SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, March 20, 2024**
TIME: **6:00 p.m**.
PLACE: Council Gallery, 3rd flr, St. Albert Place
FILE: B02

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeal

a) 19 Raspberry Road

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application to construct a secondary suite, basement suite.

b) 234 St. Albert Trail

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application for a Freestanding Sign with Digital Display. variance.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00954 - 2024

Re: PLAN 2221233; BLOCK 5; LOT 11 - known municipally as 19 Raspberry Road, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a Development Permit Application to construct a secondary suite, basement suite.

The Appellant had no objection to the members of this Board hearing and deciding this Appeal.

There were no members of the Board who identified a conflict such that they could not participate in this Appeal.

The Board considered the Development Officer's written report and heard from the Development Officer who stated that:

The appellant is appealing the decision of the Development Officer in refusing a development permit application to construct a "dwelling, secondary suite" – basement suite.

Section 7.3(1)(b) of Land Use Bylaw 9/2005 states that a dwelling, secondary suite must provide a minimum of 1 stall for 1 or 2-bedroom suite. The suite proposed is a 1-bedroom suite. The parking must be provided on private property. The Bylaw also requires that 2 stalls be provided for the main dwelling unit on the private property or in a garage. The plan submitted for the house and parking pad does provide the main dwelling 2 stalls but there is no room to provide the required parking stall for the suite. There is a detached garage permit application waiting for approval based on the results of this appeal.

Parking
Required parking for the main dwelling: 2 stalls – provided on parking pad
Required parking for the "dwelling, secondary suite": 1 stall – not provided on the private property

Variance required: 1 stall

There is no location available on the property for this required stall based on the location of the parking pad or future detached garage.

Should the Board grant the Appeal, Administration requests that the conditions below be applied to the decision:

CONDITIONS

1. The Subdivision and Development Appeal board approves a development permit for a 'dwelling, secondary suite' (basement suite) and waives the required 1 stall parking requirement of the Land Use Bylaw (Section 7.3(1)(b).

2. The 'dwelling, secondary suite' shall be constructed in accordance with the stamped approved plans.

3. Any changes must first be submitted to the Development Officer for review.

4. The 'dwelling, secondary suite' shall have a separate entry from the principal dwelling unit, either from a common landing or from the exterior. If the entry is from the exterior, it shall be located on the side or rear of the principal dwelling unit.

NOTES

a) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.

b) The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses and approvals, at its own expense.

c) All construction must conform to the relevant requirements of the Alberta Building Code, the City of St. Albert municipal engineering standards and all applicable codes, laws, regulations, and standards.

d) The City of St. Albert does not conduct independent environmental checks of land within the city. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of St. Albert, in issuing this development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on or within the property.

d) The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman, or suppliers shall be repaired to the satisfaction of the City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be

removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.

f) An on-street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the permit.

The Board heard from the Appellant who stated that:

The Appellant was represented by Matthew Lecky, the homeowner. He advised that with respect to the suggestion that the proposed garage be moved in from the rear setback this would create a safety issue. There would be a potential safety issue because a second pad would have to be poured and the garage might be an unstable structure because there would be two slabs.

The lot is a non-zero separation lot, meaning that there is extra space on each side set-back meaning more frontage in front of the house. The lots have a back lane and as such there is no garage or driveway exiting onto the front street.

He also indicated that there is a demand for secondary suites. Building a secondary suite would contribute to more density and has many more positive contributions to the neighbourhood and City.

The Board also considered/reviewed the following:

There were no parties present at the Appeal who were opposed to the variances sought.

The Board finds the following:

<u>Allowed with conditions</u>:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a secondary suite, basement suite located at **19 Raspberry Road, St. Albert, AB.**

The development is approved with the following conditions:

CONDITIONS

1. The Subdivision and Development Appeal board approves a development permit for a ‘dwelling, secondary suite’ (basement suite) and waives the required 1 stall parking requirement of the Land Use Bylaw (Section 7.3(1)(b).

2. The ‘dwelling, secondary suite’ shall be constructed in accordance with the stamped approved plans.

3. Any changes must first be submitted to the Development Officer for review.

4. The ‘dwelling, secondary suite’ shall have a separate entry from the principal dwelling unit, either from a common landing or from the exterior. If the entry is from the exterior, it shall be located on the side or rear of the principal dwelling unit.

