

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item 8.1.1
Appeals Standing Committee
October 6, 2016 – Deleted
March 9, 2017

TO: Chair and Members of the Appeals Standing Committee

SUBMITTED BY: **ORIGINAL SIGNED**

Bob Bjerke, Chief Planner and Director Planning & Development

DATE: September 27, 2016

SUBJECT: Appeals Report – Temporary Sign License Refusal, Glow Parties #57114

ORIGIN

On August 25 2016, Glow Parties filed a Notice of Appeal (attached as Appendix A) regarding the refusal of Temporary Sign License # 57114.

LEGISLATIVE AUTHORITY

- By-law A-100, Appeals Committee By-law; and
- By-law S-801, Regulations & Licensing of Temporary Signs.

RECOMMENDATION

The question before the Appeals Standing Committee is whether to allow or deny the appeal before them.

BACKGROUND

On July 27, 2016, Glow Parties submitted a temporary sign license application # 57114 (attached as Appendix B) for the placement of a Box Sign at 402 Windmill Road on behalf of a client. Upon review of the application by staff and with the aid of the Geographical Information System Services (GISS) it was confirmed the proposed box sign location falls within the street right-of-way.

On August 18, 2016, an application refusal letter (attached as Appendix C) was issued by the License Administrator. The temporary sign application was refused in accordance with Section 12(4)(c)(ii) of By-Law S-801, A By-law Respecting Licensing of Temporary Signs, which states; "in no case shall a box sign be located within the street right-of-way".

On August 25, 2016, Mr. Ted Hyland, Glow Parties, filed a Notice of Appeal (attached as Appendix D).

DISCUSSION

In accordance with by-law S-801, Section 15(1), a sign license for a sign in the street right-of-way is restricted to sandwich board signs.

Upon review of temporary sign application #57114, the sign type and non-compliant street right-of-way location, directs a refusal status in accordance with By-law S-801, Section 12(4), which states, in no case shall a box sign be located within the street right-of-way.

In accordance with Section 5(4) of the By-law A-100, Respecting The Appeals Committee, the Appeal Committee, will not make any decision that could not have been made pursuant to the Charter, by-law or Council policy.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK CONSIDERATIONS

There are no significant risks associated with the recommendation in this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

- To allow the appeal before the Appeals Standing Committee. This alternative is not recommended nor permitted in accordance with the by-law,

Or

- To uphold the decision of the Licensing Authority and deny the appeal,

ATTACHMENTS

- Appendix A Notice of Appeal, dated August 25, 2016.
 - Appendix B Temporary Sign License Application #57114, dated July 27, 2016.
 - Appendix C Letter of Refusal, dated August 18, 2016.
 - Appendix D Notification of Appeal Hearing, dated August 29, 2016.
-

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Andrea MacDonald, Manager License Standards 902-490-7371

ORIGINAL SIGNED

Report Approved by: Jim Donovan, Manager, Buildings & Compliance, 902.476.8211

APPENDIX A

Stewart, April

From: Office, Clerks
To: Vining, Krista
Subject: RE: appeal for temporary sign license

HALIFAX REGIONAL
MUNICIPALITY
AUG 29 2016
ORIGINAL SIGNED
MUNICIPAL CLERK

From: Vining, Krista
Sent: August-29-16 9:05 AM
To: Office, Clerks
Subject: FW: appeal for temporary sign license

From: Ted - Sign Rentals & Sales [mailto:Signs@glowparties.ca]
Sent: August-25-16 1:15 PM
To: Vining, Krista
Subject: RE: appeal for temporary sign license

Hi Krista:

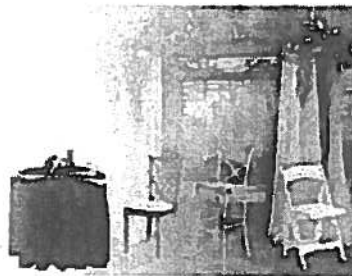
Yes we would like to appeal the temporary license application number 57411 for the location of 402 Windmill Rd., Dartmouth.

