



**EDMONTON  
TRIBUNALS**

*Subdivision &  
Development  
Appeal Board*

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Date: September 13, 2016  
Project Number: 225976925-001  
File Number: SDAB-D-16-216

**Notice of Decision**

- [1] On September 7, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **August 16, 2016**. The appeal concerned the decision of the Development Authority, issued on August 8, 2016, to refuse the following development:

**Install (3) Fascia On-premises Signs (U-Store-It).**

- [2] The subject property is on Plan 0525416 Blk 3 Lot 4, located at 2304 - Ellwood Drive SW, within the EIB – Ellerslie Industrial Zone. The Special Area Ellerslie Industrial designation and the Ellerslie Area Structure Plan apply to the subject property.

- [3] The following documents were received and form part of the record:

- A Development Permit Application, including the plans, elevating drawings and photographs;
- The Refused Development Permit;
- The Development Officer's written submission; and
- A petition conducted by the Appellant.

- [4] The following exhibit was presented during the hearing and forms part of the record:

- Exhibit A – An aerial photograph submitted by the Development Officer's smartphone.

**Preliminary Matters**

- [5] 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.
- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [7] The Board determined the appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

**Summary of Hearing***i) Position of the Appellant, Mr. A. Barscevski (Skela Media Corp)*

- [8] Mr. Barscevski reviewed the photographs submitted by the Development Officer and indicated there is currently a Pylon Sign, a small Fascia Sign on the subject building, and a mobile Billboard Sign advertising U-Store-It.
- [9] It was his opinion, the existing Signage is inadequate and can cause confusion navigating to the subject building.
- [10] He indicated there are tenants on the main floor and second floor of the subject building and they require space to add Signage above their units.
- [11] The proposed Fascia Signs would advertise the U-Store-It space in the buildings.
- [12] He reviewed his petition that showed signatures of support from adjacent businesses including a rival Storage business.
- [13] With regard to the scale and the architecture of the subject building, he indicated that his client wanted the Signs to be as large and clear as possible.
- [14] With regard to comparing the intent and the purpose of the approved clock tower to a logo, he indicated he had no solid answer, but that the tower is currently naked and his client decided to replace it with his business logo.
- [15] He indicated that the three proposed Signs are aluminum and use LEDs.
- [16] With regard to the Development Officer's recommended condition of approval which states "the intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens. (Reference section 59.2(4))", he indicated that the total lumens of the 3 Signs combined would exceed 1100 lumens.
- [17] He indicated that his neighbour that owns the rival Storage business has similar lit Signage.
- [18] He reiterated that the purpose of the Signage was to be visible to customers and to advertise the business.
- [19] With regard to the Signage rising slightly above the roofline of the business, he confirmed the Signs would be under the roofline.

*ii) Position of the Development Officer, Ms. R. Lee, accompanied by Ms. B. Noorman*

- [20] Ms. Lee reviewed a rendering of the original approval of the clock tower and building.
- [21] It was her opinion that the proposed logo is more obtrusive and less appealing architecturally.
- [22] She confirmed that there is a Residential area that was far away but it was her opinion the illuminated Signage would be noticeable at night.
- [23] She indicated that the Appellant has other Signage options that would comply with the *Edmonton Zoning Bylaw*.
- [24] She reviewed her photographs and confirmed that the existing Signs have permits. It was her opinion this Signage is sufficient.
- [25] She reviewed an aerial photograph on her smartphone (Exhibit A) and confirmed that the clock tower logo faces directly south.
- [26] She confirmed that the clock tower logo is 4 storeys in height.
- [27] She confirmed that the subject site is an Industrial Zone and there were other Signs in the area, but in her opinion the proposed Signs are too high.
- [28] The Presiding Officer referenced the plans and concluded that the two Fascia Signs exceeded the allowable Height by 24 centimetres and the clock tower logo exceeded the allowable Height by 5.52 metres, as per Schedule 59J.2(1)(b) of the *Edmonton Zoning Bylaw*.

