

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 16, 2020**

**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-20-005 Construct exterior alterations to a Semi-Detached House (increase in building height)
10975 - 132 Street NW
10973 - 132 Street NW
Project No.: 279658672-025

Request to Postpone

II 10:30 A.M. SDAB-D-19-126 To comply with an Order to immediately de-energize the Sign and keep it turned off 24 hours a day until the Sign is moved back to the approved location or acquire a Development Permit to allow the Sign to remain in its current location on the building, cease any display of Off-premises advertising or dismantle and remove the Sign from the property. One of these options must be completed by January 31, 2020
6528 - 104 Street NW
Project No.: 129905784-003

III 1:30 P.M. SDAB-D-20-009 To install (1) Freestanding On-premises Sign (BIANCO)
10020 – 101A Avenue NW
Project No.: 344000671-001

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-20-005

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 279658672-025

APPLICATION TO: Construct exterior alterations to a Semi-Detached House (increase in building height)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 13, 2019

DATE OF APPEAL: December 17, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10975 - 132 Street NW
10973 - 132 Street NW

LEGAL DESCRIPTION: Plan 1923336 Blk 21 Lot 25, Plan 1923336 Blk 21 Lot 26

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

This is David Ngu with SWISH Developments. I am appealing the decision of the Development Authority in hopes to have a variance granted for the height of semi-detached house exceeding by 0.1m. This was due to the 12:12 roof pitch to achieve a cohesive design that compliments the character of the community and combination of survey and foundation pour marginal error.

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,

- (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 decision is made under section 642, [...]

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any 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, Garden Suites, Semi-detached Housing and Duplex Housing.

Under section 110.2(6), **Semi-detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(7), **Semi-detached Housing** means development consisting of a building containing two principal Dwellings joined in whole or in part at the side or rear with neither of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Duplexes.

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.

Height

Section 814.3(5) states the maximum Height shall not exceed 8.9 metres.

Section 52.2(c) states where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officer's Determination

Height (to the midpoint of the roof) - The maximum height is 9.0m instead of 8.9m (Section 814.3.5).

Height (to the peak of the roof) - The maximum height is 10.5m instead of 10.4m (Section 52.2.c).

Note: The Development Officer shall not vary maximum Height. Community Consultation is a requirement for any variances to the Mature Neighbourhood Overlay regulations.

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to

approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:


Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(5) - Height

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-18-094	To construct a Semi-Detached House with Unenclosed Front Porch, fireplace, rear uncovered deck, Basement development (NOT to be used as an additional Dwelling), and to demolish the existing Single Detached House and Accessory building (rear detached Garage).	July 17, 2018; Appeal allowed and the Development approved

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Addition Permit</h2>	Project Number: 279658672-025 Application Date: NOV 15, 2019 Printed: December 18, 2019 at 8:47 AM Page: 1 of 2		
This document is a Development Permit Decision for the development application described below.				
Applicant	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> Property Address(es) and Legal Description(s) 10975 - 132 STREET NW Plan 1923336 Blk 21 Lot 25 10973 - 132 STREET NW Plan 1923336 Blk 21 Lot 26 </td> </tr> <tr> <td style="padding: 5px;"> Location(s) of Work Entryway: 10973 - 132 STREET NW Entryway: 10975 - 132 STREET NW Building: 10973 - 132 STREET NW </td> </tr> </table>		Property Address(es) and Legal Description(s) 10975 - 132 STREET NW Plan 1923336 Blk 21 Lot 25 10973 - 132 STREET NW Plan 1923336 Blk 21 Lot 26	Location(s) of Work Entryway: 10973 - 132 STREET NW Entryway: 10975 - 132 STREET NW Building: 10973 - 132 STREET NW
Property Address(es) and Legal Description(s) 10975 - 132 STREET NW Plan 1923336 Blk 21 Lot 25 10973 - 132 STREET NW Plan 1923336 Blk 21 Lot 26				
Location(s) of Work Entryway: 10973 - 132 STREET NW Entryway: 10975 - 132 STREET NW Building: 10973 - 132 STREET NW				
Scope of Application To construct exterior alterations to a Semi-Detached House (increased in building height).				
Permit Details				
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 650.33			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused Issue Date: Dec 13, 2019 Development Authority: YEUNG, KENNETH Reason for Refusal Height (to the midpoint of the roof) - The maximum height is 9.0m instead of 8.9m (Section 814.3.5). Height (to the peak of the roof) - The maximum height is 10.5m instead of 10.4m (Section 52.2.c). Note: The Development Officer shall not vary maximum Height. Community Consultation is a requirement for any variances to the Mature Neighbourhood Overlay regulations. Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
Building Permit Decision Refused				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$425.00	\$425.00	06279901	Nov 15, 2019
THIS IS NOT A PERMIT				



