



Municipal District of Bighorn No. 8

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DECISION OF THE SUBDIVISION/DEVELOPMENT APPEAL BOARD

Hearing: February 8th, 2016

**Development Permit 57/15, River's Bend Development Inc. (Appellants)
SE Section 13-24-10-W5M in the Hamlet of Dead Man's Flats (the subject property)**

I. Decision

For the reasons outlined below, the Board grants the appeal of River's Bend Developments Inc. on Development Permit 57/15, requesting variances to the Land Use Bylaw dimensions for a freestanding sign at the entrance to the Rivers Bend/Limestone Valley subdivisions.

II. Background

The Subdivision and Development Appeal Board (the "Board") heard an appeal from River's Bend Development Inc. (the Appellants), with respect to the Development Officer's 4 January 16 refusal on the application for Development Permit 57/15. The application is for a development permit for a freestanding entranceway sign; the sign does not meet the height restriction for a freestanding sign. Under the Land Use Bylaw, the maximum allowable height for a freestanding sign is 1.2 metres, while the River's Bend/Limestone Valley sign is 2.9 metres in height.

The subject property is located within the Public Service District (P) of Dead Man's Flats, near the intersection of Second Avenue and River's Bend Gate. Section 4.5.13 (b) of the Land Use Bylaw outlines the height restrictions for a freestanding sign for subdivision developments .

The appeal hearing by the Board was held on February 7th, 2016, at the M.D. Administration building in the Hamlet of Exshaw. The Appellants were present at the hearing (represented by Shane Jonker) and one other attendee in the gallery (Wade Downer, also of River's Bend Developments Inc.). The Board heard from the Appellant and also from the Development Officer. There were no written submissions received, from any other parties/agencies.. Documents were submitted and provided to the Board, as follows:

- Board Secretary's Case Outline/Overview;
- copy of the 4 Jan 16 Notice of Refusal from the Development Officer;
- copy of the 18 Jan 16 appeal letter from the Appellants;
- copy of the Development Permit application received 15 July 15
- copy of sketch plans showing the Subject Property and the proposed sign location;
- copies of drawings of the proposed sign, showing dimensions;
- copies of Section 4.5.13 (signs) of the Land Use Bylaw;
- recommended approval conditions to be imposed if Development Permit 57/15 is approved by the Board (submitted by the Development Officer).

The Appellants submitted additional (larger) copies of the drawings of the proposed sign, as part of their presentation.

There were no submissions received in support of nor in opposition to the appeal.

The aforementioned documents are attached as Exhibits to the minutes of the hearing.

Issues Raised

The following issues were noted as being before the Board:

1. The M.D. had approved the design of the proposed sign.

The Appellants noted that, when working out the development agreement for the River's Bend residential and Limestone Valley light industrial subdivisions, with the M.D., one of the improvements outlined in that agreement was an entrance sign. The M.D. had requested, at that time, that any sign should include massing elements and materials appropriate to the area. The design provided by River's Bend Developments Inc. was then approved by the M.D.

When application was made to construct the sign, it was discovered that the proposed sign's height dimension exceeded the Land Use Bylaw's limit.

The Board noted the proposed sign's location, at the intersection of two roads, but also noted that the sign was set back far enough from the two roads so as to be unobtrusive and relatively risk-free, from a vehicular traffic perspective.

III Reasons for Decision

The reasons for the Board's decision to grant the appeal are as follows:

- the Board noted that the proposed sign would not impact any adjacent properties in the chosen location, and therefore would not unduly interfere with the amenities in the neighbourhood.
- the Board did not believe the proposed sign's size would unduly interfere with pedestrian or vehicular traffic.

IV Findings of Fact

The findings of fact are:

- There were no submissions from any person claiming to be affected by the proposed sign.
- M.D. Administration did not have any objections to the proposed sign's size.

February 12th, 2016
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.