

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.

May 14, 2025

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-25-062

INPLICO LTD. / Eins Consulting

To convert an existing Residential Use building (Single Detached House) to a Lodging House (maximum 7 Sleeping Units) and to construct an addition (second storey addition), existing without permits

10712 - 103 Street NW
Project No.: 537704723-002

TO BE RAISED

II 10:30 A.M. SDAB-D-25-063

PATTISON OUTDOOR ADVERTISING /
Ogilvie LLP

To install (1) Freestanding Sign [Off-premises Advertising] (6.1m x 3m facing S) (PATTISON OUTDOOR ADVERTISING)

9508 - 149 Street NW
Project No.: 541791045-002

III 1:30 P.M. SDAB-D-25-064

PATTISON OUTDOOR ADVERTISING /
Ogilvie LLP

To install (1) Minor Digital Sign (6.1m x 4.1m facing W) (PATTISON OUTDOOR ADVERTISING)

17503C - 100 Avenue NW
Project No.: 548064026-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-25-062

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: INPLICO LTD. / Eins Consulting

APPLICATION NO.: 537704723-002

APPLICATION TO: To convert an existing Residential Use building (Single Detached House) to a Lodging House (maximum 7 Sleeping Units) and to construct an addition (second storey addition), existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 1, 2025

DATE OF APPEAL: April 14, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10712 - 103 Street NW

LEGAL DESCRIPTION: Plan B4 Blk 3 Lot 282

ZONE: MU - Mixed Use Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

Grounds for Appeal

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

To Whom it May Concern,

Please accept this letter as an expression of our intent to appeal the Development Permit Decision (refusal) for DP 537704723-002. The purpose of this DP application was to convert an existing Residential Use building (Single Detached House) to a Lodging House (maximum 7 Sleeping Units) and to construct an addition (second storey addition). The property is zoned MU h16 f3.5 cf – Mixed Use Zone, and Lodging House is a Permitted Use.

The Development Officer (DO) refused this DP application based on two Zoning Bylaw deficiencies:

- Section 6.80.1: A Residential Use in the form of a Lodging House must only be located in the following building types and only where those building types are permitted in the Zone: Single Detached Housing (Single Detached House is not a Permitted Use in the Mixed Use (MU) Zone)
- Section 2.80.4.6.1: The minimum side setback abutting another site is 3.0m (Proposed: 0m left side setback and 1.4m right side setback)

Because the existing building is proposed to be retained for the Lodging House, these deficiencies are unavoidable without demolition and reconstruction of a new building, or significant renovations altering the existing building to conform to the requirements of the Zoning Bylaw.

The rationale for this Appeal is three-fold:

1. New owners have purchased this former problem property and are attempting to bring it into compliance while establishing the previous (non-permitted) Use legally. The existing building remains in good condition and is worth preserving;
2. The abutting sites have Commercial Frontage Modifiers, meaning the side setbacks should be 0m required per Section 2.80.4.6.2 of the Zoning Bylaw. This exemption was missed by the Development Officer; and
3. The use, enjoyment and amenities of the neighbourhood will not be impacted by the Lodging House being within an existing Single Detached House. We look forward to the opportunity to make our case further at the hearing.

Regards, Ryan Eidick Director, Eins Consulting

<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 the decision in accordance with subsection (2.1).

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

- (a) in the case of an appeal made by a person referred to in section 685(1)

- (i) with respect to an application for a development permit,

- (A) within 21 days after the date on which the written decision is given under section 642, or

- (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) **the proposed development conforms with the use prescribed for that land or building in the land use bylaw.**

General Provisions from the Zoning Bylaw 20001:

Under section 2.80.2.2.1, **Residential, limited to: Lodging House**, is a **Permitted Use** in the **MU - Mixed Use Zone**.

Under section 2.80.2, **Single Detached Housing** is **not** a Permitted Use in the **MU - Mixed Use Zone**.

Under section 8.10, a **Residential Use** means:

a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Lodging House** means:

a building, or part of a building, containing 4 or more Sleeping Units and each Sleeping Unit is rented individually. A Lodging House does not provide on-Site or off-Site social, physical, or mental health supports.

Under section 8.20, **Single Detached Housing** means “a building that contains 1 principal Dwelling and has direct access to ground level.”

Under section 8.20, **Sleeping Unit** means:

a room in a residential building that is used for people to live, that is available through an accommodation agreement and is not self-contained. Sleeping Units have shared access to facilities such as cooking, dining, laundry, sanitary, or general living facilities in the same residential building. A Sleeping Unit provides accommodation for a maximum of 2 people.

Section 2.80.1 states that the **Purpose** of the **MU - Mixed Use Zone** is:

To allow for varying scales of mixed use development that enables the growth and development anticipated in the Nodes and Corridors as directed by statutory plans. This Zone allows for a range of Uses and supports housing, recreation, commerce, and employment opportunities. Site and building design in this Zone promotes development that enhances the public realm and publicly accessible amenities to create vibrant, walkable destinations at a scale inviting to pedestrians.

6.80 Lodging Houses

Section 6.80.1 states:

A Residential Use in the form of Supportive Housing or a Lodging House must only be located in the following building types and only where those building types are permitted in the Zone: Backyard Housing, Single Detached Housing, Semi-detached Housing, Duplex Housing, Row Housing, or Multi-unit Housing.

Development Planner's Determination

1. Use - A Residential Use in the form of a Lodging House must only be located in the following building types and only where those building types are permitted in the Zone: Single Detached Housing (Subsection 6.80.1).

Proposed: Single Detached House is not a Permitted Use in the Mixed Use (MU) Zone.

