

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
September 20, 2017**

**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-17-172

Construct exterior alterations to a Single Detached House (Driveway extension, 3.50 metres by 7.00 metres), existing without permits.

6219 - 129 Street NW  
Project No.: 254787736-002

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II    10:30 A.M.     SDAB-D-17-173

Operate a Major Home Based Business (Hair salon - HAIR ON POINT)

159 - River Point NW  
Project No.: 257674399-001

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**TO BE RAISED**

III   1:30 P.M.     SDAB-D-17-136

Demolish an existing Freestanding Off-premises Sign (existing without permit) and install a Freestanding Minor Digital Off-premises Sign (single-sided facing southeast)

8715 - 109 Street NW  
Project No.: 237601282-001

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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-17-172

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 254787736-002

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension, 3.50 metres by 7.00 metres), existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 18, 2017

DATE OF APPEAL: August 29, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6219 - 129 Street NW

LEGAL DESCRIPTION: Plan 600MC Blk 6 Lot 3

ZONE: RF1 Single Detached Residential Zone

OVERLAY: MNO Mature Neighbourhood Overlay

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:

The landscaping has not been affected to any detriment to the appearance of the property. Safety concerns due to the incline of the driveway in winter.

The extension is totally compatible with the amenities of the neighbourhood and does not affect anyone.

***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.

**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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

**Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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*:**

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Under section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Under section 6.1(31), **Driveway** “means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Section 6.1(121) states: “**Walkway** means a path for pedestrian circulation that cannot be used for vehicular parking.”

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.

***Driveways on Front Yards***

Section 54.1(4)(a) states: “The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall... lead directly from the roadway to the Garage or Parking Area”.

**Development Officer's Determination**

The existing concrete extension does not lead directly from the roadway to the Garage or Parking Area, contrary to Section 54.1(4)(a).

***Driveway Width***

Section 54.1(4)(c) states in part: "For a Garage or Parking Area with two or more parking spaces, [the Driveway shall] have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser".

**Development Officer's Determination**

The existing concrete extension increase the width of the Driveway by 3.50m to the approved 6.93m wide concrete front Driveway, contrary to Section 54.1(4)(c).

***Parking Space in Front Yard***

Section 54.2(2)(e)(i) states: "Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following... parking spaces shall not be located within a Front Yard".

**Development Officer's Determination**

The existing concrete extension provides an additional parking space in the Front Yard other than the approved 6.93m wide concrete front Driveway, contrary to Section 54.2(2)(e)(i).

***Landscaping***

Section 55.3(1)(e) states: "All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing"

**Development Officer's Determination**

The existing grass was removed and replaced by a concrete. Monolithic concrete is not considered a form of landscaping and the concrete extension is not a designated area for parking or vehicular circulation.

***Development Officer's Variance Powers***

Section 11.3(1) states:

1. In approving a Development Permit Application pursuant to Section 11.2, the Development Officer shall adhere to the following:
  - a. a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone;
  - b. except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio or Density regulations;
  - c. on rectangular shaped Lots, there shall be no variance from the minimum Site Width, for new Single Detached Housing in the RF1, RF2, RF3, and RF4 Zones for all Sites which received subdivision approval after June 12, 2017; and
  - d. there shall be no variance to the General Purpose of the appropriate Zone or Overlay.

**Development Officer's Determination**

It was determined that there is no unnecessary hardship or practical difficulty particular to the Use, character, or situation of the land or building which are not generally common to other land in the same Zone. A sufficient on-site parking is provided through a front attached Garage with 2 parking spaces and 2 additional parking spaces on the approved front Driveway. The council recently approved a reduction in required parking space for Single Detached Housing to 1 parking stall per Dwelling. There are 3 additional parking spaces already provided on-site, and the existing concrete extension is being used as an additional parking space which is contrary to the council's direction of reduction in parking requirements in low density residential neighbourhoods.

In the opinion of the Development Officer, the proposed development would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties, and would not be reasonably compatible with the surrounding developments.

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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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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Project Number: **254787736-002**  
Application Date: JUN 23, 2017  
Printed: September 12, 2017 at 2:27 PM  
Page: 1 of 3

## Application for Minor Development Permit

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> 6219 - 129 STREET NW Plan 600MC Blk 6 Lot 3
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**Scope of Application**  
To construct exterior alterations to a Single Detached House (Driveway extension, 3.50m x 7.00m), existing without permits.

