



NOTICE OF DECISION

FILE NO. SDAB 2026-004

APPLICATION No.: 2026-DP-00039

DEVELOPMENT: Billboard Sign

LAND USE DESIGNATION: CBD1 – Central Business District

LEGAL DESCRIPTION: Lot 37, Block 2, Plan 0125663

CIVIC ADDRESS: 9802 Morrison Street, 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 Wednesday, May 13, 2026 via Microsoft Teams

BETWEEN:

Jeremy Laporte (“the Appellant”)

-and-

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

BEFORE:

A. McKenzie (Chair)
T. Salisbury
S. Schaffer
L. Yayechnick

Administration:

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

MERIT HEARING

- [1] 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. No objections were raised.

Preliminary Matters

- [2] Chair A. McKenzie declared for the record that he previously served on the Subdivision and Development Appeal Board with the Appellant Mr. Laporte but confirmed that he had an open mind and could fairly assess the matter before the Board without bias or prejudice. There were no objections to A. McKenzie's participation in the hearing.

Summary of Hearing*Submission of the Respondent*

- [3] The Development Officer began the proceedings with a verbal summary of their written report, highlighting specific points and facts within the report and outlining the planning considerations for which the decision was based.
- [4] The appeal stems from the refusal of Development Permit Application No. 2026-DP-00039 to allow third party advertising on an existing digital Free-standing Sign located at 9802 Morrison Street.
- [5] Condition No. 10 of the Development Permit No. 2014-DP-01157 for the Free-standing Sign, issued on November 14, 2014, requires that any sign advertising a business, product or service not conducted on the premises, be removed. The condition effectively restricts advertising on the Free-standing Sign.
- [6] The Development Officer indicated that Development Permit No. 2026-DP-00039 was applied for and evaluated using the Billboard Sign provisions of the Land Use Bylaw No. 26/001 which allows for third-party advertising. The application was refused for the following reasons:
- i. The maximum permitted clearance for a Billboard Sign is 2.7 metres. The existing sign has a clearance of 3.96 metres.
 - ii. Billboard signs must be located at least 100 metres from any district containing residential uses. The proposed Billboard Sign is located within 100 metres of a residential property located at 10126 MacDonald Avenue.

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- [7] As the above provisions are mandatory and cannot be varied by the Development Authority, the application was refused.
- [8] The Development Officer drew the Board's attention to section 8.81(h) of Land Use Bylaw No. 26/001 which states:
- A billboard sign may be approved on a parcel for up to five (5) years.*
- [9] Should the Board approve this application, it may wish to consider whether a time-limited approval would be appropriate. Such approval would require periodic renewal and could give rise to future appeals.
- [10] The Development Officer recommended that the Subdivision and Development Appeal Board uphold the decision of the Development Authority.
- [11] During questioning from the Board, the Development Officer submitted the following:
- i. The Development Permit Application for the proposed Billboard Sign was evaluated under Land Use Bylaw No. 26/001.
 - ii. Subdivision and Development Appeal Board No. SDAB 2014-DP-01157 did not address or approve third-party advertising in its decision. As a result, the standard conditions applicable to Freestanding Signs which restrict third-party advertising, were applied to that approval.
 - iii. The proposed Billboard Sign has existed for approximately 12 years, and no complaints have been received.
 - iv. The proposed Billboard Sign is not attached to any buildings.
 - v. The Land Use Bylaw defines clearance as the vertical distance between the lowest part of the sign to the grade.
 - vi. There are no safety concerns with the current clearance of the Sign, and it does not cause any obstructions.
 - vii. When a Development Permit is approved by the Subdivision and Development Appeal Board (SDAB), the Development Authority may apply standard conditions to the permit. In SDAB Decision SDAB 2014-DP-01157, the prohibition of third-party advertising formed part of the standard conditions imposed by the Development Authority on the approved Free-standing Sign. These standard conditions were applied in addition to the five conditions imposed by the Board.

Submission of the Appellant

- [12] The Appellant submitted that Development Permit Application No. 2014-DP-01157, which was ultimately approved by the Subdivision and Development Appeal Board (file no. SDAB 2014-031), did include third-party advertising which was never passed along on the actual permit.
- [13] The Appellant advised that the business has been in operation for approximately fourteen years and was purchased by the Appellant in 2019. The Appellant indicated that the business is a small, locally based company.
- [14] The Appellant stated that recently, the Municipality introduced a digital Billboard permit. As a result of this change, the Appellant was required to submit a new permit application, notwithstanding that a permit had previously been issued for the existing structure. The Appellant explained that the Sign did not conform to the updated criteria, as it was classified as a Free-standing Sign. The current application was therefore submitted to align with the Municipality's revised requirements.
- [15] The Appellant emphasized their role as a small local business that contributes to the Fort McMurray community, including by providing free or reduced-cost advertising to community groups and small businesses with limited resources. The Appellant noted the importance of supporting local enterprises, particularly in challenging economic conditions.
- [16] With respect to the subject Sign, the Appellant stated that it has operated without complaint. The Appellant further noted that, in relation to the location near Earl's, nearby residential properties are not significantly impacted. Based on the Appellant's observations, the sign's brightness is minimal and not intrusive, including for adjacent apartment buildings.
- [17] The Appellant concluded that the current application is largely procedural in nature. They indicated that, given the regulatory framework of the Regional Municipality of Wood Buffalo, the reapplication is intended to ensure compliance with current requirements and to formalize the approval of the Sign.
- [18] Through questioning of the Board, the Appellant submitted:
- i. If the Board were to restrict the clearance to 2.7 metres, the Sign would be rendered ineffective due to reduced visibility.
 - ii. Since day one, the Sign has been running third party advertisements and there have been no complaints.

