



HEARING DATE: March 27, 2025
FILE NO.: 0111-S01-SDAB-25-01
DEVELOPMENT PERMIT 2025-008

BOARD MEMBERS:

Ms. Christabel Khumalo, Chair
Ms. Lindsay Skelly
Mr. Carl Savard
Mr. Joe Prusak
Mr. Leigh Redding

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] The Development Authority of the City of Beaumont (the "Development Authority") refused a development permit for a Commercial Fascia Wall Sign located at 5302 – 50 Street, Beaumont, Alberta, legally described as Plan 172 2682, Block 3, Lot 71 (the "Lands").¹ The applicant for the Development Permit was Beaumont Plaza Ltd. (the "Applicant").

[2] On February 26, 2025, Sameer Hooda, on behalf of the Applicant, appealed the refusal of the Development Permit (the "Appellant").

[3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on March 27, 2025, in person.

PRELIMINARY MATTERS

A. Board Members

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

¹ The Board notes that the Development Permit decision references the plan as Plan 172 3682. However, the application notes the plan as 172 2682. The Board infers that the Development Permit decision is a typographical error and has concluded that the plan is **172 2682**.

B. Exhibits

[5] At the beginning of the hearing the Chair confirmed that everyone in attendance had the hearing package prepared for the hearing. During the course of the hearing, the Appellant provided photographs for the Board's consideration. There was no objection to the Board accepting those documents and the Board marked those documents as exhibits. In response to submissions made by the Appellant, the Development Authority submitted the approved development permit application for the sign at "Sugar and Spice". There was no objection to that document being marked as an exhibit, and the Board did so. The list of exhibits is found at the end of the decision.

C. Miscellaneous

[6] There was no request for an adjournment of the hearing.

[7] There were no objections to the proposed hearing process.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[8] The Board denies the appeal.

SUMMARY OF HEARING

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

Development Authority

[10] The Lands are located at 5302 – 50 Street, Beaumont, legally described as Plan 172 2682, Block 3, Lot 71. The Lands are located within the Main Street District (MS) of the City of Beaumont Land Use Bylaw 944-19 (the "LUB"). The site is an interior bay within an existing multi-unit commercial development on the west side of 50 street between 55 and 52 Avenue. The building is within the Centre-Ville area and is identified as part of the Downtown Core Precinct within the Area Redevelopment Plan. Surrounding Development include the Beaumont Tennis Courts and Gobeil Park to the north and west and the Beaumont Fire Hall to the south.

[11] An application for a Fascia Wall Sign (1.2m x 2.4m) was received on January 16, 2025 and was accompanied with a variance application to waive the requirements for a projecting sign and gooseneck lighting within the Main Street District. The application was submitted by Sameer Hooda at Mega Signs on behalf of Beaumont Plaza Ltd.

[12] The Development Authority noted that the proposed sign included the followings specifications:

- Rear lit with cool white LED modules,
- Black vinyl graphics applied on acrylic white light box to indicate "Beaumont Professional Center", and

- Dimensions of 48" (1.2m) height with 96" (2.4m) length and 4.5" (11.4cm) depth installed above the doorway at a height of 126" (3.2m)

[13] Section 4.2.4 Fascia/Wall of the LUB outlines the regulations specific to fascia wall signs. Section 4.2.42. is applicable in the Integrated Neighbourhood, Mature Neighbourhood and Main Street Districts, where they are discretionary. Section 4.2.4.2 expressly states that regulations b) through e) of 4.2.1 are applicable to all fascia/ wall signs.

[14] The Lands are located within the Main Street (MS) District and a Fascia/ Wall sign is a Discretionary Use within the Main Street (MS) District.

[15] The following LUB sections were reviewed against this permit application and include how the Development Authority determined compliance, or if a variance was required:

- (a) Section 4.2.4.1a); Development Authority determined this is a discretionary use.
- (b) Section 4.2.4.1b) through e):

b) Shall not exceed a vertical height of 2.14 m and a horizontal dimension not greater than the bay in which the business is located. The vertical height of the sign is 1.2m and the horizontal dimension does not exceed the bay in which the business is located. The Development Authority determined that the application **meets the regulation;**

c) Shall be architecturally integrated with the building façade with respect to size, scale, color, location and type of materials. The sign dimensions are to scale with the bay in which with sign is located and appropriately located. Black and white is cohesive with the building materials and surrounding colors. Vinyl and acrylic materials can be considered architecturally integrated with the façade, depending on how they are presented, see 4.2.4e) outlined below. The Development Authority determined that the application **meets the regulation;**

d) Shall not project more than 20 cm beyond the building surface. The sign projects 11.4 cm beyond the building surface. The Development Authority determined that the application **meets the regulation.**

e) Shall not be more than 1 sign per building face per business. This is the only sign on this building face. The Development Authority determined that the application **meets the regulation;**