Application for Addition Permit

Project Number: **279658672-025**
Application Date: NOV 15, 2019
Printed: December 18, 2019 at 8:47 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$425.00	\$425.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-005



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-126

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 129905784-003

APPLICATION TO: To comply with an Order to immediately de-energize the Sign and keep it turned off 24 hours a day until the Sign is moved back to the approved location or acquire a Development Permit to allow the Sign to remain in its current location on the building, cease any display of Off-premises advertising or dismantle and remove the Sign from the property. One of these options must be completed by January 31, 2020

Request to Postpone

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: July 9, 2019

DATE OF APPEAL: July 20, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6528 - 104 Street NW

LEGAL DESCRIPTION: Plan 3553P Blk 32 Lots 1-4

ZONE: DC1-Direct Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Strathcona Junction Area Redevelopment Plan

Grounds for Appeal

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

The Appellant respectfully appeals the Municipal Government Act Order (“Order”) (129905784-003) dated July 9, 2019 on the following grounds:

1. The Order failed to consider or properly interpret the Edmonton Zoning Bylaw.
2. The Appellant has submitted an application for a development permit.
3. The Order failed to properly consider the relevant facts and apply them to the consideration and interpretation of both the Municipal Government Act and the Edmonton Zoning Bylaw (and other related planning documents).
4. Such further and other reasons as may be presented at the hearing of this matter.

<i>General Matters</i>

The Subdivision and Development Appeal Board made and passed the following motion on August 15, 2019:

“That SDAB-D-19-126 be postponed to October 17, 2019...”

The Subdivision and Development Appeal Board made and passed the following motion on November 7, 2019:

“That SDAB-D-19-126 be postponed until January 16, 2020...”

Appeal Information:

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this

Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or

- (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
- or
- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (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;

...

General Provisions from the (DC1) DIRECT DEVELOPMENT CONTROL PROVISION CPR WEST (“DC1”):

A **Fascia On-premises Sign** is a listed Use (DC1, section nn).

A **Fascia Off-premises Sign** is **NOT** a listed Use.

A **Minor Digital On-premises Sign** is a listed Use (DC1, section oo).

A **Minor Digital Off-premises Sign** and a **Minor Digital On-premises Off-premises Sign** is **NOT** a listed Use.

Under Section 7.9(2), **Fascia On-premises Signs** means “a Fascia Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

Under section 7.9(1), **Fascia Off-premises Signs** means “Fascia Off-premises Signs a Fascia Sign, which is a Permanent Sign, displays Off-premises Advertising and contains no Digital Copy.”

Under Section 7.9(8), **Minor Digital On-premises Signs** means “a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises

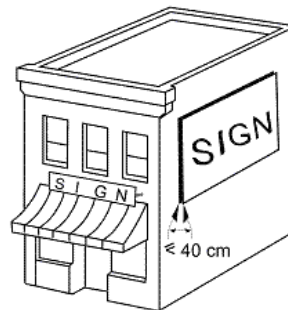
Advertising, and does not include moving effects, message transition effects, video images, or animation.”

Under section 7.9(6), **Minor Digital Off-premises Signs** means “a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.”

Under section 7.9(7), **Minor Digital on-premises Off-premises Signs** means “a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.”

Under Section 6.1, **Fascia Signs** means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Under Section 6.1, **On-Premises Advertising** means “Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.”

Under Section 6.1, **Off-Premise Sign** means “any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.”

