

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
June 3, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-085

To install two (2) Freestanding On-Premises Signs
(QUALICO - EDGEMONT LANDING).

4010 - 199 Street NW
Project No.: 390791903-002

II 11:00 A.M. SDAB-D-21-086

To install two (2) Freestanding On-Premises Signs
(DESROCHERS COURT)

703 - Daniels Way SW
Project No.: 383899609-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-085

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 390791903-002

APPLICATION TO: Install two (2) Freestanding On-Premises Signs
(QUALICO - EDMONT LANDING)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 21, 2021

DATE OF APPEAL: May 6, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 4010 - 199 Street NW

LEGAL DESCRIPTION: Plan 1423848 Blk 1 Lot 61

ZONE: (CSC) Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: Edgemont Neighbourhood Area Structure Plan

Grounds for Appeal

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

As solicitors for the Land Owner / Developer (Qualico), we appeal condition #3 because:

- This is a Permitted Use which is compliant with the applicable regulations of the Zoning Bylaw;
- The impugned condition is ultra vires the authority of the Development Officer;

- The impugned condition is vague and unenforceable; and
- Such further and other reasons as may be presented at the hearing of this appeal.

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| <i>General Matters</i> |
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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.

(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.

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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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.

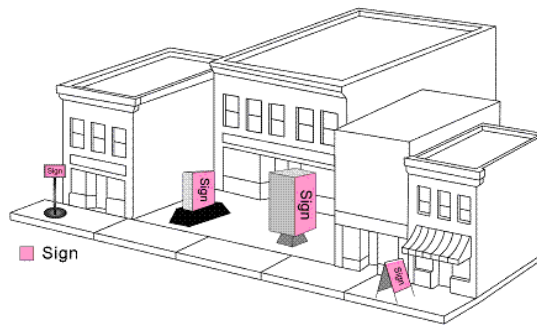
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 320.2(29), a **Freestanding On-premises Sign** is a **Permitted Use** in the **(CSC) Shopping Centre Zone**.

Under section 7.9(6), **Freestanding On-premises Signs** means “a Freestanding Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

Under section 6.2, a **Freestanding Sign** means:


means a Sign supported independently of a building.



Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is “to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.”

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.

