



LLOYDMINSTER SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	1221 50 Avenue, Lloydminster, Saskatchewan
Zoning:	C2 Highway Corridor Commercial
Legal Description:	Lot 3 Block 3 Plan BX4535
Permit No.	23-3464
Appellant Name:	Reid & Wright Advertising – Shaun Woodman

A. INTRODUCTION

1. Planning received an Application on May 9, 2023, which was deemed complete on May 23, 2023. As a Billboard is a Discretionary Use in the C2 – Highway Corridor Commercial District the referrals for the proposed use were mailed to all property owners within 30 metres of the subject land. The proposed use application was also placed in the Meridian Source and on the City of Lloydminster website.

Following the referral period expiring, Administration reviewed Land Use Bylaw Section 4.20 as it pertains to Billboards and noted the separation distance of 150 metres from a Residential District was not met. The proposed billboard sign was approximately 50 metres from the closest district designated as residential and approximately 70 metres from an existing single-detached residential dwelling.

The original location of the billboard was not approved under the current Land Use Bylaw and could remain as existing non-conforming until it was relocated. All new applications are to comply to the current regulations in affect at the time of application. The original location of the billboard was further south of the proposed location and was required to be removed to accommodate the current development on the southern lots.

There were no written concerns submitted within the referral period.

The Development Officer determined that this application does not meet the required separation distance, and as such, refused the request on June 19, 2023.

A Letter of Refusal was mailed out to all property owners within 30 metres of the subject property. There was a typo on the original letter, so a replacement letter was mailed out to provide clarity and transparency to the residents.

The Appellant appealed the Development Permit Refusal.

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B. PRELIMINARY MATTERS

2. Subdivision and Development Appeal Board (SDAB) members – the Chair asked the Appellant and other parties in attendance whether there were any objections to the SDAB members – there were no objections.
3. Hearing Process - the Chair reviewed the hearing process. The Chair asked the Appellant and other parties in attendance whether there were any objections to the hearing process. There were no objections.
4. The Appellant had provided an updated letter of response to the Board and City just prior to the commencement of the hearing. After reviewing the additional submission, the Board determined that it was similar in nature to the previously received correspondence and accepted the document.
5. The Board provided the City the opportunity to adjourn the hearing to review the newly provided documentation. The City indicated that they had reviewed the newly provided documentation and were comfortable in proceeding. They did not require an adjournment.

C. SUMMARY OF HEARING

6. The SDAB Board heard from Manager, Planning, Natasha Pidkowa - the Development Officer (DO) who read from the City's submission that was provided to the Board and did not expand further on the original submission.
7. The DO did address paragraph four of the Appellant's newly provided correspondence delivered just prior to the hearing commencing by noting that the DO did receive an inquiry pertaining to the rationale behind the bylaw.
 - a. "The response provided indicated that the bylaw was updated in 2016 following a comprehensive review based on best practices, emerging trends, and change in development seen in Lloydminster. The desire through the 2016 review was to elevate the City's built form and development standards. Section 4.20 would be rooted in the best planning practices and development standards. Bylaw 5-2016 was approved through the public process requiring advertising in the newspaper, three readings in Council, and a public hearing prior to approval."
8. The SDAB Board asked the Development Authority, if the Board were to find for the Appellant, what, if any conditions would be appropriate. The City indicated that they would not recommend any conditions as they are of the belief that the Land Use Bylaw 5-2016, Section 4.20 should be upheld.
9. The SDAB Board then heard from the Appellant, Shaun Woodman of Reid and Wright Advertising, representing Bea Fisher Enterprises Inc., who deferred to the contents of their submission.
10. No one else was in attendance who wished to speak to the appeal and in addition there were no additional written submissions, other than the document spoken to in paragraph four of this ruling.





D. DECISION

11. The SDAB Board allows the appeal and approves the Appellant’s request to relocate the Billboard to the proposed location.
12. Any lighting for the Billboard must not illuminate other objects, create a hazard or be a departure from the lighting currently in use on the existing signage. Further any lighting must not inference with the health, safety, or repose of the neighbouring properties or adjacent residential properties and must be approved by the City of Lloydminster prior to installation.

E. REASON FOR DECISION

13. The SDAB considered the impact of the placement of the Billboard, and the SDAB considered the affect of Section 687(3)d in that the new location would not unduly interfere with; the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of the neighbouring parcels of land.
14. The request was not opposed by neighbouring residents canvased by the City as part of the referral period and no parties other than the City attended the hearing in opposition of the sign’s new location.
15. The change of location was not a great departure from the current location which had been in place for approximately 18 years and would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of the neighbouring parcels of land.
16. Considering the foregoing, the SDAB is of the view that the proposed new location of the Billboard had met the requirements of the LUB and will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of the neighbouring properties.

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SDAB Clerk, Doug Rodwell
City of Lloydminster
Subdivision and Development Appeal
Board

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Chair, Tom Schinold
City of Lloydminster
Subdivision and Development Appeal
Board

IMPORTANT INFORMATION FOR APPELLANT

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M26.