[unedited]

Setback

Section 2.80.4 states:

4.6. Development must comply with Table 4.6:

Table 4.6 Minimum Setbacks from Abutting Sites			
Subsection	Regulation	Value	Symbol
4.6.1	Minimum Setback	3.0 m	A

Under section 8.20, **Setback** means “the distance that a development, or a specified portion of a development, must be from a Lot line. A Setback is not a Yard. A Setback only applies to development on or above ground level.”

Development Planner's Determination

2. Side Setback - The minimum side setback abutting another site is 3.0m (Subsection 2.80.4.6.1.)

Proposed left side setback: 0m

Proposed right side setback: 1.4m


[unedited]

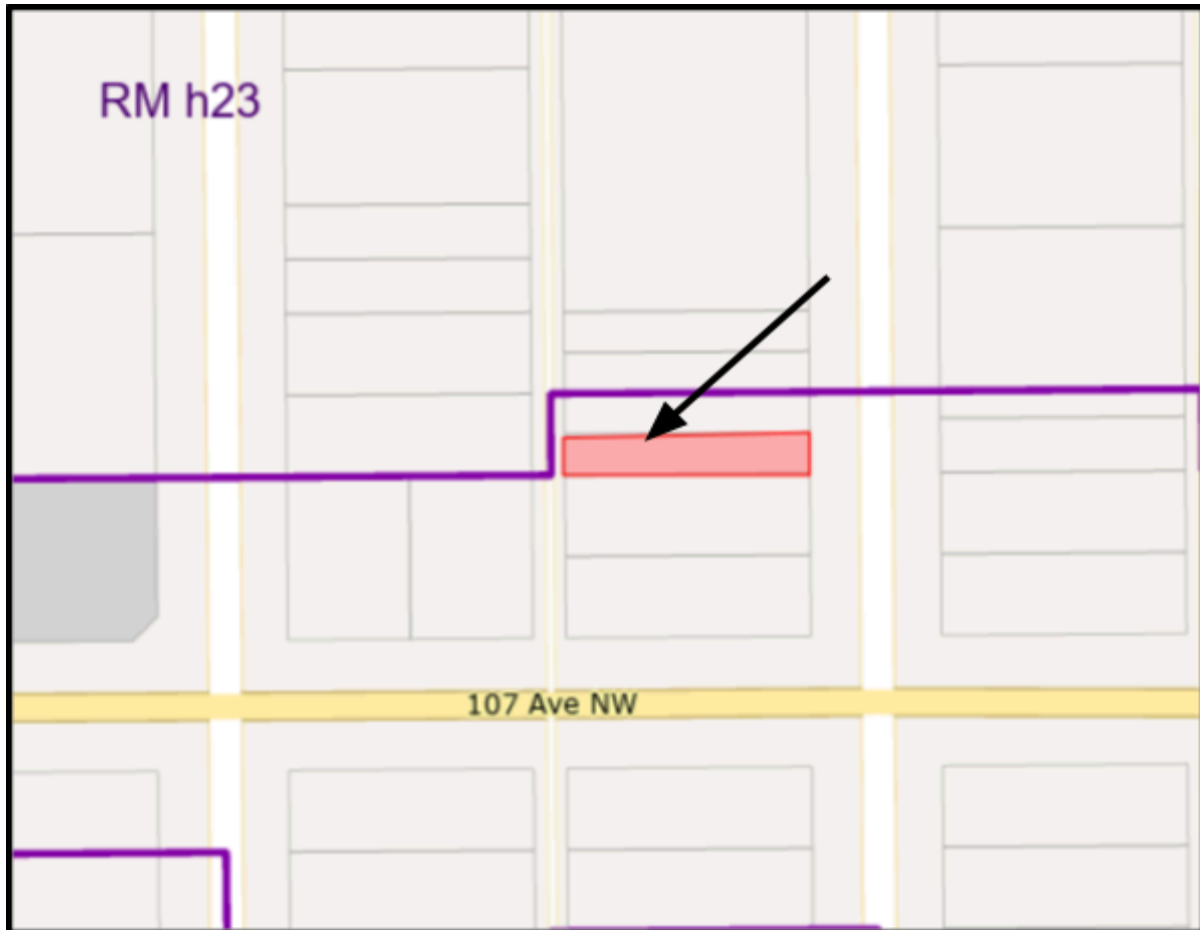
<i>Previous Subdivision and Development Appeal Board Decisions</i>

Application Number	Description	Decision
SDAB-D-13-151	To convert a Single-Detached House to a Professional, Financial, and Office Support Use building and to construct an Addition (Office addition - 4.0m x 4.15m) and Exterior and Interior Alterations (Roof restructre for Second Floor expansion, tenant renovations).	<p>July 4, 2013; that the appeal be DENIED and the decision of approval by the Development Authority CONFIRMED.</p> <p>The Development Authority's decision of approval contains the following variances and conditions:</p> <p>Variances:</p> <ol style="list-style-type: none"> 1. the deficiency of 2 required on-site Parking Spaces; and 2. the tandem parking is relaxed from 0 to 2 stalls allowed in tandem.
SDAB-D-13-050	Commercial Use No Development Permit Development without development approval	March 28, 2023; the Board does not assume jurisdiction.

