

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
August 9, 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-17-141

Comply with an Order to:

1. Revert the building back to a Semi-detached house by decommissioning the Dwellings in the Basement. To decommission you must:
 - Remove the keyed lock separation between the upstairs and downstairs floors;
 - Remove all cooking facilities from the Basement, including the stoves, hot plates, cook tops, toaster ovens, or similar units;
 - Remove the electrical outlets for the stoves;
 - Remove the breakers from the electrical panels associated with these outlets.

AND

2. Ensure the occupancy for each side of the Semi-detached house does not exceed the regulations for a single Household, as outlined under Section 6.1(55) of the Edmonton Zoning Bylaw 12800.

This Order is to be complied with on or before August 4, 2017.

10333 - 150 Street NW, 10335 – 150 Street NW
Project No.: 184916844-001

II 10:30 A.M. SDAB-D-17-142

Install (1) Minor Digital On-premises Off-premises Freestanding Sign (2 Digital panels 14.6m x 4.2m facing E/W) (IMAGINE OUTDOOR-Homenuk Farm Partnership)

19060 - 118A Avenue NW
Project No.: 246857540-001

NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 184916844-001

ORDER TO:

1. Revert the building back to a Semi-detached house by decommissioning the Dwellings in the Basement. To decommission you must:
 - Remove the keyed lock separation between the upstairs and downstairs floors;
 - Remove all cooking facilities from the Basement, including the stoves, hot plates, cook tops, toaster ovens, or similar units;
 - Remove the electrical outlets for the stoves;
 - Remove the breakers from the electrical panels associated with these outlets.

AND

2. Ensure the occupancy for each side of the Semi-detached house does not exceed the regulations for a single Household, as outlined under Section 6.1(55) of the Edmonton Zoning Bylaw 12800.

This Order is to be complied with on or before August 4, 2017.

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: June 27, 2017

DATE OF APPEAL: July 17, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10333 - 150 Street NW
10335 - 150 Street NW

LEGAL DESCRIPTION: Plan 1220634 Units 1-2, Condo Common Area (Plan 1220634)

ZONE: (RF2) Low Density Infill Zone
OVERLAY: Mature Neighbourhood Overlay
STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

I am submitting an appeal of Stop Order 184916844-001. This Stop Order was issued June 27, 2017. The Appeal is filed late as I thought weekends and holidays were not counted in the time frame for an Appeal. Initially the Appeal was filed on Thursday July 13, 2017 but I filed the Appeal on the Permit when it should have been filed on the Stop order. There was a computer/IT issue that prevented me from resubmitting it on Friday which I was working closely with both the Compliance office and the SDAB office and we were not able to resolve it. Then just before 4:00 pm Matt from SDAB said I should come down to the City to file it before 4:30 pm and I was not able to make it, both based on the location as my method of transportation was walking, LRT and/or bus plus I had an appointment for 4:00 pm with my lawyer.

The Stop Order originates from a follow up inspection from a 2014 permit issued. At the time there was changes being made within the Bylaws and Summer Kitchens were allowed to they were not allowed. The Development Officer Graham Clark verbally agreed the Summer Kitchen could be left in place. Then the paperwork that followed said no. Subsequently two sets of drawings were submitted for the permit, the last one without a Summer Kitchen submitted under duress.

It is the homeowner's request to accept this Appeal and also to respectfully request they allow the Summer Kitchen.

General Matters

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.

(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.

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*:

Under section 120.2(5), **Semi-detached Housing** is a **Permitted Use** in the (RF2) Low Density Infill Zone.

Under section 7.2(8), **Semi-detached Housing** means:

development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. 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 Secondary Suites or Duplexes.

Under sections 120.2 and 120.3 of the (RF2) Low Density Infill Zone, **Apartment Housing** is **neither** a Permitted Use **nor** a Discretionary Use.

Under section 7.2(1), **Apartment Housing** means:

development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Under section 7.2(7), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use includes the development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Under section 6.1(32), **Dwelling** means:

a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Under section 6.1(57), **Household** means:

- i. one or more persons related by blood, adoption, foster care, marriage relationship; or

- ii. a maximum of three unrelated persons;

all living together as a single social and economic housekeeping group and using cooking facilities shared in common.

For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative.

Section 120.1 states that the **General Purpose** of the **(RF2) Low Density Infill Zone** is:

to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Approval Required for Development

Section 5 states:

5.1 No Person:

1. shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or
2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw.

Offences

Section 23.1(2) states:

If a Development Permit is required but has not been issued, or is not valid under this Bylaw, it is an offence for any person;

- a. to construct a building or structure;
- b. to make an addition or alteration thereto;
- c. to commence a Use or change of intensity of Use; or
- d. to place a Sign on land.

