

City of Beaumont
Subdivision and Development Appeal Board Agenda

February 23, 2026

5:00 p.m.

City Hall, Council Chambers

Pages

1. **CALL TO ORDER (HEARING SDAB FILE 25-09)**
2. **INTRODUCTIONS**
 - 2.1 Board Chair
 - 2.2 Board Members
 - 2.3 SDAB Legal Counsel
 - 2.4 SDAB Administrative Staff
3. **ADOPTION OF THE AGENDA**
4. **INTRODUCTION OF THE PARTIES**
 - 4.1 Development Authority
 - 4.2 Appellant/Applicant
5. **OBJECTIONS TO THE BOARD**
6. **HEARING PROCESS**
 - 6.1 Development Authority Presentation
 - 6.2 Appellant/Applicant Presentation
 - 6.3 Presentations from Affected Persons Supporting the Appeal
 - 6.4 Presentations from Affected Persons Opposing the Appeal
 - 6.5 Development Officer's Closing Remarks

6.6 Appellant/Applicant Closing Remarks

7. HEARING OF THE APPEAL

7.1 SDAB Clerk and Preliminary or Jurisdictional Matters 3

7.2 Development Authority 8

7.3 Appellant/Applicant 102

7.4 Persons in Favor of Appeal

7.5 Persons Opposed to Appeal

8. SUMMARIES

8.1 Development Authority Final Comments

8.2 Appellant/Applicant Final Comments

8.3 Conclusion of Hearing

9. CLOSED HEARING

10. ADJOURNMENT

In accordance with Sections 678 and 686 of the *Municipal Government Act* and the City of Beaumont Bylaw, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated timeframe and each Notice of Appeal must be accompanied by the legislated fee. For filling instructions and fee payment options, see reverse side of form.

Development Permit (Check one box only)		Subdivision Application (Check one box only)		Notice of Order	
Approval	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Stop Order	<input type="checkbox"/>
Conditions of Approval	<input type="checkbox"/>	Conditions of Approval	<input type="checkbox"/>		
Refusal	<input checked="" type="checkbox"/>	Refusal	<input type="checkbox"/>		

SECTION 1 - MUNICIPAL ADDRESS OF SITE UNDER APPEAL	
Municipal Address of Site Under Appeal	5204 - 50 Street
Application File #	2025-098
Date Appeal Application Received	November 19, 2025

SECTION 2 - APPELLANT INFORMATION		
Appellant Name	Selkirk Signs c/o Permit Solutions Inc.	
Agent Name (if applicable)	Joey Matwychuk & Jennifer Zatorski	
Address	[REDACTED]	
Telephone	Residential #	Business #
Email (for notification purpose)	[REDACTED]@permitsolutions.ca or	[REDACTED]@permitsolutions.ca

Sections 678 and 686 of the *Municipal Government Act* requires that written Notice of Appeal must contain specific reasons for the appeal.

SECTION 3 - REASONS FOR APPEAL
I do hereby appeal the decision of the Development Authority/Subdivision for the following reasons (attach separate page if required): <u>The gas station at this location has existed for 30 plus years.</u> <u>For competitive reasons, the price of fuel needs to be advertised and current.</u> <u>The freestanding sign at this location should not be denied due to rebranding.</u> <u>Digital signs are also not permitted at this location, however, it has become extremely difficult to source parts to repair manual pricers.</u>

SECTION 4 - PAYMENT (In accordance to Fees & Charges Bylaw, as amended)
Cheque <input type="checkbox"/> Money Order <input type="checkbox"/> Cash <input type="checkbox"/> Debit <input type="checkbox"/>

SECTION 5 - SIGNATURE & DECLARATION
I certify that the information given on this form is true and complete to the best of my knowledge and acknowledge my authorization of the information to be used for the purposes identified below.
SIGNATURE OF APPELLANT: [REDACTED] DATE: November 19, 2025
The personal information contained on this form is being collected under the authority of the City of Beaumont SDAB Bylaw and the <i>Municipal Government Act</i> (Sections 678 and 686) in accordance with the FOIP Act (Section 33(c)), for the purpose of handling development appeals. This information is protected by the privacy provisions of the FOIP Act. If you have questions about the collection, contact the FOIP Coordinator at the City of Beaumont, 5600 - 49 Street, Beaumont, Alberta T4X 1A1, or Phone 929-8782. NOTE: This information will form part of the file available to the public.

FOR OFFICE USE ONLY			
Fee Paid Yes <input type="checkbox"/> No <input type="checkbox"/>	SDAB Appeal Number	Hearing Date	Date Received Stamp

APPEAL SUBMISSION INFORMATION

The Notice of Appeal must be accompanied by a filing fee in accordance to the Fees & Charges Bylaw, as amended) and must be received by the Subdivision and Development Appeal Board (SDAB) no later than the final date for appeal as specified in the *Municipal Government Act*; otherwise, the appeal will not be processed. If an appeal is withdrawn prior to the commencement of the SDAB hearing, the fee shall not be refunded.

FILING INFORMATION

If you mail the Appeal, it must be received on or before the final date for appeal or it will not be processed and a hearing before the Board will not occur.

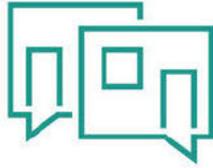
MAIL TO:	DELIVER TO:
City of Beaumont Subdivision and Development Appeal Board ATTN: SDAB Secretary 5600 49 Street Beaumont, AB T4X 1A1	City of Beaumont (Front Desk) Subdivision and Development Appeal Board ATTN: SDAB Secretary 5600 49 Street Beaumont, AB T4X 1A1

We accept cash, cheque, debit and money order at the City of Beaumont. Please make cheques/money orders payable to the City of Beaumont.

NOTE: Appeals cannot be faxed or emailed as the respective filling fee must accompany the Appeal at the time of filing.

If you require further information regarding Appeal deadlines and Board procedures, please contact:

City of Beaumont SDAB Secretary
Phone: 780-929-1352
Email: legislative@beaumont.ab.ca



BEAUMONT
**Subdivision
and Development**
APPEAL BOARD

Waiver

File: 0111-S01-SDAB-25-09

RE: Appeal No.: SDAB-25-09
Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign
Legal Description: Plan 6384ET, Block n/a, Lot 3
Municipal Address: 5204 50 Street, Beaumont, AB
Land Use District: Main Street
Permit Application No: 2025-098

The Subdivision and Development Appeal Board is requesting that this matter be heard in January 2026 for the following reason(s):

Timelines fall within the holiday season – with the holiday season approaching the Board and the Boards legal counsel requests that this matter be postponed until the new year. If the timeline is waived the hearing will be scheduled in January 2026. Notifications will be sent with the scheduled date and submission timelines.

I hereby waive my right to be heard by the Board within 30 days.



Appellant Signature

November 20, 2025

Date

If you have questions, please contact the clerk at legislative@beaumont.ab.ca or call the City Hall main line at 780-929-8782.



Notice of Hearing

File: 0111-S01-SDAB-25-09

APPELLANT

Selkirk Signs c/o Permit Solutions Inc.
Joey Matwychuk and Jennifer Zatorski

APPLICANT

Selkirk Signs c/o Permit Solutions Inc.

RESPONDENT

Patricia Lauze, Development Officer
5600 49 Street, Beaumont, AB T4X 1A1
development@beaumont.ab.ca

November 28th, 2025

Appeal # SDAB-25-09

Proposed Development:	Commercial Signage: Existing Electronic/Free-Standing Sign
Legal Description:	Plan 6384ET, Block n/a, Lot 3
Municipal Address:	5204 50 Street, Beaumont, Alberta
Land Use District:	Main Street
Permit Application No:	2025-098

To Whom It May Concern:

This correspondence serves as your notice that the Subdivision and Development Appeal Board (SDAB) will hold a hearing in response to an appeal of a decision of the Development Authority to refuse Proposed Development - Commercial Signage: Existing Electronic/Free-Standing Sign Legal Description - Plan 6384ET, Block n/a, Lot 3 located at 5204 50 Street, Beaumont.

The SDAB will hold the hearing as follows:

DATE:	Monday, February 23, 2026
TIME:	5:00 pm
LOCATION:	City Hall Council Chambers, 5600 – 49 Street, Beaumont

You or any person acting on your behalf may present verbal, visual, or written submissions to the SDAB at the hearing.

If you wish to submit visual or written material to the SDAB, please email your submissions to the clerk at legislative@beaumont.ab.ca no later than **end of day at 4:30 pm on February 17, 2026**. All materials submitted will be included in the hearing package and will be distributed to the hearing participants in advance of the hearing.

The hearing materials will also be made available for public inspection by appointment during regular business hours (8:30 am to noon and 1pm to 4:30 pm, Monday to Friday) at the City Administration Building (5600 49 Street, Beaumont) **beginning on February 18, 2026**. Please contact the clerk at legislative@beaumont.ab.ca to arrange an appointment.



BEAUMONT
**Subdivision
and Development**
APPEAL BOARD

Important Information:

1. Any visual or written material received by the clerk in advance of the hearing will form part of the public record and will be made available for public inspection pursuant to section 686(4) of the *Municipal Government Act*, RSA 2000, c M-26;
2. While the clerk of the SDAB will accept visual or written material in advance of the hearing, the decision on what materials will be considered by the SDAB remains with the SDAB; and
3. Depending on the complexity and volume of the materials submitted, there may be requests for adjournments which the SDAB would consider on a case-by-case basis.

If you have questions, please contact the clerk at legislative@beaumont.ab.ca or call the City Hall main line at 780-929-8782.

Respectfully,

Chelaine Winter, SDAB Secretary
Subdivision and Development Appeal Board

**SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING
SDAB-25-09
February 23, 2026**

DEVELOPMENT AUTHORITY'S REPORT

Permit Number: 2025-098

Decision: Refused

Subject Property: 5204 50 Street, Beaumont AB
Plan 6384ET, Lot 3

Land Use District: Main Street (MS) District

Proposed Development "Modifications to existing freestanding: re-cladding, reducing the height, removing and replacing cabinets and upgrading from one manual pricer to two digital pricers"

1. Context

The subject site is located on 50th Street between 52 Avenue and 55 Avenue. The Beaumont Fire Station and Community Centre and directly to the South and a commercial shopping centre is immediately to the north.

The development that is the subject of this appeal relates to a freestanding sign locate in the northeast corner of the site, adjacent to the 50th Street right-of-way.

The Development Permit application sought approval for "Modifications to existing freestanding sign: re-cladding, reducing the height, removing and replacing cabinets and upgrading from one manual pricer to two digital pricers" The application was received on September *, 2025, and deemed complete on September 10, 2025. At the time of application was submitted, the sign works had already been completed.

The application included an elevation drawing depicting both the existing and proposed sign, along with technical information for the proposed. The drawing identified, among other things, the following information:

New Cabinet (A) at the top portion of the sign, described as "New D/F Pylon Cabinets Router & Push-Thru Letters & Shapes"
New Cabinet (B), shown between the sign columns, with dimensions of 122 inches high by 73.5 inches wide.
A notation on the drawing states: "Existing Columns cut off – New Cladding Applied".

The drawing also illustrates two electronic price displays ("pricers"): one for regular gasoline and one for diesel, whereas, the previous sign indicates a single non-electronic (manual) pricer.

While the application materials did not specify a precise proposed height, the side-by-side comparison of the existing and proposed indicates that the new sign would be shorter in overall height that the previous.

2. Policy Framework

The relevant policy and regulatory framework includes the following:

Municipal Government Act

Section 616(q): "non-conforming building" means a building (i) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and (ii) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;

Section 616(r): "non-conforming use" means a lawful specific use (i) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and (ii) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;

Section 643(1): If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

Section 643(2): A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

Section 643(3): A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

Section 643(4): A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

Section 643(5): A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except a) to make it a conforming building, (b) for routine maintenance of the building, if the development authority considers it necessary, or (c) in accordance with a land use bylaw that provides minor variance powers to the development authority

for the purposes of this section.

Section 643(6): If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

Municipal Development Plan (MDP):

Section 4.11.6: Centre-Ville will be pedestrian focused. New developments and redevelopments shall be designed using pedestrian-scale site planning and building design.

Section 4.11.8: ...Commercial/office and mixed use development should include: a) separate at-grade entrances for commercial/office and residential premises when located in the same building; b) visually transparent façades along the ground floor; c) reduced front setbacks, with the exception of providing for patio and seating space; and d) building façades with design elements, materials, and variations that reduce perceived mass and linearity and add interest consistent with the Beaumont Urban Design Guidelines.

Section 4.11.13: Development within Centre-Ville will be encouraged to provide high quality design and aesthetics through: a) use of attractive and high quality building materials, finishes, and façades consistent with the Beaumont Urban Design Guidelines; b) installation of enhanced landscaping; c) incorporation of public art; d) incorporation of Winter City design principles; e) public gathering spaces and parks; and f) transit and active transportation.

Centre-Ville Area Redevelopment Plan

Section 4.4.2.2: Traditional French character architectural details shall be incorporated into developments along 50 Street, as per the Beaumont Urban Design Guidelines.

Section 4.4.2.3: Traditional and contemporary French character architectural details shall be incorporated into developments along 50 Avenue, 51 Street, and 52 Avenue.

Section 4.4.2.5(a): the 50th Street and 50th Avenue will develop as pedestrian-scaled streets by: providing 2 m front yard setbacks. The Development Authority may consider additional setbacks up to a maximum of 3.0m provided the front setback accommodates opportunities for pedestrian-oriented amenities such as patios, seating areas and other landscape features, or the new building provides a similar setback to align their frontage with the adjacent buildings.

Section 4.4.2.5(a): the 50th Street and 50th Avenue will develop as pedestrian-scaled streets by: developing buildings that use façade articulation, and architectural details, such as individualized storefronts, multiple front doorways, large display windows, weather protection, patios, and lighting.

Land Use Bylaw (LUB):

- Section 3.6.1.
 - General Intent: To enhance the vibrancy and pedestrian orientation of main streets throughout Beaumont, such as 50th Street and 50th Avenue in Centre-Ville. Heritage resources shall be preserved or integrated into the streetscape.
 - How uses are mixed: Uses on principal thoroughfares shall primarily be mixed-use buildings where commercial uses that activate the street for pedestrians are located on the ground floor with residential and business uses on higher floors, or behind commercial uses if located on the ground floor. Buildings and uses located on secondary thoroughfares can have single uses while still maintaining a strong pedestrian interface.
 - Form of Development: Lots shall vary in size and configuration to enable a diverse streetscape with a traditional main street character. All building entrances shall be oriented to the street and shall seamlessly integrate with the public realm.
- Section 3.6.2. – Uses: This section lists all Uses within the City of Beaumont and whether they are Permitted, Discretionary, or Neither Permitted nor Discretionary within the Main Street District. Where the Section refers to “Signs”, it refers to Part 4.
- Section 4.2.5.1 and 4.2.5.2. – These Sections establish which Land Use Districts Freestanding Signs are Permitted or Discretionary. The Main Street District is not included.
 - Section 4.2.5.1.a states that Freestanding Signs shall be permitted in the following Land Use Districts where the Freestanding Sign is no larger than 1.5 m in height and the sign face is no larger than 1.5 m² in area: i) Integrated Neighbourhood District; ii) Mature Neighbourhood District; iii) Commercial District; and iv) Business Light District.
 - Section 4.2.5.2.a states: Freestanding Signs shall be discretionary in the following land use districts where the freestanding sign is larger than 1.5 metres in height and 1.5 m² in area: i) Agricultural Holdings District; ii) Integrated Neighbourhood District; iii) Mature Neighbourhood District; iv) Commercial District; and v) Business Light Industrial District.
- Section 4.2.2. – Electronic Sign means a sign, often also a freestanding sign, that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.
- Section 4.2.2.2.b. – Electronic Signs shall not be located in the ... Main Street District.
- Section 4.2.2.2.d – Electronic Signs shall not be located within 30 m of the Conventional Neighbourhood, Integrated Neighbourhood, Mature Neighbourhood, or Main Street Districts, and when the lot of a proposed electronic sign location is adjacent to said districts, notification will be sent within a 100 m radius of the sign;
- Section 3.6.7.c.i – All Uses must meet the standards of the Beaumont Urban Design Guidelines.

Beaumont Urban Design Guidelines

- Section 1.3.2 – Design Principles: History and identity are to be reflected in the architectural quality of buildings, the signage and wayfinding that express Beaumont’s French history.
- Section 3.1.2 – Streetscape design in Centre-Ville is an important element to highlight the focus on pedestrian and human scale activity and provide a unique character for citizens and visitors.

- Design streets within Centre-Ville to be pedestrian friendly.
- Encourage use of colours and textures within public realm elements that enhance French Character and feel.
- Section C1 – Centre-Ville / Main Street Signage Guidelines – Essential Requirements
 - Use the minimum size and number of signs on 50th Street and 50th Avenue to identify and highlight a building and/or business.
 - Use projecting signs (perpendicular to the façade) for businesses on 50th Street and 50th Avenue.
 - Do not include internally illuminated sign boxes or signs with flashing or sequence lights.
 - Avoid:
 - Changeable copy/text signs used as permanent signage
 - Light box signage (signs that are lighted by large, bulky light boxes)

3. Relevant Background

September 1983: Development Permit Issued for Self-Serve Gas Bar, Retail Store, and Car Wash.

Circa 1983: Development Permit Issued for a Free-Standing Sign with a height of 23' 6".

2008: Development Permit Issued to update and reface existing signs and main identification sign. Condition of Development Permit "Freestanding Sign must be reduced in size to meet the Land Use Bylaw Requirements of 6 metres high; 12 m² in area.

December 1991: Development Permit issued for an Addition to Freestanding Sign (Panel – TD Bank)

2009: Property redistricted from CTC – Commercial Town Centre to TCMU – Town Centre Mixed Use.

2019: Land Use Bylaw 944-19 adopted. Districting of the property changed from TCMU to MS – Main Street.

September 9, 2025: a Development Permit application was received for "Modifications to existing freestanding: re-cladding, reducing the height, removing and replacing cabinets, and upgrading from one manual pricer to two digital pricers.

On September 10, 2025: the application was deemed complete. When the application was submitted, construction of the Sign had been completed.

October 29, 2025: Notice of Decision was Issued. The application was refused based on six reasons.

4. Regulation Review and Development Authority's Justification

This section explains how the Development Authority reviewed Development Permit 2025-098 against the Municipal Government Act, the Land Use Bylaw, and applicable statutory plans and guidelines, and why the application was refused.

The site contains an established gas station operation within the Main Street (MS) District. The gas station use and existing site development have long-standing approvals that pre-date the adoption of Land Use Bylaw 944-19 in 2019, and are therefore relevant to the concept of legal non-conformity under the MGA.

The development permit application is for a freestanding sign that had already been constructed in 2025 prior to authorization. The primary question for the Development Authority was whether the sign work constitutes a lawful continuation/maintenance of a protected non-conforming building or non-conforming use, or whether the work amounts to a new sign (or an enlargement/rebuild/structural alteration) that must comply with the current LUB and associated guidelines and plans.

Applicable legislative and regulatory framework

1. Municipal Government Act – non-conformity and limits

The MGA distinguishes between a non-conforming use and a non-conforming building:

- A non-conforming use is a lawful specific use being made of land or a building at the date a land use bylaw becomes effective, which does not comply with the bylaw on that effective date (MGA s.616(r)).
- A non-conforming building is a building that was lawfully constructed (or lawfully under construction) at the date a land use bylaw becomes effective, which does not comply with the bylaw on that effective date (MGA s.616(q)).

The MGA permits continuation of non-conforming use/building, but sets limitations, including (as relevant here):

- A non-conforming use may continue, but if discontinued for 6 consecutive months or more, future use must conform (MGA s.643(2)).
- A non-conforming building may continue to be used, but it may not be enlarged, added to, rebuilt, or structurally altered except in limited circumstances (MGA s.643(5)).
- A non-conforming use of part of a lot may not be extended or transferred to another part of the lot, and no additional buildings may be constructed on the lot while the non-conforming use continues (MGA s.643(4)).

In the Development Authority's view, the MGA does not "legalize" new development that occurs after adoption of the LUB without permits; rather, it protects lawful existing conditions as of the bylaw's effective date (or lawful development permit rights issued on or before the bylaw comes into force per MGA s.643(1)).

2. Land Use Bylaw – whether the sign can be approved in the Main Street District

Under the LUB, the Main Street (MS) District use framework directs the Development Authority to Part 4 for signage permissions. The LUB provisions cited in the refusal establish that freestanding signs are not identified as permitted or discretionary within the MS District (LUB s.3.6.2 and Part 4; specifically s.4.2.5.1 and s.4.2.5.2 do not list MS as a district where freestanding signs are permitted or discretionary).

Separately, the LUB provides administrative requirements that no person shall erect/alter a sign unless a sign permit has been issued or the sign is exempt (LUB s.4.1.4). The application indicates the sign had been constructed prior to the permit decision.

The LUB also restricts electronic signs in the MS District and within proximity to MS and other districts (LUB s.4.2.2.2(b) and (d)). Where electronic/digital price displays function as "electronic signs," the Development Authority must apply those restrictions.

3. Statutory plans and Urban Design Guidelines

The MS District is explicitly intended to enhance vibrancy and pedestrian orientation and to integrate heritage character within the streetscape (LUB s.3.6.1). The LUB further requires that all uses within MS meet the standards of the Beaumont Urban Design Guidelines (LUB s.3.6.7(c)(i)).

The MDP and Centre-Ville ARP reinforce the same direction: Centre-Ville is to be pedestrian-focused and development is encouraged to deliver high quality design consistent with the Beaumont Urban Design Guidelines, including character, materials, and streetscape outcomes (MDP s.4.11.6, 4.11.8, 4.11.13; ARP s.4.4.2.2, 4.4.2.3, 4.4.2.5).

The Urban Design Guidelines' Centre-Ville signage guidance emphasizes minimizing sign size/number, prioritizing projecting signs, and avoiding internally illuminated sign boxes and changeable copy/text signs used as permanent signage.

Findings of fact relied on by the Development Authority

Based on the application record and site observations, the Development Authority understood the following:

- The freestanding sign that existed historically was approved decades ago and was associated with the gas station development.
- The principal use of the site is a Gas Station, which is neither a Permitted nor Discretionary Use in the Main Street (MS) District under Land Use Bylaw 944-19, and therefore exists on the site as a non-conforming use within the meaning of section 616(r) of the Municipal Government Act.
- The previous freestanding sign was removed.
- A new (or substantially modified) freestanding sign was constructed in 2025 prior to the issuance of a development permit authorizing the work.
- The application described the work as including re-cladding, reducing the sign height, removing and replacing cabinets, and upgrading from one manual pricer to two digital pricers.
- There is a material factual question regarding the extent of removal and reconstruction. Administration's understanding is that the sign was stripped back substantially (to the frame), the frame was cut/alterd to reduce height, and the sign was then rebuilt with new cabinets/components.

For the Development Authority, the degree of demolition and reconstruction matters because it affects whether the work can be characterized as routine maintenance/repair of a lawful non-conforming building, or whether it is properly characterized as rebuilding/structural alteration or a replacement sign that must fully comply with the current LUB.

Analysis – non-conformity and why it did not protect the 2025 sign work

1. Non-conformity requires a lawful baseline

Non-conforming status under MGA s.616 is anchored to legality at the time the land use bylaw became effective. The Development Authority's position is that a non-conforming building/use is protected because it was lawfully established and then later became inconsistent with a new bylaw.

In this case, while a historical freestanding sign may have been lawful when approved decades ago, the Development Authority concluded the specific sign that is the subject of Development Permit 2025-098 was constructed in 2025 without a development permit under LUB 944-19, which has been in effect since 2019. On that basis, the Development Authority determined the 2025 sign work does not meet the threshold of being a lawful non-conforming building as defined by MGA s.616(q), nor a lawful non-conforming use as defined by MGA s.616(r).

2. Extent of work was assessed as rebuilding/structural alteration, not routine maintenance

Even if the Board were to accept that some non-conforming sign rights exist on the site from earlier approvals, the Development Authority considered whether the work could be treated as allowable maintenance/repair of a non-conforming building.

Administration's assessment was that the sign was stripped back to the structural frame, the frame itself was cut/alterd to shorten the sign, and the sign was reassembled with new cabinets and digital components. The Development Authority regarded this as more than re-cladding or minor component replacement; it was treated as rebuilding and/or structural alteration of a freestanding sign structure. Under MGA s.643(5), a non-conforming building may not be enlarged, added to, rebuilt, or structurally altered except in the limited circumstances described in that subsection. The Development Authority did not interpret the 2025 work as "routine maintenance" within the meaning and intent of MGA s.643(5)(b).

Accordingly, even if a lawful non-conforming sign had existed, the Development Authority was not satisfied that the scope of the 2025 work fell within the narrow maintenance allowance.

3. Non-conforming use cannot be extended or used to justify a new building on the lot

The Development Authority also considered whether the sign could be characterized as accessory to the principal gas station use. The LUB definition of "Accessory" contemplates a structure/use that supports a principal use or principal structure. However, the Development Authority's position is that the principal use (Gas Station) is not listed as a permitted or discretionary use within the MS District, and therefore exists, at most, as a protected non-conforming use.

In that context, MGA s.643(4) is relevant: it prevents a non-conforming use of part of a lot from being extended or transferred and states that no additional buildings may be constructed on the lot while the non-conforming use continues. The Development Authority applied this as a limiting principle: accessory status cannot be used to introduce a new building/structure (a freestanding sign) where the principal use is itself non-conforming and the work amounts to new construction/rebuilding rather than continuation of an existing lawful structure.

Analysis – LUB permissions and compliance

1. Freestanding sign not permitted or discretionary in MS

Independently of non-conformity, the Development Authority found that a freestanding sign is not a permitted or discretionary use in the MS District because Part 4 does not include MS in the districts where freestanding signs are authorized (LUB s.3.6.2; s.4.2.5.1; s.4.2.5.2). As a result, there is no use-based pathway to approve the freestanding sign in MS as either permitted or discretionary development.

2. Sign permit requirement and electronic sign restrictions

The Development Authority also identified that the LUB prohibits erecting/altering signs without a permit unless exempt (LUB s.4.1.4), and that electronic signs are not allowed in the MS District and are also restricted within 30 metres of MS (LUB s.4.2.2.2(b) and (d)). To the extent the digital pricers meet the definition of an electronic sign, those provisions apply.

Analysis - Urban design and statutory plan consistency

Although the Development Authority determined the development could not be approved as a permitted or discretionary use in MS, the review also considered the planning and design framework for Centre-Ville. The MS District intent (pedestrian orientation, main street character), the MDP and ARP policies (pedestrian focus, high-quality design), and the Urban Design Guidelines signage provisions collectively emphasize pedestrian scale and minimizing freestanding, illuminated, and changeable-copy sign forms in Centre-Ville.

The Development Authority concluded the proposed/constructed freestanding sign conflicts with the Centre-Ville signage direction, including guidance to minimize sign size and number, prioritize projecting signage, and avoid internally illuminated sign boxes and changeable copy/text signs used as permanent signage.

Summary of the Development Authority's rationale

The Development Authority refused Development Permit 2025-098 because:

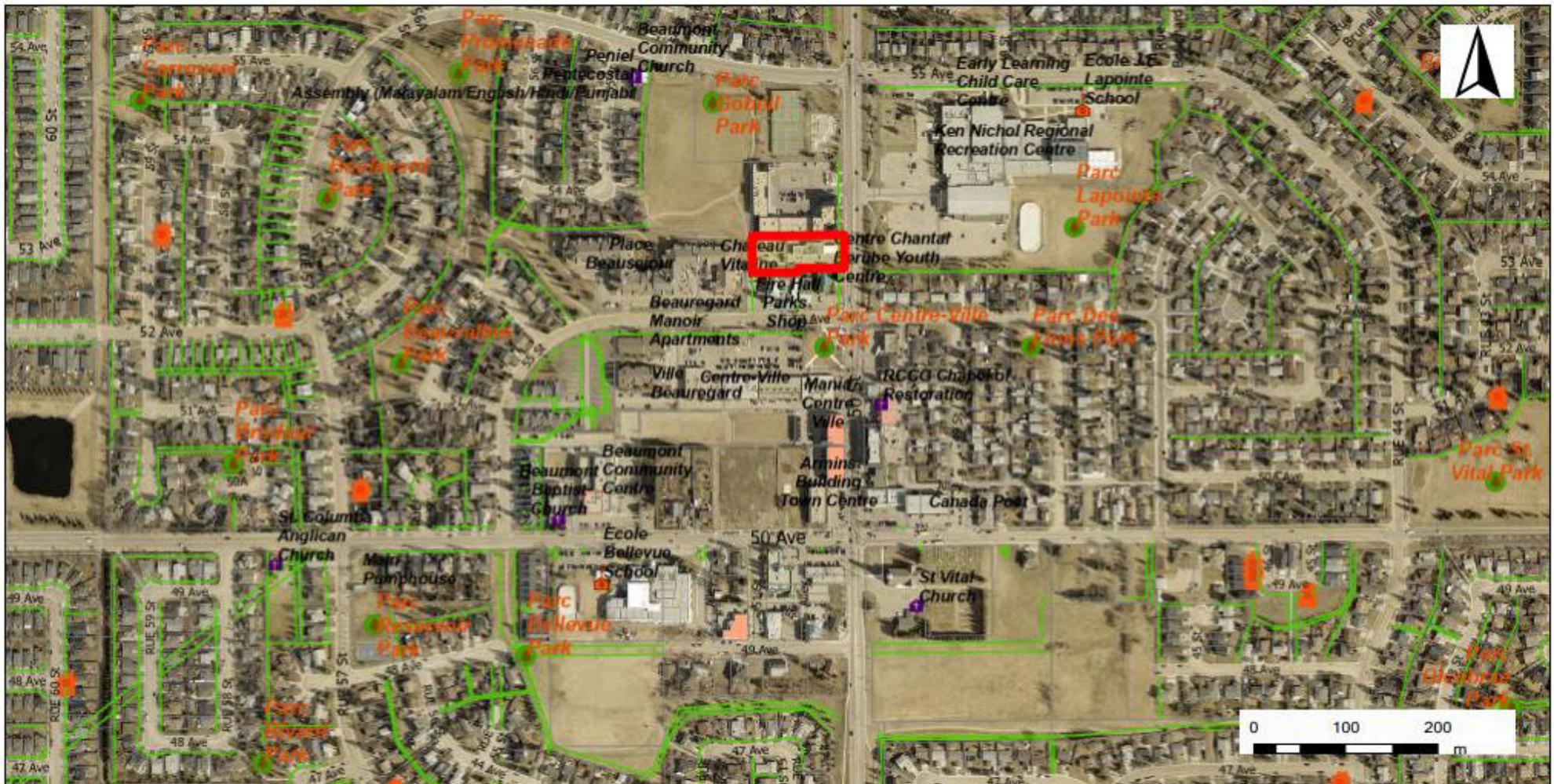
- A freestanding sign is neither a permitted nor discretionary use in the MS District based on the LUB's signage permissions in Part 4.
- The 2025 sign does not qualify for MGA non-conforming protection because the sign was constructed in 2025 after the 2019 LUB came into effect and was not authorized by a development permit.
- In any event, the extent of the 2025 work was assessed as rebuilding/structural alteration of a freestanding sign structure rather than routine maintenance, which is not protected by MGA non-conformity provisions.
- The sign also raised non-compliance concerns under the LUB's sign permit administration requirements and electronic sign restrictions (as applicable based on the sign's features).
- The sign conflicts with the Urban Design Guidelines and statutory plan direction for a pedestrian-scaled Centre-Ville and signage that reinforces Beaumont's character and main street streetscape.