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|  | <p>Project Number: 390791903-002 Application Date: MAR 30, 2021 Printed: April 21, 2021 at 4:08 PM Page: 1 of 2</p> |
| <h2>Sign Permit</h2> | |
| <p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p> | |
| <p>Applicant</p> | <p>Property Address(es) and Legal Description(s) 4010 - 199 STREET NW Plan 1423848 Blk 1 Lot 61</p> |
| <p>Scope of Permit To install (2) Freestanding On-Premises Signs (QUALICO - EDMONTON LANDING).</p> | |
| <p>Permit Details</p> | |
| <p>ASA Sticker No./Name of Engineer: 8803 Construction Value: 120000</p> | <p>Class of Permit: Class A Expiry Date:</p> |
| <p>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: 0</p> | <p>Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 2 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0</p> |
| <p>Development Permit Decision Approved Issue Date: Apr 21, 2021 Development Authority: NOORMAN, BRENDA</p> <p>Subject to the Following Conditions</p> <ol style="list-style-type: none"> The proposed Signs shall comply in accordance with the approved plans submitted. The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens (Reference Section 59.2(4)). Steps must be taken to mitigate the impact of sign brightness on adjacent residential properties to the south (dimnable lighting and/or dark backgrounds on occupied or unoccupied tenant panels is required). <p>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 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).</p> <p>Rights of Appeal This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p> | |
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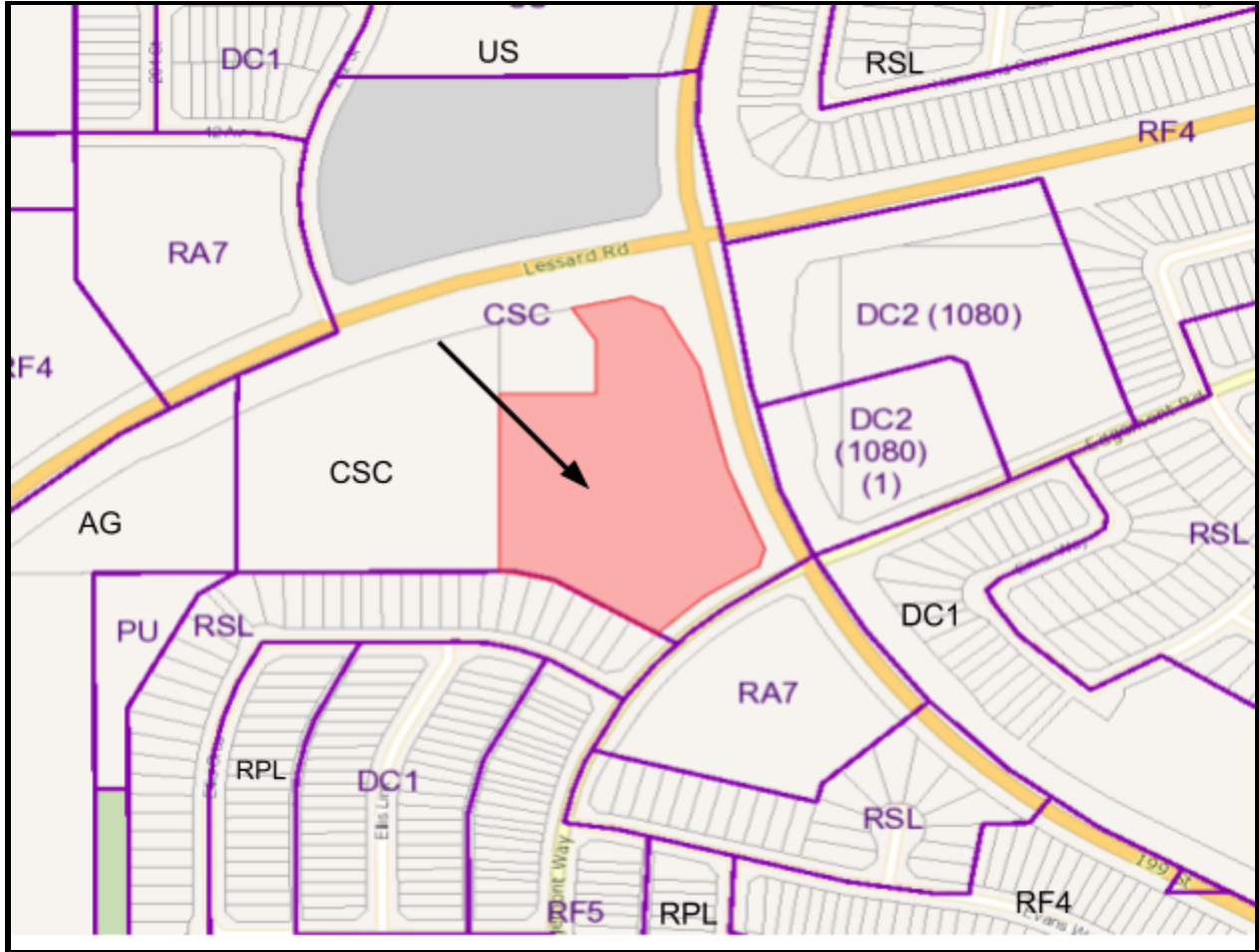


Project Number: **390791903-002**
Application Date: MAR 30, 2021
Printed: April 21, 2021 at 4:08 PM
Page: 2 of 2

Sign Permit

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|----------------------------------|-------------------|--------------------|------------------|------------------|
| Sign Development Application Fee | \$750.00 | \$750.00 | 078893034853001 | Mar 30, 2021 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | <u>\$750.00</u> | <u>\$750.00</u> | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-085

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AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 383899609-002

APPLICATION TO: Install two (2) Freestanding On-Premises Signs
(DESROCHERS COURT)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 19, 2021

DATE OF APPEAL: May 7, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 703 - Daniels Way SW

LEGAL DESCRIPTION: Plan 1822696 Blk 18 Lot 2

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Descrochers Neighbourhood Area Structure Plan

Grounds for Appeal

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

We ask that a variance be granted to increase the allowable height from 6.0m to 7.0m. We understand that this is a relaxation of 1.0m. We also understand that the 6.0m sign height, enforced by the zoning overlay, is likely due to the fact that the overlay intended to have buildings and storefronts facing the street/sidewalk. If this were the case, the building signage and pylon signs would be competing, and the lower 6.0m pylon signs make sense.