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*.

Sustainable Development | City of Edmonton
Development Services Branch

Development Compliance and Inquiries Unit

5th Floor, Edmonton Tower
10111 104 Avenue NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



June 27, 2017

Our File: 184916844-001

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

A check with the Land Titles Office discloses that you are the registered owner of the property located at 10333 & 10335 - 150 STREET NW, legally described as Condo Common Area Plan 1220634, units 1-2. This property is zoned RF2 (Low Density Infill Zone) in accordance with Section 120 of the Edmonton Zoning Bylaw. The purpose of this Zone is to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions. Currently a Semi-detached building with Basement Developments is approved at the property.

On January 10, 2014 Development Permit 148347828-001 was issued to construct Interior Alterations (basement development, NOT to be used as a Secondary Suite) at 10333 - 150 Street NW. On May 15, 2014 Development Permit 120185340-002 was issued to construct Interior Alterations (basement development, NOT to be used as a Secondary Suite) at 10335 - 150 Street.

Development Permit 120185340-002 was approved subject to conditions. Two of these conditions are:

1. The basement shall be developed as per approved floor plans, and no stove shall be installed in the basement.
2. There shall be no lock separation between the basement floor and the main floor.

ZONING BYLAW INFRACTION:

On December 13, 2016 Development Compliance Officer Brendan Bolstad from the City of Edmonton having Authority to exercise development powers under Section 542 of the Municipal Government Act R.S.A. 2000, conducted an interior land-use inspection of the dwelling noted above.

Our investigation revealed that additional Dwellings have been built at Basement level on both sides of the Semi-detached house. This is a contravention of the development permit conditions, which state: "The basement NOT to be used as an additional Dwelling as defined in Edmonton Zoning Bylaw 12800." The definition of a Dwelling, along with other applicable definitions has been included on the following pages with this Order.

As Dwellings are not permitted to be above or below another Dwelling in a Semi-detached house, the current state of the building is considered a 4 Dwelling Apartment House. The City of Edmonton has not issued a development permit for an Apartment House at this property, which is contrary to Section 683 of the Municipal Government Act, R.S.A. 2000, c.M-26.1 and Section 23.1(2) of the Edmonton Zoning Bylaw 12800. Furthermore, the physical lock separation between floors and cooking facilities in the Basement contravene the conditions on Development Permit 120185340-002. Finally, Apartment Housing is not a listed Use in the RF2 zone.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO:

1. Revert the building back to a Semi-detached house by decommissioning the Dwellings in the Basement. To decommission you must:
 - Remove the keyed lock separation between the upstairs and downstairs floors;
 - Remove all cooking facilities from the Basement, including the stoves, hot plates, cook tops, toaster ovens, or similar units;
 - Remove the electrical outlets for the stoves;
 - Remove the breakers from the electrical panels associated with these outlets.

AND

2. Ensure the occupancy for each side of the Semi-detached house does not exceed the regulations for a single Household, as outlined under Section 6.1(55) of the Edmonton Zoning Bylaw 12800.

This Order is to be complied with on or before August 4, 2017.

The property will be inspected to determine compliance with this Order. Please contact our office at 780-944-1420 to schedule a decommissioning inspection once the required actions have been completed.

CONSEQUENCES FOR NON-COMPLIANCE:

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553(1)(h.1) of the Act provides that the costs and expenses of carrying out and order may be added to the tax roll of the property and Section 566(1), subject to subsection (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.

(continued on next page)

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 was related to the parcel;
 - (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.