<b>Permit Details</b>  # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: \_\_\_\_\_

**Development Application Decision**  
Refused

**THIS IS NOT A PERMIT**



Project Number: **254787736-002**  
 Application Date: JUN 23, 2017  
 Printed: September 12, 2017 at 2:27 PM  
 Page: 2 of 3

## Application for Minor Development Permit

**Reason for Refusal**

1. Section 54.1(4)(a) The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway Shall lead directly from the roadway to the Garage or Parking Area;

The existing concrete extension does not lead directly from the roadway to the Garage or Parking Area, contrary to Section 54.1(4)(a).

2. Section 54.1(4)(c) The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway Shall: For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser;

The existing concrete extension increase the width of the Driveway by 3.50m to the approved 6.93m wide concrete front Driveway, contrary to Section 54.1(4)(c).

3. Section 54.2(2)(e)(i) Except as otherwise provided in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following: parking space shall not be located within a Front Yard.

The existing concrete extension provides an additional parking space in the Front Yard other than the approved 6.93m wide concrete front Driveway, contrary to Section 54.2(2)(e)(i).

4. Section 55.3 (1)(c)(e) all open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

The existing grass was removed and replaced by a concrete. Monolithic concrete is not considered a form of landscaping and the concrete extension is not a designated area for parking or vehicular circulation.

5. Section 11.3.1(a) a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or building, which are not generally common to other land in the same Zone.

It was determined that there is no unnecessary hardship or practical difficulty particular to the Use, character, or situation of the land or building which are not generally common to other land in the same Zone. A sufficient on-site parking is provided through a front attached Garage with 2 parking spaces and 2 additional parking spaces on the approved front Driveway. The council recently approved a reduction in required parking space for Single Detached Housing to 1 parking stall per Dwelling. There are 3 additional parking spaces already provided on-site, and the existing concrete extension is being used as an additional parking space which is contrary to the council's direction of reduction in parking requirements in low density residential neighbourhoods.

In the opinion of the Development Officer, the proposed development would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties, and would not be reasonably compatible with the surrounding developments.

**Rights of Appeal**

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Aug 18, 2017    **Development Authority:** LEE, RACHEL