NOTES

a) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.

b) The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses and approvals, at its own expense.

c) All construction must conform to the relevant requirements of the Alberta Building Code, the City of St. Albert municipal engineering standards and all applicable codes, laws, regulations, and standards.

d) The City of St. Albert does not conduct independent environmental checks of land within the city. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of St. Albert, in issuing this development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on or within the property.

d) The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman, or suppliers shall be repaired to the satisfaction of the City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.

f) An on-street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the permit.

The Board makes its decision for the following reasons:

1. The Board concludes that (in accordance with section 687(3)(d) of the *Municipal Government Act*) the variance will not unduly interfere with the amenities of the neighbourhood, and/or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land based on the following because:

    a. There were no objections from the most affected neighbours notified in the radius notification area;

    b. There was no evidence about the effect of constructing the basement suite would have on the on-street parking; and

    c. There were no objections from any of the other neighbours from the radius notification area.

It should be noted that there was no evidence before the board on-street parking or how the construction of this basement suite would affect on-street parking or any future on-street parking so this did not consider in the board's decision.

2. The proposed development conforms with the use prescribed for the land within the Land Use Bylaw.

The Applicant is responsible for complying with all applicable federal, provincial and municipal enactment and any other applicable law and for obtaining all applicable permits, licenses and approvals. Building permits must be obtained from the Building Inspector who can be contacted at 780-459-1655.

Michael Kirk
Michael Kirk (Mar 26, 2024 16:51 MDT)

Chair

March 26, 2024

Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00953 - 2024

Re: PLAN 0822725; BLOCK 1B; LOT 43 - known municipally as 234 St. Albert Trail, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a Development Permit Application for a Freestanding Sign with Digital Display.

The Appellant had no objection to the members of this Board hearing and deciding this Appeal.

One member of the Board identified a conflict with this matter and did not participate in the hearing, deliberations or the decision reached by the Board.

The Board considered the Development Officer's written report and heard from the Development Officer who stated that:

The appellant is appealing the decision of the Development Officer in refusing a development permit application to allow a freestanding sign with a digital display. The proposed location of the sign is within the Corridor Commercial (CC) District. Freestanding Signs with a digital display are a discretionary use.

Development Officer Review:

As per Land Use Bylaw 9/2005, Section C.5(4)(b)(vii), a freestanding sign with a digital display must be located a minimum of 3m from all property lines adjoining a highway. As proposed, the sign would be located 0.0m from the east property line. The variance required to allow the sign as proposed exceeds the capacity of the Development Officer to grant as per Section 3.14(3).

Freestanding Sign with a Digital Display:

Required setback to a property line: 3m
Proposed Setback to the property line: 0.0m
Variance required: 3m (100%)

As per Land Use Bylaw 9/2005, Section C.5(4)(b)(vi), a freestanding sign with a digital display must be located a minimum of 100m from a residential, P, PS or IF district. As proposed, the sign would be located 40m from the adjacent R1 Low Density Residential

District. The variance required to allow the sign as proposed exceeds the capacity of the Development Officer to grant as per Section 3.14(3).

Freestanding Sign with a Digital Display:

Required setback to a Residential District: 100m Proposed Setback to a Residential District: 40m
Variance required: 60m (60%)

As per Land Use Bylaw 9/2005, Section C.5(4)(b)(vi), a freestanding sign with a digital display must be located a minimum of 100m from a residential, P, PS or IF district. As proposed, the sign would be located 75m from the adjacent P district. The variance required to allow the sign as proposed is within the capacity of the Development Officer to grant as per Section 3.14(3).

Freestanding Sign with a Digital Display:

Required setback to P Park District: 100m Proposed Setback to P Park District: 75m Variance required: 25m (25%)

It should be noted that the existing sign encroaches 0.5m onto the St. Albert Trail Road right-of-way. However, the encroachment had been allowed in 2010 by way of an Encroachment Agreement which is currently registered on title as 102 152 265.