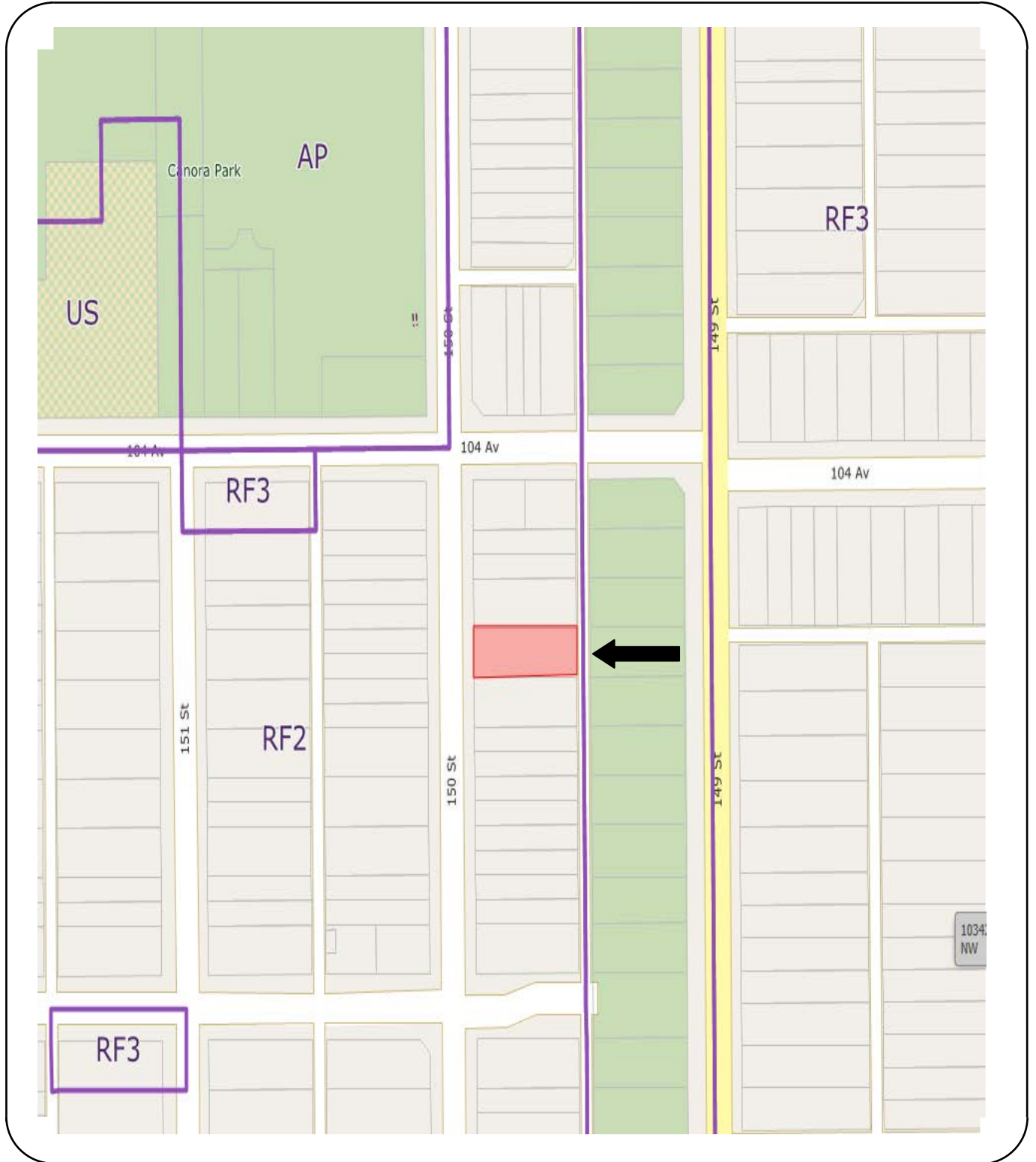
Stop order

- 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.
- (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.
- 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
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,
- 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.
- (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.
- (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-17-141



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-142

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 246857540-001

APPLICATION TO: Install (1) Minor Digital On-premises Off-premises Freestanding Sign (2 Digital panels 14.6m x 4.2m facing E/W) (IMAGINE OUTDOOR-Homenuk Farm Partnership)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 4, 2017

DATE OF APPEAL: July 17, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 19060 - 118A Avenue NW

LEGAL DESCRIPTION: SE-17-53-25-4

ZONE: (IM) Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

Grounds for Appeal

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

Please accept this as formal notification that IMAGINE Outdoor Advertising wishes to appeal the decision of refusal related to the subject sign application (246857540-001) at the municipal property described as 19060 – 118A Avenue NW.

It’s our feeling that despite concerns presented within the reasons for refusal, the development authority neglected to exercise necessary discretion required and an approval for the subject sign application should have been granted. We will provide evidence to our beliefs to the board during our presentation.

Thank you for your time and consideration relating to our application.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

...

Hearing and Decision

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

...

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

...

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

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

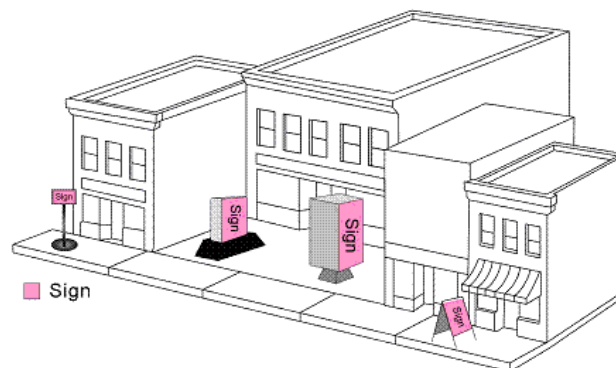
Under section 420.3(14), **Minor Digital On-premises Off-premises Signs** is a **Discretionary Use** in the (IM) Medium Industrial Zone.

