



HEARING DATE: March 27, 2025
FILE NO.: 0111-S01-SDAB-25-02
DEVELOPMENT PERMIT 2025-009

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 #207, 5302 – 50 Street, Beaumont, Alberta legally described as Plan 172 2682, Block 3, Lot 71 (the "Lands"). 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.

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 hearing, the Appellant submitted 2 pictures of signs. There was no objection to the Board receiving those pictures. The Board marked them as an exhibit. Also, during the hearing, the Development Authority asked the Board to mark as an exhibit the sign application for the "Sugar and Spice" sign. All exhibits before the Board are referenced in Appendix "B".

C. Miscellaneous

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

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

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[8] The Board grants the appeal and approves the development permit application for the sign as more described on page 17 of the Agenda Package.

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 #207, 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 (3.55m x 0.91m) 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 proposed sign included the followings specifications:

- Rear lit with cool white LED modules,
- Vinyl graphics applied to an acrylic white light box to indicate "InTechFuture", and
- Dimensions of 36" (0.91m) height with 140" (3.5m) length and 4.5" (11.4cm) depth installed on the second storey, between two bays at a height of 208" (5.28m)

[13] Section 4.2.4 Fascia/ Wall of the LUB outlines the regulations specific to fascia wall signs. There are two sets of regulations, section 4.2.4.2, is applicable in the Integrated Neighbourhood, Mature Neighbourhood and Main Street Districts, where which 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. The subject lands are located within the Main Street (MS) District. A Fascia/ Wall sign is a Discretionary Use within the Main Street (MS) District.

[14] 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 4.2.4.1 a); the 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 0.91m 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, colour, location and type of materials. The sign is located on the second storey for office use. The 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. The Development Authority determined that the application **meets the regulation;**

- (c) • Section 4.2.4.2 a); the Development Authority determined that it a discretionary use
- (d) • Section 4.2.4.2 b); see above

c) Shall be *illuminated with gooseneck lighting*. The application included a request to waive this requirement. 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 was not considered. The Development Authority determined that a variance could not be granted and therefore this application **does not meet the regulation.**

d) *Should include raised or recessed letters to give relief to signs.* The vinyl graphics and acrylic light box are flush with one another providing no relief. The Development Authority determined that this application **does not meet this regulation.**

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.**

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: [...]

[15] The proposed sign is for a rear lit fascia sign, which is not expressly permitted under sections 4.2.4.1 or 4.2.4.2 and is therefore prohibited in the Main Street District, for this sign type. The Development Authority cannot vary a standard which is expressly prohibited. 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. #207, 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 noted above.

[16] Based on the above considerations and determinations, on February 5, 2025 the DA refused the Fascia/Wall Sign for Beaumont Professional Center on the property located within the Main Street (MS) District at #207, 5302 50 Street Beaumont, in accordance with the LUB.

[17] In response to Board questions about the reasons for refusal, the Development Authority stated that the sign was refused because it was backlit and did not have gooseneck lighting, that it did not have elevated lettering, and it was not architecturally integrated to the building.

[18] The Development Authority stated that when an application is refused or after an appeal, a submission for the same or similar use may not be accepted for 6 months after the refusal at the discretion of the Development Authority. If the sign is sufficiently similar, the Development Authority can overrule the 6 months.

APPELLANT SAMEER HOODA

[19] The Appellant stated that the sign had been refused because it did not have gooseneck lighting and that it was rear lit. Mr. Hooda referred to the drawings found on page 17 of the Agenda Package. He stated that page 17 clearly indicates that there are channel letters, and this one has slightly different technical drawings. He stated that the letters are clearly channel letters. He stated that this is a business community and that it's an enclosed plaza with no exposure from the main street. Without signage, it would be difficult to find.

[20] In response to Board questions, the Appellant stated:

- (a) the cross section shown on page 17 is representative of what the sign is with a 1.5 inch back and a projection of 3.5 inches. The Appellant stated that the cross section located on page 17 of this application is supposed to be the same for both of the signs for which he had applied.
- (b) the sign would almost be exactly what was going to be constructed.

[21] In responding to the submissions of the Development Authority, the Appellant stated that there had been no mention to him about the fact that the sign was backlit, did not have gooseneck lighting, did not have elevated lettering, and it was not architecturally integrated to the building. In relation to architectural integration, if other signs are integrated, he is not sure how this sign is different. It is just a more modern looking sign.

