

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
September 19, 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-19-151

Install a Minor Digital Off-premises  
Freestanding Sign (adding Digital Copy 4.3  
metres by 14.6 metres (facing North)  
DP#230469969-001)(PATTISON | KBR  
Canada Ltd.)

2920 - 101 Street NW  
Project No.: 323861281-001

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II 10:00 A.M. SDAB-D-19-152

Install a Minor Digital On-premises  
Freestanding Sign (3.2 metres by 6.1 metres  
facing NE/SW) (FAITH FELLOWSHIP  
WORSHIP CENTRE)

12320 - Mount Lawn Road NW  
Project No.: 322632765-001

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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-19-151

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 323861281-001

APPLICATION TO: To install a Minor Digital Off-premises Freestanding Sign (adding Digital Copy 4.3 metres by 14.6 metres (facing North) DP#230469969-001)(PATTISON | KBR Canada Ltd).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 19, 2019

DATE OF APPEAL: August 26, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2920 - 101 Street NW

LEGAL DESCRIPTION: Plan 0923583 Blk 2 Lot 3B

ZONE: (IM) Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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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 Pattison Outdoor Advertising, the Applicant in the above noted matter. On behalf of our clients, we hereby appeal the subject refusal on the following grounds:

1. Minor Digital Off-premises Signs are a Discretionary Use in the IM Zone.
2. The proposed digital sign will replace an existing, static face on an approved, existing Sign.

3. The proposed sign is not inconsistent with the directions of the Calgary Trail Land Use Study as determined consistently by the Board.
4. No variances are required for the placement of the proposed sign, and the proposed sign meets all of the requirements of the applicable Sign Schedule.
5. 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.

**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.

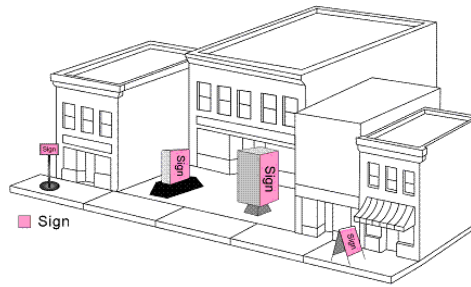
**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 420.2(13), **Minor Digital Off-premises Freestanding Signs** are a **Discretionary Use** in the **(IM) Medium Industrial Zone**.

Under Section 7.9(6), **Minor Digital Off-premises Signs** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays 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 Sign** 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.

Section 420.4(6) states “Signs shall comply with the regulations found in Schedule 59G.”

Section 420.1 states that the **General Purpose** of the **(IM) Medium Industrial Zone** is:

to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

***Calgary Trail Land Use Study***

The *City of Edmonton Charter*, 2018 Regulation, Alta Reg 39/2018 states the following:

**(31) In section 616 of the Act,**

**(e) clause (dd) is to be read as follows:**

(dd) “statutory plan” means

- (i) an intermunicipal development plan,
- (ii) a municipal development plan,
- (iii) an area structure plan,

- (iv) an area redevelopment plan, and
- (v) an additional statutory plan under section 635.1 adopted by the City under Division 4;

**Development Officer’s Determination**

**1. Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study:**

**"Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards."**

**The proposed freestanding Minor Digital Off-Premises sign at this location is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study. [unedited]**

***Previous Subdivision and Development Appeal Board Decision***


<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-17-022	To install (1) freestanding Minor Digital Off-premises Sign (14.6m x 4.3m digital panel facing South, and static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920-101 Street, existing Freestanding Off-premises Signs on 2303 Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.)	February 10, 2017; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority.