**Signature:** \_\_\_\_\_

**THIS IS NOT A PERMIT**



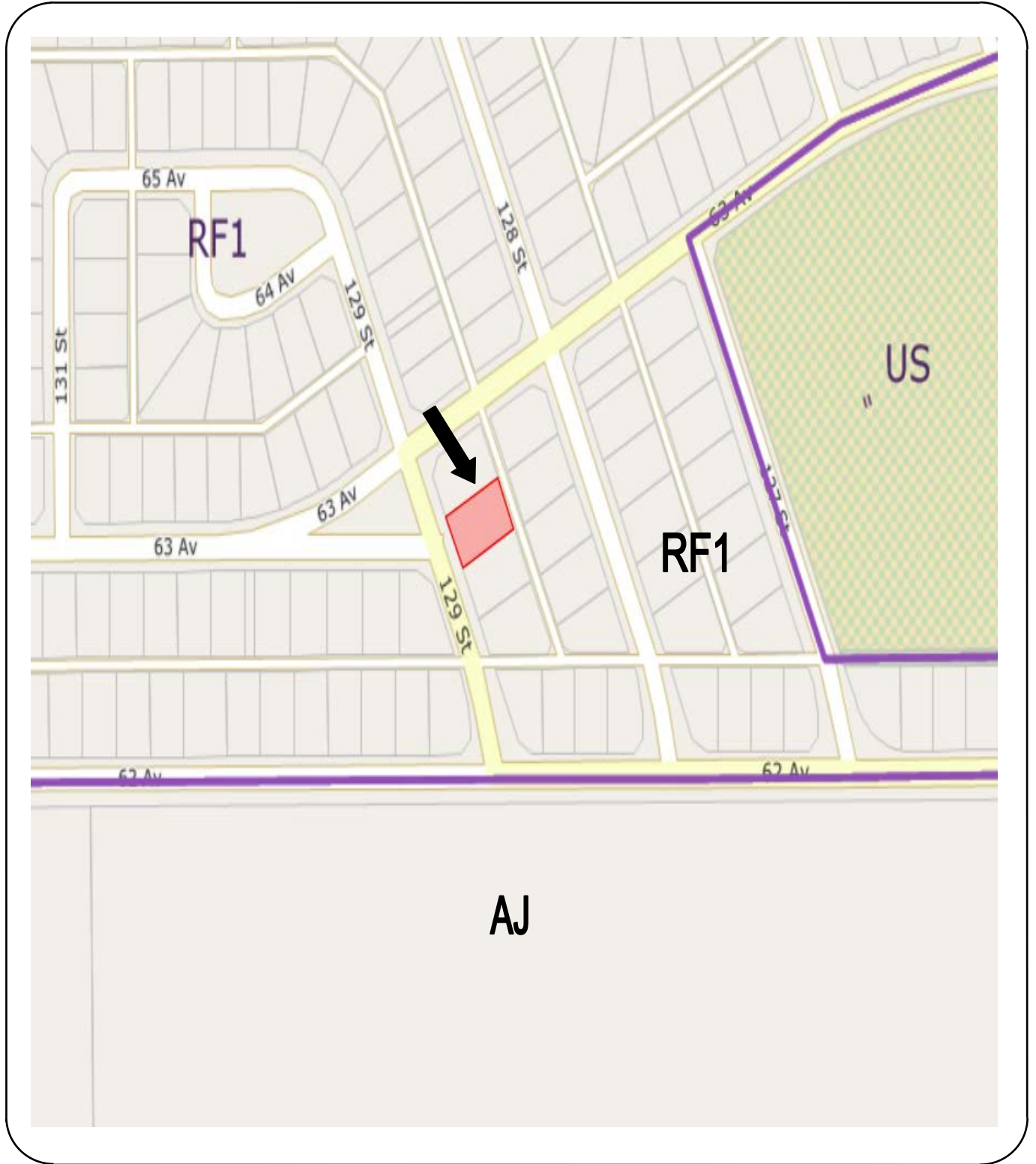
Project Number: **254787736-002**  
Application Date: JUN 23, 2017  
Printed: September 12, 2017 at 2:27 PM  
Page: 3 of 3

## Application for Minor Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Existing Without Permit Penalty Fee	\$166.00	\$166.00	04232594	Jun 23, 2017
Dev. Application Fee	\$166.00	\$166.00	04232594	Jun 23, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$332.00	\$332.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-172



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-173

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 257674399-001

APPLICATION TO: Operate a Major Home Based Business  
(Hair Salon - HAIR ON POINT)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 17, 2017

DATE OF APPEAL: August 23, 2017

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 159 River Point NW

LEGAL DESCRIPTION: Plan 9222418 Blk 37 Lot 140

ZONE: RPL Planned Lot Residential 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:

Within the four week period I will be putting together documents for my case. The main reason for refusal was based upon parking and this should have not been an issue to begin with. I have a drive pad in the back of my house for clients to park as well as access to the main street for clients to park and walk to my house.

***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.

**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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

**Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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*:**

Section 130.1 states that the **General Purpose** of the **RPL Planned Lot Residential Zone** is:

... to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.

Under section 130.3(4), **Major Home Based Business** is a **Discretionary Use** in the RPL Planned Lot Residential Zone.

Under section 7.3(7), **Major Home Based Business** is defined as follows:

...development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

***Development Authority's Reasons for Refusal***

**Development Officer's Determination**



1. The Development Officer may refuse an application for development of a Discretionary Use, having regard to the regulations of this Bylaw and the provisions of any applicable Statutory Plan. A Major Home Based Business is a Discretionary Use in the Planned Lot Residential Zone (Section 130.3.6).
  2. The Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area (Section 75.9).
-

