



## AGENDA

REGULAR MEETING OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF TABER, TO BE HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON TUESDAY, NOVEMBER 03, 2015 AT 5:00 PM.

		<u>MOTION</u>
ITEM No. 1.	CALL TO ORDER	
ITEM No. 2.	ADOPTION OF THE AGENDA	X
ITEM No. 3.	ADOPTION OF THE MINUTES	
ITEM No. 3.A	MINUTES SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING: AUGUST 28, 2015	X
ITEM No. 4.	PURPOSE OF HEARING	
ITEM No. 4.A	NOTICE OF DECISION DP 15-28, 5505 48 AVE, TABER, AB, LOT 2, BLOCK 7, PLAN 5638L	
ITEM No. 5.	CLOSED SESSION (MGA, SECTION 197(2))	X
ITEM No. 5.A	NOTICE OF DECISION DP 15-28	
ITEM No. 6.	OPEN SESSION	X
ITEM No. 7.	CLOSE OF MEETING	X



<b>Subdivision &amp; Development Appeal Board Request for Decision</b>	
<b>Meeting Date:</b> 11/3/2015	
<b>Subject:</b> Minutes Subdivision and Development Appeal Board Meeting: August 28, 2015	
<b>Recommendation:</b>	That the Subdivision and Development Appeal Board adopts the minutes of the Regular Meeting held on August 28, 2015, as presented.
<b>Background:</b>	N/A
<b>Legislation / Authority:</b>	MGA, Section 208(1)(a)(c)
<b>Strategic Plan Alignment:</b>	N/A
<b>Financial Implication:</b>	N/A
<b>Service Level / Staff Resource Implication:</b>	N/A
<b>Justification:</b>	Approval of minutes is in accordance with the <i>Municipal Government Act</i> , Section 208
<b>Alternative:</b>	That the Subdivision and Development Appeal Board adopts the minutes of the Regular Meeting held on August 28, 2015, as amended.



<b>Attachment(s):</b>	Minutes
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<b>APPROVALS:</b>	
<b>Originated By:</b>	Kerry Van Ham
<b>Chief Administrative Officer (CAO) or Designate:</b>	

MINUTES OF THE REGULAR MEETING OF THE SUBDIVISION & DEVELOPMENT APPEAL BOARD OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON FRIDAY, AUGUST 28, 2015, AT 1:30 PM.

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**Chairperson**

Untereiner, Ray

**Members**

Murphy, Brad  
Ross-Giroux, Laura  
Sparks, Randy

**Absent**

Sargeant, Debbie

**Chief Administrative Officer**

Birch, Greg

**Staff**

Armfelt, Cory  
Belanger, Lorraine  
Van Ham, Kerry

**CALL TO ORDER**

Chair Untereiner called the Subdivision and Development Appeal Board Meeting to Order at 1:40 PM.

Chair Untereiner noted that this Hearing had originally been scheduled for August 18, 2015, but due to the lack of quorum, it was re-scheduled for today, August 28, 2015.

**ADOPTION OF THE AGENDA**

Chair Untereiner inquired if there were any additions or deletions to the Agenda, and advised that there were none.

## **ADOPTION OF THE AGENDA – CONT'D**

RES.4/2015 MOVED by Councillor Ross-Giroux that the Subdivision and Development Appeal Board adopts the Agenda as presented.

CARRIED UNANIMOUSLY

## **ADOPTION OF THE MINUTES**

### **A) Minutes Subdivision and Development Appeal Board Meeting: March 26, 2015**

RES.5/2015 MOVED by B. Murphy that the Subdivision and Development Appeal Board adopts the minutes of the Meeting of the Subdivision and Development Appeal Board held on March 26, 2015, as presented.

CARRIED UNANIMOUSLY

## **PURPOSE OF HEARING**

### **A) Notice of Decision DP 15-067, 4809 64 AV, Taber, AB, PTN SE 7-10-16-W4**

Chair Untereiner and G. Birch described the purpose of the hearing involving the decision of the Development Authority (Municipal Planning Commission) to issue a development permit for a church at 4809 64 Avenue. Mr. Birch stated that the Town had received an appeal against two of the conditions (No. 9 and No. 11) of the development permit. G. Birch summarized the property location, and the Land Use Bylaw regulations that applied to the application.

## **INTRODUCTION OF THE BOARD MEMBERS**

The Board Members introduced themselves and the Chair inquired if there was any objection to the members of the Board by the appellants.

There were no objections.

5/2015

Meeting Date  
8/28/2015

## APPELLANT'S PRESENTATION

John Neufeld and Abe Froese, representing the Reinland Church, reviewed the correspondence and conditions that were provided by the Town.

Mr. Neufeld and Mr. Froese reviewed the reasons for the appeal of condition No. 9, which states that the building be rotated 45 degrees to the south east, as follows:

- 1) The congregation would prefer that the building be located squarely on the land so as to easily identify the North, South, East and West areas of the building. They have indicated a strong discontent with the concept of rotating the building to match the neighbouring church.
- 2) Placing the building on the land at a 45 degree angle is an inefficient use of the land area. If the building is placed squarely on the land, there would be a better area that could be used for parking and possibly the future expansion of the building that would involve a gymnasium on the back of the building.

Mr. Neufeld and Mr. Froese reviewed the reasons for the appeal of condition No. 11, which states that the NE (50<sup>th</sup> Street) access be developed as an emergency access only with suitable traffic control implemented such as knockdown bollard or a similar device, as follows:

- 1) Traffic flow to and from the parking lot will be more efficient with an access to the parking lot connected to 50<sup>th</sup> Street. If all traffic entering and exiting the parking lot must use an access via 64<sup>th</sup> Avenue, the two-way, east-west stop sign on 64<sup>th</sup> Avenue at the intersection of 50<sup>th</sup> Street will cause traffic to back up significantly because all users leaving the building travelling north, south or east will have to travel through a stop sign. The ability to depart north or south via 50<sup>th</sup> Street would alleviate any backup significantly.

