

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
TUESDAY, MAY 26, 2015 at 7:00 p.m.**

PRESENT: Members: C. Brown, C. Crozier, B. Hawrelak
V. Lutz, G. Shipley

Development Officer	B. Stehr
Planning Consultant	G. Smith
Recording Secretary	S. Simon

ABSENT: Appellant(s) for Appeal No. 1 and No. 2

1. CALL TO ORDER

Recording Secretary called the appeal hearing to order at 7:11 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

2. ELECTION OF CHAIRMAN

G. Shipley nominated C. Crozier to be Chairman, seconded by B. Hawrelak. C. Crozier accepted and assumed control of the appeal hearing.

The Appellant(s) were not in attendance. It was established that there was a conflict with the delivery address of the Appellant(s) and it was unconfirmed whether the Appellant(s) received notice of the SDAB hearing.

B. Hawrelak moved to postpone the hearing and reschedule the hearing to allow for notification of the hearing. - Carried.

Consensus was to postpone the meeting and reschedule the hearing to Wednesday, June 17, 2015.

C. Crozier moved the meeting be adjourned at 7:16 p.m.




WEDNESDAY JUNE 17, 2015 at 7:00 p.m.

PRESENT: Members: C. Brown, C. Crozier, B. Hawrelak
V. Lutz, G. Shipley

Development Officer	B. Stehr
Planning Consultant	G. Smith
Recording Secretary	S. Simon

Appellant(s)
for Appeal No. 1 and No. 2 Dean Pylypchuk for Goulet Trucking
Brent Jespersen for Goulet Trucking

G. Shipley moved to reconvene the meeting June 17, 2015 at 7:00 p.m. - Carried.

Chairman, C. Crozier, summarized the events of the meeting May 26, 2015 stating the meeting was postponed and adjourned due to the unclarity as to whether or not the Appellant received notice of the May 26, 2015 meeting.

3. APPEAL NO. 1
Appeal of Development Application 15-DP-015
Lot 12, Block 6, Plan 9811617 (1576 South Highway Drive SE)
Chain Link Fence higher than 0.9 meters

Chairman C. Crozier asked the appellants if they had any objection to any board members hearing the appeal. D. Pylypchuk and B. Jespersen advised they had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation of Appellant

D. Pylypchuk advised they are appealing the refusal of their development permit application for a fence which they are proposing to be higher than what is allowed in the Land Use Bylaw. D. Pylypchuk commented that the building on the property is set to the rear of the lot leaving the area in front as yard & storage. They require a higher fence than .9 m to limit vandalism, for safety of equipment and to limit trespassers due to the nature and use of the property. They are wanting to install a chain link fence and feel that chain link is aesthetically pleasing and would serve their purpose. He noted there are other similar designs of fences in the neighbouring businesses in Redcliff.

He advised the safety of the property and equipment is a concern as destruction/tampering could cause contamination to the ground on the property as well as out on the highways.

D. Plylypchuk indicated they require a six foot fence to keep the yard safe, to protect the assets and protect against those who may wander onto the property.



B. Hawrelak questioned what they would be topping the fence with if anything? Barb wire or other options? Is it a security fence even though it is six feet tall? B. Hawrelak asked what the nature of the lot is?

D. Pylypchuk advised the lot is used for truck and trailer storage and the purpose of the fence is for security.

D. Hawrelak questioned if there are hazardous materials being transported?

B. Jespersen, business development representative for Goulet Trucking and Torque Energy gave an overview of Torque's operations and safety. They are a growing oilfield hauling company that hauls sweet crude oil. He confirmed there is no condensate or sour liquids and the rate of explosion is nil to none.

B. Hawrelak questioned if they will hard top the lot and if the product on the lot will always be in a mobile tank or will there be a permanent tank on the lot as well. B. Jespersen responded that the product is always mobile. There will never be loaded trucks parked in the lot. The residue from an empty truck parked there would be from previous loads and would only amount to 2 to 5 litres of liquid.

b) Presentation of Development Officer (Report Attached)

B. Stehr referred to his report and confirmed discussions with D. Pylypchuk and application to change the use for the yard to truck and trailer storage. Further the application was considered by the Municipal Planning Commission and the application was approved.

B. Stehr further confirmed that only a fence of .9 m height in the front of property is allowed as per the Land Use Bylaw.

c) Presentation of Municipal Planning Commission (MPC)

No one was in attendance.

d) Presentation of Planning Consultant (Report Attached)

Written recommendations of the Planning Consultant and comments from the City of Medicine Hat were distributed to all parties.

