

EDMONTON SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Citation: Pattison Outdoor Advertising v Development Authority of the City of Edmonton, 2019 ABESDAB 10211

Date: December 12, 2019
Project Number: 344011183-001
File Number: SDAB-D-19-211

Between:

Pattison Outdoor Advertising

and

The City of Edmonton, Development Authority

Board Members

Kathy Cherniawsky
Winston Tuttle
Don Fleming
Louise Gibson
Gwen Harris

DECISION

[1] On December 4, 2019, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on November 20, 2019 for an application by Pattison Outdoor Advertising. The appeal concerned the decision of the Development Authority, issued on November 19, 2019, to refuse the following development:

Install (1) Minor Digital Off-premises Roof Sign (PATTISON | KEN CHOW PHOTOGRAPHY)

[2] The subject property is on Plan I Blk 71 Lots 14-15, located at 9904 - 82 Avenue NW, within the CB2 General Business Zone. The Main Streets Overlay, Whyte Avenue Commercial Overlay, and Strathcona Area Redevelopment Plan apply to the subject property.

[3] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
- The Development Officer's written submissions; and
- The Appellant's written submissions.

Preliminary Matters

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the "*Municipal Government Act*").

Summary of Hearing

i) Position of the Appellant, Pattison Outdoor Advertising

- [7] Mr. J. Murphy of Ogilvie LLP appeared on behalf of Pattison Outdoor Advertising.
- [8] The subject Sign originally came to the Board on November 7, 2014. At that time, two Freestanding Signs existed in the vicinity and were not subject to the five year limitation period as they had been grandfathered. Mr. Murphy's clients felt that replacing these two Freestanding Signs with one Digital Roof Sign would improve the look of the intersection.
- [9] Mr. Murphy is not aware of any complaints regarding the Sign and no opposition was received when notice was provided by the Development Officer to the surrounding neighbourhood.
- [10] The Development Officer did not approve the renewal because she felt there is no hardship associated with the site as a Freestanding Sign could be installed on the ground.
- [11] Mr. Murphy quoted Section 59.1:

Any person applying to erect any Sign, or to change or relocate any existing Sign shall comply with the provisions of this Section and the applicable Sign Schedule, unless exemption from the regulations of this Section has been granted elsewhere in this Bylaw.

The Board is able to vary regulations.

- [12] Normally Schedule 59E would apply but in this case Schedule 59F is applicable because the proposed development involves a Roof Sign application which is addressed in Schedule 59F.

- [13] A series of photos was used to provide context and illustrate that removing the two previous Signs has made the intersection less cluttered with signage and the Roof Sign which replaced them is less impactful on the surrounding neighbourhood. The Roof Sign does not unduly interfere with the amenities of the neighbourhood and does not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
- [14] A Freestanding Sign would never be approved now as the Sign would directly face an apartment building to the north. The previously removed Sign was built prior to the apartment being built and was under-lit with spotlights. The current Roof Sign has much less of an impact as it faces away from the apartment and only overlooks commercial properties. It is out of everyone's way and has no impact on pedestrians or traffic.
- [15] Mr. Murphy asked the Board to re-affirm the variance which was granted five years ago. It has been demonstrated that the proposed development has not created any negative impacts to neighbouring properties. If anything, removing the previous Signs has improved the intersection and has improved the situation for the occupants of the apartment building to the north.
- [16] In response to a question from the Board, Mr. Murphy confirmed that he has no opposition to any of the conditions proposed by the Development Officer should this development be approved.

ii) Position of the Development Officer, K. Mercier

- [17] The Development Authority did not attend the hearing and the Board relied on Ms. Mercier's written submission.

Decision

- [18] The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:
1. The permit will expire on December 12, 2024.
 2. The proposed Minor Digital Off-premises Roof Sign shall comply with the approved plans submitted.
 3. Ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/ Sunset calculator from the National Research Council of Canada; (Reference Section 59.2(5)(a))
 4. Brightness level of the Sign shall not exceed 400 nits when measured from the sign

face at its maximum 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))

5. The Minor Digital Off-premises Roof Sign shall have a Message Duration greater than or equal to 6 seconds. (Reference Section 59)
6. All Freestanding Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule. (Reference Section 59.2(12))
7. The following conditions, in consultation with the Transportation Department (Subdivision Planning), shall apply to the proposed Minor Digital Off-premises Sign, in accordance to Section 59.2(11):
 - a. That, should at any time, City Operations determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and or address the concern in another manner acceptable to City Operations.
 - b. That the owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by City Operations within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.
 - c. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way.

ADVISEMENTS:

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, City Operations will require a safety review of the Sign prior to responding to the application.

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 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).