## APPELLANT'S PRESENTATION – CONT'D

- 2) The cost of construction and maintenance of an emergency-only approach to 50<sup>th</sup> Street is not feasible. Constructing an extra emergency access will be an extra cost. A traffic control device such as a knockdown bollard may be subjected to abuse or vandalism and may likely pose ongoing maintenance costs. Mr. Froese stated that they would rather have full access, as opposed to just emergency access.
- 3) Mr. Neufeld stated that it might be better to have a four way stop at the intersection.

Chair Untereiner inquired if the Board had any questions.

The Board had no questions at this time.

Chair Untereiner inquired if there was anyone else present to speak as an appellant.

Mr. John Heibert, Bishop of Reinland Church, stated that he was in agreement with what both Mr. Neufeld and Mr. Froese presented. He added that if the building was to be rotated 45 degrees to the south east, there would be a broader area to trench water around the building and more landscaping would be required.

Mr. Aaron Giebrecht, representative of the Reinland Church, stated that he was in agreement with what the other parties stated; he had nothing to add.

Chair Untereiner inquired if the Board had any questions.

The Board had no questions at this time.

Chair Untereiner inquired if there was anyone else present to speak as an appellant.

There was no one else present to speak as an appellant.

## **PUBLIC COMMENTS IN SUPPORT OF APPELLANT**

Chair Untereiner inquired if there was anyone present to speak in support of the Appellant.

There was none.

## **DEVELOPMENT AUTHORITY PRESENTATION**

Speaking to the Appellant's objections, C. Armfelt, representing the Development Authority (Municipal Planning Commission) stated that condition No. 9 was placed on the Development Permit by the MPC due to the following reasons:

- 1) The prominence of the intersection.
- 2) Balancing the architectural design and layout of the church on the east side of 50<sup>th</sup> Street.
- 3) Common design practice.
- 4) The attractiveness the layout could bring to the intersection and the prominence the church would give the intersection.

Speaking to the Appellant's objections to condition No. 11, Mr. Armfelt stated that he had an email from G. Scherer, Director of Engineering and Public Works which indicates the following:

- 1) If there are a lot of vehicles coming out of the church and there is unfettered access onto 50<sup>th</sup> Street, a backing up of cars would occur on 64<sup>th</sup> Avenue, which is a main arterial through Town at the 50<sup>th</sup> Street stop signs. This would result in a need for stop signs on 50<sup>th</sup> Street.
- 2) 64<sup>th</sup> Avenue has more accesses than 50<sup>th</sup> Street, north of 64<sup>th</sup> Avenue, therefore, to allow an unplanned access onto 50<sup>th</sup> Street would not be responsible planning.

Mr. Armfelt also stated that:

- 1) The proposal does not meet with the Northwest Residential Area Structure Plan.

8/2015

Meeting Date  
8/28/2015



## DEVELOPMENT AUTHORITY PRESENTATION – CONT'D

- 2) From a traffic operations perspective the MPC would rather have cars queue in the parking lot or elsewhere rather than on 50<sup>th</sup> Street or 64<sup>th</sup> Avenue.
- 3) Authorizing the requested access has not been planned and not yet gone through a proper planning process to analyze.
- 4) There are barriers to traffic safety with allowing full time access onto 50<sup>th</sup> Street.

Mr. Armfelt also stated that the pre-emptive introduction of a full 4-way stop intersection at 50<sup>th</sup> Street and 64<sup>th</sup> Avenue is why the Planning and Economic Development Department or the Engineering and Public Works Department are not in agreement with the proposal. There are ample intersections planned that work better from a traffic queuing distance on 64<sup>th</sup> Avenue.

Chair Untereiner inquired if the Board had any questions.

Councillor Ross-Giroux asked if the aesthetics regarding condition No. 9 could be addressed by having the building situated north-south, and having a sign at a 45 degree angle on the corner.

C. Armfelt stated that would be an option.

Councillor Ross-Giroux then asked if traffic exiting the church once a week was an interference, as opposed to when there's a funeral or a tournament and more vehicles utilize the roadway.

C. Armfelt stated that when vehicles are travelling to the cemetery or ball diamonds, the safest way to get there is having no accesses on 50<sup>th</sup> Street. If you introduce an access, you're increasing the opportunity for an accident.

B. Murphy questioned the access points onto 64<sup>th</sup> Avenue on the photograph provided.

C. Armfelt stated that upon development of the church, there would be a new access. The existing access is not constructed to take 200 vehicles across it and would have to be improved for this proposal.

## **DEVELOPMENT AUTHORITY PRESENTATION – CONT'D**

Councillor Ross-Giroux asked if potentially, in the future, access to the north could be provided to the church.

C. Armfelt stated that it would be on the church property to the north, and it would intersect north a future east-west Avenue that would intersect 50<sup>th</sup> Street. This would be an ideal situation if they wanted to have more than one access, additional to the one onto 64<sup>th</sup> Avenue. It would then be part of a properly planned neighbourhood.

Chair Untereiner inquired if the Board had any other questions.

The Board had no further questions at this time.

## **PUBLIC COMMENTS IN SUPPORT OF DEVELOPMENT AUTHORITY**

G. Birch stated that a letter was received on August 13, 2015 in support of the Development Authority (Municipal Planning Commission) from Hink Urano, an adjacent land owner, which stated the following:

- 1) Section 9: The concept of the angel of the building will blend with the other church building across the road. I have no objection to this.
- 2) Section 11: I would like to see a driveway on 64<sup>th</sup> Avenue only. Not on 64<sup>th</sup> and 50<sup>th</sup> Avenue.

Chair Untereiner inquired if the Board had any other questions.

Councillor Ross-Giroux asked the Appellants what the anticipated traffic would be going in and out of the building.

John Neufeld stated that there are church services on Sundays. There are other activities in the evenings, such as youth groups, that take place from November until Easter. In the summer there are not a lot of activities during the week.

Councillor Ross-Giroux asked the Appellants how many vehicles are anticipated on any given Sunday.

## **DEVELOPMENT AUTHORITY PRESENTATION – CONT'D**

John Neufeld stated that there would be between 100 and 200 vehicles.

Chair Untereiner inquired if the Board had any other questions.

The Board had no questions at this time.

## **DEVELOPMENT AUTHORITY FINAL COMMENTS AND SUMMATION**

Chair Untereiner asked for a final summation from the Appellants.

