



BEAUMONT
**Subdivision
and Development**
APPEAL BOARD

HEARING DATE: October 21, 2024
FILE NO.: 24-04
DEVELOPMENT PERMIT 2024-053

BOARD MEMBERS:

Mr. Martin Stout, Chair
Ms. Lindsay Skelly
Ms. Christabel Khumalo
Mr. Carl Savard

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

1. The Development Authority of the City of Beaumont (the "Development Authority") refused a development permit for a Fascia Wall Sign located at 5005 – 50 Street, Beaumont, legally described as Plan 8445ET, Block 1, Lot 6-8 (the "Lands"). The applicant for the Development Permit was G7 Print & Signs Corp (the "Applicant").
2. On September 30, 2024, Ramandeep Kaur, agent for the Applicant, appealed the refusal of the Development Permit (the "Appellant").
3. The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on October 21, 2024, in person.

PRELIMINARY MATTERS

A. Board Members

4. At the outset of the appeal the Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. None of the persons in attendance had any objection to the members of the Board hearing the appeal.

B. Exhibits

5. At the beginning of the hearing the Chair confirmed that everyone in attendance had the hearing package prepared for the hearing. All exhibits before the Board are referenced in Appendix "B". During the hearing, the Appellant submitted 2 pictures of signs. There was no objection to the Board receiving those pictures. The Board marked them as an exhibit (see Appendix "B").

C. Miscellaneous

6. There was no request for an adjournment of the hearing.
7. There were no objections to the proposed hearing process.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

8. The Board denies the appeal.

SUMMARY OF HEARING

9. The following is a brief summary of the oral and written evidence submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written submissions filed in advance of the hearing.

Development Authority

10. The Lands are located at 5005 – 50 Street, Beaumont, legally described as Plan 8445ET, Block 1, Lot 6-8. The Lands are located within the Main Street District (MS) of the City of Beaumont Land Use Bylaw 944-19 (the "LUB"). The site is located along arterial roadway (50th Street), with all adjacent land uses being Main Street District (MS) to the north, south, and west, and Mature Neighbourhood District (MN) to the east. The building location with the proposed sign is located in the heart of the downtown core within Centre-Ville that hosts a number of commercial businesses.
11. The application for a Fascia Wall Sign 1.1m x 2.2m (3.6' x 7.2') was received on April 23, 2024. Payment was processed on May 29, 2024. The Application was deemed incomplete on June 5, 2024, when the Development Authority requested more clear visuals for the signage with respect to its location to be affixed onto the building, as well as outlining options for a variance application for the requirements of gooseneck lighting as outlined in section 4.2.4.2 c of the LUB. The Applicant provided the required information on June 7, 2024, and the application was deemed complete on June 12, 2024. An extension was requested by the City on June 7, 2024, and signed by both parties on August 9, 2024. The decision was issued on August 30, 2024.

12. A Fascia sign is a discretionary use in Main Street District (MS) under the LUB and provisions 4.2.4.2 are required, as follows:

- (a) Shall be a discretionary use in the following land use districts
- a. Integrated Neighbourhood District;
 - b. Mature Neighbourhood District; and
 - c. Main Street District.

The proposed development is located in the Main Street District and considered discretionary.

- (b) Development Authority shall include standards (b) through (e) as listed in the Fast Track Process in Section 4.2.4.1:

It is not in either of these districts so it is not a permitted use.

- a. Shall not exceed a vertical height of 2.14m and a horizontal dimension not greater than the bay in which the business is located;

Complies: *the vertical height of the sign is 1.1m and horizontal dimension 2.2m.*

- b. Shall be architecturally integrated with the building façade with respect to size, scale, colour, location, and type of materials;

Complies: *it is architecturally integrated in all aspects noted. The size is proportionate to the entrance it is located above, the scale is proportionate to the building size, the colours are coordinated with the colours of the building, the location is appropriate for the second story use, and it is materially appropriate for a fascia sign.*

- c. Shall not project more than 20 cm beyond the building surface;

Complies: *the Development authority interpreted this as the closest point of the building to the property line and extended out.*

- d. Shall not be more than 1 sign per building face per business;

Complies: *no other sign for this business is on the building.*

- c) Shall be illuminated with gooseneck lighting;

Does not comply: *gooseneck lighting was not provided. A variance was applied for and while the variance would have been considered, the rest of the signage did not comply with other regulations (s. 4.2.4.1d), therefore, the variance was refused alongside the entirety of the permit.*

- d) Should include raised or recessed letters to give relief to the signs; and

Does not comply: *the letters are individual and there is no backdrop for it to be raised from.*