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: 537704723-002 Application Date: OCT 31, 2024 Printed: April 1, 2025 at 12:47 PM Page: 1 of 1																					
		Application for Major Development Permit																					
This document is a Development Permit Decision for the development application described below.																							
Applicant		Property Address(es) and Legal Description(s) 10712 - 103 STREET NW Plan B4 Blk 3 Lot 282																					
		Specific Address(es) Suite: 10712 - 103 STREET NW Entryway: 10712 - 103 STREET NW Building: 10712 - 103 STREET NW																					
Scope of Application To convert an existing Residential Use building (Single Detached House) to a Lodging House (maximum 7 Sleeping Units) and to construct an addition (second storey addition), existing without permits.																							
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Discretionary Development Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Site Area (sq. m.): </td> <td style="width: 50%;"> Gross Floor Area (sq.m.): New Sewer Service Required: N/A Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Discretionary Development Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Site Area (sq. m.):	Gross Floor Area (sq.m.): New Sewer Service Required: N/A Overlay: Statutory Plan:																		
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Development Application Decision Refused Issue Date: Apr 01, 2025 Development Authority: ZHOU, ROWLEY Reason for Refusal 1. Use - A Residential Use in the form of a Lodging House must only be located in the following building types and only where those building types are permitted in the Zone: Single Detached Housing (Subsection 6.80.1). Proposed: Single Detached House is not a Permitted Use in the Mixed Use (MU) Zone. 2. Side Setback - The minimum side setback abutting another site is 3.0m (Subsection 2.80.4.6.1.) Proposed left side setback: 0m Proposed right side setback: 1.4m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																							
Fees <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$400.00</td> <td style="text-align: right;">\$400.00</td> <td style="text-align: right;">002348001001500</td> <td style="text-align: right;">Jan 02, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$400.00</td> <td style="text-align: right; border-top: 1px solid black;">\$400.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$400.00	\$400.00	002348001001500	Jan 02, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$400.00	\$400.00		
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THIS IS NOT A PERMIT																							



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-062



N

TO BE RAISED**ITEM II: 10:30 A.M.****FILE: SDAB-D-25-063****AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER**

APPELLANT: PATTISON OUTDOOR ADVERTISING / Ogilvie LLP

APPLICATION NO.: 541791045-002

APPLICATION TO: Install (1) Freestanding Sign [Off-premises Advertising]
(6.1m x 3m facing S) (PATTISON OUTDOOR
ADVERTISING)DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 1, 2025

DATE OF APPEAL: April 9, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9508 - 149 Street NW

LEGAL DESCRIPTION: Plan 5229AD Blk 67 Lots 7-10

ZONE: CN - Neighbourhood Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

Grounds for Appeal

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

- > The proposed Sign is a Permitted Use in the CN - Neighbourhood Commercial Zone and comports with the purpose of that Zone.

> The proposed Sign is single-sided, facing south and is to be located at a commercial intersection. The sign face will not will not be visible from any residential properties.

> The precise location of the proposed Sign on the Site was selected to comply with Section 6.90.3.2 of the Zoning Bylaw.

> The Appellants remain willing to reduce the height of the Sign to 6.0 metres.

Such further and other reasons as may be presented at the hearing of this appeal

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on April 9, 2025:

“That the appeal hearing be scheduled for May 14, 2025 at the request of the Appellant.”

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 the decision in accordance with subsection (2.1).

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

(a.1) must comply with any applicable land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;

- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the Zoning Bylaw 20001:

Under section 2.90.2.28, a **Freestanding Sign** is a **Permitted Use** in the **CN - Neighbourhood Commercial Zone**.

Section 2.90.3 states the following with respect to **Additional Regulations for Specific Uses**:

3.20 Fascia Signs, Freestanding Signs, Portable Signs, and Projecting Signs are limited to On-premises Advertising, except that:

3.20.1 Off-premises Advertising is permitted where existing as of January 1, 2024.

3.22 states “Signs must comply with Section 6.90.”

Under section 8.10, a **Freestanding Sign** means:

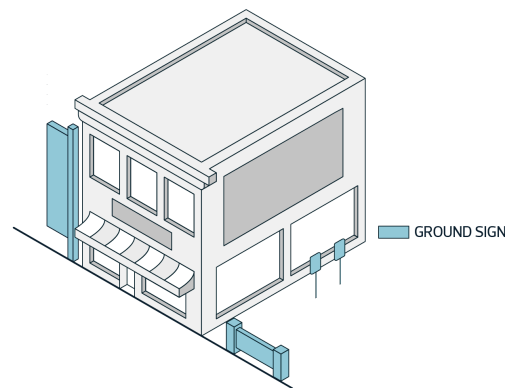
a Ground Sign that does not contain Digital Copy.

Typical examples include: pylon signs, monument signs, billboards, posters, and neighbourhood identification signs.

Under section 8.20, **Off-Premises Advertising** means “Copy that relates to a business, activity or organization that does not have a Development Permit to operate on the Site where the Sign is located. Signs with Off-premises Advertising may generally be used for short term advertising.”

Under section 8.20, a **Ground Sign** means:

a Sign supported independently of a building.



Section 2.90.1 states that the **Purpose** of the **CN - Neighbourhood Commercial Zone** is:

To allow for small scale activity centres to support Local Nodes, as directed by statutory plans, that become community focal points for commercial businesses, services, social gathering and limited Residential Uses that are integrated with the neighbourhood. These activity centres can accommodate both vehicle-oriented and pedestrian oriented developments.

6.90 Signs

Section 6.90.5 states the following with respect to **Specific Regulations for Neighbourhood Commercial Zones**:

5.11 Freestanding Signs must not be located within an Interior Side Setback and must be a minimum of 3.0 m from the Interior Side Lot Line.

...

5.13 The maximum Height for Freestanding Signs is 6.0 m.

5.14 Where Freestanding Signs contain Off-premises Advertising:

5.14.1. they must be located on Sites greater than or equal to 1 ha; [...]

Under section 8.20, **Interior Side Setback** means “the distance that a development or a specified portion of a development must be from an Interior Side Lot Line. An Interior Side Setback is not an Interior Side Yard.”

Under section 8.20, **Height** means:

a vertical distance between 2 points.