Ms. Lee confirmed that those variances seemed accurate.

*iii) Rebuttal of the Appellant*

- [29] Mr. Barscevski reviewed the 2 photographs the Development Officer submitted. It was his opinion, the current Signage was too small.
- [30] He indicated that he was willing to work with a condition that restricted the hours of Sign illumination.
- [31] He clarified that for Digital Signs, his business dims the lighting during certain hours.

Ms. Lee and Ms. Noorman indicated that restricting night time illumination would be preferable.

**Decision**

[32] The appeal is **ALLOWED IN PART** and the decision of the Development Authority is **VARIED**. The development is **GRANTED** with the following changes:

1. The two Fascia On-premises “U-Store-It Self-Storage” Signs are **APPROVED**.
2. The *U-Store-It* Logo on the clock tower is **REFUSED**.

The development is subject to the following **CONDITIONS** and **ADVISEMENTS**:

1. The proposed two Fascia On-premises Signs shall comply in accordance with the Approved plans submitted.
2. The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens. (Reference Section 59.2(4)).

**ADVISEMENTS:**

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).

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

1. Schedule 59J.2(1)(b) states any “Fascia On-premises Sign shall not extend higher than 75 centimetres above the floor of the third Storey.”

The maximum allowable Height for the 2 proposed Fascia On-premises Signs are each varied to allow an excess of 24 centimetres, thereby increasing the maximum allowable Height to 99 centimetres.

**Reasons for Decision**

[34] Fascia On-premises Signs are a Permitted Use in the (EIB) Ellerslie Industrial Business Zone.

[35] The Board heard evidence from the Appellant that there is navigational confusion for customers accessing the subject building, which has led to this application.

- [36] Upon questioning the Development Officer, the Board is satisfied that proposed 2 Fascia On-premises Signs will have a minimal impact on the adjacent Residential area to the south.
- [37] Based on the photographic evidence, it is the opinion of the Board that the 2 Fascia On-premises Signs are in keeping with the architectural character of the neighbourhood.
- [38] However, the Board finds that the Signage for the logo on the 4 Storey clock tower is in excess of the maximum allowable Height by 5.52 metres. The Board finds this variance excessive and is not in keeping with the architectural character of the subject building and the surrounding development.
- [39] The Board finds that the architectural feature of the approved clock is aesthetically pleasing and replacing it with an illuminated Logo is inconsistent with the existing architecture of the building.
- [40] The Board accepts a Community Consultation was conducted and contained several signatures of support from adjacent businesses including the other Storage business.
- [41] The Board notes there was no opposition to the proposed development.
- [42] For the above reasons, the Board finds that the proposed 2 Fascia On-premises Signs, with the exclusion of the clock tower Logo, will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.



Mr. W. Tuttle, Presiding Officer  
Subdivision and Development Appeal Board

Board Members in Attendance:

Mr. V. Laberge; Mr. L. Pratt; Ms. G. Harris; Ms. K. Thind

**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 5<sup>th</sup> Floor, 10250 – 101 Street, Edmonton.
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 5th Floor, 10250 – 101 Street, Edmonton.

*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.*



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Date: September 13, 2016  
Project Number: 223365914-001  
File Number: SDAB-D-16-217

**Notice of Decision**

- [1] On September 7, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **August 11, 2016**. The appeal concerned the decision of the Development Authority, issued on July 28, 2016, to refuse the following development:

**Construct exterior alterations to an existing General Industrial Building  
(Installing a wheat silo on the roof of a building and enclosing the open end  
of the building - Labatt's)**

- [2] The subject property is on Plan 5658MC Blk 1, located at 4344 - 99 Street NW, within the IB Industrial Business Zone.
- [3] The following documents were received and form part of the record:
- A Development Permit Application;
  - The Refused Development Permit; and
  - The Development Officer's written submission
- [4] The following exhibits were presented during the hearing and form part of the record:
- Exhibit A – Photographs submitted by the Development Officer.