- e) Shall be architecturally integrated with the building

Complies: *the sign is architecturally integrated as noted above.*

13. Furthermore, under s. 4.5 Prohibited Signs, regulation 4.5.2 outlines the following:
- a) Rear lit or back lit signs are permitted where expressly stated in Our Zoning Blueprint and shall include:
Does not comply: the Mainstreet District does not expressly state that rear lit or back lit signs are permitted.
 - b) The name of the establishment or building;
Complies: the sign has the name of the establishment.
 - c) Individual halo-lit lettering or symbols mounted on a solid background; and
Does not comply: the lettering is not mounted on a solid background.
 - d) Awnings where only letters or symbols are rear-lit, and the remainder of the awning is a solid opaque fabric.
Not applicable: not an awning sign so this was not considered in the decision.
14. The above requirements encompass all that shall be present or excluded for a sign to be compliant with the LUB in the Main Street District. The application does not meet the following provisions:
- 4.2.4.2 Fascia/wall signs a. shall be illuminated with gooseneck lighting;
- Not compliant: proposed sign to be illuminated with back lit lighting. The DA considered a variance request and while the variance was reasonable to consider for the building as there are structural implications that physically limit where gooseneck lighting may be placed, as well as variance of similar nature have been granted on the same building in the past, the rest of the signage was not compliant with section 4.5.2 of the LUB and, therefore the variance was refused alongside the rest of the permit.
 - 4.5.2 Rear lit or back lit signs are permitted where expressly stated in Our Zoning Blueprint and shall include:
- Not Compliant: In accordance with section 4.2.4, 4.2.4.1 and 4.2.4.2 only the Commercial District and Business Light Industrial District permit rear lit or back lit signs. As the application is subject to the Main Street District regulations, the proposed back lit sign does not meet the District regulations.
15. Various tenants in the same building have had rear lit sign applications (applied for by the owner/appellant) refused for not meeting the same provisions as noted above. These signs have since been removed and replaced with signage that meets the provisions for signage outlined in the LUB. This sets a precedent for the building to maintain a cohesive look on the same structure, which was a factor in the decision for this application.
16. The application is located within the Downtown Core Precinct of the Centre-Ville Area Redevelopment Plan, which presents a distinct architectural image and is the commercial and community center of Beaumont. 5005-50 Street is subject to the Main Street Beaumont Urban Design Guidelines ("BUDG"). The BUDG reinforces the LUB by stating

that developments within Main Street must avoid signs with “luminous, fluorescent, or reflective backgrounds.” In order to maintain the high level of design that characterizes the downtown core, preserve consistency with surrounding developments, and support the vision for Centre-Ville that is codified through the LUB and BUDG, the Development Authority determined that it would not be appropriate to approve the application as submitted.

17. The Development Authority referenced Exhibit 6 to illustrate the previous signage on the subject building that was noncompliant, the current signage that went up as a result of enforcement that is now compliant, and the surrounding context demonstrated in the building across the street that the Development Authority seeks to match in design standard at 5005 50 Street.
18. In response to questions from the Appellant, the Development Authority stated that the concerns are in relation to the absence of rear lighting of the sign (s. 4.5.2 of the LUB).
19. In response to questions from the Board:
 - (a) the Development Authority noted that a backlit sign is like a “light box”. Channel signage means the letters are individual, shone from the rear and are self-illuminating;
 - (b) all other recently approved businesses in the District are compliant with the LUB. Some of the signs in Centreville could have been approved under the previous Land Use Bylaw and would be legal non-conforming uses. If they are not legal non-conforming uses, then the City is working to bring all signs into compliance with the LUB;
 - (c) depending on how the lights were disconnected, the sign might be compliant. There would also need to be an approved permit on the file.

APPELLANT RAMUNDEEP KAUR

20. Ms. Kaur indicated that a sign is a major requirement for every business. There is no space for the halo-lit lights. They need a solid background, but there is none to put the sign on. She circulated two pictures to the Board. She noted that there is a 4-5 inch concrete wall, so they cannot put up a halo-lit sign.

FINDINGS OF FACT

21. In addition to the specific facts set out under the Board’s reasons, the Board finds the following as facts.
22. The Lands are located at 5005 – 50 Street, Beaumont, legally described as Plan 8445ET, Block 1, Lot 6-8.
23. The Lands are zoned Main Street District (MS).
24. The proposed development is a Fascia Sign, but is back lit.

25. The proposed development of a back-lit sign is neither permitted nor discretionary in the Main Street District.
26. The appeal was filed on time.
27. The Appellant is an affected person.

REASONS

Affected Persons

28. The Board must determine whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to those making submissions to the Board; however, the Board wishes to review this issue for completeness.
29. The Appellant is the representative of the Applicant and since the Applicant's permit is under appeal, the Appellant is affected.

