

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 5, 2019**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-19-140	Construct an Accessory Building (rear detached Garage, 6.71 metres by 7.32 metres) 4059 – Aspen Drive East NW Project No.: 314522631-001
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II	10:30 A.M.	SDAB-D-19-141	Construct a Garden Suite with balcony and to demolish existing detached Garage 11674 - 72 Avenue NW Project No.: 313576896-001
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III	1:30 P.M.	SDAB-D-19-142	Install a Freestanding Minor Digital On-premises Off-premises Sign (4.9 metres by 6.1 metres, including digital panel 3 metres by 6.1 metres facing North) (PATTISON - TOOR HOLDINGS INC.) 9440 - 149 Street NW Project No.: 311645449-001
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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-19-140

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 314522631-001

APPLICATION TO: Construct an Accessory Building (rear detached Garage, 6.71 metres by 7.32 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 7, 2019

DATE OF APPEAL: August 8, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4059 – Aspen Drive East NW

LEGAL DESCRIPTION: Plan 6773MC Blk 19 Lot 13

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We've been denied the development based on a design that follows the bylaw explicitly; 12800

1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:

a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof; or

The development officer is using the highest midpoint not the midpoint of the highest roof as the rule states.

We have changed the plans back to show both roofs at the same height as you'll see in the attached document but we were willing to change it to satisfy the rule as it is written.

As per this rule;

4. The Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:

a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;

We were not allowed to use this average as the site differs in grade height about 1m+ from front to back.

Finally;

There is a unit that was submitted, refused, appealed and built at 11422-77 Ave that is almost identical to the unit we've requested to build.

Thanks in advance.

<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.

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, [...]

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 clauses (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 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Height** means “a vertical distance between two points.”

Section 110.1 states that the **General Purpose** of **(RF1) Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex 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.

Accessory Buildings in Residential Zones - Height

Section 50.3(3) states “an Accessory building or structure shall not exceed 4.3 m [...]”


Development Officer’s Determination

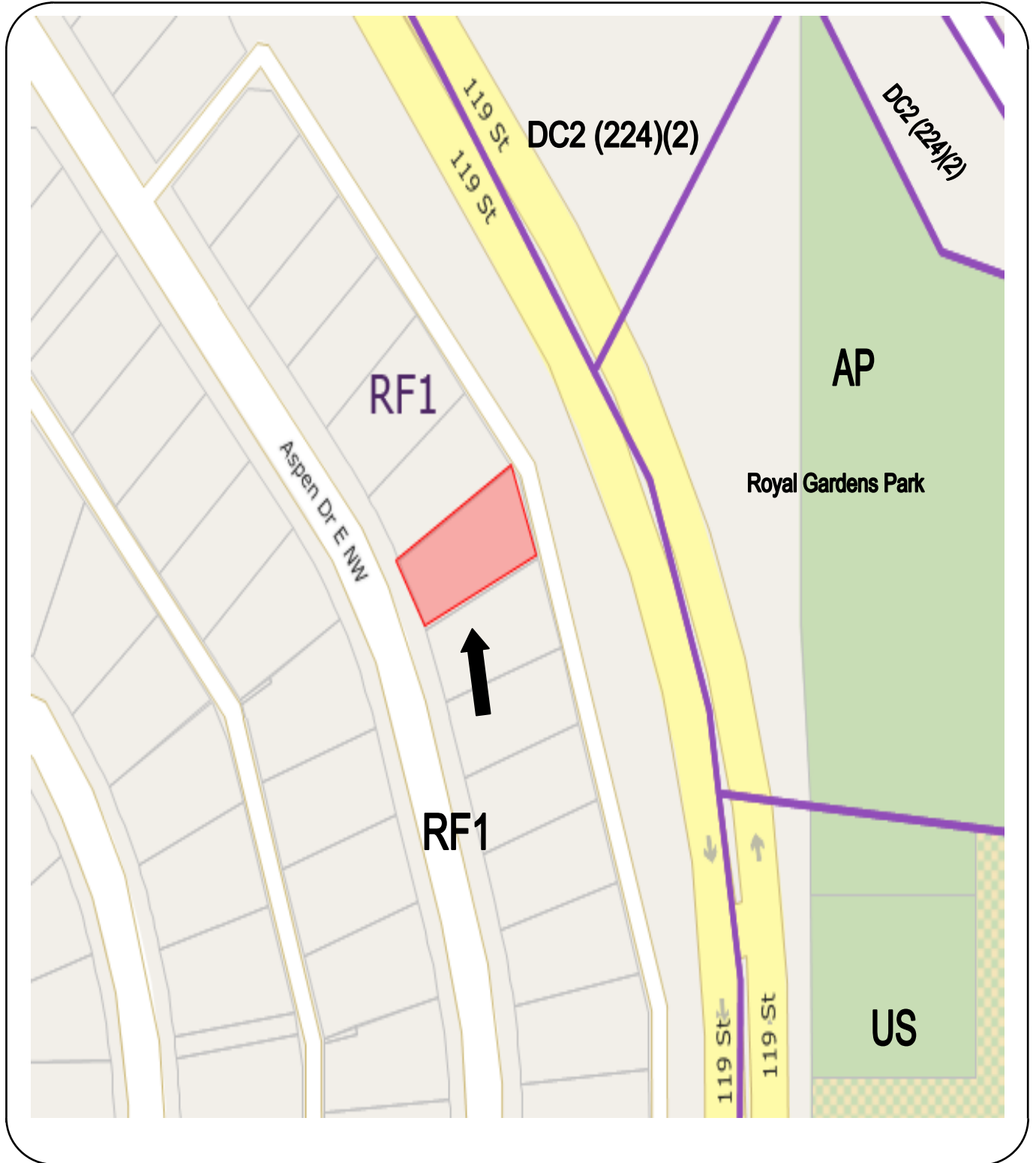
Height (to midpoint) - An Accessory Building or Structure shall not exceed 4.3m (14.1 ft) in Height. (Reference Section 50.3(3))