John Neufeld stated that if the proposed driveway onto 50th Street, which is still in the planning stage, would be lined up with the driveway across the street. The church could eventually work with Fortis to have the required pole removed. The church is also willing to move the driveway onto 64th Avenue further west to line up with 49<sup>th</sup> Street. If they use the other driveway onto 64th Avenue that is existing, it might assist to back off even more traffic.

Chair Untereiner asked if the Appellants had any further comments.

The Appellants had no further comments.

Chair Untereiner asked if all parties believed that they had a fair and impartial hearing.

All parties stated that they felt they had a fair and impartial hearing.

## **CLOSED SESSION**

RES.6/2015 MOVED by B. Murphy that the Subdivision and Development Appeal Board (S/DAB) moves into Closed Session to discuss items subject to MGA Section 197.2.

CARRIED UNANIMOUSLY AT 2:23 PM

**OPEN SESSION**

RES.7/2015 MOVED by Councillor Ross-Giroux that the Subdivision and Development Appeal Board (S/DAB) reconvenes into Open Session.

CARRIED UNANIMOUSLY AT 2:40 PM

**CLOSE OF MEETING**

RES.8/2015 MOVED by B. Murphy that the Public Meeting and Hearing of the Subdivision and Development Appeal Board (S/DAB) is hereby closed.

CARRIED UNANIMOUSLY AT 2:40 PM

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER



## Subdivision & Development Appeal Board Request for Decision

**Meeting Date:** November 3, 2015

**Subject:** Notice of Decision DP 15-28, 5505 48 Ave, Taber, AB,  
Lot 2, Block 7, Plan 5638L

<b>Recommendation:</b>	That the Subdivision and Development Appeal Board will discuss the appeal and make its decision in Closed Session. A decision will be made public within 15 days of the conclusion of the hearing.
<b>Background:</b>	Notice of Subdivision and Development Appeal Board Hearing regarding conditions for Development Permit Application DP 15-28.
<b>Legislation / Authority:</b>	MGA, Section 685 (1) (b).
<b>Strategic Plan Alignment:</b>	N/A
<b>Financial Implication:</b>	N/A
<b>Service Level / Staff Resource Implication:</b>	N/A
<b>Justification:</b>	Subdivision and Development Appeal Board Hearing is in accordance with the <i>Municipal Government Act</i> , Section 685.
<b>Alternative(s):</b>	N/A

<b>Attachment(s):</b>	S/DAB Hearing Appeal Package
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## APPROVALS:

**Originated By:**

Kerry Van Ham

**Chief Administrative Officer  
(CAO) or Designate:**



**NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING REGARDING DENIAL OF RENEWAL OF  
DEVELOPMENT PERMIT APPLICATION DP 15-28  
(5505 48 Ave., Taber, AB at Lot 2, Block 7, Plan 5638L)**

**HEARING DATE:** November 3, 2015  
**TIME:** 5:00 PM  
**LOCATION:** TOWN OF TABER COUNCIL CHAMBERS, A – 4900 50<sup>th</sup> STREET TABER, AB

Pursuant to the requirements of the Municipal Government Act, you are being advised of a public hearing being held by the Town of Taber's Subdivision and Development Appeal Board. *If you have received this package of information, you are either directly involved in the issue at hand or are a nearby landowner.*

The appeal involves the decision by the Town's Development Authority (Municipal Planning Commission) to deny the renewal of a development permit for a portable sign at 5505 48 Ave. The Subdivision and Development Appeal Board will make a decision as to whether or not to uphold the original decision after it has heard from anyone claiming to be affected by the proposal.

The Board will hold its hearing on November 3, 2015 at 5:00 PM as noted above. You are invited to attend this hearing and speak to the matter, either in support of the appeal or in support of the Development Authority (Municipal Planning Commission's) decision. You do not have to register for the hearing in advance, and can simply voice your opinion at the appropriate point in the hearing. You can also provide a written comment, whether or not you speak at the hearing. Any written comment must be delivered in person at the hearing or be provided to the Town's Municipal Office by 2:00 PM on the day of the hearing (November 3, 2015). The Town's office address for delivery or mail purposes is: A – 4900 50<sup>th</sup> Street Taber, AB T1G 1T1.

To assist you in understanding this matter, enclosed are:

- Subdivision and Development Appeal Board Hearing Procedure
- Notice of Appeal (Form G)
- Development Authority Request for Decision
- Area map to show property location
- Development Permit Application DP 15-28 and attachments (Form B)
- Minutes from the Development Authority (Municipal Planning Commission) meeting September 21, 2015
- Development Authority (Municipal Planning Commission) Decision

The Town of Taber hopes that you find this information package sufficient to address your questions but, if not, please do not hesitate to contact Greg Birch, Secretary to the Subdivision and Development Appeal Board, at (403) 223-6023.

Sincerely, 

T. Greg Birch, RPP, MCIP  
Secretary to the Board



## Subdivision and Development Appeal Board (S/DAB) Hearing

**Procedure No.:** ADM- 4  
**Department:** Administrative  
**Effective Date:** April 16, 2013  
**Review Date:** April 2016  
**Supersedes:** N/A  
**Related Policy No.:** N/A  
**Related Policy Name:** N/A

**Council Resolution No.:** N/A  
**Authority:** CAO  
**Revision Date:**  
**Repealed Date:**

### Purpose

The Purpose is to develop operating guidelines for the Subdivision and Development Appeal Board (S/DAB) Hearing.

### Operating Guidelines

When hearing a subdivision or development appeal, the S/DAB shall follow the following procedure:

- 1) The Chair will call the hearing to order and describe the hearing procedure and protocols.
- 2) The Chair will ask the Secretary to the S/DAB to provide an overview of the appeal, including the property involved and any relevant material from the Town's files. (Questions from the Board, if any.)
- 3) The Chair will introduce the Board and ask if there are any objections to these persons hearing the appeal from the appellant or other parties directly affected.
- 4) The appellant will be asked to present the appeal details, explaining the reasons for the appeal and the remedy being sought. (Questions from the Board, if any.)
- 5) Persons in support of the appellant will be asked to speak. Written submissions in support of the appeal will also be presented. (Questions from the Board, if any.)