- [19] In granting the development, the following variance to the *Edmonton Zoning Bylaw* is allowed:

1. The requirement that the Minor Digital Off-premises Sign shall not be Roof Signs, Projecting Signs or Temporary Signs as per Section 59.2(15) is waived.

Reasons for Decision

- [20] The proposed development was previously approved by the Board as a roof mounted Minor Digital Off-premises Sign for a 5 year term which expired on November 7, 2019 (SDAB D-14-272).
- [21] A Minor Digital Off-premises Sign is a Discretionary Use in the CB2 General Business Zone.
- [22] The Development Officer cited one reason for refusing the most recent application: the Sign is mounted on the roof contrary to Section 59.2(15) of the *Edmonton Zoning Bylaw*.
- [23] Based on the following factors, it is the opinion of the Board, that the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with and affect the use, enjoyment and value of neighbouring parcels of land.
- [24] The Sign was erected in 2014 and since that time it has existed in the present location on the roof without complaint or concern.
- [25] The Board received no letters of objection and no one appeared to object to the Sign continuing to remain at its current roof top location.
- [26] The response received from Subdivision Planning expressed no safety or traffic concerns with the renewal. The response included four conditions of approval to which the Appellant consented. The Board has imposed these conditions.
- [27] In 2014, the Board considered the pre-existing approved Signs which had been permanently grandfathered on the Subject site and other sites across the intersection of 99 Street and 82 Avenue. Based on the evidence before it at that time, the Board cited the following reasons for approving the Minor Digital Off-premises Sign despite the fact it was to be roof mounted:
5. ...
 6. The Board accepts the evidence submitted that the proposed Sign will minimize the impact on adjacent residents, particularly north of the subject Site that will not face [the] Copy Area. The impact will be further minimized by the removal of the existing Billboard Sign on the subject Site.
 7. The Board accepts the evidence submitted that the removal of the two Freestanding Off-premises Signs and replacing them with one Digital Roof Off-premises Sign will minimize the proliferation of Signs at the intersection.

8. The Board accepts the submission of Transportation Services that the location of the Sign outside the 20 degree cone of vision ameliorates the concerns of Transportation.
9. No letters were received in opposition to the proposed development and no one appeared in opposition at the hearing.
10. ...

- [28] The photographic evidence provided by the Appellant depicts the situation prior to 2014 and the situation after the Sign was erected and the other nearby Signs removed. The Board finds this evidence shows that the reasons cited by the prior Board have been borne out. The Site is less cluttered, as there are fewer Signs in the immediate area and the roof top location is less impactful, both on the neighbouring residential apartment building to the north and on pedestrians.
- [29] In her written report, the Development Officer made no comments regarding any potential adverse impacts of the proposed development or any suggestion that it is not reasonably compatible with the surrounding area.
- [30] The Board also considered that the Development Officer did explain a variance was not allowed because the proposed Sign could be installed on the ground on the subject Site rather than on the roof of the building which led her to conclude no hardship exists to justify the variance. The Appellant disputed this conclusion and argued that no ground mounted location would be approved. Based on the evidence provided at the hearing, the Board finds that given the existing developments on the subject Site, a ground-mounted sign, even if possible, would carry materially greater adverse impacts for the residents of the apartment to the north of the subject Site than the current Sign which is oriented away from their residences.
- [31] For the reasons outlined above, including that the overall situation has been improved, the Board finds that the proposed development is reasonably compatible with surrounding developments and will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Kathy Cherniawsky, Presiding Officer
Subdivision and Development Appeal Board

CC: Development & Zoning Services – K. Mercier / H. Luke

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
 - b) the requirements of the *Alberta Safety Codes Act*,
 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

EDMONTON SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Citation: Pattison Outdoor Advertising v Development Authority of the City of Edmonton, 2019 ABESDAB 10212

Date: December 12, 2019
Project Number: 153094895-003
File Number: SDAB-D-19-212

Between:

Pattison Outdoor Advertising

and

The City of Edmonton, Development Authority

Board Members

Kathy Cherniawsky
Winston Tuttle
Don Fleming
Louise Gibson
Gwen Harris

DECISION

[1] On December 4, 2019, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on November 20, 2019 for an application by Pattison Outdoor Advertising. The appeal concerned the decision of the Development Authority, issued on November 18, 2019 to refuse the following development:

Install (1) Minor Digital On-Premises Off-Premises Freestanding Sign
(PATTISON | 2191722 ALBERTA LTD)

[2] The subject property is on Plan 9021630 Blk 10A Lot 7, located at 9703 - 137 Avenue NW, within the CSC Shopping Centre Zone. The Main Streets Overlay applies to the subject property.

[3] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
- The Development Officer's written submissions; and
- The Appellant's written submissions.

Preliminary Matters

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the "*Municipal Government Act*").