- (c) Section 4.2.4.2a); Development Authority determined that it a discretionary use

- (d) Section 4.2.4.2b); see above

- (e) Section 4.2.4.2c) Shall be illuminated with gooseneck lighting. The application included a request to waive this requirement through the submission of a variance request. The Applicant proposed to install a rear lit sign which is expressly prohibited in the Main Street District. The Development Authority cannot vary a standard which is expressly prohibited and therefore the variance application could not be considered. The Development Authority determined that a variance could not be granted and therefore this application **does not meet the regulation.**

- (f) Section 4.2.4.2.d) Should include raised or recessed letters to give relief to signs. The vinyl graphics and acrylic light box are flush with one another and provide no

relief. The Development Authority determined that this application **does not meet this regulation.**

- (g) Section 4.2.4.2.e) Shall be architecturally integrated with the building. The effect of having the sign be a vinyl graphics applied to a light box without raised or recessed letters, results in it being not architecturally integrated with the building. The building provides articulation through bump outs and recesses along the external walls. The surrounding businesses have signs with channel lettering that provide relief to the sign and align with the visual interest provided by the building. The Development Authority found no attributes of the proposed sign that considered integration with either the materials of the building or the existing approved signage already installed in its vicinity. The Development Authority determined that this application **does not meet the regulation.**
- (h) The fascia wall sign regulations must also be read together with Section 4.5 Prohibited Signs to ensure compliance with the Land Use Bylaw.

4.5.2 Rear lit or back lit signs are permitted **where expressly stated** in Our Zoning Blueprint and shall include: [...]

[16] The proposed sign type is not expressly stated as permitted in the Main Street District and is therefore prohibited in the Main Street District, for this sign type. The Development Authority cannot vary a standard which is expressly prohibited, and therefore the variance request could not be considered.

[17] The application is located within the Downtown Core Precinct of the Centre-Ville Area Redevelopment Plan, which presents a distinct architectural image and is the commercial and community center of Beaumont. 5302 50 Street is subject to the Main Street Beaumont Urban Design Guidelines (BUDG). The BUDG reinforces the Land Use Bylaw by stating that developments within Main Street must avoid signs with "luminous, fluorescent, or reflective backgrounds." As a prohibited sign type in the Main Street District, the Development Authority was unable to approve the application and the associated variance. The incompatibility of the sign type with the level of design characterized by the downtown core is further reinforced in the Beaumont Urban Design Guidelines.

[18] Based on the above considerations and determinations, on February 5, 2025, the Development Authority refused the Fascia/Wall Sign for Beaumont Professional Center on the property located within the Main Street (MS) District at 5302 50 Street Beaumont, in accordance with the LUB.

[19] The Development Authority stated that in relation to the "Sugar and Spice" application, the cross section shows the variation and the placement of the letters. That same information was not communicated in this application and there was no channel lettering nor cross section showing the differential.

[20] In conclusion, the Development Authority stated that the fundamental reason for the refusal was due to no gooseneck lighting and the alternative rear lit sign based upon section 4.5.2 states that backlit signs are allowed only where permitted. They are not permitted in this location for the Main Street district. It was a prohibited wall sign which the Development

Authority could not vary. Should there be a variance with a different alternative, that would be considered.

APPELLANT SAMEER HOODA

[21] The Appellant noted that there were 2 reasons listed for refusal. The first was the absence of gooseneck lighting. He stated that a variance could be considered because of the configuration of the plaza. There is limited space in the plaza for gooseneck lighting. All other signs in the plaza have the same channel letters, and this is the same. He stated that this sign is the same as the "Sugar and Spice" sign, based on the same paperwork, which he applied for. The refusal of this sign did not make sense to him as he does not see any difference in the design of the signs. In relation to the second reason of architectural integration, he noted that the sign is on the interior section of the plaza and does not face the street. It is not a public facing sign.

[22] In his view, the Development Authority misinterpreted the drawings, which are the same as the sign for "Sugar and Spice" and which Edmonton and Calgary would approve.

[23] He noted that the sign could be approved with a variance for the gooseneck lighting. This is a professional centre, where the tenant wants a simple, modern looking design. The sign is low visibility, with a plain message.

[24] In response to Board questions:

- (a) about the dimensions of the sign, the Appellant stated that the structure is 4 inches and there are 3 ½ inch letters on the top. The Appellant stated that the backside of the panel is black, and the letter protrudes approximately 4 inches and the letters are white. The reason is for good contrast making it more visible. If there were too many letters individually attached, it would destroy the face of the building. There is no way to show in the drawing that the letters "step out" from the back, and how much.
- (b) The Appellant stated that although the sign looks flat, the letters for Beaumont Professional Centre step out from the black box 3 ½ inches. He stated there was no way to show that in the application. He stated that this is the same drawing as was used for Sugar and Spice which was approved 2 years ago.
- (c) The sign has channel letters and there is a high contrast with the panel being black and the letters, which protrude 4 inches being white.