- 6) The development authority will be asked to present its case: the reason the decision was made, and any other pertinent conditions or factors. (Questions from the Board, if any.)
- 7) Persons in support of the development authority's decision will be asked to speak. Written submissions in support of the development authority's decision will also be presented. (Questions from the Board, if any.)
- 8) The Chair will then provide an opportunity for the person(s) making the appeal, not those in support, to make any rebuttal. (Questions from the Board, if any.)
- 9) The Chair will ask the Board members whether or not they require additional information, or if the hearing can be closed. (The Board may choose to recess the hearing to a future date, if necessary.)
- 10) The Chair will then ask the appellant and the development authority to express an opinion as to the fairness of the hearing.
- 11) The Chair closes the hearing.

**Note:** The S/DAB will discuss the appeal and make its decision in closed session. A decision will be made public within 15 days of the conclusion of the hearing.

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

APRIL 16 / 2013  
DATE



**Notice of Appeal  
FORM G**



Planning Department  
A4900-50 Street  
Taber AB T1G 1T1  
ph: (403) 223-5500  
fx: (403) 223-5530  
email: planning@taber.ca

PERMIT NO. 15-28 ZONING: \_\_\_\_\_  
DECISION DATE: Sept 21/15 ROLL NO. \_\_\_\_\_

Appellant

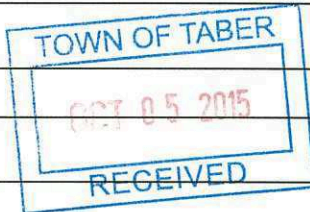
Name: LED Super Signs  
Address: 5064 48 Ave Taber AB  
Phone: 403 315 3214 Postal Code: T1E1B1

APPLICANT   
REGISTERED OWNER   
AFFECTED PERSON

Legal Description of Property

Municipal Address: 5505 48 Ave Kost Fire

Legal Description: Lot: \_\_\_\_\_  
Block: \_\_\_\_\_ Plan: \_\_\_\_\_



Description of Work portable sign renewal

The development as specified in Development/Subdivision Application No. 15-28 has been:

APPROVED  APPROVED with conditions:  REFUSED

Reason for Appeal: (please attach additional information if required)

Please see attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Signature of Appellant

Oct 5/2015  
Date

The personal information requested on this form is being collected for the processing of an appeal under the authority of the Municipal Government Act (MGA) and is protected by the Freedom of Information and Protection of Privacy (FOIP) Act. If you have any questions about the collection, contact our FOIP Coordinator at (403) 223-5500.

To the Subdivision and Development Appeal Board:

I thank you, in advance, for the opportunity to present my appeal to you. On September 28, 2015, I was denied a renewal of a portable sign permit because "it does not contribute to the future beautification plans for Downtown Taber ... [and that] it should not be called portable as its function has been permanent in nature." I do not view this to be a justified reason as to why I was not approved for a renewal. I agree with the Planning Commission that future beautification plans for Downtown Taber should be set in place. However, I do not believe that the removal of my sign will help these plans. Rather, my sign helps bring customers to the downtown core. Removing this sign and potentially other portable signs, would shut down a significant amount of my business' revenue. Not only would it be a hindrance to my business, but also to my customers businesses. This causes my customers to feel threatened to loose affordable advertising opportunities which would affect the success of their business. Until there is an alternative strategic plan for affordable advertising for Downtown businesses, I believe this sign, along with other portable signs, should stay at their locations in order that people will continue to be drawn into Downtown businesses.

Another point that was mentioned in the refusal of the permit was that this sign "should not be called portable as its function has been permanent in nature." Just because it appears "permanent in nature" does not mean it is permanent. This sign is not concrete in the ground; it is structurally portable. Therefore, it can be moved. The reason why this sign has been there for years is because it is effective for my customers businesses. Portable signs are used for third-party and on-site advertising, and this sign is being used exactly for that purpose.

Attached to this appeal, I have included a list of people and neighbouring properties in Downtown Taber who are in support of keeping this sign along with other portable signs in Downtown Taber.

Thank you for your review and consideration along with the opportunity to bring my appeal before you.

Sincerely,



Wilmer Dueck  
Owner of LED Super Signs

To The Taber & District Chamber of Commerce Committee

Downtown Taber Businesses  
Portable signs need

Mar 1/15

The following Businesses & individuals are standing together to help Downtown businesses stay alive and to grow, and are hoping to keep portable signs in good condition in the Downtown area to keep promoting businesses within the downtown area.



CENTURY 21 FOOTHILLS - TABER

Mexican Family Stiehaus/Taber

Starks

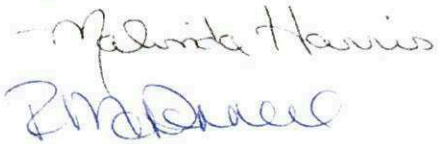
1st choice Savings - Taber.

GLENN TAMS

TABER ISH

Matthew Williams - Sun Life Financial.

The Shoe Gallery plus

  
Malinda Harris

Garden Gate Floral

7-11 Canada Downtown



Oilmen's Club



Total Office Plus

New Life Church.

  
Chad Zehle

Slick's Auto Spa & Ad's.

  
Chris Bennett

Foto Spine TABER

To The Taber & District Chamber of Commerce Committee

Downtown Taber Businesses  
Portable signs need

Oct 1/2015

The following Businesses & individuals are standing together to help Downtown businesses stay alive and to grow, and are hoping to keep portable signs in good condition in the Downtown area to keep promoting businesses within the downtown area.

*[Signature]*

Janette Bareman WOOD TRAVEL 2014

*[Signature]*

Kate Jochem (H & R Block)

*[Signature]*

Kevin Ferguson (Dennis Glass)

*[Signature]*

IRENE VOLK (KOST FIRE SAFETY)

Kathy Boesma (Taber Food Bank)

*[Signature]*

Soe Skojvas (Taber Cold Beer & Liqueur Store)

*[Signature]*

BRIAN HOLSTINE (TRIAD SERVICE)

*[Signature]*



September 28, 2015

Led Super Signs



Attention: Wilmer Dueck

The Town of Taber Municipal Planning Commission recently made a decision in regard to your application for the renewal of your portable sign permit located at 5505 48 Ave, Taber, AB, DP 15-028.