However, we applied for and received approval for several variances on this site, including the allowance of the primary commercial building to be located at the BACK of the site. With these already approved variances in mind, we ask that a variance be considered for the pylon sign heights. An allowable pylon sign height, on this site according to the zoning, without the overlay, would be 8.0m. With this, we are proposing a compromised variance of 1.0m, to allow a pylon sign height of 7.0m. It is also worth noting that there are 2 pylon signs proposed in this application for this site, and they are on the NW and NE corners of the site, and not in the center of the site frontage.

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Appeal Information:

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Grounds for Appeal

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 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

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(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(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.

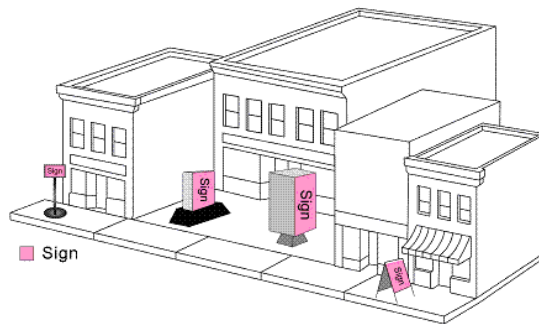
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 330.2(22), a **Freestanding On-premises Sign** is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.9(6), **Freestanding On-premises Signs** means “a Freestanding Sign, which is a Permanent Sign, displays On-premises Advertising and contains no Digital Copy.”

Under section 6.2, a **Freestanding Sign** means:

means a Sign supported independently of a building.



Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses, and limited Residential-related Uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Section 819.1 states that the **General Purpose** of the **Main Streets 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.

Height

Section 819.5(2)(a) states:

Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw, except that:

- a. the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.

Under section 6.1, **Height Signs** means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

Development Officer’s Determination

1. Section 819.5(2)(a) - The maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.

**Proposed Height: 7.0 m
Exceeds by: 1.0 m**

[unedited]

Schedule 59E - Setback

Schedule 59E.2(3)(d) states “Freestanding On-premises Signs locations shall have a minimum Setback of 3.0 m where the Site shares a property line with another Site.”

Development Officer’s Determination

2. Section 59E.2(3)(d) - Freestanding On-premises Signs locations shall have a minimum Setback of 3.0 m where the Site shares a property line with another Site.

**Proposed: Pylon #2 - 1.8 m From East Property line
Deficient by: 1.2 m**

[unedited]

Community Consultation

Section 819.5(3) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.


Section 819.4(15) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

- a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association operating within the distance described above to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed, unless the Development Officer receives feedback from all specified recipients; and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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|  | Project Number: 383899609-002 Application Date: JAN 15, 2021 Printed: April 19, 2021 at 9:26 AM Page: 1 of 2 |
| <h2>Application for Sign Permit</h2> | |
| This document is a Development Permit Decision for the development application described below. | |
| Applicant | Property Address(es) and Legal Description(s) 703 - DANIELS WAY SW Plan 1822696 Blk 18 Lot 2 |
| Scope of Application To install (2) Freestanding On-Premises Signs (DESROCHERS COURT). | |
| Permit Details | |
| ASA Sticker No./Name of Engineer: Construction Value: 60000 | Class of Permit: Expiry Date: |
| Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0 | Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 2 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0 |
| Development Application Decision Refused Issue Date: Apr 19, 2021 Development Authority: MERCIER, KELSEY Reason for Refusal 1. Section 819.5(2)(a) - The maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign. Proposed Height: 7.0 m Exceeds by: 1.0 m 2. Section 59E.2(3)(d) - Freestanding On-premises Signs locations shall have a minimum Setback of 3.0 m where the Site shares a property line with another Site. Proposed: Pylon #2 - 1.8 m From East Property line Deficient by: 1.2 m Rights of Appeal THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act. | |
| THIS IS NOT A PERMIT | |