**Proposed Height: 5.3m to midpoint
Exceeds by: 1m [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 style="margin: 0;">Application for Accessory Building Permit</h2>	Project Number: 314522631-001 Application Date: MAY 24, 2019 Printed: August 7, 2019 at 2:19 PM Page: 1 of 1		
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 4059 - ASPEN DRIVE EAST NW Plan 6773MC Blk 19 Lot 13			
	Location(s) of Work Entryway: 4059 - ASPEN DRIVE EAST NW Building: 4059 - ASPEN DRIVE EAST NW			
Scope of Application To construct an Accessory Building (rear detached Garage, 6.71m x 7.32m).				
Permit Details				
Class Of Permit: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 628.61			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused Issue Date: Aug 07, 2019 Development Authority: LAI, ECHO Reason for Refusal Height (to midpoint) - An Accessory Building or Structure shall not exceed 4.3m (14.1 ft) in Height. (Reference Section 50.3(3)) Proposed Height: 5.3m to midpoint Exceeds by: 1m 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.				
Building Permit Decision Refused				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$118.00	\$118.00	05868255	May 24, 2019
Building Permit Fee (Accessory Building)	\$110.00	\$110.00	05868255	May 24, 2019
Safety Codes Fee	\$4.50	\$4.50	05868255	May 24, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$232.50	\$232.50		
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-140



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-141

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 313576896-001

APPLICATION TO: Construct a Garden Suite with balcony and to demolish existing detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 1, 2019

DATE OF APPEAL: August 10, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11674 - 72 Avenue NW

LEGAL DESCRIPTION: Plan 2938HW Blk 10 Lot 54

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

We are requesting variances to the total floor area and total second floor living place. The hardship we are accommodating is that current by-laws do not allow for two bedroom suites to be constructed above garages. In the short-term, we wish for this garden suite to appeal to families that may not be able to afford living in close proximity to the University of Alberta or in a central transit oriented community. In the long-term we wish to provide a comfortable living space for aging parents with sufficient space for a sleepover with grandchildren.

This garden suite was inspired by a garden suite recently constructed in Calgary. We highlight the inspiration in the enclosed photos of the completed project.