Sincerely,

Ted Hyland
Sign Sales and Leasing Manager
Glow Parties | Ph. : 902-443-456- [REDACTED] signs@glowparties.ca
3600 Strawberry Hill, Halifax, NS B3K 5A9



Featuring Linens, Drapery,
Furniture, Dance Floors, Lighting,
Event Accessories & More!
3600 Strawberry Hill St. Halifax



From: Vining, Krista [mailto:viningk@halifax.ca]
Sent: Thursday, August 18, 2016 3:23 PM
To: Ted - Sign Rentals & Sales
Subject: RE: appeal for temporary sign license

You can send it either to my email viningk@halifax.ca or clerks@halifax.ca

Krista

From: Ted - Sign Rentals & Sales [mailto:Signs@glowparties.ca]
Sent: August-18-16 3:15 PM

APPENDIX B

HALIFAX
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

57114

Temporary Sign License Application

Name of Applicant: GLOW PARTIES

Telephone Number: 902-443-4569 Cell Phone Number: _____

Fax Number: 902-443-4558 E-mail: Signs@glowparties.ca

Site/Property Location: 402 Windmill Rd., Dartmouth B3A 1J7

Business Name and Owner Address: O'REGAN'S KIA

Sign Type: Mobile Sandwich Board Banner Box Inflatable
 Community Events Multiple Resident Multi Special Event

Is the sign on HRM land, IE park: Yes No

Is the sign in the Right of way: Yes No

Is the sign illuminated: Yes No

Is this a variable message sign: Yes No If yes, please visit the variable message sign guidelines located at: http://www.halifax.ca/Licensing/Tempsigns/variablemessagesign_guidelines.pdf

Duration of Placement: Start Date: Aug. 14, 2016

End Date: Aug. 14, 2017

Please check Yes or No if the following documents are attached:

Sandwich Board signs in the street right of way or Community Event sign on HRM Parkland require proof of insurance \$2,000,000 coverage (Certificate of Insurance naming Halifax Regional Municipality Additionally Insured)

Insurance (if required) Yes No

Site Plan Yes No

Design Plan Yes No

Are you the property owner Yes No If NO, written permission must be provided by the property owner or management group

Signature: ORIGINAL SIGNED

Date: July 27, 2016.

In accordance with Section 485 of the Municipal Government Act, the personal information collected on this form will only be used for the purpose of processing this Licensing Application. If you have any questions about the collection and use of this information, please contact HRM's Access & Privacy Officer at 490-4390 or accessandprivacy@halifax.ca.



RE: Permission to place a mobile/permanent sign on property.

I, Amanda Moray (please print) give Glow Parties approval to place a mobile/permanent sign on the property known as O'Regan's Kia, located at 402 Windmill Rd. in the city of Dartmouth, for O'Regan's Kia.

The sign will meet all applicable City of Halifax regulations.

Please sign and fill in the field below and fax back to 902-443-4558 to indicate your approval.

Signature:

ORIGINAL SIGNED

Date:

07/27/16.

Company/organization/school name: O'Regan's Kia Dartmouth

Position with company/organization/school: General Manager

Phone: 902-466-9550

Should you have any questions or concerns, please don't hesitate to call.

Sincerely,

Sign Department

902-443-4569

3600 Grand Bay Hill, Halifax, NS B3K 5A9 | Tel: 902-443-GLOW (4569) | Fax: 902-443-4558
697 Malenford Blvd., Suite 4, Dieppe, NB E7A 5T8 | Tel: 506-383-GLOW (4569) | Fax: 506-383-4555
Tel: free 1-877-443-4569 | www.glowparties.ca

