

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
April 19, 2017

Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-17-067 Install (2) Freestanding Minor Digital On-
premise Signs (JH Picard Catholic School)
WITHDRAWN 7114 - 98 Street NW
Project No.: 232211949-001

II 10:30 A.M. SDAB-D-17-068 Install (1) Freestanding Minor Digital On-
premise Off-premise Sign (6.1 metres by 3
WITHDRAWN metres - NW face static & SE face Digital)
13720 - 50 Street NW
Project No.: 239906293-001

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-17-067

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 232211949-001

APPLICATION TO: Install (2) Freestanding Minor Digital On-premises Signs (JH Picard Catholic School)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 3, 2017

DATE OF APPEAL: March 17, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7114 - 98 Street NW

LEGAL DESCRIPTION: Plan 1623378 Blk 12 Lot 41

ZONE: US Urban Services Zone (*sign location*)
RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay (RF3)

STATUTORY PLAN: N/A

WITHDRAWN

Grounds for Appeal

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

The Applicant and End User do not feel that the Planning Authority was proactive and that The Authority did not pay heed to the End User's willingness to negotiate and to work towards a decision that reflected the feelings of the community even after waiting for five months for a decision on this permit application.

The Applicant and End User do not feel that the Applicant and End User ever refused any recommendation from The Authority that could have provided a positive result. The Development Officer did request community consultation but indicated that that would not assure approval even if interpreted to be favorable to the majority.

It is clear that our failure to seek community approval was not a legitimate reason for refusal since the Planning Department would not commit to approving the project even if we went through the exercise. Our logic was to accept refusal and provide evidence of community support to the SDAB.

Applicant and End User do not feel that The Authority demonstrated anything but negativity towards the project despite the countless hours of parent investment in funding the project and the school's willingness to negotiate well beyond what one would consider a level of good citizenry.

<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 within 14 days,

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

...

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 510.1 states that the **General Purpose** of the **US Urban Services Zone** is to provide for publicly and privately owned facilities of an institutional or community service nature.

Under section 510.3(25), a **Minor Digital On-premises Sign** is a **Discretionary Use** in the **US Urban Services Zone**.

Under section 7.9(8), **Minor Digital On-premises Signs** means any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

Section 510.4(6) states signs shall comply with the regulations found in Schedule 59C.

Sign Illumination

Section 59.2(3) states Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

Development Officer's Determination:

The proposed sign faces adjacent residential use class and sign illumination projects onto surrounding residential properties, contrary to above mentioned section.

Additional Information


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

Development Officer's Determination:

In accordance to Section 13.1(3), the Development Officer required consultation with residential developments directly affected by the proposed development, to determine compliance with Section 59.2(3). The applicant would not provide the required consultation by the Development Officer contrary to Section 13.1(3).

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 232211949-001 Application Date: OCT 06, 2016 Printed: March 23, 2017 at 9:18 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant <div style="border: 1px solid black; width: 100%; height: 50px;"></div>	Property Address(es) and Legal Description(s) 7114 - 98 STREET NW Plan 1623378 Blk 12 Lot 41 Location(s) of Work Entryway: 7055 - 99 STREET NW Building: 7055 - 99 STREET NW		
Scope of Application To install (2) Freestanding Minor Digital On-premises Sign (JH Picard Catholic School)			
Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; vertical-align: top;"> ASA Sticker No./Name of Engineer: Construction Value: 30000 </td> <td style="width: 50%; vertical-align: top;"> Class of Permit: Expiry Date: </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 30000	Class of Permit: Expiry Date:
ASA Sticker No./Name of Engineer: Construction Value: 30000	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: 2 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal 1) Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use Class, shall not face an abutting or adjacent Residential-Related Use Class, and shall not face the Extended Medical Treatment Services Use Class to the satisfaction of the Development Officer (Section 59.2(3)). The proposed sign faces adjacent residential use class and sign illumination projects onto surrounding residential properties, contrary to above mentioned section. 2) The Development Officer may require an applicant to submit such additional information as considered necessary to verify the compliance of the proposed Use or development with the regulations of this Bylaw(Section 13.1(3)). In accordance to Section 13.1(3), the Development Officer required consultation with residential developments directly affected by the proposed development, to determine compliance with Section 59.2(3). The applicant would not provide the required consultation by the Development Officer contrary to Section 13.1(3).			
THIS IS NOT A PERMIT			



Project Number: **232211949-001**
Application Date: OCT 06, 2016
Printed: March 23, 2017 at 9:18 AM
Page: 2 of 2