We highlight the following items in support of the variance:

- At 17.5 meters wide by 42.67 meters deep the property is suitable for this proposed garden suite. The garden suite will only cover 11.6% of the site where as the bylaw allows for up to 18% of site coverage. This lessens the impact of the structure on overall land use.
- The garden suite is situated above a three car garage. The garage, without a proposed garden suite would be allowable under existing bylaws as it covers 11.6% of the site and RF1 zoning allows for 12% of the site to be covered by a detached garage.
- The neighbourhood of Belgravia is a transit oriented neighbourhood, given its close proximity to the McKernan/Belgravia LRT Station, and a variance on total floor area allows this suite to provide a second bedroom to achieve higher density within the neighbourhood without additional site coverage.
- The proposed garden suite supports The Way We Grow policy 4.4.1 to “Ensure neighbourhoods have a range of housing choice to meet the needs of all demographic and income groups and create more socially sustainable communities”. Current by-laws only allow for one-bedroom designs on the second floor above a garage. By approving the variance we can construct a second bedroom to accommodate a family of 4+ to provide additional housing options to our community.
- The property could be subdivided, and given its size, existing by-laws would allow for a second storey garden suites on the two lots. This scenario would result in additional site coverage for the same number of bedrooms, without providing additional housing options for our community in the form of a 2-bedroom second floor garden suite.
- The neighbour to the east who is most affected by this development has endorsed the proposal.

<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.

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, [...]

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 clauses (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 110.2(2), **Garden Suites** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(3), **Garden Suites** means:

an Accessory building containing a Dwelling, which is located separate from the principal Use which is Single Detached Housing, and which may contain a Parking Area. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use Class does not include Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 110.4(4) states “Garden Suites shall comply with Section 87 of this Bylaw.”

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is “to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex 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.

<i>Floor Area</i>

Section 87.3 states:

Floor Area shall be provided in accordance with the following:

- a. for the purposes of this regulation, Floor Area shall exclude Basement areas within the Garden Suite, up to 6 m² of the area covered by elevators and any associated landing area on each storey, and up to 6 m² of the area covered by stairways;
- b. **the maximum total Floor Area for a Garden Suite shall be 130 m²; in the RF1, RF2, RF3, RF4, RF5, RF6, RA7, RA8 and**
- c. **RA9 Zones, the maximum Second Storey Floor Area shall be 50 m², except where the Garden Suite complies with the regulations of Section 93 the maximum Second Storey Floor Area shall be 60 m²; and**
- d. in all other Zones, the maximum Second Storey Floor Area shall be 60 m².

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

the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Development Officer's Determination

Floor Area - The maximum total floor area shall not exceed 130m² (Section 87.3.b).


**Required: 130m²
Proposed: 164m²
Exceeds by 34m²**

Second Floor Area - The maximum second floor area shall not exceed 50m² (Section 87.3.b).

**Required: 50m²
Proposed: 78m²
Exceeds by 28m² [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.

	Project Number: 313576896-001 Application Date: MAY 14, 2019 Printed: August 19, 2019 at 1:37 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 11674 - 72 AVENUE NW Plan 2938HW Blk 10 Lot 54 Specific Address(es) Suite: 11674G - 72 AVENUE NW Entryway: 11674G - 72 AVENUE NW Building: 11674G - 72 AVENUE NW		
Scope of Application To construct a Garden Suite with balcony and to demolish existing detached Garage.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Garden Suite Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Garden Suite Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Garden Suite Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Issue Date: Aug 01, 2019 Development Authority: PAYNE, KYLE Reason for Refusal Floor Area - The maximum total floor area shall not exceed 130m ² (Section 87.3.b). Required: 130m ² Proposed: 164m ² Exceeds by 34m ² Second Floor Area - The maximum second floor area shall not exceed 50m ² (Section 87.3.b). Required: 50m ² Proposed: 78m ² Exceeds by 28m 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			
THIS IS NOT A PERMIT			



