

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
October 16, 2025**

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3

TO BE RAISED

I 9:00 A.M. SDAB-D-25-142

To construct exterior alterations to a Residential Use building (Driveway extension - 2.9m x 8.7m)

3312 - Watson Bay SW
Project No.: 605302954-002

TO BE RAISED

II 10:30 A.M. SDAB-D-25-143

To install (1) Fascia Sign limited to On-premises Advertising (Reference CSDP: 517530323-002 Marshall Shoctor) (SMOKES POUTINERIE)

8103 - 104 Street NW
Project No.: 546146686-002

NOTE:

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

TO BE RAISEDITEM I: 9:00 A.M.FILE: SDAB-D-25-142**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER**

APPELLANT:

APPLICATION NO.: 605302954-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extension - 2.9m x 8.7m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 28, 2025

DATE OF APPEAL: August 31, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 3312 - Watson Bay SW

LEGAL DESCRIPTION: Plan 0820683 Blk 3 Lot 20

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

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

DISTRICT PLAN: Southwest District Plan

Grounds for Appeal

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

We are the homeowners of 3312 Watson Bay SW, and we respectfully appeal the decision to refuse our development permit regarding the existing concrete in front of our property.

The concrete area in question was constructed by the original builder, Carriage Signature Homes, and has existed since the home was built. We were unaware that it was non-compliant until recently, during a pending real estate transaction. The issue caused the deal to collapse, resulting in significant financial loss.

After applying for a development permit, the City suggested we restore the area with landscaping (e.g., sod or planting bed), which we completed as advised. However, we were later told this did not meet the requirements due to its non-permanent nature.

We have tried to contact the builder for clarification on why it was built beyond the original permit, and why it passed final inspection. Unfortunately, we received no response.

We believe we are the unintended victims of this situation and respectfully ask for your consideration in allowing the concrete to remain, as it does not obstruct any sidewalks, infrastructure, or affect community aesthetics.

Attached Documents:

Letter of Explanation (Full)
Refused Development Permit (605302954-002)
Real Property Report (RPR)
Compliance Certificate
Photos of Completed Landscaping (Restoration Work)
Previous City Email Correspondence

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on September 3, 2025:

“That the appeal hearing be scheduled for October 15 or 16, 2025.”

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 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

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

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

Under section 8.20, **Accessory** means “a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

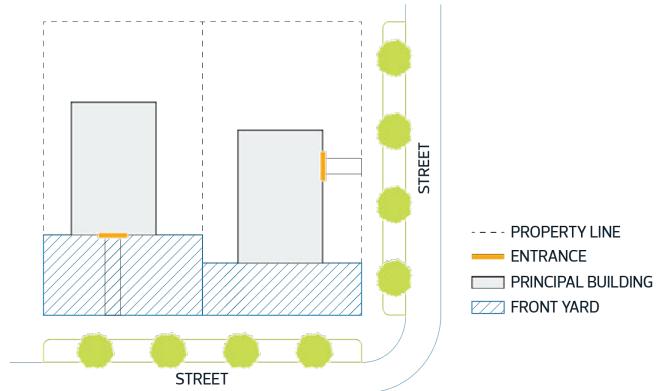
Under section 8.20, **Driveway** means:

means an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



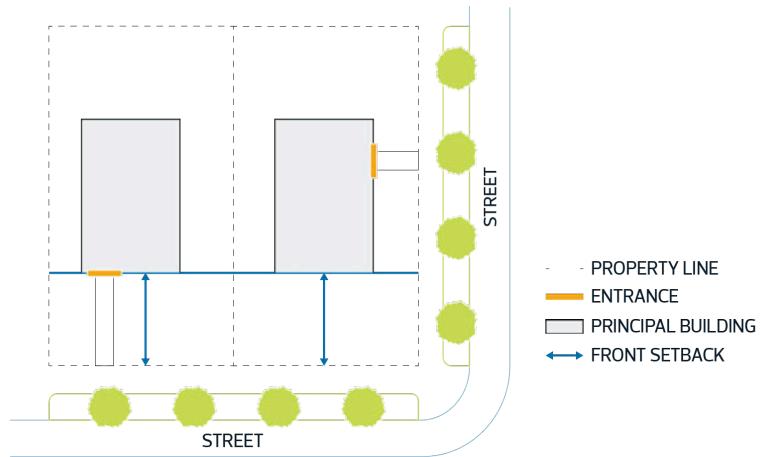
Under section 8.20, **Front Yard** means:

means the portion of a Site Abutting the Front Lot Line extending across the full width of the Site, between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 8.20, **Front Setback** means:

means the distance that a development or a specified portion of a development, must be from a Front Lot Line. A Front Setback is not a Front Yard.”