It has been confirmed by Engineering that as the footprint of the digital sign is remaining the same, it can remain with the existing agreement.

Review comments from Transportation Branch:

The Digital Display is marginally outside of the 30.5m Restricted area of the intersection. However, the Digital Display does not have 3m lateral clearance from the traffic signal which obstructs the sightlines or view of the traffic signal for oncoming Traffic along St. Albert Trail (Reference: St. Albert Digital Display Guidelines- Road Safety Assessment (2017), Page: 19).

Therefore, the Transportation Branch cannot approve the proposed Digital Display at this location.

The Development Officer mentioned that there had been twelve accidents at the adjacent intersection last year (2023), and when questioned, this intersection was not among the highest accident intersections in St. Albert.

It may interest the Board to note the following:

- The sign is determined to be a discretionary use.
- The sign is proposed to have one face digital display facing southbound traffic only.
- The sign is located outside of the 30.5m minimum setback of an intersection.
- The original freestanding sign permit was issued in 2002.
- The Transportation Engineering Branch of the City of St. Albert has provided comments regarding the sign as per the St. Albert Digital Display Guidelines and cannot support the digital display at this location.

Should the Board decide in favour of the Appellant, the following approval conditions & notes are requested:

Conditions:

1. Approval is for ONE (1) freestanding sign with a digital display; a discretionary use under the provisions of Section C.5 (4)(a) of Schedule C, Sign Regulations of the Land Use Bylaw.

2. Approval is for a freestanding sign with digital display with the following variances as per the stamped approved plan and the variance(s) granted by the Subdivision and Development Appeal Board:

   a. A 100% setback variance to allow the sign 0m from the property line, whereas a 3m setback is required as per Section C.5(4)(b)(vii) of Land Use Bylaw 9/2005.

   b. 60m (60%) setback variance to allow the sign 40m from the R1 Low Density Residential District, whereas a 100m setback is required as per Section C.5(4)(b)(vi) of Land Use Bylaw 9/2005.

   c. 25m (25%) setback variance to allow the sign 75m from the P Park District, whereas a 100m setback is required as per Section C.5(4)(b)(vi) of Land Use Bylaw 9/2005.

3. The digital display sign area shall not exceed 4.2 square metres (3m x 1.4m) as approved by the Subdivision and Development Appeal Board.

4. The digital display sign copy area shall be static and remain in place for a minimum of six (6) seconds before switching to the next copy. Transitions must be instantaneous.

5. Transitions between each digital display copy shall not involve any visible effects, including but not limited to: action, motion, fading in or out, dissolving, blinking, intermittent or flashing light, or the illusion of such effects.

6. Copy shall not be shown on the digital display showing full motion video, movies, Motion Picture Experts Group (MPEG), or any other non-static digital format.

7. The proposed freestanding sign with a digital display shall be located:
   a. a minimum of 25.0m from any freestanding sign without a digital display;
   b. be located a minimum of 150m from a freestanding sign with a digital display facing the same oncoming traffic;
   c. be located a minimum 100m from a residential, P, PS, or IF district; and
   d. shall be located a minimum of 3m from all property lines adjoining a highway.

8. The maximum period for which a development permit may be issued for a freestanding sign with a digital display is five (5) years, valid until March 20, 2029. Upon application and reassessment, the Development Officer may renew a development permit for the digital display for up to five (5) additional years. Should the sign permit not be re-issued, the owner of the sign has six (6) months from the date of expiry to remove the sign.

9. The proposed freestanding sign with a digital display shall not exceed 10.0m in height, measured at right angles from the highest point of the sign or sign structure to the existing grade directly below.

10. The proposed freestanding sign with a digital display shall be located in accordance with the approved site plan.

11. The proposed freestanding sign with a digital display may advertise third-party advertising and first-party advertising.

12. The digital display sign face shall be enclosed and finished with materials that are consistent with the finishing of the front of the sign, to the satisfaction of the Development Officer.

13. The brightness of the freestanding sign with a digital display must be equipped with an ambient light sensor, in accordance with the following:

    a. The ambient light sensor shall automatically adjust the brightness level of the copy area based on ambient light conditions; and

    b. brightness levels of the digital display shall not exceed 0.3 foot-candles above ambient light conditions when measured from the digital display face at its maximum brightness.