At the September 21, 2015 meeting, the renewal of the portable sign permit at this location was not approved as the commission determined *it does not contribute to the future beautification plans for Downtown Taber*. Additional discussion at the meeting also noted this sign (and others) has been in this location for years and for this reason it should not be called portable as its function has been permanent in nature.

The Municipal Government Act, (MGA) allows for appeals of development permits if the use is discretionary or the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted. In these instances, the MGA provides that any person affected by the issuance of a development permit may appeal to the Subdivision and Development Appeal Board by serving written notice as per the details below. In the case of your application, the written appeal notice must be received no later than October 5, 2015

2) Appeals can be made to:

*Subdivision and Development Appeal Board*  
Attention: Secretary  
c/o Town of Taber  
A 4900 50 St  
Taber, AB T1G 1T1

If you have any questions or concerns regarding this project, please feel free to contact me, either at 402-223-5500, ext. 5524 or at [cory.armfelt@taber.ca](mailto:cory.armfelt@taber.ca).

Sincerely;

Cory Armfelt, RRP, MCIP  
Director of Planning and Economic Development  
/lb  
Attachments



## Development Authority Request for Decision

**Meeting Date:** 21/09/2015

**Subject:** DP 15 28 5505 48 AVE- LED SUPERSIGNS- RENEWAL PORTABLE SIGN

**Recommendation:**

That the MPC approve the renewal of application 15-28, LED Super Signs, Portable Sign, 5505 48 Ave, Lot 2, Block 7, Plan 5638L, with the following conditions remaining in force:

1. The permit is for the portable sign shown in the attached application,
2. That MPC has hereby waived the requirement under the Town of Taber LUB 4-2006, Sec. 3 21(b) to allow for third party advertising on the sign.
3. The permit is to be reviewed for renewal in 180 days by the Municipal Planning Commission.

All regulations noted on the attached application are considered to be conditions of the permit.

**Background:**

The original application for this portable sign at the above noted address was referred to MPC for 2 reasons:

- 1) As per Sec 3. 21(b), "all signs must be related to point of sale advertising, unless otherwise noted in this section or waived by the Municipal Planning Commission"
- 2) Comments during the Downtown Business Consultation process indicated concerns with portable signs and their suitability into revitalization plans for the Downtown area of Taber.

At the May 18, 2015 meeting of MPC, the sign was approved at this location but with a condition that when the sign was up for renewal, MPC would be given a chance to review the application a second time. The renewal date for the sign is September 30, 2015.

The sign in question has been in place for a considerable amount of time and has not been the subject of any complaints to date. It has been used over this time for General Advertising not just Point of Sale Advertising as noted in the LUB requirements. The applicant has remained co-operative with Administration in keeping his sign permits paid and in good order. The intent of original application was to bring this sign into full compliance at this location and provide Administration with input on the role of portable



	signs in the Downtown area. Should MPC approve the renewal, no further circulation would be required, and would be given a chance to evaluate the renewal at the next expiry date.
<b>Legislation / Authority:</b>	Taber LUB 4-2006, Section 3. 21 (a-h)
<b>Strategic Plan Alignment:</b>	No close alignment.
<b>Financial Implication:</b>	N/A
<b>Service Level / Staff Resource Implication:</b>	Applications for portable sign applications are part of the ongoing responsibilities of the Planning and Economic Development Department.
<b>Justification:</b>	The current sign has been in place for a considerable amount of time without complaint.
<b>Alternative(s):</b>	<p>1. That the MPC approve the renewal of application DP 15-28, LED Super Signs, Portable Sign, 5501 48 Ave, Lot 2, Block 7, Plan 5638L, for 180 days with amendments to the attached conditions.</p> <p>2. That the MPC could not approve the renewal of application, DP 15-28, LED Super Signs, Portable Sign, 5505 48 Ave, Lot 2, Block 7, Plan 5638L, with reasons.</p>

<b>Attachment(s):</b>	Original Application package Development Permit
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<b>APPROVALS:</b>	
<b>Originated By:</b>	Lorraine Belanger





<b>Chief Administrative Officer (CAO) or Designate:</b>	
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Renewal



TOWN OF TABER  
APPLICATION FOR PORTABLE SIGN PERMIT

I/We hereby make application for a sign permit under the provision of Land Use Bylaw No. 4-2006 in accordance with the plans and supporting information submitted herewith and which forms part of this application.

LOCATION OF SIGN: Kost Fire Safety 5501 49 ave

APPLICANT: LED Super Signs PHONE: 315-3214  
ADDRESS: 5064 42 ave Taber Alberta T26 1B1

REGISTERED LANDOWNER: Kost Fire Safety PHONE: 223-1500  
ADDRESS: 5501 49 ave Taber AB T2G 1S5

**Signature of Registered Landowner consenting to the placement of a portable sign on this parcel:**

Print name: Irene Volk Signature: [Signature]

SIGN OWNER'S NAME: Wilmer Dreck PHONE: 315 3214  
ADDRESS: [Redacted]

REASON/PURPOSE FOR ADVERTISEMENT: General Advertising

Start Date: April 1/15 End Date: Sept. 30/15 Number of Days: 6 months

I CERTIFY THAT THE REGISTERED OWNER OF THE LAND DESCRIBED ABOVE IS AWARE OF THIS APPLICATION.

I HAVE READ THE CONDITIONS LISTED ON THE BACK OF THIS FORM, AND I AM FULLY AWARE THAT ANY PERMIT APPROVED AND ISSUED IS SUBJECT TO REVOCATION AT ANY TIME. WHERE ANY PORTABLE SIGN IS FOUND TO BE IN CONTRAVENTION OF ANY ONE OF THE PROVISIONS OF THE CONDITIONS, THE DEVELOPMENT OFFICER SHALL:

- A) GIVE NOTICE IN WRITING TO THE SIGN OWNER OR OWNER OF THE PARCEL OF LAND UPON WHICH THE SIGN IS LOCATED DIRECTING RECTIFICATION OF THE CONTRAVENTION.
- B) HAVE REMOVED THE SAID SIGN IN THE EVENT THE SIGN CONTINUES TO CONTRAVENE THE PROVISIONS OF THE CONDITIONS 24 HOURS AFTER RECEIPT OF THE NOTIFICATION. COSTS FOR SIGN REMOVAL SHALL BE BORN BY THE SIGN OWER.