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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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	Project Number: <b>323861281-001</b> Application Date: JUN 26, 2019 Printed: August 19, 2019 at 2:49 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 2920 - 101 STREET NW Plan 0923583 Blk 2 Lot 3B
<b>Scope of Application</b> To install a Minor Digital Off-premises Freestanding Sign (adding Digital Copy 4.3 m x 14.6 m (facing North) DP#230469969-001) (PATTISON   KBR Canada Ltd).	
<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: 1 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: 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> Aug 19, 2019 <b>Development Authority:</b> MERCIER, KELSEY  <b>Reason for Refusal</b> 1. Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study: "Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards."  The proposed freestanding Minor Digital Off-Premises sign at this location is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study.	
<b>Rights of Appeal</b> 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.	
<b>Fees</b>	
<b>THIS IS NOT A PERMIT</b>	





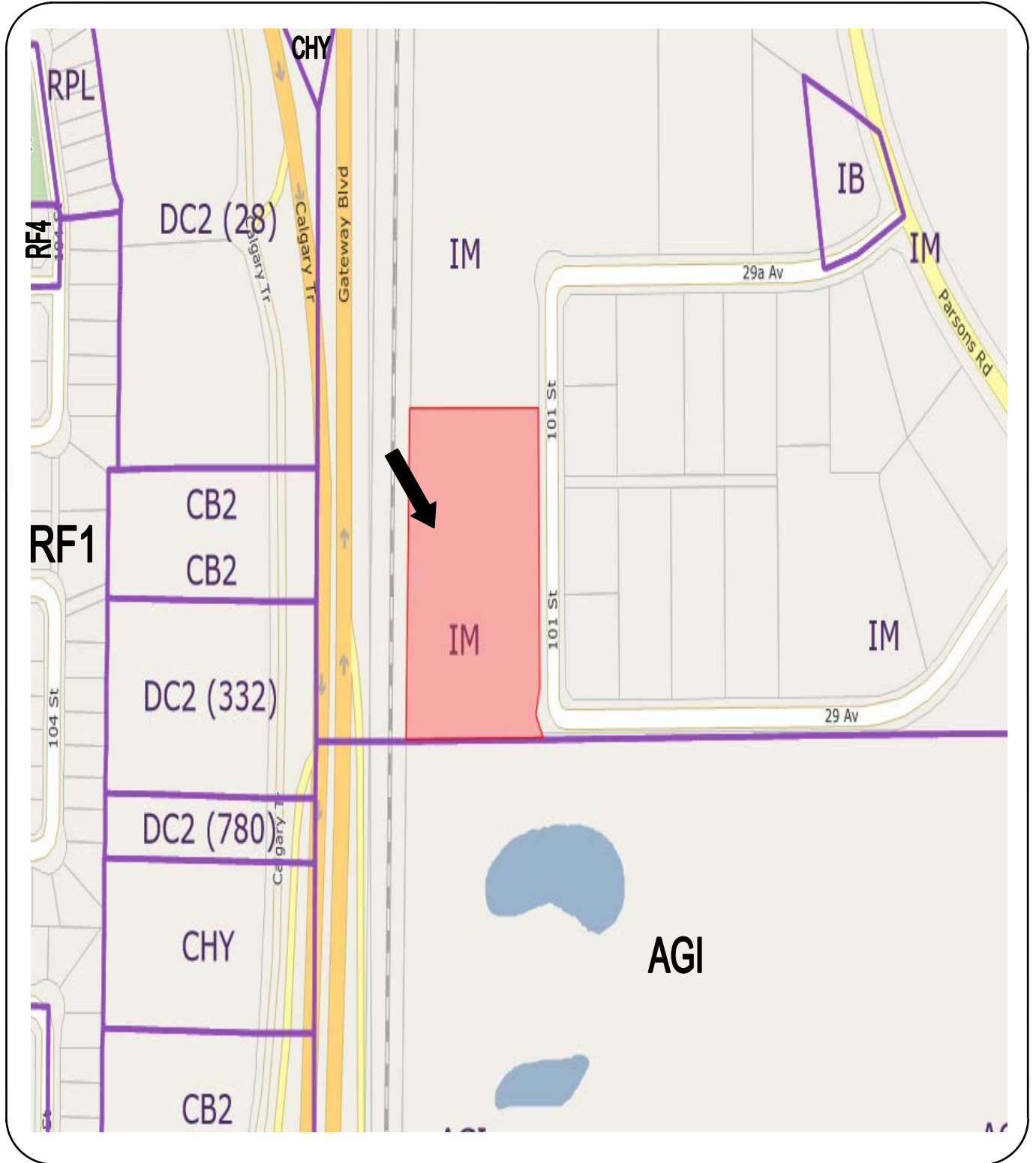
## Application for Sign Combo Permit

Project Number: **323861281-001**  
Application Date: JUN 26, 2019  
Printed: August 19, 2019 at 2:49 PM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Safety Codes Fee	\$42.28	\$42.28	05958309	Jul 02, 2019
Sign Building Permit Fee	\$1,057.00	\$1,057.00	05958309	Jul 02, 2019
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05958309	Jul 02, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,557.28</u>	<u>\$1,557.28</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-151



ITEM II: 10:00 A.M.

FILE: SDAB-D-19-152

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 322632765-001

APPLICATION TO: Install a Minor Digital On-premises Freestanding Sign (3.2 metres by 6.1 metres facing NE/SW) (FAITH FELLOWSHIP WORSHIP CENTRE).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 22, 2019