14. The proposed freestanding sign with a digital display shall not display nor be illuminated with a flashing light source.

15. At any time, if a Development Officer determines that the brightness or light level of a digital display exceeds the limits set out in subsection C.5(1)(xii)(B), the Development Officer may direct the development permit holder to change the settings in order to bring the digital display into compliance with this Bylaw, and if that direction is not complied with, the Development Officer may issue an order directing that the digital display be immediately discontinued.

16. If any component on the sign fails or malfunctions in any way and fails to operate as indicated on the approved development permit plans, the sign owner shall ensure that the sign is turned off until all components are fixed and operating as required.

17. Copy shown in a manner requiring the intended message to be viewed over multiple copy transitions is not permitted.

18. The proposed freestanding sign with a digital display shall not impede or block safe traffic sightlines nor be constructed or located such that it interferes with the safe or orderly movement of pedestrian, motor vehicles or the sightlines under this or any other Bylaw, to the satisfaction of the Development Officer.

19. The proposed freestanding sign with a digital display shall not obstruct the view of, or be confused with an official traffic sign, signal, or device, as determined by the Development Officer in consultation with Engineering Services.

20. Encroachment of the sign over any utility rights-of-way shall be subject to the approval of applicable approving authorities.

21. The proposed freestanding sign with a digital display shall be located entirely on the subject lot and shall not project or encroach onto City property or rights-of-way. The existing 0.5m encroachment onto the St. Albert Trail right-of-way had been allowed in 2010 by way of an Encroachment Agreement which is currently registered on title as 102 152 265. Any future changes or alterations to the sign must obtain approval from Engineering.

22. Underground power is to be supplied to the proposed freestanding sign with a digital display sign at the responsibility and cost of the applicant. Wiring and conduits for an electrical sign must be concealed from view to the satisfaction of the Development Officer.

23. It is the responsibility of the applicant to ensure the proposed freestanding sign with a digital display is constructed and installed in accordance with the requirements of the Alberta Building Code and/or proper engineering standards.

24. It is the responsibility of the applicant to obtain the consent of the property owner for the location of the sign.

25. Any proposed changes in design, elevation or site plan configuration shall first be submitted for review by the Development Officer and any such changes shall not be undertaken until written authorization is provided by the Development Officer.

26. The sign owner shall provide a name and telephone contact information of a person having access to the technology controls for the sign, who can be contacted 24 hours a day in the event that the sign malfunctions.

NOTES:

a) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement, or other instrument affecting the building or land.

b) The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations, and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses, and approvals, at its own expense.

c) All construction must conform to the relevant requirements of the Alberta Building Code, the City of St. Albert municipal engineering standards and all applicable codes, laws, regulations, and standards.

d) The City of St. Albert does not conduct independent environmental checks of land within the city. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of St. Albert, in issuing this development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on or within the property.

e) The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman, or suppliers shall be repaired to the satisfaction of the City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.

f) An on-street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the permit.

The Board heard from the Appellant who stated that:

The Appellant was represented by Michael Sands. Mr. Sands submitted that he is the new owner of the Fountain Tire at 234 St. Albert Trail and has also continued to support many of the organizations and charities in St. Albert that the previous owners had done in the past.

Mr. Sands indicated that the digital sign would replace an existing fluorescent white sign that is currently located within the existing structure of the current large sign on the Fountain Tire premises. The digital sign will not be a new sign structure and will be ten square feet smaller than the existing white florescent portion. He also indicated that the digital sign would comply with City bylaws relating to its brightness and there are sensors that will also control its brightness, and there will be less light pollution.

As for the accidents, he indicated any that he has observed are on the street intersecting St. Albert Trail that is east west and not on St. Albert Trail. He attributed the accidents to the abnormal road configuration on the west side of St. Albert Trail.

Mr. Sands indicated that the sign would not impact the residential neighbourhood on the east side of St. Albert Trail because the sign had only north and south facing portions, there is a large berm and noise reduction wall backing the houses on to St. Albert Trail. The same elements were referenced regarding the park behind the premises. The park is a stand of trees separating a residential area from the businesses on St. Albert Trail. There is also a berm that provides further separation at the rear.