Application for Sign Combo Permit

Rights of Appeal

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

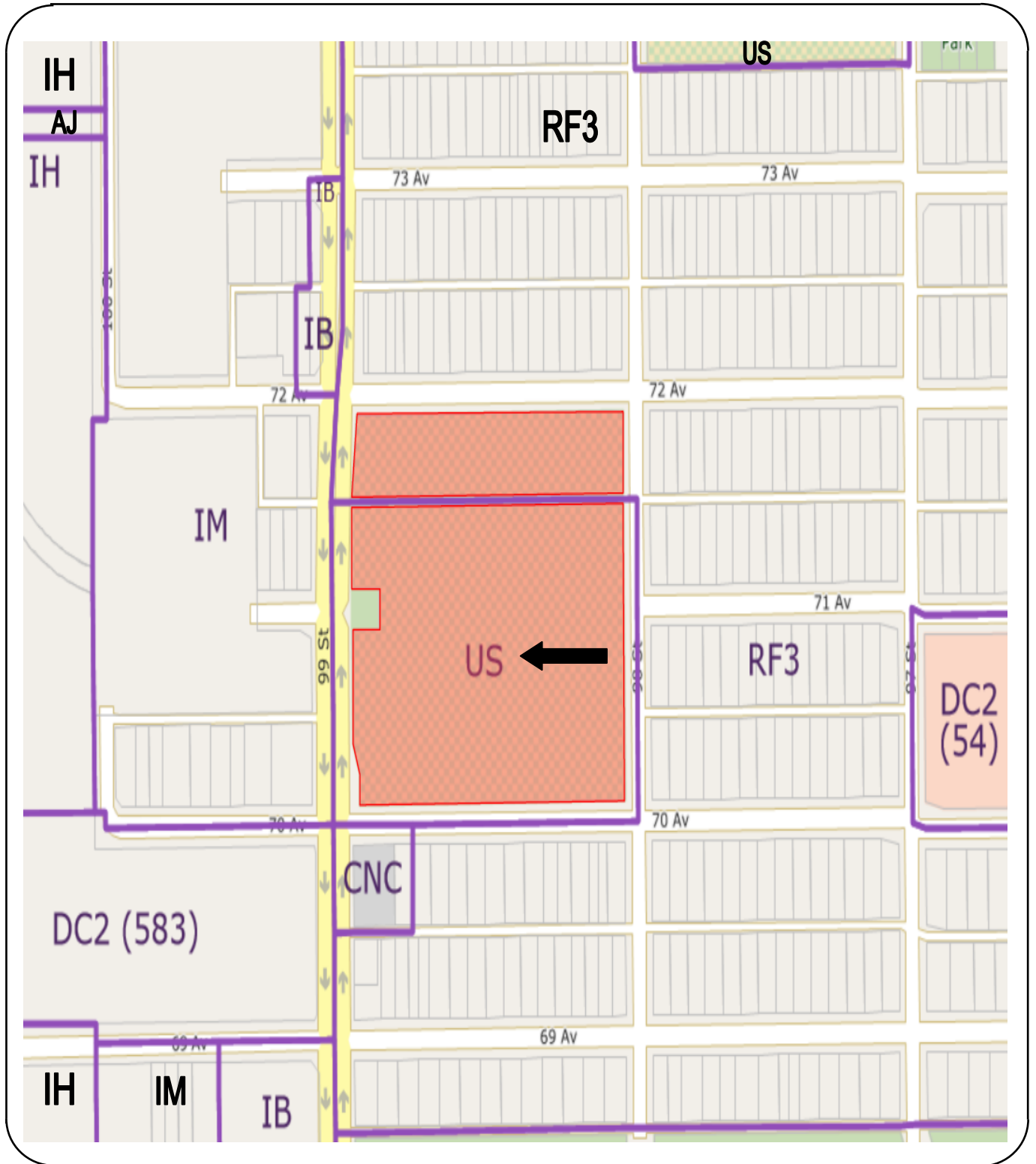
Issue Date: Mar 03, 2017 Development Authority: AHUJA, SACHIN

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$850.00	\$850.00	03692122	Oct 21, 2016
Safety Codes Fee	\$12.00	\$12.00	03692122	Oct 21, 2016
Sign Building Permit Fee	\$300.00	\$300.00	03692122	Oct 21, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,162.00	\$1,162.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-067



N

ITEM II: 10:30 A.M.