The **General Purpose** of the **DC1** is “to provide transition for the area to become a pedestrian-oriented, urban style commercial mixed use area, while respecting the character of 104 Street and Gateway Boulevard. This Provision enhances the pedestrian environment by incorporating pedestrian scaled architecture, amenities and landscaping. It allows for industrial, commercial and limited residential uses.”

Section 7(I) of the **DC1** provides that Signs shall be provided with the intent to complement a pedestrian-oriented environment. Signs shall comply with the regulations found in Schedule 59 E, except that:

- i. the maximum Height of a Freestanding Sign shall be 6.0 metres;
- ii. a Projecting Sign may be used to identify businesses that are located entirely at or above the second Storey level; and
- iii. the top of a Projecting Sign on a building two Storeys or higher shall not extend more than 75 cm above the floor of the second or third Storey, nor higher than the windowsill level of the second or third Storey.

<i>Previous Subdivision and Development Appeal Board Decision</i>
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Application Number	Description	Decision
SDAB-D-19-182	To install (1) Fascia Minor Digital On-premises Sign (6.29 metres by 3.57 metres facing North) (GARAGE 104)	December 5, 2019; that the appeal be DENIED and the decision of refusal by the Development Authority CONFIRMED.
SDAB-D-13-019	To install an On-premises Fascia Minor Digital Sign (Ziebart)	February 21, 2013; that the appeal be ALLOWED and the DEVELOPMENT GRANTED subject to conditions.
SDAB-D-12-200	To install an Off-premises Minor Digital Sign (3.0 metres by 6.0 metres Double sided facing North/South)	October 5, 2012; that the appeal be DENIED and the decision of refusal by the Development Authority CONFIRMED.

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.

City of Edmonton
Development and Zoning Services
Development Compliance & Inquiries

5th Floor, Edmonton Tower
10111 104 Avenue NW
Edmonton, AB T5J 0J4
Canada

edmonton.ca/developmentcompliance



July 9, 2019

Our File: 129905784-003

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner of the property located at 6528 - 104 STREET NW in Edmonton, Alberta, legally described as Plan 3553P Blk 32 Lots 1-4. This property is zoned DC1 Bylaw 18636 - CPR West in accordance with the Strathcona Junction Area Redevelopment Plan and Section 710 of the Edmonton Zoning Bylaw 12800.

This Property was inspected by Development Compliance Officer Brendan Bolstad on July 4, 2019. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 and 624 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

Our investigation revealed that the digital Sign approved on December 5, 2012 by Development Permit 129905784-001 has been displayed in the wrong location on the building. The approved location for the Sign is on the west side of the large vehicle access door. A copy of the approved plans have been included for your reference.

Section 23.1(19) of the Edmonton Zoning Bylaw states:
Notwithstanding subsection 23.1(2), it is an offence to display a Fascia Sign, Roof Sign or Projecting Sign in contravention of Development Permit.

Additionally, our inspection revealed that both On-premises and Off-premises Advertising is being displayed on the Sign. Development Permit 129905784-001 approved the installation of an On-Premises Fascia Minor Digital Sign, which may only display On-Premises Advertising.

On-Premises Advertising means Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.

Off-Premises Advertising means Copy that directs attention to a business, activity, product, service, or entertainment that cannot be considered as the principal products produced, offered for sale, or obtainable on the Site where the Sign is displayed.

As of July 4, 2019, the Sign meets the definition of a Minor Digital On-premises Off-premises Sign. Section 7.9(7) of the Edmonton Zoning Bylaw 12800 states:

Minor Digital On-premises Off-premises Signs means a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

You do not have a Development Permit to display a Minor Digital On-premises Off-premises Sign at the property. Further, Minor Digital On-premises Off-premises Signs are not a listed Use in the DC1 zone at 6528 - 104 Street, which means that a Development Permit can not be issued for this type of Sign.

Section 23.1(18) of the Edmonton Zoning Bylaw 12800 states:
it is an offence to display a Fascia Sign, Roof Sign or Projecting Sign without a valid and approved Development Permit when a Development Permit is required.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, you are hereby ordered to:

Immediately de-energize the Sign and keep it turned off 24 hours a day. The Sign must remain de-energized until one of the following options is completed (A, B or C):

A) Move the Sign back to the approved location on the building, as per Development Permit 129905784-001. Cease any display of Off-premises Advertising.