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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	Project Number: <b>257674399-001</b> Application Date: JUL 19, 2017 Printed: September 12, 2017 at 3:34 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Home Occupation</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> 159 - RIVER POINT NW Plan 9222418 Blk 37 Lot 140  <b>Specific Address(es)</b> Suite: 159 - RIVER POINT NW Entryway: 159 - RIVER POINT NW Building: 159 - RIVER POINT NW		
<b>Scope of Application</b> To operate a Major Home Based Business (Hair salon - HAIR ON POINT)			
<b>Permit Details</b> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; vertical-align: top;">                             # of business related visits/day: 8                              Administration Office Only?: N                              Class of Permit: Class B                               Do you live at the property?: Y                              Outdoor storage on site?: N                         </td> <td style="width: 50%; vertical-align: top;">                             # of vehicles at one time: 1                              Business has Trailers or Equipment?: N                              Description of Business: Hair salon in the home. One customer vehicle at a time. No employees other than the homeowner.                               Expiry Date:                         </td> </tr> </table>		# of business related visits/day: 8 Administration Office Only?: N Class of Permit: Class B  Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 1 Business has Trailers or Equipment?: N Description of Business: Hair salon in the home. One customer vehicle at a time. No employees other than the homeowner.  Expiry Date:
# of business related visits/day: 8 Administration Office Only?: N Class of Permit: Class B  Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 1 Business has Trailers or Equipment?: N Description of Business: Hair salon in the home. One customer vehicle at a time. No employees other than the homeowner.  Expiry Date:		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1. The Development Officer may refuse an application for development of a Discretionary Use, having regard to the regulations of this Bylaw and the provisions of any applicable Statutory Plan.  A Major Home Based Business is a Discretionary Use in the Planned Lot Residential Zone (Section 130.3.6).  2. The Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area (Section 75.9).  <b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.			
Issue Date: Aug 17, 2017    Development Authority: LIANG, BENNY    Signature: _____			
<b>THIS IS NOT A PERMIT</b>			