DATE OF APPEAL: August 20, 2019

NOTIFICATION PERIOD: July 30, 2019 through August 20, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12320 - Mount Lawn Road NW

LEGAL DESCRIPTION: Plan 0222822 Blk J Lot 3

ZONE: (IB) Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

***Grounds for Appeal***

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

Reason to follow

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**(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 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.

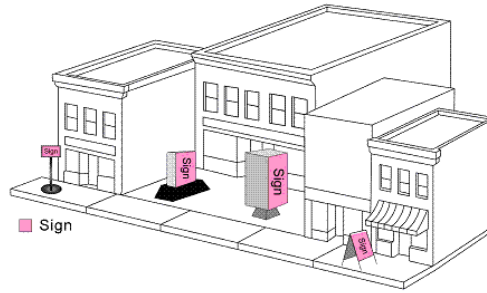
**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 400.3(43), **Minor Digital On-premises Sign** is a **Discretionary Use** in the **(IB) Industrial Business 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, **Freestanding Signs** 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 400.4(6) states “Signs shall comply with the regulations found in Schedule 59F.”

Section 400.1 states that the **General Purpose** of the **(IB) Industrial Business Zone** is:

to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

*Discretionary Use*

**Development Officer’s Determination**

**1. Discretionary Use – Minor Digital On-premises is approved as a Discretionary Use (Section 400.3(43)). [unedited]**

*Separation Distance*

Schedule 59F.3(5)(d) states:

proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m<sup>2</sup> or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than <u>8.0 m<sup>2</sup></u> or Off-premises Signs
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Greater than <u>8.0 m<sup>2</sup></u> to less than <u>20 m<sup>2</sup></u>	<u>100 m</u>
<u>20 m<sup>2</sup></u> to <u>40 m<sup>2</sup></u>	<u>200 m</u>
Greater than <u>40 m<sup>2</sup></u>	<u>300 m</u>

**Development Officer’s Determination**

**2. Separation Distance – Variance granted to reduce the required separation distance from the proposed sign to the nearest Digital or Off-premises Sign from 300m to 264m. (Section 59F.3(5)(d)).**  
 [unedited]