[22] The Appellant indicated that the entire plaza has backlit signs. It is more modern and professional and he asked for his sign application to be granted.

THE APPLICANT ABHISHEK JARIWALA

[23] The Applicant indicated that he had hired Mega Signs to construct the sign. He noted that this sign is similar to the sign for "Sugar and Spice", which the Development Authority approved. This sign was no different from the sign for Oishi Japanese restaurant or the sign for Marble Slab Ice Cream. The only difference was the text and the colours. He questioned why other signs were approved but not his sign. He stated that the Marble Slab sign has a background with a logo. He stated that the Intech sign would look the same as the Marble Slab logo.

[24] The Applicant stated that the process has taken almost 2 years. They applied for their permit in February of 2024. The Applicant wants to know the process because he wishes to get his sign. The Applicant wanted to work with the City and would like suggestions as to how to become compliant.

FINDINGS OF FACT

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

[26] The Lands are located at #207, 5302 – 50 Street, Beaumont, Alberta legally described as Plan 172 2682, Block 3, Lot 71.

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

[28] The appeal was filed on time.

[29] The Appellant is an affected person. The Applicant is an affected person.

REASONS

Affected Persons

[30] 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.

[31] The Appellant is the representative of the Applicant and since the Applicant's permit is under appeal, the Applicant is affected.

Jurisdiction and Issues to be Decided

[32] 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.*

[33] 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.

[34] To make a decision on the main issue, the Board must determine the following questions:

- What is the use of the proposed development?
- Is the use allowed within the district?
- Does the proposed development comply with the regulations and should the board exercise its variance power under s. 687(3)(d)?

a. What is the use of the proposed development?

[35] The Development Approval noted that the sign is 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 the district?

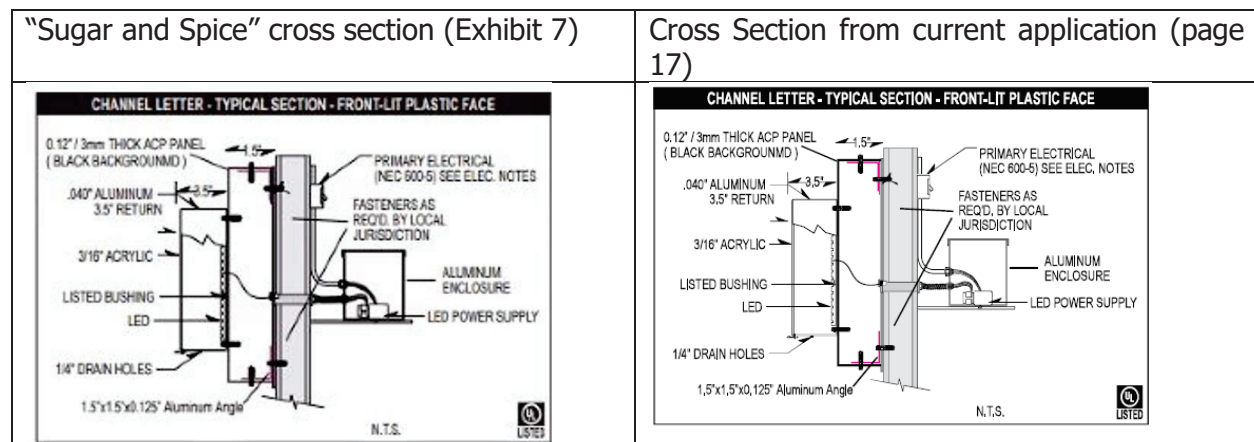
[36] There was no disagreement between the parties that the relevant district is the Main Street District, and the Board finds this as a fact.

[37] A fascia sign is a discretionary use within the Main Street District as noted in s. 4.2.4.2 of the LUB.

[38] The Development Authority's refusal was based on their conclusion that the sign was a rear lit fascia sign and the application of s. 4.5.2 which states that backlit signs are only permitted where expressly stated in the "Our Zoning Blueprint".

[39] The Board notes that the question of whether the sign is backlit is in dispute. The Development Authority states the sign is backlit, and the Appellant states that the sign is no different from the one for "Sugar and Spice" which was approved.