OR

B) Acquire a Development Permit to allow the Sign to remain in its current location on the building. Cease any display of Off-premises Advertising.

OR

C) Dismantle & remove the Sign from the property. All parts of the Sign, including the support structure must be removed.

One of the options A, B, or C must be completed before January 31, 2020.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after August 13, 2019, and again after January 31, 2020 to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not

more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within the prescribed time to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-442-7190.

Regards,



Brendan Bolstad
Development and Zoning
Development Services
Phone Number: 780-442-7190
Email Address: Brendan.Bolstad@edmonton.ca

**Adding Amounts
Owing to tax roll**

- 553(1)** A council may add the following amounts to the tax roll of a parcel of land:
- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
 - (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
 - (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
 - (d), (e) repealed 1999 c11 s35;
 - (f) costs associated with tax recovery proceedings related to the parcel;
 - (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
 - (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
 - (h) Unpaid costs awarded by a composite assessment review board under section 468.1 or the Municipal Government Board under section 501, if the composite assessment review board or the Municipal Government Board has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Municipal Government Board;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.

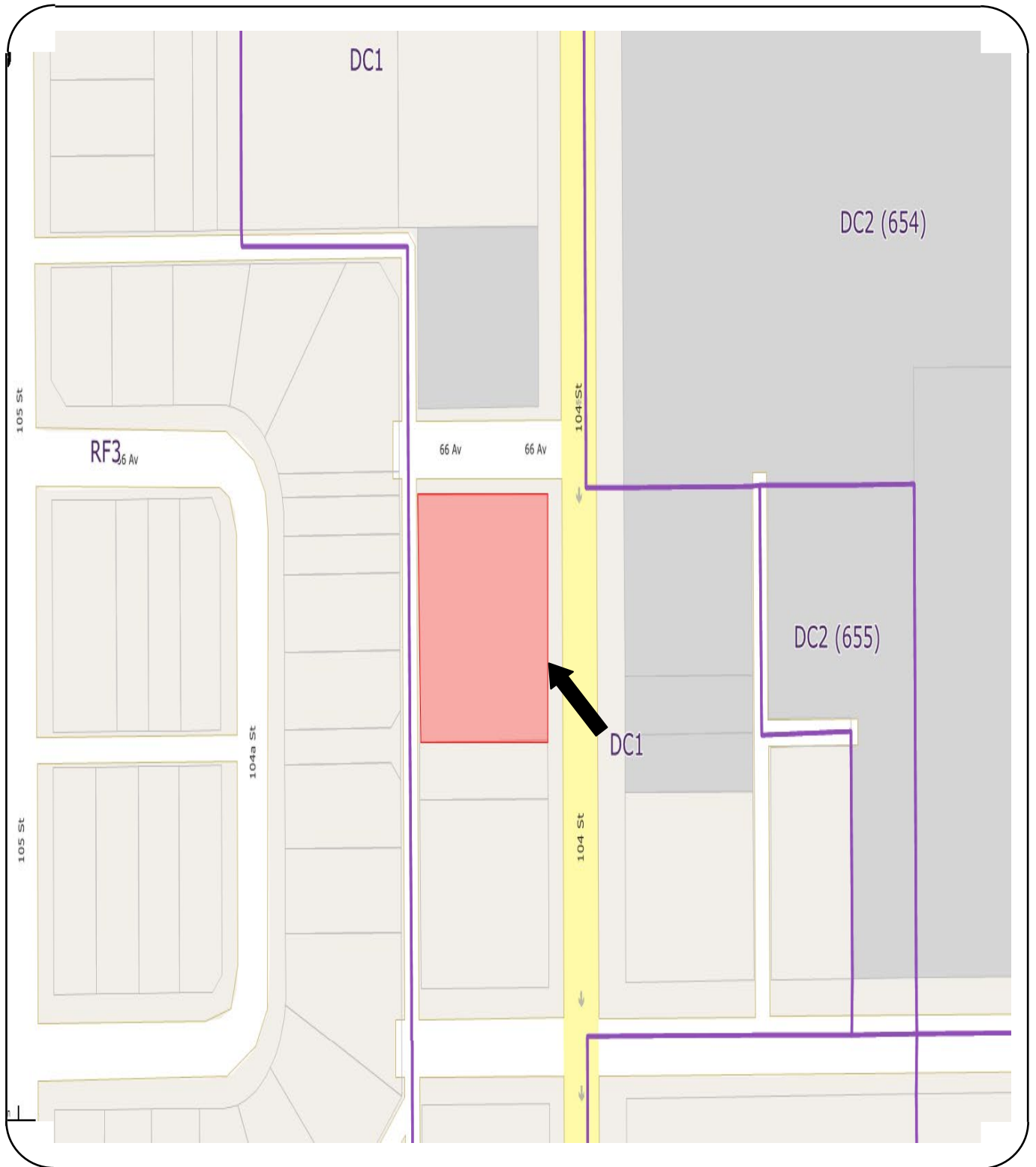
Stop order

- 645(1)** Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with
- (a) this Part or a land use bylaw or regulations under this Part, or
 - (b) a development permit or subdivision approval,
- the development authority may act under subsection (2).
- (2)** If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to
- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,
- within the time set out in the notice.
- (2.1)** A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.
- (3)** A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

- Enforcement of stop order**
- 646(1)** If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.
- (2)** A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.
- (3)** If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.
- Permit**
- 683** Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.
- Grounds for appeal**
- 685(1)** If a development authority
- (a) fails or refuses to issue a development permit to a person,
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under section 645,
- the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.
- (2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (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).
- (4)** Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district
- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
 - (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.
- Appeals**
- 686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board
- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
- or
- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2)** The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3)** The subdivision and development appeal board must give at least 5 days notice in writing of the hearing