***Previous Subdivision and Development Appeal Board Decisions***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-17-198	To change the use of a Professional, Financial and Office Support Service and Automotive and Minor Recreation Vehicle Sales/Rentals building to a Religious Assembly (Minor) and to construct exterior alterations (new vestibule). (PATTISON - KBR CANADA LTD.)	December 7, 2017; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as applied by the Development Authority.
SDAB-D-17-060	To install (1) freestanding Minor Digital On-premises Off-premises Sign (2 digital panels 3.1m x 6.1m facing NE/SW) replaces DP: 163889410-001/2 (MEDIA CITY ADS - MOBILE INSURANCE).	May 24, 2017; Application was WITHDRAWN by the Applicant; Appeal file was CLOSED.
SDAB-D-15-057	To install a Freestanding Minor Digital On-premises Off-premises Sign (2 faces north/south) (OUTFRONT MEDIA).	April 2, 2015; The appeal be Denied and the Decision of Approval of the Development Authority be Upheld with a variance granted to the required separation distance between the proposed Sign and another Digital Sign (27 square metres in area), from 200 metres to 190 metres (Reference Section 59F.3 (6)(e)) subject to conditions. □

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: <b>322632765-001</b> Application Date: JUN 12, 2019 Printed: July 22, 2019 at 3:57 PM Page: 1 of 3
This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.		
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 12320 - MOUNT LAWN ROAD NW Plan 0222822 Blk J Lot 3	
<b>Scope of Application</b> To install a Minor Digital On-premises Freestanding Sign (3.2m x 6.1m facing NE/SW)(FAITH FELLOWSHIP WORSHIP CENTRE).		
<b>Permit Details</b>		
ASA Sticker No./Name of Engineer: Construction Value: 209605	Class of Permit: Class B Expiry Date: 2024-07-22 00:00:00	
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	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: _____		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Jul 22, 2019 <b>Development Authority:</b> MERCIER, KELSEY		
<b>THIS IS NOT A PERMIT</b>		





## Application for Sign Combo Permit

Project Number: **322632765-001**  
 Application Date: JUN 12, 2019  
 Printed: July 22, 2019 at 3:57 PM  
 Page: 2 of 3

### Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

1. The permit will expire on MONTH DAY, 20\_\_.
2. The proposed Minor Digital On-premise Sign shall comply in accordance to the approved plans submitted.
3. Ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise / Sunset calculator from the National Research Council of Canada; (Reference Section 59.2(5)(a))
4. Brightness level of the Sign shall not exceed 400 nits when measured from the sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada; (Reference Section 59.2(5)(b))
5. Minor Digital On-premises Signs shall have a Message Duration greater than or equal to 6 seconds. (Reference Section 7.9(8))
6. All Freestanding Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule. (Reference Section 59.2(12))
7. The following conditions, in consultation with Subdivision Planning, shall apply to the proposed Minor Digital On-premises Sign, in accordance to Section 59.2.11:
  - a. That, should at any time, City Operations determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and or address the concern in another manner acceptable to City Operations.
  - b. That the owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by City Operations within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.
  - c. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way.

#### Advisements:

Should the Applicant wish to display video or any form of moving images on the sign, a new Development Application for a major digital sign will be required. At that time, City Operations will require a safety review of the sign prior to responding to the application.

An approved Development Permit means that the proposed development has been reviewed against the provisions of this Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2).

**THIS IS NOT A PERMIT**



Project Number: **322632765-001**  
 Application Date: JUN 12, 2019  
 Printed: July 22, 2019 at 3:57 PM  
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## Application for Sign Combo Permit

**Variations**

1. Discretionary Use – Minor Digital On-premises is approved as a Discretionary Use (Section 400.3(43)).
  
2. Separation Distance - To reduce the required separation distance from the proposed sign to the nearest Digital or Off-premises Sign from 300m to 264m. (Section 59F.3(5)(d)).