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.

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

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



Section 420.4(5) states “Signs shall comply with the regulations found in Schedule 59G.”

Section 420.1 states that the **General Purpose** of the **(IM) Medium Industrial Zone** is:

to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Section 59 Sign Regulations: General Provisions

Section 59.2(2) 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 such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:

- a. ...
- b. ...
- c. is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways; and
- d. ...

Development Officer’s Determination:

1) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area: is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways (Reference Section 59.2(2)(c)).

Transportation Planning and Engineering concurs with the opinion of Alberta Transportation and objects to the installation of the proposed digital sign, as it would pose a risk for distraction, glare, and unwarranted attention. Distracting drivers travelling at high speeds increases the risk of accidents and consequences of the driver's distractions. The driver's attention is critical to avoid

potential safety hazards on highways. Transportation Planning and Engineering, is supportive of Alberta Transportation's concerns and does not support the proposed minor digital sign for the above reasons.

The Development Officer is supportive of Alberta Transportation's concerns and does not support the proposed Minor Digital On-premises Off-premises Sign.

ADVISEMENT:

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 including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2(1)) [unedited]

Schedule 59G.3 Regulations for Discretionary Signs

Schedule 59G.3(6) states:

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

- a. proposed Signs are prohibited in the civic centre area bounded by 105 Avenue to the north, the North Saskatchewan River Valley to the south, 97 Street to the east, and 100 Street to the west;
- b. the maximum Height shall be 8.0 m;
- c. the maximum Width shall be 16.0 m;
- d. the maximum Area shall be:
 - i. ...
 - ii. 65.0 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 65.0 m²;
- e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign as follows:


Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m ² or other Off-premises Sign
Greater than 8.0 m ² to less than 20 m ²	100 m
20 m ² to 40 m ²	200 m
Greater than 40 m ²	300 m

The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

- f. ...
- g. ...
- h. ...
- i. ...
- j. proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback;
- k. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and
- l. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

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: 246857540-001 Application Date: MAY 02, 2017 Printed: July 21, 2017 at 2:34 PM 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	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> Property Address(es) and Legal Description(s) 19060 - 118A AVENUE NW SE-17-53-25-4 </td> </tr> <tr> <td style="padding: 5px;"> Location(s) of Work Suite: 19060 - 118A AVENUE NW Entryway: 19060 - 118A AVENUE NW Building: 19060 - 118A AVENUE NW </td> </tr> </table>	Property Address(es) and Legal Description(s) 19060 - 118A AVENUE NW SE-17-53-25-4	Location(s) of Work Suite: 19060 - 118A AVENUE NW Entryway: 19060 - 118A AVENUE NW Building: 19060 - 118A AVENUE NW		
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Location(s) of Work Suite: 19060 - 118A AVENUE NW Entryway: 19060 - 118A AVENUE NW Building: 19060 - 118A AVENUE NW					
Scope of Application To install (1) Minor Digital On-premises Off-premises Freestanding Sign (2 digital panels 14.6m x 4.2m facing E/W) (IMAGINE OUTDOOR-Homenuk Farm Partnership).					
Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; padding: 5px;"> ASA Sticker No./Name of Engineer: Construction Value: 75000 </td> <td style="width: 50%; padding: 5px;"> Class of Permit: Class B Expiry Date: </td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; padding: 5px;"> 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: 2 </td> <td style="width: 50%; padding: 5px;"> 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 </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 75000	Class of Permit: Class B 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: 2	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
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I/We certify that the above noted details are correct. Applicant signature: _____					
Development Application Decision Refused					
THIS IS NOT A PERMIT					



Project Number: **246857540-001**
 Application Date: MAY 02, 2017
 Printed: July 21, 2017 at 2:34 PM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1) Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area: is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways (Reference Section 59.2(2)(c)).

Transportation Planning and Engineering concurs with the opinion of Alberta Transportation and objects to the installation of the proposed digital sign, as it would pose a risk for distraction, glare, and unwarranted attention. Distracting drivers travelling at high speeds increases the risk of accidents and consequences of the driver's distractions. The driver's attention is critical to avoid potential safety hazards on highways. Transportation Planning and Engineering, is supportive of Alberta Transportation's concerns and does not support the proposed minor digital sign for the above reasons.