The Board also considered/reviewed the following:

There was one member of the public who appeared at the hearing to speak in favour of the appeal and the variances sought. There were no members of the public within the radius notification zone or otherwise that made submissions (written or in person) to oppose the Appeal.

Ms. Sandy Clark made persuasive submissions to the Board in support of the appeal. Ms. Clark is part of one of the groups that the Appellant supports.

Ms. Clark pointed out that there was no evidence before the Board that the proposed digital sign would impact or effect the traffic on St. Albert Trail. The sign had been there since 2002 and there were no residences on the east side of St. Albert Trail that would be negatively affected by the sign.

The Board finds the following:

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to allow a freestanding sign with digital display located at **234 St. Albert Trail, St. Albert, AB.**

The development is approved with the following conditions and notes:

Conditions:

1. Approval is for ONE (1) freestanding sign with a digital display; a discretionary use under the provisions of Section C.5 (4)(a) of Schedule C, Sign Regulations of the Land Use Bylaw.

2. Approval is for a freestanding sign with digital display with the following variances as per the stamped approved plan and the variance(s) granted by the Subdivision and Development Appeal Board:

   a. A 100% setback variance to allow the sign 0m from the property line, whereas a 3m setback is required as per Section C.5(4)(b)(vii) of Land Use Bylaw 9/2005.

   b. 60m (60%) setback variance to allow the sign 40m from the R1 Low Density Residential District, whereas a 100m setback is required as per Section C.5(4)(b)(vi) of Land Use Bylaw 9/2005.

   c. 25m (25%) setback variance to allow the sign 75m from the P Park District, whereas a 100m setback is required as per Section C.5(4)(b)(vi) of Land Use Bylaw 9/2005.

3. The digital display sign area shall not exceed 4.2 square metres (3m x 1.4m) as approved by the Subdivision and Development Appeal Board.

4. The digital display sign copy area shall be static and remain in place for a minimum of six (6) seconds before switching to the next copy. Transitions must be instantaneous.

5. Transitions between each digital display copy shall not involve any visible effects, including but not limited to: action, motion, fading in or out, dissolving, blinking, intermittent or flashing light, or the illusion of such effects.

6. Copy shall not be shown on the digital display showing full motion video, movies, Motion Picture Experts Group (MPEG), or any other non-static digital format.

7. The proposed freestanding sign with a digital display shall be located:
   a. a minimum of 25.0m from any freestanding sign without a digital display;

b. be located a minimum of 150m from a freestanding sign with a digital display facing the same oncoming traffic;
c. be located a minimum 100m from a residential, P, PS, or IF district; and
d. shall be located a minimum of 3m from all property lines adjoining a highway.

8. The maximum period for which a development permit may be issued for a freestanding sign with a digital display is five (5) years, valid until March 20, 2029. Upon application and reassessment, the Development Officer may renew a development permit for the digital display for up to five (5) additional years. Should the sign permit not be re-issued, the owner of the sign has six (6) months from the date of expiry to remove the sign.

9. The proposed freestanding sign with a digital display shall not exceed 10.0m in height, measured at right angles from the highest point of the sign or sign structure to the existing grade directly below.

10. The proposed freestanding sign with a digital display shall be located in accordance with the approved site plan.

11. The proposed freestanding sign with a digital display may advertise third-party advertising and first-party advertising.

12. The digital display sign face shall be enclosed and finished with materials that are consistent with the finishing of the front of the sign, to the satisfaction of the Development Officer.

13. The brightness of the freestanding sign with a digital display must be equipped with an ambient light sensor, in accordance with the following:

    a. The ambient light sensor shall automatically adjust the brightness level of the copy area based on ambient light conditions; and

    b. brightness levels of the digital display shall not exceed 0.3 foot-candles above ambient light conditions when measured from the digital display face at its maximum brightness.

14. The proposed freestanding sign with a digital display shall not display nor be illuminated with a flashing light source.

