

**To:** Mayor and Council  
**From:** Paul Gipps, CAO

**Meeting Date:** January 14, 2024  
**Meeting Type:** Regular Council Meeting

**Prepared by:** Ariel Cawley, Planning Technician  
**Department:** Planning and Development

**Title:** Development Variance Permit | DVP00398 | 10074 Highway 97

**Description:** Development Variance Permit to authorize an existing non-conforming fascia sign and to allow additional building signage.

**RECOMMENDATION**

THAT Development Variance Permit DVP00398 (Attachment A in the Report to Council dated January 14<sup>th</sup>, 2024) for the property at 10074 Highway 97 (PID: 001-729-721), to authorize an existing non-conforming fascia sign and up to four fascia signs, be approved.

**EXECUTIVE SUMMARY**

The applicant requests a variance to increase the number of signs permitted for the existing Dairy Queen business in order to improve their business visibility. Currently there is a fascia sign on each of the north, west and east façades of the building. The business would like to add another fascia sign to the south façade of the building, which currently does not have any signage (Attachment B – Site Plan). Within the C1 - Town Centre Commercial zone, the Signage Regulation Bylaw 501, 2004 permits two signs: one (general) fascia sign per business, and one additional fascia sign per business on the face or the rear of the building. Therefore, the existing fascia signs (three) exceed the permitted maximum (two). In addition, the north fascia sign exceeds the maximum permitted height for this type of sign. This variance request is to permit the existing non-conforming signage on the Dairy Queen building as well as allow for an additional new fascia sign (four) on the south façade.

Property Information			
<b>Application Type</b>	Development Variance Permit		Application Date: 2023-08-24
<b>Variances</b>	<ul style="list-style-type: none"> <li>❶ Variance to the number of permitted fascia signs (two), to allow four fascia signs for the Dairy Queen business (three existing, one proposed), a variance of two signs.</li> <li>❷ Variance to the permitted maximum height of an existing fascia sign from 1.25 m to 1.68 m, a variance of 0.43 m.</li> </ul>		
<b>Folio/Roll #:</b>	02379.000		
<b>PID &amp; Legal Description</b>	001-729-721; LOT C SECTION 10 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 12891 EXCEPT PLANS 21017, 24900 AND KAP48919		
<b>Civic Address:</b>	10074 Highway 97		
<b>Applicant:</b>	Five Star Permits	<b>Owner:</b>	0712844 BC LTD
<b>OCP Designation:</b>	Mixed Use Commercial		
<b>Zoning Designation:</b>	C1– Town Centre Commercial		
<b>Land Use Contract</b>	NA		
<b>ALR:</b>	NA		
<b>Parcel Size:</b>	0.27 ha/0.662 acres		

<b>Development Permit Areas:</b>	<ul style="list-style-type: none"> <li>• Town Centre</li> <li>• Agricultural</li> </ul>	
<b>Water Supply:</b>	Municipal	
<b>Sewer:</b>	Municipal	
<b>Site Summary:</b>	<b>Zoning:</b>	<b>Use:</b>
<i>North:</i>	C1 – Town Centre Commercial	Property proposed for redevelopment (commercial retail)
<i>East:</i>	C1 – Town Centre Commercial	Commercial strip mall
<i>South:</i>	C1 – Town Centre Commercial	Mixed commercial
<i>West:</i>	RU6 – Large Lot Small-Scale Multiple Housing	Multifamily residential

## BACKGROUND

A Sign Permit (SP2015-006) was issued in 2015 to allow the existing signage on the building. In 2023 a new sign permit application was made for an additional fascia sign on the south façade of the building. During the review of the 2023 application, it was determined that the 2015 permit authorized signage that did not comply with the Sign Regulation Bylaw (Attachment C – 2015 Sign Drawing (North Façade)). As per Section 8.1 of the Sign Regulation Bylaw 501, 2004, only two fascia signs are permitted per business. Additionally, the maximum height of a fascia sign is 1.25 m. This variance seeks to bring the existing signage into compliance, while also permitting an additional fascia sign for the south façade.

## SITE CONTEXT

The Dairy Queen business building is located in the town centre and is adjacent to highway 97 (Attachment D – Location Map and Orthophoto). A small commercial strip mall is located on the same parcel, and similar commercial development is located on the surrounding properties to the south and east across the highway. The property to the north has recently been rezoned from P2 - Administration, Public Service and Assembly to C1 - Town Centre Commercial, with future mixed-use development proposed.

