

# **SUBDIVISION AND DEVELOPMENT APPEAL BOARD A G E N D A**

**DATE:** Wednesday, August 24, 2022  
**TIME:** 6:30 p.m.  
**LOCATION:** Council Chambers  
3<sup>rd</sup> Floor, 315 Jespersen Avenue

1. Call to Order

2. 6:30pm

Appeal Hearing – PLDPSP202200520

Appellant: Juicebox LED Media

An appeal has been filed against the conditional approval of Development Permit PLDPSP202200520 to locate a permanent freestanding sign with a variance to the maximum allowable size and height at 260 Pioneer Road (Plan 1723512, Block 4, Lot 29). The Development Permit Application was approved with conditions on July 6, 2022.

3. Adjournment

## City of Spruce Grove Subdivision and Development Appeal Board

**Appeal:** PLDPSP202200520

**Appellant:** Juicebox LED Media

Civic Address	Legal Description
260 Pioneer Road	Plan 1723512, Block 4, Lot 29

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### Exhibit List

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## EXHIBIT 1

## **DEVELOPMENT PERMIT No. PLDPSP202200520**

### **TIMELINES**

Development Permit Application Received Complete	June 3, 2022
Development Permit Application Decision Issued	July 6, 2022
Development Permit Appeal Period Expiry Date	July 27, 2022
Notice of Appeal Received	July 25, 2022
Notice of Hearing Sent to Appellant	July 29, 2022
Notice of Hearing Sent to Adjacent Property Owners	August 2, 2022
Notice of Hearing Advertised in Newspaper	August 12, 2022
Subdivision and Development Appeal Board Hearing	August 24, 2022

## EXHIBIT 2



# SIGN DEVELOPMENT PERMIT APPLICATION

Page 1 of 2

**Planning and Development**  
**414 King Street, Spruce Grove, AB**  
Phone: 780-962-7582  
Fax: 780-962-1062

Business Hours  
M-F: 8:30 a.m. – 4:30 p.m.

*Incomplete applications may result with them being returned without processing*

## PROJECT LOCATION

Suite:	Street Address:	Street Name:
	260	Pioneer Road

Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian

29 / 4 / 1723512 /

## PROJECT DESCRIPTION - REQUIRED

Installation of Pylon Sign for the Fenwyck Heights Seniors' Supported Independant Living development provided by St. Michael's Health Group.

### Temporary:

- ☐ Balloon
- ☐ Portable - # of 30 day periods \_\_\_\_\_
- ☐ Development Marketing Sign
- ☐ Banner
- ☐ A-Board Sign
- ☐ Other

### Permanent :

- ☒ Freestanding
- ☐ Fascia / Projecting / Roof / Canopy or Awning / Mural / Painted Wall
- ☐ Sign / Under Canopy Sign
- ☐ Changeable Copy
- ☐ Billboard
- ☐ Other

### Additional Sign Development Permit Requirements

- ☒ Right of Entry Form
- ☒ Minimum two (2) photographs showing property with location of existing signs and abutting sites
- ☒ Completed Application
- ☒ Current Land Title (No more than 3 weeks old)
- ☒ Authorization Letter (required, if not the owner on title)
- ☒ A replica of the proposed Sign, in duplicate, drawn to scale showing:
  - All dimensions of the Sign structure, including the Sign Height and projection of the Signs attached to Buildings;
  - The Sign Area and area of the Copy face(s);
  - The design of the Copy face;
  - The manner of all Sign illumination;
  - The type of construction and finish to be utilized;
  - The method of supporting or attaching the Sign and;
  - In the case of a Freestanding Sign, a Site plan, in duplicate, showing the Sign location in relationship to Sight lines, property lines, utility and overland drainage rights-of-way, parking stalls, Buildings and an elevation plan showing the Sign Height in relationship to the Height of the Principal Building;
  - In the case of a Fascia Sign, the façade elevation with dimensions for the elevation on which the Sign will be placed,
  - In the case of a portable sign, a site plan showing location of sign and setbacks to property lines.

### Mailing Address

315 Jespersen Ave  
Spruce Grove, AB T7X 3E8

This information is being collected under the authority of section 33(c) the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used to administer a development permit. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-962-2611.



# SIGN DEVELOPMENT PERMIT APPLICATION

Page 2 of 2

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## OWNER OR REPRESENTATIVE

☐ I am the registered owner of the land described above

Owner Name:

Company Name:

Signature:

☒ I have been designated as the representative of the owner  
(written consent attached)

Agent Name:

Guy Carlyle (Kyle) Donnan

Company Name:

1900054 Alberta Ltd. O/A Juicebox LED Media

Signature:

## MAILING ADDRESS (OWNER)

Mailing address:

158, 12143 - 40 Street SE

City:

Calgary

Province:

AB

Postal Code:

T2Z 3E6

Phone no.:

Fax no.:

## APPLICANT ☒ SAME AS OWNER/REPRESENTATIVE

Applicant Name:

Phone no.:

Fax no.:

Company Name:

Mailing address:

City:

Province:

Postal Code:

Applicant e-mail address:

I acknowledge that if the development permit application is approved it is subject to an appeal period as per the Municipal Government Act, RSA 2000, c-26.1 and that the decision may be ultimately overturned or amended. I do accept that if I commence development prior to the appeal expiry date, I am doing so with the appropriate development and building permits issued and at my own risk accepting all legal responsibilities.

*Applicant's signature*

June 3, 2022

*Date*

**Mailing Address**  
315 Jespersen Ave  
Spruce Grove, AB T7X 3E8

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# FENWYCK HEIGHTS - SPRUCE GROVE, AB



*Designer: Andrew*

## Z PLANS EXAMINED

Permit #:

**3M**  
Select  
Graphic Provider  
Silver

Date \_\_\_\_\_







SHOWING NEW PROPOSED ILLUMINATED PYLON SIGN



ONSITE  
SIGN GROUP

5201 - 67 Avenue  
Lloydminster, SK, T9V 3N6  
P 306.825.9600  
on-sitesign.com

Job FENWYCK HEIGHTS  
Site 260 PIONEER Rd.  
Spruce Grove, AB

Client Kyle Donnan  
Ph: [REDACTED]

Sales Lee Smith  
Date May 19, 2022  
File 12676 - 57538 R2  
JO 12676 WO 57538

Designer: Andrew

NOTES

SURVEY REQUIRED

REVISIONS

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<input type="checkbox"/> Corrections Required		
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Date _____		