C. Crozier read comments of the City of Medicine Hat, confirming they had no concerns.

G. Smith, Planning Consultant, referenced his report and reiterated his recommendation:

"My recommendation is that the Board **not uphold** the Development Officer's decision and to approve the Development Permit for the erection of a 1.8 m fence in the front yard. However, in the event that the SDAB does approve the Development Permit, the SDAB may wish to consider the following potential conditions:

- The fence is the same size, height and location as provided by the applicant for the Development Permit as submitted 15-DP-015.



- Requiring the applicant to provide screening or other means at the front of the site to be consistent with the MDP policy to depict a sense of community to capture the first impressions of visitors and therefore, the highway shall be enhanced to create a desirable and attractive gateway.

G. Smith confirmed that other neighboring lots have landscaping and slats etc. to lessen the eyesore. We need to keep the off highway access eye appealing.

e) Presentation of anyone served notice of hearing

James Place, owner of said property in attendance.

f) Presentation of anyone claiming to be affected

James Place, owner of the property stated that 70% of the off highway lots have chain link fence. Further he is not too agreeable to slats for a chain link fence and he states that the north side of the lot is already fenced so he is not sure why this issue has to be appealed.

g) Rebuttal of Appellant/Applicant

The appellant had no further comments.

h) Other

Nothing further was discussed.

i) Recess

The Board did not request a recess.

j) Decision

G. Shipley moved Development Permit Application 15-DP-015 (Lot 12, Block 6, Plan 9811617 [1576 South Highway Drive SE]) for an overheight fence be approved as presented. – Carried.

Discussion ensued with regard to security fencing ie: barbwire fencing is allowable on the top of the fence. The Development Officer advised that the Land Use Bylaw does not allow for barbwire fencing in the front yard of a property. It was commented that fence is consistent with commercial property and it is normal to protect a business' property and protect the safety of those wandering into the lot. James Place indicated he is agreeable to barbwire and that the fence will be six feet and an additional foot is added when you include the barbwire.

G. Shipley moved Development Permit Application 15-DP-015 (Lot 12, Block 6, Plan 9811617 [1576 South Highway Drive SE]) in addition to its approval of an overheight fence that a one foot portion of security fencing be allowed at the top of the fence. – Carried.

Reasons for Decision

Fencing is consistent with commercial property and placement is reasonable to protect the property.



Chairman Crozier advised the appellant of the decision and that the written decision would be forthcoming.

4. APPEAL NO. 2

Appeal of Development Application 15-DP-016

Lot 12, Block 6, Plan 9811617 (1576 South Highway Drive SE)

Free Standing Sign

Chairman Crozier asked the appellants if they had any objection to any board members hearing the appeal. D. Pylypchuk advised they had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation of Appellant

D. Pylypchuk advised he is appealing the refusal Development Permit Application 15-DP-016 (Lot 12, Block 6, Plan 9811617 [1576 South Highway Drive SE]) for a free standing sign. He indicated that Land Use Bylaw does not allow for multiple free standing signs on the property. D. Pylypchuk confirmed that there is another sign on the opposite side of the yard which belongs to the owner of the property. The first sign belongs to the owner.

D. Pylypchuk indicated the proposed sign is aesthetically pleasing and it allows customers and employees to clearly find the company.

Discussion ensued regarding location and pictures of the sign.

J. Place, owner of property advised for resolution of the matter he will take down the second sign.

b) Presentation of Development Officer (Report Attached)

Development Officer referenced his report.

c) Presentation of Municipal Planning Commission (MPC)

No one was in attendance.

d) Presentation of Planning Consultant (Report Attached)

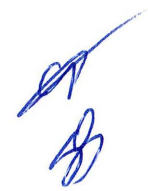
G. Smith noted there are currently two signs proposed but it appears from the statements of the property owner that there will be no issue if one of the signs is removed. It will then meet the Land Use Bylaw of only one free standing sign per site.

e) Presentation of anyone served notice of hearing

James Place, owner of said property, in attendance.

f) Presentation of anyone claiming to be affected

James Place, owner of said property states that he can remove the original sign by the end of the weekend or by the end of June. He states the original sign was from a handshake agreement between him and the previous renters and it can be removed.



g) Rebuttal of Appellant/Applicant

The appellant had no further comments.

h) Other

Nothing further was discussed.

i) Recess

No recess was requested.

j) Decision

G. Shipley moved Development Application 15-DP-016 (Lot 12, Block 6, Plan 9811617 [1576 South Highway Drive SE]) for a free standing sign be approved as presented conditional to removal of the second free standing sign on site. - Carried.