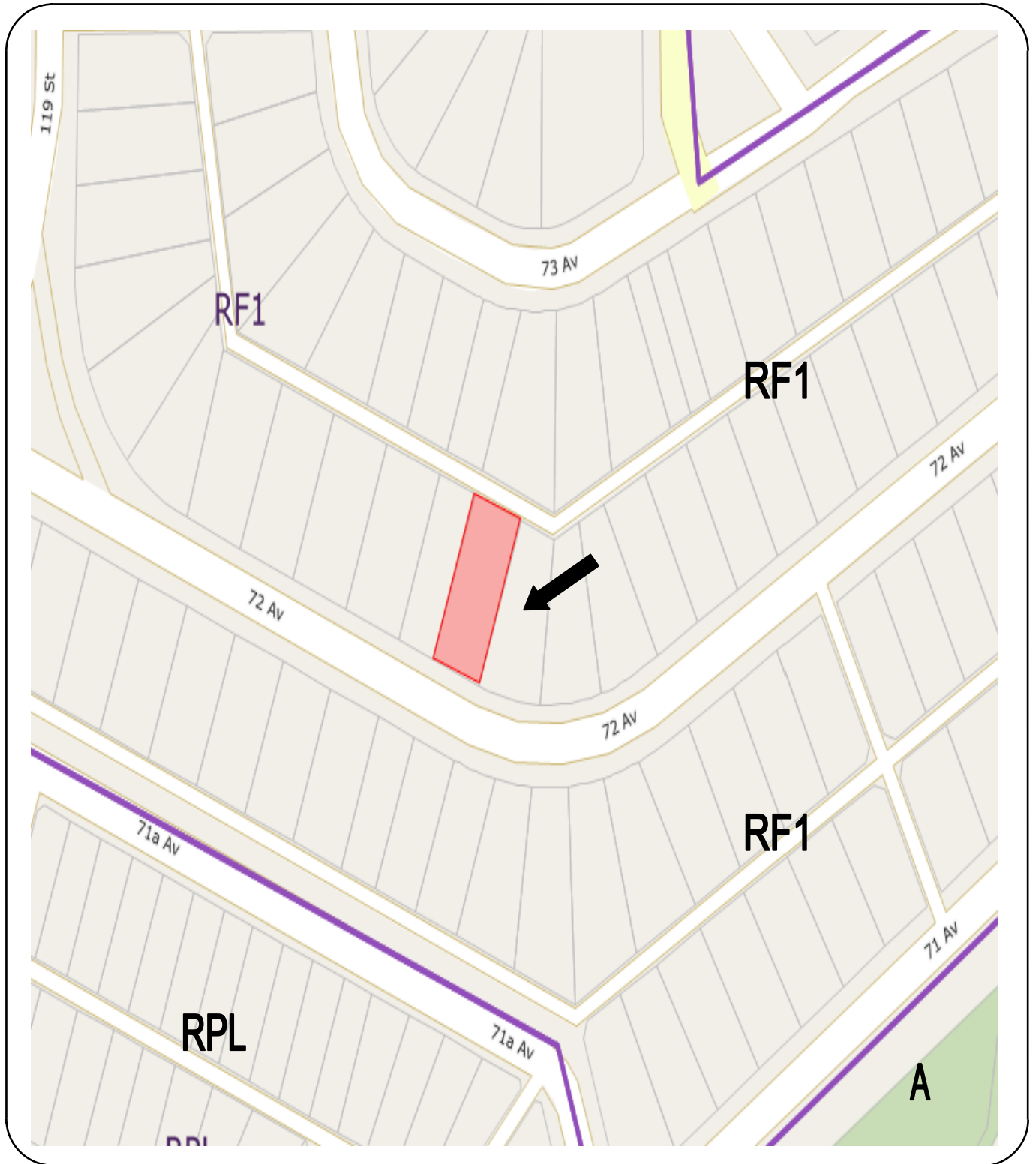
Application for Minor Development Permit

Project Number: **313576896-001**
Application Date: MAY 14, 2019
Printed: August 19, 2019 at 1:37 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$735.00	\$735.00	05845848	May 14, 2019
Dev. Application Fee	\$288.00	\$288.00	05845848	May 14, 2019
Development Permit Inspection Fee	\$207.00	\$207.00	05845848	May 14, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,230.00</u>	<u>\$1,230.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-141



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-142

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 311645449-001

APPLICATION TO: Install a Freestanding Minor Digital On-premises Off-premises Sign (4.9m x 6.1m, incl digital panel 3m x 6.1m facing N) (PATTISON - TOOR HOLDINGS INC.)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 31, 2019

DATE OF APPEAL: August 12, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9440 - 149 Street NW

LEGAL DESCRIPTION: Plan 5710AF Blk 68 Lot 3

ZONE: (CB1) Low Intensity 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:

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The proposed sign does not face the residential site to the south. Rather it faces the commercial intersection to the north.
2. The proposed sign has been re-located to accommodate concerns expressed by Transportation in relation to its initial location.

3. Our clients are proposing a landscape solution that will ensure the proposed sign is isolated from the property to the south.
4. Such further and other reasons as may be presented at the hearing of this 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.

Appeals

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- (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, [...]