[25] Mr. Hooda stated that it was not the same drawing as for "Sugar and Spice" but stated that his drawing reflected industry standard for channel letters. He stated that it may not be obvious to a regular person, but the Development Authority should be aware that these drawings are the same.

[26] In closing, the Appellant stated that it was not a backlit sign but had channel lettering. He stated that although technically the Development Authority is not required to issue the

permit, this is not how business should be conducted. If an option for a variance exists and for the same type of signage, then it should be considered otherwise it would be a discriminatory to his client.

THE APPLICANT ABHISHEK JARIWALA

[27] The Applicant stated that he owned the Beaumont Professional Centre and that there are more than 14 businesses in the Centre. The sign application is for clients to identify their businesses. They wished to keep the sign simple. In his view, this is the same sign as for "Sugar and Spice". The sign is like the Oishi Japanese restaurant sign. He stated that they wished to be compliant and do not want to be rejected.

[28] The Applicant stated that there are no gooseneck lights in the plaza, and this is a 3D sign as the other businesses have.

AFFECTED PERSON RON HANCHURAK

[29] Mr. Hanchurak is the chair of the Beaumont Chamber of Commerce. He provided a letter to the Board, marked as an exhibit, stating that businesses in the community need to have tools to connect with customers and signage is critical for businesses to establish their presence. The Chamber supports sensible and scaled back options that maximize exposure while providing visibility for businesses. The signs need to be integrated with the building design and serve the businesses without visual clutter or traffic safety issues. He stated that smart scale back signage is a valuable asset to support the continued success of the Beaumont Business Centre.

FINDINGS OF FACT

[30] In addition to the specific facts set out under the Board's reasons, the Board finds the following as facts.

[31] The Lands are located at 5302 – 50 Street, Beaumont, legally described as Plan 172 2682, Block 3, Lot 71.

[32] The Lands are zoned Main Street District (MS).

[33] The proposed development is a Fascia Sign, but is back lit.

[34] The proposed development of a back-lit sign is neither permitted nor discretionary in the Main Street District.

[35] The appeal was filed on time.

[36] The Appellant is an affected person. The Applicant is an affected person. The Board also considers the Beaumont Chambers of Commerce to be affected.

REASONS

Affected Persons

[37] The Board must determine whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to those making submissions to the Board; however, the Board wishes to review this issue for completeness.

[38] The Appellant is the representative of the Applicant and since the Applicant's permit is under appeal. The Board finds the Beaumont Chambers of Commerce to be affected as someone having an interest in the sign regulations.

Jurisdiction and Issues to be Decided

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

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

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

[40] In making this decision, the Board has examined the provisions of the LUB and has considered the oral and written submissions made by and on behalf of those who provided

evidence: the Development Authority, the Appellant and the Applicant, and those speaking in favour of the Appeal.

- [41] To make a decision on the main issue, the Board must determine the following questions:
- a. What is the use of the proposed development?
 - b. Is the use allowed within the district?
 - c. Does the Board have the ability to grant the appeal?

a. What is the use of the proposed development?

[42] The evidence before the Board was that the Development Authority indicated that it was a fascia sign. The Appellant and Applicant did not suggest that the sign was not a fascia sign. Therefore, the Board concludes that the sign is a fascia sign.

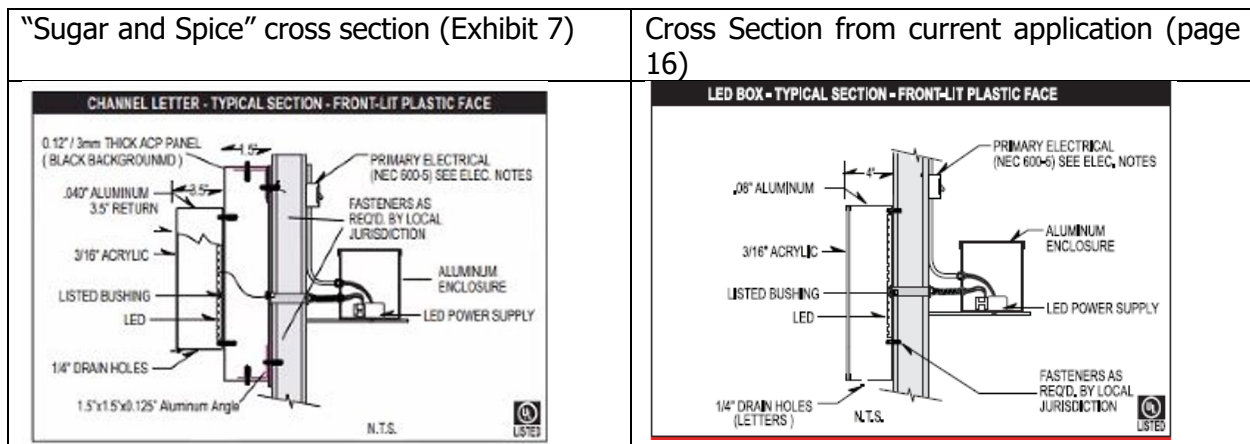
b. Is the use allowed within in the district?