SHOWING NEW PROPOSED ILLUMINATED PYLON SIGN



**ONSITE**  
SIGN GROUP

5201 - 67 Avenue  
Lloydminster, SK, T9V 3N6  
P 306.825.9600  
on-sitesign.com

**Job Site** FENWYCK HEIGHTS  
260 PIONEER Rd.  
Spruce Grove, AB

**Client** Kyle Donnan  
Ph: [REDACTED]

**Sales** Lee Smith  
**Date** May 19, 2022  
**File** 12676 - 57538 R2  
**JO** 12676 **WO** 57538

Designer: Andrew

NOTES

**SURVEY REQUIRED**

REVISIONS

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☐ Corrections Required

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Date \_\_\_\_\_





# ST. MICHAEL'S FENWYCK HEIGHTS

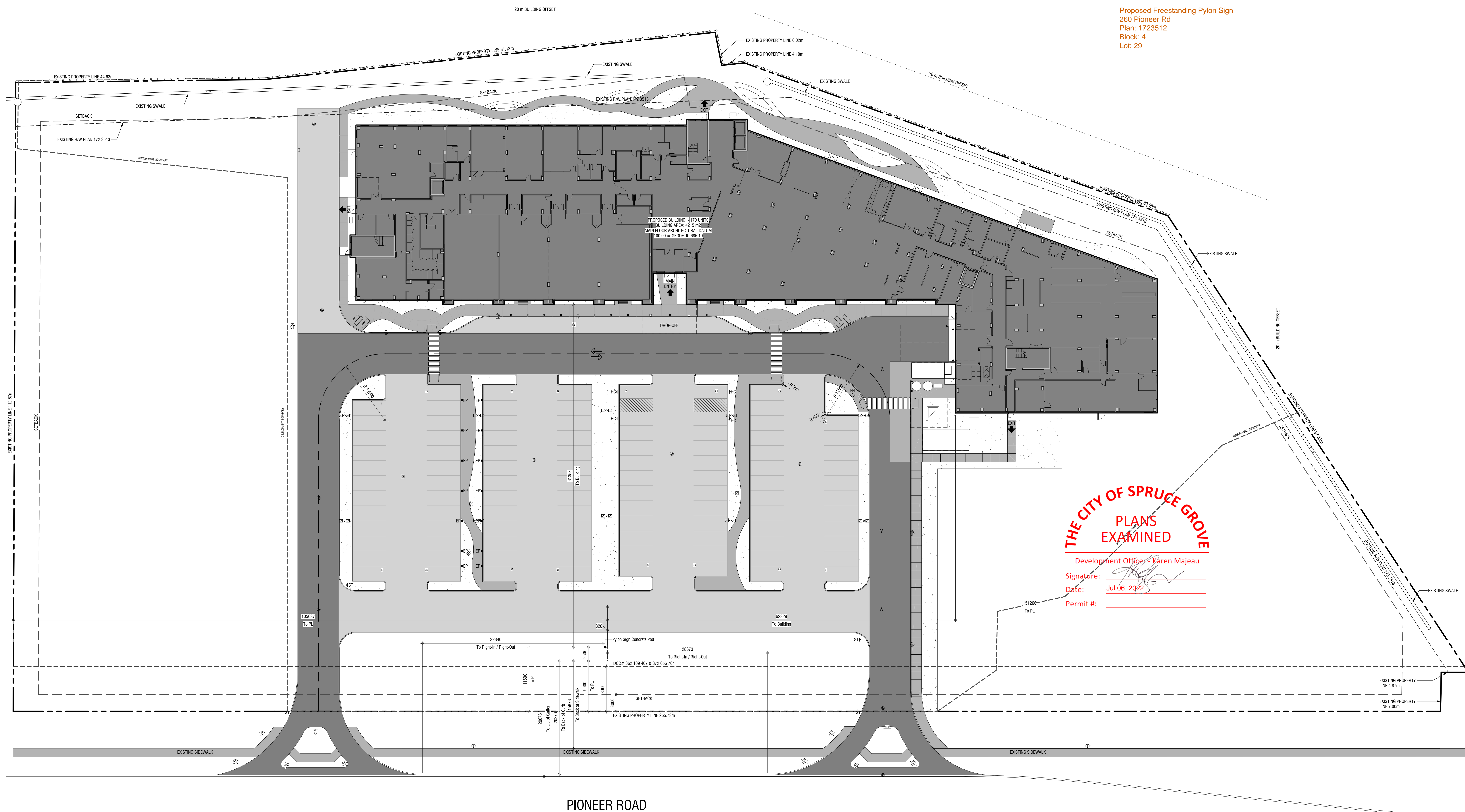
St. Michael's Health Group

05/11/22

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SD-01



**1** Site Plan  
SD-01 SCALE: 1 : 250

SCALE: 1 : 250

**Response to Review Corrections – 260 Pioneer Road, Spruce Grove AB**

Per the material received on June 15, 2022, the Planning Review listed the following items require to be addressed to continue the review of our application:

1. *The proposed freestanding sign exceeds the maximum allowable size for the R2 District:*
  - a.) *The maximum sign copy area of a freestanding sign in the R2 district is 3 sq. M. The sign being proposed is 3.6 sq. M in area.*
  - b.) *The maximum height of a freestanding sign in the R2 district is 2.5m. The sign being proposed is approximately 4.5m in height.*

Rationale of request for variance:

**Site area:** The location of the subject development is taking place on an extremely large parcel of land. Bylaw limitations would only allow for a very small pylon in both height and area, however considering the size of the parcel we feel that a larger sign is more aligned with the large-scale development on the parcel.

**Surrounding Commercial uses within the Surrounding Area:** The subject parcel is prominently surrounded by Commercial developments, most of which typically have signs approximately 4.5M in overall height for the most part. Because of this rationale, we feel that our proposed sign is aligned with the contextual area of the surrounding uses.

**Setback distance from edge for roadway to the Property Line:** The proposed pylon sign is located approximately 20 meters from the lip of gutter or roadway to which the sign is intended to target. In our opinion, the smaller sign would be barely legible from this distance.

**Extensive landscaping plan:** Part of the rationale behind the pylon approximately 4.5 meters in height is taking into consideration the extensive landscaping plan including dozens of shrubs, bushes and trees spanning over the entire frontage of the property approximately 255 meters. The lower sign could be obstructed by this foliage.

For the previously mentioned reasons we feel that a sign request of overall height 4.5 overall height from grade to the top of the sign and an overall sign area of 3.6 meters is more aligned with the contextual area of the parcel.

2. Please submit an updated site plan showing the setback of the outer edge of the proposed sign in relation to the front of the property boundary:

*As shown on the site plan, the proposed sign will be located 9.0 meters from the outer edge of the proposed sign in relation to the front property boundary. This is due to the R.O.W. located along the front parcel.*

Kyle Donnan  
Juicebox LED Media

## **EXHIBIT 3**



414 King Street, Spruce Grove, AB  
Phone: (780) 962-7582, Fax: (780) 962-1062  
Business Hours (M-F): 8:30 a.m. - 4:30 p.m.

Mailing Address  
315 Jespersen Avenue, Spruce Grove, AB T7X 3E8

## Development Permit Decision

Application: **PLDPSP202200520**  
Date: July 06, 2022

Juicebox LED Media  
12143 - 40 Street SE, #158  
Calgary, AB T2Z 3E6

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### Project Information

Civic Address: 260 PIONEER RD;  
Legal: 1723512;4;29  
Project Type: Development Permit - Sign - Permanent  
Project Details: To locate a permanent freestanding sign with a variance to the maximum allowable size and height

**Status:** **Approved w/Conditions**  
**Decision:** **Permitted with Variance**

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A variance has been granted to the maximum allowable sign face area to allow for a sign with a copy area of 3.6 sq. m versus the maximum allowable copy area of 3.0 sq. m for the R2 district (Mixed Medium to High Residential District). A variance has also been granted to the maximum allowable height of the freestanding sign to allow for a sign with a height of 2.75m versus the maximum allowable height of 2.5m. The sign being proposed is 4.42m in height however, as per Section 14 (3) of the Land Use Bylaw C-824-12 the Development Officer may grant a variance from the regulations prescribing height up to a maximum of 10% of the maximum prescribed height. The 0.25m variance to the height of the sign granted under this development permit represents the 10% variance powers of the Development Officer. The parcel at 260 Pioneer Road is a large site with over 200.0m of frontage onto Pioneer Road. The sign is also setback more than 8.0m from the front property boundary. It is the opinion of the Development Officer the larger site warrants a variance to the maximum allowable size and height to allow for a sign that is more proportionate to the site. It is the opinion of the Development Officer the variance does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring sites and the variance is truly minor in nature.

### CONDITIONS OF APPROVAL

- 1 The freestanding sign shall be reduced in height to 2.75m to conform with Section 108 (5) (c) of the City's Land Use Bylaw and the variance to the height of 0.25m granted under this development permit decision.
- 2 The sign shall have a low-profile landscaped area of 1.0 m around the base of the sign. The landscaping shall not interfere with the visibility of the sign copy or traffic.
- 3 The proposed sign shall not be located within the City road right-of-way.
- 4 The light source of an internal illuminated sign shall not be visible from any street or from adjacent sites
- 5 There shall be no exposed reflective-type bulb and no strobe light or incandescent lamp used on the exterior surface of any sign.
- 6 The illuminated signs shall be illuminated only by steady, stationary, shielded and shaded light sources directed solely at the sign, or internal to it so that the light intensity or brightness does not create either a nuisance to adjacent property or a traffic hazard for motorists or pedestrians.

- 7 The proposed sign shall not be located on registered easements or utility rights-of-way.
- 8 No exposed reflective-type bulb and no strobe light or incandescent lamp shall be used on the exterior surface of any sign.
- 9 The light source of the internally illuminated sign shall not be visible from any Street or from adjacent sites.
- 10 The sign background shall not be fluorescent, day glow, luminous, or reflective.
- 11 The sign shall not pose a hazard to pedestrian or vehicular traffic
- 12 The sign shall not contain Third Party Advertising.
- 13 The minimum setback to any portion of the freestanding sign shall be 0.75 m from the property line.
- 14 The proposed sign shall not compromise the parking requirements for the site.