THE TOWN SHALL NOT BE LIABLE NOR RESPONSIBLE IN ANY WAY, FOR ANY LOSS OF, OR DAMAGE OR INJURY TO, ANY PROPERTY BELONGING TO THE GRANTEE, OR TO ANY AGENT, OR EMPLOYEE OF THE GRANTEE, OR TO ANY PERSON, NOR SHALL THE TOWN BE LIABLE NOR RESPONSIBLE IN ANY WAY, FOR ANY PERSONAL INJURY OR DEATH THAT MAY BE SUFFERED OR SUSTAINED BY THE GRANTEE, OR ANY AGENT OR EMPLOYEE OF THE GRANTEE, OR ANY OTHER PERSON WHO MAY BE OR COME UPON THE SAID LANDS. THE GRANTEE SHALL INDEMNIFY AND SAVE HARMLESS THE TOWN OF AND FROM ALL LIABILITIES, FINES, SUITS, CLAIMS, DEMANDS AND ACTIONS OF ANY KIND OR NATURE WHICH MAY BE BROUGHT AGAINST THE TOWN, ITS AGENTS OR EMPLOYEES, ARISING FROM THIS PERMIT WHETHER ARISING BY REASON OF ANY BREACH, VIOLATION OR NON-PERFORMANCE BY THE GRANTEE OF ANY OF THE COVENANTS, TERMS OR PROVISIONS HEREOF, OR ARISING BY REASON OF THE ACT OR NEGLIGENCE OF EITHER THE GRANTEE, ITS AGENTS OR EMPLOYEES. THE GRANTEE'S INDEMNIFICATION OF THE TOWN SHALL SURVIVE ANY TERMINATION OF THIS PERMIT, NOTWITHSTANDING ANYTHING HEREIN CONTAINED TO THE CONTRARY.

DATE: Mar 30/15 SIGNED: [Signature]  
Applicant

THIS PERMIT SHALL BE IN EFFECT WITH THE SIGNATURE OF THE DEVELOPMENT OFFICER

SIGNED: \_\_\_\_\_  
Development Officer

**THE TOWN OF TABER LAND USE BYLAW** June 12, 2006

SECTION 3: General Provisions (for all Districts)

**21. Signs**

**(a) A Development Permit shall be required for all signs, unless otherwise specified in this section.**

(b) All signs shall be related to point-of-sale advertising, unless otherwise specified in this section or waived by the Municipal Planning Commission.

(d) The Development Officer may require the removal of any sign which in the opinion of the Development Officer is unsightly or is in such a state of disrepair as to constitute a hazard.

(e) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Officer. The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material as a condition of any sign permit.

(f) No person shall erect or place a sign so that it would be considered, in the opinion of the Development Officer, to be a traffic hazard, or distract/obstruct the vision of persons driving motor vehicles.

(g) No signs are allowed on public property without approval from the Development Authority in addition to any permission granted by a relevant public agency.

(h) Portable signs may be allowed, subject to the following:

**(i) No portable sign structures are allowed on Town land unless consent is granted by Council.** If Council consents to allow a portable sign on Town land, application for a portable sign development permit shall be made and shall be subject to all other relevant provisions of the Land Use By-law, except that Council may be permitted more than one portable sign per parcel if those portable signs are separated by no less than 46 metres measured along the front lot line.

(ii) No portable signs are allowed within 46 metres of a residential district.

(iii) The sign face of each portable sign shall have maximum dimensions of 2.5 metres by 1.7 metres.

(iv) Portable signs shall have a maximum height of 3.5 metres above grade.

(v) Portable signs shall not be fitted with any flasher, animator, or revolving beacon.

(vi) A maximum of one portable sign structure per parcel may be allowed on a commercial or industrial parcel for a period or periods of time not to exceed a total of 180 days in each calendar year. Each portable sign shall be separated from other portable signs by no less than 46 metres, measured along the front lot line and shall be located entirely on the parcel. Approved signs not located completely within the property line may be removed and impounded by a Development Officer or their designate.

(vii) A maximum of one portable sign structure per parcel may be permitted on a commercial or industrial parcel for periods of time not to exceed a total of 180 days. Subsequent to the 180 day period the permit may be renewed at no cost provided there are no complaints with regard to the placement of the sign. The Development Authority or Development Officer may also revoke the permit after 180 day time period. Each portable sign shall be separated from other portable signs by no less than 46 meters, measured along the front lot line and shall be located entirely on the parcel. Approved signs not located completely within the property line may be removed or impounded by the Development Officer or their designate.

