

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 1:00 P.M.
February 11, 2016**

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

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I 9:00 A.M. SDAB-D-16-039

Withdrawn

Construct exterior alterations to a Single Detached House (Driveway extension, existing without permits)

4163 Whispering River Drive NW
Project No.: 178476858-003

TO BE RAISED

II 1:00 P.M. SDAB-D-16-041

Remove an existing Freestanding Off-Premises sign and install a Freestanding Minor Digital Off-Premises Sign

3803 Gateway Boulevard NW
Project No.: 181864289-001

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-16-039

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 178476858-003

ADDRESS OF APPELLANT: 4163 Whispering River Drive NW

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension, existing without permits)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 9, 2015

DATE OF APPEAL: January 5, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4163 Whispering River Drive NW

LEGAL DESCRIPTION: Plan 1125154 Blk 1 Lot 53

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Windermere Area Structure Plan
Windermere Neighbourhood Structure Plan

Withdrawn

TO BE RAISED
ITEM II: 1:00 P.M.

FILE: SDAB-D-16-041

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 181864289-001

ADDRESS OF APPELLANT: 3803 Gateway Boulevard NW

APPLICATION TO: Remove an existing Freestanding Off-Premises Sign and install a Freestanding Minor Digital Off-Premises Sign

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 15, 2015

DATE OF APPEAL: December 18, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3803 Gateway Boulevard NW

LEGAL DESCRIPTION: SW-9-52-24-4

ZONE: CHY Highway Corridor Zone

OVERLAY: Major Commercial Corridors Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter.

Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. Minor Digital Off-premises Signs are a Discretionary Use in the CHY Zone.

2. The proposed digital sign will replace an aging billboard which has stood on the subject site for many years. The existing sign is not subject to any time limitations.
3. The slightly increased height of the sign is commensurate with the existing sign and is necessary given the exceptionally high berming on the City-owned lands immediately south. The increase in height will not in any way affect the use, enjoyment or value of neighbouring properties nor the amenities of the neighbourhood,
4. We are requesting a variance in relation to the radial separation distances prescribed in the applicable Sign Schedule from 300 metres to 256 metres. The encroaching sign has not been built though it was approved, we believe, in October of 2014. The proposed sign is set back far enough from Gateway Boulevard that the reduction in separation distance should not have any appreciable Impact. Neither will the requested variance affect the use, enjoyment or value of neighbouring properties or the amenities of the neighbourhood.
5. The proposed sign is not inconsistent with the directions of the Calgary Trail Land Use Study and the exchange of an older billboard for a new, digital sign supports the objectives of that Study,
6. Such further and other reasons as may be presented at the hearing of this appeal. [unedited]

<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
- ...

The decision of the Development Authority is dated December 15, 2015. The Notice of Appeal was filed on December 18, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 350.1 states the following with respect to the **General Purpose** of the **CHY Highway Corridor Zone**:

... to provide for high quality commercial development along those public roadways, which serve as entrance routes to the City or along limited access public roadways intended to provide a connection to entrance routes.

Under section 350.3(24), **Minor Digital Off-Premises Sign** is a **Discretionary Use** in the CHY Highway Corridor Zone.

Under section 7.9(6), **Minor Digital Off-Premises Sign** is defined as follows:

... any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital 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 directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises or Site where the Sign is displayed.

Section 6.2(5) states:

Digital Signs means any Sign that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components.

Calgary Trail Land Use Study

Section 616(dd) of the *Municipal Government Act* defines statutory plan as “an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4”.

The Calgary Trail Land Use Study is not a statutory plan as defined under the *Municipal Government Act*. The Study (as amended) was adopted by Resolution of Council on September 11, 1984. Section 3.4(b) of the Study, which was partially referenced by the Development Officer in his decision, states:

3.4 GENERAL URBAN DESIGN POLICIES

- b) Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by:
 - i) promoting within the business community the voluntary replacement of older advertising signage;
 - ii) discouraging the use of portable signs and free-standing billboards; and
 - iii) improving directional signage to major facilities such as hospitals, University, Downtown, and Government Centre.