Karen Majeau  
Senior Development Officer

**APPEAL PERIOD EXPIRY DATE: July 26, 2022**



## Important Notices

- ✍ **THIS IS NOT A BUILDING PERMIT (must be obtained separately). A Building Permit may be required, please contact the Planning and Development Department for more information.**
- ✍ **A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement, bylaw, regulation (municipal or provincial) or instrument affecting a building or land.**
- ✍ **Any development carried out prior to the appeal expiry date is at the sole risk of the applicant.**
- ✍ **If you wish to appeal the decision of the Development Officer, a completed form along with the appeal fee can be submitted in the following manner:**

In person	By mail
City Hall 315 Jespersen Avenue Spruce Grove, AB	Clerk of the Subdivision and Development Appeal Board c/o City Clerk's Office City of Spruce Grove 315 Jespersen Avenue Spruce Grove, Alberta T7X 3E8

**The request for appeal shall be submitted within the appeal expiry date.**

### ***For Information Purposes***

#### **1) POSTING OF THE DEVELOPMENT OFFICER'S DECISION**

Where there is a right of appeal, by anyone other than the applicant, from a decision on an application, posting on the site may be required. Such a posting must be on the site as may be required by the Development Officer, describing the proposed development and the Development Officer's decision, and advising of the right of appeal to the Subdivision and Development Appeal Board. The notice shall be of durable material, and shall be at least one (1) foot by two (2) feet in size.

#### **2) REFERENCES TO THE MUNICIPAL GOVERNMENT ACT RSA 2000 Chapter M-26 AS AMENDED**

##### **Grounds for appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

**(1.1)** A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**(2.1)** An appeal referred to in subsection (1) or (2) may be made

- (a) to the Land and Property Rights Tribunal
  - (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application
    - (A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
    - (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
    - (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or
    - (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),

or

(b) in all other cases, to the subdivision and development appeal board.

**(3)** Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

**(4)** Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

## Appeals

**686(1)** A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**(1.1)** Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**(2)** The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

**(3)** The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

**(4)** The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or

(b) the order under section 645.

**(4.1)** Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

**(5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

## Hearing and decision

**687(1)** At a hearing under section 686, the board hearing the appeal must hear

(a) the appellant or any person acting on behalf of the appellant,

(b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,

(c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and

(d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

**(2)** The board hearing the appeal referred to in subsection (1) must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

**(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

- (a) repealed 2020 c39 s10(52);
- (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 clauses (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.

**(4)** In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

### **3) PERMIT VALIDITY**

- (a) A development permit is effective for a period of one year from the date the Notice of Decision is given unless specified otherwise in the permit conditions. If the development permit cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date and if substantial development has occurred on the site, in the opinion of the Development Officer.
- (b) A development once commenced is not to be discontinued or suspended for a period or periods totaling more than six months unless the Development Officer has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained the development permit shall be considered to have lapsed.
- (c) In the case of an appeal the decision of the Subdivision and Development Appeal Board, to approve the development permit or amend any conditions, is effective for a period of one year from the date of the written notification. If the decision of the Subdivision and Development Appeal Board cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date.



## **EXHIBIT 4**



315 Jespersen Ave, Spruce Grove, AB

Phone: 780-962-2611

M-F: 8:30 a.m. – 4:30 p.m.

## NOTICE OF APPEAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development or Subdivision Application No.: <b>PLDPSP202200520</b>	Appeal of the <input checked="" type="radio"/> Approval <input checked="" type="radio"/> Conditional approval <input type="radio"/> Refusal	<input type="checkbox"/> Representing group <input type="checkbox"/> List of names attached
Stop Order Dated: _____		

<b>APPELLANT – REQUIRED</b>			
Appellant Name: Juicebox LED Media		Home Phone No.: [REDACTED]	Work Phone No.: [REDACTED]
Mailing address: 158, 12143 - 40 Street SE	City: Calgary	Province: AB	Postal Code: T2Z 3E6
Signature: [REDACTED]	Date: July 25, 2022		
Email [REDACTED]			

<b>APPELLANT'S REPRESENTATIVE</b>			
Appellant Name: Guy Carlyle (Kyle) Donnan		Home Phone No.: [REDACTED]	Work Phone No.: [REDACTED]
Mailing address: 158, 12143 - 40 Street SE	City: Calgary	Province: AB	Postal Code: T2Z 3E6
Email [REDACTED]			

<b>ADDRESS OF SUBJECT SITE – REQUIRED</b>			
Suite:	Street Address: 260	Street Name: Pioneer Road	
Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian / 29 / 4 / 1723512 /			

<b>REASON FOR APPEAL - REQUIRED</b>
Due to the following rationale, we wish for the SDAB board to consider overturning the condition of approval to reduce the overall height of the proposed pylon sign: 1.) Site Area 2.) Surrounding Commercial uses w/ similar pylon signs within surrounding area 3.) Large setback distances from roadway to the location of the pylon signage 4.) Extensive landscaping planned for the development onsite

<b>OFFICE USE ONLY</b>		
Appeal Period Expiry Date: July 26, 2022	Date Appeal Received: July 25, 2022	Receipt No.: 03-2022

This information is being collected under the authority of section 33(c) the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used to administer an appeal to the Subdivision and Development Appeal Board. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-962-2611.

## Instructions for filing an appeal

Notice of appeal to Spruce Grove Subdivision and Development Appeal Board (SDAB) must be filed in accordance with the *Municipal Government Act* and City of Spruce Grove Land Use Bylaw.

The notice of appeal form must:

- Be filed within the relevant appeal period of receipt of written notice on a decision from the Development Authority or Subdivision Authority as indicated in the *Municipal Government Act*
- State specific reasons for the appeal
- Be signed by the appellant
- Be accompanied by the required filing fee as set out in the City's Development Fees and Fines Bylaw and be payable to City of Spruce Grove

Mail to:                      City of Spruce Grove  
                                 Subdivision and Development Appeal Board  
                                 315 Jespersen Avenue  
                                 Spruce Grove, AB T7X 3E8

Email to:                      Email it to [cityclerk@sprucegrove.org](mailto:cityclerk@sprucegrove.org)

You are cautioned that if you mail the appeal, it must be received on or before the final date for appeal.

Appeal fees may also be paid by VISA, MasterCard or by cheque payable to City of Spruce Grove.

Payments can be processed until 4:00 p.m. on any business day

You may contact the Subdivision and Development Appeal Board Clerk at 780-962-2611 or [cityclerk@sprucegrove.org](mailto:cityclerk@sprucegrove.org) for any questions you may have about appeal deadlines, fee payment options and information regarding the appeal process. The Board Clerk may also advise individuals on how to prepare for and present an appeal, Board procedures and planning issues.

## **EXHIBIT 5**



City Clerk's Office

August 2, 2022

«Owner\_Name»  
«Owner\_Addr1»  
«Owner\_Addr2»  
«Owner\_City», «Owner\_Prov» «Owner\_Postal\_Code»  
«AddressBlock»

Dear Property Owner:

**RE: NOTICE OF HEARING – SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
Development Permit PLPDSP202200520, Plan 1723512 Block 4 Lot 29**

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An appeal has been filed against the conditional approval of Development Permit PLPDSP202200520 to locate a permanent freestanding sign with a variance to the maximum allowable size and height at 260 Pioneer Road (Plan 1723512, Block 4, Lot 29). The Development Permit Application was approved with conditions on July 6, 2022.

The Subdivision and Development Appeal Board (SDAB) will hold an appeal hearing as follows:

**DATE: Wednesday, August 24, 2022**  
**TIME: 6:30 p.m.**  
**LOCATION: Council Chambers, Third Floor, City Hall**  
**315 Jespersen Avenue, Spruce Grove**

When an appeal is filed with the SDAB, all persons who own property within 30 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property, the applicant of the development permit, and the person(s) who filed the appeal will also receive a copy of this letter.

Persons mentioned above and affected by this development have the right to submit a verbal or written submission to the Board. When making a submission, keep in mind that in accordance with the legislation that governs the SDAB, the SDAB can only consider relevant planning matters when rendering its decision.



If you wish to submit written material to the SDAB for inclusion in the hearing agenda package, it should be received by the City Clerk by **Wednesday, August 17, 2022 at 12 noon** by email at [cityclerk@sprucegrove.org](mailto:cityclerk@sprucegrove.org), or by mail at SDAB Clerk, 315 Jespersen Avenue, Spruce Grove, AB, T7X 3E8. Visuals such as PowerPoint presentations, photos, or graphics are considered to be written submissions. If you are unable to meet this submission deadline, please bring 10 copies of the materials to the hearing and it will be distributed at the start of the hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on SDAB procedures and how to make presentations to the SDAB. Please feel free to contact me should you have any questions.