Where described as a Modifier in a regulation, this is represented as the letter “h” and a number on the Zoning Map.

Development Planner’s Determination

1) Part 2, Subsection 2.90.3.20.1: Freestanding Signs-are limited to On-premises Advertising, except that Off-premises Advertising is permitted where existing as of January 1, 2024.

The proposed sign contains Off-premises Advertising. There was not a valid permit for a sign containing Off-premises Advertising prior to January 1, 2024 on this site.

2) Part 6, Subsection 6.90.5.11: 5.11. Freestanding Signs must not be located within an Interior Side Setback and must be a minimum of 3.0 m from the Interior Side Lot Line.

PROPOSED: 0.76m

Deficient by: 2.24m

3) Part 6, 6.90.5.13: The maximum Height for Freestanding Signs is 6.0 m.

Proposed: 7.9m

Exceeds by: 1.9m

4) Part 6, Subsection 6.90.5.14.1: Where Freestanding Signs contain Off-premises Advertising they must be located on Sites greater than or equal to 1 ha


Proposed Site Area: 0.27 ha


Deficient by: 0.73 ha

[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.

	Application for Sign Permit		Project Number: 541791045-002 Application Date: NOV 19, 2024 Printed: April 1, 2025 at 4:39 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) 9508 - 149 STREET NW Plan 5229AD Blk 67 Lots 7-10			
	Location(s) of Work Suite: 9508 - 149 STREET NW Entryway: 9508 - 149 STREET NW Building: 9508 - 149 STREET NW			
Scope of Application To install (1) Freestanding Sign [Off-premises Advertising] (6.1m x 3m facing S) (PATTISON OUTDOOR ADVERTISING)				
Details <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> ASA Sticker No./Name of Engineer: Development Category: </td> <td style="width: 50%;"> Construction Value: 10000 Expiry Date: </td> </tr> </table>			ASA Sticker No./Name of Engineer: Development Category:	Construction Value: 10000 Expiry Date:
ASA Sticker No./Name of Engineer: Development Category:	Construction Value: 10000 Expiry Date:			
Development Application Decision Refused Issue Date: Apr 01, 2025 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Part 2, Subsection 2.90.3.20.1: Freestanding Signs-are limited to On-premises Advertising, except that Off-premises Advertising is permitted where existing as of January 1, 2024. The proposed sign contains Off-premises Advertising. There was not a valid permit for a sign containing Off-premises Advertising prior to January 1, 2024 on this site. 2) Part 6, Subsection 6.90.5.11: 5.11.Freestanding Signs must not be located within an Interior Side Setback and must be a minimum of 3.0 m from the Interior Side Lot Line. PROPOSED: 0.76m Deficient by: 2.24m 3) Part 6, 6.90.5.13: The maximum Height for Freestanding Signs is 6.0 m. Proposed: 7.9m Exceeds by: 1.9m 4) Part 6, Subsection 6.90.5.14.1: Where Freestanding Signs contain Off-premises Advertising they must be located on Sites greater than or equal to 1 ha Proposed Site Area: 0.27 ha Deficient by: 0.73 ha Rights of Appeal THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.				
Fees				
THIS IS NOT A PERMIT				



Project Number: **541791045-002**

Application Date: NOV 19, 2024

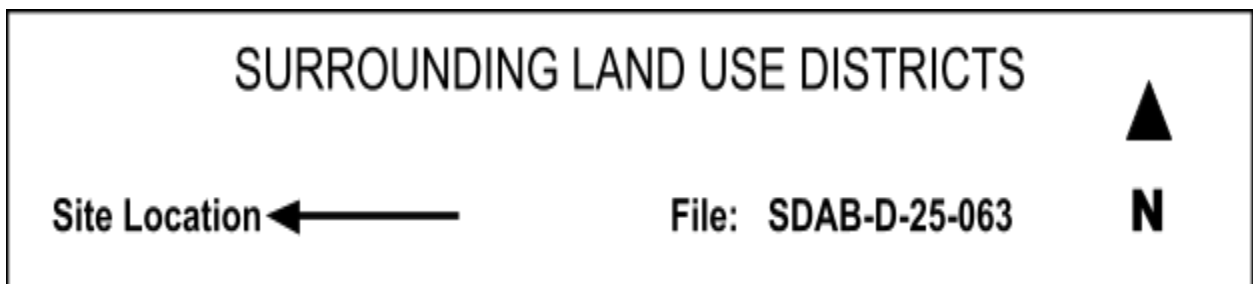
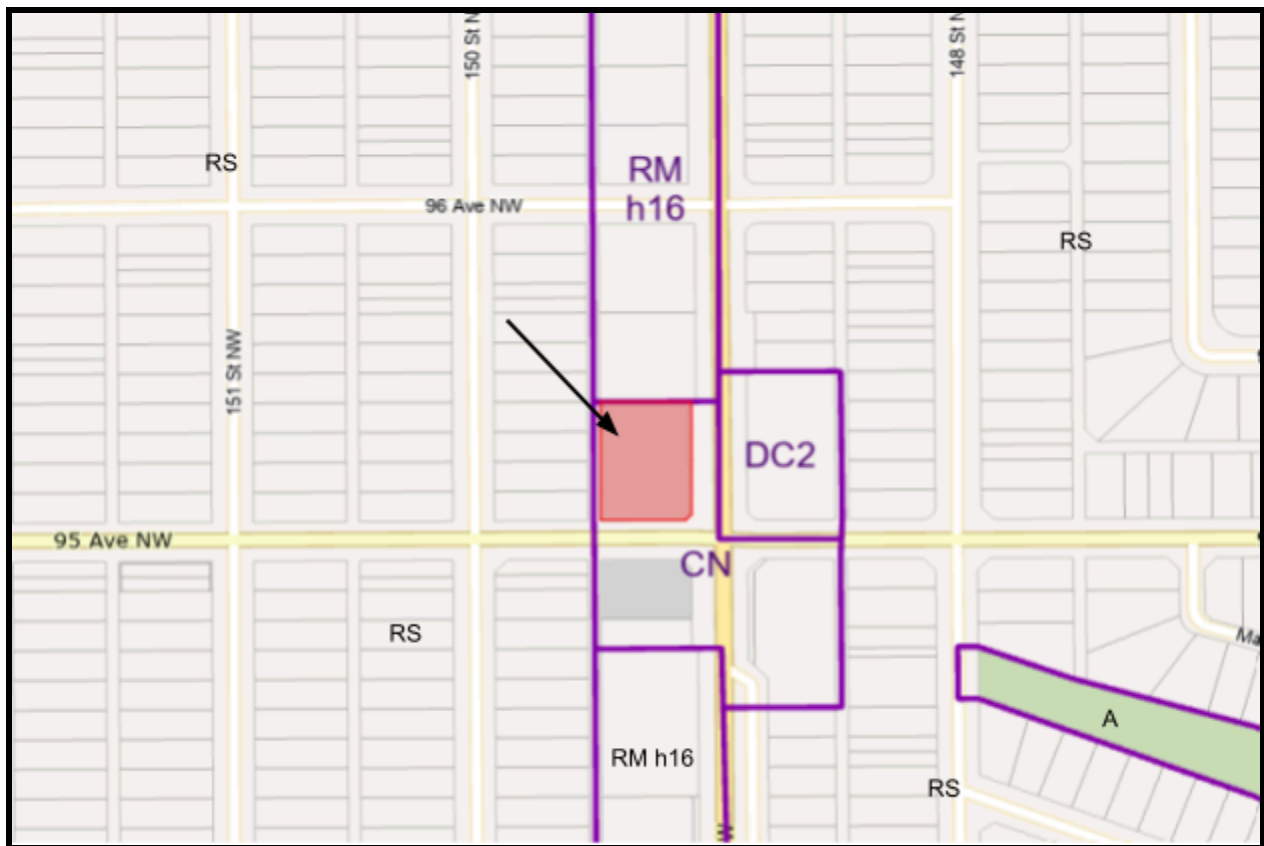
Printed: April 1, 2025 at 4:39 PM