Under section 8.20, **Parking Area** means “means an area that is used for vehicle parking. A Parking Area has 1 or more parking spaces and includes a parking pad, but does not include Street parking, a vehicle access, a Driveway, or a Drive Aisle.”

Under section 8.20, **Pathway** means “a Hard Surfaced path of travel that is located on private property that cannot be used for motor vehicles.”

Section 2.20.1 states that the **Purpose of the RSF - Small Scale Flex Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

Single Detached Housing, Duplex Housing, Semi-detached Housing, Backyard Housing, and Row Housing, and Multi-unit Housing with 8 Dwellings or less must comply with the following:

Site Circulation

2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

Driveways

2.1.2. Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.

2.1.3. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.

2.1.4. A Driveway provided from a Street must comply with the following:

2.1.4.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:

2.1.4.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and

Abutting Pathways is 4.3 m.

2.1.4.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:

2.1.4.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less.

2.1.5. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within:

2.1.5.1. a Front Yard;

2.1.5.2. a Flanking Side Yard; or

2.1.5.3 a Flanking Side Setback.

2.1.6. For Zero Lot Line Development, a Parking Area must not encroach on the easement area.

Development Planner's Determination

1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3)

Proposed: The driveway does not lead directly from the roadway to the garage.

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2)

Proposed: The driveway is 8.7 m wide.

3) Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard.

(Subsection 5.80.2.1.5.1)

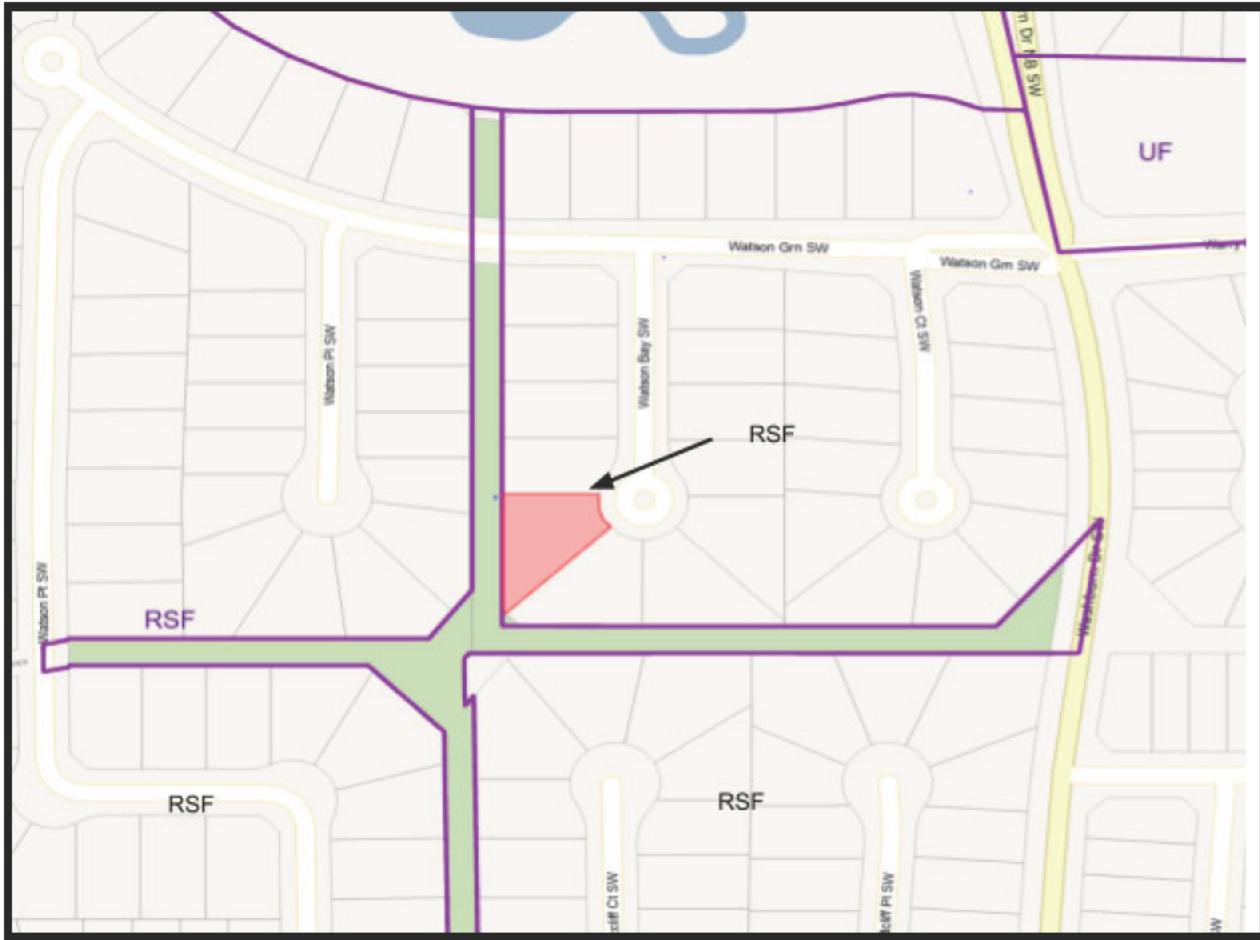
Proposed: The additional concrete provides vehicle parking space in the front yard.

