

**MINUTES OF THE MEETING OF THE SUBDIVISION  
AND DEVELOPMENT APPEAL BOARD  
May 06, 2019 at 7:00 p.m.**

**PRESENT:** Members: B. Christian, T. Read,  
G. Shipley, C. Storle,  
C. Crozier

Development Officer	B. Stehr (arrived at 7:09)
Director of Planning & Engineering	J. Johansen
Recording Secretary	S. Simon

Owner Representative

**1. CALL TO ORDER**

Recording Secretary called the appeal hearing to order at 7:00 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 Chairperson, seconded by T. Read. C. Crozier accepted and assumed control of the appeal hearing.

Chairperson Crozier asked persons in the gallery if they had any objection to any board members hearing the appeal. No objection to any member of the Subdivision and Development Appeal Board were stated.

**3. APPEAL**

**Appeal of Development Permit Application 19-DP-021  
Lot 15, Block 1, Plan 7911064 (1601 Broadway Avenue N.)  
Free Standing Sign & Fascia Sign**

**a) Presentation(s) by Development Authority**

Director of Planning & Engineering referenced the Planning & Engineering Report and provided details of the proposed development and outlined the reasons for the refusal of the development permit application by the Development Officer as follows:

- Proposed Free Standing Sign exceeds the maximum of 9.3 m<sup>2</sup> signage area as per the Town's Land Use Bylaw (Section 88.13.d);
- Signage on auxiliary building (gas bar canopy) is not allowed;
- Fascia signs on the east side of the building are not allowed as per the Town's Land Use Bylaw (Section 88.12.c).

The Director of Planning & Engineering advised with regard to the proposed development, they have no concerns with the proposal, other than it does not meet the requirements of the Land Use Bylaw and the Land Use Bylaw does not give sufficient authority to the Development Officer or MPC to approve this application, and in the event the SDAB allows the development that the following conditions be considered:

1. Applicant to remove existing free standing sign;
2. The signs shall not display lights that will adversely affect adjacent properties;
3. The signs shall not display lights that obstruct the view of, or may be confused with a traffic control device, in the opinion of the Development Authority;
4. The signs shall not obstruct the view of, or otherwise pose a potential hazard to vehicle or pedestrian traffic, in the opinion of the Development Authority;
5. The signs shall be maintained in good repair at all times, notwithstanding the sign shall at all times be structurally sound, the sign shall not be allowed to peel or become torn, or that any portion of the sign that is metal shall not be allowed to rust;
6. No auxiliary sign(s) shall be attached to the Free Standing Sign.
7. The LED signs must display a static display with no motion pictures, and the change between displays must be immediate.
8. The LED signs must not adversely affect adjacent properties &/or traffic to the satisfaction of the Development Officer.

**b) Presentation by the Appellant**

No one in attendance.

**c) Presentation by the Applicant (if Applicant is different from the Appellant)**

No one in attendance.

**d) Presentation by other persons in favor of the appeal**

No comments provided by persons in the gallery.

**e) Presentations from any person(s) opposed to the appeal**

No comments provided by persons in the gallery.

**f) Summation and response from all participants**

No further comments.

Development Officer arrived at 7:09 p.m.

**g) Other**

The recording secretary advised she had received an inquiry from an adjacent landowner and upon their review of the proposal they were not opposed.

**h) Recess**

No recess requested.

**i) In Camera (Confidential Discussion)**

B. Christian moved to meet in Camera at 7:10 p.m.

The Director of Planning & Engineering, Development Officer, and persons in the gallery left the meeting at 7:10 p.m.

**j) Decision**

B. Christian moved the appeal against the decision of the Development Officer to refuse to issue a permit for Development Permit Application 19-DP-021 (Lot 15, Block 1, Plan 7911064 - 1601 Broadway Avenue N. for a Free Standing Sign & Fascia Sign be upheld and the decision of the Development Officer be revoked. Further that Development Permit Application 19-DP-021 (Lot 15, Block 1, Plan 7911064 - 1601 Broadway Avenue N. for a Free Standing Sign & Fascia Sign be approved as presented with the following conditions:

1. Applicant to remove existing free standing sign;
2. The signs shall not display lights that will adversely affect adjacent properties;
3. The signs shall not display lights that obstruct the view of, or may be confused with a traffic control device, in the opinion of the Development Authority;
4. The signs shall not obstruct the view of, or otherwise pose a potential hazard to vehicle or pedestrian traffic, in the opinion of the Development Authority;
5. The signs shall be maintained in good repair at all times, notwithstanding the sign shall at all times be structurally sound, the sign shall not be allowed to peel or become torn, or that any portion of the sign that is metal shall not be allowed to rust;
6. No auxiliary sign(s) shall be attached to the Free Standing Sign.
7. The LED signs must display a static display with no motion pictures, and the change between displays must be immediate.
8. The LED signs must not adversely affect adjacent properties &/or traffic to the satisfaction of the Development Officer.

- Carried.

**Reasons for Decision**

The suggested proposal is not a detriment to the surrounding area and is consistent with past decisions of the Subdivision and Development Appeal Board with regards to signage along the highway corridor.

Evidence / Documents used in making decision:

Original application

Appeal Form

Appellant Submission

Development Officer Submission

No objections received from Adjacent Land owners.  
Land Use Bylaw Sign Section

B. Christian moved to return to regular session at 7:19 p.m.

The Director of Planning & Engineering, Development Officer, and persons in the gallery returned to the meeting at 7:19 p.m.

Chairperson Crozier summarized the decision and advised that a formal decision will be issued within 15 days.

4. **ADJOURNMENT**

C. Storle moved the meeting be adjourned at 7:22 p.m.



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Chairman



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S. Simon, Recording Secretary