Summary of Hearing

i) Position of the Appellant, Pattison Outdoor Advertising

- [7] Mr. J. Murphy of Ogilvie LLP appeared to represent the Appellant.
- [8] The subject Sign was previously approved by the Board on November 13, 2014.
- [9] This Sign is slightly larger than the permitted width because of its curvilinear design. This style was chosen because the Sign is located quite far back on the property and the subject intersection is very large.
- [10] The Sign is now also over Height because at the time of the previous approval the Main Streets Overlay did not apply and the permitted Height was 8 metres. As per the Main Streets Overlay section 819.5(2)(a), the maximum permitted Height is now 6 metres. The Development Officer is not permitted to vary Height and was required to refuse this application.
- [11] In response to the Development Officer's circulation, an e-mail supporting the sign at 8 metres was received from the Rosslyn Liquor Store. A Height of 8 metres would NOT obstruct the view of their business from the street; a Height of 6 metres would interfere with the liquor store's visibility from the street.
- [12] Forum, the property managers for Griesbach Village Shopping Centre, located directly across the street to the north also provided written support for maintaining the sign at 8 metres.
- [13] In Sign appeals, there are seldom letters of support received and in this case there are two.

- [14] A series of photos was provided to show various views of the subject Sign in relation to the surrounding area and its curvilinear design.
- [15] In summary, the Sign has been in place for five years. Variances are required to the Width (due to the curved style) and the Height because the Main Streets Overlay was introduced since the last approval. The existing Sign has not bothered anyone and there are actually two letters of support.
- [16] Section 819.1 states the General Purpose of the Main Streets Overlay:

The purpose of this Overlay is to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

The subject Sign faces across the intersection towards a very large City of Edmonton transit facility which is the only reason that the Main Streets Overlay applies. The 97 Street and 137 Avenue intersection is one of the least pedestrian orientated areas in the City. The transit facility is located at one corner and the other three corners are occupied by shopping centres.

- [17] The Height of the Sign is needed to reach across the intersection. The Sign overlooks the transit facility and not anyone's property.
- [18] Mr. Murphy provided the following responses to questions from the Board:
- a) Originally the Sign was going to have an additional strip along the top and bottom areas advertising Boston Pizza. At the previous hearing, it was agreed that these strips would be eliminated and the Boston Pizza logo would only be left on the pillar.
 - b) Mr. Murphy confirmed that if the Sign had to be lowered, the Height of the pole would be reduced by two metres; the Size of the sign would remain the same – it would just be two metres lower. The Rosslyn Liquor Store feels that this situation would block the view of their business.
 - c) Mr. Murphy has no objections to any of the proposed conditions of the Development Officer should this permit be approved.
 - d) The Main Streets Overlay was not enacted until after this Sign was previously approved in November, 2014.
 - e) A discussion took place as to whether the community consultation requirements of the Main Streets Overlay were met. It appears that the necessary circulation was done as Mr. Murphy received the e-mail of support from the Rosslyn Inn and Suites from the Development Officer.

ii) Position of the Development Officer, K. Mercier

[19] The Development Authority did not attend the hearing and the Board relied on Ms. Mercier's written submission.

Decision

[20] The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to the following CONDITIONS:

1. The permit will expire on December 12, 2024.
2. The proposed Minor Digital On-premise Off-premises Sign shall comply in accordance with the approved plans submitted.
3. Ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/ Sunset calculator from the National Research Council of Canada; (Reference Section 59.2(5)(a))
4. Brightness level of the Sign shall not exceed 400 nits when measured from the sign face at its maximum 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))
5. Minor Digital Off-premises Sign shall have a message duration greater than or equal to 6 seconds. (Reference Section 59)
6. The Minor Digital On-premises Off-premises Sign shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule. (Reference Section 59.2(12))
7. The following conditions, in consultation with the Transportation department (Subdivision Planning), shall apply to the proposed Sign, in accordance to Section 59.2(11):
 - a. That, should at any time, City Operations determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and or address the concern in another manner acceptable to City Operations.
 - b. That the owner/applicant must provide a written statement of the actions taken

to mitigate concerns identified by City Operations within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.

- c. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way.

ADVISEMENTS:

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, City Operations will require a safety review of the Sign prior to responding to the application.

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 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).

[21] In granting the development, the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The maximum allowable combined Area of Digital Sign Copy and any other type of Copy on the same Sign face of 20 square metres as per Section 59E.3(5)(c)(ii) is varied to allow an excess of 9 square metres, thereby increasing the maximum allowed Area to 29 square metres.
2. The maximum allowable Sign Height of a Freestanding Sign of 6 metres as measured from Grade to the top of the Freestanding Sign per Section 819.5(2)(a) is varied to allow an excess of 1.9 metres, thereby increasing the maximum allowed Height to 7.9 metres.