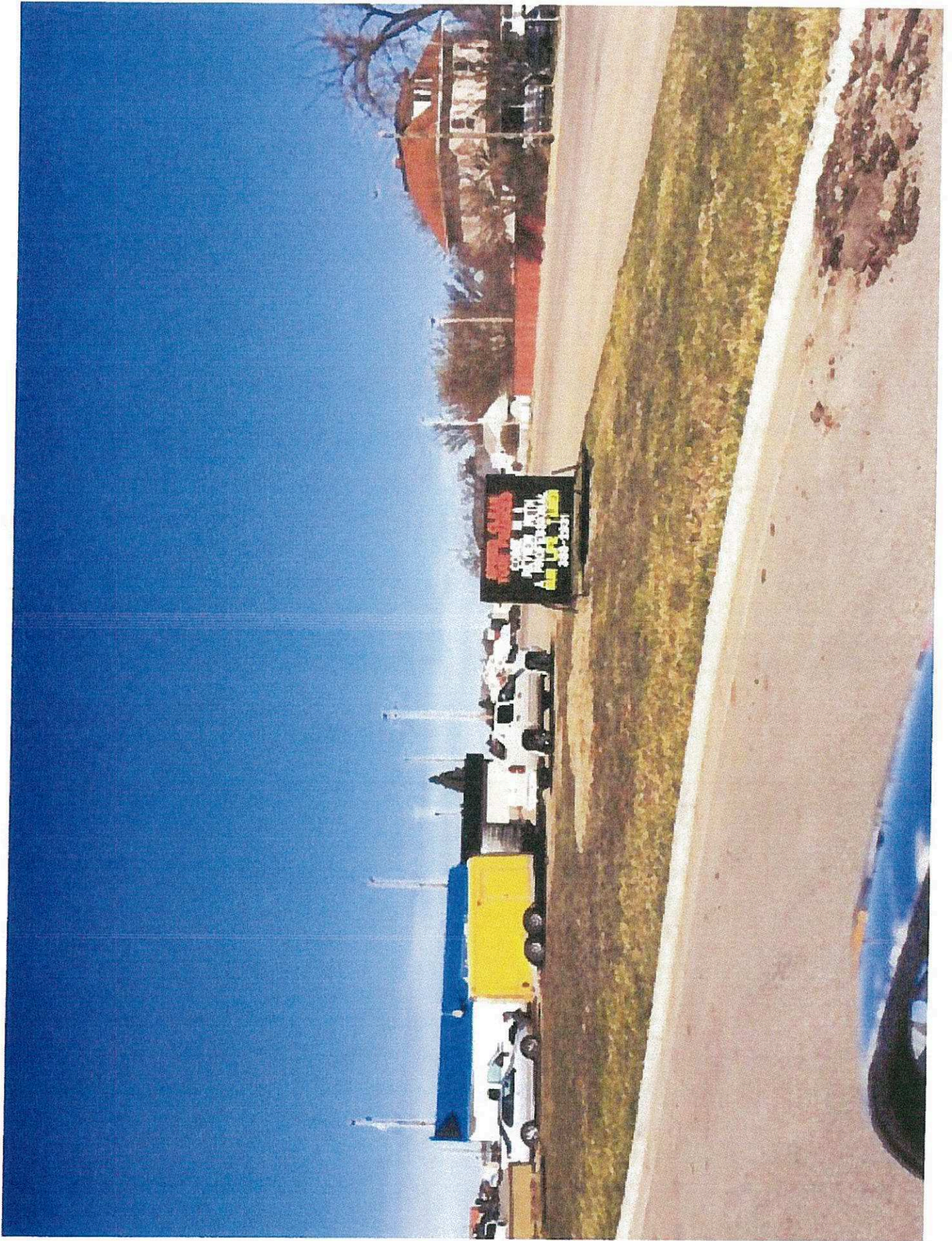
(viii) All portable signs shall be kept in good repair at all times. Any portable sign which, in the opinion of the Development Officer, is not kept in good repair may be removed and impounded at the discretion of the Development Authority/Officer. The Development Officer shall generally give 48 hours notice to the owner of the portable sign of a decision to remove the portable sign that is no longer in good repair unless the sign is deemed to be a safety hazard, in which case the sign may be removed without notice.

(ix) All portable signs shall have the name and phone number of the sign owner permanently affixed to the sign in a visually prominent location on the sign.

**(x) A portable sign shall be removed on or before the expiry date noted on the portable sign development permit. Any portable sign not removed by the expiry date may be removed and impounded by a development Officer or their designate.**

**(xi) Portable signs not approved by the Town will be removed and impounded by a Development Officer or their designate.**

(xii) Release of any impounded portable sign shall be subject to a fee established by resolution of Council.





**DEVELOPMENT PERMIT  
FORM B**



Planning Department  
A4900-50 Street  
Taber AB T1G 1T1  
ph: (403) 223-5500  
fx: (403) 223-5530  
email: [planning@taber.ca](mailto:planning@taber.ca)

PERMIT NO. 15-028 ZONING: DT  
ISSUE DATE: May 21, 2015 ROLL NO. 4855020

Applicant

Name: LED Super Signs  
Address: Box 5064 42 Ave, Taber, AB, T1G 1B1  
Tel: 403-315-3214

Owner of Land

Gailenda Holdings Inc  
677 14 St. SW, Medicine Hat, AB, T1A 4V5

Location

Municipal Address: 5505 48 AVE  
Legal Description: Lot: 3  
Block: 7 Plan: 5638L

**Description of Work:** Portable Sign, as per DP 15-028, Discretionary Use  
Downtown Commercial, DT.

Permit Conditions (see Standard Conditions on Reverse)

1. The permit is for the portable sign shown in the attached application,
2. That MPC has hereby waived the requirement under the Town of Taber LUB 4-2006, Sec3(21)(b) to allow for third party advertising on the sign,
3. The permit is to be reviewed for renewal in 180 days by the Municipal Planning Commission,
4. All regulations noted on the attached application are considered to be conditions of the permit.

Issued by:

Development Officer

The personal information provided as part of this application is collected under Section 303 and 295 of the Municipal Government Act and in accordance with Section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, Land Use Bylaw enforcement and property assessment purposes. The name of the permit holder and the nature of the permit are available to the public upon request.

If you have any questions about the collection or use of the personal information provided, please contact the Town of Taber FOIP Coordinator at A4900 – 50<sup>th</sup> Street, Taber, Alberta T1G 1T1 or phone at (403) 223-5500.

MINUTES OF THE REGULAR MEETING OF THE DEVELOPMENT AUTHORITY OF THE TOWN  
OF TABER, IN THE PROVINCE OF ALBERTA, HELD IN THE COUNCIL CHAMBERS,  
ADMINISTRATION BUILDING, ON MONDAY, SEPTEMBER 21, 2015, AT 4:30 PM.

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**Members**

Ellingson, Edwyn

Miles, Roger

Popadynetz, Rick

**Staff**

Armfelt, Cory

Belanger, Lorraine

**ABSENT**

Joe Strojwas

Ron Levagood

**CALL TO ORDER**

R. Miles called the meeting to order at 4:30pm

**ADOPTION OF THE AGENDA**

Councillor Popadynetz requested adding an agenda item to the meeting to address concerns with the Taber Legion Sign.

Carried Unanimously

## **DELEGATIONS**

None

## **ADOPTION OF THE MINUTES**

### **Minutes- Regular Meeting of the Development Authority August 18, 2015**

Moved by E. Ellingson the Minutes of the August 18, 2015 MPC meeting be adopted as presented.