Reasons for Decision

The matter is resolved as the Owner indicated he would be removing the conflicting free standing sign.

Chairman Crozier advised the appellant of the decision and that the written decision would be forthcoming.

5. ADJOURNMENT

C. Brown moved the meeting be adjourned at 7:40 p.m.



Cathy Crozier, Chairman



S. Simon, Recording Secretary

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development Officer's Report

Date: May 12, 2015

Development Permit Application: **15-DP-015 (Chain Link Fencing)**
Applicant: **Goulet Trucking**
Owner: **Greenplace Holdings Ltd.**
Property Address: **1576 South Highway Drive SE**
Legal Address: **Lot 12, Block 6, Plan 9811617**
Land Use: **C-HWY Highway Corridor Commercial District**
Development Officer: **Brian Stehr**

Background:

Approximately mid – February I had an opportunity to have a conversation with Dean Pylypchuk. During the conversation, D. Pylypchuk informed me that he would be handling the Development Permits for Goulet Trucking's development at 1576 South Highway Drive SE. Goulet Trucking had started to install a chain link fence around the property. The fence was being installed to provide safety and security for the fleet of trucks and trailers. As well, the fence was needed to prevent vandalism. I advised D. Pylypchuk under the C-HWY zone fences higher than 0.9 m were not allowed in the front yard. I then discussed with D. Pylypchuk the options regarding the chain link fencing.

On March 20, 2015 D. Pylypchuk, on behalf of Goulet Trucking, submitted a Development Permit Application for a Change of Use, and a Development Permit Application for a 1.8m chain link fence in the front yard.

Speaking with the Town of Redcliff's Planning Consultant, it was considered a good planning practice to consider the Change of Use prior to making a decision on the 1.8m chain link fence in the front yard. The Development Permit Application for the Change of Use was considered and approved at the Wednesday April 15, Municipal Planning Commission. I then had an opportunity to review the Development Permit Application for the chain link fence.

During the review of the Development Permit Application I noted the following in regard to the Land Use Bylaw.

Section 8 of the Land Use Bylaw defines Front Yard as:

- (91) *Means the area extending across the width of the lot and situated between the front lot line and the nearest portion of the building(s).*

Section 56.6 of the Land Use Bylaw states:

- (6) **Residential, Horticultural, Commercial and Public Service Districts**
(a) **Interior Lots**
(i) *in front yard: 0.9 m*
(ii) *in side and rear yards: 1.8 m*

Development Permit Application 15-DP-015 was denied on April 20, 2015 for the following reason:

1. As per the Town of Redcliff's Land Use Bylaw Section 86.13.a only one (1) free-standing sign is allowed per site.

On May 8, 2015 D. Pylypchuk, on behalf of Goulet Trucking, appealed the Development Officer's decision to deny the Development Permit Application 15-DP-01 for 1.8 m chain link fence in the front yard.



Scheffer Andrew Ltd. Presentation Notes for Appeal of 15-DP-015

Presented by Gary Smith, RPP, MCIP
Senior Planner

Introduction

My name is Gary Smith; I am acting on behalf of the SDAB in the appeal of the refusal of Development Permit **15-DP-015**.

I have reviewed the documentation provided by the Town with regard to the appeal of the refusal of Development Permit application **15-DP-015**. I offer the following planning comments.

Background and Description of Development

- An application for a development permit was received by the Development Officer on March 20, 2015, from D. Pylypchuk representing Goulet Trucking to complete the installation of a 1.8m perimeter chain link located at 1550 and 1576 South Highway Drive SE. The company known as Goulet Trucking is located on Lot 12 and portion of Lot 13, Block 6, Plan 9811617 otherwise known as 1576 and 1550 South Highway Drive SE. The portion of the business located on Lot 12 Block 6, Plan 9811617 is the subject of this appeal.
- On April 20, 2015 the Development Officer denied the development permit application listing the reason for denial as:
 - The proposed fence height of 1.8 m in the front yard and side yards in front of the building is more than the maximum height of 0.9 m as per the Town of Redcliff's Land Use Bylaw Section 56.6.a(i) for Lot 12 Block 6, Plan 9811617 of the development that is zoned C-HWY Corridor Commercial District.
 - A Notice of Appeal was submitted to the Municipal Manager on May 8, 2015 by D. Pylypchuk (the "appellant") citing the reason for denial as ground for the appeal. Subsequently a Subdivision and Development Appeal Board Hearing held on May 26, 2015 was adjourned until June 17th. The application was processed in accordance with the Municipal Government Act.