Yours truly,

Lindsay O'Mara  
Clerk, Subdivision and Development Appeal Board  
Email: [cityclerk@sprucegrove.org](mailto:cityclerk@sprucegrove.org)  
Phone: 780-962-7634 Ext. 425

## EXHIBIT 6

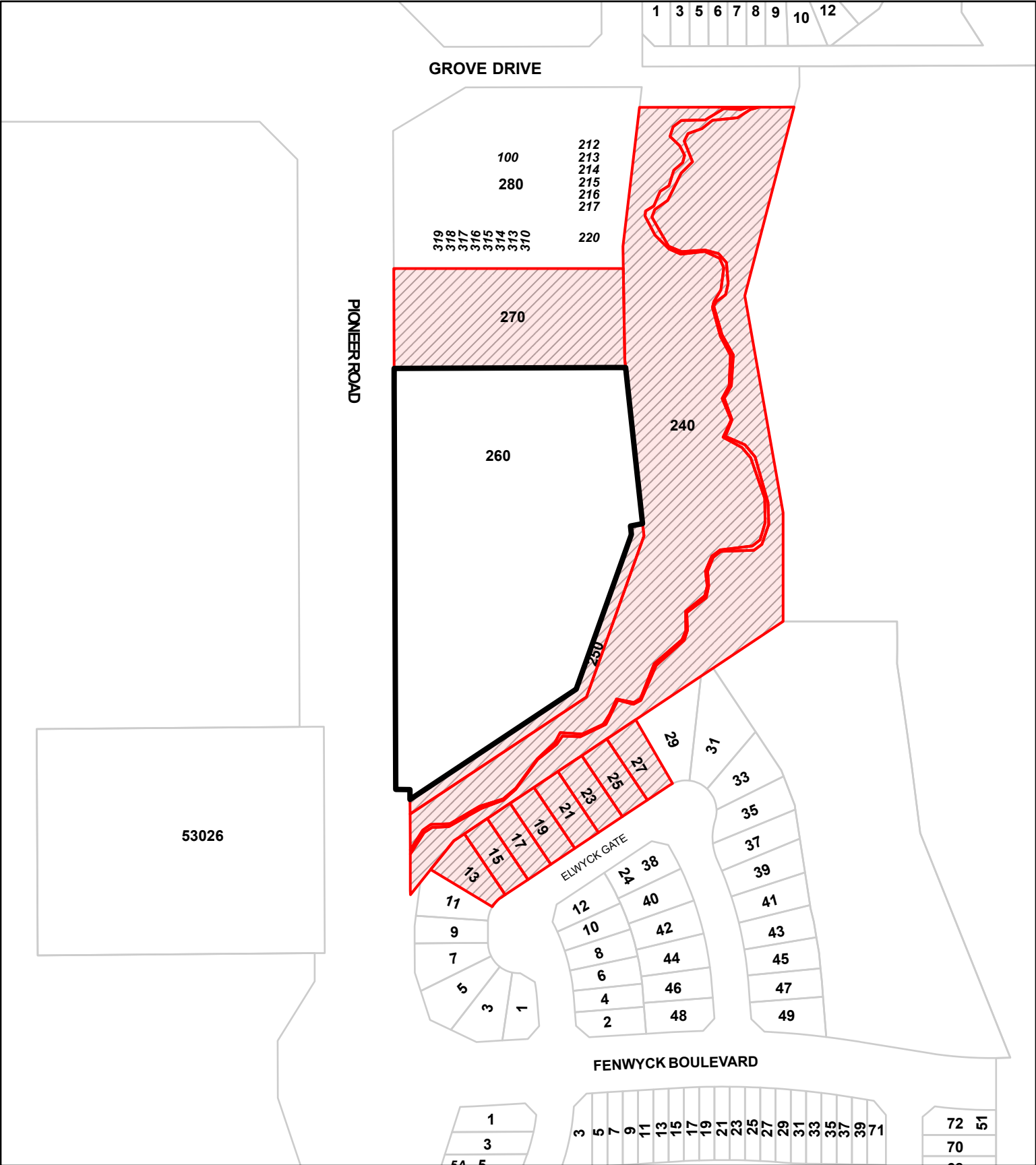
**CONFIDENTIAL PAGE REMOVED**



## EXHIBIT 7

# 260 Pioneer Rd

Notification letters sent to properties marked with 



## EXHIBIT 8



# 260 Pioneer Rd

## Site Plan





## EXHIBIT 9



## PLANNING STAFF REPORT TO: Subdivision & Development Appeal Board

ITEM: \_1\_

<b>File No:</b> 172-3512-4-29	<b>Subject:</b> An appeal against the conditional approval of a proposed Freestanding Sign
<b>Date of Report:</b> August 17, 2022	
<b>Date of Meeting:</b> August 24, 2022	<b>Subject Site:</b> 260 Pioneer Road
<b>Development Permit:</b> PLDPSP202200520	<b>Legal Description:</b> Plan 172 3512, Block 4, Lot 29
	<b>Land Use District:</b> R2 – Mixed Medium to High Density Residential District
	<b>Permitted Use:</b> Freestanding Sign

### I. BACKGROUND INFORMATION

June 3, 2022 – Juicebox LED Media submitted a development permit application which proposed to install a Freestanding Sign on the site of 260 Pioneer Road.

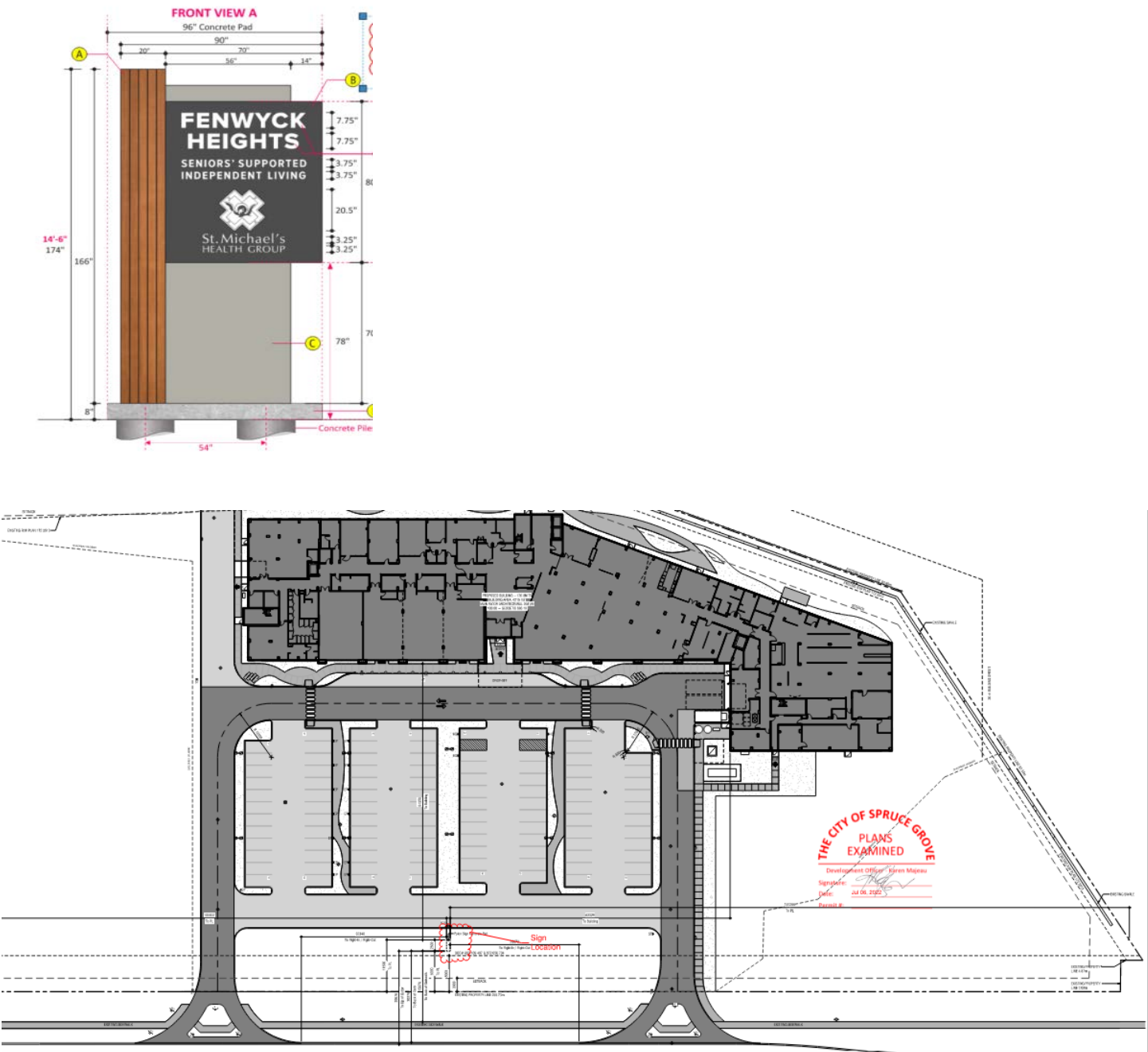
July 06, 2022 - the Development Officer conditionally approved the proposed Freestanding Sign.

