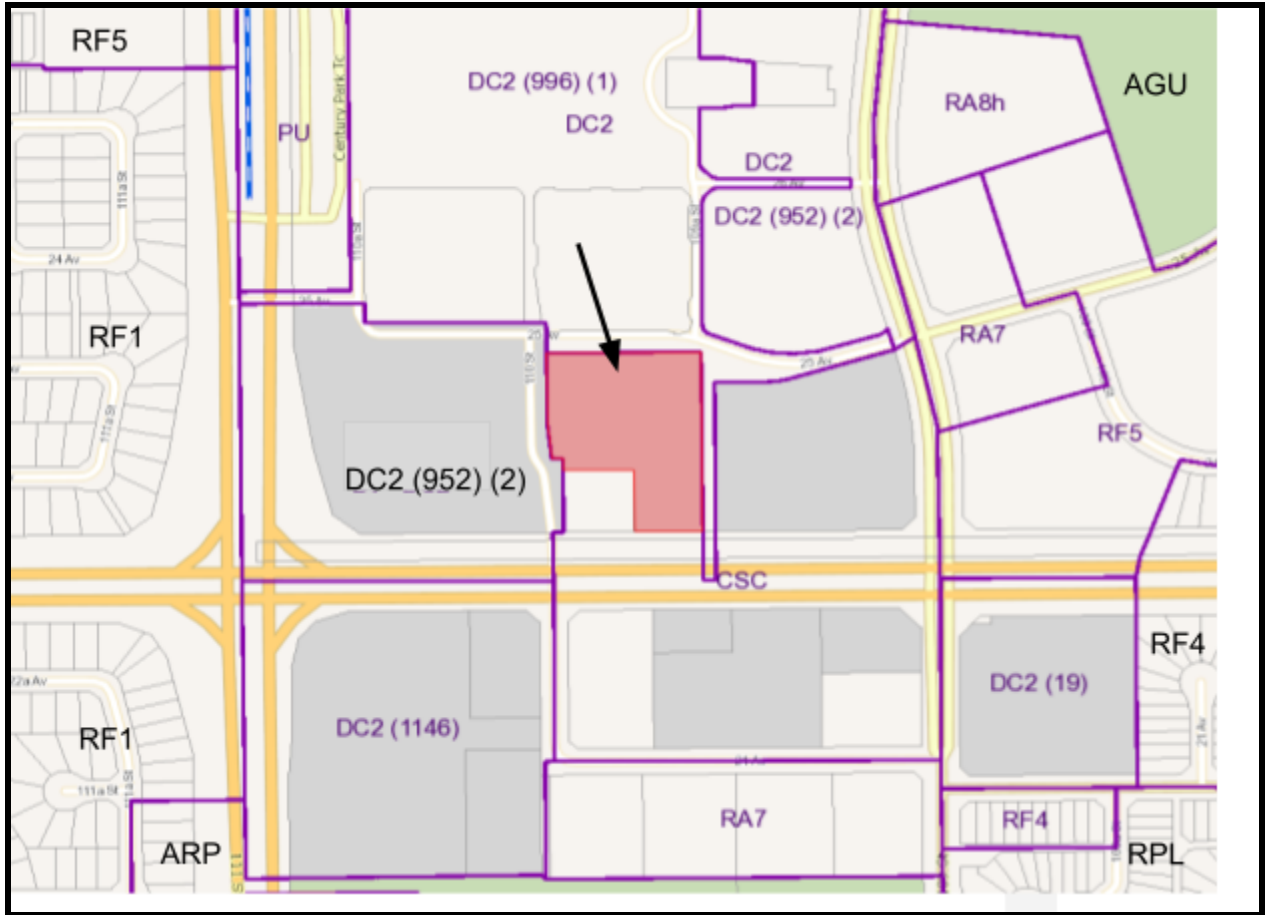
Application for Sign Permit

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Application Date: JUL 05, 2021
Printed: August 10, 2021 at 10:14 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$375.00</u>	<u>\$375.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-158