Basis for Original Decision

In respect of the refusal, the requiring of a maximum fence height of 0.9 m in the front yard of interior lots is a requirement of the Zoning Bylaw 1698/2011 for aesthetic and safety reasons.

Municipal Development Plan Considerations:

- The subject property of this appeal is consistent with the Commercial and Industrial policies of the Municipal Development Plan, however it should be noted that the policies of 12.1 regarding the Trans Canada Highway the enhancement to create a desirable and attractive gateway are problematic for this particular use at this location.

Land Use Bylaw Considerations:

- The subject property of this appeal is located in the C- HWY Commercial District obtaining approval for the establishment of a Trucking Terminal and Storage use as a Discretionary Use at the April 15, 2015 MPC meeting.



- The Trucking Terminal and Storage use as a Discretionary use appears to meet the provisions of Section 91 C-HWY Commercial District except with regards to the fencing height provisions of Section 56.6.a(i) .
- The planning rationale for a fencing height of 0.9 m in the front yard in the C-HWY Commercial District is primarily for safety and aesthetic reasons as the main buildings are typically sited at the front of a lot with storage of vehicles, goods etc screened from view. This is particularly evident in Section 91.8 (a) a high standard of building design, signage and landscaping is encouraged for commercial development in proximity to the Trans Canada Highway thereby not encouraging the visibility of the “fenced compound” along the front yards visible from the Trans Canada Highway.
- It is noted that in the establishing the trucking terminal or storage use at this particular location is problematic as the main building is located at the rear of the property thereby providing the front yard as the only viable area for truck parking and storage.
- It should be also noted that the other portion of the business is located on Lot 13 Block 6, Plan 9811617 is zoned I-1 Light Industrial District with relevant fencing provisions under Section 56.7.(a) (ii) in front yards utilized for storage the maximum fence height is 1.8 metres.

Summary and Conclusions:

In respect of the Municipal Development Plan:

- The proposal would be consistent with the Municipal Development Plan should proper screening be installed to enhance the use of the front yard for storage.

In respect of the Land Use Bylaw:

- The C-HWY District –is an appropriate land use designation for the proposed development application however given the problematic location of the main building at the rear of the property thereby providing the only viable location for truck storage requires the front yard. The erection of a fence height of 1.8 m may be warranted for security and subsequently in such a manner as to screening from the travelling public along the Trans Canada Highway.

Recommendation:

My recommendation is that the Board **not uphold** the Development Officer’s decision and to approve the Development Permit for the erection of a 1.8 m fence in the front yard. However, in the event that the SDAB does approve the Development Permit, the SDAB may wish to consider the following potential conditions;

- The fence is the same size, height and location as provided by the applicant for the Development Permit as submitted **15-DP-015**.
- Requiring the applicant to provide screening or other means at the front of the site to be consistent with the MDP policy to depict a sense and community to capture the first impressions of visitors and therefore the highway shall be enhanced to create a desirable and attractive gateway.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development Officer's Report

Date: May 12, 2015

Development Permit Application: **15-DP-016 (Free Standing Sign)**
Applicant: **Goulet Trucking**
Owner: **Greenplace Holdings Ltd.**
Property Address: **1576 South Highway Drive SE**
Legal Address: **Lot 12, Block 6, Plan 9811617**
Land Use: **C-HWY Highway Corridor Commercial District**
Development Officer: **Brian Stehr**

Background:

Approximately mid – February I had an opportunity to have a conversation with Dean Pylypchuk. During the conversation, D. Pylypchuk informed me that he would be handling the Development Permits for Goulet Trucking's development at 1576 South Highway Drive SE. We discussed the need for Development Permit Applications for a Change of Use at that location, prior to the Town accepting a Development Permit Application for the Free-Standing Sign at the above mentioned address.

On March 20, 2015 D. Pylypchuk, on behalf of Goulet Trucking, submitted a Development Permit Application for a Change of Use, and a Development Permit Application for a Free-Standing sign.

Speaking with the Town of Redcliff's Planning Consultant, it was considered a good planning practice to consider the Change of Use Application prior to the application for a Free-Standing sign. The Development Permit Application for the Change of Use was considered and approved at the Wednesday April 15, Municipal Planning Commission. I then reviewed the Development Permit Application for the Free-Standing Sign.

During the review of the Development Permit Application it was noted that a Development Permit for a Free Standing sign had been approved at this address on July 24, 2013 (13-DP-045).

