



# Municipal District of Bighorn No. 8

No.2 Heart Mountain Drive, P.O. Box 310, Exshaw, Alberta T0L 2C0

Phone: (403) 673-3611 • Calgary Direct: (403) 233-7678

Fax: (403) 673-3895 • Email: bighorn@md.bighorn.ab.ca

---

## DECISION OF THE SUBDIVISION/DEVELOPMENT APPEAL BOARD

**Hearing: Monday, June 4<sup>th</sup>, 2018**

**Development Permit 29/18, Five Star Permits for 353850 Alta. Ltd. (Appellant)**

### **I. Decision**

For the reasons outlined below, the Subdivision and Development Appeal Board (the “Board”) conditionally grants the May 17<sup>th</sup>, 2018 appeal of Five Star Permits for 353850 Alta. Ltd. (the “Appellant”), on the refusal of the Development Officer for Development Permit Application No. 29/18, for an electronic variable message sign (fascia) on the Heart Mountain Store, located at 8 Heart Mountain Drive (legal description Lot 4 Block 7 Plan 7921 GP; the Heart Mountain Store is hereinafter referred to as “the subject property”) in the hamlet of Exshaw. The conditions of approval are:

- the proposed electronic variable messaging sign and the existing fascia sign are to cover a maximum of Twenty per-cent (20%) of the total fascia space.
- the existing fascia sign dimensions must remain the same; the new electronic variable messaging sign can take up the remaining allowable space to the aforesaid 20% maximum coverage limit;
- the maximum number of variable messages that can be used/displayed is six (6);
- the hours of operation for the electronic variable messaging sign are limited to 6:00 a.m. – 9:00 p.m. Monday to Friday, and 8:00 a.m. – 8:00 p.m. Saturday and Sunday;
- the sign is not to be used for any form of “third party” advertising or notifications;
- the sign shall otherwise be installed in accordance with the regulations of Section 4.5 of Land Use Bylaw No. 04/10 except as altered in this decision;
- any changes to the submitted drawings for the sign must first be approved by the MD of Bighorn Development Authority, prior to making any changes to the sign design;
- all electrical wiring shall be approved by Alberta-registered Safety Codes Officers;
- the sign shall be maintained, repaired and painted on an as-needed basis, and shall be kept in an aesthetically pleasing fashion at all times it is fastened to the building for the intended purpose.

### **II. Background**

The Board heard an appeal from the Appellant’s agent (Stephen Fitzmorris), with respect to the Development Officer’s Notice of Refusal on Development Permit application 29/18. The Appellant was seeking approval to place a digital fascia sign (that would display electronic variable messages) on the front of the subject property. In reviewing the development permit application, the Development Officer noted Section 4.5.3 of the Land Use Bylaw, which states “Rotating and flashing signs, including animated signs and electronic variable message signs, are prohibited”; further, the Development Officer noted that Section 4.5.11 of the same Land Use Bylaw limits fascia signs to “not exceed a copy area greater than 15% of the face of a building.” Given that dimensions and measurements were not provided, for both the existing fascia sign on the front of the subject property

nor for the fascia itself, no determination could be made for the proposed sign, which would be the second fascia sign on the subject property.

The Appellant is requesting the Board approve the electronic variable message sign.

The appeal hearing by the Board was held on June 4<sup>th</sup>, 2018, at the M.D. Administration building in the Hamlet of Exshaw; the Appellant's agent (Stephen Fitzmorris) was present at the hearing. The Board heard from the Appellant's agent; the Board also heard from Development Officer Janice Thompson on the Officer's Notice of Refusal. Several documents were submitted and provided to the Board, as follows:

- Board Secretary's Case Outline/Overview;
- Copy of the corrected Notice of Refusal dated May 17, 2018, on Development Permit Application 29/18;
- Copy of the May 17<sup>th</sup>, 2018 letter of appeal from the Appellant;
- Copy of the Sign Association of Canada's report "Electronic Message Center Basics";
- Conceptual diagrams/photos of the proposed electronic variable message sign (2);
- Copy of the Certificate of Title;
- Maps showing the location of the Subject Property;
- Copy of the Corporate registry information for 353850 Alta. Ltd., showing the directors;
- Excerpts from the Land Use Bylaw 04/10 (Part 2, Section 4); and

There were no submissions, written or verbal, in support nor opposition to the decision of the Development Officer.

### **Issues Raised**

The Appellant's agent referenced the Appellant's May 17<sup>th</sup> letter of appeal, noting the following reasons for requesting the variance:

- the sign would operate only during the subject property's operating hours;
- there is no intention to display any sort of personal message: the sign will display messages relating to the subject property's daily meal specials, events;
- the sign is one colour (black) with red lettering in the messages: no images, simple text messages only;
- the Appellant's agent indicated, when questioned by a Board member, that the Appellant would not sell time on the sign to any other business/operation.

The Appellant also noted that the proposed sign location does not face any private residential property.

The Board noted there was an existing fascia sign on the subject property; the Appellant's agent indicated there is no intent to remove that sign, once the new electronic variable message sign is installed.

The Board noted there was no one present to speak against nor in favour of the Appellant and the appeal; it was also noted there were no letters of support/objection received.

### **III Reasons for Decision / Findings of Fact**

The reasons for the Board's decision to grant the variance are:

- The Board felt the proposed variance would not unduly affect the amenities of the neighbourhood.
- The Board noted that no objections, written or verbal, were submitted to the Hearing.

The findings of facts are as follows:

- No objections were presented to the Board.

June 22, 2018

DATE



CHAIRMAN,  
SUBDIVISION/DEVELOPMENT APPEAL BOARD

A decision of the Subdivision/Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon, or questions of jurisdiction or law pursuant to, Section 688 of The Municipal Government Act, SA 2000, as amended. An application for leave to appeal to the Appellate Division of the Court of Alberta shall be made to a judge of the Appellate Division within THIRTY (30) days after the issue of the order, decision, permit or approval sought to be appealed.