Development Officer's Determination

1) A freestanding Minor Digital Off-Premises sign is listed as a Discretionary Use within the CHY (Highway Corridor) Zone. The sign is also located within the Calgary Trail Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study: "Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards." The proposed freestanding Minor Digital Off-Premises sign is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study. [unedited]

Maximum Height and Separation Distance

Section 59F.3(6) of Schedule 59F states:

59F.3 Regulations for Discretionary Signs

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

...

- b. the maximum Height shall be 8.0 m;

...

- 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.

Development Officer’s Determination

- 2) The maximum Height of the Freestanding Minor Digital Off-premises Sign shall be 8.0 m. (Reference Section 59F.3(6)(b)).
Proposed height of sign: 9.14 m
Exceeds by: 1.14 m

- 3) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign. If the proposed sign area is greater than 40.0 m² minimum separation distance from Digital Signs greater than 8.0 m² or other Off-premises Sign shall be 300 m. (Reference Section 59F.3(6)(e)).
Proposed separation: 246 m
Deficient by: 54 m

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: **181864289-001**
 Application Date: NOV 03, 2015
 Printed: January 21, 2016 at 5:39 PM
 Page: 1 of 2

Application for Sign Combo Permit

This document is a Development Permit Decision for the development application described below.

<p>Applicant</p> <p>PATTISON OUTDOOR ADVERTISING </p>	<p>Property Address(es) and Legal Description(s)</p> <p>3803 - GATEWAY BOULEVARD NW SW-9-52-24-4</p>
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Scope of Application
 To remove an existing Freestanding Off-Premises sign and install a Freestanding Minor Digital Off-Premises Sign.

<p>Permit Details</p> <p>Class of Permit: Class B Expiry Date: Num. Temp., Fasica or Temporary Signs: 0 Sign Permit Label No. :</p>	<p>Construction Value: 225000 Num. of Freestanding, Projecting or Roof Signs: 0 Number of Additional Signs: Sign Type: Minor Digital Off-premises Sign</p>
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal

1) A freestanding Minor Digital Off-Premises sign is listed as a Discretionary Use within the CHY (Highway Corridor) Zone. The sign is also located within the Calgary Trail Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study: "Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards." The proposed freestanding Minor Digital Off-Premises sign is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study.

2) The maximum Height of the Freestanding Minor Digital Off-premises Sign shall be 8.0 m. (Reference Section 59F.3(6)(b)).
 Proposed height of sign: 9.14 m
 Exceeds by: 1.14 m

3) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign. If the proposed sign area is greater than 40.0 m² minimum separation distance from Digital Signs greater than 8.0 m² or other Off-premises Sign shall be 300 m. (Reference Section 59F.3(6)(e)).
 Proposed separation: 246 m
 Deficient by: 54 m

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: Dec 15, 2015 **Development Authority:** FOLKMAN, JEREMY **Signature:** _____

THIS IS NOT A PERMIT



Project Number: **181864289-001**
Application Date: NOV 03, 2015
Printed: January 21, 2016 at 5:39 PM
Page: 2 of 2