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

		Project Number: 605302954-002 Application Date: JUN 03, 2025 Printed: August 28, 2025 at 2:32 PM Page: 1 of 2											
Application for Driveway Extension Permit													
This document is a Development Permit Decision for the development application described below.													
Applicant		Property Address(es) and Legal Description(s) 3312 - WATSON BAY SW Plan 0820683 Blk 3 Lot 20											
Project Name: 3312 Watson Bay SW Driveway Extensions													
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension - 2.9m x 8.7m).													
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Development Category: Permitted Development</td> <td style="width: 50%;">Overlay:</td> </tr> <tr> <td>Site Area (sq. m.): 991.71</td> <td>Statutory Plan:</td> </tr> </table>				Development Category: Permitted Development	Overlay:	Site Area (sq. m.): 991.71	Statutory Plan:						
Development Category: Permitted Development	Overlay:												
Site Area (sq. m.): 991.71	Statutory Plan:												
Development Application Decision Refused													
Issue Date: Aug 28, 2025 Development Authority: WINGET, MARK													
Reason for Refusal <p>1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3)</p> <p>Proposed: The driveway does not lead directly from the roadway to the garage.</p> <p>2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2)</p> <p>Proposed: The driveway is 8.7 m wide.</p> <p>3) Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard. (Subsection 5.80.2.1.5.1)</p> <p>Proposed: The additional concrete provides vehicle parking space in the front yard.</p>													
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.													
Building Permit Decision No decision has yet been made.													
Fees <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 25%;">Fee</th> <th style="text-align: left; width: 25%;">Fee Amount</th> <th style="text-align: left; width: 25%;">Amount Paid</th> <th style="text-align: left; width: 25%;">Receipt #</th> <th style="text-align: left; width: 25%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">THIS IS NOT A PERMIT</td> </tr> </tbody> </table>				Fee	Fee Amount	Amount Paid	Receipt #	Date Paid	THIS IS NOT A PERMIT				
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-142



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TO BE RAISEDITEM II: 10:30 A.M.FILE: SDAB-D-25-143**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER**

APPELLANT:

APPLICATION NO.: 546146686-002

APPLICATION TO: Install (1) Fascia Sign limited to On-premises Advertising
(Reference CSDP: 517530323-002 Marshall Shoctor)
(SMOKES POUTINERIE)DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 18, 2025

DATE OF APPEAL: September 4, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8103 - 104 Street NW

LEGAL DESCRIPTION: Plan I Blk 61 Lot 19

ZONE: DC1 - Direct Development Control Provision - Charter
Bylaw 20476 (Strathcona Historical Commercial)

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Scona District Plan

Grounds for Appeal

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

We respectfully submit this appeal regarding the denial of our signage permit for Smoke's Poutinerie. Our intent throughout this process has been to work collaboratively with the City of Edmonton, providing transparency and compliance wherever possible. Unfortunately, despite our repeated efforts and compromises, our signage has been denied on the basis of outdated and contradictory regulations.