15. At any time, if a Development Officer determines that the brightness or light level of a digital display exceeds the limits set out in subsection C.5(1)(xii)(B), the Development Officer may direct the development permit holder to change the settings in order to bring the digital display into compliance with this Bylaw, and if that direction is not complied with, the Development Officer may issue an order directing that the digital display be immediately discontinued.

16. If any component on the sign fails or malfunctions in any way and fails to operate as indicated on the approved development permit plans, the sign owner shall ensure that the sign is turned off until all components are fixed and operating as required.

17. Copy shown in a manner requiring the intended message to be viewed over multiple copy transitions is not permitted.

18. The proposed freestanding sign with a digital display shall not impede or block safe traffic sightlines nor be constructed or located such that it interferes with the safe or orderly movement of pedestrian, motor vehicles or the sightlines under this or any other Bylaw, to the satisfaction of the Development Officer.

19. The proposed freestanding sign with a digital display shall not obstruct the view of, or be confused with an official traffic sign, signal, or device, as determined by the Development Officer in consultation with Engineering Services.

20. Encroachment of the sign over any utility rights-of-way shall be subject to the approval of applicable approving authorities.

21. The proposed freestanding sign with a digital display shall be located entirely on the subject lot and shall not project or encroach onto City property or rights-of-way. The existing 0.5m encroachment onto the St. Albert Trail right-of-way had been allowed in 2010 by way of an Encroachment Agreement which is currently registered on title as 102 152 265. Any future changes or alterations to the sign must obtain approval from Engineering.

22. Underground power is to be supplied to the proposed freestanding sign with a digital display sign at the responsibility and cost of the applicant. Wiring and conduits for an electrical sign must be concealed from view to the satisfaction of the Development Officer.

23. It is the responsibility of the applicant to ensure the proposed freestanding sign with a digital display is constructed and installed in accordance with the requirements of the Alberta Building Code and/or proper engineering standards.

24. It is the responsibility of the applicant to obtain the consent of the property owner for the location of the sign.

25. Any proposed changes in design, elevation or site plan configuration shall first be submitted for review by the Development Officer and any such changes shall not be undertaken until written authorization is provided by the Development Officer.

26. The sign owner shall provide a name and telephone contact information of a person having access to the technology controls for the sign, who can be contacted 24 hours a day in the event that the sign malfunctions.

NOTES:

a) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement, or other instrument affecting the building or land.

b) The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations, and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses, and approvals, at its own expense.

c) All construction must conform to the relevant requirements of the Alberta Building Code, the City of St. Albert municipal engineering standards and all applicable codes, laws, regulations, and standards.

d) The City of St. Albert does not conduct independent environmental checks of land within the city. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of St. Albert, in issuing this development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on or within the property.

e) The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman, or suppliers shall be repaired to the satisfaction of the City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.

f) An on-street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the permit.

The Board makes its decision for the following reasons:

1. The Board concludes that (in accordance with section 687(3)(d) of the Municipal Government Act) the variances will not unduly interfere with the amenities of the neighbourhood, and/or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land based on the following because:

a. The most affected neighbours who were consulted and given notice of the Appeal within the radius notification area did not make any submissions to oppose the Appeal;

b. There was no evidence before the Board of the any negative effect on the traffic on St. Albert Trial because of the proximity of the proposed sign to the intersection of St. Albert Trail and the intersection with Green Grove Drive on the west side and Sterling Street on the east side of St. Albert Trail. Further the Transportation submission in the Development Officer's submission was that the Transportation Department could not support the sign, not that it opposed the sign;

c. There was no evidence before the Board that the digital sign would have any negative effect on the residential area across St. Albert Trail or the residential area behind the park area behind the business premises. The only issue raised was the distance of the sign from the area, which is the same as the existing sign structure and existing florescent sign; and

d. There were no objections from any party within the radius notification area or at all.

2. The proposed development conforms with the use prescribed for the land within the Land Use Bylaw.

The Applicant is responsible for complying with all applicable federal, provincial, and municipal enactment and any other applicable law and for obtaining all applicable permits, licenses, and approvals. Building permits must be obtained from the Building Inspector who can be contacted at 780-459-1655.

Michael Kirk
Michael Kirk (Mar 27, 2024 12:26 MDT)

Chair

March 27, 2024

Date