EVENT
PLANNING & PROMOTES

COSTUME
& PARTY SUPPLIES

AMUSEMENTS
& GAMES

SPECIAL FX
& FIREWORKS

ENTERTAINERS
& SPECIALTY SERVICES

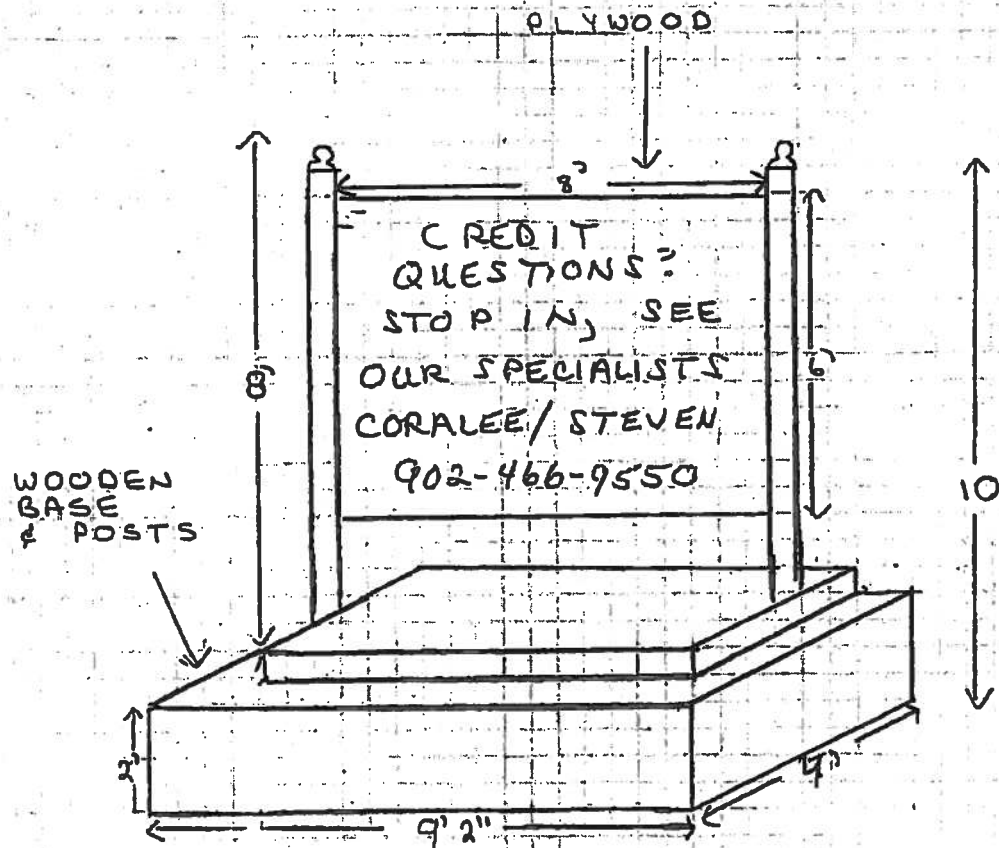
SCHEDULE "A"

Planning and Development Services

Graphic design and construction materials of the proposed Sign

- Include dimensions of sign face
- Indicate height from the top of the sign to grade
- Include message to be displayed on the face(s) of sign

□ = 0.5 feet



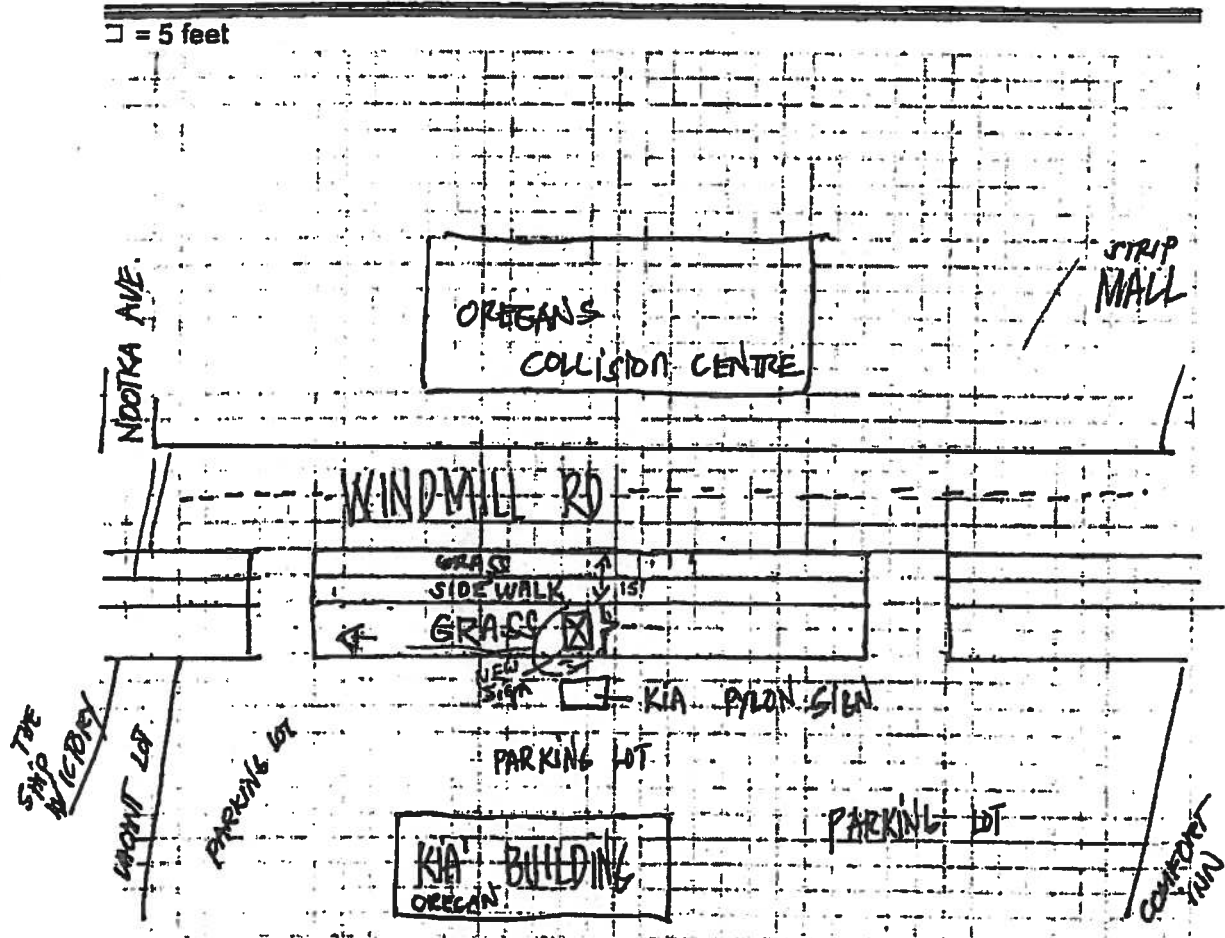
SCHEDULE "B"