 - (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4)** The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
 - (a) the application for the development permit, the decision and the notice of appeal, or
 - (b) the order under section 645.
- (4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).
- (5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-126



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ITEM III: 1:30 P.M.

FILE: SDAB-D-20-009

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.:	344000671-001
APPLICATION TO:	Install (1) Freestanding On-premises Sign (BIANCO)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	December 2, 2019
DATE OF APPEAL:	December 20, 2019
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10020 – 101A Avenue NW
LEGAL DESCRIPTION:	Plan F Lots 36-38
ZONE:	CCA - Core Commercial Arts Zone
OVERLAY:	Special Downtown Area
STATUTORY PLAN:	Capital City Downtown Plan

<i>Grounds for Appeal</i>

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

We would like to appeal the decision for refusal of the sign we have applied for. Please see reasons listed below:

1. In our original sign permit application, we applied for a “Freestanding On-Premises sign” however, we made a mistake. This sign will essentially be an “On premises fascia sign” as opposed to what we originally had applied for. The sign will be installed on top of a wall that is a structural component of the patio. It is not freestanding, nor will it be on a movable structure. It is very much permanent. Please see attached structurally engineered drawings showing that this wall is attached to the patio walls and building. (Appendix A) According to bylaw 13117, a Fascia On-premises Sign means: a Fascia Sign, which is a Permanent Sign,

displays On-premises Advertising and contains no Digital Copy. In this case, this is a permanent sign, not a freestanding sign.

2. The Landlord of this building will not allow a Fascia sign on the building itself which already doesn't allow for any advertising. In this case, even if we were allowed a sign on the building it still wouldn't let pedestrians on the street know where the restaurant is. This is the only business in the building that has a separate entrance and our sign, in the location we are proposing, will tell pedestrians/customers where the restaurant is. All other businesses in this building, need access through the lobby and they all close at 7pm. As part of the city where it is being revitalized for the public, we feel that letting our presence be known, will help with the upbringing of this neighborhood.
3. In 2019, this restaurant was nominated, by the City of Edmonton, for an Architectural Award, for the design of the restaurant. However, without signage, people won't know it is there and won't get to experience this new, beautiful place. As part of the city where it is being revitalized for the public, and very near to the new ICE District, we feel that letting our presence be known will help with the upbringing of this neighborhood.
4. Without signage, not as many customers will know about this location. This will not only be a detriment to the success of the business and will be a financial hardship for the owners.
5. The neighboring restaurant has a freestanding pylon sign (We know it is a grandfathered sign) but it is what people use to identify where the restaurant/pub is. If we don't have the same option, again, no one will know we are here.

