

# SUBDIVISION AND DEVELOPMENT APPEAL BOARD MINUTES (SDAB)



<b>Meeting:</b>	Subdivision and Development Appeal Board (SDAB)
<b>Meeting Date:</b>	February 2, 2022
<b>Originated By:</b>	K. Babin
<b>Title:</b>	Minutes of SDAB Hearing 22-002
<b>Agenda Item No.</b>	3

## **BACKGROUND:**

Minutes of SDAB Hearing 22-002



## SUBDIVISION AND DEVELOPMENT APPEAL BOARD MINUTES

For SDAB Hearing No. 22-002

**TIME:** 6:30 pm  
**DATE:** February 2, 2022  
**PLACE:** Live Stream

Chairperson: Scott Shannon

Board Members: Ashley Marshall  
Hayley Gavin  
Mark Cardwell  
Morgan Nagel, Councillor

Administration: Denica Crosbie, Planner II  
John Popoff, Manager Planning Services  
Mike Korman, Interim Director, Planning and  
Development Services

SDAB Clerk: Karen Babin

---

### 1. CALL TO ORDER AND INTRODUCTIONS

- a. MOVED by to open the hearing  
Carried Unanimously
- b. Chairperson Shannon opened the hearing at 6:32 pm
- c. Introductions were made from the Board and Administration
- d. Chairperson Shannon asked if anyone had any objections to any member of the Board
  - i. There were no objections

### 2. ADOPTION OF AGENDA AND MINUTES

- a. MOVED by A. Marshall to adopt the Agenda as presented  
Carried Unanimously
- b. MOVED by M. Cardwell to adopt the Minutes from SDAB 22-001 as presented  
Carried Unanimously

### 3. APPEAL

- a. The Chairperson asked the Clerk to introduce the appeal
  - i. The Clerk read out the appeal as follows:  
DP 2021-187

1101, 101 Sunset Drive  
Block 2, Plan 111 2775  
Back-lit Canopy Sign with Variance (to Maximum Lumens)

- b. The Chairperson asked the Clerk if this Appeal had been duly advertised

The Clerk stated that the Notice of Appeal had been advertised in the January 27<sup>th</sup> edition of the Cochrane Eagle as well as sent out to adjacent landowners

#### **4. OUTLINE OF HEARING PROCESS**

- a. The Chairperson outlined the hearing process for all present

There were no concerns with the process from the Appellant, Administration or any members of the audience

- b. The Chairperson asked the Clerk if each of the affected parties had received all materials in a timely fashion.

The Clerk replied that they had

#### **5. PRELIMINARY MATTERS**

- a. There were no preliminary matters

#### **6. PRESENTATIONS**

- a. Administration:

- i. The Chairperson called upon the Development Officer to come forward and present their report
- ii. Denica Crosbie, Planner II, submitted a comprehensive Administrative Report and made an oral and visual presentation to the Board
- iii. Questions were asked from the Board to Administration

- b. Appellant:

- i. The Chairperson called upon the Appellant to come forward and present their report
- ii. Gabriel on behalf of Appellant presented a comprehensive report and made an oral presentation to the Board
- iii. Neelam Madan also attended
- iv. Questions were asked from the Board to the Appellant

- c. Additional Presentations: (if applicable)

- i. In Favour of the Appeal
- ii. Opposed to the Appeal

#### **7. QUESTIONS AND SUMMARIES**

- a. Final questions for clarification were asked
- b. Summaries were presented from Administration and the Appellant
- c. The Chairperson asked if all parties involved felt they were given a fair hearing
  - i. All parties agreed they were given a fair hearing

**8. CLOSE**

- a. MOVED by A. Marshall to close the hearing  
Carried Unanimously
- b. The Chairperson advised that the Board had 15 days to reach their decision
- c. Chairperson Shannon adjourned the hearing at 7: 05 pm
- d. MOVED by M. Cardwell to go in-camera  
Carried Unanimously

