

MINUTES OF THE DEVELOPMENT APPEAL BOARD
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Thursday, April 3, 2008 at 9:00 am

BOARD MEMBERS PRESENT

Grant Canning	Public Representative
Neil Tanner	Public Representative
Brian Standish	Public Representative
Sandy Hicke	Parks Canada Representative
Chris MacDonald	Council Representative
Karen Sorensen	Council Representative

BOARD MEMBERS ABSENT

Perry Davis	Parks Canada Representative
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ADMINISTRATION PRESENT

Troy Pollock	Senior Planner and Secretary to the Development Board
Keith Batstone	Planner/Development Officer
Cheryl Hyde	Municipal Clerk (Recording Secretary)

1.0 CALL TO ORDER

The Chair called the meeting to order at 9:00 a.m.

2.0 APPROVAL OF AGENDA

DAB08-1 Moved by Sorensen to approve the agenda as presented.

CARRIED

3.0 ADOPTION OF PREVIOUS COMMITTEE MINUTES

DAB08-2 Moved by Canning to approve the minutes of the December 19, 2007 meeting of the Development Appeal Board as presented.

CARRIED

4.0 REPORTS

4.1. Appeal 01-08

Appeal by the applicant against a decision of the Development Officer to refuse a Sign Permit application for a proposed wall sign at 114 Banff Avenue (Quicksilver) in the commercial downtown land use district. The appellant is appealing the decision to refuse a variance to allow a second wall sign.

Public Present Objecting to Any Board Member Hearing This Appeal

There were no objections from the public present to any board member hearing this appeal.

Declaration of Conflict of Interest by Board Members

No conflict of interest was declared.

Minutes approved by: _____

Notification to Affected Neighbours and Media Announcement

Administration confirmed that notification and advertising was carried out in accordance with the requirements of the Municipal Government Act.

Development Officer's Comments

The development officer described the appeal history and location of the sign in question and offered the following rationale for refusal:

- Land Use Bylaw 31-3 regulations [s.11.8.1(a)] indicate:
Commercial Downtown (CD) Land Use District
Less than 7.5m of sign frontage:
1 Window Sign at 0.6 sq.m
1 Hanging Sign / Projecting Sign at 0.4 sq.m
1 Wall or Canopy / Awning Sign at 1.5 sq.m
- Land Use Bylaw 31-3 regulations [s.11.5.2] indicate:
'Signs shall not obscure the architectural details of a building façade.'
- Land Use Bylaw 31-3 regulations [s.4.5.3] indicate:
'A Development Officer shall refuse a development permit for a permitted use that does not conform in every respect to the provisions of the Act, the Agreement, the Banff National Park Management Plan, all applicable statutory plans, and this Bylaw, unless a variance has been granted pursuant to s.4.7.0'

The development officer also presented the appellant's rationale for appeal:

- The variance required to allow for a second wall sign is arguably minor in nature.
Signage frontage = 7.34m (289") [Proposal document, p: 2]
Sign Size = 0.4 sq.m
- The applicant will move/modify the proposed wall sign to comply with the Bylaw and Guidelines, as necessary.

Appellant Presentations

Mike Halprin, representative of the appellant (Quicksilver)

The length of the front façade of the Quicksilver shop falls only 16 cm short of the minimum allowable length required to accommodate a second wall sign. This is a small distance.

With respect to the potential of the proposed sign to obscure architectural details, there are several examples of approved signs that are placed in a similar position to the one proposed by Quicksilver. Mr. Halprin showed several photographs of these signs to the Development Appeal Board (the photographs were shown but not submitted and so do not form part of this record).

The original sign permit application was for a solid square sign, however the appellant is willing to reduce the size of the sign by cutting away the background and using only the logo feature. This would not block daylight from entering the building and would add a nice feature. The appellant is willing to accept any recommendation the Board might make to allow for the requested variance to be considered.

The location of the proposed sign is an important component of the appellant's brand and is consistently used on stores located elsewhere.

Those in Favour of the Appeal

No one present spoke in favour of the appeal, and the development secretary confirmed no correspondence had been received.

Those Opposed to the Appeal

No one present spoke in opposition to the appeal, and the development secretary confirmed no correspondence had been received.

Development Officer's Response

The development officer provided the following clarification:

- If the Board chooses to uphold the appeal, they are required to grant a variance to the Land Use Bylaw sign regulation.
- In three of the photographs shown by the appellant, the building canopies are a closed, rather than an open, feature and those signs therefore qualify as wall signs.

Appellant Rebuttal

The appellant did not offer a rebuttal.

Board Discussion

Administration and the appellant's representative provided further information in response to questions from the Board:

Administration reported that a sign on a similar architectural feature at the Book & Art Den was approved because there was no other reasonable place to put the sign and because a sign previously existed in that location. Administration presented a photograph demonstrating how the sign blocks light from entering the building.

Mr. Halprin reiterated that Quicksilver wants the sign approved because it forms part of their branding process. Quicksilver prefers displaying the company's logo in a high location. The sign in question is small will not obscure the light. Mr. Halprin demonstrated how the sign could be modified to reduce its size and mass – the red sections would be removed and only the white section would remain:



Administration confirmed that variances have been approved in the past for buildings whose architecture does not allow for alternate sign placement. Research shows no examples of the same kind of variance requested today being approved in the past.

Motion to Continue Discussion In-Camera

Moved by MacDonald to go in camera at 9:29 a.m.

DAB08-3

CARRIED

Minutes approved by: _____

DAB08-4 Motion to Leave In-Camera Discussion
Moved by Sorensen to return to the public meeting at 9:50

CARRIED

Verbal Decision Announced

Appeal 01-08: Appeal by the applicant against a decision of the Development Officer to refuse a Sign Permit application for a proposed wall sign at 114 Banff Avenue (Quicksilver) in the commercial downtown land use district. The appellant is appealing the decision to refuse a variance to allow a second wall sign.

Based on the evidence submitted, it is the decision of the Development Appeal Board to uphold the appeal and approve Development Permit 08SP02 with a variance to section 11.8.1(a) of Land Use Bylaw 31-3 to reduce the minimum sign frontage from 7.5m to 7.34m to allow a second wall sign, subject to the appellant providing a modified design for the proposed sign, to the satisfaction of the Development Officer, that reduces the size of the sign by removing the background and showing only the logo graphic (stylized wave and mountain) as individual cut-out elements attached to the canopy.

The Development Appeal Board, in making its decision, feels that the variance is minor in nature, and the modified sign will not materially obscure the architectural details of the building façade.

4.2. Appeal 03-07 (verbal update)

An application to pursue an appeal of the decision of the Development Appeal Board to deny appeal 03-07 (proposed change of use from community recreation service to professional, financial, health and office services (law office) at 221 Beaver Street) has been denied by the Alberta Court of Appeal. The Court ruled that there is insufficient reason to appeal the decision.

5.0 CORRESPONDENCE

No correspondence was considered.

6.0 NEW BUSINESS

No new business was considered.

7.0 INQUIRIES

There were no inquiries.

8.0 ADJOURNMENT

DAB08-5 Moved by Standish to adjourn the meeting at 9:54 a.m.

CARRIED

Neil Tanner
Chair

Cheryl Hyde
Recording Secretary

Minutes approved by: _____