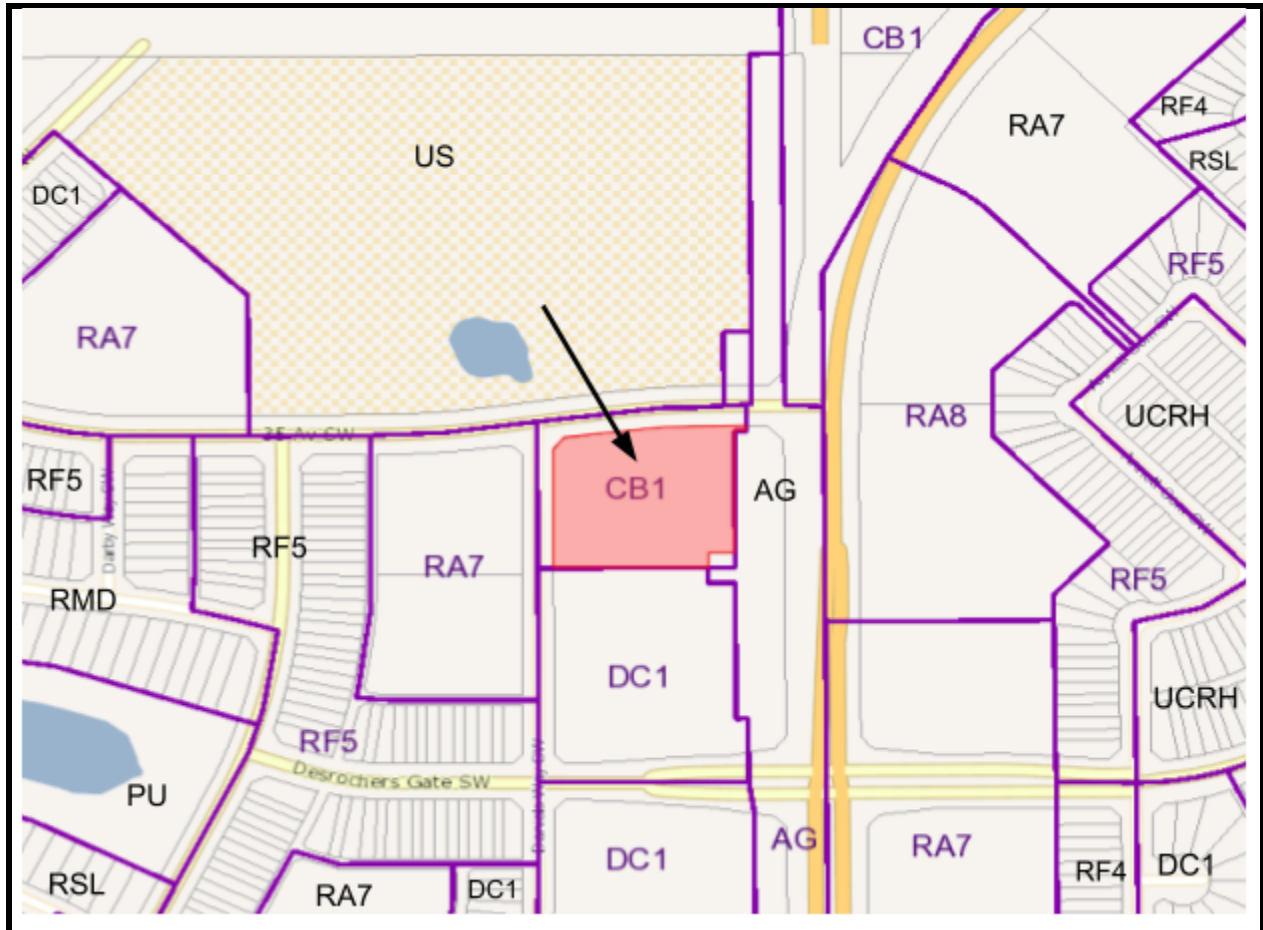
Application for Sign Permit

Project Number: **383899609-002**
Application Date: JAN 15, 2021
Printed: April 19, 2021 at 9:26 AM
Page: 2 of 2

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|----------------------------------|-------------------|--------------------|------------------|------------------|
| Sign Development Application Fee | \$750.00 | \$750.00 | 06884493 | Jan 18, 2021 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | <u>\$750.00</u> | <u>\$750.00</u> | | |

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

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File: SDAB-D-21-086