Page: 2 of 2

Application for
Sign Permit

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$400.00	\$400.00	043721001001211V	Nov 19, 2024
Off Premise Advertising Fee	\$200.00	\$200.00	043721001001211V	Nov 19, 2024
Total GST Amount:	\$0.00			
Totals for Permit:	\$600.00	\$600.00		

THIS IS NOT A PERMIT



ITEM III: 1:30 P.M.FILE: SDAB-D-25-064AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: PATTISON OUTDOOR ADVERTISING / Ogilvie LLP

APPLICATION NO.: 548064026-002

APPLICATION TO: Install (1) Minor Digital Sign (6.1m x 4.1m facing W)
(PATTISON OUTDOOR ADVERTISING)DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 16, 2025

DATE OF APPEAL: April 17, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 17503C - 100 Avenue NW

LEGAL DESCRIPTION: Condo Common Area (Plan 9122259)

ZONE: DC2.208 - Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: West Edmonton District Plan

<i>Grounds for Appeal</i>

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

1. The Development Officer failed to follow the directions of City Council as set out in:

The Zoning Bylaw, section DC2.208.4(i) which section states that signs shall be allowed in the Zone in accordance with stated provisions of the

Edmonton Land Use Bylaw;

The Zoning Bylaw, section 7.20.4.1

The Edmonton Land Use Bylaw, section 79E.1(1)(c) which section states that On-premise Business Identification signs shall be allowed in the Zone;

The Edmonton Land Use Bylaw, section 79E.1(1)(f) which section states Freestanding General Advertising Signs shall be allowed in the Zone; and

The Edmonton Land Use Bylaw, sections 14.3(1) and (2) which sections states that Freestanding On-premise Identification or Business Identification Signs and Freestanding General Advertising Signs are to be considered as Permitted Uses.

2.The Board has determined on numerous occasions (and, specifically in relation to this Sign) that what is now called a Minor Digital Sign under the current Zoning Bylaw is that which was previously called a Freestanding General Advertising Sign. In so finding, the Board has observed, inter alia, that: "Nothing in the Land Use Bylaw prohibits poster panels from being comprised of a media which displays static digital images."

3.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 the decision in accordance with subsection (2.1).

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

685(4) Despite subsections (1), (2), (2.1) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) ...

(b) is made by a development authority, the appeal may only be made to the subdivision and development appeal board and 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.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

Zoning Bylaw 20001 - Part 7 - Administrative and Interpretative Clauses

Section 7.10, *Repeal, Enactment and Transition Procedures*, states the following:

1. Edmonton Zoning Bylaw 12800, as amended, is repealed.
2. The regulations of this Bylaw come into effect on January 1, 2024 (the "effective date").
3. The regulations of this Bylaw apply from the effective date onward:
 - 3.1 subject to the regulations for non-conforming Uses as outlined in the Municipal Government Act; and
 - 3.2 despite the effect it might have on rights, vested or otherwise.
4. Regulations for zoning, land use, or development in any other Bylaw must not apply to any part of the city described in this Bylaw except as otherwise provided for in this Bylaw.

5. Development Permit applications must be evaluated under the regulations of this Bylaw as of the effective date, even if the application was received before this date.
6. Any Direct Control Zone regulations that were in effect immediately prior to the effective date of this Bylaw will continue to be in full force and effect and are hereby incorporated into Part 4 of this Bylaw.