[43] There was no disagreement between the parties that the relevant district is the Main Street District and the Board finds this as a fact.

[44] The Development Authority noted that a Fascia sign is generally a discretionary use within the Main Street District as noted in s. 4.2.4.2 of the LUB. However, the Development Authority noted that under s. 4.5.2 backlit signs are only permitted where expressly stated in the "Our Zoning Blueprint". Under s. 4.5.2.a, backlit signs are only permitted in the Commercial District and Business Light Industrial District.

[45] The Appellant argued that the sign for the Beaumont Professional Centre was a channel lettered sign and therefore allowable. However, on page 16 of the Agenda Package, the Board notes that section identifying the sign is entitled "LED BOX-TYPICAL SECTION-FRONT LIT PLASTIC FACE". Based on a review of the diagram contained within that portion of page 16, the Board notes that there is no indication of any raised lettering. The diagram shows a 4 inch front section, which is attached to what looks to be the building. In this diagram, there is no indication of any variance in the letters or any articulation. A copy of that cross section is found after paragraph [46].

[46] The Board contrasts this diagram with the cross section contained within Exhibit "7", the sign application for "Sugar and Spice". In that diagram, the cross-section is entitled "**CHANNEL LETTER**-TYPICAL SECTION-FRONT LIT PLASTIC FACE" (emphasis added by the Board). In the "Sugar and Spice" cross section, the Board notes that there is 3 ½ inch lettering, a 1.5 inch base and then the attachment to the building. See the below comparison of the two cross sections.



[47] Although the Appellant stated that the signs are the same, the nature of the diagram contained within the application which is under appeal clearly indicates a difference. Although the Applicant may have intended the cross sections to be same, they clearly are not as the cross section for the development permit under appeal does not show any articulation, or channel lettering. This is clearly evident when compared against the cross section in the application materials for the sign for "Sugar and Spice". Based upon the clear evidence before the Board, the Board finds that the sign under appeal is a fascia sign.

[48] The Board must also make a determination as to whether the sign is rear-lit (back-lit) or not, as that will affect the Board's determination on whether the use is allowed within the district. The Board notes that the Development Authority states that the proposed sign is intended to be lit with LED lights, which is prohibited in the district. The cross-section on page 16 of the Agenda Package has a heading saying "Front-Lit plastic face". However, the Board notes that the diagram itself shows that the LED is at the right (back) section of the 4 inch light box. Based upon this evidence, the Board finds as a fact that the sign was rear-lit (back-lit).

[49] Based upon the evidence before the Board as to the location of the LED lighting which is backlit and not front lit, the Board has concluded that the sign, despite the label at the top of the cross section, is in fact a backlit sign.

[50] Based upon the Board's finding that the fascia sign was backlit, this use is neither permitted nor discretionary within the Main Street District.

c. Does the Board have the ability to grant the appeal?

[51] Having concluded that the proposed development is neither permitted nor discretionary within the Main Street district, the Board notes that s. 687(3)(a.3) of the MGA requires that, subject to clause (a.4) and (d), the Board must comply with any land use bylaw in effect. That means that the Board cannot approve a use which is neither permitted nor discretionary within the district and the Board cannot approve this application.

Conclusion

[52] Since the proposed development is neither permitted nor discretionary in the Main Street district, the Board cannot vary the provisions of the LUB and therefore denies the appeal.

[53] Issued this ____ day of April, 2025 for the City of Beaumont Subdivision and Development Appeal Board.



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

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

APPENDIX "A"
REPRESENTATIONS

	PERSON APPEARING
1.	Y. Sharpe, Senior Development Planner, City of Beaumont
2.	S. Hooda, Appellant
3.	A. Jariwala, Applicant
4.	Mr. Hanchurak, Chair of the Beaumont Chamber of Commerce

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

March 27, 2025 Agenda Package		
Exhibit	Description	Pages
1.	Agenda	1-2
2.	Notice of Appeals	3
3.	Notice of Hearing	4-5
4.	Development Officer Submission	6-9
5.	Presentation of the Development Authority	10-24
6.	Photographs – Submitted by the Appellant	Provided at hearing
7.	Sign Application for Sugar and Spice	Provided at hearing
8.	Letter from the Chamber of Commerce	Provided at hearing