July 25, 2022 – Kyle Donnan of Juicebox LED Media submitted an appeal of condition number one (1) of development permit decision PLDPSP202200520.

### II. DEVELOPMENT OFFICER’S FINDINGS AND COMMENTS

The applicant Juicebox LED Media, with authorization from the property owner, submitted a development permit application to locate a Freestanding Sign on the property at 280 Pioneer Road. The proposed sign measures approximately 4.42m in height.

Freestanding Sign and Location



The site at 280 Pioneer Road is zoned R2 – Mixed Medium to High Residential District in the Fenwyck neighbourhood.



As per Section 108 (5) of Land Use Bylaw C-824-12 the maximum height of a Freestanding Sign in the R2 District is 2.5m.

As per Section 14 (3) of the Land Use Bylaw C-824-12 the Development Officer may grant a variance from the regulations prescribing Height up to 10% of the maximum prescribed Height.

In considering the request for a variance to the maximum allowable height of the Freestanding Sign the Development Officer considered Section 14(3) Variances of Land Use Bylaw C-824-12. The Development Officer also considered the size of the site and the location of the sign on the site. The parcel at 260 Pioneer Road is a large site with 200.0m of frontage and the sign being proposed is located 8.0m from the front property boundary. It is the opinion of the Development Officer the size of the site and the location of the sign warrants a 10% variance to the height. In addition, the variance does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighbouring sites and the variance is truly minor in nature. Therefore, the Development Officer varied the height of the sign to allow for a sign with a height of 2.75m versus the maximum allowable height of 2.5m. This 0.25m variance to the height of the sign represents the 10% variance powers of the Development Officer.

## **II. LAND USE BYLAW C-824-12**

### **Section 14 (3) Variances**

Subject to Sections 14(1) and 14(2), the Development Officer may grant a variance from the



regulations prescribing Height up to 10% of the maximum prescribed Height.

### **Section 93 Purpose**

The purpose of the Sign Regulations is to achieve consistency with the policy direction of the Municipal Development Plan, and to regulate Signs so that the visual impact of signs is consistent with the design, character, and appearance of buildings in the City. The Sign Regulations will regulate:

- a. The size and location for each Sign type; and
- b. The number of Signs allowed on each Site.

### **Section 94 Sign Permitting**

Except as provided in this Section, All Signs require A Development Permit and all Signs are considered a Permitted Use in Districts, except for Billboards and Balloon Signs, which are considered a Discretionary Use, where Signs are a Use available by the terms of this Bylaw. In reviewing applications for Sign Development Permit the Development Officer may consider, without limitation and in addition to the specific requirements this Bylaw, the nature and design of the proposed Sign, the impacts of the proposed Sign on surrounding properties and the community, and the number and type of Signs located or proposed to be located in the vicinity of the proposed Sign. In granting a Development Permit in respect of a Sign, the Development Officer may impose such conditions and restrictions as may, in the Development Officer's discretion, be necessary or desirable, in mitigating the impact of the Sign on neighboring properties and the community. Such restrictions may include, amongst other things, a time limitation on the duration of the Development Permit, requirements for Landscaping, specific design requirements and limitations on the hour during which a Sign may be illuminated.

**Section 95 Sign Definitions.** The Definition section that applies to this appeal are as follows:

Freestanding Sign – A permanent Sign that is supported independently of a Building wall or structure but does not include a Temporary Sign. Freestanding Signs do not include Billboard Signs.

**Section 108 of the Land Use Bylaw regulates Freestanding Signs.** The regulations under this section that apply to this appeal are as follows:

- 1) Except as otherwise provided, Freestanding Signs are permitted in Commercial, Industrial Districts, and the R2 – Mixed Medium to High Density Residential District, RMHC – Residential Manufactured Home Court District, PS – Public Service Institutional and P1 – Parks and Recreation District.
- 2) Freestanding Signs are permitted in the C1 – City Center District, and the C4 Integrated Mixed Use District where a Fascia Sign is not possible.
- 3) In Commercial and Industrial Districts and the PS – Public Service Institutional District, the total Copy area of a Freestanding Sign shall not exceed  $0.3\text{m}^2$  in area for each meter of Street Frontage of the Site, to a maximum of  $17.0\text{m}^2$ . The Copy area of a Freestanding Sign face may be increased by a variance of no more than ten percent of the maximum allowable area for the Site only for the purposes of providing an area for changeable Copy or Digital Copy. In all other districts cited above, the maximum sign area is  $3\text{m}^2$ .
- 4) The minimum setback to any portion of a Freestanding Sign shall be 0.75m from the property line.
- 5) The maximum height of Freestanding Signs shall be:
  - a. 9.1m in the C2 – Vehicle Oriented Commercial District, and M1 – General Industrial District;
  - b. 4.5m in the C3 Neighborhood Retail and Service District; and

- c. 2.5m in the R2 – Mixed Medium to High Density Residential District, R4, RMHC – Residential Manufactured Home Court District, PS – Public Service Institutional District, P1 – Parks and Recreation District and C1 – City Center Commercial District.

## EXHIBIT 10



## **Proposed Development**

### **Location:**

*260 Pioneer Road, Spruce Grove AB*

### **Land Use:**

*R-2 District*

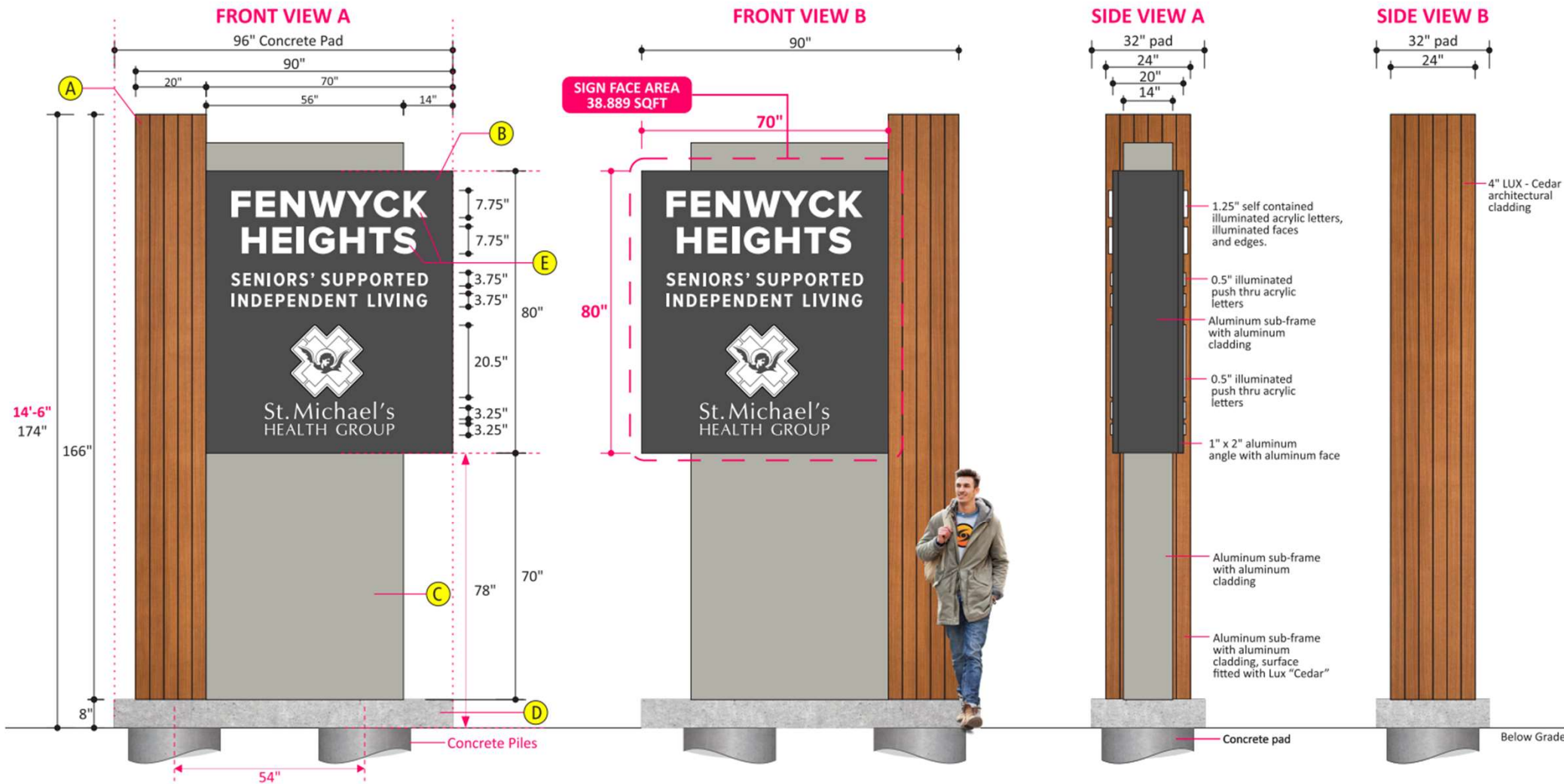
### **Submitted By:**

*Kyle Donnan,  
Juicebox LED Media*

### **Submission Date:**

*August 18, 2022*









Renderings provided by S2 Architecture.  
Renderings are artistic representations and are subject to change.