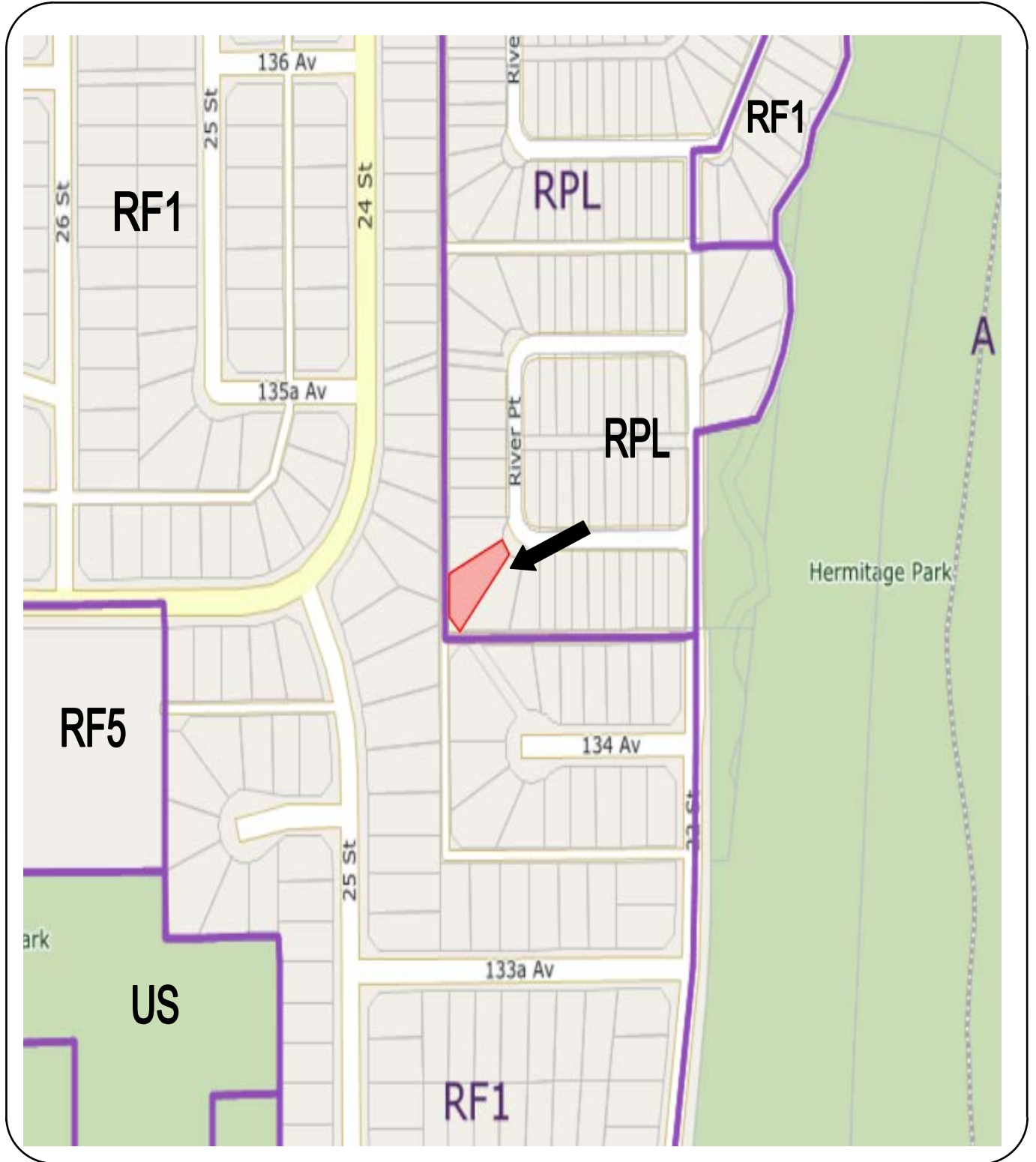
## Application for Home Occupation

Project Number: **257674399-001**  
Application Date: JUL 19, 2017  
Printed: September 12, 2017 at 3:34 PM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$309.00	\$309.00	04302639	Jul 19, 2017
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$309.00	\$309.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location 

File: SDAB-D-17-173



**TO BE RAISED**  
**ITEM III: 1:30 P.M.**

FILE: SDAB-D-17-136

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 237601282-001

APPLICATION TO: Demolish an existing Freestanding Off-premises Sign (existing without permit) and install a Freestanding Minor Digital Off-premises Sign (single-sided facing southeast)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 14, 2017

DATE OF APPEAL: June 28, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8715 - 109 Street NW

LEGAL DESCRIPTION: Plan EDMONTO Lot 7

ZONE: DC2.528 (Area A) Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

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***Grounds for Appeal***

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

We are replacing an existing static billboard with a digital billboard. It is the same size and going on the same footprint.

***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.

**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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

**Designation of direct control districts**

**641(4)** Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

...

- (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.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

**At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning 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 and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(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.

**DC2.528 (Area A) Site Specific Development Control Provision:**

DC2.528.1 states that the **General Purpose** of **DC2.528 (Area A)** is:

To establish a Site Specific Development Control District for low intensity commercial, office and service uses with parking to be provided in Area B.

**General Provisions from the *Edmonton Zoning Bylaw 12800*:**

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

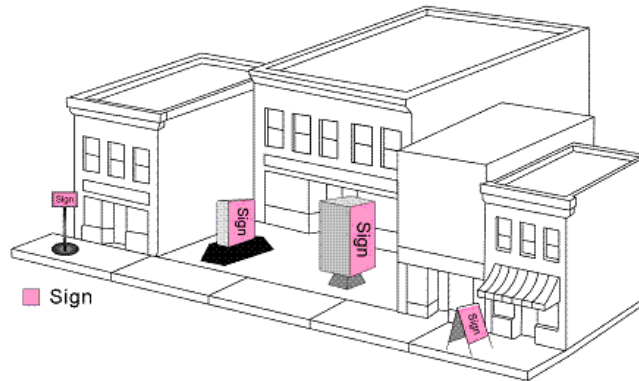
any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

Under section 7.9(7), **Minor Digital On-premises Off-premises Signs** means:

any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

Under section 6.2(8), **Freestanding Signs** means:

any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground;



Section 720.3(3) states:

All Regulations in the Zoning Bylaw shall apply to development in the Direct Control Provision, unless such Regulations are specifically excluded or modified in a Direct Control Provision.

Section 720.3(4) states “Signs shall comply with the regulations found in Schedule 59H.”

Section 800.2(2)(a) of the *City-Wide Master Overlay* states “The Overlay shall not be used in conjunction with a Direct Control Provision”.

Schedule 59H.2(2) states:

Where there is no Sign Schedule or criteria contained within the DC2 Provision, Signs requiring a Development Permit shall be Discretionary Developments in a DC2 Provision. The Development Officer may consider Sign Applications having regard for all or any of the following:

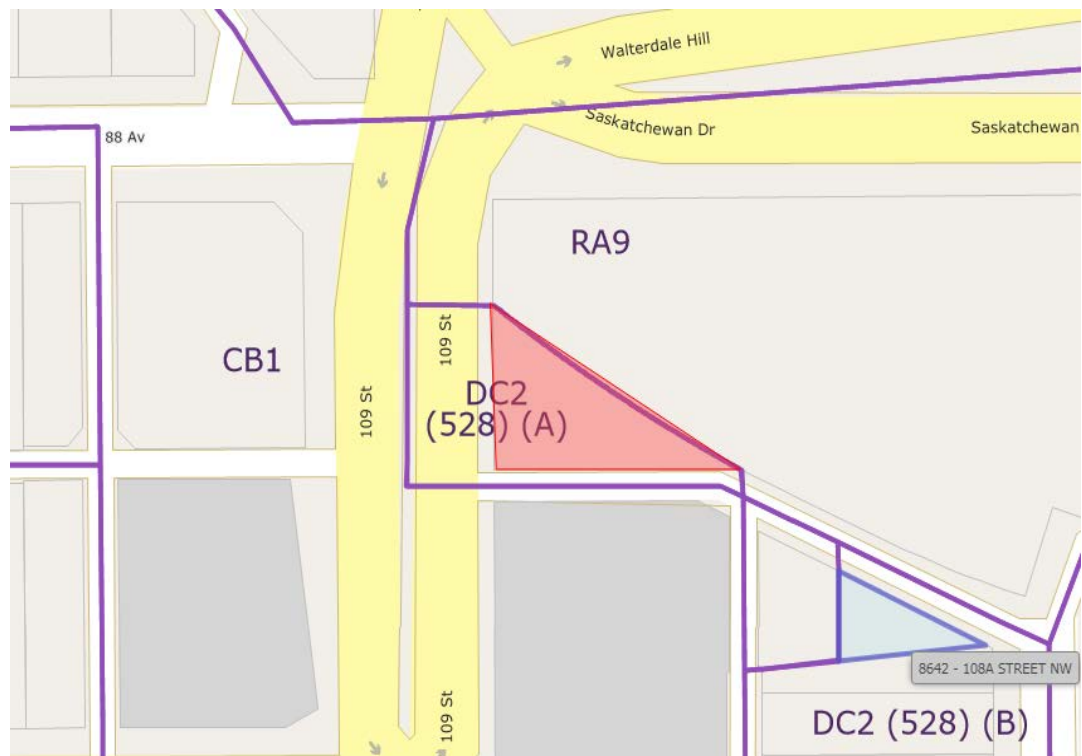
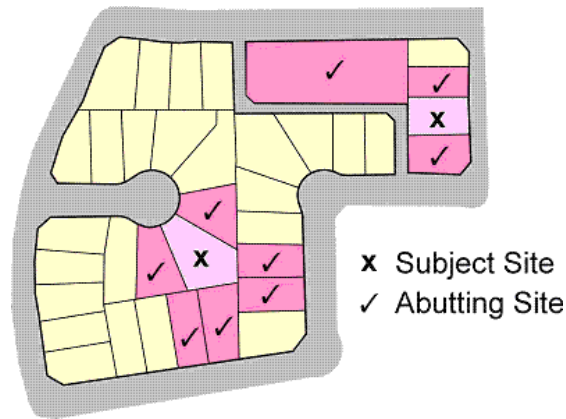
- a. Sign criteria specified within the Development Agreement approved by Council to regulate the Use and development of the Site where the Sign is proposed;
- b. the Sign provisions of the Sign Schedules applicable to the Land Use Zones abutting the DC2 Site where the proposed Sign is to be erected; and



- c. the visual harmony and compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development.

Under section 6.1(1), **Abut** or **abutting** means:

immediately contiguous to or physically touching, and when used with respect to a lot or Site, means that the lot or Site physically touches upon another lot, Site, or piece of land, and shares a property line or boundary line with it;



Section 230.4(10) of the **(RA9) High Rise Apartment Zone** states “Signs shall comply with the regulations found in Schedule 59B.”