**DATED** this 3rd day of May, 2022

Original signed by Scott Shannon

---

Scott Shannon, Chairperson

Original signed by Karen Babin

---

Karen Babin, SDAB Clerk

**TOWN OF COCHRANE**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**BOARD ORDER: 20-002**

**IN THE MATTER OF THE *Municipal Government Act*, R.S.A. 2000 Chapter M-26 (Act)**

**AND IN THE MATTER OF AN APPEAL FROM AN ORDER** lodged by 2337096 Alberta Ltd.  
O/A Madaan's Country Market, of 1101, 101 Sunset Drive, Cochrane, AB (Appellant)

**BEFORE:**

Scott Shannon, Chairperson

Ashley Marshall

Hayley Gavin

Mark Cardwell

Morgan Nagel, Councillor

Karen Babin, SDAB Clerk

This is an appeal to the Town of Cochrane Subdivision and Development Appeal Board (SDAB) of the Development Authority, being the Notice of Decision to approve Development Permit 2021-187 for a Backlit Canopy Sign with Variance (to Maximum Lumens) at 1101, 101 Sunset Drive, Block 2, Plan 111 2775, in the Town of Cochrane (Town).

A hearing to consider the appeal was convened by the SDAB on February 2, 2022, commencing at 6:30 pm via video conferencing. The live stream was available for viewing on the Town's website at [Cochrane.ca/SDAB](https://Cochrane.ca/SDAB).

## I. BACKGROUND

Development Permit application DP2021-187 is for a Back-lit Canopy Sign with Variance (to Maximum Lumens). The proposed application is located in a commercial plaza, the Trading Post of Sunset Ridge, within the community of Sunset Ridge. The subject property is at 1101, 101 Sunset Drive and is designated Commercial Shopping Centre (C-SC).

The Cochrane Planning Commission (CPC) was the Development Authority for the application as back-lit signs are a discretionary use and the variance requested was greater than 10%. The application was refused at the December 15, 2021 meeting of CPC.

The Appellant appealed this decision as per section 685(1) of the *Municipal Government Act*, RSA 2000, c. M-26 (MGA), the person applying for the permit may appeal the decision if a development authority fails or refuses to issue a development permit.

## II. DETERMINATION OF THE BOARD

The Appeal is upheld, and the decision of the Development Authority is overturned as per the reasons outlined in section V Decision.

## III. APPEARANCES and SUBMISSIONS

The Board received oral and/or written submissions from:

- a) Denica Crosbie, on behalf of the Development Authority
- b) Gabriel Pereira-Langevin of Spiga Capital, on behalf of the Appellant
- c) Neelam Madan, the Appellant

The Board also received written submission from:

- d) An adjacent property owner, opposed to the Appeal
- e) The Trading Post of Sunset Ridge, board of directors, in support of the Appeal

The following was presented during the hearing and forms part of the record:

Addendum 1 – PowerPoint Presentation submitted by the Development Authority.

## IV. BACKGROUND and SUMMARY OF EVIDENCE

- a) Submissions of the Development Officer
- A development permit application for a back-lit canopy sign with variances located at 1101, 101 Sunset Drive was submitted and deemed to be complete on November 29, 2021.
  - Within the C-SC district, back-lit signs are listed as a discretionary use. In addition to the canopy lights, the application requested that 6,912 lumens be permitted for the maple leaf portion of the sign, 912 lumens more than the maximum allowable. Development Officers have the ability to approve up to a 10% variance. This application requested a 15.25% variance therefore went to the Cochrane Planning Commission for approval at their December 15, 2021, meeting where it was subsequently denied.