Carried Unanimously

## **BUSINESS ARISING FROM THE MINUTES**

None.

## **ACTION ITEMS**

### **DP 15-89 4638 Majestic Place Duncan McGregor Homes (2<sup>nd</sup> Garage)**

L. Belanger summarized the application. She noted the application had 2 exceptions from the typical application for a 2<sup>nd</sup> garage:

- 1) The applicant was requesting an increase in height from 3.7m to 4.25m on the interior wall height of the garage.
- 2) The access to the garage would be from 46A St as the site did not have rear lane access.

Discussion among the members took place on impact of traffic patterns on the street and any potential impact on the residents.

*Moved* by E. Ellingson that the Municipal Planning Commission approve DP 15-89; 4638 Majestic Place; Duncan McGregor Homes (2<sup>nd</sup> garage, Detached), 84m<sup>2</sup> Lot 74, Block 45, Plan 9311561 with the following conditions:

1. The site is developed as per the site plan submitted,
2. Access location to the garage is subject to the approval of the Director of Public Services,
3. Pursuant to Section 2(12)(a)(i) of Land Use Bylaw No. 4-2006, as amended, and interior wall height requirement waiver from 3.7 to 4.26m is hereby granted,
4. The applicant must obtain a Building Permit to ensure the development complies with the Alberta Fire Code and Alberta Building Code. It shall be the responsibility of the applicant to obtain the necessary Building, Plumbing, Electrical, and Gas permits. Additionally it is the responsibility of the



applicant to contact Alberta One Call and meet all requirements pertaining to underground services,

5. The exterior finish of the detached garage shall be professionally manufactured and complimentary to the finishing of the neighboring properties and subject dwelling,
6. The structure may not be used as a workplace for employees or for workplace activities if the residence has a Home Occupation Business License,
7. Prior to occupancy, the applicant will provide and Updated Real Property Report to the Town of Taber.

Carried Unanimously

#### **DP 15 28 5505 48 AVE- LED SUPERSIGNS- RENEWAL PORTABLE SIGN**

L. Belanger summarized the application. She noted the application had been brought back to MPC for review on the renewal of the portable sign permit as per the conditions of the original development permit issued.

Discussion among members and the applicant took place on the following items:

- 1) The sign in question had been in the location for several years and was not temporary in nature
- 2) Portable signs in general were not contributing to the beautification plans for the Downtown
- 3) The sign was not for point of sale advertising, thought this requirement had been waived in the original development permit
- 4) The need for the local business community to have affordable and effective advertising
- 5) Not approving portable signs will not make a significant contribution to improving the appearance of the Downtown area.

*Moved* by E. Ellingson that MPC not approve the renewal of application DP 15-028, LED Super Signs, 5505 48 Ave, Lot 2, Block 7, Plan 5638L as the sign does not contribute to the future beautification plans for Downtown Taber.

Carried Unanimously

The applicant was advised of the appeal process in regard to the decision.

**DP 15-087 1904098 AB LTD -PERMANENT ELECTRONIC SIGN**

L. Belanger summarized the application. She noted the sign in question had been previously approved in January 2013. She also added that 2 items had changed since this time in regard to the sign;

- 1) The applicant was not the same as in 2013 and the lease for the land the sign is located on would need to be updated with the Town of Taber.
- 2) A second sign had been added to the structure without permits and would need to be removed in order for the electronic sign to meet the 3m clearance noted in the LUB.

Moved by E. Ellingson that the Electronic sign, 1.2mx2.4m on the Existing Smitty's sign, Road Right SW corner Barton Dive and 46 Ave, be approved with the following conditions;

1. The sign design, display and layout must be approved by Alberta Transportation prior to installation,
2. The sign must meet any applicable Provincial Signage requirements,
3. The J&L Auto sales sign must be removed prior to construction of the new electronic sign,
4. The new electronic sign must maintain a 3m clearance from the bottom of the sign to ground level,
5. The applicant must update the lease with the Town of Taber for use of the land the sign is located on,
6. The Electronic Message Centre (EMC) approved under this permit must comply with the following requirements at all times:
  - a) Each display must last not less than 8 seconds,
  - b) Each display must be a self-contained message with no continuation of one message into a subsequent message,
  - c) The display must be static with no motion pictures, scrolling, flashing or emission of intermittent light, animation, or movement between displays and the change between displays must be immediate,
  - d) The display must be self-dimming for night time conditions and the level of lighting at all times must be to the satisfaction of the Development Authority who may direct the level of lighting be adjusted,
  - e) The EMC must be monitored by the Applicant at all times and in the event of a malfunction, the EMC must be designed to either
    - i) Provide a continuous static display without varying or increasing the lighting level or
    - ii) Provide no display
7. The EMC must not employ any supplementary flashing or intermittent lighting either as part of the sign or on its supporting structure.
8. Prior to installation of the EMC the applicant must apply for a Building and Electric Permit where required

Carried Unanimously

**Building Permit Statistics - August 2015**

Moved by E. Ellingson that the Municipal Planning Commission accept the report on the August 2015 Building Permit Statistics as information.

Carried Unanimously

**Taber Legion Sign- Brightness Issues**

Councillor Popadynetz noted his concerns with level of brightness on the Taber Legion Sign in the evening hours. He noted not only was the quality of the display unsatisfactory, but the level of brightness may pose a traffic hazard.

L. Belanger noted she had spoken to the Legion on 2 occasions regarding these issues as Administration had received similar complaints not only from the public but from the Taber Police Service. She noted the Legion had indicated they were waiting for a part to be installed that would address this issue.

Further discussion among members took place on what actions could be taken to bring the level of brightness and display quality to an acceptable level.

*Moved* by R. Popadynetz that MPC direct Administration to write a letter to the Legion advising them to discontinue the use of the sign in the evening hours until the level of brightness could be brought to the satisfaction of the Planning and Economic Development Department.

Carried Unanimously

**MEDIA INQUIRIES**

None.

**CLOSED SESSION**

No items

**OPEN SESSION**

**CLOSE OF MEETING**

Moved by E. Ellingson that the Regular Meeting of the Municipal Planning Commission be closed.

Carried Unanimously

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CHAIRMAN