Reasons for Decision

[22] A Minor Digital On-premises Off-premises Sign is a Discretionary Use in the CSC Shopping Centre Zone.

[23] The same Sign was previously approved by the Board in 2014 for a 5 year term which expired on November 13, 2019 (SDAB D-14-281).

[24] The Development Officer cited two reasons to refuse the most recent application:

1. The Development Officer has no authority to grant a variance to Height.
2. Neither of the required variances is necessitated due to a hardship peculiar to the land.

- [25] First, the Board considered the requested variance to section 59E.3(5)(c)(ii) to authorize a Sign Area of 29 square metres and allowed it for the following reasons.
- [26] In 2014, the Board allowed this variance to the maximum permitted Area, stating in part:
4. ...
 5. Based on the evidence submitted, the location of the Sign on the subject Site takes into consideration the surrounding large commercial area, including the significant transit terminal northeast of the subject Site.
 6. The Sign is located some distance from the residential area and is located on an intersection of two arterial roadways. In addition, the Copy faces away from the residential area.
 7. Currently, the Sign is set back from both arterial roads given the size of the boulevard that abuts the subject Site.
 8. The Board notes no opposition to the proposed development was received from Transportation Services.
 9. Additionally, the Board notes no letters were received in support or opposition and no one appeared in opposition at the hearing.
 10. ...
- [27] Based on the provided evidence, there have been no material changes to the surrounding area and the Board concurs with the reasons cited in 2014. There is no new evidence to suggest that the Sign is no longer reasonably compatible with its surroundings or that it has resulted in any material adverse impacts for the neighbourhood or the neighbouring property owners.
- [28] There is no record of complaint or issue with the Sign since its installation five years ago. There was no evidence before the Board that any affected party objected to the Sign and two letters of support from affected parties were provided.
- [29] The circulation response received from Subdivision and Planning contained no safety or traffic concerns with respect to the proposed development or its location.
- [30] Next, the Board considered the requested variance to section 819.5(2)(a) to permit a maximum allowed Height of 7.9 metres and allows it for the following reasons:
- [31] The Sign is not to be changed in Height.
- [32] Since the previous decision, the Site of the shopping centre became subject to the Main Streets Overlay which lowered the maximum allowed Sign Height from 8 metres to 6 metres. While the proposed development was compliant with the underlying zone, the

introduction of this new development regulation necessitated this new variance for the renewal.

- [33] The Development Officer's report was silent with respect to whether or not she followed the procedures in Section 819.4(15); however, based on the e-mail of October 31, 2019 which is addressed to the Development Officer and provides positive feedback regarding the proposed development, the Board finds that more likely than not the Development Officer followed the process set out in that section.
- [34] While the proposed development is subject to the Main Streets Overlay which emphasizes pedestrian oriented development, given the scale and type of development in the immediate vicinity (with a major transit terminal on one corner and three major shopping centres on the remaining corners), the Board finds that the proposed variances will not have any material impact on pedestrians.
- [35] In the Board's view, the rationale outlined above with respect to the Area variance applies with equal force to the Height variance. That is, the scale of development in the immediate area, the proposed recessed location on the Site; the circulation response from Subdivision and Planning; the absence of complaints; and the letters in support all militate in favour of granting the requested variance to Height.
- [36] For these reasons the Board finds that the proposed development will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Kathy Cherniawsky, Presiding Officer
Subdivision and Development Appeal Board

CC: Development & Zoning Services – K. Mercier / A. Wen

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
 - b) the requirements of the *Alberta Safety Codes Act*,
 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

**10019 – 103 Avenue NW
Edmonton, AB T5J 0G9
P: 780-496-6079 F: 780-577-
3537
sdab@edmonton.ca
edmontonsdab.ca**

December 4, 2019

Re: Project No. 341851203-003 / SDAB-D-19-504, to remove and refrain from parking any commercial vehicles in the required front yard area. Remove and refrain from parking all vehicles exceeding 4600 kg from residential property and refrain from parking vehicles over this weight on the property in the future, located at 7819 – 166 Avenue NW

The Subdivision and Development Appeal Board made and passed the following motion on December 4, 2019:

“That the appeal hearing be scheduled for, January 8 or 9, 2020 at the written request of the Development Compliance Officer and with the consent of the Appellant”

Reasons For Decision:

1. A postponement will allow a representative from Complaints & Investigations to attend the hearing.

The time of the hearing will be provided in future correspondence.

Should you require further information in this regard, please contact the Subdivision & Development Appeal Board Office at 780-496-6079.

Ms. K. Cherniawsky, Presiding Officer
Subdivision and Development Appeal Board

cc: City of Edmonton, Complaints and Investigations, Attn: T. Sustrik