- Administration reviewed the application against the following statutory and non-statutory planning documents:
  - [Municipal Development Plan](#), Bylaw 07/2008 (MDP)
    - Planning Principle 4, Economic Vitality: “economic vitality and provides the foundation for a healthy, diverse, active, prosperous and resilient economy.” Goal 1 supports employment and economic opportunities, Goal 3 supports the business community, and Goal 6 supports a balance between residential and non-residential properties.
    - This property provides the only convenience store and gas bar within the neighbourhood of Sunset Ridge.
  - [Western Heritage Design Guidelines](#), 2000 (Guidelines)
    - The Guidelines do not prohibit back-lit signs, but they are not supported.
    - While the LUB was amended to allow back-lit signs as a discretionary use, the Guidelines were not updated to reflect this change.
  - [Land Use Bylaw 01/2004](#) (LUB)
    - The application was found to comply with the LUB except for the maximum lumens requested. Maximum allowable is 6,000 lumens. The sign as proposed is 20 lumens for the canopy ribbon and 6,912 lumens for each of the Petro Canada maple leaf logos. The variance required is 15.25%.
    - Back-lit signs must reduce their brightness by half, to a maximum of 3,000 lumens, between the hours of 22:00 and 06:00. The Appellant is willing to install a dimmer for the maple leaf logos in addition to turning the sign off at 22:00 hours.
    - Back-lit signs may not be of an intensity or brightness that would create a nuisance for occupants of surrounding uses and properties. The brightest portions would be the two Petro Canada logos at 6,912 lumens. One faces north and the other faces south where the immediately adjacent development is commercial. The canopy ribbon will be lit on all four sides at 20 lumens. There is a mix of residential and commercial to the west and single-family dwellings to the east.
- Circulation Comments
  - Circulation to internal departments and external agencies did not result in any comments.
- Ms. Crosbie provided the following responses to questions from the Board:
  - The Petro Canada located on Griffin Road East did not request a variance to the maximum lumens on their back-lit sign, only to the hours of operation of the sign.
  - This variance request is strictly for the additional 912 lumens for the logos and 20 lumens for the canopy ribbon.
- b) Submission of the Appellant
- The Appellant feels there are three inconsistencies in how the LUB is being applied:
  - The requested variance of 912 lumens is equal to a single 60-watt light bulb.
  - There are currently two back-lit pylon signs advertising the existing commercial businesses that surround the Appellant’s site. Both of these signs are visible to the high-density building located west of the site.
  - The Appellant collected 71 signatures from customers/residents in a single day showing their support for the appeal (attached as Exhibit C to the Appellant’s Notice to Appeal)
- The illuminated back-lit canopy will emit 22 lumens, well below the maximum allowable.
- The Appellant is willing to turn off the canopy sign during the hours of 22:00 and 06:00.
- Suncor (Petro Canada) is willing to install a dimmer to allow the lumens on the maple leaf logos to be reduced to within the 6,000 lumen maximum.
- This commercial plaza has struggled economically, and several surrounding businesses have closed due to lack of traffic. The re-opening of the gas station and convenience store will help to revitalize

the area and attract much needed traffic. The Town will further benefit via levied property taxes averaging \$17,000 annually.

- Mr. Pereira-Langevin provided the following responses to questions from the Board:
  - Petro Canada proposed the addition of a dimmer to allow for the brightness of the logos to be reduced to 6,000 lumens.
  - The hours of operation align with the hours that the illumination of back-lit signs need to be reduced by half. The business closes between 22:00 and 06:00 and will turn the canopy lights off.
  - To confirm, there are two (2) maple leaf logos. One faces the convenience store and the other faces north where there are commercial properties.
- Ms. Madan further stated for the Board that customers are in favour of the canopy sign being fully lit during their hours of operation to indicate that they are open for business. There will not be any lights left on overnight while they are closed.

c) In Favour of / Opposed to the Appeal

- Mr. Robinson, on behalf of the Board of Directors representing the Trading Post of Sunset Ridge provided a letter of support for the appeal (attached as Exhibit B to the agenda package).
- An adjacent property owner, whose home backs on to the site, provided a letter opposed to the appeal (attached as Exhibit A to the agenda package).

d) Final comments

- Ms. Crosbie made the following final comments:
  - Changes were made in 2011, 2015 and 2019 to back-lit sign regulations in the LUB. As they are a discretionary use, they must go to CPC for approval.
  - Thank you to the Appellant for clarifying that the lumens will be turned off overnight and not just reduced by half.