Our appeal is grounded in three core principles:

- Branding integrity – preserving the identity and recognition of Smoke's Poutinerie.
- Customer accessibility – ensuring visibility that allows us to serve and attract customers effectively.
- Economic sustainability – supporting the survival and growth of small business in Edmonton's changing retail landscape.

Reason 1 – DC1 20476.5.18.a.iii

A Sign may be backlit provided the lettering is translucent, so that only the lettering is backlit with the remainder of the sign being opaque.

When we submitted for a permit, our application was included as part of the landlord's comprehensive sign package. Shortly after, we were neither approved nor denied but instead instructed to block out the plaid backer of our sign. The plaid backer is a central element of our logo and brand identity. While this request went against our branding, we complied in order to move forward.

Several months later, we were then told the sign would still have to come down because the illumination of "Smoke's face" extended beyond lettering. Once again, we compromised and agreed to block this element.

Weeks later, we were told the horizontal portion of the sign spelling out our name would also need to be blocked. At this point, compliance would result in us having no name and no logo on our sign.

This sequence of shifting requirements left us in a position where our brand identity was erased. Our logo cannot simply be reversed in colours or stripped of its elements without ceasing to be our logo.

Our Position:

We complied in good faith at every stage, yet the requirements continued to escalate. Instead of providing clarity from the outset, the process resulted in months of compromise and expense, ultimately ending in a directive that removes our entire identity from our signage.

Reason 2 – DC1 20476.5.18.a.vi(B)

Fascia On-premises Signs, if illuminated, shall be lit from an external source. Backlit or internally illuminated Fascia On-premises Signs are prohibited, except where only the lettering is backlit.

We understand the bylaw is intended to reduce excessive or unnecessary illumination. However, the current rules allow us to install front-lit fixtures, such as goose-neck lamps. Installing multiple external lamps would create far more intense light than our original backlit sign.

Our design is measured, efficient, and respectful of both the community and our brand. Requiring us to comply by using outdated external illumination methods contradicts the stated intent of the bylaw.

Our Position:

The bylaw creates a contradiction — it prohibits subtle, balanced backlighting of logos while allowing harsher, more intrusive external lighting. This not only undermines the purpose of the regulation but also forces small businesses into inefficient solutions that do not serve the community's best interest.

Broader Context & Impact**Outdated Regulations:**

The signage bylaw is approximately 14 years old. In that time, the retail and food service industries have transformed. Post-COVID, businesses face skyrocketing costs for goods, construction, rent, and labor. To survive, we have streamlined operations, reduced equipment, and minimized staffing. But one thing remains essential: visibility through branding and signage.

Customer Focus:

Third-party delivery services now account for 25–50% of sales for many restaurants. Yet walk-in customers remain essential for sustainability. Clear, consistent signage allows customers to locate us, recognize us, and support us in person. Reducing visibility undercuts our ability to attract in-store traffic, directly affecting sales, labour, and rent. This creates a ripple effect: franchisees cannot survive, and storefronts risk becoming vacant.

Branding Integrity:

Smoke's Poutinerie is recognized by its plaid backer, its name, and its logogram. These are not decorative extras; they are the very identity of our brand. Customers seek us out because they recognize this identity. Stripping these elements from our signage means stripping away our ability to connect with the people we serve.

Conclusion & Appeal Request

We are not asking for unlimited freedom in signage. We are asking for a balanced, modernized approach that reflects today's retail realities. Our proposed sign is not excessive, nor is it harmful to the community. It is consistent with our brand, respectful in its design, and essential for our sustainability.

We respectfully request that the Appeal Board overturn the denial of our signage permit and allow us to maintain our branding integrity, ensure customer access, and continue contributing positively to Edmonton's economy and community vibrancy.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on September 11, 2025:

“That the appeal hearing be scheduled on October 15 or 16, 2025.”

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 DC1 - (Charter Bylaw 20476) Direct Development Control Provision (“DC1”):

Under section 4(37), a **Fascia On-premises Sign** is a **Listed Use** in the DC1.

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

This Provision comprises the original, core commercial area of the town of Strathcona. This Provision is required to help preserve buildings which are of historic significance, and to ensure that future renovation and redevelopment of surrounding buildings result in developments which are compatible in architectural and built form with the historic buildings of the area. This Provision also contains seven Sub-Areas as described in Sections 6, 7, 8, 9, 10, 11 and 12.