Section 7.20.4, *General Rules of Interpretation - Direct Control Zones and Existing Development Permits*, states the following:

4.1. For the purpose of any Direct Control Zone passed on or before December 31, 2023:

4.1.1. the definitions of the listed Uses in the Direct Control Zone must be interpreted in compliance with either Land Use Bylaw 5996 as it appeared on June 13, 2001, or Zoning Bylaw 12800 as it appeared on December 31, 2023, whichever is applicable;

4.1.2. where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.1.3. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on December 31, 2023.

4.2. For the purpose of any Direct Control Zone passed on or after January 1, 2024:

4.2.1. where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.2.2. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on the date of decision for the Development Permit application.

4.3. Where there is a discrepancy between this Bylaw and any previous land use bylaw, the existing Direct Control Zone must not be interpreted to provide any additional rights than are otherwise contemplated in the Direct Control Zone.

4.4. For the purpose of any Development Permit issued on or before December 31, 2023, the Use identified in the permit is interpreted to have the

same Use definition as set out in the applicable previous land use bylaw on the date on which the Development Permit was issued.

...

4.6. For all Direct Control Zones created prior to August 24, 1998, that contain Single Detached Housing, Semi-detached Housing, Duplex Housing or Secondary Suite as a listed Use:

4.6.1. the maximum number of Single Detached Housing Dwellings per Lot is 1;

4.6.2. the maximum number of Semi-detached Housing or Duplex Housing Dwellings per Site is 2; and

4.6.3. the maximum number of Secondary Suites per principal Dwelling is 1,

unless specifically noted otherwise in the Direct Control Zone.

Section 7.40, *Application of General and Specific Development Regulations*, states the following:

1. General Development Regulations

1.1 The General Development Regulations in Part 5 apply to all developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

2. Specific Development Regulations

2.1 The Specific Development Regulations in Part 6 apply to specific developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

Section 7.80, *Application of Direct Control Zones*, states the following:

5.1 Unless specifically excluded or modified by a regulation of a Direct Control Zone, all regulations in the Zoning Bylaw apply to development in a Direct Control Zone. Site plans and building elevations cannot exclude or modify regulations of the Zoning Bylaw.

Section 7.100, *Authority and Responsibility of the Development Planner, Variance to Regulations*, states the following:

4.3 A variance must not be granted for a Development Permit application within a Direct Control Zone except where the ability to grant a variance is specified:

4.3.1. within the Direct Control Zone;

4.3.2. within an applicable regulation of a previous land use bylaw where such regulation has been referred to in the Direct Control Zone; or

4.3.3. within an applicable regulation of this Bylaw.

4.4. In the case of a conflict between Subsection 4.3 and the applicable Direct Control Zone, the Development Planner must comply with the provisions of the applicable Direct Control Zone.

General Provisions from the DC2.208 - Site Specific Development Control Provision ("DC2"):

Section DC2.208.4 states the following with respect to **Development Criteria**:

The following regulations shall apply to all uses:

....

- i. Signs shall be allowed in this District as provided for in Schedule 79E and in accordance with the General Development Regulations of Sections 59 to 79 inclusive of the Land Use Bylaw.
- j. Development in this District shall be evaluated with respect to compliance with the General Development Regulations of Section 5079 inclusive of the Land Use Bylaw.
- k. The Development Officer may grant relaxations to the regulations contained in Sections 50 through 79 of the Land Use Bylaw and the provisions of this District if, in his opinion, such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities, use, and enjoyment of neighbouring properties.

....

Section DC2.208.1 states that the **General Purpose** of the **DC2** is:

To establish a Site Specific Development Control District to accommodate a limited range of general commercial-highway corridor uses, with site specific development regulations that will ensure compatibility with future surrounding land uses and the alignment of existing and proposed roadways adjacent to the site, and ensure a high

standard of appearance appropriate to the site's location on a major entrance route to the City.

General Provisions from the *Edmonton Land Use Bylaw 5996*:

Section 14, Development Classes, states that the following classes of development are hereby established:

- 1) Class O - No Development Permit Required;
- 2) Class A - Minor Permitted Use;
- 3) Class B - Permitted Use;**
- 4) Class C - Discretionary Use; and
- 5) Class D - Design Review.

Section 14.3 states

The developments included in this Class are those Permitted Uses where the regulations of this Bylaw are more complex and where the development application must be reviewed to determine its compliance with this Bylaw, or where conditions of approval or agreements to ensure compliance are considered necessary. The Development Officer shall issue a permit, with or without conditions for the development of Permitted Uses after reviewing the application and the submission requirements of this Class to ensure compliance with the regulations of this Bylaw. This Class shall include all Permitted Use developments, including those affected by an Overlay, except those identified in Class O or Class A

Class B shall also include the following sign uses and development:

- 1) Canopy, Undercanopy, Facia, Freestanding and Projecting On-premise Identification or Business Identification Signs including or not including the use of manual animation, running lights, scintillating lights, manual changeable copy and time and temperature displays;
- 2) Facia and Freestanding General Advertising Signs; except that where such signs are to be erected in the CNC, CSC, IB or AGI Districts, or within the civic centre area defined in Sign Schedule 79G, they shall be a Class C development;

(...)

Under section 9.2(2), **Animated Sign** means:

any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign. Animated Sign does not include Flashing Signs, Rotating Signs, signs with accessory running lights or flashing lights, or electronically controlled Changeable Copy Signs such as those showing time and temperature displays.

Under section 9.2(6), **Business Identification Sign** means:

a sign identifying the name, dealer, franchise association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.