[40] The Board has carefully examined the cross sections from those applications



[41] The Board notes that the heading on the cross section from the current application states "front lit plastic face". The Board also notes that the LED lighting is under the 3.5 inch projection which the Board understands would be the lettering. The Development Authority did not provide any further evidence in support of their conclusion that the sign was backlit.

[42] Based upon the above evidence, the Board concludes that the sign is not back lit. Moreover, the Board notes that the cross section from the current application looks identical to the cross section from the "Sugar and Spice" application, which was approved by the Development Authority.

[43] Having concluded that the sign under appeal is not backlit, the Board concludes that the prohibition found in s. 4.5.2 of the LUB does not apply. Since the use is discretionary in this district, the Board has the authority to consider this appeal and move to the next question.

c. Does the proposed development comply with the regulations and should the board exercise its variance power under s. 687(3)(d)?

[44] Having concluded that the sign is a fascia sign, the Board turns to the question of whether the application complies with the regulations found in ss. 4.2.4.2c) through e).

[45] The conclusion of the Development Authority is that the application did not meet the requirement for gooseneck lighting, did not include raised or recessed letters to provide relief, and was not architecturally integrated with the building. The Appellant asked for a variance for gooseneck lighting, but argued the letters were raised, and the sign was architecturally integrated.

Gooseneck lighting (s.4.2.4.2c)

[46] There is no question that there is no gooseneck lighting for the sign.

[47] The uncontradicted evidence before the Board is that none of the signs in the plaza had gooseneck lighting.

[48] The Board must consider s. 687(3)(d) and whether the variance would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. In examining the amenities of the neighbourhood, the Board notes that at page 17, the Appellant provided a picture which shows the signs for 2 other businesses (Bee & Key, and Kumon). Based upon this evidence, the Board finds that the "amenities" would include the benefit to users of the business centre to find the business in question, and in addition includes the esthetics of the area. The Board is of the view that the sign in question would enhance the ability of users to find the business location. In relation to esthetics, this sign would be similar to the signs shown for Bee & Key and for Kumon. Further, this sign would be similar to the sign for "Sugar and Spice". Given the benefits to the sign, and the signs similarity to other signs, the Board finds that the variance would not unduly interfere with the amenities of the neighbourhood. In examining use, enjoyment or value, neither party made direct submissions on this point. However, the absence of any evidence presented to the Board in relation to an impact on use, value or enjoyment leads the Board to infer that not having gooseneck lighting would not materially interfere with or affect the use, enjoyment or value of

neighbouring parcels of land – particularly when this sign is similar to the other, above-noted signs.

[49] Based upon the Board's conclusions that there is no undue interference with the amenities and no material interference with use, enjoyment or value if the regulation requiring gooseneck lighting were varied, the Board grants the variance and waives the requirement for gooseneck lighting.

Raised or Recessed letters to give relief (s. 4.2.4.2d)

[50] As noted above, the Board has examined the cross section on page 17 of the Agenda carefully (see paragraph [40] above). Based upon that cross section, the Board notes that the evidence is that there is clearly articulation as the lettering is noted to be 3.5 inches with the background of the sign at 1.5 inches. Based upon this evidence, the Board finds as a fact that the sign does have raised letters which would give relief and as a result, the sign meets the regulation in s. 4.2.4.2d).

Architectural integration with the building (s. 4.2.4.2e)

[51] The final reason for refusal given by the Development Authority was that the sign was not architecturally integrated with the building. The Appellant disputed this point.

[52] The Board reviewed the images contained at page 17 showing the signs for Bee & Key and Kumon, as well as the images for Marble Slab, and "Sugar and Spice". Based on that review, the Board concludes that those signs are similar in nature to the one which is being applied for. Given that similarity, the Board finds as a fact that these signs are similar in nature and the Board concludes that the sign is architecturally integrated with the building.

Conclusion

[53] The proposed development is discretionary use. The Board has varied the requirement for gooseneck lighting and grants the appeal with that variance.

[54] 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, Developer, City of Beaumont |
| 2. | Sameer Hooda, Appellant |
| 3. | Abhishek Jariwala, Applicant |

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 | Provided at hearing |
| 7. | Application for Sugar and Spice | Provided at hearing |