FILE: SDAB-D-17-068

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

APPELLANT:

APPLICATION NO.: 239906293-001

APPLICATION TO: Install (1) Freestanding Minor Digital On-premises Off-premises Sign (6.1 metres by 3 metres - NW face static & SE face Digital)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: March 14, 2017

DATE OF APPEAL: March 20, 2017

NOTIFICATION PERIOD: Mar 21, 2017 through Apr 4, 2017

RESPONDENT:

ADDRESS OF RESPONDENT: 13720 - 50 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13720 - 50 Street NW

LEGAL DESCRIPTION: Plan 0520351 Unit 2

ZONE: CB2 General Business Zone

OVERLAY: N/A

STATUTORY PLAN: Clareview Town Centre Neighbourhood Area Structure Plan

WITHDRAWN

Grounds for Appeal

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

This whole parcel is a bareland condo and we own the majority of the parcel. Given approval of the permit would restrict us from further advertising and give the benefit to the minority holder of the parcel.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

...

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

Hearing and Decision

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

...

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

...

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 340.1 states that the **General Purpose** of the **CB2 General Business Zone** is to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.

<i>Discretionary Use</i>

Under section 340.3(44), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the **CB2 General Business Zone**.

Under section 7.9(7), **Minor Digital On-premises Off-premises Signs** means any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

Section 340.4(9) states signs shall comply with the regulations found in Schedule 59F.

Development Officer's Determination:

Freestanding Minor Digital On-premises Off-premises Sign is approved as a Discretionary Use (Section 340.3(43)).

Setback

Section 340.4(3) states a minimum Setback of 4.5 metres shall be required where a Site abuts a public roadway, other than a Lane. Where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, no Setback shall be required.

Development Officer's Determination:

Minimum setback from property line reduced to 2 metres (Section 340.4(3))

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **239906293-001**
 Application Date: JAN 25, 2017
 Printed: March 20, 2017 at 2:07 PM
 Page: 1 of 3

Application for Sign Combo Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.

<p>Applicant</p> <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	<p>Property Address(es) and Legal Description(s) 13720 - 50 STREET NW Plan 0520351 Unit 2</p>
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Scope of Application
 To install (1) Freestanding Minor Digital On-premises Off-premises Sign (6.1 m x 3m - NW face static & SE face Digital).

Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 20000	Class of Permit: Class B Expiry Date: 2022-03-14 00:00:00
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 2 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0

I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved

THIS IS NOT A PERMIT



Project Number: **239906293-001**
 Application Date: JAN 25, 2017
 Printed: March 20, 2017 at 2:07 PM
 Page: 2 of 3

Application for Sign Combo Permit

Subject to the Following Conditions

- 1) Freestanding Minor Digital On-premises Off-premises Sign permit is be approved for a period of up to five years. A new application will be required Mar 14, 2022 for continuation of use.
- 2) The proposed Freestanding Minor Digital On-premises Off-premises sign shall comply in accordance to the approved plans submitted.
- 3) Minor Digital On-premises Off-premises Signs shall use automatic light level controls to adjust light levels at night, under cloudy and other darkened conditions to reduce light pollution, in accordance with the following:
 - a) 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))
 - b) Brightness level of the Sign shall not exceed 400 nits when measured from the sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada (Reference Section 59.2(5)(b))
- 4) The proposed Freestanding Minor Digital On-Premises Off-premises Sign shall comply with the following conditions in consultation with the Transportation Planning, in accordance to Section 59.2(11):
 - a) That, should at any time, Transportation Planning and Engineering 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 Transportation Planning and Engineering.
 - b) That the owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by Transportation Planning and Engineering within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.
 - c) The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way.

ADVISEMENT:

- 1) Should the Applicant wish to display video or any form of moving images on the sign, a new Development Application for a major digital sign will be required. At that time, Transportation Services will require a safety review of the sign prior to responding to the application.
- 2) An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Reference Section 5.2).