Jurisdiction and Issues to be Decided

30. The Board notes that its jurisdiction is found in s. 687(3) of the *MGA*.

687(3) *In determining an appeal, the subdivision and development appeal board*

- ...
- (a.1) *must comply with any applicable land use policies;*
 - (a.2) *subject to section 638, must comply with any applicable statutory plans;*
 - (a.3) *subject to clause (a.4) and (d), must comply with any land use bylaw in effect;*
 - (a.4) *must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*
 - (b) *must have regard to but is not bound by the subdivision and development regulations;*
 - (c) *may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
 - (d) *may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,*
 - (i) *the proposed development would not*
 - (A) *unduly interfere with the amenities of the neighbourhood, or*
 - (B) *materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*

and
 - (ii) *the proposed development conforms with the use prescribed for that*

land or building in the land use bylaw.

31. In making this decision, the Board has examined the provisions of the LUB and has considered the oral and written submissions made by and on behalf of those who provided evidence: the Development Authority, the Appellant and the Applicants.
32. To make a decision on the main issue, the Board must determine the following questions:
 - a. What is the use of the proposed development?
 - b. Is the use allowed within the district?
 - c. Does the Board have the ability to grant the appeal?

What is the use of the proposed development?

33. The evidence before the Board is that the development permit application was for a Fascia sign. Neither party contested this. Since the only evidence before the Board is that the application was for a Fascia sign, the Board finds as a fact that the use is a Fascia sign.
34. The Board must also make a determination as to whether the sign is backlit or not, as it will affect the Board's determination on whether the use is allowed within the district. The only evidence before the Board was that the Fascia sign was backlit. Based on that uncontradicted evidence, the Board finds that the Fascia sign was backlit.

Is the use allowed within in the district?

35. There was no disagreement between the parties that the relevant district is the Main Street District and the Board finds this as a fact. The Development Authority noted that Fascia sign is generally a discretionary use within the Main Street District as noted in s. 4.2.4.2 of the LUB. However, the Development Authority noted that under s. 4.5.2 Backlit signs are only permitted where expressly stated in the "Our Zoning Blueprint". Under s. 4.5.2.a, Backlit signs are only permitted in the Commercial District and Business Light Industrial District. The Appellant did not provide any comment on this point.
36. The only evidence before the Board was that the Fascia sign was to be backlit, and that this use is neither permitted nor discretionary within the Main Street District. Based on this uncontradicted evidence, the Board finds as a fact that the proposed development is neither permitted nor discretionary in the Main Street District.

Does the Board have the ability to grant the appeal?

37. Having concluded that the proposed development is neither permitted nor discretionary within the Main Street district, the Board notes that s. 687(3)(a.3) requires that, subject to clause (a.4) and (d), the Board must comply with any land use bylaw in effect. That means that the Board cannot approve a use which is neither permitted nor discretionary within the district.
38. The Board considered whether it should grant variances or otherwise impose conditions which might change the nature of the Fascia sign from the backlit sign - a use which is not permitted or discretionary within the Main Street District - into one which would be allowable. The Board has determined that on the circumstances of this case, it would not

be appropriate to exercise its discretion to do so. The only materials the Board had before it were the original application which is for the current use. The Board was not provided with sufficient information which would enable the Board to make an informed decision in relation to the sign. The Board did not wish to make a decision without the appropriate information, which might cause more concerns for both the Appellant and the Development Authority. The Board was of the view that the most appropriate action was to refuse the appeal and to encourage the Appellant to work directly with the Development Authority to prepare an application that would meet the requirements of the LUB.

Conclusion

- 39. Since the proposed development is neither permitted nor discretionary in the Main Street district, the Board cannot vary the provisions of the LUB and therefore denies the appeal.
- 40. Issued this 30th day of October, 2024 for the City of Beaumont Subdivision and Development Appeal Board.



C. Winter, Clerk of the SDAB, on behalf of M. Stout, Chair
 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to Section 688 of the Municipal Government Act, RSA 2000, c M-26.

APPENDIX "A"
 REPRESENTATIONS

PERSON APPEARING

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- 1. S. Boulos, City of Beaumont
 - 2. R. Kaur, Appellant

APPENDIX "B"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

October 21, 2024 Agenda Package		
Exhibit	Description	Pages
1.	Agenda	1-2
2.	Notice of Appeals	3-4
3.	Notice of Hearing	5-6
4.	Development Officer Submission	7-36
5.	Presentation of the Development Authority	37-45
6.	2 sign pictures (Appellant) (submitted at the hearing)	