



Municipal District of Bighorn No. 8

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DECISION OF THE SUBDIVISION/DEVELOPMENT APPEAL BOARD

Hearing: Wednesday, December 9, 2020

Development Permit 57/20 - Part 2, Eev Blake and Kaleb Blake (Appellants)

I. Decision

The appeal before the Subdivision and Development Appeal Board (SDAB) was submitted by Eev Black and Kaleb Blake (the “Appellants”).

On November 1, 2020, the Development Authority issued a Notice of REFUSAL of Decision for Development Permit 57/20 - Part 2, for a projecting sign on an existing industrial bay on Unit 2, Condominium Plan 1810139 at 18 Limestone Valley Road in the Hamlet of Dead Man’s Flats. The subject property is located in the Hamlet Industrial District (H-I) referenced in Section 19 of the Land Use Bylaw No. 09-Z/18 (the “Land Use Bylaw”) .

The Notice of REFUSAL states: “Projecting” signs are not listed as a possible sign type as either a Permitted or Discretionary Use within the Hamlet Industrial regulations. Accordingly, without the use of “projecting” signs being listed as a possible type in the District regulations, the application must be refused.”

The hearing commenced and concluded on December 9, 2020.

For the reasons outlined below, the Subdivision and Development Appeal Board (the “Board”) **DENIES** the appeal and the decision of the Development Authority is upheld. A development permit shall not be issued.

II. Background

The Board heard from the Appellants who are appealing the Notice of Decision by the Development Authority dated November 1, 2020 to REFUSE Development Permit Application 57/20 - Part 2 for a projecting sign on an existing industrial bay on Unit 2, Condominium Plan 1810139 at 18 Limestone Valley Road in the Hamlet of Dead Man’s Flats.

The reason the Development Authority (Municipal Planning Commission) refused development permit Application 57/20 - Part 2 was that projecting signs were not listed as either a Permitted or Discretionary Use within the Hamlet Industrial (H-I) district regulations.

The Notice of Decision was published in the December 3, 2020 edition of the Rocky Mountain Outlook.

The Board hearing was held on December 9, 2020 at the M.D. Administration building in the Hamlet of Exshaw. The Board heard from the Appellants (Eev Blake and Kaleb Blake). The Board also heard from Development Officer Janice Thompson on the Notice of Decision for development application 57/20 - Part 2. Several documents were submitted to the Board, as follows:

- Copy of the Notice of Decision, dated November 1, 2020 for Development Permit Application 57/20 – Part 2;
- Copy of the Letter of Appeal from the Appellants received November 20, 2020;
- Site map showing the location of the Subject Property;
- Development Permit Application 57/20 for the subject property and submitted documents; Letter of Authorization from landowner, building elevations, sign dimensions and color renderings, and Certificate of Title; and
- Excerpts from the Land Use Bylaw 09-Z/18 (Section 12. Hamlet Industrial District (H-I) and Section 4.17. Signs (Section 4.17.3.)

Issues Raised

The Board and the Appellant discussed the following reasons for the appeal:

The Appellants said that according to the Land Use Bylaw, projecting signs are not a permitted or discretionary use in district, but all other commercial districts within Dead Man’s Flats do allow the use of a projecting sign.

The Appellants said the ‘use side’ of commercial is how they are hoping the sign would be approved and added that the industrial district does allow canopy signs, and in her opinion, a canopy sign can have the side branded.

The Appellants said that while the sign protrudes, the side can be branded, so if someone looked at the side of the building, they could still see the branding on the side of the canopy sign. Having a projecting sign would be very similar to the side branding of a canopy sign.

E. Butters asked if the place of business is the last one in the laneway and what was across from their industrial bay. The Appellants responded and said their bay was the last one on the lane and their business faces the back of another commercial building.

L. Hogarth asked if they intended on lighting the projecting sign and what size the sign would be. The Appellants replied they were not lighting the sign and the sign size would be 36 inches wide and 30 inches high.

Chair Apedaile asked what the distance was between the ground and the bottom of the sign. The Appellants said 16 feet.

III

Reasons for Decision / Findings of Fact

The reasons for the Board’s decision are:

- The Board recognizes that a “Projecting” sign is not listed as either a permitted or discretionary use in Section 19. Hamlet Industrial (H-I) district regulations in Land Use Bylaw 09-Z/18.
- As prescribed in Section 687(3)(a) of the Municipal Government Act, the Board’s decision must comply with the land use bylaw in effect. The Board does not have authority to approve a development permit for a use that is not a listed use in the Hamlet Industrial (H-I) district regulations of Land Use Bylaw 09-Z/18.

December 22, 2020

DATE

M. D. Apedaile

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.