

MINUTES of the **Subdivision & Development Appeal Board** held on **Thursday, April 25, 2013 at 4:00 p.m.** in Council Chambers with the following in attendance:

MEMBERS:	A. Haesler	Member at Large
	M. Pritchard	Member at Large
	R. Stein	Member at Large
OTHERS:	A. Olsen	Development Officer
	D. Sarsfield	Secretary to the Board

An Acting Chair needed to be appointed for the meeting.

A. HAESLER:

That Murray Pritchard be appointed Acting Chairman of the Subdivision and Development Appeal Board for the April 25, 2013 Hearing.

-----**CARRIED**

SDAB HEARING 2013-05

Appellants: Kirk’s Tirecraft

To apply the “billboard” use to the existing fascia sign on the north side of the Kirk’s Tire Building at 238 – 22 Street North

Development Application No. DEV05077
Land Use District: I-B (Business Industrial)

There were no objections when the Chairman asked if anyone present had a lawful reason why any particular member(s) of the Board should not hear this appeal.

Development Officer’s Presentation:

Angela Olsen, Development Officer, outlined the case. An application was approved on February 22, 2012 for a digital fascia sign that had already been installed on the north elevation. One of the conditions of the Development Permit 04048 was the message on the electronic/digital sign(s) shall relate to the use on the parcel. There shall be no third party advertising.

Kirk’s Tirecraft made application on March 7, 2013 to convert the existing fascia sign into a billboard to allow for third party advertising. The application went before the Municipal Planning Commission on March 26, 2013 and was refused as the sign met the definition of a fascia sign.

The Land Use Bylaw defines a “fascia sign” as “any sign with its copy face placed parallel to, projecting no more than 0.3 m horizontally from, and having a maximum of 50% of its area projecting vertically above, the exterior wall of the building to which the sign is attached.”

A “billboard” means “a visual device and its structure and component parts which is intended to advertise or call attention to any matter, object, event or person, where the copy area is usually leasable and where the subject matter is not necessarily related to a use at or around the parcel on which the billboard is located.”

Ms. Olsen stated that billboards are intended to be free standing and not attached to wall faces. Section 9.20.6.2 of the Land Use Bylaw states the vertical posts supporting the structure shall not project above the upper edge of the copy face. Section 9.20.6.3 goes on to state that any additional bracing shall be contained between the front and rear faces of the vertical supports.

Ms. Olsen concluded that the sign was operating and currently illegally conducting third party advertising.

Appellant’s Presentation:

Cameron Mills, outlined the grounds for the appeal. The following was stated:

- Sign is currently advertising initiatives which are sponsored by Kirk’s Tires (such as UFC fighter Jordan Mein and a charitable organization)
- Billboards are limited by zoning restrictions and are always a discretionary use.
- Kirks Tires are not in the business of doing third party advertising unless they have permission from the City
- Fascia signs allowed in twenty-three land use districts; billboards allowed in seven land use districts
- Billboards are limited to portions of only five roadways
- Billboards have spacing restrictions as they are to be a minimum of 300 metres from another billboard
- No net increase in advertising whether or not third party advertising is allowed
- Cost to place a billboard at the location would be \$20,000 to \$30,000

There were no other presentations either in support or in opposition to the appeal.

Discussion:

The Board addressed the following issues during question period:

- Process for approval of the application
- Review of the definitions and application of fascia signs and billboards
- Number of fascia signs along Mayor Magrath Drive
- Distinction of third party advertising compared to community boosterism
- Water tower sign status
- Permitted and discretionary uses for signs
- Difference between freestanding and billboard signs
- Type of advertising proposed
- Amount of third party advertising proposed
- Amount of opposition to the advertisement of the previous development applications
- Zoning along Mayor Magrath Drive South

Appellant's Rebuttal:

Mr. Mills stated that the City does have the opportunity to waive the restrictions contained in the Bylaw when considering billboard sign applications. If there is a concern that there are too many billboards, the Municipality does have the right to turn it down.

Decision:

IN THE MATTER OF the Municipal Government Act

AND IN THE MATTER OF an Appeal made to the Subdivision and Development Appeal Board with respect to:

Appellants: Kirk's Tirecraft

To apply the "billboard" use to the existing fascia sign on the north side of the Kirk's Tire Building at 238 – 22 Street North.

AND UPON HEARING from the Development Officer, the Appellants, and other interested parties,

AND UPON CONSIDERING the relevant provisions of the Municipal Government Act, the Municipal Development Plan, the Land Use By-law, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows and for the following reasons:

A. HAESLER/M.PRITCHARD/R. STEIN

DECISION: The Appeal is **DENIED** and the decision of the Municipal Planning Commission regarding Development Application DEV05077 on March 26, 2013 to apply the billboard use to the existing fascia sign on the north side of the Kirk's Tire Building at 238 – 22 Street North is hereby confirmed.

REASONS FOR DECISION:

1. That the sign does clearly fall within the definition of a fascia sign and should be governed as such (Section 9.21.1 of the Land Use Bylaw)
2. Under the general requirements of Section 9.21.2.4, the message on a sign shall relate to the use of the parcel on which the sign is located
3. The Appellant clearly intends to have third party advertising which is only allowed for a billboard.
4. A billboard is contemplated to be a freestanding structure as outlined in Sections 9.20.6.2 and 9.20.6.3 of the Land Use Bylaw

-----**CARRIED**

CHAIRMAN

SECRETARY TO THE BOARD