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 clauses (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*:

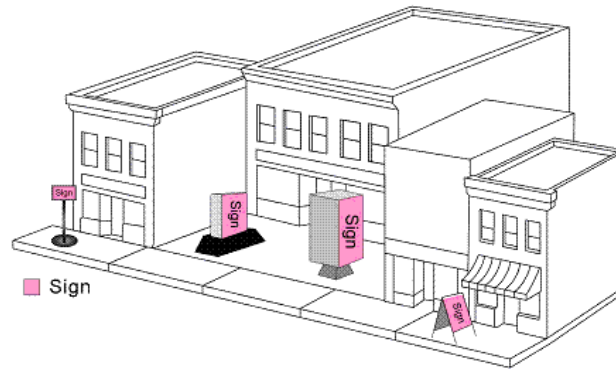
Under section 330.3(44), **Minor Digital On-premises Off-premises Signs** is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.9(3), **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, **Freestanding Signs** means:

a Sign supported independently of a building.



Under section 6.2, **Off-Premise Signs** means:

any Sign 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, service or entertainment provided on the premises or Site where the Sign is displayed.

Under section 6.2, **On-Premises Advertising** means “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 330.4(10) states: “Signs shall comply with the regulations found in Schedule 59F.”

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Setback

Section 330.4(4) states “A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone.”

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 Officer's Determination

1) A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone (Reference Section 330.4(4))

PROPOSED: 1.27 m from abutting RA7 Zone to the south
DEFICIENT BY: 1.7 m [unedited]

Section 59 – General (Sign) 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.

Section 59.2(7) states:

For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

Development Officer's Determination

2) 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. (Reference Section 59.2(6)).

The proposed sign is insensitive, and not in scale with the land use and surrounding development. The large scale of the sign dominates the site, and is located directly in front of an apartment building (to the south) adversely impacting the amenities and character of the Zone, by significantly obstructing the sight lines from the windows of the building. (Reference Section 59.2(6) and 330.1)).


3) For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment. (Reference Section 59.2(7)).

The proposed sign is in close proximity to the residential apartment building to the south. In the opinion of the Development Officer, the sign will adversely impact the surrounding built environment by obstructing the light and sight lines from multiple residential units on the first, second and third floors of the neighboring apartment building located to the south.

The applicant was advised that the sign was insensitive to neighboring residential uses. However, there have been no revisions made to the scale, design, height, or location of the the proposed Minor Digital On Premises/Off Premises sign to mitigate the negative impacts to the adjacent residential use, or surrounding developments. [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 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: 311645449-001 Application Date: APR 23, 2019 Printed: August 19, 2019 at 1:42 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) 9440 - 149 STREET NW Plan 5710AF Blk 68 Lot 3	
	Location(s) of Work Suite: 9440 - 149 STREET NW Entryway: 9440 - 149 STREET NW Building: 9440 - 149 STREET NW	
Scope of Application To install a Freestanding Minor Digital On-premises Off-premises Sign (4.9m x 6.1m, incl digital panel 3m x 6.1m facing N) (PATTISON - TOOR HOLDINGS INC.).		
Permit Details		
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: 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	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Application Decision Refused Issue Date: Jul 31, 2019 Development Authority: NOORMAN, BRENDA		
THIS IS NOT A PERMIT		



Application for Sign Combo Permit

Project Number: **311645449-001**
 Application Date: APR 23, 2019
 Printed: August 19, 2019 at 1:42 PM
 Page: 2 of 2

Reason for Refusal

1) A minimum Setback of 3.0 m shall be required where the Rear or Side Lot Line of the Site abuts the lot line of a Site in a Residential Zone (Reference Section 330.4(4))

PROPOSED: 1.27 m from abutting RA7 Zone to the south
 DEFICIENT BY: 1.7 m

2) 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. (Reference Section 59.2(6)).

The proposed sign is insensitive, and not in scale with the land use and surrounding development. The large scale of the sign dominates the site, and is located directly in front of an apartment building (to the south) adversely impacting the amenities and character of the Zone, by significantly obstructing the sight lines from the windows of the building. (Reference Section 59.2(6) and 330.1)).

3) For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment. (Reference Section 59.2(7)).

The proposed sign is in close proximity to the residential apartment building to the south. In the opinion of the Development Officer, the sign will adversely impact the surrounding built environment by obstructing the light and sight lines from multiple residential units on the first, second and third floors of the neighboring apartment building located to the south.