Under section 9.2(8), **Changeable Copy Sign** means:

a permanent On-premise Sign or portion of such a sign on which copy can be readily changed manually through the utilization of attachable characters, or automatically through the electronic switching of lamp banks or illuminated tubes. Changeable Copy Signs include mechanically controlled time and temperature displays.

Under Section 9.2(15), **Freestanding Sign** means:

any sign supported independently of a building and permanently fixed to the ground.

Under Section 9.2(16), **General Advertising Sign** means:

a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises where the sign is displayed and general advertising has a similar meaning. Typical General Advertising Signs includes Billboards and Junior Panels as defined in this Bylaw.

Under Section 9.2(21), **Local Advertising Sign** means:

a sign or portion of a sign on which the copy refers only to products or merchandise produced, offered for sale or obtainable at the premises on which the sign is displayed and which are related to the principal function of such premises, and local advertising has a similar meaning.

Under Section 9.2(25), **On-premise Sign** means:

a sign identifying or advertising a business, activity, service or product located on the premises where the sign is erected. On-premise Signs

includes signs erected on a site to provide warning or direction to persons entering upon the site.

<p><i>Schedule 79E of the Edmonton Land Use Study 5996</i></p>

Schedule 79E.1(1) states the following Signs shall be allowed, subject to the Sign Regulations of this Schedule:

- a) ...
- b) ...
- c) Awning, Canopy, Under-canopy, Facia, Freestanding, Projecting and Window, On-premise Business Identification Signs and On-premise Changeable Copy and Local Advertising Signs;
- d) ...
- e) ...
- f) Facia and Freestanding General Advertising Signs;
- g) ...
- h) ...

Schedule 79E.1(1) states the following Signs shall be allowed, subject to the Sign Regulations of this Schedule:

- 1) All On-premise Business Identification, Changeable Copy and Local Advertising Signs shall comply with the general regulations for On-premise Signs of Section 79.7, subject to the following additional regulations and exceptions:
 - a) the maximum Height of a Freestanding Sign shall be:
 - i) 8 m (26.2 ft.) for a business premise or multiple occupancy business development having a frontage of at least 30 m (98.4 ft.) but not greater than 60 m (196.8 ft.);
 - ii) 10 m (32.8 ft.) for a business premise or multiple occupancy business development having a frontage greater than 60 m (196.8 ft.); and
 - iii) where a Freestanding Sign is located adjacent to a public roadway having a posted traffic speed of 70 km/hr (43.5 mph) or greater, the maximum allowable sign Height set out in Clauses (i) and (ii) above shall be increased by 2 m (6.6 ft.).
 - b) the allowable Sign area for a Freestanding Sign located adjacent to a public roadway having a posted traffic speed of 70 km/hr (43.5 mph) or

greater shall be 0.4 m² (4.3 sq. ft.) for each lineal metre (3.3 ft.) of frontage where the Sign is to be erected;

- c) the maximum area of a Freestanding Sign shall be 24 m² (258.3 sq. ft.) except that where the Sign is located adjacent to a public roadway having a posted traffic speed of 70 km/hr (43.5 mph) or greater, the maximum area shall be 30 m² (322.9 sq. ft.);
 - d) Freestanding Signs shall be allowed to rotate where the rotation is designed to expose sign faces with different copy;
 - e) where a site is adjacent to a public roadway designated as a Highway Entrance Route or Limited Access Route in Section 79.5, the additional regulations of that Section for Business Identification Signs shall apply; and
 - f) Running Lights and animated graphics shall be allowed only on Facia, Canopy or Projecting Signs on business premises used for Drive-in Food Services, Indoor Amusement Establishments, Hotels, Motels, Major or Minor Eating and Drinking Establishments and Spectator Entertainment Establishments.
- 2) Portable and Balloon Signs shall comply with the general provisions and use regulations for Portable and Balloon Signs of Section 79.9.

General Provisions from the Zoning Bylaw 20001:

Under section 8.10, a **Freestanding Sign** means:

Means a Ground Sign that does not contain Digital Copy.

Typical examples include pylon signs, monument signs, billboards, posters, and neighbourhood identification signs.

Under section 8.10, a **Minor Digital Sign** means:

Means a Ground Sign or Wall Sign, generally used for short-term advertising, that contains Digital Copy where the Message Duration is 6 seconds or more, and does not include moving effects, message transition effects, video images, or animation.

Typical examples include digital billboards, digital posters, and junior panels.

<p><i>Previous Subdivision and Development Appeal Board Decisions</i></p>


Application Number	Description	Decision
SDAB-D-20-083	To install a Freestanding On-premises Sign (WANG'S HOLDINGS BELL).	August 27, 2020; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is REFUSED.
SDAB-D-19-175	To install (1) Freestanding General Advertising Sign with an electronic Changeable Copy panel containing on-premises and off-premises Advertising (incl. digital and static panels 6.1m x 13.5m facing E)(Condominium Corporation 9122259).	<p>December 11, 2019; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to the following CONDITIONS:</p> <ol style="list-style-type: none"> 1. The permit will expire on December 12, 2024. 2. The proposed Sign shall comply in accordance with 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