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

[19] No verbal or written submissions were received in support of the appeal.

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

[20] No verbal or written submissions were received in opposition to the appeal.

Closing Comments from the Respondent

[21] The Development Officer reiterated that they do not have the authority to vary the regulations for Billboard Signs under Land Use Bylaw No. 26/001. The Development Officer further noted that the Sign has existed for approximately twelve years and has been used for third-party advertising without any known or observed negative impacts on neighbouring properties.

Closing Comments from the Appellant

[22] The Appellant submitted that the sign has been in operation for approximately twelve years and has consistently been used for third-party advertising, consistent with the original approval. The Appellant noted that throughout this time there have been no complaints or concerns raised regarding the Sign's operation. The Applicant further indicated that the current application is being made in response to a new permit process under Land Use Bylaw No. 26/001, in order to formalize and continue the existing use.

Conclusion

[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:

- a. The Subject Property is located in the CBD1 – Central Business District;
- b. The proposed development is a Billboard Sign;
- c. The use is a discretionary use.

Decision

[25] **It is the decision of the Subdivision and Development Appeal Board to UPHOLD the Appeal. The application for a Billboard Sign is APPROVED.**

Reasons for The Decision

[26] The Board notes that its jurisdiction is found within Section 687(3) of the *Municipal Government Act, RSA 2000, c.M-26* (the "MGA"). 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.

Affected Persons

[27] The Board finds that the Appellant is affected as they are the Applicant for the Development Permit and the Development Officer is affected as they are the individual who refused the permit.

Issues to be determined

- [28] The Board must determine:
- a. What is the use and is the use permitted or discretionary?
 - b. Is the proposed use compatible with the neighbouring uses?
 - c. If so, does the proposed use comply with the development regulations? If not, should the Board exercise its variance power under s. 687(3)(d) of the *Municipal Government Act*?

What is the use and is the use permitted or discretionary

[29] Based on the evidence before it, the Board determined that the proposed development is a Billboard Sign, which is classified as a discretionary use within the CBD1 – Central Business District.

Is the proposed development compatible with the neighbouring uses?

[30] While the Board recognizes that the proposed Billboard Sign is located within 100 metres of a residential apartment building, it notes that no complaints have been documented in the twelve years since the sign was erected; accordingly, the Board finds that the Sign is compatible with surrounding uses.

If so, does the proposed use comply with the development regulations? If not, should the Board exercise its variance power under section 687(3)(d) of the Municipal Government Act?

- [31] The Board acknowledges that the proposed Billboard Sign does not meet the development regulations respecting maximum clearance and minimum separation from residential districts. Nevertheless, it finds the submissions of the Development Officer and the Appellant persuasive. The Development Officer advised that the proposed clearance raises no safety concerns and creates no obstructions, while the Appellant submitted that strict compliance with the Land Use Bylaw minimum clearance requirement of 2.7 metres would render the sign ineffective. The Board further places significant weight on the absence of any recorded complaints from the adjacent residential apartment building during the twelve years the sign has been in place.
- [32] The Board also considered whether a five-year time limit should be applied to the Billboard Sign but decided against imposing such a restriction, noting that the Sign has already been in place for twelve years without any concerns.
- [33] The Board acknowledges that the reason the Applicant had to re-apply for the permit is because the existing permit did not allow third-party advertising. It is noted that third-party advertising is a discretionary use but was not cited as a reason for the refusal of this permit. The Board interprets this as the Development Officer had no concerns with third-party advertising and would likely approve if the issue of clearances were not present. The Board also is relying on the Land Use Bylaw section 8.8.1(c):

8.8.1(c) Third-party advertising is allowed

- [34] For the reasons above, the Board is exercising its variance powers under section 687(3)(d) of the *Municipal Government Act* to uphold the appeal and approve the permit.
- [35] The decision of the Subdivision and Development Appeal Board is final and binding on all parties, subject only to an appeal to the Alberta Court of Appeal under section 688 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 27th day of May 2026.

CHAIR:

ATIA 20(1)

Alex McKenzie

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

EXHIBIT NO.	ITEM	DATE FILED
	Subject Area Map	2026-03-26
1.	Notice of Appeal (3 pages)	2026-03-01
2.	Planner's Report	2026-05-08

APPENDIX "B"

REPRESENTATIONS

Person Appearing	Capacity
Jeromy Laporte	Appellant
Phyllis Agyemang	Development Officer
Shailesh Makwana	Development Authority Supervisor