The Town of Redcliff's Land Use Bylaw Section 86.13.a states:

- a) *One (1) free-standing sign is allowed per site or per building on a site. If a parcel abuts more than one (1) public roadway other than a lane, the parcel may be allowed one (1) additional free-standing sign for each abutting roadway in excess of one (1), at the discretions of the Development Authority.*

Development Permit Application 15-DP-016 was denied on April 27, 2015 for the following reason:

1. As per the Town of Redcliff's Land Use Bylaw Section 86.13.a only one (1) free-standing sign is allowed per site.

On May 8, 2015 D. Pylypchuk, on behalf of Goulet Trucking, appealed the Development Officer's decision to deny the Development Permit Application 15-DP-016 for a Free-Standing sign.



Scheffer Andrew Ltd. Presentation Notes for Appeal of 15-DP-016

Presented by Gary Smith, RPP, MCIP
Senior Planner

Introduction

My name is Gary Smith; I am acting on behalf of the SDAB in the appeal of the refusal of Development Permit **15-DP-016**.

I have reviewed the documentation provided by the Town with regard to the appeal of the refusal of Development Permit application **15-DP-016**. I offer the following planning comments.

Background and Description of Development

- An application for a development permit was received by the Development Officer on March 20, 2015, from D. Pylypchuk representing Goulet Trucking to permit a second free-standing sign. The company known as Goulet Trucking is located on Lot 12 and portion of Lot 13, Block 6, Plan 9811617 otherwise known as 1576 and 1570 South Highway Drive SE. The portion of the business located on Lot 12 Block 6, Plan 9811617 is the subject of this appeal.
- On April 27, 2015 the Development Officer denied the development permit application listing the reason for denial as:
 - Town of Redcliff Land Use Bylaw Section 86.13.a permits only one (1) free-standing sign per site for Lot 12 Block 6, Plan 9811617 of the development that is zoned C-HWY Corridor Commercial District.
 - A Notice of Appeal was submitted to the Municipal Manager on May 8, 2015 by D. Pylypchuk (the "appellant") citing the reason for denial as ground for the appeal. Subsequently a Subdivision and Development Appeal Board Hearing held on May 26, 2015 was adjourned until June 17th. The application was processed in accordance with the Municipal Government Act.

Basis for Original Decision

In respect of the refusal, the permitting of one freestanding sign per site or per building on a site is subject to Section 86.13.a of the Land Use Bylaw 1698/2011 for safety and aesthetics.

Municipal Development Plan Considerations:

- The subject property of this appeal is consistent with the Commercial and Industrial policies of the Municipal Development Plan.

Land Use Bylaw Considerations:

- The subject property of this appeal is located in the C- HWY Commercial District obtaining approval for the establishment of a Trucking Terminal and Storage use as a Discretionary Use at the April 15, 2015 MPC meeting.
- The Trucking Terminal and Storage use as a Discretionary use appears to meet the provisions of Section 91 C-HWY Commercial District except with regards to the erection of more than one (1) freestanding signs on the property.



- The planning rationale with regards to the permitting on one (1) Free-standing sign per site or per building on a site is primarily for business identification, safety and aesthetic reasons.
- It is noted that the subject property has two (2) erected free-standing signs. One belongs to the property owner advertising an offsite business on the east side of the property with the second erected sign advertising the onsite business of Goulet Trucking located on the west side of the property.
- Section 86 Sign Regulations of The Land Use Bylaw are generally established for business identity of the onsite business to the public and emergency services. Advertising, the subject matter that is usually not related to the use or ownership of the property is located and generally consisting of advertising copy maybe considered as a billboard sign under Section 86.3.c and further and are not permitted in any Land Use District under Section 86.10.1.

Summary and Conclusions:

In respect of the Municipal Development Plan:

- The proposal would be consistent with the Municipal Development Plan.

In respect of the Land Use Bylaw:

- Section 86 Sign Regulations of The Land Use Bylaw are generally established for business identity of the onsite business to the public and emergency services whereas advertising for offsite business are generally considered billboard signs Section 86.3.c and further in Section 86.10.1 are not permitted in any Land Use District.

Recommendation:

My recommendation is that the Board **uphold** the Development Officer's decision. However, in the event that the SDAB does approve the Development Permit, the SDAB may consider the following potential conditions;

- The freestanding sign is the same size, height, displaying the name of the onsite business and location as presently erected by the applicant for the Development Permit as submitted **15-DP-016**.
- That only one (1) freestanding sign be permitted that advertises the existing onsite business be permitted on condition that any other freestanding sign advertising offsite business be dismantled or demolished.
- The Sign shall be maintained in good repair and without limiting the generality of the foregoing:
 - (1) a sign shall at all times be structurally sound.
 - (2) A sign shall not be allowed to peel or become torn.
 - (3) Any portion of the Sign that is metal shall not be allowed to rust.