The applicant was advised that the sign was insensitive to neighboring residential uses. However, there have been no revisions made to the scale, design, height, or location of the the proposed Minor Digital On Premises/Off Premises sign to mitigate the negative impacts to the adjacent residential use, or surrounding developments.

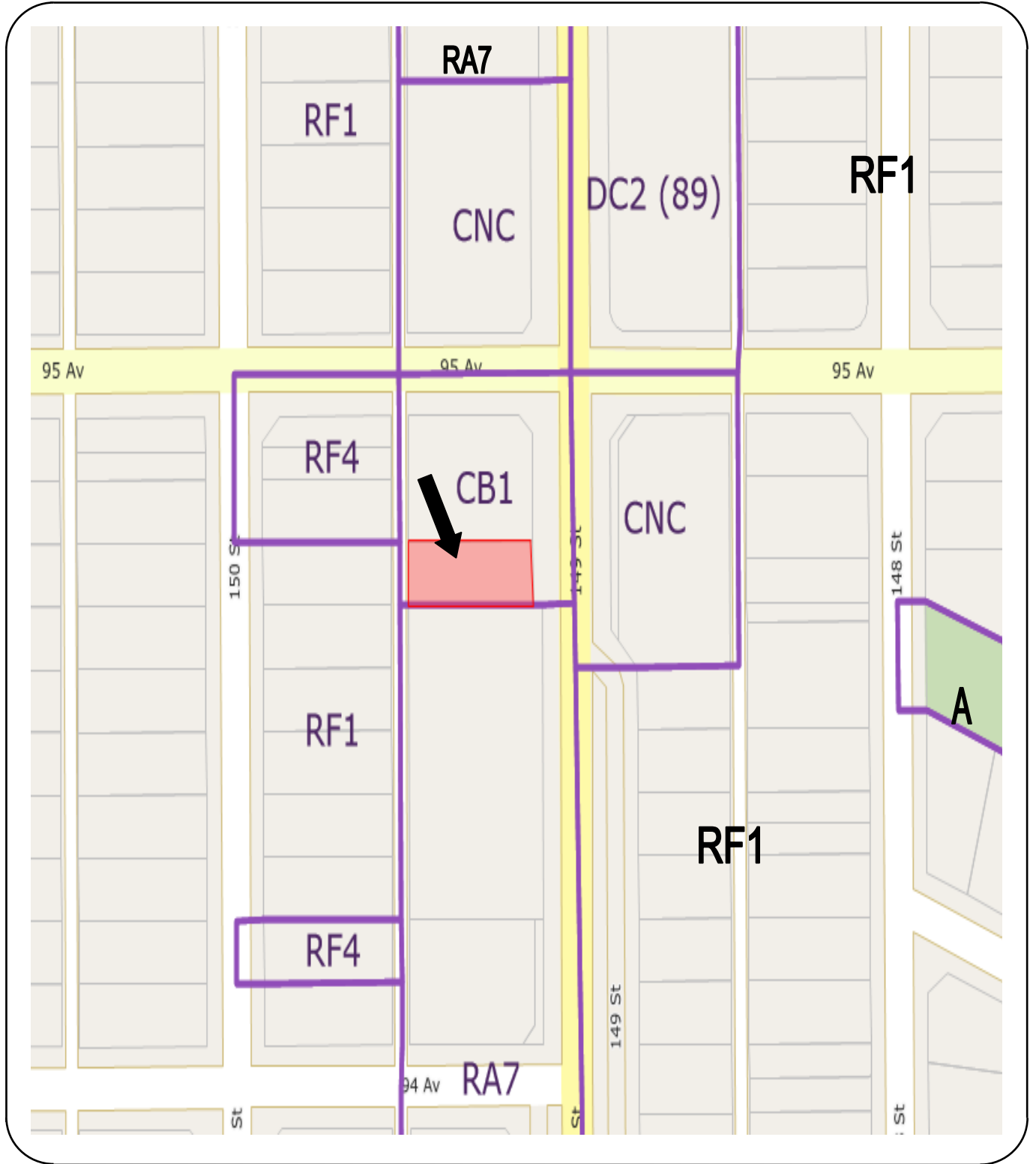
Rights of Appeal

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	\$1,057.00	\$1,057.00	05795713	Apr 23, 2019
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05795713	Apr 23, 2019
Safety Codes Fee	\$42.28	\$42.28	05795713	Apr 23, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,557.28	\$1,557.28		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-142