In closing, we believe that allowing this sign permit to go through would affect this businesses success and customers will be able to find and enjoy this new establishment.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or

- (c) issues an order under section 645,

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) **the proposed development conforms with the use prescribed for that land or building in the land use bylaw.**

General Provisions from the *Edmonton Zoning Bylaw*:

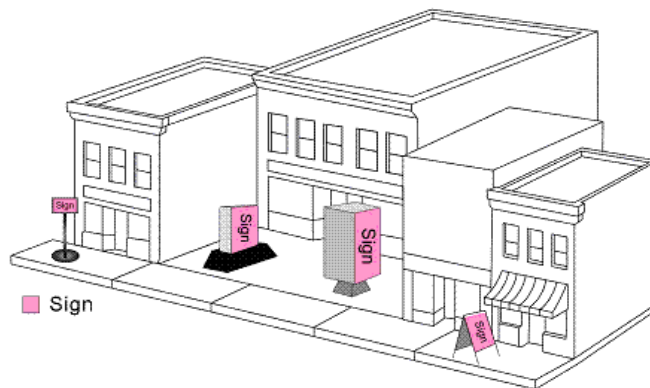
A **Freestanding On-premises Sign** is **neither** a Permitted Use **nor** a Discretionary Use in the **(CCA) Core Commercial Arts Zone**, sections 910.5(2) and 910.5(3) respectively.

Under section 910.5(2)(gg), a **Fascia On-premises Sign** is a **Permitted Use** in the **(CCA) Core Commercial Arts Zone**.

Under section 7.9(4), **Freestanding On-premises Signs** means “a Freestanding Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

Under section 6.2, **Freestanding Signs** means:

a Sign supported independently of a building.

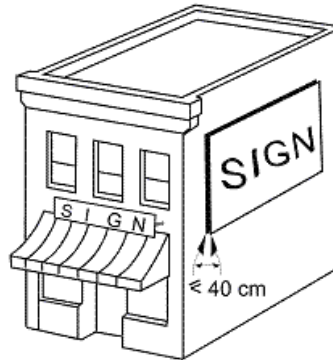


Under section 7.9(2), **Fascia On-premises Signs** means “a Fascia Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

Under section 6.2, **Fascia Signs** means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation

may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Section 910.5(1) states that the **General Purpose** of the **(CCA) Core Commercial Arts Zone** is:

to provide a Zone for a variety of high density and quality development that accommodates office, retail, service, institutional, residential, arts and entertainment Uses and meet the Use objectives for the Commercial Cultural Core. The intent is to further strengthen the Downtown's central area by providing continuous retail at ground level, enhancing arts and entertainment activities, accommodating Residential Uses and making the Core more pedestrian friendly.

Section 910.1 states that the **General Purpose** of the **Downtown Special Area Zoning Regulations** is "To designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan."


Section 910.5(4)(f) states "Signs shall comply with the regulations found in Schedule 59F."

Development Officer's Determination

1) Freestanding On-premises Signs are not a permitted or discretionary Use in 910.5 (CCA) Core Commercial Arts Zone.
[unedited]

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: 344000671-001 Application Date: OCT 17, 2019 Printed: December 23, 2019 at 8:22 AM 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) 10020 - 101A AVENUE NW Plan F Lots 36-38			
Scope of Application To install (1) Freestanding On-premises Sign (BIANCO).				
Permit Details				
ASA Sticker No./Name of Engineer: 7673 Construction Value: 4000	Class of Permit: Expiry Date:			
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 1 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused Issue Date: Dec 02, 2019 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Freestanding On-premises Signs are not a permitted or discretionary Use in 910.5 (CCA) Core Commercial Arts Zone. Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Building Permit Fee	\$158.00	\$158.00	06260533	Nov 04, 2019
Sign Development Application Fee	\$282.00	\$282.00	06260533	Nov 04, 2019
Safety Codes Fee	\$6.32	\$6.32	06260533	Nov 04, 2019
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-009