SIGNAGE REGULATIONS & VARIANCES				
C1 ZONE	PERMITTED	EXISTING	PROPOSED	VARIANCE
Fascia sign (general)	1 per business	1 fascia sign (north façade)	1 additional (south façade)	Increase of 1 sign
Fascia sign, on the face or rear of the building	1 per business	2 signs - 1 on the face (east façade) and 1 on the rear (west façade)	None	Increase of 1 sign
Sign Height	Max. 1.25 m	1.68 m (north façade)	N/A	0.43 m height increase

## ANALYSIS

The existing signage (Attachment E – Site Photos) at the Dairy Queen business has been in place since 2015. The larger size of the north façade sign enables greater visibility for the business as viewed by southbound highway traffic, which is appropriate for a commercial business along a highway corridor. The Official Community Plan, Bylaw 1065, 2018, includes policy supporting higher visibility signage along the Highway 97 corridor: section 11.1.10 (b) *allow for larger signs along Highway 97 than are permitted elsewhere*. The size and scale of this signage is appropriate for the building and is also consistent with the form and character of the commercial development and surrounding businesses.

While the Signage Bylaw only permits two fascia signs per business, it is reasonable for the Dairy Queen business to have additional signage due to its location in a standalone building with four exterior facades. While the permitted number of fascia signs is currently exceeded for this business, other permitted signage for the C1 zone has not been

utilized. The business would be permitted to have one projecting/hanging sign, one additional directional sign and one freestanding sign for the parcel, none of which have been installed.

The proposed new fascia sign meets the permitted size, projection and location of a fascia sign as per Section 7.2 of the Signage Regulation Bylaw 501, 2004 (Attachment F – Proposed Sign (South Façade)). The design matches the existing signage for the Dairy Queen business and is typical for what is expected for a drive-thru restaurant. The addition of a sign will add visual interest to the currently blank south façade of the building.

Should Council approve the proposal, the variances will only apply to the current occupant of the building (Dairy Queen). If a new business requires on-site signage, the business owners would be required to comply with the regulations of the Sign Bylaw.

Staff support the proposed variance.

#### **FINANCIAL IMPLICATIONS**

None       Budget Previously Approved     Other (see below)

#### **COMMUNICATION**

- This application was referred to internal departments for comment. Economic Development noted their support of the application and agreed that the additional signage on the south façade would help improve business visibility. No concerns were noted from Bylaw Enforcement.
- The Ministry of Transportation & Infrastructure reported that they had no objections to the issuance of the Development Variance Permit, as signage on private property is not under their jurisdiction unless digital and/or projected advertising displays (electronic billboards) are proposed.
- The applicant completed Neighbour Consultation as required under the Development Approval Procedures Bylaw 1227, 2024. No public feedback was received as part of the applicant's neighbour consultation.
- As per the Development Approval Procedures Bylaw 1227, 2024, staff have notified properties within 100m of the subject property and one notice sign has been placed on the subject property. Any feedback received prior to the Council Meeting will be shared with Council as per District procedures.

#### **ALTERNATE RECOMMENDATIONS**

- A. THAT Development Variance Permit DVP00398 for the property at 10074 Highway 97 (PID: 001-729-721) to authorize an existing non-conforming fascia sign and up to four fascia signs, not be approved.
- B. THAT Development Variance Permit DVP00398 for the property at 10074 Highway 97 (PID: 001-729-721) to authorize an existing non-conforming fascia sign and up to four fascia signs, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,

**Ariel Cawley, Planning Technician II**

## Report Approval Details

Document Title:	DVP00398 - 10074 HIGHWAY 97.docx
Attachments:	<ul style="list-style-type: none"> <li>- Attachment A - DVP00398 - Draft Development Variance Permit.pdf</li> <li>- Attachment B - DVP00398 - Site Plan.pdf</li> <li>- Attachment C - DVP00398 - 2015 Sign Drawing (North Façade).pdf</li> <li>- Attachment D - DVP00398 - Location Map and Orthophoto.pdf</li> <li>- Attachment E - DVP00398 - Site Photos.pdf</li> <li>- Attachment F - DVP00398 - Proposed Sign (South Façade).pdf</li> </ul>
Final Approval Date:	Jan 9, 2025

This report and all of its attachments were approved and signed as outlined below:

**Brian Zurek, Manager of Long Range Planning - Jan 7, 2025 - 2:24 PM**

**Jeremy Frick, Director of Development Approvals - Jan 8, 2025 - 4:51 PM**

**Reyna Seabrook, Director of Corporate Services - Jan 8, 2025 - 5:29 PM**

**Paul Gipps, Chief Administrative Officer - Jan 9, 2025 - 8:10 AM**