Variations

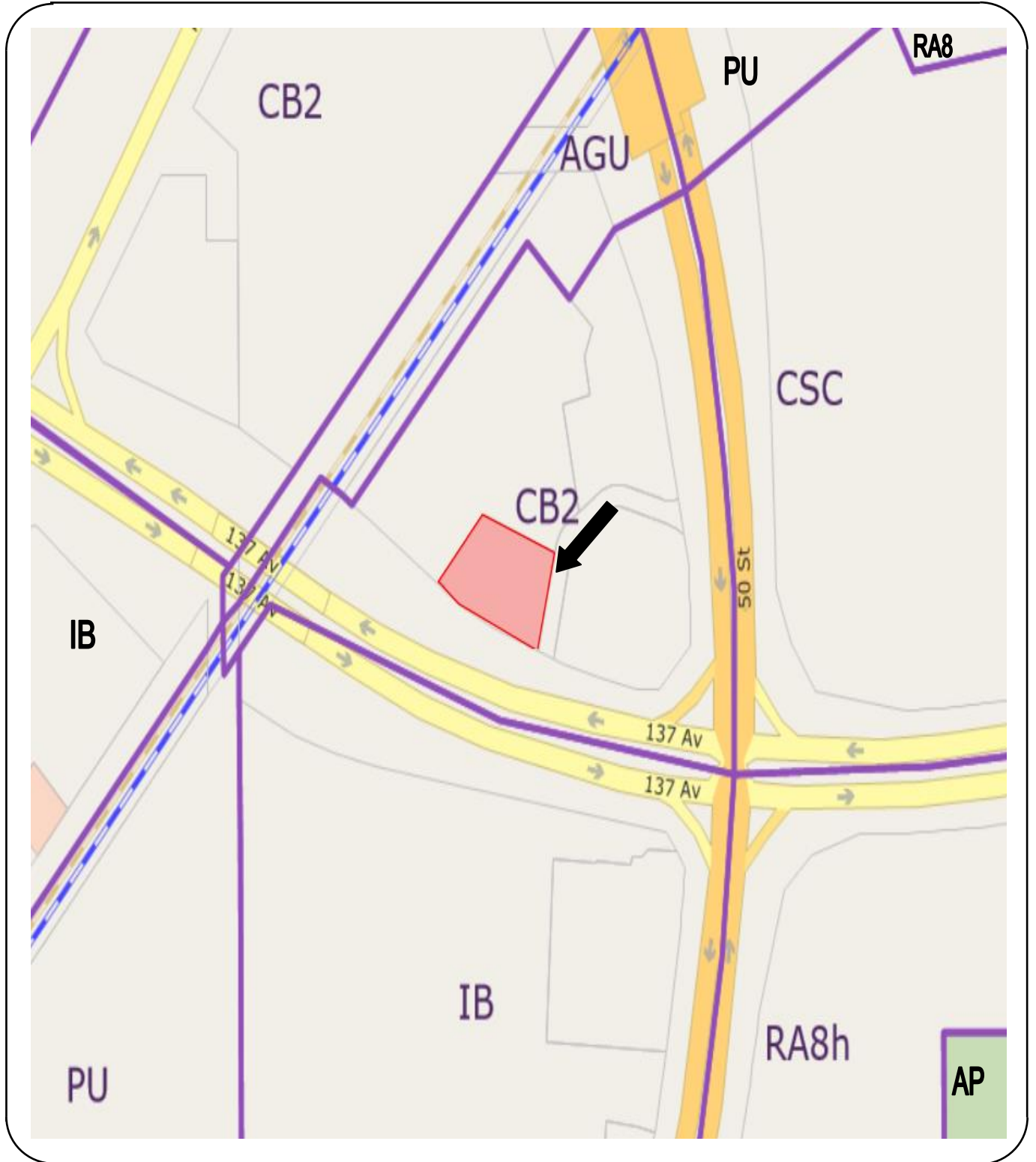
- 1) Freestanding Minor Digital On-premises Off-premises Sign is approved as a Discretionary Use (Section 340.3(43)).
- 2) Minimum setback from property line reduced to 2 m (Section 340.4(3))

Rights of Appeal

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

THIS IS NOT A PERMIT

	Project Number: 239906293-001 Application Date: JAN 25, 2017 Printed: March 20, 2017 at 2:07 PM Page: 3 of 3																														
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>																															
<p> Issue Date: Mar 14, 2017 Development Authority: AHUJA, SACHIN Signature: _____ Notice Period Begins: Mar 21, 2017 Ends: Apr 04, 2017 </p>																															
<p> Building Permit Decision No decision has yet been made. </p>																															
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Building Permit Fee</td> <td style="text-align: right;">\$200.00</td> <td style="text-align: right;">\$200.00</td> <td>03895677</td> <td>Jan 31, 2017</td> </tr> <tr> <td>Sign Dev Appl Fee - Digital Signs</td> <td style="text-align: right;">\$884.00</td> <td style="text-align: right;">\$884.00</td> <td>03895677</td> <td>Jan 31, 2017</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$8.00</td> <td style="text-align: right;">\$8.00</td> <td>03895677</td> <td>Jan 31, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$1,092.00</td> <td style="text-align: right; border-top: 1px solid black;">\$1,092.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Building Permit Fee	\$200.00	\$200.00	03895677	Jan 31, 2017	Sign Dev Appl Fee - Digital Signs	\$884.00	\$884.00	03895677	Jan 31, 2017	Safety Codes Fee	\$8.00	\$8.00	03895677	Jan 31, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$1,092.00	\$1,092.00		
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<p>THIS IS NOT A PERMIT</p>																															



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-068