Renderings provided by S2 Architecture.

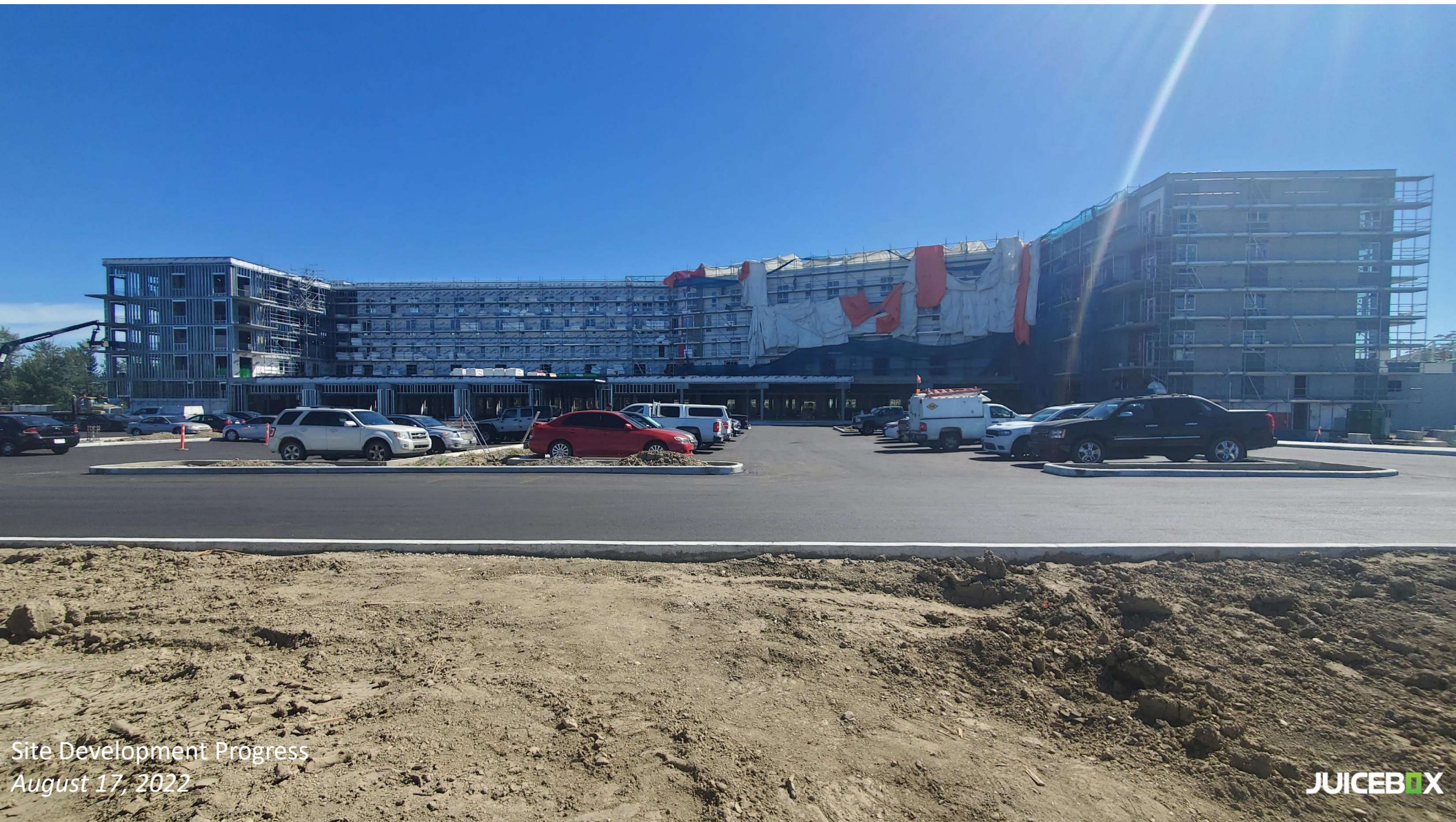
Renderings are artistic representations and are subject to change.