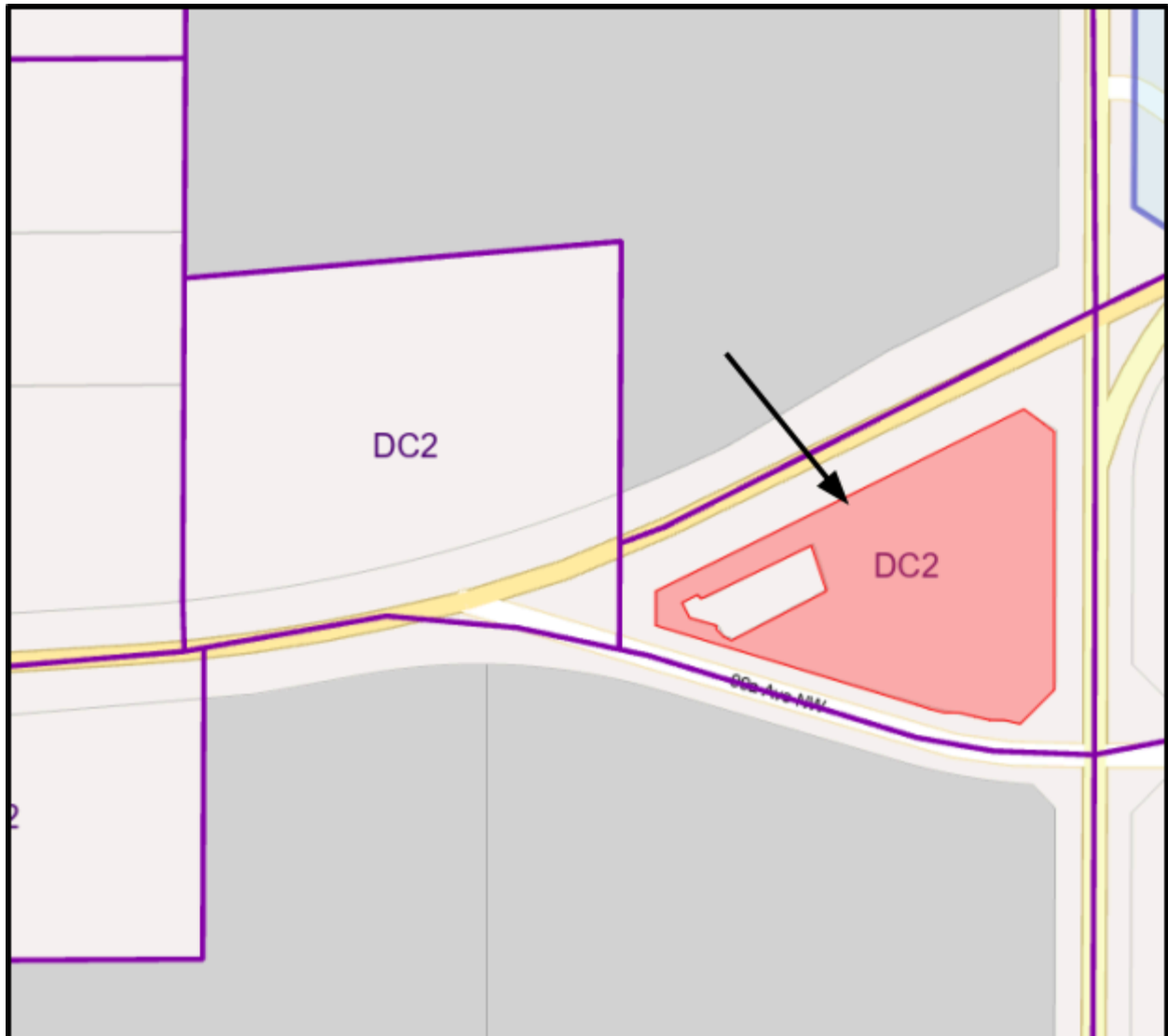
		<p>brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada; (Reference Section 59.2(5)(b)).</p> <p>5. All Freestanding Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, 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)).</p> <p>6. The following conditions, in consultation with Subdivision Planning (Transportation department), shall apply to the proposed Sign, in accordance to Section 59.2.11:</p> <p>a. Subdivision Planning has reviewed the Sign Safety Assessment dated Jun 10. The Sign Safety Assessment has reviewed crash history, traffic volumes, roadway speed, existing and expected driver workload, the relative complexity of the geometry and concluded that a traffic safety concern will not be anticipated with the installation of a minor digital sign at the proposed location as shown in the DS 311293064-001. Subdivision</p>
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		<p>Planning accepts the conclusions of the report and therefore does not object the installation of the proposed sign.</p> <p>Further, Subdivision Planning provides the following comments:</p> <p>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.</p> <p>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.</p> <p>c. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way, as shown on</p> <p>Enclosure.</p>
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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.

		Project Number: 548064026-002 Application Date: DEC 09, 2024 Printed: April 16, 2025 at 1:18 PM Page: 1 of 1	
<h2>Application for Sign Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant		Property Address(es) and Legal Description(s) 17503C - 100 AVENUE NW Condo Common Area (Plan 9122259)	
Scope of Application To install (1) Minor Digital Sign (6.1m x 4.1m facing W) (PATTISON OUTDOOR ADVERTISING)			
Details			
ASA Sticker No./Name of Engineer: Development Category:		Construction Value: 100000 Expiry Date:	
Development Application Decision Refused Issue Date: Apr 16, 2025 Development Authority: NOORMAN, BRENDA Reason for Refusal The Development Planner determines the proposed sign to be a Minor Digital Sign Use. (Reference Part 7, Subsection 7.100.1.1.5) This sign use (sign definition) is not listed in DC2 208 and is not listed as allowable in Sign Schedule 79E of Land Use Bylaw 5996. A rezoning would be required to add the Minor Digital Sign Use to the Direct Control Zone. Rights of Appeal THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.			
Fees			
	Fee Amount	Amount Paid	Receipt #
Sign Development Application Fee - Digital Signs	\$920.00	\$920.00	05272J001001790
Total GST Amount:	\$0.00		
Totals for Permit:	\$920.00	\$920.00	Date Paid Dec 09, 2024
THIS IS NOT A PERMIT			



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-25-064** **N** ▲