Schedule 59B.3(3)(a) states:

Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs, and Minor Digital Off-premises Signs shall be subject to the following regulations:

- a. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

***Section 59 Sign Regulations – General Provisions and Section 13 Development Permit Application (Additional Information)***

Section 13.1(3) states:

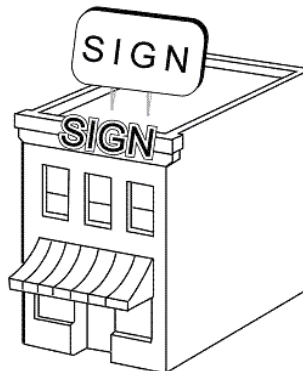
The Development Officer may require an applicant to submit such additional information as considered necessary to verify the compliance of the proposed Use or development with the regulations of this Bylaw.

Section 59.2(15) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall not be Roof Signs, Projecting Signs or Temporary Signs.

Under section 6.2(21), **Roof Signs** means:

any Sign erected upon, against, or above a roof, or on top of or above, the parapet of a building;



**Development Officer's Determination:**

3) The Development Officer may require an applicant to submit such additional information as considered necessary to verify the compliance of the proposed Use or development with the regulations of this Bylaw (Section 13.1(3))

The proposed Freestanding Minor Digital Off-premises Sign is located 7 m east of property line abutting 109 street with no dimension from north property line contrary to Section 13.4(3)(v). The building as per survey plan submitted located 0.6 m from North property line. There was no clarity provided on how the sign pole can be installed behind the building with varied setback and an existing fence wall 0.2 m wide.

Moreover, the sign as indicated on survey plan overhangs on top of the roof which as per Section 6.2(21) will be classified as a Roof Sign, which is contrary to Section 59.2(15), as Minor Digital Signs shall not be Roof Signs.

Note: The sign location does not have required accessibility for installation and maintenance of sign.

***109 Street Corridor Area Redevelopment Plan***

Policy 3.2.3.5 of the *109 Street Corridor Area Redevelopment Plan* states:

Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted.

**Development Officer's Determination:**

**Off-premises signage is not permitted in 109 Street Corridor Area Redevelopment Plan. Furthermore, the proposed Sign does not relate to local businesses and does not confirm to the pedestrian oriented character of the district.**

***Edmonton Land Use Bylaw 5996***

**Schedule 79J - Sign Schedule for Land Use Districts: DC1, DC2 and HA**

Schedule 79J.1(2) states:

Signs requiring a Development Permit may be allowed for developments in a DC2 District at the discretion of the Development Officer who shall have regard for all or any of the following:

- a) Sign criteria specified within the Development Agreement approved by Council to regulate the use and development of the site where the Sign is proposed;
- b) the Sign provisions of the Sign Schedules applicable to the Land Use Districts abutting the DC2 site where the proposed Sign is to be erected; and
- c) the visual harmony and compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development.

Under section 9.1(1), **Abut or abutting** means:

immediately contiguous to or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site, or piece of land, and shares a property line or boundary line with it.

**Development Officer's Determination:**

**2) Signs requiring a Development Permit may be allowed for developments in a DC2 District at the discretion of the Development Officer who shall have regard for all or any of the following:**

**b) The Sign provisions of the Sign Schedules applicable to the Land Use Districts abutting the DC2 site where the proposed Sign is to be erected (79J.1(2)(b) - LUB 5996)**

**As per the sign schedule of abutting CB1 Zone, proposed Digital Signs shall be separated from other Off-premises Sign and the separation distance shall be applied from larger off premises sign (Section 59F.3(6)(e))**

**The Roof Off-premises sign located west of proposed sign requires a 300 m separation  
Proposed Separation: 57 m  
Deficient by: 243 m**

**c) The visual harmony and compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development (79J.1(2)(c) - LUB 5996)**

**In the opinion of Development Authority the location of proposed sign does not blend with architectural character of existing development. The existing building has a varied roof pitch and there is no rendering/ evidence provided by the applicant showing the compatibility of sign with the existing building.**

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

<b>SDAB Number</b>	<b>Application</b>	<b>DECISION</b>
<b>SDAB-D-13-089</b>	To convert an existing Off-premises Freestanding Sign to a Minor Digital Off-premises Freestanding Sign	June 13, 2013; that the appeal be DENIED and the decision of refusal by the Development Authority CONFIRMED.
<b>SDAB-D-11-052</b>	To replace the copy portion of an existing Freestanding Off-premises Sign with a Digital Freestanding Off-premises Sign with support structure to remain.	March 25, 2011; the Board does not have jurisdiction (Based on the evidence provided, the Board applied the provisions of Section 686(1)(a)(i) of the Municipal Government Act, and finds that the appeal was not filed within the allowable 14 days).