**Rights of Appeal**

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Notice Period Begins:** Jul 30, 2019      **Ends:** Aug 20, 2019

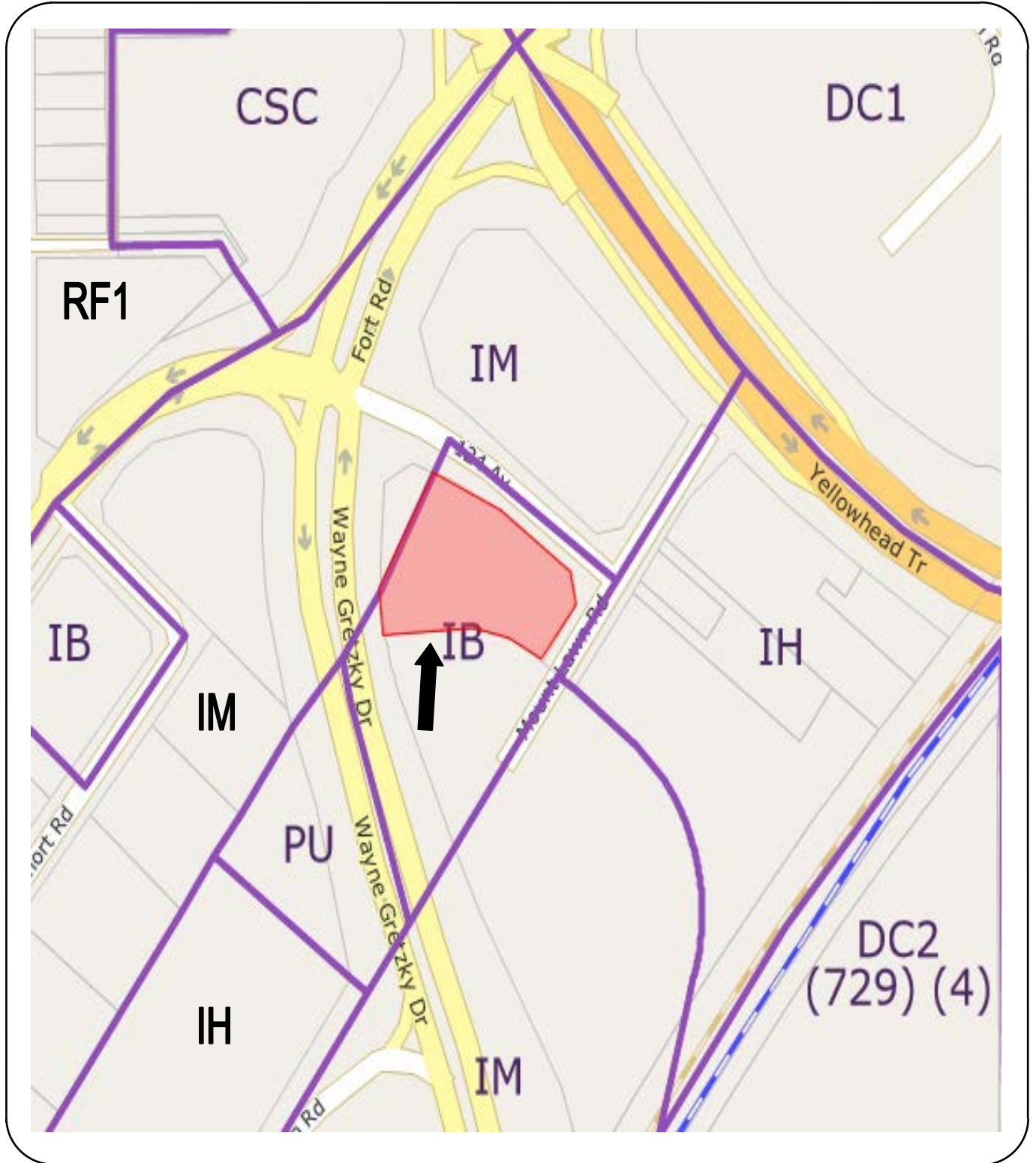
**Building Permit Decision**

No decision has yet been made.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$88.79	\$88.79	05915000	Jun 12, 2019
Sign Building Permit Fee	\$2,219.70	\$2,219.70	05915000	Jun 12, 2019
Sign Dev Appl Fee - Digital Signs	\$916.00	\$916.00	05915000	Jun 12, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,224.49	\$3,224.49		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-152