The Development Officer is supportive of Alberta Transportation's concerns and does not support the proposed Minor Digital On-premises Off-premises Sign.

ADVISEMENT:

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 including, but not limited to, the Municipal Government Act, the Safety Codes Act or any covenants, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2(1))

Rights of Appeal

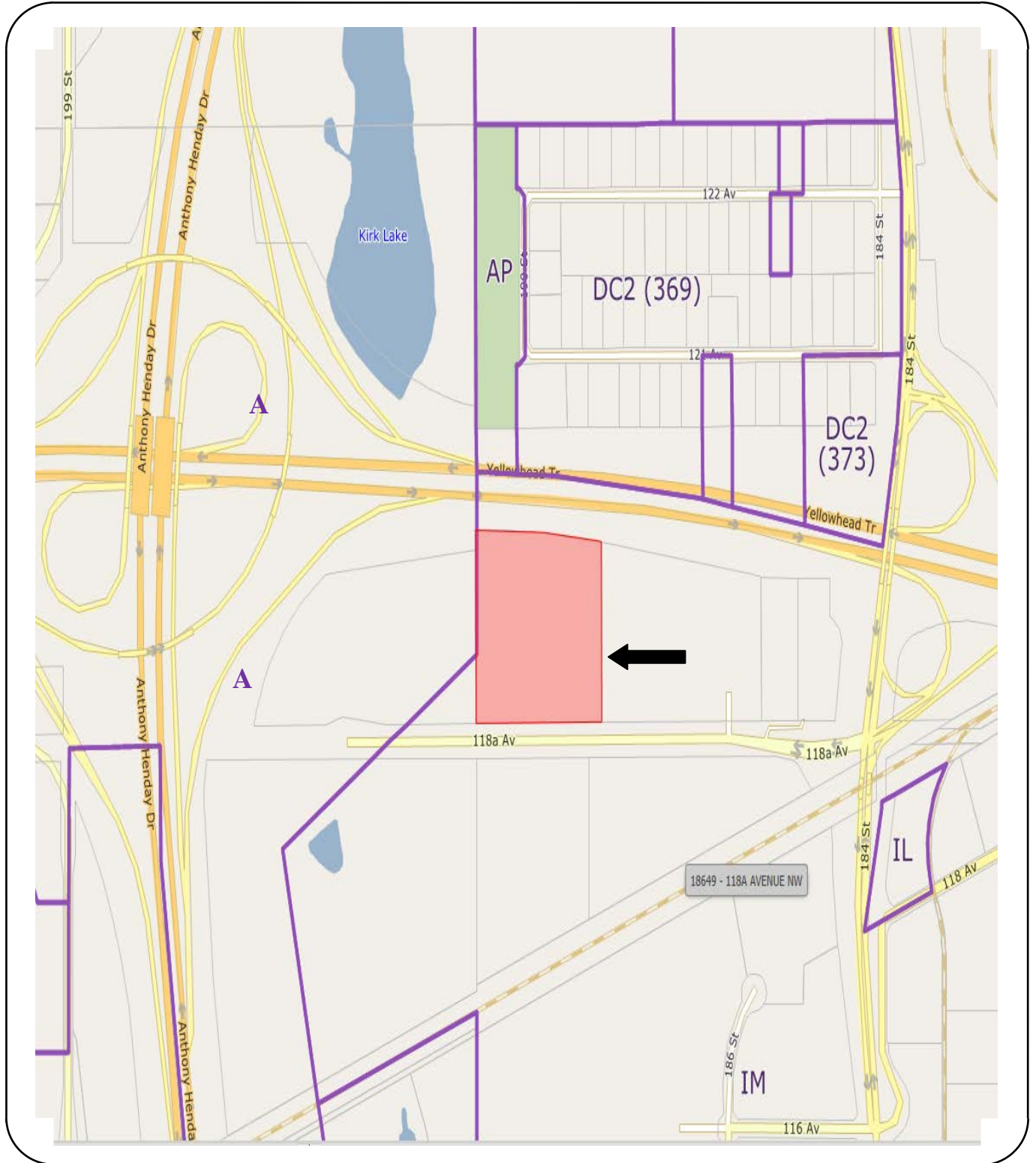
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jul 04, 2017 **Development Authority:** NOORMAN, BRENDA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$30.00	\$30.00	04160272	May 29, 2017
Sign Dev Appl Fee - Digital Signs	\$884.00	\$884.00	04160272	May 29, 2017
Sign Building Permit Fee	\$750.00	\$750.00	04160272	May 29, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,664.00	\$1,664.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-142