## V. DECISION

The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons.

The Board considered the Municipal Development Plan in relation to the proposed development and agrees the goals and objectives of this document have been met.

The Board took the Western Heritage Design Guidelines into consideration, in particular, Section 4.1 F relating to signage. While the Guidelines state that no sign *should* be back-lit, they are not expressly prohibited. The Board acknowledges that there are two (2) pre-existing back-lit pylon signs in the larger commercial area and finds the proposed canopy to be acceptable.

The Board finds that the appearance of the canopy sign, which will display the distinctive maple leaf logos, will allow for quick and easy identification of the business. The logos, being the most brightly lit portions of the sign, face commercial properties and not residential development which the Board finds satisfactory. In considering the requested variance to maximum lumens and given the intensity of 912 lumens is equivalent to one 60-watt light bulb, the Board finds the request to be acceptable.

All four sides of the canopy ribbon are to be illuminated. Only the west and east facing portions will face residential properties and at 20 lumens, the Board finds the intensity to be inconsequential.

While the installation of a dimmer had been proposed by Petro Canada, the Appellant advised during the proceedings that the illumination of the canopy sign will be turned off between the hours of 22:00 and 06:00, which Administration supported, and the Board finds acceptable.



The Board accepts the adjacent property owner's assertion that the previous back-lit sign created a nuisance; however, these proposed canopy lights will be turned off during the overnight hours thus mitigating any potential impact.

For the reasons set out above, the Board allows the appeal and overturns the decision of the Development Authority. A development permit shall be issued with an additional condition (hours of operation) as outlined in Appendix A.

Issued on this 15<sup>th</sup> day of February 2022

Original signed by Scott Shannon

Scott Shannon, Chairperson

Original signed by Karen Babin

Karen Babin, SDAB Clerk

*An appeal of this Decision, on a question of law or jurisdiction, may be made to the Alberta Court of Appeal in accordance with section 688 of the Municipal Government Act, RSA 2000, c.M-26 within 30 days of the date of this Decision.*

## APPENDIX A

This development has been **approved** and is subject to the following conditions:

1. This development is classified as Back-Lit sign (Canopy) and is a Discretionary Use in the Shopping Centre District (C-SC), on the lands legally described as Unit 2, Plan 111 2775.
2. The back-lit sign may be constructed on the subject property in accordance with the site plan and elevations stamped and approved by the Development Authority.
3. This development is approved with a variance (15.25%) to the maximum number of lumens of Section 37.5.11(a) of Land Use Bylaw 01/2004, from 6000 lumens to 6912.
4. The luminescence of all back-lit signs on this site shall be turned off between the hours of 22:00 and 06:00.
5. The applicant/owner shall be responsible for the clean-up of any garbage, materials or other items that may be unsightly, or disperse beyond the boundaries of the subject property during the construction of this development.
6. In accordance with Section 1.5.1 of Land Use Bylaw 01/2004, a Development Permit, if issued, is valid only if development commences within one year of the date of Development Permit issuance and the development is completed within two years of the date of issuance. A new Development Permit may be required unless a request for a time extension to the applicable date is received prior to its expiry.

### **ADVISORY NOTES:**

- a) It is the responsibility of the applicant/owner to comply with all requirements of Land Use Bylaw 01/2004, other municipal regulations, and all provincial and federal legislation.
- b) All permits as required by the applicable Building Code at the time, shall be obtained and the applicant/owner shall remain compliant with the provisions of this code at all times. All building permit applications must be affixed with the seal of a professional architect.
- c) All contractors working on this development shall acquire a valid Cochrane Business Licence prior to the commencement of any work and shall maintain the licence for the full duration of the construction period.
- d) The applicant must determine the exact location of the existing utility lines by arranging for an in-field location with Alberta One-Call at 1-800-242-3447.
- e) It is the responsibility of the applicant to meet all conditions of approval.