Site Development Progress  
*August 17, 2022*





Site Development Progress  
August 17, 2022



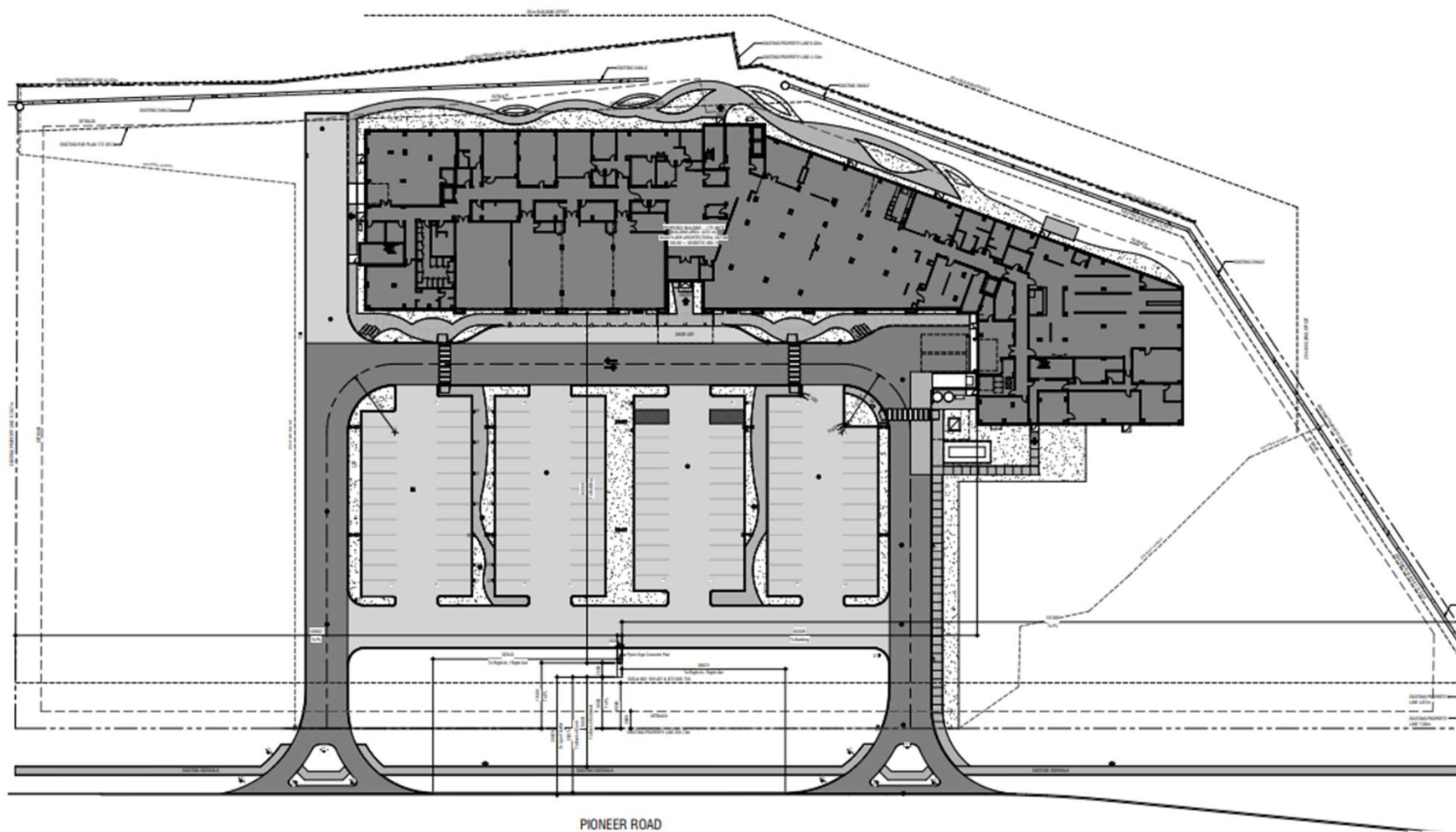


Pioneer Road, Facing South  
August 17, 2022





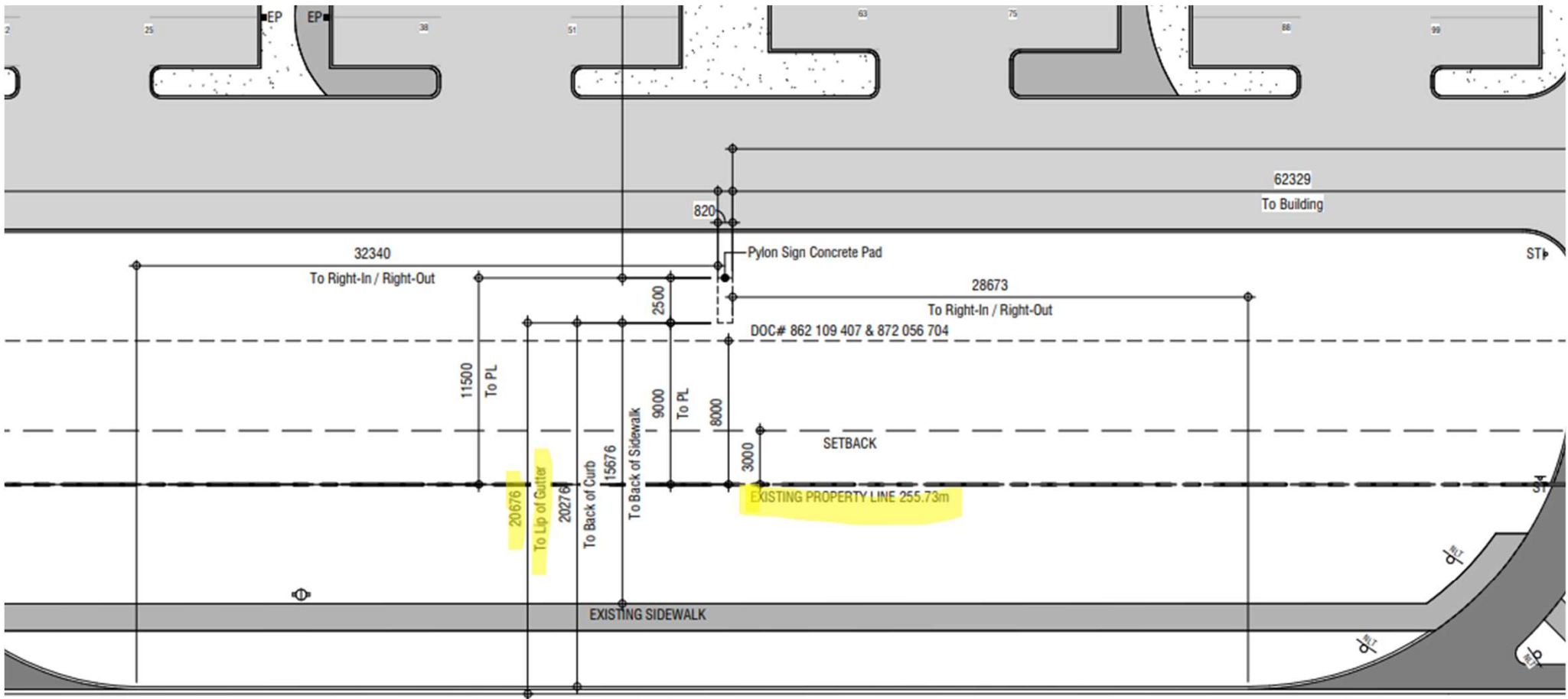
Pioneer Road, Facing North  
August 17, 2022



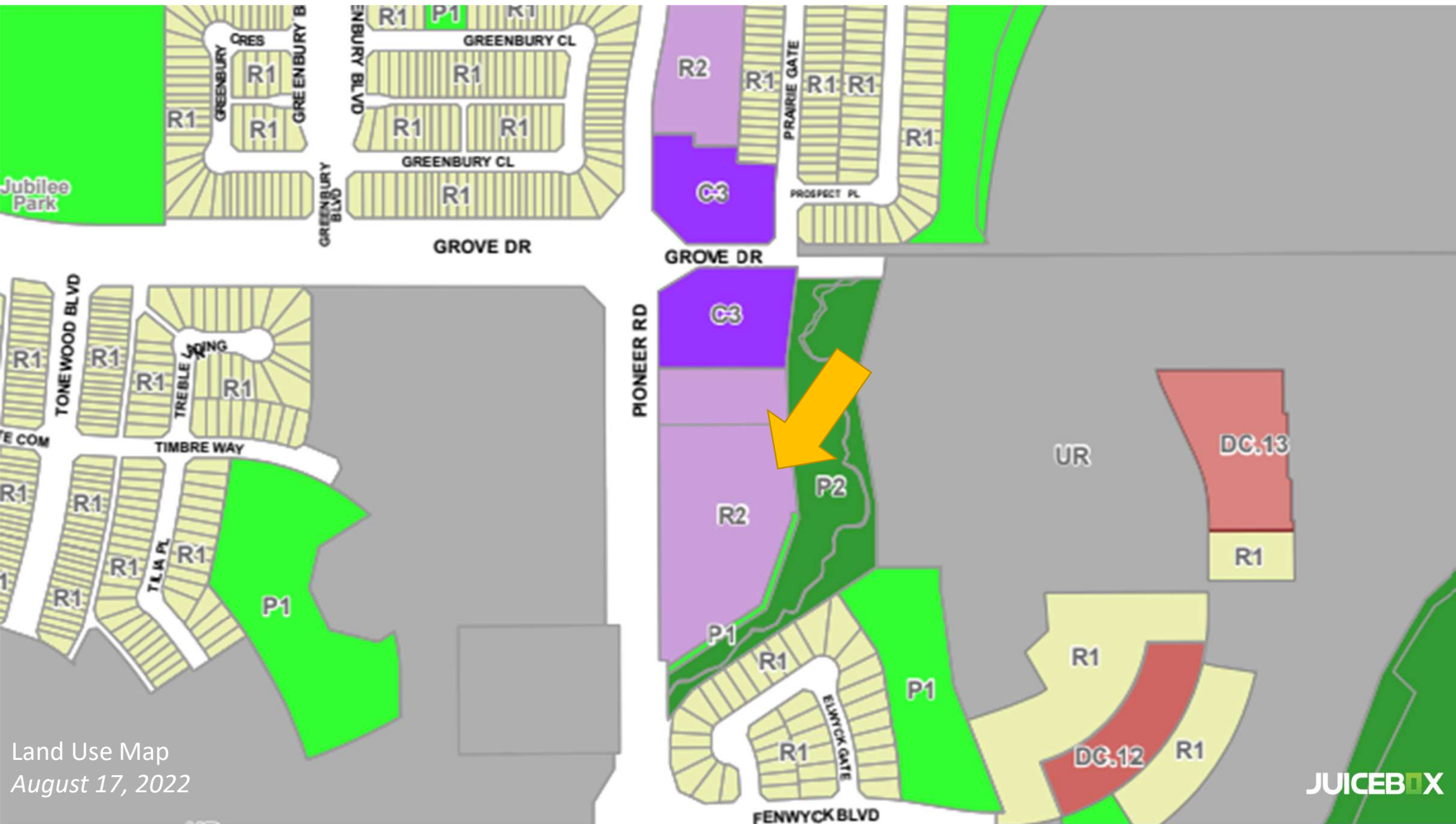
Site Plan  
1/2" = 1'-0"