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. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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Project Number: **237601282-001**  
 Application Date: DEC 15, 2016  
 Printed: June 29, 2017 at 3:25 PM  
 Page: 1 of 3

## Application for Sign Combo Permit

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> 8715 - 109 STREET NW Plan EDMONTO Lot 7
	<b>Location(s) of Work</b> Suite: 8715 - 109 STREET NW Entryway: 8715 - 109 STREET NW Building: 8715 - 109 STREET NW

**Scope of Application**  
 To demolish an exiting Freestanding Off-premises Sign (Existing without Permit) & install a Freestanding Minor Digital Off-premises Sign (Single sided facing SE)

<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: Construction Value: 110000	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: \_\_\_\_\_

**Development Application Decision**  
 Refused

**THIS IS NOT A PERMIT**



Project Number: **237601282-001**  
 Application Date: DEC 15, 2016  
 Printed: June 29, 2017 at 3:25 PM  
 Page: 2 of 3

## Application for Sign Combo Permit

**Reason for Refusal**

1) Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted (Section 3.2.3.5 109 Street Corridor ARP)

Off-premises signage is not permitted in 109 Street Corridor Area Redevelopment Plan. Furthermore, the proposed Sign does not relate to local businesses and does not confirm to the pedestrian oriented character of the district.

2) Signs requiring a Development Permit may be allowed for developments in a DC2 District at the discretion of the Development Officer who shall have regard for all or any of the following:

b) The Sign provisions of the Sign Schedules applicable to the Land Use Districts abutting the DC2 site where the proposed Sign is to be erected (79J.1(2)(b) - LUB 5996)

As per the sign schedule of abutting CB1 Zone, proposed Digital Signs shall be separated from other Off-premises Sign and the separation distance shall be applied from larger off premises sign (Section 59F.3(6)(e))

The Roof Off-premises sign located West of proposed sign requires a 300 m separation

Proposed Separation: 57 m

Deficient by: 243 m

c) The visual harmony and compatibility of the proposed Sign with the architectural character and finish of the development and with the design, location and appearance of other Signs on the development (79J.1(2)(c) - LUB 5996)

In the opinion of Development Authority the location of proposed sign does not blend with architectural character of existing development. The existing sign building has a varied roof pitch and there is no rendering/ evidence provided by the applicant showing the compatibility of sign with the existing building.

3) The Development Officer may require an applicant to submit such additional information as considered necessary to verify the compliance of the proposed Use or development with the regulations of this Bylaw (Section 13.1(3))

The proposed Freestanding Minor Digital Off-premises Sign is located 7 m east of property line abutting 109 street with no dimension from north property line contrary to Section 13.4(3)(v). The building as per survey plan submitted located 0.6 m from North property line. There was no clarity provided on how the sign pole can be installed behind the building with varied setback and an existing fence wall 0.2 m wide.

Moreover, the sign as indicated on survey plan overhangs on top of the roof which as per Section 6.2(21) will be classified as a Roof Sign, which is contrary to Section 59.2(15), as Minor Digital Signs shall not be Roof Signs.

Note: The sign location does not have required accessibility for installation and maintenance of sign.

**Rights of Appeal**

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Jun 14, 2017      **Development Authority:** AHUJA, SACHIN      **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$44.00	\$44.00	03812107	Dec 15, 2016
Sign Building Permit Fee	\$1,100.00	\$1,100.00	03812107	Dec 15, 2016

**THIS IS NOT A PERMIT**



Project Number: **237601282-001**  
Application Date: DEC 15, 2016  
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## Application for Sign Combo Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sign Dev Appl Fee - Digital Signs	\$425.00	\$425.00	03812107	Dec 15, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$1,569.00	\$1,569.00		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-136