**Preliminary Matters**

- [5] 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.
- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [7] The Board determined the appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

**Summary of Hearing**

*i) Position of the Appellant, Mr. J. Peddle (Labatt Breweries of Canada), accompanied by Mr. R. Walters (Walters Chambers & Associates)*

[8] Mr. Peddle indicated that wheat is essential to their Brewery.

[9] He indicated that the proposed dimensions of the wheat silo is the most feasible for their business and is adjacent to their mill.

[10] He confirmed the proposed wheat silo does not exceed the existing tallest structure on the site.

[11] He reviewed photographs of the subject site to show the wheat silo blends in with the existing structures.

*ii) Position of the Development Officer, Mr. P. Kowal*

[12] Mr. Kowal confirmed he would have approved the Height variance if he had the Authority.

[13] He confirmed the proposed wheat silo is slightly shorter than the existing building Height.

[14] It was his opinion that the wheat silo blends in with the existing structures and there would be no intrusion with other properties.

[15] He confirmed there would be no sun shadowing on adjacent properties.

[16] He confirmed there are no Residential areas nearby.

*iv) Rebuttal of the Appellant*

[17] Mr. Peddle had nothing further to say.

**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) All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction. Reference Section 53(1).
- 2) Access from the site to 45 Avenue, 99 Street and Whitemud Drive auxiliary road exists, as shown on the Enclosure. Any modification to the existing accesses requires the review and approval of Transportation Planning and Engineering.
- 3) The existing access from the site to Whitemud Drive auxiliary road must operate as a one-way exit only, as shown on the Enclosure. The existing "Exit Only" signage must remain. Any modification to the operation of the existing access requires the review and approval of Transportation Planning and Engineering.
- 4) Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Planning and Engineering, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks and boulevard will be inspected by Transportation Planning and Engineering prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

#### Transportation Advisements:

Upon future development of the subject property, Transportation Planning and Engineering may require upgrades to the existing accesses to meet current City of Edmonton standards. All costs associated with the upgrades shall be borne by the owner/applicant.

- 5) All activities or operations of the proposed development shall comply to the standards prescribed by the Province of Alberta pursuant to the Environmental Protection and Enhancement Act and the regulations pertaining thereto.
- 6) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

#### Notes:

- i. Signs require separate Development Applications.

- ii. A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- iii. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this 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.

[19] In granting the development the following variance to the Edmonton Zoning Bylaw are allowed:

- 1) The maximum allowable Height of 14.0 metres for a General Industrial Use building as per section 400.4(5) is varied to allow an excess of 5.4 metres, thereby increasing the maximum allowable Height to 19.4 metres.

### **Reasons for Decision**

[20] The proposed development is an addition to a Permitted Use in the IB Industrial Business Zone.

[21] The Board accepts the submission of the Appellant and the Development Officer in that the proposed Height of the wheat silo will not be greater than any other existing structures on the subject site.

[22] The Board accepts the submission of the Appellant that this proposed wheat silo is a necessary structure to produce a certain type of product.

[23] The Board is satisfied that the Development Officer would have approved the Height variance if he was granted the Authority and accepts from his submission that there is no material impact to the adjacent properties.

[24] The Board notes that there is no opposition to the proposed development.

[25] Section 400.1 of the IB Industrial Business Zone states:

The purpose of this Zone is to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

Based on the evidence the Board finds that the proposed addition will create no nuisance to the adjacent properties and meets the General Purpose of the IB Industrial Business Zone.

- [26] For the above reasons, the Board finds that the proposed development will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.



Mr. W. Tuttle, Presiding Officer  
Subdivision and Development Appeal Board

Board Members in Attendance:

Mr. V. Laberge; Mr. L. Pratt; Ms. G. Harris; Ms. K. Thind

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**SDAB-D-16-218  
Project No. 225005154-001**

An appeal to construct a Single Detached House with front attached Garage, front veranda (2.11m x 1.22m), fireplace, rear covered deck (3.51m x 3.66m) and to develop a Secondary Suite in the Basement located at 631 – 176 Street SW was **WITHDRAWN**