Section 5.18 of the **DC1** states the following with respect to Signs:

- a. Notwithstanding the Sign Use Classes listed in Section 4 of this Provision, other types of Signs may be permitted at the discretion of the Development Officer in consultation with the Heritage Officer if, in their opinion, such Signs would not diminish the historical nature of a building or the area. Section 59, Schedule 59H of the Zoning Bylaw shall apply to the installation of Signs within this Provision, unless altered as follows:



Illustration 7
Traditional Sign Locations

...

iii. A Sign may be backlit provided the lettering is translucent, so that only the lettering is backlit with the remainder of the sign being opaque;

...

vi. Fascia On-premises Signs:

B. if illuminated, Signs shall be lit from an external source. Backlit or internally illuminated Fascia On-premises Signs are prohibited, except where only the lettering is backlit;

General Provisions from the *Edmonton Zoning Bylaw 12800*:

Under Section 7.9(2), **Fascia On-premises Sign** means:

a Fascia Sign, which is a Permanent Sign, displays Onpremises Advertising and contains no Digital Copy.

Development Planner's Determination

The application is refused by the Development Planner, in consultation with the Heritage Planner for the following reasons:

1) DC1 20476.5.18.a.iii. A Sign may be backlit provided the lettering is translucent, so that only the lettering is backlit with the remainder of the sign being opaque.

PROPOSED: The sign is a backlit panel with illuminated push thru letters. The panel background and logo cannot be backlit.

2) DC1 20476.5.18.a.vi(B): Fascia On-premises Signs if illuminated, Signs shall be lit from an external source. Backlit or internally illuminated Fascia On-premises Signs are prohibited, except where only the lettering is backlit;

PROPOSED: The sign is a backlit panel with push thru letters showing a backlit logo which does not comply with this DC1 regulation.

[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.

Edmonton	Project Number: 546146686-002 Application Date: DEC 02, 2024 Printed: August 18, 2025 at 2:18 PM Page: 1 of 1															
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Sign Permit</h3>																
<p>This document is a Development Permit Decision for the development application described below.</p>																
Applicant	Property Address(es) and Legal Description(s) 8103 - 104 STREET NW Plan I Blk 61 Lot 19															
Location(s) of Work Suite: 8103 - 104 STREET NW Entryway: 8103 - 104 STREET NW Building: 8103 - 104 STREET NW																
Scope of Application To install (1) Fascia Sign limited to On-premises Advertising (Reference CSDP: 517530323-002 Marshall Shector) (SMOKES POUTINERIE)																
Details: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> ASA Sticker No./Name of Engineer: 1917 Development Category: Discretionary Development </td> <td style="width: 50%; padding: 5px;"> Construction Value: 4000 Expiry Date: </td> </tr> </table>		ASA Sticker No./Name of Engineer: 1917 Development Category: Discretionary Development	Construction Value: 4000 Expiry Date:													
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Development Application Decision Refused Issue Date: Aug 18, 2025 Development Authority: NOORMAN, BRENDA																
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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.																
Fee: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%; text-align: center;">Fee Amount</th> <th style="width: 20%; text-align: center;">Amount Paid</th> <th style="width: 20%; text-align: center;">Receipt #</th> <th style="width: 20%; text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Development Application Fee</td> <td style="text-align: center;">\$185.00</td> <td style="text-align: center;">\$185.00</td> <td style="text-align: center;">066591001001064</td> <td style="text-align: center;">Dec 02, 2024</td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: center;">\$46.25</td> <td style="text-align: center;">\$46.25</td> <td style="text-align: center;">079361001001146V</td> <td style="text-align: center;">Aug 12, 2025</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Development Application Fee	\$185.00	\$185.00	066591001001064	Dec 02, 2024	Variance Fee	\$46.25	\$46.25	079361001001146V	Aug 12, 2025
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	<p>Project Number: 546146686-002 Application Date: DEC 02, 2024 Printed: August 18, 2025 at 2:18 PM Page: 2 of 2</p> <h2>Application for Sign Permit</h2>			
Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$231.25</u>	<u>\$231.25</u>		
THIS IS NOT A PERMIT				
P0702003				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-143



N