JUICEBOX





PIONEER ROAD







Neighboring Commercial Pylons  
August 17, 2022





Approx. 4.1 m

JUICEBOX  
JUICEBOX

Location of Electrical Conduit, illustrating pylon placement  
August 17, 2022

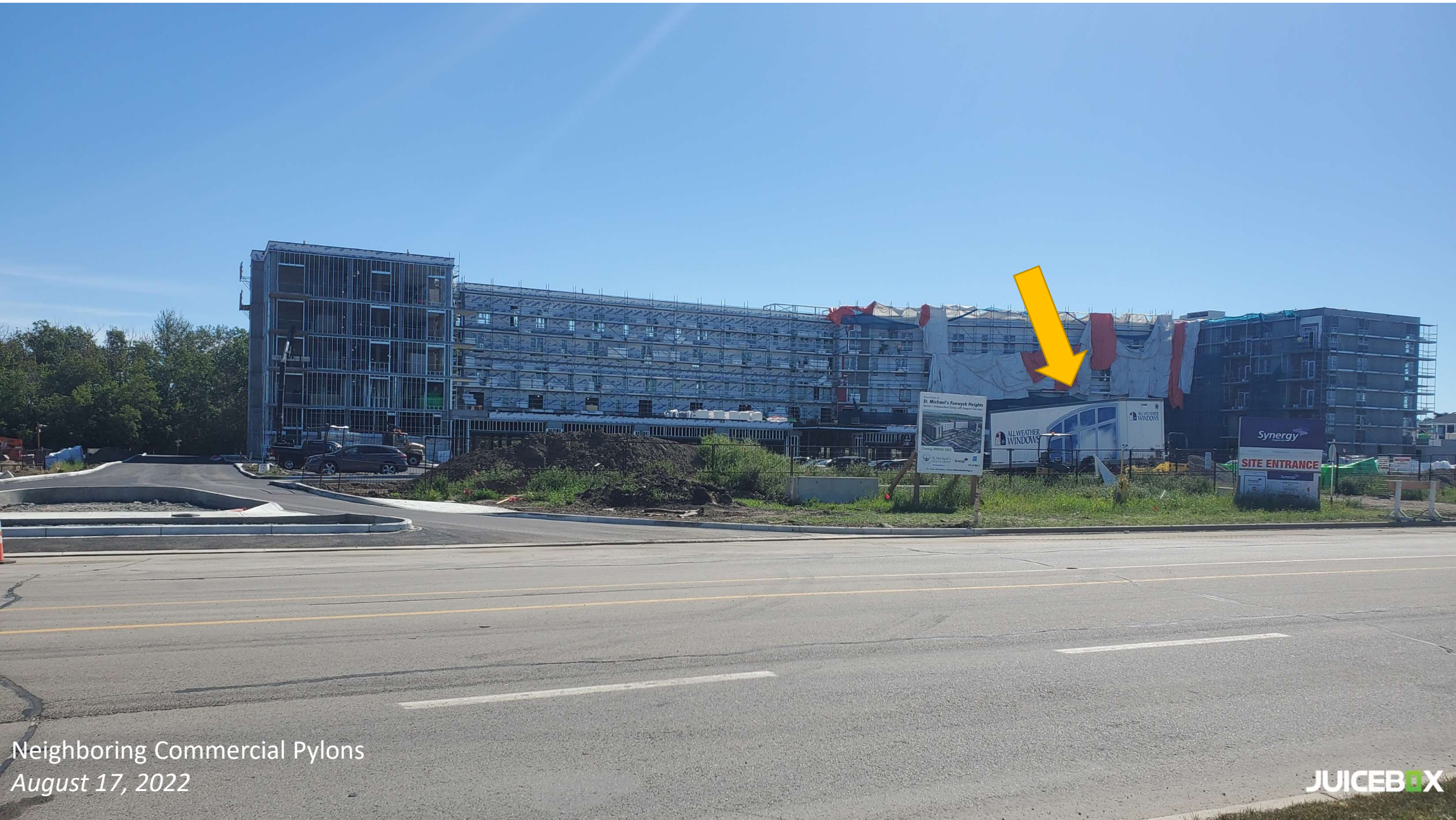


*To provide context, transport trailer parked approximately 3 M from pylon location measured at 4.1M overall height  
Illustrations provide context for the proposed versus permitted overall height/ area of signs (approximate to scale)*



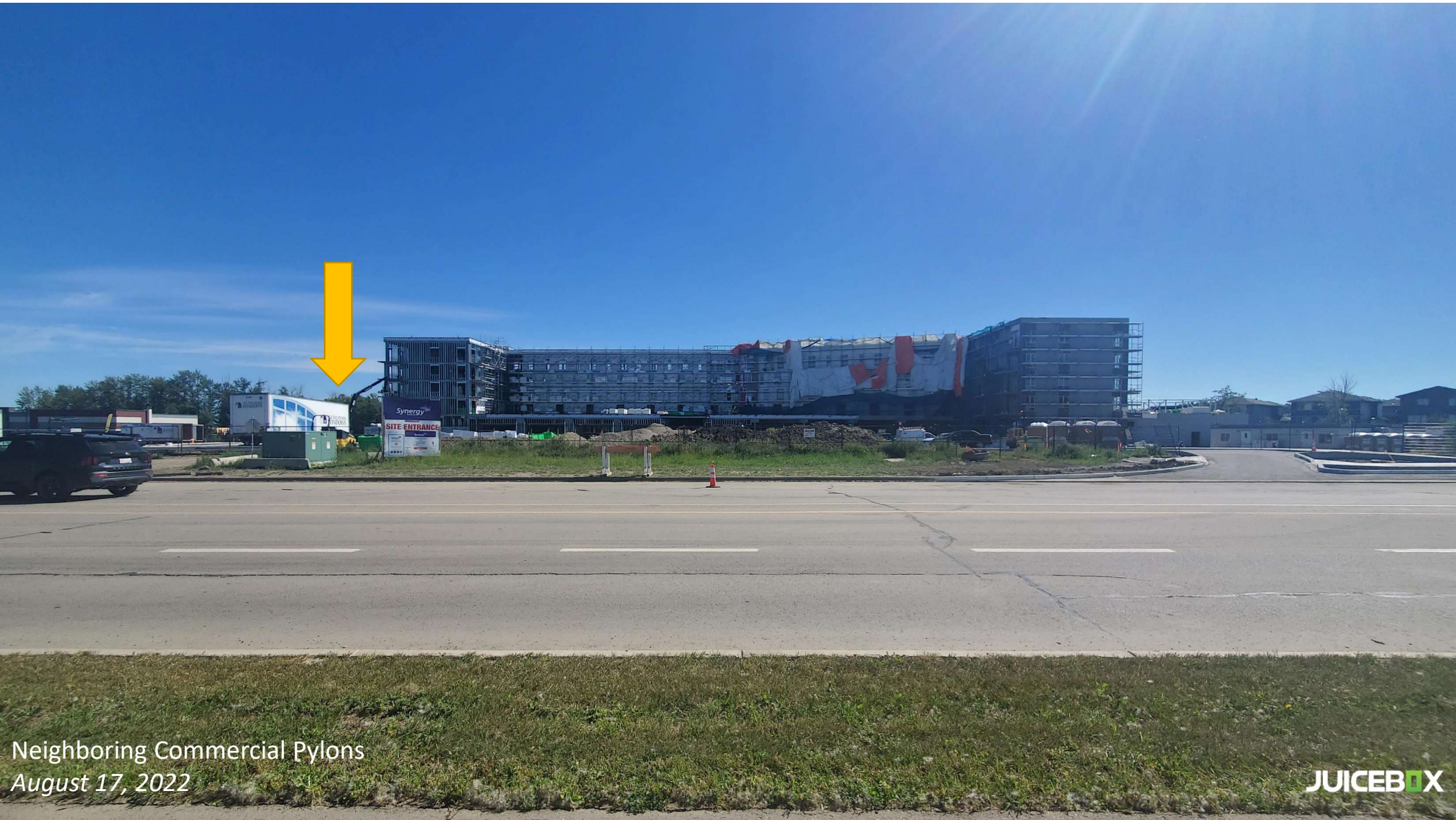






Neighboring Commercial Pylons  
August 17, 2022





Neighboring Commercial Pylons  
August 17, 2022

## Hearing and decision

**687(1)** At a hearing under [section 686](#), the board hearing the appeal must hear

- (a) the appellant or any person acting on behalf of the appellant,
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

**(2)** The board hearing the appeal referred to in subsection (1) must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

**(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

- (a) repealed [2020 c39 s10\(52\)](#);
- [\(a.1\)](#) 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 clauses [\(a.4\)](#) 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.













Neighboring Commercial Pylons  
August 17, 2022

JUICEBOX





*Residential buildings to the South of Development; pylon sign view will be completely obstructed due to future PHASE 2 Development.*