5. Subdivision and Development Appeal Board Authority and Scope of Consideration.

The Development Authority's refusal of Development Permit 2025-098 was based on its interpretation of the applicable provisions of the Municipal Government Act, Land Use Bylaw 944-19, and relevant statutory planning documents, as well as its understanding of the sign works undertaken in 2025. The Board may assess these matters independently in determining whether to confirm, revoke, or vary the decision.

6. Exhibits

1. Location Map
2. Zoning Regulations
3. Development Permit Application
4. Notice of Decision
5. MDP Policy
6. Centre-Ville Area Redevelopment Plan
7. Beaumont Urban Design Guidelines
8. Site Photographs
9. Development Authority Presentation



5204 50 Street

Legend

City of Beaumont
5600 49 Street
Beaumont, AB
T4X 1A1

5204 50 ST



Location:

Application No.

Mapped By:

Checked By:

Craig T



Registered Parcels

Numeric Scale

Date

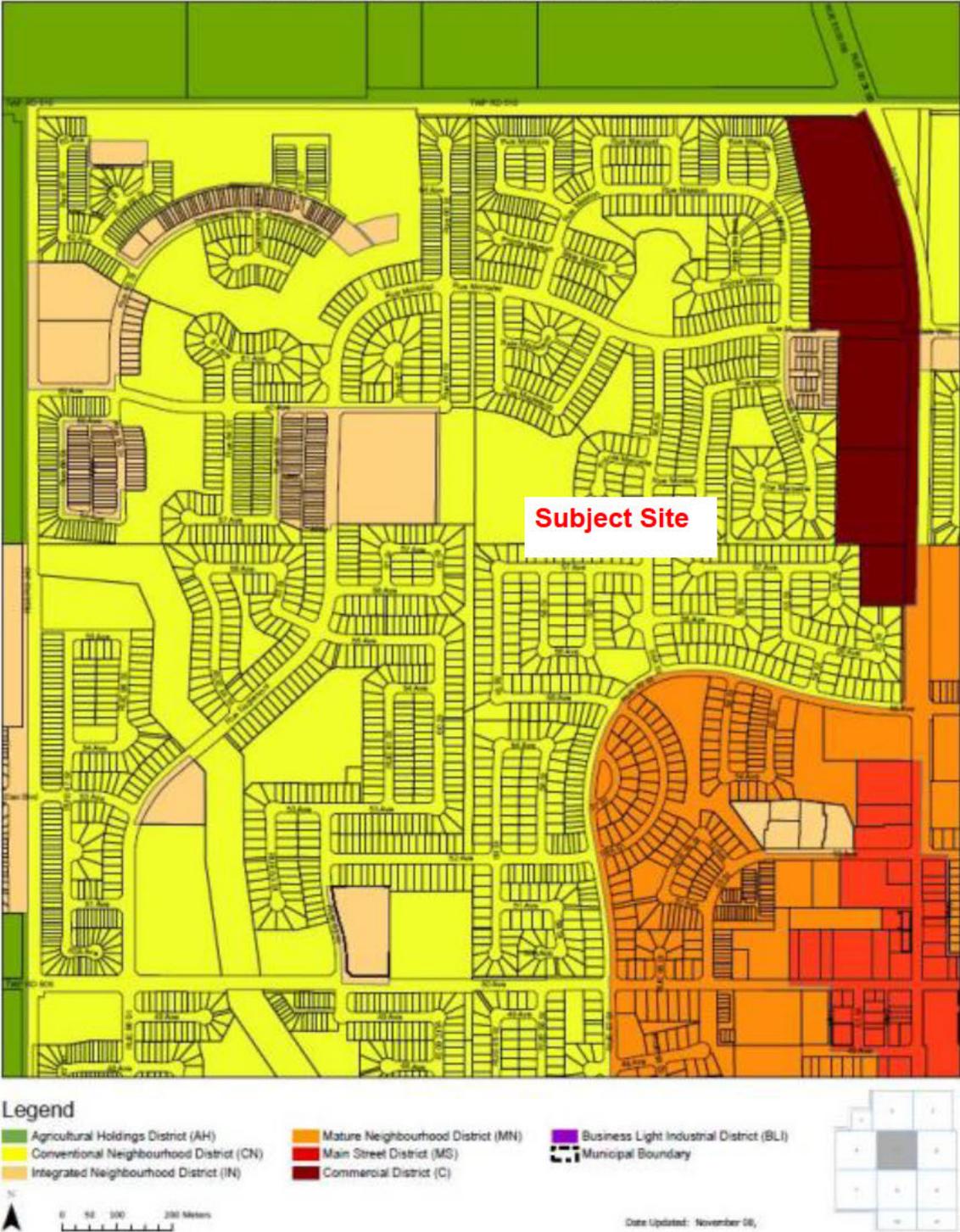
1: 6307

February 4, 2026

Projected Coordinate System
CANADA NAD 83-3TM 114

PART 2: MAPS

Beaumont Land Use District Map 5





Our Zoning Blueprint:



PART 3: LAND USE DISTRICTS

MAIN STREET DISTRICT (MS)

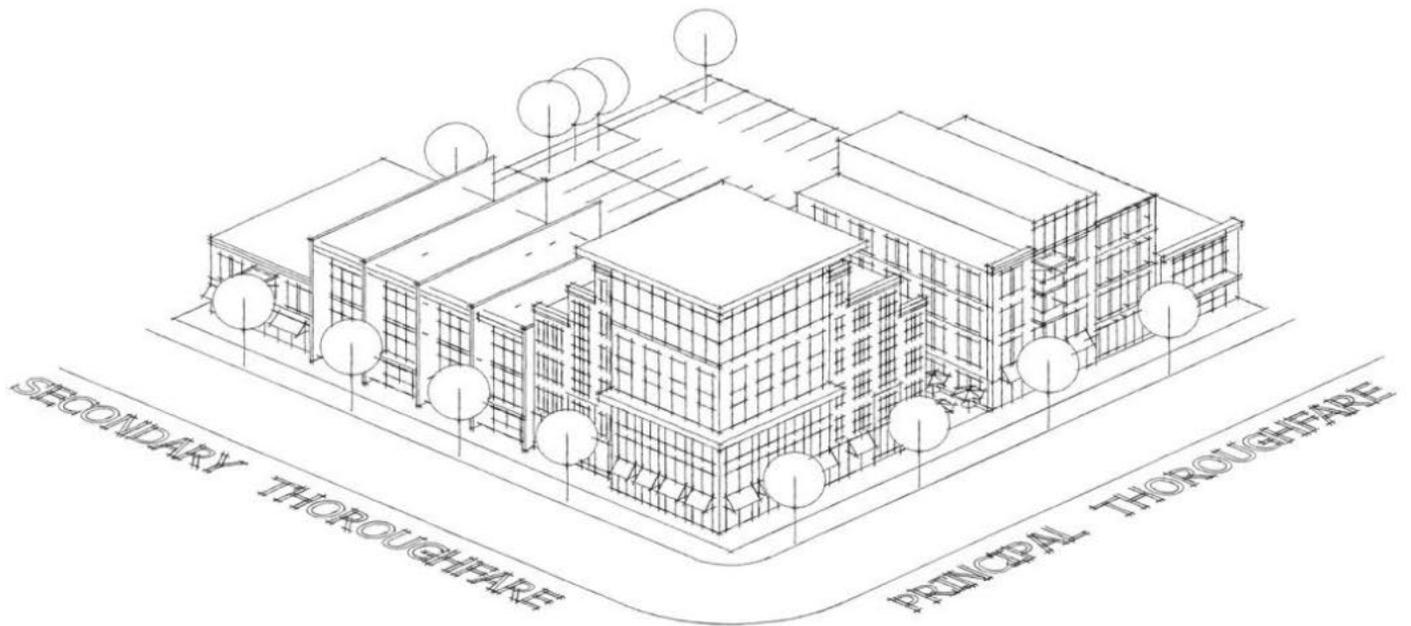
3.6 MAIN STREET DISTRICT (MS)

3.6.1 Intent

General Intent: To enhance the vibrancy and pedestrian orientation of main streets throughout Beaumont, such as 50th Street and 50th Avenue in Centre-Ville. Heritage resources shall be preserved or integrated into the streetscape.

How uses are mixed: Uses on principal thoroughfares shall primarily be mixed-use buildings where commercial uses that activate the street for pedestrians are located on the ground floor with residential and business uses on higher floors, or behind commercial uses if located on the ground floor. Buildings and uses located on secondary thoroughfares can have single uses while still maintaining a strong pedestrian interface.

Form of Development: Lots shall vary in size and configuration to enable a diverse streetscape with a traditional main street character. All building entrances shall be oriented to the street and shall seamlessly integrate with the public realm.



3.6.2 Uses

The [uses](#) identify whether a [use](#) is permitted, discretionary, or not allowed in this [land use district](#). Definitions are provided in Part 6.

AGRICULTURE USES		INDUSTRIAL USES	
Agriculture - General	-	Industrial - Medium	-
Agriculture - Intensive	-	Industrial - Light	-
Agriculture - Urban	P	Recreational Vehicle Storage	-
Cannabis Production and Processing	-	Wash Station	-
Medical Cannabis Production	-	INSTITUTIONAL USES	
RESIDENTIAL USES		After Life Care	D
Dwelling Unit(s)	P	Cemetery	-
Mobile Home	-	Culture	P
Temporary Dwelling Unit(s)	D	Education	D
LODGING USES		Emergency Service Training Facility	-
Bed & Breakfast	P	Government	P
Campground	-	Hospital	D
Hotel / Motel	P	Human Services	P
BUSINESS USES		Motor Vehicle Training and Research Facility	-
Arts & Crafts	P	Recreation - Active	P
Home Based Business - Major	P	Recreation - Passive*	P
Home Based Business - Minor	P	Parking Lot with no associated Use	D
Office	P	Special Events	D
COMMERCIAL USES		OTHER USES	
Adult Entertainment	D	Accessory Building or Structure	D
Drive Through Facility	-	Public Utility*	P
Entertainment Establishment	D	Excavation, Stripping & Grading	D
Gas Station	-	Private Utility*	P
Golf Course	-	Sign (as per Part 4)	P / D
Kennel	-	Temporary Development	D
Restaurant / Café	P	*No Development Permit required	
Restricted Substance Retail	D	<div style="border: 1px solid red; padding: 5px;"> <p>P = Permitted Use</p> <p>D = Discretionary Use</p> <p>- = Not allowed</p> </div>	
Retail & Service - General	P		
Retail & Service - Large	-		
Show Home	P		

3.6.3 Use Standards

a) Bed & Breakfast	<ol style="list-style-type: none">i. The use shall be restricted to dwelling unit(s);ii. The character or external appearance of the building shall not be changed, except where minimal alterations are required for the use;iii. Nuisances, in the opinion of the Development Authority, shall not be created by way of noise, parking, or traffic generation; andiv. 1 sign shall be permitted.
b) Dwelling Unit(s)	<ol style="list-style-type: none">i. Buildings with 1 dwelling unit or in the form of a single detached dwelling shall not be permitted.
c) Home Based Business - Major	<ol style="list-style-type: none">i. Up to 10 clients per day are permitted;ii. May include a day home;iii. 1 non-illuminated sign shall be permitted; andiv. May include outdoor activities that do not cause a nuisance for adjacent lots, in the opinion of the Development Authority; andv. No more than two (2) employees shall be in attendance at any one time.
d) Home Based Business - Minor	<ol style="list-style-type: none">i. No client visits are permitted;ii. The residential character of the building shall not be affected;iii. Shall be contained within a building;iv. No signs are permitted; andv. No accessory structures can be utilized for the purpose of the use.
e) Temporary Dwelling Unit	<ol style="list-style-type: none">i. Cannot include recreational vehicles or and shall be greater than 10m².
f) Restricted Substance Retail	<ol style="list-style-type: none">i. In areas where this use includes the sale of cannabis, no building shall be located within 100m from:<ol style="list-style-type: none">a. The boundary of a parcel of land on which an existing education use is located; orb. The boundary of any land that is designated as school reserve or municipal and school reserve under the Municipal Government Act as measured from the exterior wall of said building.

-
- ii. In case of an education use located in a comprehensive commercial development, no building with this use selling cannabis shall be located within 100m of the building housing the education use, measured from the closest point of an exterior wall of said building (and if the education use is located in a bay or unit within a comprehensive commercial development, from the wall of the bay or unit as opposed to exterior wall of the comprehensive commercial development) to the exterior wall of the building with the restricted substance retail use.
 - iii. For the purpose of this section, education use shall not include an early childhood services program, any home education program or research facility.
 - iv. In areas where this use includes the sale of cannabis, no building shall be located within 200m from another building that includes the sale of cannabis as measured from the closest point of an exterior wall of each restricted substance retail store selling cannabis

g) [Education](#)

- i. All Child Care facilities, shall provide an on-site drop-off area that is marked as a loading zone only suitable to accommodate traffic associated with the use and limit any impact on the surrounding community.
-

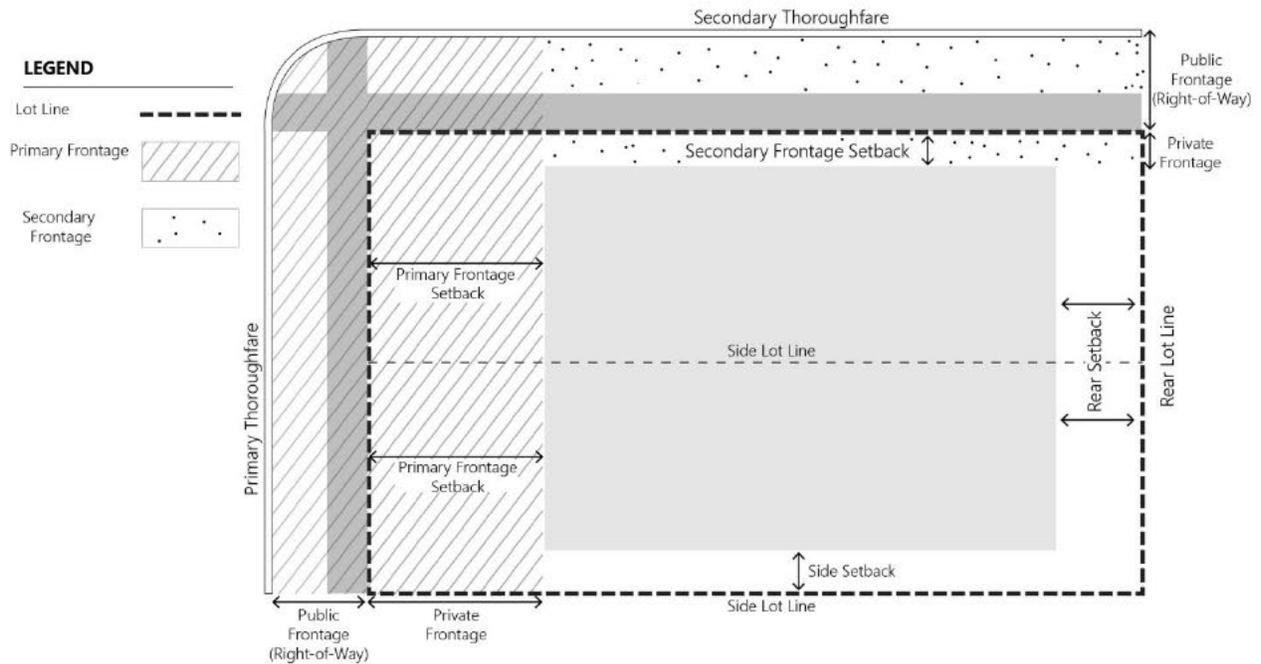
3.6.4 Block / Subdivision Standards

a) Block Length	i. Min 80 m to max 120 m for planned areas ii. No requirement for built-up areas
b) Block & Subdivision Standards	i. To create a pedestrian network throughout Beaumont a mid- block pedestrian walkway shall be dedicated as a right-of-way or reserved with a permanent easement where the block length exceeds 100 m. The location of the right-of-way cannot be located within 75 m of the ends of the block length . With the addition of the right-of-way , the new block length shall not exceed 100m. At the discretion of the Development Authority , lots adjacent to arterial roads or highways may not be required to include a pedestrian right-of-way , or where the topographic changes, existing buildings or other natural or man-made obstructions prevent such access, and where strict compliance would pose a safety hazard. ii. All vehicular rights-of-way shall terminate at other vehicular rights-of-way to form a network. iii. Subdivision within a block shall be varied to allow for a variety of lot widths . iv. Rear lanes are required for all large new developments or redevelopments such as entire blocks. Blocks with existing lanes shall retain such access. v. Block standards may be varied to conform to natural features, transportation rights-of-way, parks or open space, existing utilities, or other similar constraints.
c) Lot Width	Min 7.5 m

3.6.5 Residential Density

a) Minimum	i. 80 dwelling units per net hectare for planned development
b) Maximum	i. No requirement

3.6.6 Building Placement Standards



a) PRINCIPAL BUILDINGS

- | | | |
|------|--|--|
| i. | Principal Frontage Setback | 2 m |
| ii. | Secondary Frontage Setback | 2 m |
| iii. | Side Yard Setback | 0 m to max 6 m |
| iv. | Rear Yard Setback | Min 1.2 m |
| v. | Lot Coverage | Max 80% (including accessory building lot coverage as per Section 3.6.6 (b) (v)) |

b) ACCESSORY BUILDINGS

i.	Principal Frontage Setback	Min 2 m and no closer than principal building
ii.	Secondary Frontage Setback	Min 2 m to max 10 m
iii.	Side Yard Setback	Min 2 m to max 10 m
iv.	Rear Yard Setback	Min 2 m to max 10m
v.	Lot Coverage	Max 10%

c) ADDITIONAL SITE STANDARDS

i.	Corner Visibility	No building, structure, fence , or soft landscaping that will obstruct vision above 0.6 m in height shall be located within the corner cut area.
ii.	General Safety	Design elements that allow for casual surveillance, not including digital surveillance, are expected to be included in the design. These elements may include, but are not limited to, door placement, large window areas, high quality interior and exterior lighting, a physical layout that reduces the vulnerability of pedestrians, the placement and use of soft landscaping that limits areas of concealment, and integrates the pedestrian network with building entrances.
iii.	Lighting	All permanently installed lighting shall be directed downward, be shielded in a manner to not be directed to adjacent lots, and shall not, in the opinion of the Development Authority adversely impact safety. All permanently installed lighting shall be compliant with International Dark-Sky Association requirements.
iv.	Large Vehicles	Dismantled or wrecked vehicles, recreational vehicles and commercial vehicles are prohibited from parking in a frontage . All vehicles shall be parked on a parking stall .
v.	Solid Waste	All non-residential uses shall provide a solid waste storage area suitable for 2- or 3-stream waste diversion for the intended use and designed to the satisfaction of the Development Authority . All areas shall be located at the side or rear of a lot , screened from view and accessed from a public roadway or lane .

3.6.7 Building Profile Standards

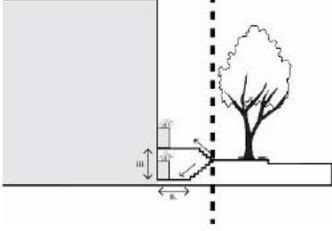
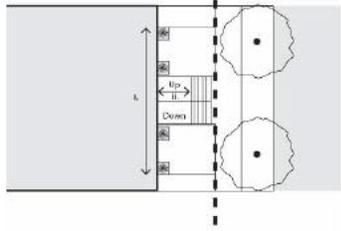
a) Principal Building Height to Eave	Min 2 storeys	
<hr/>		
b) Accessory Building Height to Eave	Max 1 storey	
<hr/>		
c) Design Standards		<ul style="list-style-type: none">i. All uses shall meet the standards of the Beaumont Urban Design Guidelines.ii. Buildings on prominent corner lots shall have the same materials and architectural details on all street exposures. Entrances may be located near the corner.iii. Side and rear façades shall have similar colours and materials as front façade.iv. Roof lines and building façades shall be articulated and varied to reduce perceived mass and linear appearance of large buildings.v. Mechanical equipment shall be screened or incorporated into the roof envelope, where appropriate.vi. Materials including exposed concrete and vinyl are not permitted.vii. Buildings wider than 10m may have multiple entrances on the principal thoroughfare.
<hr/>		
d) Allowable Projections into Setbacks		Gallery, shopfront, stoop, alternate height entrance, balcony , sign , awning, accessibility features , eave , cantilever, chimney / fireplace

3.6.8 Frontage Type Standards

Frontage Type Standards shall apply to each principal frontage for all uses except institutional uses where the character of each frontage type shall be maintained, but variations to the entrance feature characteristics do not apply. Entrance features are any pedestrian access / egress to a building.

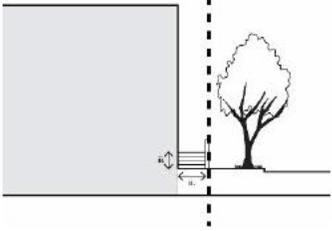
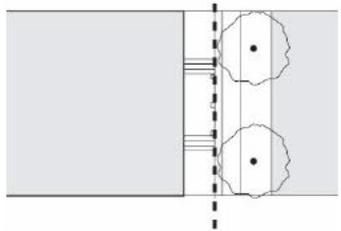
a) ALTERNATE HEIGHT ENTRANCE

A frontage wherein the façade is setback back from the lot line by an elevated or sunken entrance. This frontage type buffers uses from urban sidewalks and removes the private yard from public encroachment. Entrances may be suitable for conversion to outdoor restaurants / cafés or similar uses. This frontage shall be designed to incorporate accessibility features.

Section View	Plan View	Entrance Feature characteristics:		
		i. Width <i>From outside edge of <u>building</u> element included in the <u>entrance feature</u></i>	ii. Depth <i>Exterior foundation projection of the <u>entrance feature</u></i>	iii. Height <i>From <u>grade</u> to highest point of the <u>entrance feature</u></i>
Additional Standards	<ul style="list-style-type: none"> iv. Fences shall be provided between the <u>thoroughfare</u> and the <u>entrance feature</u> that meets safety code requirements. v. Trees shall be incorporated in any area of the <u>frontage</u> that is not hardscaped. Every effort should be made to accommodate trees, however, where enough space cannot be accommodated alternate <u>soft landscaping</u> may be used, at the discretion of the <u>Development Authority</u>. 			

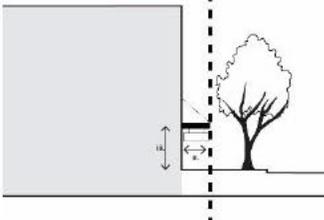
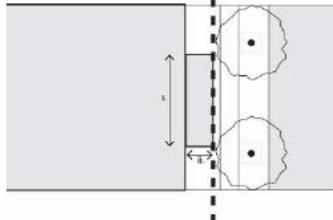
b) STOOP

A [frontage](#) where the first [storey](#) is elevated from [grade](#). This [frontage](#) type is typically used for [buildings](#) where the elevation provide additional privacy for windows. As such, the [entrance feature](#) should be clearly welcoming and accommodating to reduce the perception of separation as a result of the change in [grade](#).

Section View	Plan View	Entrance Feature characteristics:		
		i. Width <i>From outside edge of building element included in the entrance feature</i>	ii. Depth <i>Exterior foundation projection of the entrance feature</i>	iii. Height <i>From grade to highest point of the entrance feature</i>
Additional Standards		3 m min (not including stairs or accessibility features)	2 m max	Aligned with floor height
iv. Projections , such as awnings, that overhang the entrance feature may be considered, but shall not be more than 4 m from the floor height.				

c) SHOPFRONT

A [frontage](#) where the [entrance feature](#) is at sidewalk [grade](#) and where the [façade](#) has several windows on the ground floor with an awning or similar [structure](#) projecting over the entrance.

Section View	Plan View	Entrance Feature characteristics:		
		i. Width <i>Percentage of lot width</i>	ii. Depth <i>Exterior foundation projection of the entrance feature</i>	iii. Height <i>From grade to lowest point of the awning or overhang</i>
		75% min	1.5 m min	3.05 m max

Additional Standards

- iv. Ground floor [uses](#) are limited to lodging, commercial, and institutional [uses](#).
- v. Where appropriate, a [projection sign](#) shall be integrated with the [entrance feature](#).
- vi. [Hard landscaping](#) shall be contiguous and seamlessly integrated with the public sidewalk with no [grade](#) adjustments.
- vii. A minimum of 70% of the ground floor [façade](#) shall be composed of non-glazed windows and doors.
- viii. Sidewalk Cafés may be incorporated as per Beaumont's *Sidewalk Café Guidelines*.

d) GALLERY

A [frontage](#) where the [entrance feature](#) is an attached cantilevered [eave](#) or lightweight colonnade overhanging the entrance. The [entrance feature](#) may overhang, or encroach on, the [lot line](#) where pedestrian movement is not hindered.

Section View	Plan View	Entrance Feature characteristics:									
		<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">i. Width</td> <td style="width: 33%;">ii. Depth</td> <td style="width: 33%;">iii. Height</td> </tr> <tr> <td style="font-size: small;">Percentage of lot width</td> <td style="font-size: small;">Exterior foundation projection of the entrance feature</td> <td style="font-size: small;">From grade to highest point of the entrance feature</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">30% min</td> <td style="text-align: center; vertical-align: top;">3 m min</td> <td style="text-align: center; vertical-align: top;">3.5 m min</td> </tr> </table>	i. Width	ii. Depth	iii. Height	Percentage of lot width	Exterior foundation projection of the entrance feature	From grade to highest point of the entrance feature	30% min	3 m min	3.5 m min
i. Width	ii. Depth	iii. Height									
Percentage of lot width	Exterior foundation projection of the entrance feature	From grade to highest point of the entrance feature									
30% min	3 m min	3.5 m min									

Additional Standards

- iv. Where appropriate, a [projection sign](#) shall be integrated with the [entrance feature](#).
- v. Where appropriate, the width of the [entrance feature](#) may be seamlessly continued to [adjacent buildings](#).
- vi. [Hard landscaping](#) shall be contiguous and seamlessly integrated with the public sidewalk with no [grade](#) adjustments.
- vii. Where any [structure](#) encroaches on the [public realm](#) all maintenance and upkeep of the [structure](#) and surrounding area is the responsibility of the private owner.

3.6.9 Landscaping & Screening Standards

a) Development Standards	All landscaping shall comply with the General Design Standards except where Frontage Type Standards in Section 3.6.8 take precedence. Where possible use plants with seasonal interest. Drought tolerant plants are encouraged.
b) Mandatory Requirement	Any portion of a site not occupied by a structure , parking area, patio , walkway, or storage area shall be landscaped.
c) Number of Trees	All lots greater than 2,500 m ² , shall be required to provide a minimum of 1 tree per 35 m ² , based on 10% of the site, where 40% of those trees are coniferous except for municipal reserve land . Unless otherwise provided by a front standard , all lots less than

	2,500 m ² shall be required to provide a minimum of 3 trees except for municipal reserve land .
d) Tree Size	At the time of planting each coniferous tree shall be at least 2.0 m in height and each deciduous tree shall have a caliper of at least 50 mm.
e) Tree Location	Where tree requirements are specified in the Frontage Type Standards, as per Section 3.6.8, the total number of trees required for the remainder of the lot shall be subtracted by those trees to be located in the principal frontage .
f) Number of Shrubs	All lots greater than 2,500 m ² , shall be required to provide a minimum of 1 tree per 35 m ² , based on 10% of the site, except for municipal reserve land . Unless otherwise provided by a front standard , all lots less than 2,500 m ² shall be required to provide a minimum of 5 shrubs except for municipal reserve land .
g) Shrub Size	At the time of planting each shrub shall be at least 300 mm deciduous height or 450 mm coniferous spread.
h) Soil Requirements	A minimum of 15 cm of high quality soil and growing material is required for all planting areas.
i) Cash in Lieu	At the discretion of the Development Authority , cash-in-lieu may be provided for required trees on sites adjacent to 50 th Avenue and 50 th Street at a replacement cost of \$650 per tree to provide the same level of landscaping in a different location.
j) Fencing / Screening	A fence , wall, or screening may not exceed 1.0 m within a principal frontage , or 1.8 m on any other portion of a lot .

3.6.10 Parking, Access & Loading Standards

a) MINIMUM PARKING STANDARDS			
i.	Agriculture <u>Uses</u>	<u>Agriculture - General</u>	-
		<u>Agriculture - Intensive</u>	-
		<u>Agriculture - Urban</u>	-
		<u>Cannabis Production and Processing</u>	-
		<u>Medical Cannabis Production</u>	-
ii.	Residential <u>Uses</u>	<u>Dwelling Unit(s)</u>	
		<u>Mobile Home</u>	1 stall per unit over 75 m ²
		<u>Temporary Dwelling Unit(s)</u>	
iii.	Lodging <u>Uses</u>	<u>Bed & Breakfast</u>	1 stall per unit or bedroom
		<u>Campground</u>	-
		<u>Hotel / Motel</u>	1 stall per unit or bedroom
iv.	Business <u>Uses</u>	<u>Arts & Crafts</u>	1 stall per business
		<u>Home Based Business - Major</u>	
		<u>Home Based Business - Minor</u>	-
		<u>Office</u>	1 stall per 100 m ² of <u>lot coverage</u>
v.	Commercial <u>Uses</u>	<u>Adult Entertainment</u>	
		<u>Drive Through Facility</u>	
		<u>Entertainment Establishment</u>	1 stall per 100 m ² of <u>lot coverage</u>
		<u>Gas Station</u>	<u>coverage</u>
		<u>Golf Course</u>	
		<u>Kennel</u>	
		<u>Restaurant / Café</u>	2 stalls per 100 m ² of <u>lot coverage</u>
		<u>Restricted Substance Retail</u>	
		<u>Retail & Service - General</u>	1 stall per 100 m ² of <u>lot coverage</u>
		<u>Retail & Service - Large</u>	
	<u>Show Home</u>	-	

a) MINIMUM PARKING STANDARDS

vi.	Industrial <u>Uses</u>	<u>Industrial - Medium</u>	
		<u>Industrial - Light</u>	1 stall per 100 m ² of <u>lot coverage</u>
		<u>Recreational Vehicle Storage</u>	
		<u>Wash Station</u>	
vii. Institutional <u>Uses</u>			
		<u>After Life Care</u>	
		<u>Cemetery</u>	
		<u>Culture</u>	
		<u>Education</u>	2 stalls per 100 m ² of <u>lot coverage</u>
		<u>Government</u>	
		<u>Hospital</u>	
		<u>Human Services</u>	
		<u>Recreation - Active</u>	
		<u>Recreation - Passive</u>	-
		<u>Parking Lot with no associated Use</u>	-
		<u>Special Events</u>	-
viii. Other <u>Uses</u>			
		<u>Accessory Building or Structure</u>	-
		<u>Public Utility</u>	-
		<u>Excavation, Stripping & Grading</u>	-
		<u>Private Utility</u>	-
		<u>Sign</u>	-
		<u>Temporary Development</u>	-

b) PARKING STANDARDS

i.	Development Standards	Any parking area having ten or more parking stalls that are visible from an adjoining site , or from a thoroughfare other than a lane , shall have perimeter planting. The location, length, thickness and height of such perimeter planting at maturity shall, in conjunction with a change in grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking area from any adjoining site and enhance the view of the parking area from any adjacent thoroughfare .
ii.	Pedestrian Network Design	Parking lots shall be designed to efficiently, comfortably, and safely direct pedestrians from parking areas and entrance features . Walking areas shall be a minimum of 2 m wide, be well marked, be separated by grade from driving or parking areas, and be integrated with landscaping. Parking lots shall not be located in the principle frontage .
iii.	Parking Location	All parking stalls shall be provided on- site except where, at the discretion of the Development Authority , street parking may be accommodated. Street parking can be considered where the curb frontage is a minimum of 6.m per stall excluding access locations and appropriate safety distances. Where contiguous curb frontage space is available, street parking may be considered part of the minimum parking requirements as per Section 3.6.10 (a).
iv.	Parking Lot Size	A maximum of 50% of the site can be used to accommodate parking. Where parking requirements in Section 3.6.10 (a) exceed this amount, a strategy for reducing the parking need shall be provided.
v.	Shared Parking	Where multiple buildings or uses are located on a site , parking minimums in Section 3.6.10(a) may be reduced to the satisfaction of the Municipality .
vi.	Accessible Vehicle Parking	For all lots with 11 or more vehicle parking stalls , accessible parking shall be provided in a location with the easiest pedestrian access to the principal building entrance and shall be provided in accordance with the <i>Barrier Free Design Guide</i> as per the Alberta Safety Codes Council .
vii.	Parking Lots / Structures	Surface parking lots and / or parking structures shall not be permitted unless associated with a development.

b) PARKING STANDARDS

viii.	Parking <u>Structure</u> Design	Accesses shall be designed as an integral part of the <u>building façade</u> so they are in scale and character with the rest of the <u>building</u> . Accesses shall not interfere with pedestrian movement.
ix.	<u>Parking Lot</u> Stall Location	<u>Parking stalls</u> shall be spread out through the <u>site</u> and integrated with <u>buildings</u> and landscaping to provide a comfortable pedestrian network.
x.	Landscaped Islands	In addition to the landscape requirements in Section 3.6.9 in no case shall there be less than 1 tree and 3 shrubs per landscaped island.
xi.	Calculations	Where a fractional figure occurs, the requirement shall be rounded up to the next whole number.
xii.	Cash in Lieu	At the option of the <u>Development Authority</u> , and in lieu of providing the number of required <u>parking stalls</u> , an Owner of land proposed for Development shall pay the <u>municipality</u> to provide the equivalent parking area. The amount of money required will be determined by resolution of <u>Council</u> and shall be based on the amount needed to construct the required number of <u>parking stalls</u> on land owned, or proposed to be purchased, by the <u>municipality</u> . Money so received by the <u>municipality</u> shall be used only for the development of a municipal <u>parking lot</u> .

c) BICYCLE PARKING STANDARDS

i.	Development Standards	<u>Bicycle parking structures</u> shall be highly visible and shall include a permanent rack or hook-up system. Creative integration with the development is encouraged.
ii.	Minimum <u>Bicycle</u> <u>Parking</u>	All non-residential <u>buildings</u> less than 4,600 m ² shall provide parking for at least 6 bicycles per <u>building</u> . All non-residential

c) BICYCLE PARKING STANDARDS

	building greater than or equal to 4,600 m ² shall provide parking for 6 bicycles per entrance.
iii. Bicycle Parking Location	All bicycle parking structures shall be located within 10 m of a public entrance, but shall not impede pedestrian circulation or access to a building .
iv. Bicycle Parking Access	Where a change in grade occurs in the bicycle parking network, ramps or similar structures shall be used to access all bicycle parking structures .

d) ACCESS STANDARDS

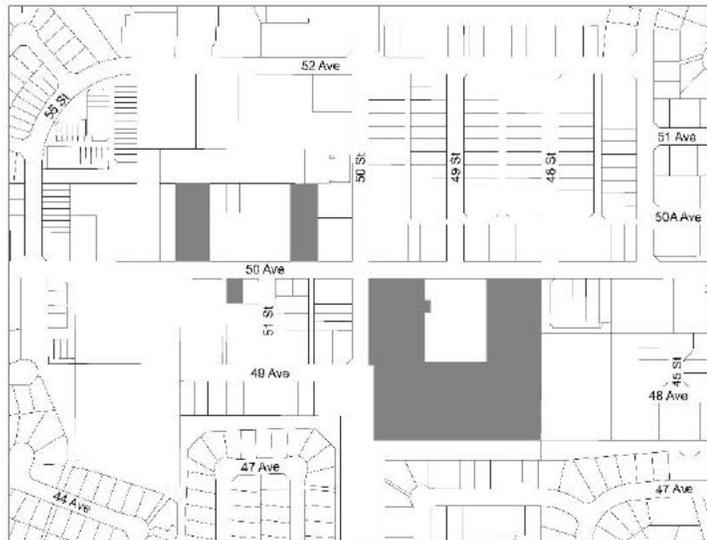
i. Number of Accesses	All lots require a minimum of 1 access to the site from a legal and physical public roadway and shall be approved by the Municipality . Additional accesses shall have prior approval from the Development Authority .
ii. Lane Access	Where the site is adjacent to a lane , the lane will be used for all vehicular access unless otherwise authorized by the Municipality .
iii. Shared Access	Shared access between 2 or more adjacent lots may be considered to provide more effective access arrangements, to reduce curb cuts, and / or to reduce any negative impact on the public realm .

e) LOADING STANDARDS

i. Development Standards	All non-residential uses shall provide sufficient space and access for loading vehicles to the satisfaction of the Development Authority .
ii. Clearance	All loading areas shall provide a minimum of 5.3 m vertical clearance from grade .
iii. Loading Space Size	All loading space shall be at least 4 m wide and 8 m long and no longer than 12 m.
iv. Access	Access shall be from a public road, a lane , or a clearly defined traffic aisle, and shall not obstruct patron / emergency vehicle circulation. Where possible, access shall not be located on the principle thoroughfare .
v. Location	Loading areas shall be located to the side or rear of a lot .

3.6.11 Heritage Resources Overlay

a) Intent	The heritage resources overlay is intended to identify, recognize, and support buildings in Beaumont that were constructed prior to 1940, and that add historical value to Beaumont. Principal buildings are permitted in their current form as of the date this bylaw is adopted.
b) Lots Included	<ul style="list-style-type: none">i. 4905 50 Street, NW 26-50-24-W4M, Title 842 182 789, LINC 0023 210 800ii. 5110 50 Avenue, SE 34-50-24-W4M, Title 082 519 085, LINC 0020 716 197iii. 5006 50 Avenue, SE 34-50-24-W4M, Title 042 187 268, LINC 0015 750 169iv. 5101 50 Avenue, Lot 1A, Block 2, Plan 042 4176, Title 142 134 566, LINC 0030 572 706



c) Application of Standards	All development standards identified in Section 3.6 for the Main Street District apply to these lots at the discretion of the Development Authority unless stated otherwise in this section (3.6.11).
d) Principal Building(s)	To maintain their heritage value principal buildings shall remain in their current form as of the date of adoption of this bylaw. No external structural changes shall be permitted. External façade changes shall maintain or enhance heritage value and / or design as of the date of adoption of this bylaw.

e) Exceptions	Sections 3.6.3 (b), 3.6.5, 3.6.7 (a) and 3.6.8 shall not apply. All standards may be varied for institutional uses at the discretion of the Development Authority .
f) Projections	In lieu of Section 3.6.7 (d), projections including signs , awnings, accessibility features , eaves , chimneys / fireplaces may be allowed.
g) Signs	Signage related to the historical value may be considered for each lot and shall be in conformity with the <i>Our Centre-Ville Area</i> Redevelopment Plan.

PART 4: SIGNS

ADMINISTRATION

4.1 SIGN ADMINISTRATION

- 4.1.1 The purpose of this Part of [Our Zoning Blueprint](#) is to balance high quality design with safety and functionality for all [signs](#) within The [Municipality](#).
- 4.1.2 The [Development Authority](#) may issue a [development permit](#) for a [sign](#) as part of the [development permit](#) for the [use](#) or the [building](#) to which the [sign](#) pertains, provided the [development permit](#) application indicates that there is to be a [sign](#) and provided that all information requirements for a [sign](#) are met.
- 4.1.3 A fast track process may be considered at the discretion of the [Development Authority](#) where a [sign](#) meets all requirements as specified in the fast track process requirements for each [sign](#) type in Section 4.2. The [Development Authority](#) may make a decision on a [sign](#) that meets all fast track process requirements within 20 days from the date an application is deemed complete as per Section 5.15. In order for an application to be considered within this timeframe the following are required in addition to the application requirements identified in Sections 5.14 and 5.15:
- a) Drawings shall be completed by a professional and to scale with all measurements shown;
 - b) A [site plan](#) with the dimensions and location of the [sign](#) shall be provided; and
 - c) The [sign](#) shall be capable of classification as only one of the [sign](#) types identified in Section 4.2.
- 4.1.4 No person shall erect, or allow to erect, develop, paint, enlarge, relocate, or alter any [sign](#) within the [Municipality](#) unless a [sign](#) permit has been issued by the [Development Authority](#) or [Our Zoning Blueprint](#) exempts the [sign](#) from a permit.
- 4.1.5 The [Municipality](#) may remove any [sign](#) which has been placed in contravention of [Our Zoning Blueprint](#). The costs associated with such removal and any storage charges shall be paid by the owner prior to the release of the [sign](#) to the owner as well as any permit fees which may be outstanding.
- 4.1.6 No [sign](#) shall be erected so as to obstruct free and clear vision of vehicular or cycling traffic, or be located, or display a light intensity or colour where it may interfere or be confused with any authorized traffic [sign](#), signal or device or otherwise create a potential traffic hazard.
- 4.1.7 Where a [sign](#) may be classified as more than one type of [sign](#) as identified in Section 4.2 (such as a freestanding electronic [sign](#)), the [Development Authority](#) may require the standards for each type. Where the standards may conflict, the [Development Authority](#) will determine which standard applies.

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2 SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.1 AWNING / CANOPY SIGN



Awning / canopy [sign](#) means [signs](#) which are applied to the face, valance or sides of an awning or canopy. Awnings and canopies are generally located on the ground floor to provide pedestrian protection and to shade display windows.

4.2.1.1 Fast Track Process

Awning / canopy [signs](#):

- a) Shall be permitted in the following [land use districts](#):
 - i. Integrated Neighbourhood District;
 - ii. Mature Neighbourhood District;
 - iii. Main Street District;
 - iv. Commercial District; and
 - v. Business Light Industrial District.
- b) Shall be located in the [private frontage](#) of the [lot](#);
- c) Shall be directly related to the [use](#) of development in that [building](#);
- d) Shall be made of canvas or material similar in appearance and may be permanent or retractable;
- e) Shall align horizontally, where applicable, with those of neighbouring [buildings](#);
- f) Shall have a triangular profile, be rounded or domed;
- g) Shall have a clearance of not less than 2.5 m between the bottom of the awning or canopy and the sidewalk, walkway or ground level;
- h) Shall have a maximum [projection](#) from the [building façade](#) of 1.2 m; and
- i) Shall not project over a curb or street.

4.2.1.2 Regular Process

Awning / canopy [signs](#):

- a) Shall be discretionary in the Conventional Neighbourhood and Agricultural Holdings Districts; and
- b) Shall include standards of Section 4.2.1.1(b) through (i) for Fast Track [development permit](#).

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.2 ELECTRONIC SIGN



Electronic [sign](#) means a [sign](#), often also a freestanding [sign](#), that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

4.2.2.1 Fast Track Process

Not available.

4.2.2.2 Regular Process

Electronic [Signs](#):

- a) Shall be a [discretionary use](#) in the following [land use districts](#):
 - i. Agricultural Holdings District;
 - ii. Commercial District; and
 - iii. Business Light Industrial District.
- b) Shall not be allowed in the Conventional Neighbourhood, Integrated Neighbourhood, Mature Neighbourhood, or Main Street District;
- c) Shall be located in the [private frontage](#);
- d) Shall not be located within 30 m of the Conventional Neighbourhood, Integrated Neighbourhood, Mature Neighbourhood, or Main Street Districts, and when the [lot](#) of a proposed electronic [sign](#) location is [adjacent](#) to said districts, notification will be sent within a 100 m radius of the [sign](#);
- e) Shall not have a display or message change more frequently than once every 6 seconds, with a transition period of 1 second or less; and
- f) Shall not negatively impact safety due to illumination levels, location, or similar factors, as determined by Alberta Transportation.

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.3 ENTRY / DIRECTIONAL SIGN



Entry / directional [sign](#) means [signs](#) located on a [lot](#) to identify an entrance, exit, or area for the purpose of directing pedestrians and / or vehicles.

4.2.3.1 Fast Track Process

Entry / directional [signs](#):

- a) Shall be permitted in the following [land use districts](#):
 - i. Integrated Neighbourhood District;
 - ii. Commercial District;
 - iii. Main Street District; and
 - iv. Business Light Industrial District
- b) Shall be located near the access / egress to said [lot](#);
- c) Shall not impair safety or sight lines;
- d) May be fascia mounted, wall mounted or free-standing;
- e) Shall not exceed 2 m in height and 0.6 m² in area.

4.2.3.2 Regular Process

Entry / directional [signs](#):

- a) Shall be discretionary in the following [land use districts](#):
 - i. Conventional Neighbourhood District; and
 - ii. Mature Neighbourhood District.
- b) Shall include standards (b) through (e) as listed for the Fast Track Process in Section 4.2.3.1.

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.4 FASCIA / WALL SIGN



Fascia / wall [sign](#) means a [sign](#) that is mounted flush to a store front or [building](#) surface that shall be directly related to the [use](#) or development in the [building](#). This includes a [sign](#) that is made up of individual letters/symbols that are affixed to a surface, such as the [building façade](#), which functions as the [sign](#) board.

4.2.4.1 Fast Track Process

Fascia / wall [signs](#):

- a) Shall be permitted in the following [land use districts](#):
 - i. Commercial District; and
 - ii. Business Light Industrial District.
- b) Shall not exceed a vertical height of 2.14 m and a horizontal dimension not greater than the bay in which the business is located;
- c) Shall be architecturally integrated with the [building façade](#) with respect to size, scale, colour, location and type of materials;
- d) Shall not project more than 20 cm beyond the [building](#) surface;
- e) Shall not be more than 1 [sign](#) per [building](#) face per business; and
- f) Shall be illuminated through backlighting, gooseneck lighting, channel lighting or neon.

4.2.4.2 Regular Process

Fascia / wall [signs](#):

- a) Shall be discretionary in the following [land use districts](#):
 - i. Integrated Neighbourhood District;
 - ii. Mature Neighbourhood District; and
 - iii. Main Street District.
- b) [Development Authority](#) shall include standards (b) through (e) as listed for the Fast Track Process in Section 4.2.4.1.
- c) Shall be illuminated with gooseneck lighting;
- d) Should include raised or recessed letters to give relief to [signs](#); and
- e) Shall be architecturally integrated with the [building](#).

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.5 FREESTANDING SIGN



Freestanding [sign](#) means [signs](#) which are structurally independent from a [building](#), and are mounted on a foundation, on a pole, or suspended between two or more poles.

4.2.5.1 Fast Track Process

Freestanding [signs](#):

- a) Shall be permitted in the following [land use districts](#) where the freestanding [sign](#) is no larger than 1.5 m in height and the [sign](#) face is no larger than 1.5 m² in area:
 - i. Integrated Neighbourhood District;
 - ii. Mature Neighbourhood District;
 - iii. Commercial District; and
 - iv. Business Light Industrial District.
- b) Shall be located in the [private frontage](#) of the [lot](#);
- c) Shall be directly related to the [use](#) or development on the [lot](#);
- d) Shall be permitted 1 per [lot](#);
- e) Shall incorporate landscaping at the base; and
- f) Shall [use](#) materials including wood, stonework, masonry, cast or wrought iron, and / or stucco

4.2.5.2 Regular Process

Freestanding [signs](#):

- a) Shall be discretionary in the following [land use districts](#) where the freestanding [sign](#) is larger than 1.5 m in height and 1.5 m² in area:
 - i. Agricultural Holdings District;
 - ii. Integrated Neighbourhood District;
 - iii. Mature Neighbourhood District;
 - iv. Commercial District; and
 - v. Business Light Industrial District.
- b) Shall include Fast Track Standards (b) through (f) in Section 4.2.5.1 except in the Agricultural Holdings District where Section 4.2.5.1 (c) may be waived at the discretion of the [Development Authority](#);
- c) Shall not exceed 8 m in height and 3 m² in [sign](#) area, except in the Agricultural Holdings District where a freestanding [sign](#) face shall not exceed 18 m² in area, and due to the increase in size shall be located at least 500 m from another [sign](#);
- d) Shall be architecturally consistent with the [building facade](#) with respect to size, scale, colour, location and type of materials; and
- e) Shall be a maximum of 1 per [lot](#).

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.6 NEIGHBOURHOOD IDENTIFICATION SIGN



Neighbourhood identification [sign](#) means [signs](#) which contains only the name of the neighbourhood or [subdivision](#) area and may contain symbols or logos or both, related to the name.

4.2.6.1 Fast Track Process

Not available.

4.2.6.2 Regular Process

Neighbourhood [signs](#):

- a) Shall be discretionary in the following [land use districts](#):
 - i. Conventional Neighbourhood District;
 - ii. Integrated Neighbourhood District;
 - iii. Mature Neighbourhood District;
 - iv. Commercial District; and
 - v. Business Light Industrial District.
- b) Shall have a low profile and blend in with the architecture or development theme of the neighbourhood;
- c) Shall be permanent and stationary;
- d) Shall not contain lighting depicting action or movement to create special effects or a pictorial scene;
- e) Shall be constructed of maintenance free materials;
- f) Shall not project within 0.6 m of a [lot line](#);
- g) Shall not exceed 9 m² in area; and
- h) Shall include landscaping at the base.

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.7 PAINTED WALL SIGN



Painted wall [sign](#) means a [sign](#) painted on a wall that can be part of a mural and shall be directly related to the [use](#) or development in the [building](#).

4.2.7.1 Fast Track Process

Painted wall [signs](#):

- a) Shall be permitted in the following [land use districts](#):
 - i. Main Street District;
 - ii. Commercial District; and
 - iii. Business Light Industrial District.
- b) Shall be located on a [building façade](#) perpendicular to the [principal frontage](#);
- c) Shall not exceed 3 m² in area; and
- d) Shall be located on a portion of the [façade](#) that would otherwise be blank.

4.2.7.2 Regular Process

Where a painted wall [sign](#) is different than the standards identified for a Fast Track Process for Main Street, Commercial, and Business Light Industrial Districts in Section 4.2.7.1, the painted wall [sign](#) shall be discretionary and the Regular Process for a [development permit](#) process shall apply.

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.8 PORTABLE SIGN



Portable [sign](#) means a [sign](#) mounted on a [structure](#) which is not permanently or structurally affixed to the ground, and is typically designed for the display to be rearranged, and which is capable of being readily moved from place to place. A portable [sign](#) does not include a [special events sign](#).

4.2.8.1 Fast Track Process

Not available.

4.2.8.2 Regular Process

Portable [signs](#):

- a) Shall be located on private property;
- b) Shall not be located on a residential [lot](#) or within the Conventional Neighbourhood, Integrated Neighbourhood, or Mature Neighbourhood Districts;
- c) Shall be limited to 1 [sign](#) per [lot](#) or 1 [sign](#) per registered condominium plan;
- d) Shall not exceed 2 m in height and 4.5 m² in area;
- e) Shall be located at least 1m from a [lot line](#);
- f) Shall not be located closer than 25 m from another portable [sign](#);
- g) Shall not be located in [parking stalls](#);
- h) Shall have a maximum display period of 1 year per [development permit](#); and
- i) May have the [development permit](#) extended upon application being made to the [Development Authority](#).

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.9 PROJECTING SIGN



Projecting [sign](#) means signs which are mounted on a [building](#) primarily for pedestrians and extend perpendicular to the [building façade](#). Projecting signs are mandatory for all lodging, business, and commercial [uses](#) in the Main Street District, the Commercial District and the Integrated Neighbourhood District.

4.2.9.1 Fast Track Process

Projecting signs:

- a) Shall be permitted in all [land use districts](#);
- b) Shall be directly related to the [use](#) or development in that [building](#) or unit within a multi-tenant [building](#);
- c) Shall be located immediately above or [adjacent](#) to a [building](#) or unit entrance, or, if the [use](#) is located on a higher floor, shall be located at the corner of the same [building](#) at the 2nd [storey](#);
- d) Shall be limited to 1 [sign](#) per [building](#) or tenant;
- e) Shall not project over the height of the [principal building](#);
- f) Shall have a minimum vertical clearance of 2.5 m above [grade](#); and
- g) Shall not exceed 1.5 m² in area.

4.2.9.2 Regular Process

Where a projecting [sign](#) is different than the standards identified for a Fast Track [Development Permit](#) in Section 4.2.9.1, the projecting [sign](#) shall be discretionary and the Regular Process for a [development permit](#) process shall apply.

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.10 SPECIAL EVENT SIGN



Special events sign means a sign that is erected within the Municipality for use by the Municipality, schools, community volunteer organizations, or for a registered charity as defined by the Government of Canada.

4.2.10.1 Fast Track Process

Special event signs:

- a) Shall be permitted in all land use districts;
- b) Shall be a maximum of 4.5m² mounted on a frame, stand or similar support which together with the support can be relocated to another location;
- c) Shall be permitted to be placed 30 days in advance of the start of the event, and shall be removed within 48 hours after the close of the event;
- d) Shall be limited to a maximum of 8 signs on public thoroughfares and one at the venue;
- e) Shall be displayed with a minimum separation space of 30 m between each advertising special event sign;
- f) Shall Not interfere with access to or from the Site and shall not impair the sight lines for vehicular traffic; and
- g) Shall be at least 1 m from the edge of the public thoroughfare.

4.2.10.2 Regular Process

Where a special events sign is different than the standards identified for a Fast Track Development Permit in Section 4.2.10.1, the special events sign shall be discretionary and the Regular Process for a development permit process shall apply. In addition to standards (a) through (f) in Section 4.2.10.1:

- a) Special events signs may be illuminated but shall not have any flashing or running lights; and
- b) At the discretion of the Development Authority, additional signs for directional use only may be permitted during the event, and the minimum separation space may not apply to the directional special event sign.

PART 4: SIGNS

SIGNS REQUIRING A DEVELOPMENT PERMIT

4.2.11 WINDOW SIGN



Window [sign](#) means signs which are placed, painted or applied on the inside or outside of a display window to advertise products, can be read by pedestrians or by slow moving vehicles, and does not include general information about business operations.

4.2.11.1 Fast Track Process

Window signs:

- a) Shall be permitted in all [land use districts](#);
- b) Shall be directly related to the [use](#) or development in that [building](#) or unit within a multi-tenant [building](#);
- c) Shall be limited to 1 per business;
- d) Shall be lit by general storefront display lighting, and not independently illuminated; and
- e) Shall not exceed 25% of the surface area of the window where it is displayed.

4.2.11.2 Regular Process

Where a window [sign](#) is different than the standards identified for a Fast Track [Development Permit](#) in Section 4.2.10.1, the window [sign](#) shall be discretionary and the Regular Process for a [development permit](#) process shall apply.

PART 4: SIGNS

QUALITY, CARE AND MAINTENANCE OF SIGNS

4.3 QUALITY, CARE AND MAINTENANCE OF SIGNS

- 4.3.1 Quality, aesthetic character and finishing of the [sign](#) shall be completed in a professional manner.
- 4.3.2 All signs shall comply with any design guidelines established or approved by [Council](#).
- 4.3.3 All Signs shall be maintained in a good and safe structural condition.
- 4.3.4 No [sign](#) shall be allowed to become unsightly, or in such a state of disrepair as to constitute a hazard.
- 4.3.5 The area around [sign structures](#) shall be kept clean and free of overgrown vegetation and free from refuse material.
- 4.3.6 Where the [Development Authority](#) determines that a [sign](#) is abandoned or in an overall state of disrepair they may, by notice in writing to the owner of the land on which the [sign](#) is located, order said owner to:
- a) Remove the [sign](#) and all related [structure](#) components; or
 - b) Alter, refurbish and / or repair the [sign](#).
- 4.3.7 Unless otherwise stated, [sign](#) illumination shall be from the top of the [sign](#) and oriented downward and shall be designed to have no direct light emitted above the top of the [sign](#) and / or the signs support [structure](#).

PART 4: SIGNS

SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

4.4 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

- 4.4.1 A-frame [sign](#) means a temporary [sign](#) set upon the ground and has no external supporting [structure](#), and shall:
- Not exceed 0.6m in width and 1.0m in height;
 - Be made of weather resistant materials;
 - Not impede the movement of pedestrian and / or vehicular traffic;
 - Be restricted to 1 [sign](#) per tenant or business;
 - Be located on the [lot](#) or within the [adjacent public frontage](#);
 - Only be displayed during the business hours of the applicable business; and
 - Contain messages relating to business, events and promotions.
- 4.4.2 Banner [sign](#) means a temporary [sign](#) constructed of a strip of fabric or plastic on which a message is displayed marketing an event, business, or product, and shall:
- Not be permanently anchored and can be readily removed;
 - Be displayed for no more than 30 days per year;
 - Not be displayed if faded, torn or tattered;
 - Not exceed a vertical height of 1.82m; and
 - Have given written notice to the [Development Authority](#) indicating location and date of installation, and received written acknowledgment in return.
- 4.4.3 Developer / construction [sign](#) means a temporary [sign](#) to direct, notify or advertise construction and / or new neighbourhoods, and shall:
- Not exceed 6m in height and 2m² in [sign](#) area;
 - Be removed at the developers expense after construction is completed; and
 - Be removed or replaced if tattered, torn, or faded.
- 4.4.4 Election [signs](#) means federal, provincial, municipal, and/or school board election signs as may be regulated by the *Elections Canada Act* or *Local Authorities Election Act*, and shall be permitted in the [Municipality](#) without a [development permit](#) and must comply with the guidelines for election signs prescribed by council policy:
- Shall not exceed 0.6 m² in area;

PART 4: SIGNS

SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

- b) Be removed within 2 days after the election date;
 - c) Do not obstruct or impair vision of traffic; and
 - d) Are not attached to utility poles or other municipal [structures](#).
- 4.4.5 Lawn signs means a temporary [sign](#) used to identify an opinion or position on a topic, cause, or political issue, but is not an election [sign](#) (as per Section 4.4.4) or include advertisement of a non-residential [use](#).
- 4.4.6 Garage sale [sign](#) means a [sign](#) for the purpose of advertising the sale of household goods from a garage or yard and shall:
- a) Not exceed 0.6 m² in area;
 - b) Be displayed for no more than 2 days before or after the date of the sale;
 - c) Not visually obstruct any [thoroughfare](#); and
 - d) Not be attached to a power pole, street light pole, traffic signal pole, or tree.
- 4.4.7 [Government sign](#) means any [sign](#) or temporary [sign](#) used for Municipal, Provincial, or Federal purposes whether on public or private property, and can include directional or wayfinding signage.
- 4.4.8 Inflatable signs means a [sign](#) made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with sufficient volume of air or gas and shall:
- a) Be allowed only for the promotion of the opening of a commercial or industrial business, and in any event no longer than 30 days;
 - b) Be permitted in Main Street, Commercial, and Business Light Industrial Districts;
 - c) Not be displayed if faded, torn or tattered; and
 - d) Not visually obstruct any [thoroughfare](#).
- 4.4.9 Notification signs means a [sign](#) providing information on changes to a [site](#) as directed in [Our Zoning Blueprint](#).
- 4.4.10 [Subdivision sign](#) means a freestanding [sign](#) for the purposes of advertising a new [subdivision](#) or development, and shall:
- a) Not exceed 6m in height and 2m² in area;
 - b) Be removed as soon as it becomes faded, torn or tattered;
 - c) Be removed at the developer's expense once the subject [subdivision](#) has received final acceptance; and
 - d) Be limited to 4 per new [subdivision](#).

PART 4: SIGNS

SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

- 4.4.11 Real estate signs means a temporary [sign](#) used to display the sale, lease, or rent of a [building](#) or [lot](#). Where a real estate [sign](#) shall be displayed for longer than 6 months, a [development permit](#) shall be required.

PART 4: SIGNS

PROHIBITED SIGNS

4.5 PROHIBITED SIGNS

- 4.5.1 Flashing, animated or moving copy signs.
- 4.5.2 Rear lit or back lit signs are permitted where expressly stated in [Our Zoning Blueprint](#) and shall include:
- a) The name of the establishment or [building](#);
 - b) Individual halo-lit lettering or symbols mounted on a solid background; and
 - c) Awnings where only letters or symbols are rear-lit, and the remainder of the awning is a solid opaque fabric.
- 4.5.3 Revolving or rotating signs controlled by an electrical mechanical devise.
- 4.5.4 Roof signs erected upon, against or directly above a roof, or on top of or above the parapet wall of a [building](#) and which is wholly or partially supported by the [building](#). No [sign](#) shall project above the roof line of a [building](#).
- 4.5.5 Signs which contain intolerance, hatred or ridicule of any race, religion or other segment of society, or which otherwise would not comply with the requirements set out in the *Canadian Code of Advertising Standards*.
- 4.5.6 Signs featuring nudity, vulgar, graphic or obscene images.

PART 5: ADMINISTRATION

NON-CONFORMANCE

5.21 NON-CONFORMING USES, BUILDINGS AND LOTS

- 5.21.1 A [non-conforming use](#) of land or a [building](#) may be continued, but if that [use](#) is discontinued for a period of 6 consecutive months or more, any future [use](#) of the land or [building](#) must conform to [Our Zoning Blueprint](#).
- 5.21.2 A [non-conforming use](#) of part of a [building](#) may be extended throughout the [building](#), but the [building](#), whether or not it is a [non-conforming building](#), may not be enlarged or added to and no structural [alterations](#) may be made thereto or therein.
- 5.21.3 A [non-conforming use](#) of part of a [lot](#) or [site](#) may not be extended or transferred in whole or in part to any other part of the [lot](#) or [site](#) and no additional [buildings](#) may be constructed upon the [lot](#) or [site](#) while the [non-conforming use](#) continues.
- 5.21.4 A [non-conforming building](#) may continue to be used but the [building](#) may not be enlarged, added to, rebuilt or structurally altered except:
- a) To make it a conforming [building](#); and
 - b) For the routine maintenance of the [building](#), if the [Development Authority](#) considers it necessary.
- 5.21.5 If a [non-conforming building](#) is damaged or destroyed to the extent of more than 75 percent of the value of the [building](#) above its foundation, the [building](#) may not be repaired or rebuilt except in accordance with [Our Zoning Blueprint](#).
- 5.21.6 The land [use](#) or the [use](#) of a [building](#) is not affected by a change of ownership, tenancy, or occupancy of the land or [building](#).

PART 6: DEFINITIONS

N

Neighbourhood Structure Plan	a detailed land use plan for an area of land that is typically smaller than the land covered by an area structure plan , and which conforms to all statutory plans.
Non-Conforming Building	a building : a) that is lawfully constructed or lawfully under construction at the date Our Zoning Blueprint becomes effective; and b) that on the date Our Zoning Blueprint becomes effective does not, or when constructed will not, comply with Our Zoning Blueprint .
Non-Conforming Use	a lawful specific use : a) being made of land or a building or intended to be made of land or a building lawfully under construction at the date Our Zoning Blueprint becomes effective; and b) that on the date Our Zoning Blueprint becomes effective does not, or in the case of a building under construction will not, comply with Our Zoning Blueprint .

PART 6: DEFINITIONS

S

Secondary Thoroughfare	a thoroughfare that is not a principal thoroughfare , and may include a lane , at the discretion of the Development Authority .
Secondary Frontage	the area adjacent to the secondary thoroughfare from the curb to the building façade and includes the public frontage and private frontage , but excludes the principal frontage .
Security	an irrevocable and continuous letter of credit issued by a chartered bank or treasury branch, or other security provided that such security shall be in terms and form to be approved by the Municipality and its solicitors.
Setback	the minimum distance between the foundation wall of a building or structure and a lot line .
Shadow Plan	a conceptual lot layout and multi-modal transportation layout for future phases of subdivision identified in the appropriate area structure plan , neighbourhood structure plan and / or outline plan.
Show Home	a permanent dwelling unit that is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other lots or dwellings in the area. A show home may only remain in use for a period of 2 years or less. A show home may not be occupied by any person for the purpose of residency.
Side Lot Line	the lot line other than the front lot line or rear lot line and can be adjacent to the secondary thoroughfare .
Sign	a visual medium used to convey information by way of words, pictures, images, graphics, emblems or symbols, or any device used for the purpose of providing direction, identification, advertisement, business promotion, or the promotion of a person, product, activity, service, event, or idea.
Site	an area of land on which a building or use exists or for which an application for a development permit is made.
Site Area	the gross area of a site .



City of Beaumont - Development Permit Application

For Non-Residential

Planning & Development
5600 - 49 Street
Beaumont, AB T4X 1A1
780-929-8782
development@beaumont.ab.ca

Sep. 9, 2025
DATE RECEIVED
OFFICE USE ONLY

Sept 10, 2025
DATE PAID
OFFICE USE ONLY

Note:
Building, Electrical, Plumbing, and Gas Permits each have their own application forms.

Property Information

Street Address: 5204 - 50 Street

Plan: 6384ET Block: - Lot: 3

OFFICE USE ONLY

Permit Number: **2025-098**

Building Permit Number: _____

Mail Pick-up

Authorization or ID Received

Land Use District: **MS**

Subdivision: **CNTRVILLE**

Tax Roll: **000047**

Permitted Use
 Permitted Use w/ Variance
 Discretionary Use

Applicant and Property Owner Information

Applicant/Contractor Name: Selkirk Signs c/o Permit Solutions Inc.

Mailing Address: [REDACTED]

Town: [REDACTED] Postal Code: [REDACTED]

Phone: [REDACTED] Cell Phone: _____

Email (required): [REDACTED]@permitsolutions.ca

Is the Applicant also the Registered Owner? Yes (Do not fill out below) No (Fill out below - written authorization from registered owner required)

Owner Name: K-5 Developments Inc

Mailing Address: 5204 - 50 Street

Town: Beaumont, AB Postal Code: T4X 1E5

Phone: [REDACTED] Cell Phone: _____

Email (required): not available

Fees	Receipt #: 338049
Development Permit:	125.00
Variance:	_____
Notification Fee:	_____
Other:	_____
Total Fees:	125.00

Proposed Development **Square Footage (m²):**

Check one of the following:

Commercial

Industrial

Institutional

Other Non-Residential Use: _____

Signage → Provide Construction Value: **\$30,400**
(approx. cost of material and labor)

Has work on the above indicated item already commenced? Yes No

Description of Work and Land Usage:

Modifications to existing freestanding: re-cladding, reducing the height, removing and replacing cabinets, and upgrading from one manual pricer to two digital pricers.

Related Sign Permit: 2025-067

Applicant Authorization

- I am the owner/agent with the consent and authority of the owner that is the subject matter of this permit application.
- I hereby give my consent to allow any authorized person pursuant to the Municipal Government Act Section 542 the right to enter the land and/or building(s) with respect to this application only.
- I understand this is only an application and does not constitute approval to commence construction.
- I declare that the information contained in this application is correct and true to the best of my knowledge. I agree
- I declare that I will notify the Development Authority of any proposed changes to the plans submitted with this application.
- I consent to receiving notifications & correspondence regarding this application via email to the address provided on this application.

Applicant Signature: Jennifer Zatorski Digitally signed by Jennifer Zatorski
Date: 2025.09.09 15:11:46 -06'00' Date: September 9, 2025

OFFICE USE ONLY

Development Permit

Date Deemed Complete: _____ Date of Decision: _____
(See attached Notice of Decision)



LANDLORD LETTER OF APPROVAL

Date:

Outright:

Lease:

Name: K-5 Developments Inc.
(Company Name or Full Name of Property Owner)

Site Address: 5204 50 Street
(Civic no., Street Name, Street Type)

City/Province: Beaumont, AB

Postal Code: T4X 1E5

Phone Number: [REDACTED]

Fax Number:

To Whom It May Concern: City of Beaumont, Building/Permit Department
(To whom it may concern: City of.....building or permit department)

With this letter, we/I K-5 Developments Inc. confirm ownership of the above mentioned (Landlord Name or Company Name) project address, and give authorization to **Permit Solutions** to apply and pull necessary permits for the installation of new signage at the above said address.

This letter shall also serve as authorization for **Selkirk Signs** to proceed with the installation of signage.

Regards, [REDACTED]
(Signature)

Contact Name: [REDACTED]

5204 - 50 Street
Lot 3, Plan 6384ET



Existing freestanding
with face changes &
height modification

50 STREET / HIGHWAY 814

24_Canco_24-7858_P01_R10

P:\24-7858_Canco Petroleum Ltd (Beaumont AB)\Design

New cabinets, replace faces in existing cabinets and reduce overall height.

5204 - 50 Street
Lot 3, Plan 6384ET



Ph. 780.998.2299 Fax 780.992.3129
11238 - 88 Avenue, Fort Saskatchewan, AB T8L 3W5
www.selkirksigns.com



Page: 1 of 1



Description
Pylon Refresh

Quantity: 1

Scale: 3/16"=1'

Revisions

- #5
Date: 3/17/25 - AC
Details: ATM Changed to Canco Wash, "Food to Go" added
- #6
Date: 3/17/25 - AC
Details: Artwork updated
- #7
Date: 3/18/25 - AC
Details: Artwork updated
- #8
Date: 3/27/25 - AC
Details: Artwork updated
- #9
Date: 5/12/25 - AC
Details: Artwork updated
- #10
Date: 5/15/25 - AC
Details: Specs adjusted

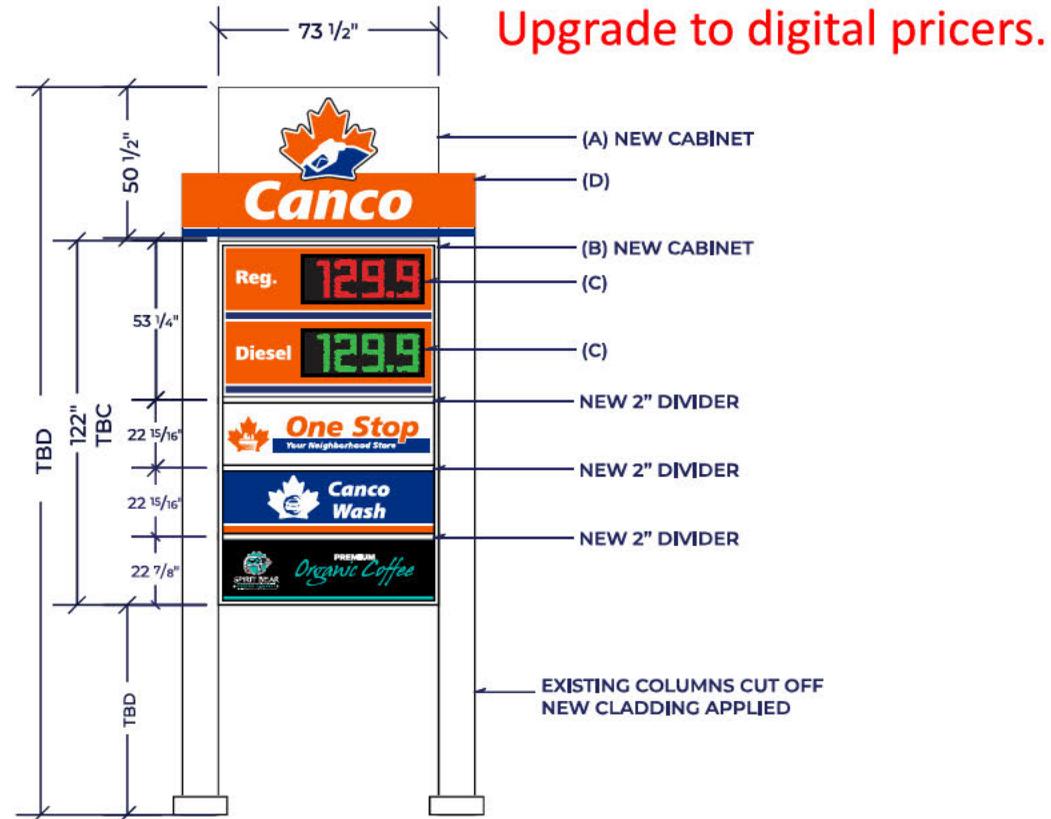
Client Approval

Signature: _____

Date: _____

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Perspective renditions in this drawing are by the designer. Only approximate sizes and perspectives of the signs are being achieved.



ADDITIONAL SITE SURVEY DETAILS REQUIRED

Customer: Canco Address: Beaumont, AB PM: Gilles Hupe Designer: AC Date: 11/19/24

(A) CONSTRUCTION: NEW D/F PYLON CABINETS
ROUTER & PUSH - THRU LETTERS & SHAPES
SUBSTRATE: 0.125" WHITE ALUMINUM FACE & SIDES
WITH 3/4" CLEAR ACRYLIC ROUTERED & PUSHED THROUGH FACE
C/W GRAPHICS FIRST SURFACE & DIFFUSER SECOND SURFACE
GAP FILLER: 2" PAINTED WHITE
ILLUMINATION: WHITE LED

(B) CONSTRUCTION: NEW D/F PYLON CABINETS
SUBSTRATE: NEW 4.5MM POLYCARBONATE C/W APPLIED VINYL GRAPHICS
CABINET: NEW, PAINTED WHITE
RETAINER: NEW, PAINTED WHITE
ILLUMINATION: WHITE LED

(C) PRICE CHANGERS: 12" UNITS
2 RED AND 2 GREEN
(D) CONSTRUCTION: VINYL DECAL
SUBSTRATE: OPAQUE VINYL
APPLICATION TYPE: APPLIED TO ALUMINUM, CABINET FACE FIRST SURFACE

"Canco" COLOUR SPECIFICATIONS:
ORANGE: 3M 3630-44
SULTAN BLUE: 3M 3630-157
WHITE: ACRYLIC FACE
SPIRIT BEAR COFFEE COLOUR SPECIFICATIONS:
GRAPHICS: DIGITALLY PRINTED CMYK COLOUR PROCESS





City of Beaumont
5600 - 49 Street
Beaumont, Alberta T4X 1A1
Phone: (780) 929-8782
Fax: (780) 929-3300
Email: development@beaumont.ab.ca

Development Permit Notice of Decision

Date of Decision: October 29, 2025

Selkirk Signs c/o Permit Solutions Inc.



Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3
Municipal Address: 5204 50 Street, Beaumont, AB
Land Use District: Main Street
Permit Application No: 2025-098
Tax Roll: 000047

Development Permit Status: Refused

Reasons for Refusal

1. Neither Permitted nor Discretionary Use

A Freestanding Sign is neither a Permitted Use, nor a Discretionary Use, within the Main Street (MS) District based on the following:

- a. Section 3.6.2 lists Permitted and Discretionary Uses within the Main Street (MS) Land Use District. The reference to "Sign" under "Other Uses" refers to Part 4 of the Land Use Bylaw, which specifies the Land Use Districts where Free Standing Signs are allowed as either a Permitted or Discretionary Use.
- b. Neither Section 4.2.5.1 nor 4.2.5.2 within Part 4 of the Land Use Bylaw identify the Main Street (MS) District as a District that allows Freestanding Signs as either a Permitted or a Discretionary Use.

2. Non-Conformity Does Not Apply

The Development Authority determined that the Development is not protected under the rules of Non-Conformity, as it does not qualify as either a Non-Conforming Use or a Non-Conforming Building based on the following:

- a. Section 616 of the *Municipal Government Act* defines a Non-Conforming Use means a lawful specific use being made of land or a building ... at the date a land use bylaw affecting the land or building becomes effective, and that on the date the land use bylaw becomes effective does not ...comply with the land use bylaw.

Development Permit Notice of Decision

Date of Decision: October 29, 2025

Permit Number: 2025-098

- b. Section 616 of the Municipal Government Act also defines a Non-Conforming Building to mean a building that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.
- c. The previous Freestanding Sign was removed, and the existing sign was subsequently constructed in 2025 without being authorized by a Development Permit. *Land Use Bylaw 944-19* was adopted in 2019.

3. Non-Compliance with Land Use Bylaw

Despite the Freestanding Sign being neither a Permitted nor a Discretionary Use, the Development also does not comply with the following sections of the Land Use Bylaw:

- a. Sign Administration – Section 4.1.4
 - i. No person shall erect, or allow to erect, develop, paint, enlarge, relocate, or alter any sign within the Municipality unless a sign permit has been issued by the Development Authority or Our Zoning Blueprint (LUB) exempts the sign from a permit
- b. Electronic Signs – Sections 4.2.2.2(b)&(d)
 - i. b) Shall not be allowed in the Conventional Neighborhood, Integrated Neighbourhood, Mature Neighbourhood, or Main Street Districts;
 - ii. d) Shall not be located within 30m of the Conventional Neighborhood, Integrated Neighbourhood, Mature Neighbourhood, or Main Street Districts, and when the lot of a proposed electronic sign location is adjacent to said districts, notification will be sent within a 100m radius of the sign.
- c. Section 3.6.7(c) (Main Street) Design Standards (i):
 - i. All Uses must meet the standards of the Beaumont Urban Design Guidelines

4. Non-Compliance with Beaumont Urban Design Guidelines

The Freestanding Sign does not comply with the following sections in the Beaumont Urban Design Guidelines:

- a. Section 1.3.2 Design Principles: History and identity are to be reflected in the architectural quality of buildings, the signage and wayfinding that express Beaumont’s French history.

Development Permit Notice of Decision

Date of Decision: October 29, 2025

Permit Number: 2025-098

- b. Section 3.1.2: Streetscape design in Centre-Ville is an important element to highlight the focus on pedestrian and human scale activity and provide a unique character for citizens and visitors.
 - i. Design streets within Centre-Ville to be pedestrian friendly.
 - ii. Encourage use of colours and textures within public realm elements that enhance French character and feel.
- c. Section C1 – Centre-Ville / Main Street Signage Guidelines – Essential Requirements
 - i. Use the minimum size and number of signs on 50th Street and 50th Avenue to identify and highlight a building and/or business.
 - ii. Use projecting signs (perpendicular to the façade) for businesses on 50th Street and 50th Avenue.
 - iii. Do not include internally illuminated sign boxes or signs with flashing or sequence lights.
Avoid:
 - Changeable copy/text signs used as permanent signage
 - Light box signage (signs that are lighted by large, bulky light boxes)

5. Contrary to Statutory Planning Documents

a. Municipal Development Plan:

The Freestanding Sign is contrary to the following sections within Beaumont’s Municipal Development Plan “Our Complete Community”

- i. Section 4.11.6: Centre-Ville will be pedestrian focused. New developments and redevelopments shall be designed using pedestrian-scale site planning and building design.
- ii. Section 4.11.8: ...Commercial/office and mixed use development should include: a) separate at-grade entrances for commercial/office and residential premises when located in the same building; b) visually transparent façades along the ground floor; c) reduced front setbacks, with the exception of providing for patio and seating space; and d) building façades with design elements, materials, and variations that reduce perceived mass and linearity and add interest consistent with the Beaumont Urban Design Guidelines.
- iii. Section 4.11.13: Development within Centre-Ville will be encouraged to provide high quality design and aesthetics through: a) use of attractive and high quality building

Development Permit Notice of Decision

Date of Decision: October 29, 2025

Permit Number: 2025-098

materials, finishes, and façades consistent with the Beaumont Urban Design Guidelines; b) installation of enhanced landscaping; c) incorporation of public art; d) incorporation of Winter City design principles; e) public gathering spaces and parks; and f) transit and active transportation.

b. Area Redevelopment Plan

The Freestanding Sign is contrary to the following sections within the Centre-Ville Area Redevelopment Plan:

- i. Section 4.4.2.2: Traditional French character architectural details shall be incorporated into developments along 50 Street, as per the Beaumont Urban Design Guidelines.
- ii. Section 4.4.2.3: Traditional and contemporary French character architectural details shall be incorporated into developments along 50 Avenue, 51 Street, and 52 Avenue.
- iii. Section 4.4.2.5(a): the 50th Street and 50th Avenue will develop as pedestrian-scaled streets by: providing 2 m front yard setbacks. The Development Authority may consider additional setbacks up to a maximum of 3.0m provided the front setback accommodates opportunities for pedestrian-oriented amenities such as patios, seating areas and other landscape features, or the new building provides a similar setback to align their frontage with the adjacent buildings.
- iv. Section 4.4.2.5(a): the 50th Street and 50th Avenue will develop as pedestrian-scaled streets by: developing buildings that use façade articulation, and architectural details, such as individualized storefronts, multiple front doorways, large display windows, weather protection, patios, and lighting.

6. Accessory to the Principal Use

The Development Authority considered whether the Freestanding Sign could be deemed accessory to the principal use on the site. However, this rationale does not apply for the following reasons:

- a. Part 6 of the Land Use Bylaw defines "Accessory" as an Accessory Use as a structure or use that provides support to the principal structure or principal use...
- b. The principal use of the site is a Gas Station. A Gas Station is Neither a Permitted, nor a Discretionary Use within the Main Street (MS) District.
- c. For an accessory use to be considered allowable, the principal use to which it relates must itself be a Permitted or Discretionary Use within the district. As the principal use (Gas Station) is not an allowed use, the Freestanding Sign cannot be considered a lawful accessory use. This is based on Section 643(4) of the *Municipal Government Act* which states: A non-

Development Permit Notice of Decision

Date of Decision: October 29, 2025

Permit Number: 2025-098

conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

Permit Notification Information

In accordance with the City of Beaumont *Land Use Bylaw 944-19*, notice regarding this Development Permit has been published on our website, only.

For more information regarding this Development Permit, its conditions, or the Land Use Bylaw, contact the Development Authority who made the decision on this permit:



Patricia Lauzé
Development Officer


patricia.lauze@beaumont.ab.ca

Appeal Information

Any Development Permit may be appealed to the Subdivision and Development Appeal Board (SDAB) or the Land and Property Rights Tribunal if the permit was:

- a) issued for a permitted use with a variance, or for a discretionary use, or
- b) issued with conditions, or
- c) refused.

An appeal may be filed by:

- a) the person applying for the permit, and/or
- b) any person affected by the issuance of the permit.

Development Permit Notice of Decision

Date of Decision: October 29, 2025

Permit Number: 2025-098

As the person applying for the permit, you may appeal the decision of the Development Authority regarding the permit or any conditions placed on the permit (as listed above) within 21 days after the date on which the decision is made.

To file an appeal or to get information on the appeal process you must contact the Secretary of the SDAB directly at 780-929-8782 or at legislative@beaumont.ab.ca. Please visit our website for more details at www.beaumont.ab.ca.

Permit No. 2025-098

5204 - 50 Street
Lot 3, Plan 6384ET



Refused October 29, 2025

Development Officer



Existing freestanding
with face changes &
height modification

50 STREET / HIGHWAY 814

24_Canco_24-7858_P01_R10

P:\24-7858_Canco Petroleum Ltd (Beaumont AB)\Design

New cabinets, replace faces in existing cabinets and reduce overall height.

Permit No. 2025-098

5204 - 50 Street
Lot 3, Plan 6384ET



Ph. 780.998.2299 Fax 780.992.3129
11238 - 88 Avenue, Fort Saskatchewan, AB T8L 3W5
www.selkirksigns.com



Page: 1 of 1



Description
Pylon Refresh

Quantity: 1

Scale: 3/16"=1'

Revisions

- #5
Date: 3/17/25 - AC
Details: ATM Changed to Canco Wash, "Food to Go" added
- #6
Date: 3/17/25 - AC
Details: Artwork updated
- #7
Date: 3/18/25 - AC
Details: Artwork updated
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Details: Artwork updated
- #9
Date: 5/12/25 - AC
Details: Artwork updated
- #10
Date: 5/15/25 - AC
Details: Specs adjusted

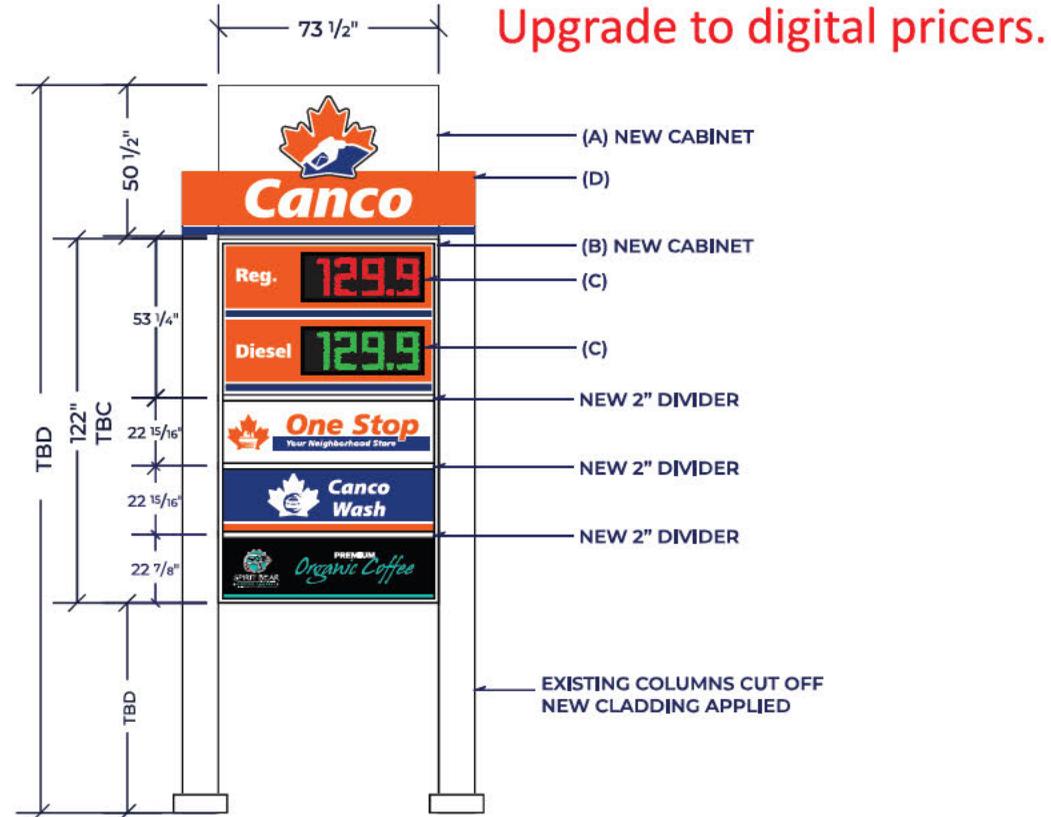
Client Approval

Signature: _____

Date: _____

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Perspective renditions in this drawing are by the designer. Only approximate sizes and perspectives of the signs are being achieved.



**ADDITIONAL SITE SURVEY
DETAILS REQUIRED**

Customer: Canco Address: Beaumont, AB PM: Gilles Hupe Designer: AC Date: 11/19/24

**(A) CONSTRUCTION: NEW D/F PYLON CABINETS
ROUTER & PUSH - THRU LETTERS & SHAPES
SUBSTRATE:** 0.125" WHITE ALUMINUM FACE & SIDES
WITH 3/4" CLEAR ACRYLIC ROUTERED & PUSHED THROUGH FACE
C/W GRAPHICS FIRST SURFACE & DIFFUSER SECOND SURFACE
GAP FILLER: 2" PAINTED WHITE
ILLUMINATION: WHITE LED

**(B) CONSTRUCTION: NEW D/F PYLON CABINETS
SUBSTRATE:** NEW 4.5MM POLYCARBONATE C/W APPLIED
VINYL GRAPHICS
CABINET: NEW, PAINTED WHITE
RETAINER: NEW, PAINTED WHITE
ILLUMINATION: WHITE LED

**(C) PRICE CHANGERS: 12" UNITS
2 RED AND 2 GREEN**
(D) CONSTRUCTION: VINYL DECAL
SUBSTRATE: OPAQUE VINYL
APPLICATION TYPE: APPLIED TO ALUMINUM,
CABINET FACE FIRST SURFACE

"Canco" COLOUR SPECIFICATIONS:
 ■ **ORANGE:** 3M 3630-44
 ■ **SULTAN BLUE:** 3M 3630-157
 □ **WHITE:** ACRYLIC FACE
SPIRIT BEAR COFFEE COLOUR SPECIFICATIONS:
 ■ **GRAPHICS:** DIGITALLY PRINTED CMYK COLOUR PROCESS

Refused October 29, 2025
Development Officer





LANDLORD LETTER OF APPROVAL

Date:

Outright:

Lease: X

Name: K-5 Developments Inc.
(Company Name or Full Name of Property Owner)

Site Address: 5204 50 Street
(Civic no., Street Name, Street Type)

City/Province: Beaumont, AB

Postal Code: T4X 1E5

Phone Number: [REDACTED]

Fax Number:

To Whom It May Concern: City of Beaumont, Building/Permit Department
(To whom it may concern: City of.....building or permit department)

With this letter, we/I K-5 Developments Inc. confirm ownership of the above mentioned (Landlord Name or Company Name) project address, and give authorization to **Permit Solutions** to apply and pull necessary permits for the installation of new signage at the above said address.

This letter shall also serve as authorization for **Selkirk Signs** to proceed with the installation of signage.

Regards, [REDACTED]
(Signature)

Contact Name: [REDACTED]

4.10 Future Growth Area

4.10.1 Beaumont will actively participate in the Intermunicipal Planning Framework Agreement discussion with the City of Edmonton and Leduc County.

4.10.2 Future land uses around shared municipal boundaries of the City of Edmonton, Leduc County, and Beaumont to be included in the intermunicipal planning framework discussion to explore and identify recommendations for decision making around boundary interfaces, conceptual land uses, future transportation corridors and utility networks.

4.10.3 Development in the Future Growth Area will occur in a manner that implements the cost-shared servicing approach as identified in the Intermunicipal Planning Framework Agreement.

4.10.4 Efforts shall be made not to create hardships for the City of Edmonton and Leduc County to plan their respective lands within their municipal boundaries.

4.11 Centre-Ville

4.11.1 The Urban Centre or downtown core of Beaumont is designated as Centre-Ville, which is shown on **Map 9 - Land Use Concept**.

4.11.2 Centre-Ville will continue to be developed and revived with the goal of making Centre-Ville the major business, social, cultural, and entertainment focus of the community with a distinct French flair.

4.11.3 Centre-Ville will strive to maintain the heritage value and special character of streetscape, cultural landscapes, and individual properties through statutory and non-statutory instruments.

4.11.4 The Central Area Redevelopment Plan shall be reviewed and updated on a regular basis as defined in the Central Area Redevelopment Plan, to provide direction on:

- a) achieving a density target of 100 dwelling units per net residential hectare as outlined in the Edmonton Metropolitan Region Growth Plan;
- b) intensification;
- c) transit oriented development;
- d) high density mixed-use development;
- e) commercial services including business commercial;
- f) education services;
- g) local and major community services;
- h) multi-modal transportation including local and commuter transit services;
- i) preservation and enhancement of the active transportation networks;
- j) open space and pedestrian infrastructure;
- k) infrastructure; and
- l) parking.

4.11.5 Centre-Ville will accommodate a mix of employment and population growth through intensification and transit oriented development and will strive to achieve the Edmonton Metropolitan Region Growth Plan aspirational Urban Centre Density target of 100 dwelling units per net residential hectares in Centre-Ville over the horizon of *Our Complete Community*. The development of vacant lots and the redevelopment and intensification of underutilized lots in Centre-Ville to optimize existing and planned infrastructure shall be encouraged.

4.11.6 Centre-Ville will be pedestrian focused. New developments and redevelopments shall be designed using pedestrian-scale site planning and building design.

4.11.7 Parking shall be located under or behind buildings to preserve the continuity of the existing street face. Adjacent parking may be considered where other options are not viable.

4.11.8 Residential uses may be permitted above or behind ground floor pedestrian-oriented commercial/office uses, as well as medium and higher density developments.

4.0 Responsible Development

Commercial/office and mixed use development should include:

- a) separate at-grade entrances for commercial/office and residential premises when located in the same building;
- b) visually transparent façades along the ground floor;
- c) reduced front setbacks, with the exception of providing for patio and seating space; and
- d) building façades with design elements, materials, and variations that reduce perceived mass and linearity and add interest consistent with the Beaumont Urban Design Guidelines.

4.11.9 Residential development, including infill development, in Centre-Ville is encouraged to provide a diversity of housing options with a focus on increased density, type, form, and affordability including row housing.

4.11.10 Beaumont may allow for major (corporate) retail and restaurant uses within Centre-Ville that are developed in an urban format, fronting public streets, and with parking that is screened or located behind buildings. These uses must comply with the Beaumont Urban Design Guidelines regarding architectural design and signage.

4.11.11 Centre-Ville shall incorporate parks, open spaces and plazas, services, and facilities that are accessible, complement commercial uses, and act as destinations.

4.11.12 Existing single detached residential buildings, which could be converted to commercial or office uses, shall be permitted to remain, however the development of new single residential structures on those properties shall be prohibited within Centre-Ville.

4.11.13 Development within Centre-Ville will be encouraged to provide high quality design and aesthetics through:

- a) use of attractive and high quality

building materials, finishes, and façades consistent with the Beaumont Urban Design Guidelines;

- b) installation of enhanced landscaping;
- c) incorporation of public art;
- d) incorporation of Winter City design principles;
- e) public gathering spaces and parks; and
- f) transit and active transportation.

4.12 Community Commercial/Employment Centre Policies

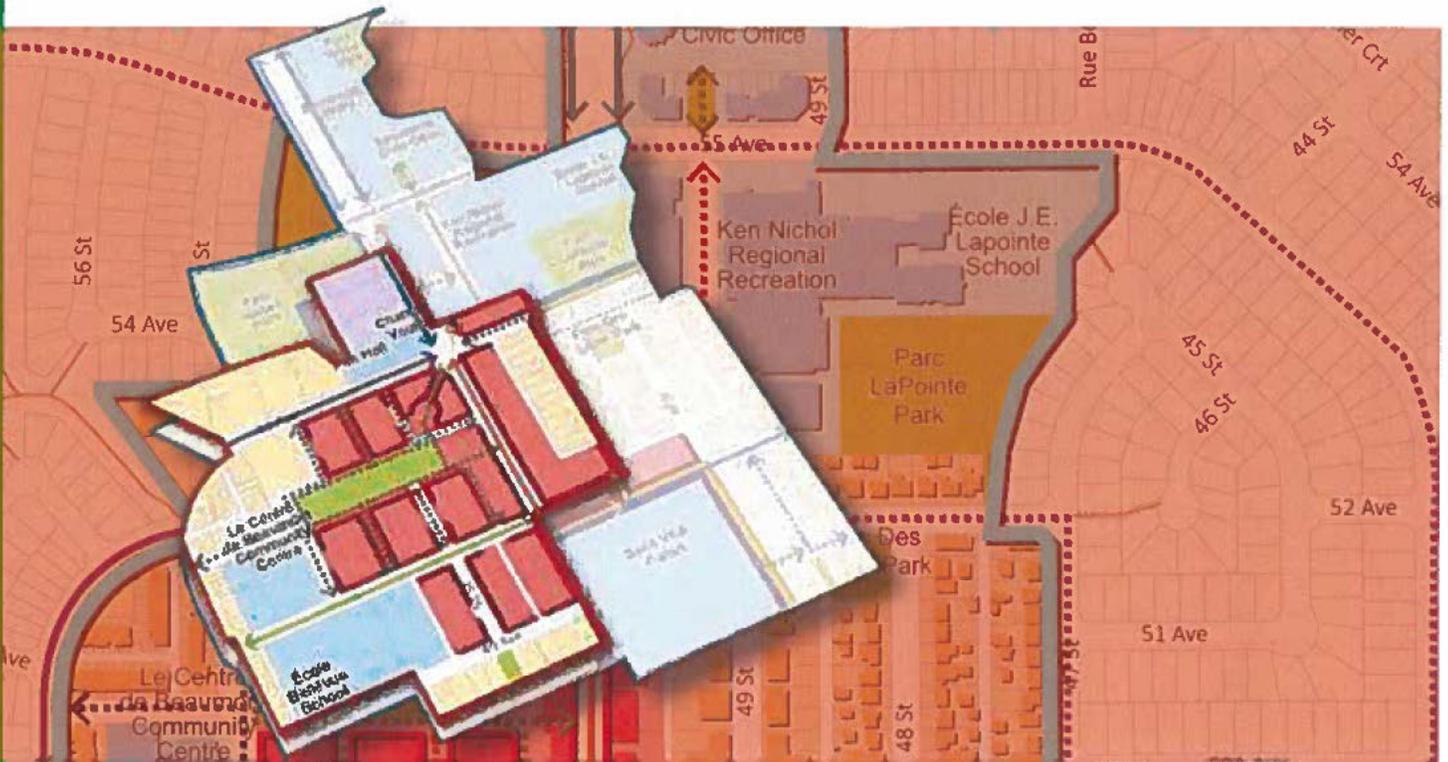
4.12.1 The development of Community Commercial/Employment Centres in the locations indicated on **Map 9 - Land Use Concept** is actively encouraged. Typical land uses include a mix of retail, offices, and institutional uses and may also include multi-unit residential developments as standalone developments or integrated into the upper storeys of commercial or office buildings.

4.12.2 Streets and paths should be designed to accommodate a range of users including transit, active transportation (e.g. walking, cycling), passenger vehicles, and goods movement. Variances to Beaumont's standards may be considered to accommodate public realm improvements as set out in an Area Structure Plan.

4.12.3 Development in this policy area carries the expectation of higher quality site and building design. Area Structure Plans, Outline Plans, and development permit applications shall identify site design and architectural guidelines, which may

be further defined through architectural controls.

4.12.4 Public realm improvements including street furniture, public art and public gathering spaces, bicycle racks and storage facilities should be incorporated into developments within Community Commercial/Employment Centres.



4.4 Downtown Core Precinct

The commercial and community centre of Beaumont and the surrounding region is located within the Downtown Core Precinct. Mixed use developments, organized horizontally or vertically, containing community, commercial, retail, office, or residential uses, or any combination thereof will create a resident downtown population, and increase the level of energy and activity within the core of Centre-Ville during all hours of the day. The intent is to create a mixture of uses within the downtown, either within a building or on a block.

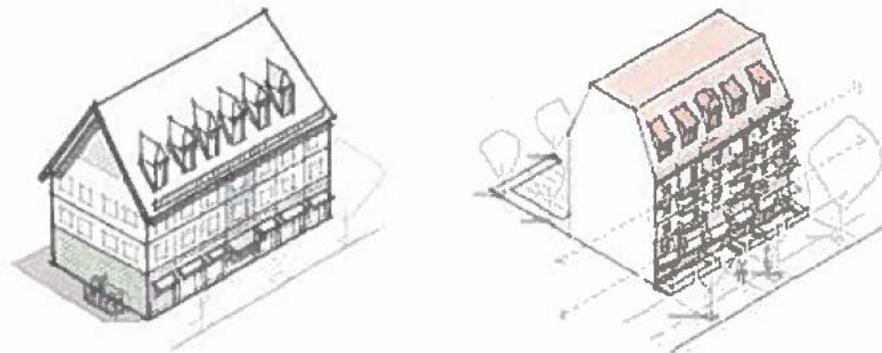
A Central Plaza, located northeast of Le Centre Communautaire de Beaumont Community Centre, is a large outdoor space that will provide a wide range of year-round programs and events for all age groups and group sizes. The Central Plaza will include a garden space and an indoor/outdoor theatre. Active commercial ground level frontages

surround the Central Plaza. New public and/or private roads and walkways connecting 52 Avenue, 50 Street, and 50 Avenue adjacent to the Central Plaza will create smaller permeable urban blocks.

This Precinct includes numerous heritage buildings and represent Beaumont’s cultural and architectural history, and should be protected. In addition, a distinct architectural image is presented throughout the Precinct. Traditional French architectural details are incorporated into the built form along 50 Street, and traditional and contemporary French architectural aspects of built form are used throughout the entire Precinct.

Built form in the Precinct will preserve existing view corridors looking north and south from the intersection of 51 Street and 49 Avenue, and from the Saint Vital Parish.

The following objectives and policies apply to the Downtown Core Precinct.



■ FIGURE 5: POSSIBLE BUILDINGS WITHIN THE DOWNTOWN CORE PRECINCT

4.4.1 Objectives

1. This Precinct is the commercial and employment center of Beaumont and surrounding sub-region.
 2. The Precinct provides opportunities for mixed use commercial, market and residential developments.
 3. Increase residential density to meet *Our Centre-Ville* targets listed in Policy 4.1.7.2 and 3.
 4. 50 Avenue and 50 Street are pedestrian-scaled high streets that provide opportunities for shopping and socializing.
 5. The Precinct is the community destination for Beaumont. A Central Plaza at the center of the Precinct provides an amenity for residents of the area and of Beaumont, as well as presenting opportunities for a wide range of cultural programs and events. In addition, a performing arts centre may be developed in the Precinct to enhance the vitality of the Downtown Core.
 6. Provide a public parking facility within close proximity to the Central Plaza. The facility will provide parking supply to reduce the parking demands within Centre-Ville.
- b. Building heights of two to six storeys in accordance with **Map 11: Maximum Building Heights**.
 - c. Low to high residential densities, in accordance with **Map 12: Density**.
2. Traditional French character architectural details shall be incorporated into developments along 50 Street, as per the Beaumont Urban Design Guidelines.
 3. Traditional and contemporary French character architectural details shall be incorporated into developments along 50 Avenue, 51 Street, and 52 Avenue.
 4. The clustering of institutional/civic uses should continue at the northwest and southwest corner of 50 Street and 52 Avenue.
 5. The 50 Street and 50 Avenue corridor will develop as pedestrian-scaled high streets by:
 - a. providing 2 m front yard setbacks. The Development Authority may consider additional setbacks up to a maximum of 3.0m provided the front setback accommodates opportunities for pedestrian oriented amenities such as patios, seating areas and other landscape features, or the new building provides a similar setback to align their frontage with the adjacent buildings.
 - b. providing no side yard setbacks,
 - c. using spaces between commercial developments for a restaurant patio or pop-up retail store,
 - d. developing buildings that use façade articulation, and architectural details, such as individualized storefronts, multiple front doorways, large display windows, weather protection, patios and lighting.

4.4.2 Land Use and Built Form Policies

1. The Precinct provides opportunities for mixed use cultural, commercial and residential, residential and institutional developments and the most intense residential development in Beaumont to meet density targets to support transit and the economic and commercial viability of Centre-Ville, and provide for the needs of the population within Centre-Ville and surrounding neighbourhoods. To meet this policy the following will be accommodated:
 - a. Land uses in accordance with **Map 10: Land Use Concept**.



6. Built form fronting the Central Plaza shall provide:
 - a. a building orientation and front doors facing the Central Plaza, and
 - b. 2m front and side yard setbacks. Where it is not possible to locate buildings along the front property line, a landscaped 'edge' shall be provided.
7. A public parkade, may be located on the same site, and to the northwest of Le Centre Communautaire de Beaumont Community Centre, to provide parking supply for activities that occur at the Centre and the Central Plaza. The parking facility shall:
 - a. have a maximum building height of 2 storeys where adjacent to the residential development;
 - b. create a pedestrian friendly streetscape;
 - c. include a public parking facility that may be above and/or below grade to provide sufficient parking supply to reduce the parking demands within Centre-Ville; and
 - d. comply with the Beaumont Urban Design Guidelines.
8. This Precinct also contains low density residential development. Sites located along the western edge of the Precinct, and south of 49 Avenue and west of 50 Street, as shown on **Map 11: Maximum Building Heights** and **Map 12: Density**, may be redeveloped to accommodate townhomes, duplexes, and garden, garage and secondary suites, and live/work units at a maximum building height of two storeys.

4.4.3 Public Realm and Open Space Policies

1. Pedestrian-scaled high streets along the 50 Street and 50 Avenue corridor may include the use of on-street parking stalls for restaurant patios where a restaurant is adjacent to 50 Street between 50 Avenue and 52 Avenue, subject to development permit approval.
2. The Central Plaza will be designed in accordance with Beaumont Urban Design Guidelines. As the main destination for a range of community outdoor festivals and events all year round in Beaumont, the Plaza will consider the following:
 - a. flexible design, with minimal grade separations, to allow for small group and large gatherings;
 - b. public art and landscaping to reflect local culture and history;
 - c. ease of uninterrupted east-west and north-south pedestrian movements through the plaza space, and to adjacent uses; and
 - d. public parking facility.
3. New north/south public and/or private vehicle and pedestrian connections from 50 Avenue and 52 Avenue are provided with each development to create smaller, walkable urban blocks near the Central Plaza, as shown on **Map 10: Land Use Concept**.
4. Building orientation and front doors shall front onto the new north/south public and/or private vehicle and pedestrian connections.
 - a. Building orientation and front doors shall front onto the new north/south public and/or private vehicle and pedestrian connections.
 - b. 2m front and side yard setbacks shall be provided. Where it is not possible to locate buildings along the front property line, a landscaped 'edge' shall be provided.
 - c. Loading docks will be fully screened and designed to minimize their visual prominence.
 - d. Dedication of road right-of-way within this area will be a requirement of subdivision. In the absence of subdivision, Beaumont will encourage land owners to dedicate these road right-of-way by filing a road plan.
 - e. If the roads remain in private ownership during the development process they will be constructed as private roadways and underground utilities supporting intensification should be installed where possible.
 - f. Streets will be designed in accordance with Beaumont's Urban Design Guidelines.
4. View corridors, looking north and south, at the following locations are maintained:
 - a. The intersection of 51 Street and 49 Avenue;
 - b. Views to and from Saint Vital Parish, and along 50 Street and 50 Avenue.
5. Landscape mews, designed in consultation with adjacent landowners, may be located in the alley west of 50 Street between 49 Avenue and 50 Avenue.
6. The Central Plaza is capable of hosting a wide range of activities, cultural events, and markets.
7. A new public park is located south of 49 Avenue, west of 50 Street, as shown on **Map 8: Placemaking**, and will contain seating and viewpoint areas looking onto south Beaumont.
 - a. The park shall be developed in accordance with the Beaumont Urban Design Guidelines.
8. Le Centre Communautaire de Beaumont Community Centre, located north of 50 Avenue, will continue to offer amenities and programming for the community.
 - a. The undeveloped lands immediately adjacent to and on the same site as Le Centre Communautaire de Beaumont Community Centre will be re-imagined, with new play structures, programming and amenities to further establish Centre-Ville as a unique destination.

1.3.2 Design Principles

Overarching design principles for the Beaumont Urban Design Guidelines include:

HISTORY & IDENTITY

History and identity are to be reflected in the architectural quality of buildings, the signage and wayfinding that express Beaumont’s French history.

- Acknowledge Treaty 6 territory and the traditional gathering place for diverse Indigenous peoples of this region.
- Reflect Beaumont’s history and identity as a place founded by French settlers and encourage French Character in public buildings.

QUALITY & DURABILITY

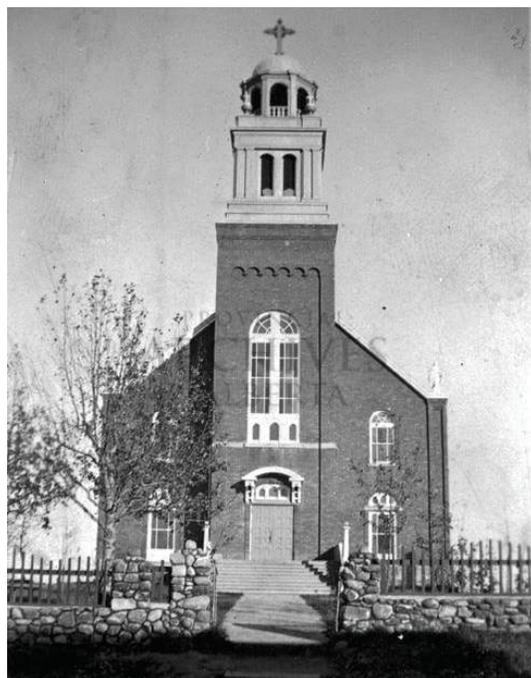
Quality and durability are to be expressed in the choice of building materials, attention to detail and street furniture and lighting that are specified for building sites.

- Beaumont is striving for quality architecture that has longevity and durability.
- Buildings should be built for our 4 seasons. The Beaumont Urban Design Guidelines will embed winter city strategies and ideas for development.

ACCESSIBILITY & ADAPTABILITY

Accessibility and adaptability can provide greater livability for the citizens of Beaumont. Streets and buildings should provide universal access and be accessible to people of all ages and forms of mobility.

- Developments and buildings should be accessible for all ages and abilities.
- Buildings and spaces should adapt for long-term flexibility and change in building use or function.



Saint Vital Parish, Beaumont, Historical Archives



Bibliothèque de Beaumont Library



Accessible bike lanes and sidewalks for all ages and abilities

3.1.2 Centre-Ville Streetscape Urban Design Guidelines

Streetscape design in Centre-Ville is an important element to highlight the focus on pedestrian and human-scale activity and provide a unique character for citizens and visitors.

- Design streets within Centre-Ville to be pedestrian friendly.
- Establish a hierarchy of street typology specific to the Centre-Ville area.
- Provide direction for key public realm elements for each street type and ensure they complement adjacent land uses envisioned for the precinct in which they are located.
- Promote multi-modal activities within the right-of-way and ensure appropriate balance between the space allocated for pedestrian and vehicular circulation.
- Incorporate Crime Prevention through Environmental Design (CPTED) principles in streetscape design.
- Eliminate the cul-de-sac street pattern within the downtown core and Centre-Ville as a whole. Create new pedestrian connections between the bulbs if they are maintained.
- Promote development of a fine-grained urban fabric through the development of small-scale urban blocks and a network of public and private streets around the Central Plaza.
- Improve pedestrian connectivity between Centre-Ville and surrounding residential areas by improving trail connections at strategic locations.
- Incorporate winter city design principles within streetscape design projects.
- Encourage use of colours and textures within public realm elements that enhance French character and feel.
- Provide public character and enhance the quality of these streets by incorporating street furnishings (seating oriented to allow people interaction), landscape features (street trees) and dark-sky compliant (downcast) lighting into the street.



Walkable streetscape outside Beaumont's Administration Office



Walkable streetscape along 50th Street through Beaumont's Centre-Ville area

MAIN STREET

CENTRE-VILLE

Signage Guidelines

	ESSENTIAL	SUGGESTED
CATEGORY		
MAIN STREET/ CENTRE-VILLE	<ul style="list-style-type: none"> Use the minimum size and number of signs on 50th Street and 50th Avenue to identify and highlight a building and/or business Use projecting signs (perpendicular to the façade) for businesses on 50th Street and 50th Avenue Do not include internally illuminated sign boxes or signs with flashing or sequence lights 	<ul style="list-style-type: none"> Consider awnings where only the letters/symbols are rear-lit and the remainder of the awning is a solid opaque fabric
GENERAL SIGN REQUIREMENTS	<ul style="list-style-type: none"> Use painted or stained wood and weather-protected metal materials for signs Position fascia/wall signs within architectural features, such as panels above displays, storefronts, transom windows, awnings, or flanking doorways 	<ul style="list-style-type: none"> Use rear-lighting or back-lit signs only to showcase the name of an establishment or building Use individual, halo-lit lettering/symbols mounted on a solid background only if they are made from a solid material and have a light source directly behind them Limit illumination to the sign surface only and ensure that the light source is not visible from adjacent properties, passing vehicles or pedestrians Use raised or recessed letters to give relief to signs Use sign mounting brackets that complement the architectural style or sign materials Incorporate logos and signage of franchise-type businesses into the façade design or use sign elements that integrate into the building
AVOID	<ul style="list-style-type: none"> Flashing or sequence lights Banners or flags used as permanent signage Changeable copy/text signs used as permanent signage Signs with moving parts Luminous, fluorescent, or reflective backgrounds Fascia signs that project more than 20 cm beyond the building surface Light box signage (acrylic signs that are lighted by large, bulky light boxes) 	



Positioning wall signs within architectural features, such as window painted signs



Raised letters providing relief to signage



Projecting sign



Figures 1 through 5 were taken on February 4, 2026, after the Development Authority's decision on Development Permit 2025-098. The photographs are included for illustrative and contextual purposes only. The condition and appearance of the sign shown in these images are consistent with what the Development Authority observed prior to its October 29, 2025 decision and do not represent additional evidence that formed part of the original decision-making process.

Figure 1: Looking North - February 4, 2026



Figure 2: Looking North - February 4, 2026



Figure 3: Looking North - February 4, 2026



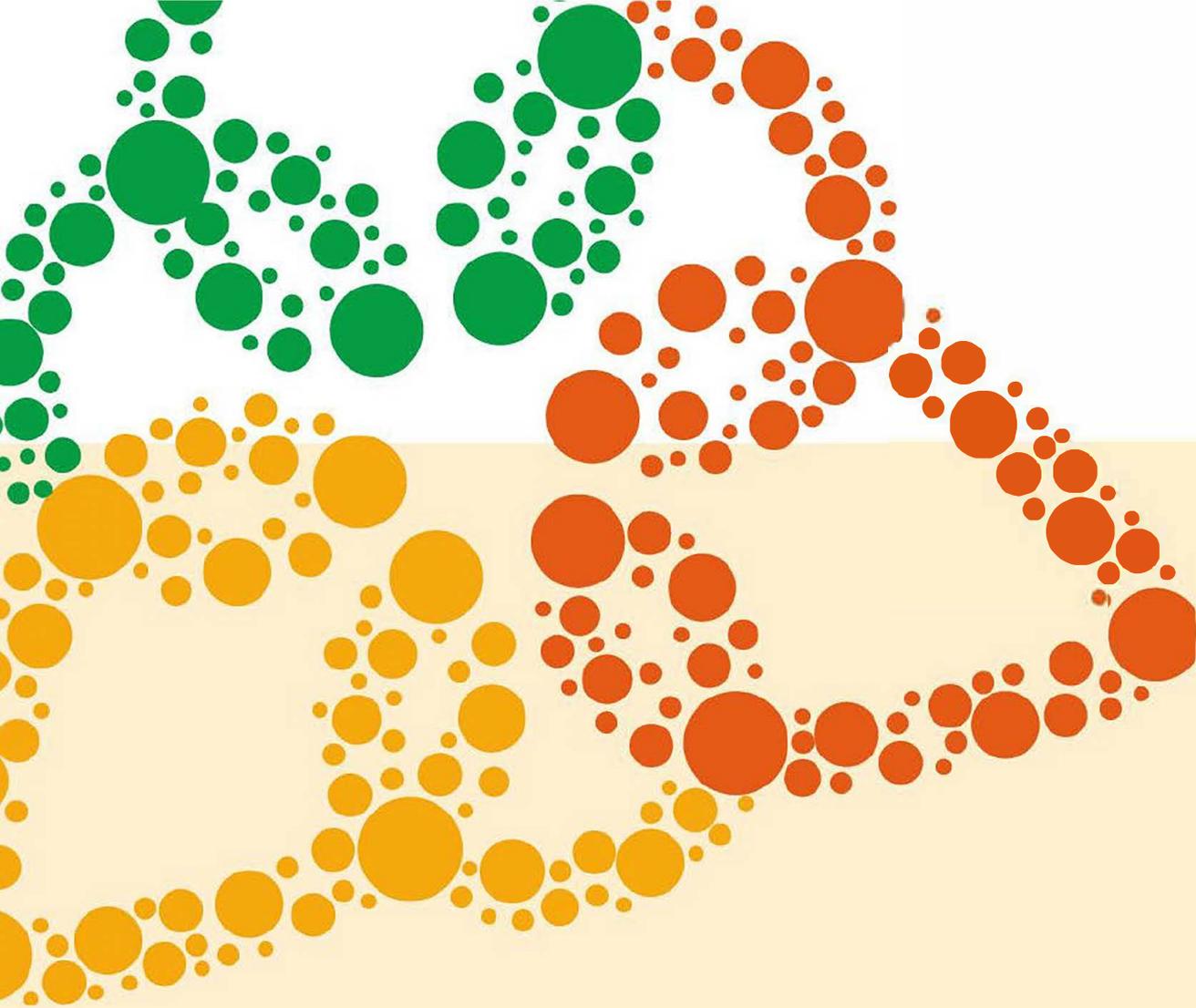
Figure 4: Looking Northwest, February 4, 2026



Figure 5: Looking Southwest - February 4, 2026

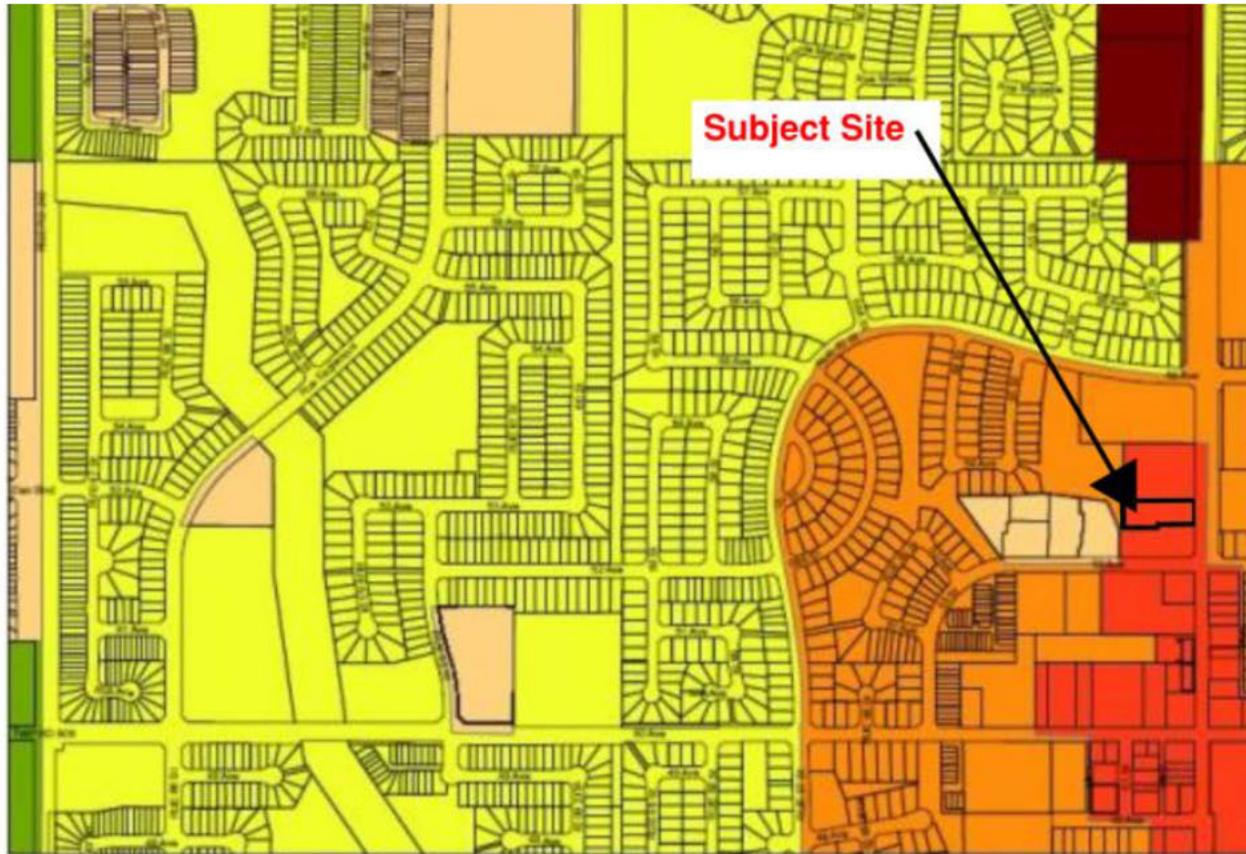


Figure 6 - Google Earth May 2025



**SDAB-25-09
2025-098
FREESTANDING SIGN**

LOCATION 5024 50 STREET



Legend

- Agricultural Holdings District (AH)
- Conventional Neighbourhood District (CN)
- Integrated Neighbourhood District (IN)
- Mature Neighbourhood District (MN)
- Main Street District (MS)
- Commercial District (C)
- Business Light Industrial District (BLI)
- Municipal Boundary



Main Street (MS) District

50 Street: Arterial Roadway

APPLICATION 2025-098

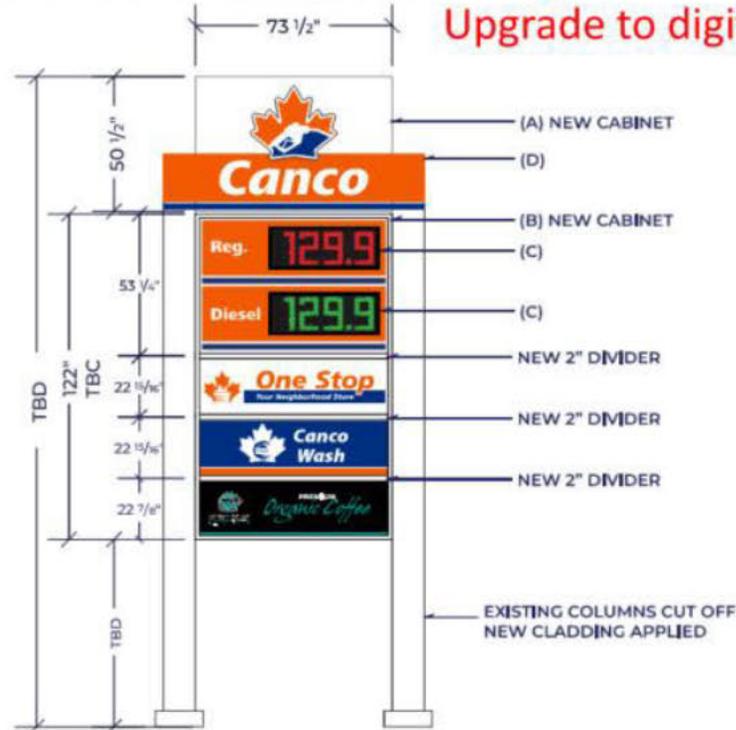


24_Canco_24-7858_P01_R10

P:\24-7858_Canco Petroleum Ltd (Beaumont AB)\Design

New cabinets, replace faces in existing cabinets and reduce overall height.

Upgrade to digital pricers.



ADDITIONAL SITE SURVEY DETAILS REQUIRED

Customer: Canco

Address: Beaumont, AB

PM: Gilles Hupe

Designer: AC

Date: 11/19/24

(A) CONSTRUCTION: NEW D/F PYLON CABINETS
ROUTER & PUSH - THRU LETTERS & SHAPES
SUBSTRATE: 0.125" WHITE ALUMINUM FACE & SIDES WITH 3/4" CLEAR ACRYLIC ROUTERED & PUSHED THROUGH FACE C/W GRAPHICS FIRST SURFACE & DIFFUSER SECOND SURFACE
GAP FILLER: 2" PAINTED WHITE
ILLUMINATION: WHITE LED

(B) CONSTRUCTION: NEW D/F PYLON CABINETS
SUBSTRATE: NEW 4.5MM POLYCARBONATE C/W APPLIED VINYL GRAPHICS
CABINET: NEW, PAINTED WHITE
RETAINER: NEW, PAINTED WHITE
ILLUMINATION: WHITE LED

(C) PRICE CHANGERS: 12" UNITS
 2 RED AND 2 GREEN

(D) CONSTRUCTION: VINYL DECAL
SUBSTRATE: OPAQUE VINYL
APPLICATION TYPE: APPLIED TO ALUMINUM, CABINET FACE FIRST SURFACE

"Canco" COLOUR SPECIFICATIONS:

- ORANGE: 3M 3630-44
- SULTAN BLUE: 3M 3630-157
- WHITE: ACRYLIC FACE

SPIRIT BEAR COFFEE COLOUR SPECIFICATIONS:
 ■ GRAPHICS: DIGITALLY PRINTED CMYK COLOUR PROCESS

Refused October 29, 2025

Development Officer

Permit No. 2025-098

5204 - 50 Street
 Lot 3, Plan 6384ET



EXISTING:



PROPOSED:



Ph: 780.999.2299 Fax: 780.992.3129
 1238 - 68 Avenue, Fort Saskatchewan, AB T8L 3W5
 www.selkirksigns.com



Page: 1 of 1



CORPORATE PROGRAM

Description

Pylon Refresh

Quantity: 1

Scale: 3/16"=1'

Revisions

- #5 Date: 3/17/25 - AC Details: ATM Changed to Canco Wash, "Food to Go" added
- #6 Date: 3/17/25 - AC Details: Artwork updated
- #7 Date: 3/18/25 - AC Details: Artwork updated
- #8 Date: 3/27/25 - AC Details: Artwork updated
- #9 Date: 5/12/25 - AC Details: Artwork updated
- #10 Date: 5/15/25 - AC Details: Specs adjusted

Client Approval

Signature: _____

Date: _____

© Selkirk Signs & Services Ltd.
 This design is the sole property of Selkirk Signs & Services Ltd. and may not be used, or duplicated in any form without the express written permission of Selkirk Signs & Services Ltd.

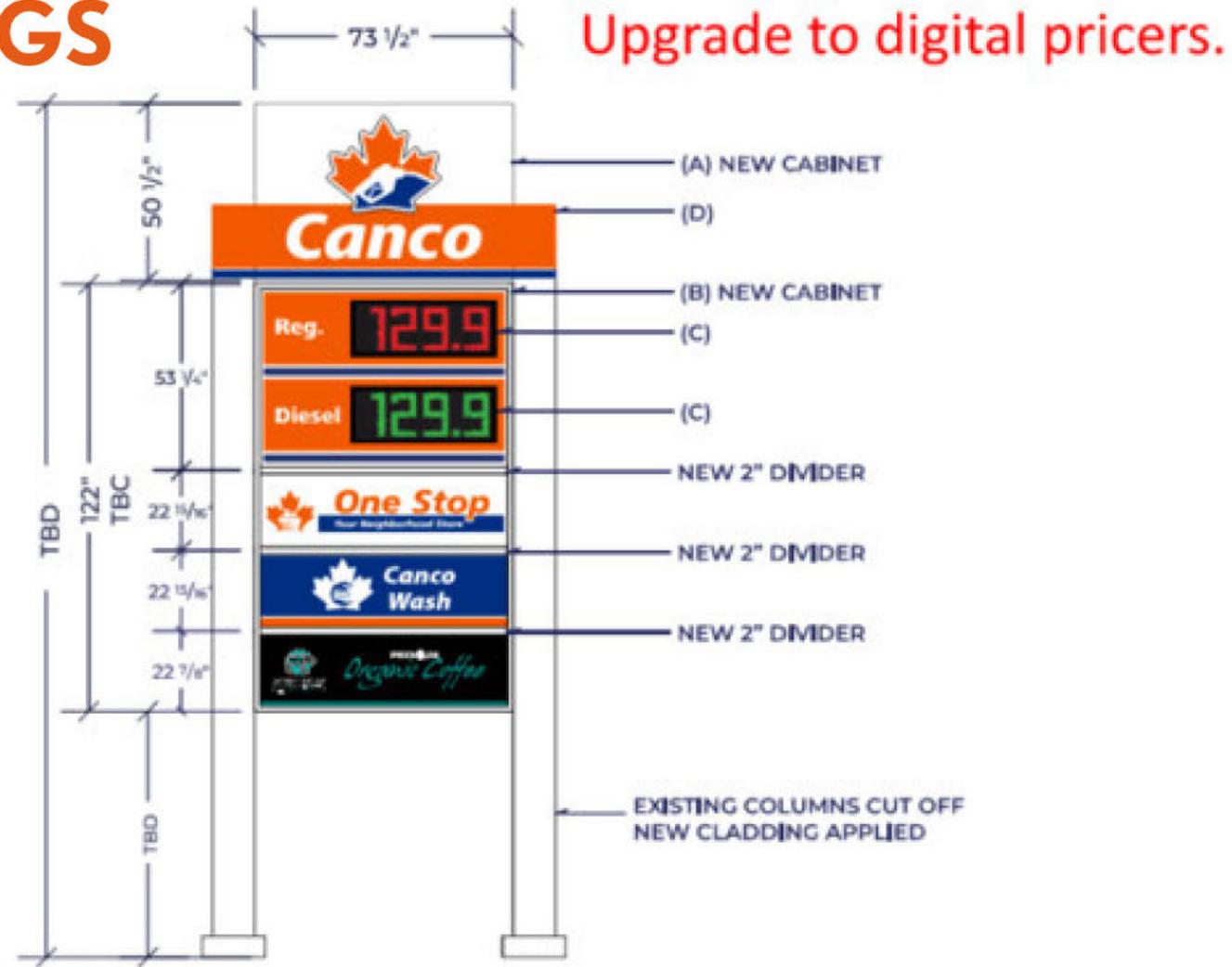
Perspective renderings in this drawing are by the designer. Only appropriate sizes and perspectives of the signs are being achieved.

TIMING OF APPLICATION

- Application Received: September 9, 2025
- Deemed Complete: September 10, 2025
- Construction was already completed at the time of application
- Notice of Decision (Refusal): October 29, 2025

APPLICATION: DRAWINGS

- (A) New Cabinet – Top of Sign
- (B) New Cabinet – Between Columns
- Existing Columns cut off
- New Cladding Applied
- Two Electronic Pricers



APPLICATION: DRAWINGS

- Height is Reduced from previous sign



BACKGROUND INFORMATION

- 1983: Gas Bar/Retail/Car Wash Approved
- 1983: Original Freestanding Sign Approved
- 1991: TD Bank Panel added to sign
- 2008: Sign updated (Condition to reduce size)
- 2019: New Land Use Bylaw Adopted – Zoning Changed to MS – Main Street District

POLICY & REGULATORY FRAMEWORK

- **Municipal Government Act**
- **Land Use Bylaw**
- **MDP**
- **CARP**
- **Urban Design Guidelines**

MUNICIPAL GOVERNMENT ACT

Non-conforming use and non-conforming buildings

616(q)

A “non-conforming building” is one that was lawfully built (or lawfully under construction) when a new land use bylaw came into effect, but does not comply with that bylaw on that date.

616(r)

A “non-conforming use” is a lawful use that was being carried out (or intended for a building lawfully under construction) when a new land use bylaw came into effect, but does not comply with that bylaw on that date.

MUNICIPAL GOVERNMENT ACT

643(1)

A valid development permit issued *before* a new/amended land use bylaw takes effect remains valid, even if the bylaw would make the approved development non-conforming.

643(3)

A non-conforming use may expand to other parts of the same building, but the building itself cannot be enlarged, added to, or structurally altered.

643 (4)

A non-conforming use cannot be extended to other parts of the lot, and no additional buildings may be constructed on the lot while that non-conforming use continues.

643(5)

A non-conforming building may continue to be used, but generally cannot be enlarged, added to, rebuilt, or structurally altered, except to make it conforming, for necessary routine maintenance, or where a bylaw gives the DA minor variance powers.

LAND USE BYLAW: MS – MAIN STREET DISTRICT

- Section 3.6.2 Lists Permitted and Discretionary Uses within the MS District
- This Section defers to Part 4 (Signs) which determines if signs are allowed as either Permitted, Discretionary, or Neither.
- Sections 4.2.5.1 and 4.2.5.2 does not list the MS District as being a District where Freestanding Signs are either Permitted or Discretionary.
- Section 3.6.7.c.i – All Uses must meet the standards of the Beaumont Urban Design Guidelines.

LAND USE BYLAW: ELECTRONIC SIGNS

- Electronic Sign means a sign, often also a freestanding sign, that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.
- Electronic Signs shall not be located in the ... Main Street District.
- Electronic Signs shall not be located within 30 m of the Conventional Neighbourhood, Integrated Neighbourhood, Mature Neighbourhood, or Main Street Districts, and when the lot of a proposed electronic sign location is adjacent to said districts, notification will be sent within a 100 m radius of the sign;

URBAN DESIGN GUIDELINES

- History and identity are to be reflected in the architectural quality of buildings, the signage and wayfinding that express Beaumont's French history.
- Streetscape design in Centre-Ville is an important element to highlight the focus on pedestrian and human scale activity and provide a unique character for citizens and visitors.
 - Design streets within Centre-Ville to be pedestrian friendly.
 - Encourage use of colours and textures within public realm elements that enhance French Character and feel.
- Use the minimum size and number of signs on 50th Street and 50th Avenue to identify and highlight a building and/or business.
- Use projecting signs (perpendicular to the façade) for businesses on 50th Street and 50th Avenue.
- Do not include internally illuminated sign boxes or signs with flashing or sequence lights.
- Avoid:
 - Changeable copy/text signs used as permanent signage
 - Light box signage (signs that are lighted by large, bulky light boxes)

DEVELOPMENT AUTHORITY'S FINDINGS

- Original Sign approved prior to the adoption of Land Use Bylaw 944-19
- Principal use (Gas Station) is a Non-Conforming Use
- Previous Sign was Removed or Structurally Altered.
- New Sign built in 2025 before Development Permit Application
- Sign stripped to frame, frame cut; height lowered; rebuilt with new cabinets and electronic “pricers”

WHY THE DEVELOPMENT PERMIT WAS REFUSED

1. Not allowed within the MS District
 - Freestanding signs & Electronic signs are neither permitted nor discretionary
2. Non-conformity did not protect the 2025 sign
 - Original Sign was removed
 - New or substantially rebuilt sign constructed in 2025 without a permit
3. Non Compliance with Land Uses Bylaw
 - Electronic Pricers not allowed in the MS District
 - Must Comply with Urban Design Guidelines

WHY THE DEVELOPMENT PERMIT WAS REFUSED

4. Non-Compliance with Urban Design Guidelines (Centre-Ville)
5. Non-Compliance with Statutory Plans
 - Conflicts with pedestrian-focused, human-scale design direction
 - Inconsistent with French character and streetscape policies
6. Not Accessory to the Gas Station (Principal Use)
 - Gas Station is a non-conforming use in the MS District

BOARD'S AUTHORITY

The Development Authority made its decision under the *Municipal Government Act* and Land Use Bylaw 944-19 based on the information before it at the time.

The Subdivision and Development Appeal Board has independent authority under the MGA to consider the evidence and may confirm, revoke, or vary the decision.

QUESTIONS?

CITY OF BEAUMONT
SUBDIVISION and DEVELOPMENT APPEAL BOARD
File: 0111-S01-SDAB-25-09 / 5204 50 Street

Appellants' Supporting Materials

Summary of the Appellants' Position

The Appellants are operating their gas station business under the auspices of Development Permit 141-83 issued to the previous owners in September of 1983. Notwithstanding subsequent revisions to the Land Use Bylaw and Zoning Bylaw, the uses of land, together with their accoutrements, reflected in that Permit remain as non-conforming uses to the benefit of the Appellants all in accordance with the provisions of the Land Use Bylaw in force in 1983.

In the alternative, the Sign represents an Accessory Use otherwise available for approval by the Board.

NON-CONFORMING USE SUBMISSIONS

Non-Conforming Uses, Generally

Section 616(r) of the *Municipal Government Act* (the "MGA") provides:

- 616 (r)** "non-conforming use" means a lawful specific use
- (i)** being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
 - (ii)** that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;

Accordingly, the test for a valid non-conforming use in Alberta requires:

- Firstly, that the use in question was lawful under the Land Use Bylaw that was in effect at the time the use was developed; and
- Secondly, that use in question has been rendered no longer lawful owing to one or more changes in the Land Use Bylaw implemented since the development occurred.

A sections 643(1) and (2), the MGA goes on to provide:

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

In the case of ***Stavelly (Town) v. Fern Brothers***, 1987 ABCA 233 [copy at TAB1], the Alberta Court of Appeal determined that a non-conforming use of land is not discontinued within the meaning of section 643(2) of the MGA unless the facts demonstrate that the owner intended to discontinue the use. Where the opposite intention is demonstrated (as is clearly the case here), the right to the non-conforming use remains.

While the ***Fern Brothers*** decision dates back some years, it has been held by the Court of Appeal to remain good law as late as 2023; see ***2409421 Alberta Ltd v Calgary (Subdivision and Development Appeal Board)***, 2023 ABCA 269 [TAB 2].

Signs as a Distinct Use of Land in Beaumont

In Beaumont throughout the 1980's and until the adoption of Land Use Bylaw 944-19 in April of 2019, Signs were not a specific use of land, per sé. Rather, Signs were like fences - regulated items associated with and available under the particular uses listed in a zone. The ability to install and maintain a Sign related to a use otherwise available within a Zone or District formed part of the bundle of rights associated with that Use.¹

To extend the fence analogy, it would seem apparent that the owner of a single-family home whose neighbourhood has been up-zoned to "apartments only" would be entitled to replace his fence under the auspices of his pre-existing Use even though no separate Development Permit was ever issued for the fence, itself. That is, the right to install and maintain fence would be seen as something included in the bundle of rights associated with the single-family residential use that was in place when the home was approved and built.

Again, Signs became a separate use of land and became listed as available uses of land in various zones with the passage of Land Use Bylaw 944-19 on April 9, 2019.

Development Permit History – This Site

By Development Permit Application No. 141-83, approved August 31, 1983, a gas bar, a retail store and a car wash were approved for the subject Site [copy at TAB 3]. The approval included

¹ The situation was the same in Edmonton and other jurisdictions in the Province in earlier times.

a freestanding Sign at the northeast corner of the Site as otherwise referenced in Condition #3 to the Development approval.

By Development Permit Application No. 190-91 approved December 13, 1991, the subject Sign was upgraded to add additional panels for businesses / products on Site [copy at TAB 4].

By Development Permit Application No. 706-96 approved July 15, 1996, upgrades to the facilities on Site were approved [Copy at TAB 5]. The upgrades apparently included revisions to the subject Sign as indicated in Condition 6 to the Approval.

By Development Permit Application No. 337-04 approved September 20, 2004, upgrades to the petroleum storage facilities on Site were approved [Copy at TAB 6].

By Development Permit Application No. 155-08 approved May 1, 2008, upgrades to the signage on Site and interior upgrades were approved [copy at TAB 7].

By Development Permit Application No. 2017-089 approved March 7, 2017, repairs to the service station canopy were approved [copy at TAB 8]. On the approval, the Development Officer of the day noted, "*This is a non-conforming building . . .*". In point of fact, it was also a non-conforming use because, under with Land Use Bylaw 796-12 (passed in 2012), Service Stations had ceased to be an available use in the Zone.

All of the above referenced signage upgrades occurred during the period when Signs were not considered to be a separate use of land under the prevailing Land Use Bylaw. As such, the Sign in question must have been considered to be sheltered under and included with the pre-existing, approved use of land commenced in 1983 under Development Permit Application No. 141-83. That, with respect, is the only reasonable conclusion one can possibly draw in the circumstances.

By Development Permit No. 2025-067 approved September 10, 2025, new on-building signage was approved for the building housing the Gas Station and Wash Station [copy at TAB 9]. Variances were granted. (The issuance of this Permit confirms that the activities undertaken on the Site continue as a non-conforming use under the present Land Use Bylaw.)

Zoning History – This Site

This Site was zoned "DC-UC" at the time the 1983 Development Permit was approved. We have been unable to locate a copy of the Bylaw setting out the specific provisions of that Zone, and the City advises that they have been unable to locate a copy owing to the manner in which some records from the 1980's were stored. From the 1983 Development Permit, though, it is apparent that a gas bar, retail store and car wash with a Sign at the north-east corner of the Site comprised a lawful use of the Site under that zoning.

In 1986, pursuant to Bylaw 268-86, the Site was rezoned from DC-UC to CTC - Commercial Town Centre District. "Service Stations and Gas Bars - development used for the sale of gasoline and

other petroleum products and for the servicing, washing and repairing of vehicles” were included in that Zone as a Discretionary Use.

It appears that the CTC - Commercial Town Centre District was replaced with the TCMU – Town Centre Mixed Use District when the Land Use Bylaw was replaced with Bylaw 796-12 in 2012. Under that Bylaw, Service Stations were no longer a Use available in the Zone. (This would account for the notation regarding non-conformity in the March 7, 2017 Development Permit approval referenced above.)

With the passage of Land Use Bylaw 944-19 in April of 2019, the applicable zoning was further revised to MS - Main Street District. The former Service Station use was split in two and replaced with the uses of Gas Station and Wash Station, neither of which was or is a Permitted or a Discretionary Use in the zone.

Result and Burden of Proof

In all of this, it is undeniable that a business identification and on-Site advertising Sign was included in and formed an integral part of the use of this Site as originally approved in 1983. Though the Sign in its last form was removed and replaced with an updated version (as it had been in the past), that does not change its character or the owner’s statutory right to continue the same as part of the non-conforming use.

To the extent there is any question in the mind of the Board as to our requirement to prove this claim beyond a reasonable doubt, the Board is referred to the decision of our Court of Appeal in ***Emeric Holdings Inc. v. Edmonton (City)***, 2009 ABCA 65 [TAB 10]. Therein, the Court held that, in claiming the benefit of a non-conforming use, an applicant need only proffer some cogent evidence to support his claim whereupon the legal burden to disprove the claim shifts to the municipality. Here, the Development Permit history establishes that a Sign at the present location always was a lawful inclusion in the use approved by the original Development Permit, and it now remains to the City to disprove this contention. In accordance with the applicable case law, we have met our initial burden of proof and the City has not and cannot prove the contrary.

ACCESSORY BUILDING OR STRUCTURE SUBMISSIONS

In the alternative, we note that “Accessory Building or Structure” is listed as a Discretionary use in the MS – Main Street District. The Land Use Bylaw defines that term as “a building or structure detached from a principal building, normally ancillary, incidental, subordinate to the principal building or use.”

The principal use of the subject Site is that set out in the 1983 Development Permit, namely a gas bar, a retail store and a car wash. Under the current version of the Land Use Bylaw, these Uses are now called Gas Station, Retail & Service – General and Wash Station.

Clearly, the Sign in question:

- is a structure;
- is detached from the building on the Site; and
- is something normally ancillary, incidental and subordinate to the principal building or use on the Site.

In point of fact, virtually every Gas Station in the City of Beaumont is replete with a Freestanding business identification Sign sporting price-per-litre messaging.

Whereas the Development Officer opines that our Sign cannot be considered Accessory to the current Use of the Site because a Gas Station / Wash Station is neither a Permitted or a Discretionary Use currently listed in the Land Use Bylaw, this is simply not the requirement. The only requirement (though not specifically stated in the Land Use Bylaw) is that the principal use of the Site be lawful. And it is lawful as a non-conforming use as discussed above.

The Development Officer goes on to note that the MGA, at subsection 643(4), provides:

643(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

With respect, cited language is not applicable to the present circumstances because:

1. The replacement of the pre-existing Sign does not extend the non-conforming use to any other part of the subject. Rather, the entirety of the subject Site has been and is engaged in the non-conforming use (i.e., gas bar, retail store and car wash) since 1983; and
2. The Sign, itself, is not a building within the meaning of the Land Use Bylaw. Therein, the Bylaw provides “**Building**” [means] *anything 10 square metres or greater constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.*”

To the extent the Board agrees that the subject Sign represents a *bona fide* Accessory Structure, it is likely that variances to the sections of the Land Use Bylaw will be required (as was the case with the on-building signage approved under Development Permit No. 2025-067). In addition to the sections of the Land Use Bylaw identified by the Development Officer – all of which are amendable to the Board’s variance authority – some sections of the Beaumont Urban Design Guidelines may require relaxation. That the Guidelines are susceptible to the Board’s variance authority is made clear by section 3.6.7(c) of the Land Use Bylaw which brings the Guidelines into play as they might otherwise apply to the Site. (The Guidelines are not a “statutory plan” within the meaning of subsection 616(dd) of the MGA.)

Neither will any required variances be non-compliant with the provisions of the Municipal Development Plan cited by the Development Officer to the extent that all of those provisions are

aspirational in nature and do not provide specific development control regulation. The same is true of the provisions of the Centre-Ville Area Redevelopment Plan. If either of these Plans provided an absolute barrier to the replacement of the subject Sign, then they would have equally blocked the approval of Development Permit No. 2025-067 on September 10, 2025 – they did not because they cannot.

In exercising its variance authority, the Board will want to determine that the subject Sign will not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, a test with which the Board is doubtless familiar.

In addition to the facts that:

- a similar Sign has existed at this location for over 40 years without any known complaints from neighbouring owners or businesses;
- Signs of the nature are an expected feature of similar businesses operating in the City; and
- the subject Sign is small than the pre-existing Sign it replaces,

we have canvassed neighbouring businesses, none of whom have registered objections to our Sign and many of whom have signed letters in support of approving the same [TAB 11].

Accordingly, we request that our appeal be allowed and the proposed Sign be approved.

All of which is respectfully submitted this 17th day of February, 2026 by:

OGILVIE LLP,

Solicitors for the Permit Holder

Per:

A black rectangular redaction box covers the signature of James W. Murphy. A small blue scribble is visible to the left of the box.

James W. Murphy, K.C.

TAB 1

In the Court of Appeal of Alberta

Citation: Stavely (Town) v. Fern Brothers, 1987 ABCA 233

Date: 19871130
Docket: 18901
Registry: Calgary

Between:

Town of Stavely

Appellant
(Applicant)

- and -

Fern Brothers; Beverly Stacey; and Credit Foncier Trust Company

Respondents
(Respondents)

The Court:

**The Honourable Mr. Justice Stevenson
The Honourable Mr. Justice Foisy
The Honourable Mr. Justice Stratton**

**Memorandum of Judgment
Delivered from the Bench**

COUNSEL:

R. Dodic, Esq., for the Appellant (Applicant)

T. Gould, Esq., for the Respondents for Fern Brothers, Beverly Stacey appeared in person
and No-one appeared for Credit Foncier

**MEMORANDUM OF JUDGMENT
DELIVERED FROM THE BENCH**

STEVENSON, J.A. (for the Court):

[1] The issue on this appeal is whether the respondents, landowners, have “discontinued” a non-conforming use, so as to lose the benefit of s. 74(2) of the Planning Act. The section says:

A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building shall conform with the provisions of the land use by-law then in effect.

[2] The evidence shows that the lands were being used as a residence prior to the passage of the zoning by-law which now zones the lands as commercial. For some time they have been vacant, notwithstanding efforts to find residential tenants. Apparently, there have been occasional tenancies but periods of vacancy for at least six months are established with respect to each parcel.

[3] The question is whether there must be an intention to end the use, coupled with the actual non-use. We were referred to City of Saint John v. Killam (1973), 6 N.B.R. (2d) 642. There the New Brunswick Court of Appeal noted that there was a large body of U.S. authority that discontinuance is synonymous with abandonment and that there must be a concurrence of intention and action or failure to act. In that case, the New Brunswick Court said:

A distinction must, I think, be drawn between a provision that the right to a nonconforming use is lost by mere discontinuance and a provision that it is lost by discontinuance for a specified time. In the former, discontinuance may be equivalent to abandonment which requires an intention to abandon, while in the latter, the right to the use is lost merely by ceasing to exercise it for the specified period. In such circumstances “discontinued” is not equivalent to abandonment.

[4] We do not agree with the distinction and prefer the generally held view that a discontinuance requires an element of intention. It is true the owners here were not using the property for residential purposes but they were striving to do so. We would not hold the discontinuance to be found in the unavailability of tenants. To so hold would work a grave hardship on a landowner who had a right to continual lawful use, but is precluded from actual use by circumstances beyond his control.

[5] In our opinion, what is required is a bona fide intention to use the premises and actual use so far as is practicable. That conclusion is consistent not only with American authority but with the Canadian authority of long standing referred to in the trial judgment in the City of Saint John v. Killam case.

[6] We would, therefore, dismiss the appeal as against the respondents who appeared before us. Credit Foncier has not appeared in the proceedings and, in the absence of any evidence from it, the only inference to be drawn is that it has discontinued the residential use and the appeal against it is allowed. We will hear counsel as to costs.

TAB 2

In the Court of Appeal of Alberta

**Citation: 2409421 Alberta Ltd v Calgary (Subdivision and Development Appeal Board),
2023 ABCA 269**

**Date: 20230925
Docket: 2301-0167AC
Registry: Calgary**

Between:

2409421 Alberta Ltd

Applicant

- and -

Calgary Subdivision and Development Appeal Board and the City of Calgary

Respondents

**Reasons for Decision of
The Honourable Justice Bernette Ho**

Application for Permission to Appeal

**Reasons for Decision of
The Honourable Justice Bernette Ho**

[1] The applicant, 2409421 Alberta Ltd, seeks permission to appeal a decision of the Calgary Subdivision and Development Appeal Board issued June 8, 2023. In the decision, the Board upheld a notice issued by the City of Calgary’s Development Authority on March 24, 2023 (the “Notice”) respecting the applicant’s use of a property (the “Land”).

Background

[2] In 2014, the Development Authority issued a permit (DP2014-5754) in relation to the Land allowing it to be used for “Change of Use: General Industrial – Medium” (the “Development Permit”). The development, referred to as Project: Recycling Calgary, was required to operate in accordance with the approved plans and conditions, and no changes to the approved plans were to take place unless authorized by the Development Authority.

[3] According to the applicant, the Land has been used in accordance with the Development Permit since 2014. The applicant’s operations on the Land consisted of the recycling of construction waste, wood waste and shingle waste. Contractors would deliver waste to the Land where it was sorted. Whatever material could be recycled by the facility was kept, with the remainder hauled to a different location. The operations resulted in the accumulation of three different piles of waste material.

[4] In late June 2022, the City of Calgary conducted an inspection of the Land and raised issues with the amount of waste storage. As a result of the inspection, Land Use Bylaw Infraction Report CO2022-00954 was issued (the “Infraction Report”). The Infraction Report stated: “A Use exists on the property which is not complying with the approved plans and conditions of the Development Permit.” The Infraction Report included several directions:

- All piles must be removed from the south 64.70m x 56.50m pond and north east 22.7m x 56.30m pond.
- All piles within 5m of a property line must not exceed 5m in height.
- All piles must be screened along the east property line in view of 68 ST SE.
- No storage is permitted in a setback area.

[5] The Infraction Report required that the applicant correct the infractions or obtain the required permits by September 1, 2022.

[6] The director of the applicant, Gary Wilson, deposed that between the spring of 2022 and the spring of 2023, he reduced construction waste residuals from 8000 tonnes to 500 tonnes and, by May 2023, all construction waste was removed from the Land. He also deposed that the wood waste pile was being systematically reduced, even though he also deposed that he was never advised that the shingle or wood recycling piles were an issue, apart from their placement in the evaporation ponds. As of August or September 2022, only shingle waste was accepted for recycling.

[7] With regards to the significance of the Infraction Report, the applicant maintains that it does not establish that there was non-compliance with the Development Permit and takes the position that it was not properly issued. Further, the applicant submits that the timeline contemplated for removal of the piles in the Infraction Report was completely unworkable.

[8] While the applicant was addressing issues outlined in the Infraction Report, a letter dated March 24, 2023 from The City of Calgary’s Planning & Development department was sent to the applicant enclosing the Notice. The March 24 letter stated that their investigation found a Landfill and Waste Storage Site operating without Development Authority approval.

[9] The enclosed Notice stated the following:

This property is designated Industrial – General (I-G). The development of a Landfill and a Waste Storage Site is occurring on the property. This is not a listed use in the I-G district.

This is contrary to The City of Calgary Land Use Bylaw 1P2007.

You are hereby ordered, pursuant to Section 645(1) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, to cease use of a Landfill and Waste Storage Site immediately. Remove all materials and equipment on the property before August 8, 2023.

[10] In issuing the Notice, the Development Authority relied on sections 130(4) and (5) of the referenced Bylaw to enforce amendments enacted in 2022 (the “2022 Bylaw”):

(4) Unless otherwise referenced in subsection (7), the use definitions must not be interpreted to include a development that clearly falls within another defined use.

(5) Where a development is capable of being more than one use, the use under which the development more clearly fits must govern.

[11] The Development Authority also relied on section 643(2) of the *Municipal Government Act*, RSA 2000, c M-26 [MGA] that provides:

643(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future uses of the land or building must conform with the land use bylaw then in effect.

[12] The 2022 amendments added new uses of “Waste Storage Site” and “Landfill” which were not previously defined uses under the bylaw. Further, the use for which the Development Permit was issued in 2014 was discontinued.

[13] The applicant appealed the Notice to the Board. The applicant’s position before the Board was that since there had been no discontinuance within the meaning of s 643(2) of the *MGA*, the bylaw that existed at the time the Development Permit was granted in 2014 applied. The applicant argued that the use of the Land was in compliance with the bylaw as it was in 2014 and the Notice wrongly relied on the 2022 amendments. The Board heard evidence from the applicant’s director, Mr. Wilson, about how the lands were being used between 2014 and 2023.

[14] The Development Authority took the position that there had been a discontinuance and therefore the 2022 Bylaw applied.

[15] The Board issued its decision in June 2023 dismissing the appeal and upholding the Notice. The Board held that the 2022 Bylaw applied, and stated at para 69 of its reasons:

The Board finds the Appellant/Applicant was not in compliance with the Bylaw in effect at the time of the Infraction Report. More than 6 months have lapsed since the Infraction Report. During that time, the Use for which the Development Permit was issued in 2014 was discontinued as it had been replaced by the Use as described in the Infraction Report. Accordingly, the Bylaw (as amended in July 2022) applies to the subject property as a result of the discontinuation of the originally approved use.

The Alleged Errors of the Board

[16] The applicant alleges that the Board committed three errors when it upheld the Notice as being valid:

- (a) The Board applied the wrong test under section 643(2) of the *MGA* when it failed to consider the evidence of Mr. Wilson that the recycling facility operated on the Land has never been operated as a landfill storage site and he never intended to discontinue the use of the Land as approved by the 2014 Development Permit. Thus, the property should not have been subject to the amendments included in the 2022 Bylaw.

- (b) The Board erred in law by failing to provide adequate reasons for its conclusion that the application was not in compliance with the 2022 Bylaw.
- (c) The Board erred in law by failing to properly consider or apply section 130 of the 2022 Bylaw in characterizing the applicant's use of the property.

Test for Permission to Appeal

[17] Permission to appeal may be granted on a question of law or jurisdiction if it is of sufficient importance to merit further appeal and if the proposed appeal has a reasonable chance of success: *MGA*, ss 688(1)(a) and 688(3).

Decision

[18] With regards to the first alleged error, the applicant relies on *Stavelly (Town) v Fern Brothers*, 1987 ABCA 233 which considered language similar to section 643(2) of the *MGA* under the predecessor legislation. In *Stavelly* this court held that “discontinuance requires an element of intention” to end the use. In that case, while the owners were not using the property in question for residential purposes, they were striving to do so but were precluded by circumstances beyond their control. This Court found that there had not been a discontinuance.

[19] While the question of whether there has been a discontinuance in this particular case is a question of mixed fact and law, whether the Board mischaracterized the proper legal test for discontinuance within the meaning of the *MGA* is an extricable question of law: *Stavelly* at para 4; *Housen v Nikolaisen*, 2002 SCC 33 at para 35.

[20] Having regard to the circumstances of the applicant I am satisfied that the question of whether the Board applied the correct legal test is of sufficient importance to merit further appeal, and in light of this Court's statement in *Stavelly*, the test for permission to appeal has been met.

[21] Accordingly, permission to appeal is granted on the following question:

Did the Board apply the correct test under section 643(2) of the *Municipal Government Act* in determining whether there had been a discontinuance and, as a result, did the 2022 Bylaw apply to the Land?

[22] I am not satisfied that the applicant has met the test for permission to appeal on the second and third alleged errors as standalone grounds of appeal. I am not satisfied that the second alleged error is of sufficient importance to merit further appeal or that it has a reasonable chance of success. The Board's reasons, in the context of the entirety of the record, are adequate. Nor am I satisfied that the third alleged error meets the test because the Board's characterization of the use of the Land is a question of mixed fact and law. If the Board was correct in applying the 2022 Bylaw,

there is no error in the Board's finding that the Land was being used in the manner outlined in the Infraction Report.

Application heard on September 7, 2023

Reasons filed at Calgary, Alberta
this 25th day of September, 2023

Ho J.A.

Appearances:

J.G. Hanley
for the Applicant

J.D. Sykes
for the Respondent (Calgary Subdivision and Development Appeal Board)

S. Munkittrick
for the Respondent (The City of Calgary)

TOWN OF BEAUMONT

I. APPLICATION FOR DEVELOPMENT PERMIT

I/We hereby make application under the provisions of the Land Use Bylaw, as amended, to develop in accordance with the plans and information submitted, and which form a part of this application.

APPLICATION NO. 141-83
 APPLICATION FEE \$585.00 ✓
 PRESENT ZONE DC-UC
 PROPOSED ZONE DC-UC

PROPERTY ADDRESS	5204 - 60 Street		COPY OF D.C.T. OR OPTION AGREEMENT ATTACHED	YES <input type="checkbox"/>
LEGAL DESCRIPTION	LOT (PARCEL)	BLOCK	PLAN NUMBER	
	3	-	6384ET	
DEVELOPMENT PROPOSED	Self-serve gasoline bar, retail store and car wash (Mohawk Oil drawings as submitted)			
OWNER OF LAND	NAME	ADDRESS	PHONE	
	Interterra Enterprises	11413-120 St		
APPLICANT	NAME	ADDRESS	PHONE	
		11413-120 St		
INTEREST OF APPLICANT (IF NOT OWNER)	SIGNATURE	DATE		
		August 31, 1983		

VOLUNTARY WAIVER CLAUSES

1. I/We hereby give consent, as owner, or person in possession of the subject property above, to any authorized person, pursuant to section 43 of the Planning Act RSA, 1980, to enter said land and/or buildings.

DATE August 31st, 1983 SIGNATURE [Redacted]

2. I/We understand that an order, decision or permit made or issued by a Development Officer may be appealed by any person affected, within 14 days after that person is notified. If any work or action is taken (whether under an approved building permit or not), within the appeal period, I/we waive any claim or right to compensation from the Municipality or its agents should the appeal result in this pursuit being modified or revoked.

DATE August 31st, 1983 SIGNATURE [Redacted]

FOR OFFICE USE ONLY

II. DECISION

APPROVED <input type="checkbox"/>	APPROVED SUBJECT TO CONDITIONS <input checked="" type="checkbox"/>	REFUSED <input type="checkbox"/>
Conditions as attached		
(SEE BELOW & REVERSE SIDE FOR FURTHER CONDITIONS AND APPEAL PROCEDURE)		
DATE	DEVELOPMENT OFFICER	
NOTICE OF DECISION	REQUIRED <input checked="" type="checkbox"/> MAILED August 31, 1983 PUBLISHED September 1, 1983	APPEAL EXPIRY DATE September 15th, 1983

III. DEVELOPMENT PERMIT

NOTE: THIS IS NOT A BUILDING PERMIT (SUCH PERMIT MUST BE OBTAINED SEPARATELY)

I do hereby acknowledge receipt of the conditions of approval of Development Application No. _____ for the construction of Service Station on Lot(s) 3 Block - Plan No. 6384ET and hereby agree that should I not appeal the conditional approval rendered by the Development Officer within 14 days, which date is September 15, 1983, that I will undertake to perform and fulfill all conditions of approval of the aforementioned Development Application.

DATED THIS 17 DAY OF [Redacted] 1983

REGISTERED OWNER(S)

CONDITIONS FOR DEVELOPMENT PERMIT NO. 141-83

FOR THE CONSTRUCTION OF A SELF-SERVICE

GASOLINE BAR, RETAIL STORE AND CAR WASH

The conditions for the attached development are as follows:

1. That no alteration to the proposed development will be allowed except for those which are required as a condition of this Development Permit and that any alteration is agreed to in writing and signed by the Development Officer of the Town of Beaumont.
2. That the owner shall sign the application for the Development Permit and pay the application fee, and the two advertising fees for the newspaper and local mailing.
3. That the dimensions for the free standing sign in the north-east corner of the lot be provided and approved.
4. That the ingress and egress to the lot shall be made from concrete as approved by the Director of Engineering.
5. That a sidewalk shall be provided running north from the sidewalk that lies immediately east of the Town Office and shall be a separated sidewalk from the curb and gutter constructed to the approval of the Director of Engineering.
6. That there shall be a minimum of thirteen (13) parking stalls provided; those being seven (7) for the main building and six (6) for the car wash portion.
7. That there shall be a drainage pattern provided to the Town indicating the directional flows of water, the proposed elevations and the catch basins to which storm water will flow.
8. That the drawings be provided to show the location and size of the solid waste disposal for the site and that this be screened in accordance with the Land Use Bylaw requirements.
9. That the Developer construct and service the parcel in accordance with the Minimum Engineering Standards for Design of Local Improvements for Union Road Properties Subdivision dated July 1983 and attached hereto.
10. THAT NO CONSTRUCTION SHALL TAKE PLACE ON THE SITE UNTIL SUCH TIME AS A BUILDING PERMIT IS ISSUED.
11. Before a building permit is issued, the Developer of this parcel shall obtain the appropriate easements for servicing the property; and, that these easements be granted to the Town for consideration in the amount of \$10.
12. That the Developer provide the estimated requirements for water usage, knowing that the Town shall have to order a special water meter for this site which shall be charged to the Developer in accordance with the by-laws of the Town for provision of water.
13. Before a Building Permit is issued, the Developer understands that a hook-up charge of 50¢ per square foot must be paid. It is understood that this hook-up charge is in lieu of any other levies against this site; and, is the same as has been charged all commercial enterprises developing in Beaumont for the past five years.



FOR THE CONSTRUCTION OF A SELF-SERVICE GASOLINE BAR, RETAIL STORE
AND CAR WASH

14. Before a Building Permit is issued, a Performance Bond equal to 50% of the estimated cost of construction be obtained and made out in favor of the Town of Beaumont. This Performance Bond may be reduced during the course of construction if necessary.
15. Before a Building Permit is issued, an agreement for the maintenance of services and any construction on municipal property must be agreed to by the Development Officer. *a letter of credit for \$3,400 for a 2-year period*
13. Before a Building Permit is issued, a landscaping plan must be accepted by the Development Officer in accordance with the provisions of the ICO zoning of the Land Use Bylaw.
17. Before a Building Permit is issued, the design of the sump for the car wash must be approved by the Director of Engineering of the Town.
18. Before a Building Permit is issued, any of the documents necessary in the attached "MINIMUM ENGINEERING STANDARDS FOR DESIGN OF LOCAL IMPROVEMENTS FOR UNION ROAD PROPERTIES SUBDIVISION" dated July 1983 be provided.
19. Before construction may commence, the General Contractor shall obtain a license from the Town.
20. The Developer shall be responsible for all engineering and legal costs related to this development.

WSGS/sd
attachment

TAB 4

APPLICATION FOR: Development Permit
Building Permit
Water and Sewer Inst.

CONSTRUCTION VALUE:

FOR OFFICE USE ONLY
APPLICATION No.: 190-91

Fees: 1. Development Permit: 25.00
2. Damage/Performance: _____
3. Building Permit: _____
4. Meter Installation: _____
5. Business License: _____
6. Water/Sewer Inst.: _____
7. _____

TOTAL FEES: 25.00

A. GENERAL

Lot	Block	Plan	Property Address
3	3	6384 E.T.	5204 50 ST

APPLICANT: BRANCHETT DEAN LTD

MAILING ADDRESS: _____ Phone (wk) _____
 _____ Phone (hm) _____
12850 - ST ALBERT TRAIL
EDMONTON, ALBERTA T5A 1G4

NOTE: If the applicant is not the owner, proof of authorization to act as an agent is required from the owner.

REGISTERED OWNER (If not applicant)
 NAME: MONA WIK OIK MAILING ADDRESS: 6400 ROBERTS STREET PHONE: _____
 ADDRESS: BURNABY BC



B. DEVELOPMENT PERMIT

PROPOSED DEVELOPMENT: ADDITION TO Pylon SIGN
- TO BANK INSTANT TELLER -

MAIN FLOOR AREA: _____
 TOTAL LEVEL AREA: _____

WAIVER CLAUSES

- I/We hereby give consent, as owner, or person in possession of the subject property above, to any authorized person, pursuant to Section 43 of the Planning Act RSA, 1990, to enter said land and/or buildings.
- I/We understand that an order, decision or permit made or issued by a Development Officer may be appealed by a person affected, within 14 days after that person is notified. If any work or action is taken (whether under an approved permit or not), within the appeal period, I/We waive any claim or right to compensation from the Municipality of its agents should the appeal result in this permit being modified or revoked.

I (AM/REPRESENT) THE OWNER OF THE PROPERTY FOR WHICH I AM SUBMITTING THIS APPLICATION.
 SIGNATURE: _____ DATE: Dec 9/91

FOR OFFICE USE ONLY

APPROVED SUBJECT TO CONDITIONS LISTED BELOW OR ATTACHED REFUSED

- A Development Permit issued is valid for a period of 12 months.
- Sign coverage is now at 87 sq. ft. with the addition of T.O. BANK sign. Bylaw ^{maximum} is 84 sq. feet. Variance granted for additional 0.9 sq. ft. of signage.
 Date: Dec 10 1991 Development Officer: _____

Notice of Decision Required Appeal Expiry Date: _____
 Date Mailed: _____ Date Applicant Notified: _____
 Date Published: _____

C. BUILDING PERMIT

CONSTRUCTION PROPOSED:

I (AM/REPRESENT) THE OWNER OF THE PROPERTY FOR WHICH I AM SUBMITTING THIS APPLICATION.
 SIGNATURE: _____ DATE: _____

Approved Approved subject to conditions listed below or attached Refused

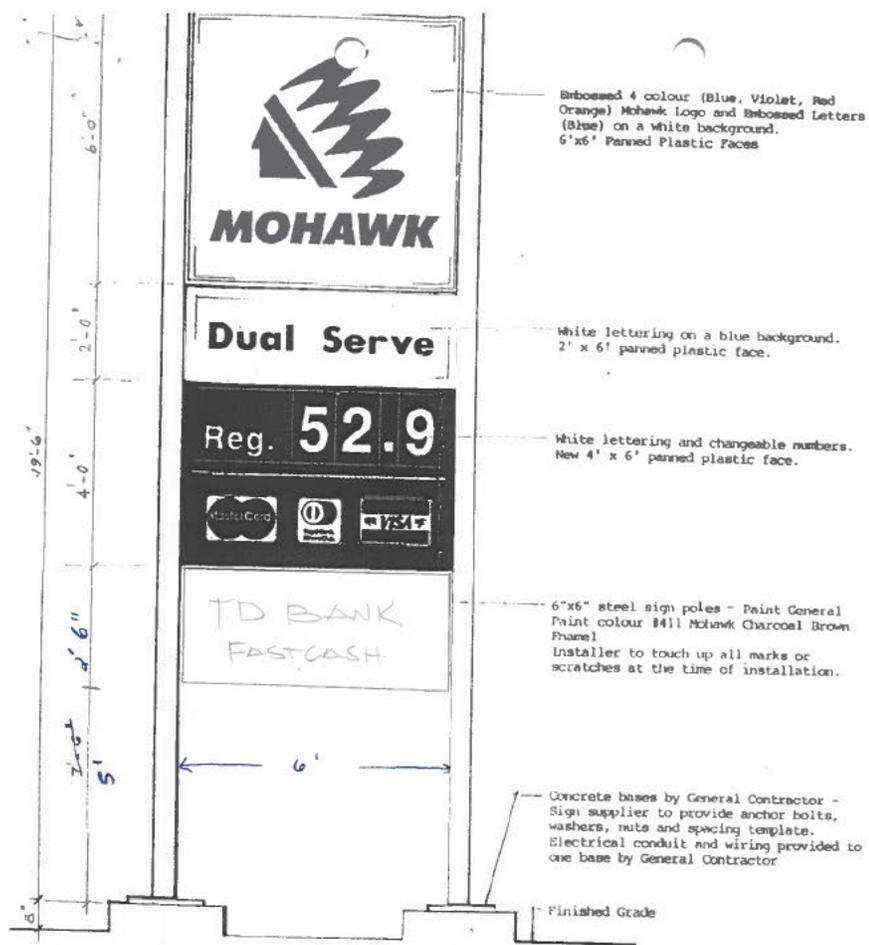
Date of Issue _____ Building Inspector _____

D. WATER AND SEWER INSTALLATION PERMIT * Sewer and Water installation contractors must be licensed.

Signature _____ Date: _____

Date: _____ Building Inspector: _____

* Note: 3-strand wire is to be installed by Contractor 3-5' from ground level



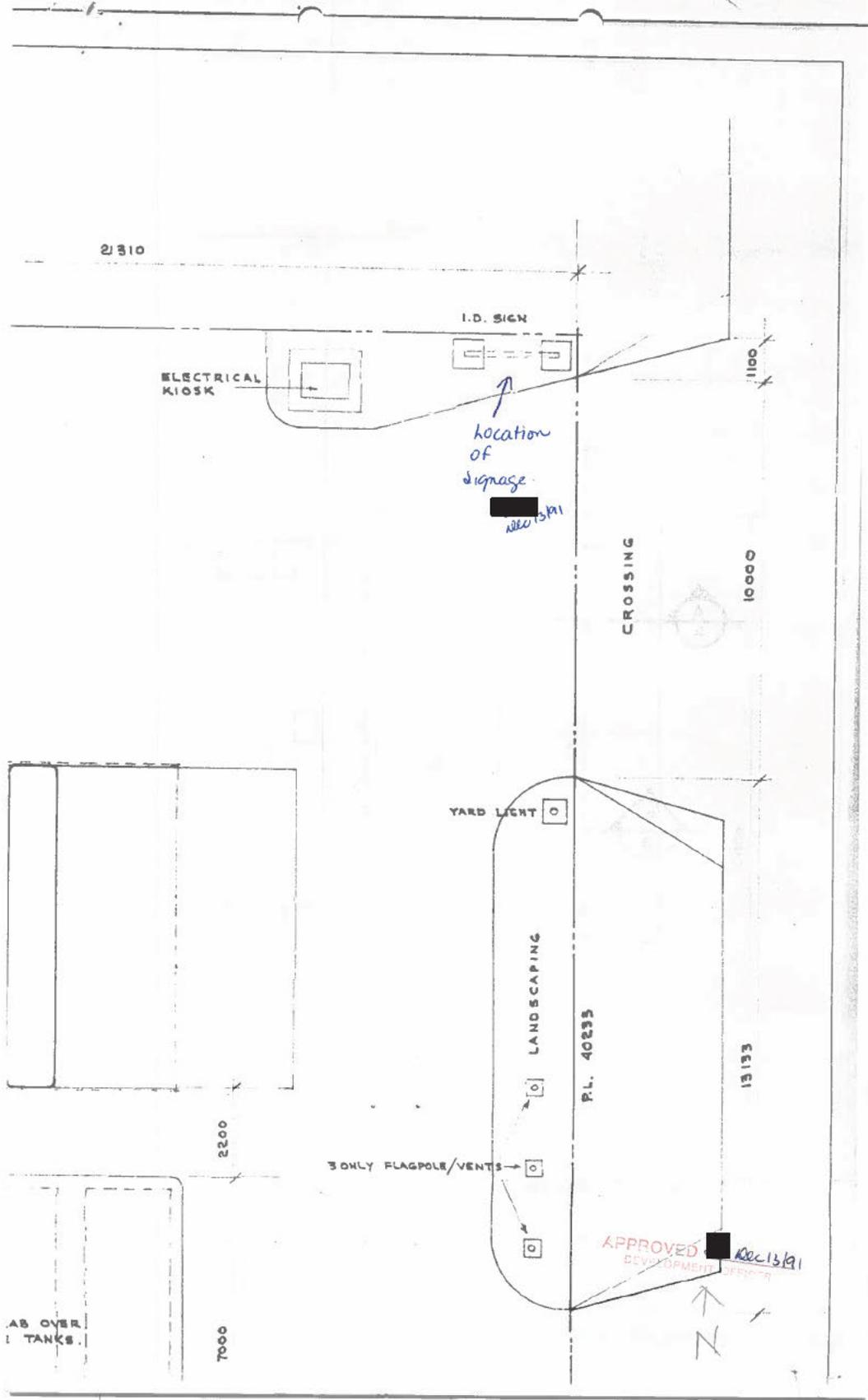
1. Mohawk shall provide correct colour matches and exact art work for all graphics at the time of order.
2. Sign installer is responsible for all sign permits, final electrical hook-up to wiring provided at the base, and confirmation of required dimensions.
3. All sign cans to be constructed of pre-finished bronze coloured extruded Aluminium frames and retainers. Lamps to be fluorescent Daylight type.

Proposed new identification sign.

FEDMONT

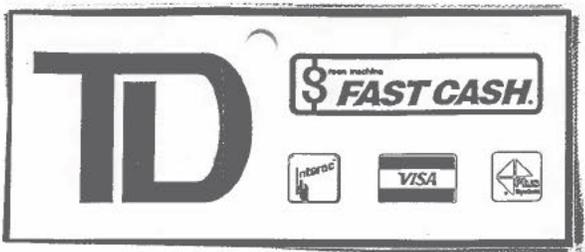
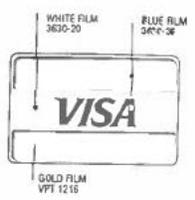
APPROVED [Signature] 12/13/91
DEVELOPMENT OFFICER

JO
IN
MC
720
SHE
SI
DRAW
CHEC
APPF
SCAL
DATE





HAND, CARD OUTLINE AND COPY
BLACK FILM 3630-22



30"

72"

2
NEW DF ILLUMINATED SIGN
INSTALLED ON EXISTING PYLON.

3M VINYL GRAPHICS APPLIED TO 3/16" LEXAN SECOND SURFACE.
TD: 19 1/4" DIFFUSER WHITE FILM 3630-20.
FAST CASH O/A: 8 1/4" H
(GREEN MACHINE LOGO/BORDER) WHITE
DIFFUSER FILM 3630-20.
BACKGROUND: (OVERALL) TD GREEN VPT 0999 FILM.

SHEET METAL CABINET & (1 1/2") RETAINERS PAINT HUSKY BEIGE.
ILLUMINATION BY T12 HO/CW FLOOR LAMPS.

APPROVED [redacted] 11/13/11

TAB 5

APPLICATION FORM: DEVELOPMENT PERMIT
 BUILDING PERMIT
 CONSTRUCTION PERMIT



Town of Beaumont

A. GENERAL ROLL # 000047

LOT	BLOCK	PLAN	PROPERTY ADDRESS
3		6384ET	5204-50th. Street, Beaumont, Alta.

Applicant: MOHAWK OIL CO. LTD;
Mailing Address: 6400 ROBERTS STREET, BURNABY, B.C.
Postal Code: V5G 4G2 Home No. n/a
Work No. (604) [REDACTED] Fax No. (604) [REDACTED]

Construction Value: \$ 25,000-00
Receipt No.: 3312
Application No.: 706-96

NOTE: If the applicant is not the owner, proof of authorization to act as an agent is required from the owner.

Registered Owner (if not applicant)
Name: INTERIERRA ENTERPRISES LTD;
Mailing Address: [REDACTED]
Phone: (403) [REDACTED] *order rec'd may 22/96*

Fees: Development Permit: \$50-00
Building Permit: 87-50
Safety Code Council Fee: 5-00
Damage/Performance: -
Meter Installation: -
Business Licence: -
Advertising: -
GST: -
TOTAL FEES: \$142-50 *ENCLOSED*

B. DEVELOPMENT PERMIT
Proposed Development: INSTALL SECOND PUMP ISLAND AND ADD TO EXISTING CANOPY
Main Floor Area: _____ m² _____ ft²
Total Devel. Area: _____
House Type: _____
Land Use Bylaw District: CTC

WAIVER CLAUSES
1. I/We hereby give consent, as owner, or person in possession of the subject property above, to any authorized person, pursuant to Section 43 of the Planning Act RSA, 1980, to enter said land and/or buildings.
2. I/We understand that an order, decision or permit made or issued by a Development Officer may be appealed by any person affected, within 14 days after that person is notified. If any work or action is taken (whether under an approved permit or not), within the appeal period, I/We waive any claim or right to compensation from the Municipality or its agents should the appeal result in this permit being modified or revoked.

I (am/represent) the owner of the property for which I am submitting this application.
Signature: [REDACTED] Date: MAY 14th, 1996

DECISION: APPROVED APPROVED SUBJECT TO CONDITIONS LISTED BELOW OR ATTACHED REFUSED

1. A Development Permit issued is valid for a period of 12 months.
See list of conditions attached

Development Officer: [REDACTED] Date: July 15/96
Notice of Decision Required _____ Appeal Expiry Date _____
Date Mailed _____ Date Published _____

C. BUILDING PERMIT
Construction Proposed: _____
I (am/represent) the owner of the property for which I am submitting this application.
Signature: [REDACTED] Date: _____

DECISION: APPROVED APPROVED SUBJECT TO CONDITIONS LISTED BELOW OR ATTACHED REFUSED

Building Inspector: [REDACTED] Date: May 30/96

MOHAWK RENOVATIONS
Development Permit Conditions

Lot 3, Plan 6384 ET

1. This permit is issued for exterior renovations to the Beaumont Mohawk Station according to Mohawk Oil Co. Ltd. plans dated April 19/96, with revisions to June 22/96. Renovations include the extension of the overhead canopy and the addition of new island and pumps.
2. The Land Use By-law, Section 17 relating to CTC - Commercial Town Centre District, the Central Area Redevelopment Plan and the French Village Design Guidelines shall apply with respect to this development for those items not specifically described in this permit.
3. There is a six metre right-of-way located at the front of the property which contains storm, sanitary sewer and water lines. In order to allow the overhead canopy to encroach onto the right-of-way, the owner shall sign a license of occupation which indicates that should the lines require servicing and the overhead canopy interferes, it shall be removed during the construction period at the expense of the Mohawk.
4. In order to fulfill the requirements of the French Village Theme, the following two items shall be provided:
 - (a) A french style park bench. Location on the site to be determined by the applicant.
 - (b) Construction of a french village style sidewalk to be located on municipal property between curb and property line in the area between the driveway crossings to match the sidewalk already in place south of this site.
5. The existing enclosure around the garbage bin is to be repaired and painted no later than September 30, 1996.
6. Sign detail is approved as submitted on the drawings. Address signage must be visible from 50th Street.
7. Where Town utilities/services are interfered with or for construction which is on municipal property, the applicant will be responsible for the costs.
8. The owner shall obtain all Federal, Provincial and local permits and inspections as they apply to this project.
9. Any changes to the plans require notification to the Municipality. Work may not proceed until changes have been approved.
10. The owner shall be responsible for all engineering and legal costs related to this project.