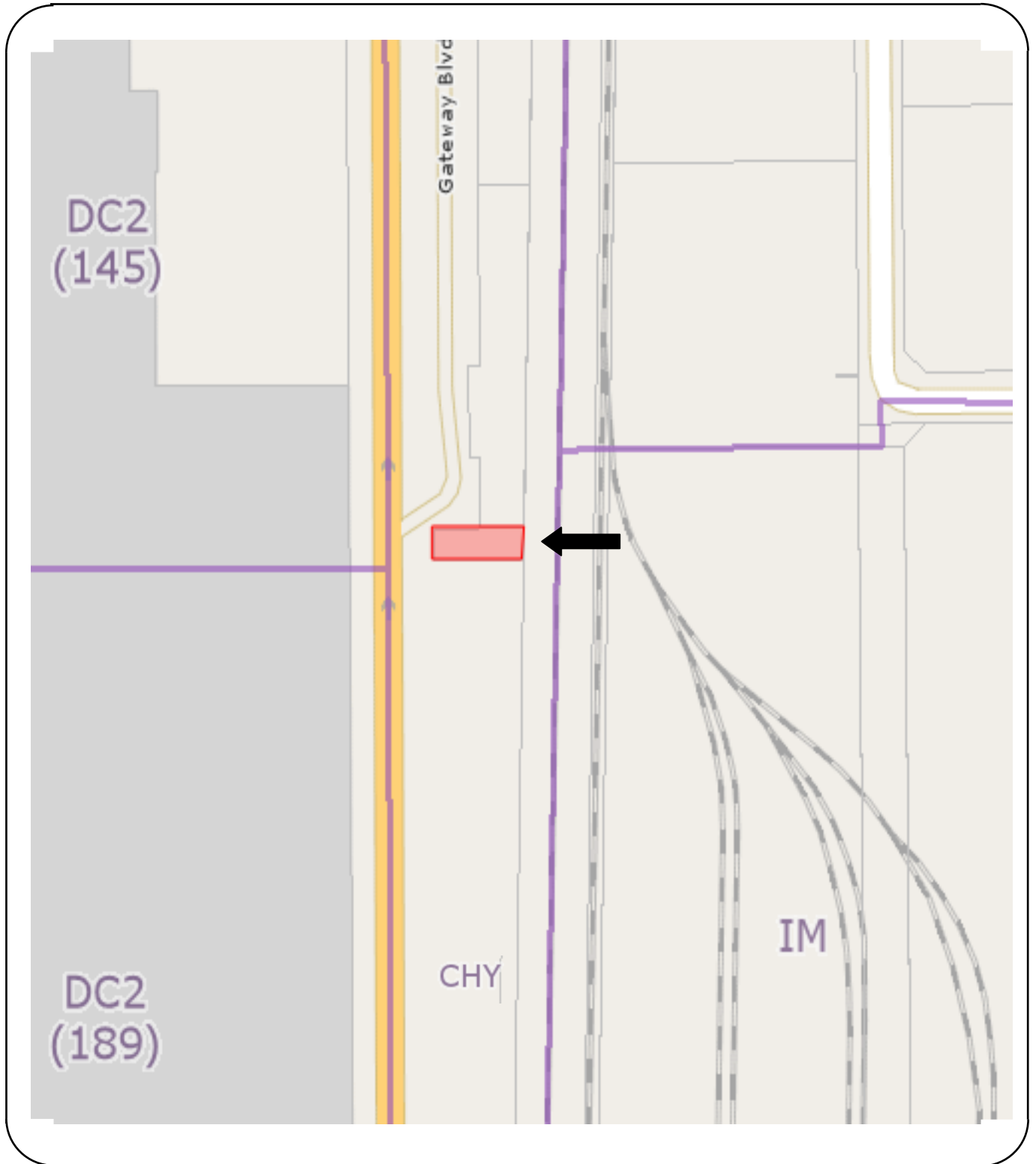
Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$88.20	\$88.20	02901196	Nov 18, 2015
Sign Building Permit Fee	\$2,205.00	\$2,205.00	02901196	Nov 18, 2015
Sign Dev Appl Fee - Digital Signs	\$416.00	\$416.00	02901196	Nov 18, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,809.20	\$2,709.20		

(\$100.00 outstanding)

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-041



BUSINESS LAID OVER

SDAB-D-15-285	An appeal by <u>Sakaw Daycare</u> to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <i>March 2 or 3, 2016</i>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>
SDAB-D-16-501	An appeal by <u>Darren Crocker / Brownlee LLP</u> to demolish an existing building. <i>March 30 or 31, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

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