Planning and Development Services

The site plan must show the location proposed sign in relation to:

- property lines
- buildings / CURBS / SIDEWALK
- landscaped areas
- parking spaces & driveways
- adjacent streets
- any other freestanding or Temporary Sign on the property

□ = 5 feet



- Minimum 4.6 m (15 ft) from the inside of a curb.
- Minimum 7 m (23 ft) from the pavement or traveled way where there is no curb.
- In no case shall the sign be located within the HRM right-of-way.

NOTE:

If the sign is located in a parking space, the following additional information is required:

- Floor plan of the building showing the area (sqft) and use(s) of all leasehold space(s)
- Parking spaces must be shown on the site plan.

APPENDIX C

August 18, 2016

Glow Parties
3600 Strawberry Hill
Halifax, NS B3K 5A9

Dear Applicant:

Re: Temporary Sign Application #57114 - Box Sign - License Refused

This letter advises that the License Administrator has refused to grant a Temporary Sign License for 402 Windmill Road, Dartmouth, Nova Scotia.

In accordance with Section 12(4)(c)(ii) of By-Law S-801, A By-Law Respecting Licensing of Temporary Signs:

Section 12(4) "A license for a Box Sign may be issued for a period not exceeding (1) one year provided:

(c)(ii) - in no case shall the sign be located within the street right-of-way."

As per Sections 37(1) of By-Law S-801, A By-Law Respecting Licensing of Temporary Signs, you have the right to appeal the refusal by the License Administrator to grant a Sign License within 4 business days of being served with a notice of refusal. An appeal can be commenced by filing a written notice with HRM Appeals Committee, C/O Municipal Clerk, P.O. Box 1749, Halifax, NS, B3J 3A5. Once filed, an appeals committee hearing will be scheduled.

If you have any questions or require additional information, please contact HRM Customer Contact Centre by calling 311 and an agent will assist you.

Sincerely,

ORIGINAL SIGNED

Rowena Dill
License Administrator
License Standards
Municipal Compliance

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca

APPENDIX D

August 29, 2016

REGISTERED MAIL

Ted Hayland
Sign Sales and Leasing Manager
Glow Parties
3600 Strawberry Hill
Halifax, NS B3K 5A9

CANADA POST / NOUVEAU BRÉSIL		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	R
To / Destinataire	Name / Nom			
Address / Adresse				
City / Prov. / Postal Code	Ville / Prov. / Code postal			
Declared value / Valeur déclarée	\$			
33-026-524 (14-00)				

Re: Temporary Sign Application #57114 – Box Sign – License Refused

Mr. Hayland,

This is to advise that your appeal will be heard by the Appeals Committee at 10:00 a.m. on Thursday, October 6, 2016. The hearing will be held in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax.

Should you be unable to attend, you may have a representative attend to present the appeal to the Committee. Please note that your representative is required to have a letter signed by you giving permission. You or your representative may have witnesses or other evidence in support of the appeal and will be permitted up to 10 minutes to make a verbal submission. A copy of the appeals process is attached. If neither you nor a representative appears, the hearing will proceed and you will be advised of the Committee's decision.

If you have any questions regarding this process, please contact me at 902-490-8519.

Sincerely,

ORIGINAL SIGNED

Krista Vining
Legislative Assistant
Office of the Municipal Clerk

cc: Rowena Dill, License Administrator, License Standards, Municipal Compliance
Crystal Campbell, Court Administrator, Planning & Development/Municipal Compliance

Enclosure: Order of Proceedings for Appeals Standing Committee

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca