

NOTICE OF DECISION

FILE NO. **SDAB 2025-005**

APPLICATION No.: **2025-DP-00235**

DEVELOPMENT: **Fascia Sign**

LAND USE DESIGNATION: **RMH-1 – Manufactured Home Residential District**

LEGAL DESCRIPTION: **Condominium Unit 297, Plan 0220695**

CIVIC ADDRESS: **120 McTavish Crescent, Fort McMurray, Alberta**

IN THE MATTER OF AN APPEAL filed with the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board (“the Board”) pursuant to Sections 685 and 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (“the Municipal Government Act”), the Appeal Hearing was held on Thursday, October 16, 2025, via Microsoft Teams in Fort McMurray, Alberta.

BETWEEN:

Debbie Hahn (“the Appellant”)

-and-

The Regional Municipality of Wood Buffalo (“the Respondent”)

BEFORE:

D. Cleaver (Chair)
K. Carruthers
A. McKenzie
T. Salisbury

Administration:

W. Collins, Clerk for the Subdivision and Development Appeal Board
H. Fredeen, Clerk for the Subdivision and Development Appeal Board

- [1] The Chair reviewed the Board’s process for the hearing. There were no objections raised regarding the Board’s process.
- [2] Following the introduction of the Board, the Chair confirmed with the parties in attendance that there were no objections to the constitution of the Board.

PRELIMINARY MATTERS*Jurisdictional Matter – September 10, 2025*

- [3] At a preliminary hearing held via Microsoft Teams on September 10, 2025, regarding File No. SDAB 2025-005, it was noted by the Clerk that an appeal was filed on August 13, 2025, against the refusal of Development Permit No. 2025-DP-00235, an application for a Fascia Sign, at the Subject Property at 120 McTavish Crescent, Fort McMurray, Alberta. Section 680(3) of the *Municipal Government Act* requires that the Subdivision and Development Appeal Board hold an appeal hearing within 30 days after receipt of an appeal.
- [4] The Clerk advised that the earliest available date to hold a hearing on the appeal matter was October 16, 2025. As October 16, 2025, falls outside of the required 30 days, the Board determined that in order preserve jurisdiction over the appeal, the hearing was formally opened and adjourned to October 16, 2025.

MERIT HEARING**Summary of Hearing***Submission of the Municipality*

- [5] This matter arises from the refusal of Development Permit No. 2025-DP-00235, which relates to the installation of a Fascia Sign associated with an approved Child Care Facility at 120 McTavish Crescent.
- [6] The Development Authority explained that the Subject Property is in the RMH-1 District, Manufactured Home Residential District in Land Use Bylaw No. 99/059, where Child Care Facility is listed as a Discretionary Use.
- [7] The Development Authority explained that Section 8.3 of Land Use Bylaw No. 99/059 lists the permitted and discretionary uses for each sign type in residential districts. It was indicated that Fascia Sign is not listed as a permitted or discretionary use in the RMH-1 District (page 8). As such, the proposed Fascia Sign is not allowable in this district.
- [8] It was further submitted that the Development Authority does not have the discretion to issue an approval for a use that is not contemplated for in the Land Use District without a specific amendment to the Land Use Bylaw.
- [9] The Development Authority noted that the Development Permit application (No. 2025-DP-00235) was refused at the initial review stage; therefore, no agency circulation was conducted to review the application (page 8).
- [10] The Development Authority indicated that based on the information contained in the sign

plan submitted for the development permit application (Attachment 4, page 46), the proposed application meets the sign provisions for Fascia Signs and would have been approved with standard conditions if located in a district where Fascia Signs are permitted (page 8).

- [11] It was noted that although the Development Permit was refused (page 8), the Development Authority is of the view that the proposed Fascia Sign is consistent with the approved development of the land.
- [12] The Development Authority concluded that as the proposed development for a Fascia Sign is not listed as a discretionary use in the Land Use Bylaw for the RMH-1 District, it is recommended that the Subdivision and Development Appeal Board uphold the decision of the Development Authority to refuse the development permit (page 8).

Submission of the Appellant

- [13] The Appellant submitted that RMH-1 District, as described in the Land Use Bylaw, consists of mobile homes with no commercial buildings, however under the Land Use Bylaw, Child Care Facilities are allowed.
- [14] The Appellant was approved for a Child Care Facility and had obtained all the required permits (2021-DP-00531) to build the Facility on June 14, 2023 (Attachment 2, page 12).
- [15] The Appellant further noted that while the Child Care Facility is a permitted use in the RMH-1 District, the proposed fascia sign is not allowed under the Land Use Bylaw and argued that there is an inconsistency between the Land Use Bylaw and the sign provisions under Section 8.3.
- [16] The Appellant argued that an identification sign is necessary for the public to see where the Child Care Facility is located, and for emergency vehicles to be able to locate the facility (page 3).
- [17] Upon questioning by the Board, the Appellant indicated:
 - i. There had been multiple discussions with the Development Authority to identify potential options for signage. The Development Authority was unable to identify an alternative signage option, as there are no signage options that meet the requirements of the Land Use Bylaw in the RMH-1 District.
 - ii. An appeal was submitted to the Subdivision and Development Appeal Board as the Development Authority was unable to approve the Development Permit for the proposed signage.
 - iii. The proposed sign has channel lettering lit with LED lighting. While the Development Authority noted that there were concerns from the community with

respect to lighting, the Appellant indicated that the Business Owner would be willing to make adjustments to the proposed lighting to mitigate any concerns.

- iv. Condition No. 16 Development Permit 2021-DP-00531 for the Child Care Facility approval requires:

“All on site lighting shall be located, oriented and shielded so as to restrict the unnecessary illumination of adjacent residential properties” (page 17).

The Development Authority submitted that such a provision could potentially address any lighting concerns from the community.

Submission(s) of Affected Persons in Favor of the Appeal

- [18] There were no affected persons registered to speak in favour of the Appeal.

Submission(s) of Affected Persons in Opposition to the Appeal

- [19] There were no affected persons registered to speak in opposition of the Appeal.

- [20] Upon questioning by the Board, the Development Authority noted:

- i. While a Park is a permitted use and Public Space is a discretionary use, Section 8.3 of the Land Use Bylaw does not contemplate signage in the RMH-1 District. Therefore, signage would not be permitted in a Park or Public Space in the RMH-1 District.

Closing Comments from the Respondent

- [21] There were no closing comments from the Respondent.

Closing Comments from the Appellant

- [22] The Appellant reiterated that it is important for the Child Care Facility to have signage for safety purposes.

- [23] Upon conclusion, the Chair asked the parties present, if they felt that the hearing was conducted in a fair manner. No issues were brought to the Board's attention.

Findings Of Fact

[24] The Board makes the following findings of fact:

- i. The Subject Property is located in the RMH-1 – Manufactured Home Residential District.
- ii. The Child Care Facility on the Subject Property was approved under Development Permit 2021-DP-00531 and is a discretionary use within the RMH-1 District.
- iii. The proposed development is a Fascia Sign which is ancillary to the approved Child Care Facility.
- iv. The Land Use Bylaw does not allow for signage in this District.

The Development Authority acknowledged that, except for the district designation, the proposed Fascia Sign complies with all applicable sign provisions and would have been approved with standard conditions.

Decision

[25] **It is the decision of the Subdivision and Development Appeal Board to UPHOLD the Appeal. The application for a Development Permit for a Fascia Sign is at 120 McTavish Crescent is APPROVED.**

[26] **All Standard Development Permit conditions pursuant to section 27 of Land Use Bylaw No. 99/059. are upheld and form part of this development approval**

[27] **The Board further imposes one additional condition:**

“All on site lighting shall be located, oriented and shielded so as to restrict the unnecessary illumination of adjacent residential properties.”

Reasons for The Decision

[28] The Board notes that its jurisdiction is found within Section 687(3) of the *Municipal Government Act, RSA 2000, c.M-26*. In making this decision, the Board has examined the provisions of the Land Use Bylaw and has considered the oral and written submissions by and on behalf of the Respondent and the Appellant.

[29] The Board is aware that the proposed development does not comply with the Land Use Bylaw and has considered Section 687(3)(a.3) and Section 687(d) of the *Municipal Government Act*:

(a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;

(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.

[30] The Board found no evidence indicating the proposed signage would unduly interfere with the amenities of the neighbourhood, or materially affect the use, enjoyment or value of neighbouring parcels of land.

[31] The Board finds that the proposed sign is consistent with and ancillary to the Child Care Facility.

[32] The Board accepted the Appellant's argument that while the Child Care Facility is a permitted use in the RMH-1 District, the proposed fascia sign is not allowed under the Land Use Bylaw, and that there is an inconsistency between the land uses permitted under RMH-1 and the sign provisions in Part 12, Section 8.3.

[33] The Board placed significant weight on the Development Authority's position that, based on the evidence presented the Sign Plan (Attachment 4, page 46), demonstrates that the proposed fascia sign meets the applicable sign provisions Section 8.3 of the Land Use Bylaw. The Board accepted and relied upon the Development Authorities submission that the application would have been approved with standard conditions if it were located within a district where fascia signs are permitted.

[34] The Board determined that the additional condition stating:

"All on site lighting shall be located, oriented and shielded so as to restrict the unnecessary illumination of adjacent residential properties."

is appropriate and sufficient to address potential lighting concerns raised by the community.

- [35] The Board finds that the Land Use Bylaw contains a regulatory gap in that it does not contemplate signage for discretionary uses permitted within the RMH-1 District, such as Child Care Facilities. The Board is of the view that this gap has the unintended effect of preventing reasonable and minor accessory developments that are consistent with the character of the district and necessary for the functional operation of approved uses. The Board encourages the Development Authority to review the sign provisions in Section 8.3 to ensure clarity and consistency in their application and to prevent confusion.
- [36] For these reasons, the Board overturns the decision of the Development Authority to refuse Development Permit 2025-DP-00235, and the appeal is therefore upheld.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 29 day
of October 2025.

CHAIR: Dean Cleaver
Dean Cleaver

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

EXHIBIT NO.	ITEM	DATE FILED
	Subject Area Map (1 page)	2025-08-15
1.	Notice of Appeal (3 pages)	2025-08-13
2.	Development Permit Refusal No. 2025-DP-00235 (2 pages)	2025-08-13
3.	Planner's Report (59 pages)	2025-10-09

APPENDIX "B"

REPRESENTATIONS

Person Appearing	Capacity
Debbie Hahn	Appellant – Representative, Business Owner
Phyllis Agyemang	Development Officer
Shailesh Makwana	Development Authority Supervisor