.../2

Notes:

1. Letter of Credit required for 100% of the cost of constructing the French Village Theme sidewalk (\$2,000.00); the cost of the bench (\$300.00); and improvements to the garbage enclosure (\$200.00).
2. Proof of insurance in the amount of \$2 million with the Town of Beaumont as the named insured.

Normal Conditions that have been Waived:

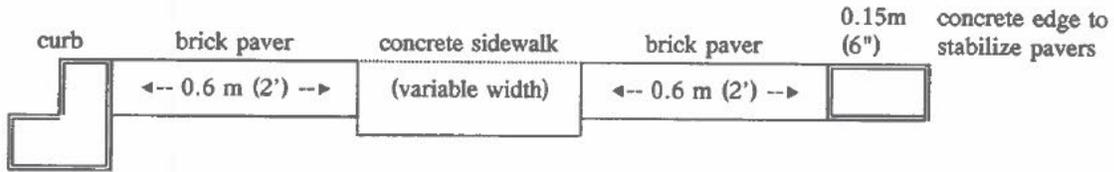
1. The Land Use By-law requires that 15% of the total lot area be landscaped. In this instance, the western portion of the property has been leased to the Town of Beaumont for the Firehall parking lot and only the east portion of the site developed for the Mohawk has been taken into consideration for site improvements. Landscaping totals 4% of the Mohawk site and will be accepted by the Town.
2. The Land Use By-law requires that three conifers (6' tall) and four deciduous (2" caliper) trees be planted. Given the reduced landscape area, the five bushes located on site are acceptable.

SMJj
(develop\mohawk.edn)
Attach.

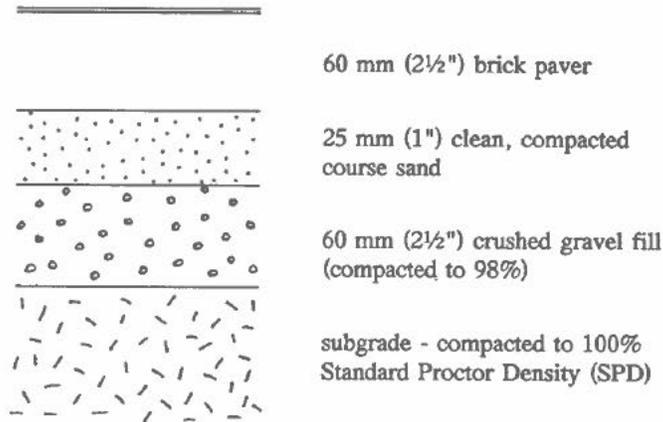
DEVELOPMENT PERMITS, C.C.'S, F.A.C.'S		
APPROVED BY	DESIGN	DATE
MORL. OF ENL.	[REDACTED]	4/8/96
ALTRNG MORL. OF COMM. DEV.	[REDACTED]	June 15/96
Acting GENERAL MORL.	[REDACTED]	15/07/96

TOWN OF BEAUMONT
FRENCH VILLAGE DESIGN SIDEWALK

Typical Layout:



Typical Construction - Pedestrian Sidewalk:



SMlj
(susan\sidewalk.des)



VILLE DE / TOWN OF BEAUMONT

5600 - 49 Street
Beaumont, Alberta
T4X 1A1

Phone: (403) 929-8782
FAX: (403) 929-8729

Permit # 706-96

LICENSE OF OCCUPATION

LEGAL DESCRIPTION: LOT 3, PLAN 6384 ET

1. This License allows the use of the utility right-of-way Plan 842 1540 occupying the east six metres of the site for the purpose of the overhead canopy, driveway aprons and other improvements at the Mohawk service station in the Town of Beaumont.
2. In accepting and using this License of Occupation, the Licensee acknowledges that he may be required to move a portion of the overhead canopy, concrete apron or other improvements while construction is occurring in the right-of-way. The licensee also agrees to hold free the municipality from any liability or responsibility for damage to any structure built by the Licensee or his agent(s) arising from any work done by the Town around, about or below the structure, either before or after the issuance of this License. Some examples of work done by the Town are:
 - Repair and maintenance of utilities in the right-of-way.
 - Settlement of trenches for water, sewer, storm and franchise utilities.
 - Repair of defective water and sewer services, and franchise utilities
3. This License of Occupation is granted by the municipality in full expectation of it being assigned from time to time to a new registered owner. By using the Town property which is covered by this License, it will be deemed that any assignee hereof accept the terms herein.

[Redacted Signature]

June 27-96
Date

ISSUED THIS 15 DAY OF July, A.D., 1996.

[Redacted Signature]

TOWN OF BEAUMONT



A. GENERAL

Lot	Block	Plan	Property Address
3		6384 ET.	5204-50 ST.

Applicant: _____
 Mailing Address: _____
 Postal Code: 75V 1K9 Home No. _____
 Work No. _____ Fax No. _____
 Cell No. _____

Construction Value \$ 300,000.00
 Receipt No. 48035
 Application No. 337-04
 Fees: Development Permit 50.00
 Building Permit _____
 Safety Code Council Fee _____
 Damage/ Performance _____
 Meter Installation _____
 G.S.T. _____
 Business License 50.00
 E.P. & Gas _____
 Notification Fee _____
TOTAL FEES: \$ 100.00

NOTE: If the applicant is not the owner, proof of authorization to act as an agent is required from the owner.
 Registered Owner (if not applicant)
 Name: K-5 Developments Inc.
 Mailing Address: _____
 Postal Code: Canmore, AB T1W 1H4
 Phone No: _____



B. DEVELOPMENT PERMIT

Entralcom 11x grade w/ driveway

Upper Floor Area _____ House Type: _____
 Main Floor Area _____
 Basement Floor Area _____
 Total Dev. Area _____
 Land Use By-law District CTC

APPLICANT AUTHORIZATION AND APPEAL PROCESS

- I am the owner/agent with the consent and authority of the owner that is the subject matter of this permit application. I understand and agree that this application for a development permit and any development permit issued pursuant to this application, or any information related thereto, is not confidential information and may be released by the Town.
- Further, I/we hereby give my/our consent to allow any authorized person pursuant to the *Municipal Government Act Section 542* the right to enter the land and/or building(s) with respect to this application only.
- I/we understand that an order, decision or permit made or issued by a Development Officer may be appealed by any person affected, within 14 days after notification. If any work or action is taken (whether under an approved permit or not), within the appeal period, I/we waive any claim or right to compensation from the Municipality or its agents should the appeal result in this permit being modified or revoked.

Signature: _____ Date: Sept 17/2004

DECISION: Approved Approved subject to conditions below or attached Refused

- Contact John Attwater, Fire Chief, prior to start of work for pre-site inspection, notification of tank removal, installation & testing.
- Notification of road (southwest) closure to Public Works Dept, RCMP & Bylaw to be given 24 hours in advance of closure.
- Final Environmental Report to be submitted to the Council upon completion.

Development Officer: _____ Date: Sept. 20/04.
 Notice of Decision: _____ Date Published: _____ Appeal Expiry Date: _____

C. BUILDING PERMIT

APPLICANT AUTHORIZATION

I am the owner/agent with the consent and authority of the owner that is the subject matter of this building permit application. I understand and agree that this application for a building permit and any building permit issued pursuant to this application, or any information related thereto, is not confidential information and may be released by the Town in accordance with Section 59(1)(a) of the Safety Codes Act.

Signature: _____ Date: _____

DECISION: Approved Approved subject to conditions below or attached Refused

- Plan review to be submitted to P.T.M.A. for approval prior to construction start, along with necessary forms.

Safety Codes Officer: _____ Date: _____

Brenda Matthews

From: [REDACTED]
Sent: Friday, September 17, 2004 6:01 PM
To: bmatthews@town.beaumont.ab.ca
Cc: [REDACTED]
Subject: Beaumont Mohawk Pre Site Maintenance (Pre Site upgrade) Environmental Assessment Letter Report-Draft



Beaumont Husky
Letter_ESA_Dra...

Here is a PDF copy of the Beaumont Mohawk Pre Site Maintenance (Pre Site upgrade) Environmental Assessment Letter Report-Draft to include in Husky's Development Permit application.

The letter report will be reviewed by ARC senior staff on Monday September 20, 2004 and a signed copy will be forwarded to you at that time.

Thanks, <?xml:namespace prefix = o ns =
"urn:schemas-microsoft-com:office:office" />

[REDACTED]
Project Manager

PHH / ARC Environmental

[REDACTED]
Privilege and Confidentiality Notice

"The information in this electronic message may be privileged and confidential and is intended only for the use of the individual(s) or entity(s) named above. If you are not the intended recipient, you are on notice that any unauthorized disclosure, copying, distribution, or taking any actions in reliance on the contents of this electronically transmitted material is prohibited."

TAB 7

APPLICATION FORM: Development Permit
 Building Permit
 Call Mail Pickup

TOWN OF BEAUMONT

5600 - 49 Street
 Beaumont, Alberta T4X 1A1
 Phone: (780) 929-8782
 Fax: (780) 929-8729
 e-mail: admin@town.beaumont.ab.ca



A. GENERAL

Lot 3	Block	Plan 6384 ET	Property Address 5024 50th Street Beaumont, Alberta
----------	-------	-----------------	--

Applicant: CTM Design Services Ltd.
 Mailing Address: 210, 340 Midpark Way SE Calgary, AB
 Postal Code: T2X 1P1 Home No. _____
 Work No. (403)640-0990 Fax No. (403)259-6506
 Cell No. ext.228

Construction Value \$ 355,500.00 +/-
 Receipt No. 106722
 Application No. 155-08
 Fees:
 Development Permit ~~\$535.88~~ 325.20
 Building Permit \$1455.50
 Safety Code Council Fee \$50.94
 Damage/ Performance _____
 Garbage Deposit _____
 Construction Water _____
 Street Cleaning Fee _____
 Meter Installation _____
 G.S.T. _____
 Business License _____
 E.P. & Gas _____
 Notification Fee _____
TOTAL FEES: 1831.64
\$2042.92

NOTE: If the applicant is not the owner, proof of authorization to act as an agent is required from the owner.



Registered Owner (If not applicant)
 Name: Husky Oil Marketing Company
 Mailing Address: 707 8th Ave SE P.O. Box 6525 Stn. D
 Postal Code: Calgary, Alberta T2P 3G7
 Phone No: (403)298-6111

B. DEVELOPMENT PERMIT

Update and reface existing signs and main
identification sign. Renovations on interior.

Upper Floor Area _____ House Type: _____
 Main Floor Area 216.8m2 to 2333.6 sq ft
 Basement Floor Area _____
 Total Dev. Area 216.8m2
 Land Use By-law District CTC - Commercial Town Centre

APPLICANT AUTHORIZATION AND APPEAL PROCESS

- I am the owner/agent with the consent and authority of the owner that is the subject matter of this permit application. I understand and agree that this application for a development permit and any development permit issued pursuant to this application, or any information related thereto, is not confidential information and may be released by the Town.
- Further, I/we hereby give my/our consent to allow any authorized person pursuant to the *Municipal Government Act Section 542* the right to enter the land and/or building(s) with respect to this application only.
- I/we understand that an order, decision or permit made or issued by a Development Officer may be appealed by any person affected, within 14 days after notification. If any work or action is taken (whether under an approved permit or not), within the appeal period, I/we waive any claim or right to compensation from the Municipality or its agents should the appeal result in this permit being modified or revoked.

Signature see attached letter Date: March 24, 2008

DECISION: Approved Approved subject to conditions below or attached Refused

- Free standing sign must be reduced in size to meet the hard use bylaw requirements of 4m high, 1.2m in area.
- General Contractor is required to obtain Beaumont Business License.
- The plan must be forwarded to the Beaumont Fire Dept. should be used to conduct an inspection.
- Electrical, plumbing and gas permits as required are to be obtained through Superior Safety Codes.

Development Officer: _____ Date: May 1, 2008

Notice of Decision: _____ Date Published: _____ Appeal Expiry Date: _____

C. BUILDING PERMIT

Interior Renovations

APPLICANT AUTHORIZATION

I am the owner/agent with the consent and authority of the owner that is the subject matter of this building permit application. I understand and agree that this application for a building permit and any building permit issued pursuant to this application, or any information related thereto, is not confidential information and may be released by the Town in accordance with *Section 59(1)(e) of the Safety Codes Act*.

Signature: _____ Date: March 24, 2008

DECISION: Approved Approved subject to conditions below or attached Refused

SEE PLAN REVIEW REPORT

_____ D 3584 _____ MAY 7/08



Jan. 30, 2008

**Re: BEAUMONT HUSKY - 5024 50TH STREET, BEAUMONT,
ALBERTA T4X 1E5**

To Whom It May Concern:

Please be advised that CTM Design Services Ltd. has been authorized to make the necessary applications for development of the above site on behalf of Husky Energy Limited.

Sincerely,



Mike Adamowski
Senior Construction Manager



VILLE DE / TOWN OF
BEAUMONT

5600 - 49 Street
Beaumont, Alberta
T4X 1A1

Phone: (780) 929-3325
Fax: (780) 929-3300
Email: brad.jolin@town.beaumont.ab.ca

PLAN EXAMINATION REPORT
COMMERCIAL

Date: Permit No - 08B Devp. No. -08

Applicant: CTM Design Services [REDACTED] Phone (403) 640 0990
Address: 210, 340 Midpark Way SE Fax: (403) 259 6506
Calgary, AB. T2X 1P1
Owner: Husky Oil Phone: (403) 298 6111
Address: 707 8th Ave SE P.O. Box 8625 Stn D
Calgary, AB. T2P 4G7
Contractor: (same as applicant) Phone:
Address:

Project Location: Lot 3 Block Plan 6384 ET
Civic Address: 5024 50th Street, Beaumont

Bldg. Classification: Division B, Group E (Mercantile), Part 9
Building Area: 357m² (216.8m² C-Store)

Inspections Required: (Please provide 24 hours notice for inspection)
 Framing/Insulation: (Prior to Drywall)
 Final: (Prior to Occupancy)

A re-inspection fee of \$100.00 plus \$5.00 GST will apply for each additional inspection other than those listed above. All re-inspection fees are due prior to re-inspections as per By-Law #377-92.

General Conditions:

1. All municipal zoning and development requirements are to be satisfied.
2. All work, materials and construction must comply with the ABC 2006.
3. All requirements of the Plumbing and Gas, Boilers, Electrical Codes must be met.
4. Construction must begin within 90 days of permit issuance.
5. Construction may not be abandoned for more than 120 days without prior written notification submitted to this office.

Comments:

2.2.12.6. Verification of Compliance

Upon completion of the project, the authority having jurisdiction shall receive assurance in a letter form from the person responsible that the building or portion of the building to be occupied substantially complies with the requirements of this Code.

9.10.9.6. Services Penetrating a Fire Separation (Utility room)

Piping, tubing, ducts, chimneys, wiring, conduit, electrical outlet boxes and other similar service equipment that penetrate a required fire separation shall be tightly fitted or fire stopped to maintain the integrity of the separation. (Cooler entry door from Utility room must have a fire protection rating equivalent to 45 minute.

9.9.11.3. Emergency Lighting

Emergency lighting shall be provided in exits, and principal routes providing access to exit in an open floor area, corridors used by the public, and public corridors. Where self-contained emergency lighting units are used, they shall conform to CSA C22.2 No. 141-M, "Unit Equipment for Emergency Lighting."

9.10.20.4. Portable Fire Extinguishers

Portable extinguishers shall be provided and installed in conformance with the Alberta Fire Code 2006.

8.1.2.1. Safety Measure

Where a building is undergoing construction, alteration or demolition, measures shall be taken at the building site in conformance with Part 8 of the Alberta Building Code, and the Alberta Fire Code.

2.2.9.9. Responsibility for Compliance

Neither the issuance of a permit, nor inspections made by the authority having jurisdiction, shall in any way relieve the owner (or the owners representative) of a building from full responsibility for carrying out the construction or having the construction carried out in accordance with the requirements of the Safety Codes Act and regulations made pursuant to that Act, this Code, or the permit, including compliance with any special conditions required by the authority having jurisdiction.

The above list of requirements may not cover all the requirements in your project. The owner is still responsible for full compliance with the requirements of the Alberta Building Code 2006. If you need assistance, please contact the Town of Beaumont office at (780) 929-3325

Eugebe de Leon		D3599
Safety Codes Officer	Signature	Designation No.

NOTICE OF DEVELOPMENT
TO
Bob Gates – FIRE CHIEF

TYPE OF DEVELOPMENT

- Commercial New
- Commercial Renovation
- Institutional New
- Institutional Renovation

LOCATION: Lot 3, Block _____, Plan 6384 ET

Civic Address: 5024-50 STREET

Husky Gas Station:

CONTACT:

Architect: Cam Design Services Ltd - Kailee
B210, 340 Macleod Trail SE
Calgary AB T2X 1P1
Phone: (403) 640-6190 x 228

DETAILS:

Interior renovation, new sign & canopy

Return to:

Brenda Matthews
Town of Beaumont
Planning & Development Department

0550-002 (F_Fire Insp)
July 17, 2007



LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0016 260 002	6384ET;;3	012 365 852 +6

LEGAL DESCRIPTION

PLAN 6384ET
 LOT THREE (3)
 CONTAINING 0.405 HECTARES (1 ACRE), MORE OR LESS
 EXCEPTING THEREOUT: ALL THAT PORTION LYING WITHIN LOT
 FOUR-C (4C), PLAN 8620444
 EXCEPTING THEREBOUT ALL MINES AND MINRRALS

ATS REFERENCE: 4;24;50;34;SE
 ESTATE: FEE SIMPLE

MUNICIPALITY: TOWN OF BEAUMONT

REFERENCE NUMBER: 002 064 849 +4

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
012 365 852	13/11/2001	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS

K-5 DEVELOPMENTS INC..
 [REDACTED]
 CANMORE
 ALBERTA T1W 1H4

ENCUMBRANCES, LIENS & INTERESTS		
REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
872 052 164	12/03/1987	UTILITY RIGHT OF WAY GRANTBE - THE TOWN OF BEAUMONT.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTSPAGE 2
012 365 852 +6REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

AS TO PORTION OR PLAN:8421540

922 073 483	23/03/1992	CAVEAT RE : LEASE CAVEATOR - MOHAWK OIL CO. LTD.. 5920 - 76 AVENUE EDMONTON ALBERTA AGENT - NINA GAVIERES
952 224 575	25/08/1995	CAVEAT RE : LEASE CAVEATOR - THE TOWN OF BEAUMONT. 5600 - 49 STREET BEAUMONT ALBERTA AGENT - VALERIAN J LOPATKA
002 064 850	14/03/2000	MORTGAGE MORTGAGEE - PARKLAND SAVINGS AND CREDIT UNION, LIMITED. 4901 - 48 STREET, RED DEER ALBERTA T4N6M4 ORIGINAL PRINCIPAL AMOUNT: \$1,700,000
002 086 748	04/04/2000	POSTPONEMENT OF CAVE 922073483 TO MORT 002064850
002 089 549	06/04/2000	POSTPONEMENT OF CAVE 952224575 TO MORT 002064850
022 152 855	02/05/2002	AMENDING AGREEMENT AFFECTS INSTRUMENT: 002064850
022 152 856	02/05/2002	CAVEAT RE : ASSIGNMENT OF RENTS CAVEATOR - COMMUNITY CREDIT UNION LTD.. 4901-48 ST RED DEER ALBERTA T4N6M4 AGENT - GERRY N FEEHAN
042 098 160	09/03/2004	MORTGAGE MORTGAGEE - COMMUNITY CREDIT UNION LTD.. 2ND FLOOR, 3001-50TH AVE

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3
012 365 852 +6

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
		RED DEER ALBERTA T4N5Y6 ORIGINAL PRINCIPAL AMOUNT: \$500,000
042 098 161	09/03/2004	CAVEAT RE : ASSIGNMENT OF RENTS CAVEATOR - COMMUNITY CREDIT UNION LTD.. 4901-48 ST RED DEER ALBERTA T4N6M4 AGENT - BRIAN D NEELAND
042 455 570	18/10/2004	POSTPONEMENT OF CAVE 952224575 TO MORT 042098160 CAVE 042098161
042 535 658	07/12/2004	MORTGAGE MORTGAGEE - INTERTERRA RESOURCES INC.. 324 CANYON CLOSE CANMORE ALBERTA T1W1H4 ORIGINAL PRINCIPAL AMOUNT: \$493,000

TOTAL INSTRUMENTS: 012

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED
HEREIN THIS 13 DAY OF FEBRUARY, 2008 AT 03:19 P.M.

ORDER NUMBER:10545333

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE
SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS
SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR

(CONTINUED)

PAGE 4

OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

TRANSMITTAL

To: Town of Beaumont
 5600 49th Street
 Beaumont, Alberta
 T4X 1A1
 (780)929-8782

Date: March 24, 2008
Project No: 27065

Attn: Development/Building Department

RECEIVED

MAR 28 2008

Regarding: Beaumont Husky

Issued for:

- Information
- As requested
- Review
- Tender
- Construction
- Other

Delivered by:

- Courier
- Hand
- Mail
- Other (ex. Pick up)

Qty.	Description	Rev. #
1	Development/Building Permit Application	
1	Title	
1	Letter of Authorization	
3	Drawing Package	

Remarks:

Sincerely,

CTM DESIGN SERVICES LTD.



Tel. Ext. 228

e-mail:

2042.32
 - 1833.76

 208.56

Copy



Town of Beaumont

5600 - 49 Street
 Beaumont, Alberta T4X 1A1
 Phone: (780) 929-8782 Fax: (780) 929-8729
 E-Mail: admin@town.beaumont.ab.ca

OFFICIAL RECEIPT
 106722

CTM Design Services Ltd.
 210, 340 Midpark Way SE
 Calgary, Alberta
 T2X 1P1

Date: May 1, 2008
 Initials: BM

Receipt Type	Roll/Account	Description	Outstanding Before Pmt	Receipt Amount
General	DEVEL	DP - Husky Renovation	\$0.00	\$535.88
General	BLDGP	Building Permits	\$0.00	\$1,455.50
General	SAFTB	SAFETY CODES FEES BUILDING	\$0.00	\$50.94

Cheque Number: 009422 & 009433

----- PAYMENT SUMMARY -----

Tax Amount:	\$0.00
Receipt Total:	\$2,042.32
Cash Received:	\$0.00
Cheque Received:	\$2,042.32
Other Received:	\$0.00
	\$2,042.32

Renovation LUB	PROPOSED	Comments
<p>sign: free-standing - not affixed to Bldg. internally or externally lit max ht 6.0m (19.68 ft). area 120 m² (12917 ft²)</p>	<p>(2024 ft) proposed sign is 6.778m in height and 2.175m wide; area 14.74m²</p>	<p>too tall, exceeds area.</p>
<p><u>Interior Renovations</u></p> <ul style="list-style-type: none"> - men's/women's washroom barrier free - office moved - utility room reconfigured. - walkin cooler enlarged. - cash area moved. <p><u>Exterior Bldg</u></p> <p>East elevation</p> <p>West elevation</p> <p>North elevation</p> <p>South elevation</p>	<p>canopy slightly changed in design & color new door added, glass front, new poster sign, new logo.</p> <p>adding a ladder and color to blocks.</p> <p>new logo on existing awning, color to blocks, new signage over bay doors.</p> <p>new fascia signage, color to existing blocks, new poster board signs, new logo on existing awning.</p> <p>catch & repair existing surfaces as required.</p>	<p>nutten bars in window.</p>



VILLE DE / TOWN OF
BEAUMONT

5600 - 49 Street
Beaumont, Alberta
T4X 1A1

Phone: (780) 929-1369
Fax: (780) 929-3300
Email: john.kennedy@town.beaumont.ab.ca

PERMIT SERVICES REPORT

Date:	Dec. 4, 2008	Permit No	08B155	Devp. No.	155-08
--------------	---------------------	------------------	---------------	------------------	---------------

Applicant: CTM Design Services [REDACTED] Phone (403) 640 0990
Address: 210, 340 Midpark Way SE Fax: (403) 259 6506
Calgary, AB.
T2X 1P1

FAXED
Dec 4/08

Owner: Husky Oil Phone: (403) 298 6111
Address: 707 8th Ave SE P.O. Box 8625 Str D
Calgary, AB.
T2P 4G7

Contractor: (same as applicant) Phone:
Address:

Project Location: Lot 3 Block Plan 6384 ET
Civic Address: 5024 50th Street, Beaumont

Bldg. Classification: Division B, Group E (Mercantile), Part 9
Building Area: 357m² (216.8m² C-Store)

Compliance monitoring services have been provided as required by the Safety Codes Act, and codes, regulations and policies pursuant to the Act. It is in the opinion of the issuer of this report that:

- The **work complies** with the intent of the Safety Codes Act and applicable regulations.
- The **work may not comply** as a Safety Codes Officer was unable to gain entry for the required site inspection(s). Please contact the Municipality within 30 days of the date of this report if you wish to arrange for a site inspection.
- Deficiencies must be corrected** for the work to meet the intent of the Safety Codes Act and applicable regulations (refer to attached list or inspection report). Please contact the municipality within 30 days of this report if you wish to make arrangements for the municipality to verify that deficiencies are corrected.

Signed:

Sherry Jackson
Permit Issuer

[REDACTED SIGNATURE]
Signature

S 112218
Designation No.

cc: permit file

Note: This report remains on file as record of compliance or non-compliance with the provisions of the Safety Codes Act, regulations, Codes, and standards. Pursuant to the Safety Codes Act, the "Owner" is responsible for meeting the requirements of the Act.



VILLE DE / TOWN OF
BEAUMONT

5600 - 49 Street
Beaumont, Alberta
T4X 1A1

Phone: (780) 929-1363
Fax: (780) 929-3300
Email: brad.jolin@town.beaumont.ab.ca

SITE INSPECTION REPORT

Date: Nov. 4, 2008 **Permit No** 08B155 **Devp. No.** 155-08

Applicant: CTM Design Services ([REDACTED]) Phone (403) 640 0990
Address: 210, 340 Midpark Way SE Fax: (403) 259 6506
Calgary, AB.
T2X 1P1

FAXED
Nov 4/08

Owner: Husky Oil Phone: (403) 298 6111
Address: 707 8th Ave SE P.O. Box 8625 Str D
Calgary, AB.
T2P 4G7

Contractor: (same as applicant) Phone:
Address:

Project Location: Lot 3 Block Plan 6384 ET
Civic Address: 5024 50th Street, Beaumont

Bldg. Classification: Division B, Group E (Mercantile), Part 9
Building Area: 357m² (216.8m² C-Store)

Inspection Required: Final

Code Violation(s) Observed: No

Fire extinguishers are to be mounted near exits at a maximum height of 5' above the finished floor.

Please submit a Verification of Compliance. Upon completion of the project, the authority having jurisdiction shall receive assurance in a letter form from the person responsible that the building or portion of the building to be occupied substantially complies with the requirements of this Code.

No more Site Inspections are required

Eugene deLeon/Brad Jolin
Safety Codes Officer

[REDACTED]
Signature

D3599/D 4613
Designation No.

A copy has been: Faxed



TOWN OF BEAUMONT - APPLICATION FORM

Development Permit
Building Permit
Call Mail Pickup

5600 49 Street
Beaumont AB T4X 1A1
Phone: 780-929-8782
Fax: 780-929-3300
development@beaumont.ab.ca

A. GENERAL

Form A. GENERAL containing fields for Lot (3), Block, Plan (6384 ET), Municipal Address (5204-50 STREET SE 34-50-24-W44), Applicant/Contractor (OPTION CONSTRUCTION), Construction Value (\$147,000.00), Application # (2017-089), Fees (Development Permit 154.50, Building Permit 757.05, etc.), and Identification (Driver's License).

Form B. DEVELOPMENT PERMIT containing fields for Permitted Use (checked), Discretionary Use, Upper Floor Areas, Main Floor Area, Land Use District, and Tax Roll (000047). Includes applicant authorization and decision sections.

Form C. BUILDING PERMIT containing fields for Building Permit validity (one year), Applicant authorization, and Safety Codes Officer information (Adam Bednarski, Designation # D6030).

The personal information requested on this form is being collected under the authority of Section 32(c) of the Freedom of Information and Protection of Privacy (FOIP) Act.



VILLE DE / TOWN OF
BEAUMONT

5600 – 49 Street
Beaumont, Alberta
T4X 1A1

Phone: (780) 929-1363
Fax: (780) 929-3300
buildinginspections@beaumont.ab.ca

BUILDING PLAN EXAMINATION REPORT

Date: March 13, 2017	Tax: NA	Permit No 2017-089
-----------------------------	----------------	---------------------------

Applicant: Option Construction
Address: [Redacted]
Spruce Grove, AB T7X 3B5
Phone: [Redacted]
Fax: [Redacted]
Email: [Redacted]

Owner: [Redacted]
Address: [Redacted]
Phone: [Redacted]

Contractor: (same as applicant)
Address: [Redacted]
Phone: [Redacted]

Project Location: Lot: 3 Block: - Plan: 6384ET
Civic Address: 5204-50st, Beaumont

Project:
Bldg. Classification: Division B, Group F2, Part 3 (Service Station)
Building Area: N/A (Husky Exterior Canopy Repairs)
Number of Storey: 1

Inspections Required: (Please provide 72 hours notice for inspection)

- Framing: (Prior to Concealing Roof Joists)
- Final: (Upon Completion)

A re-inspection fee of \$250.00 plus \$7.50 GST will apply for each additional inspection other than those listed above. All re-inspection fees are due prior to re-inspections as per By-Law #860-15

General Conditions:

1. All municipal zoning and development requirements are to be satisfied.
2. All work, materials and construction must comply with the ABC 2014.
3. All requirements of the Plumbing and Gas, Boilers, Electrical Codes must be met.
4. Construction must begin within 90 days of permit issuance.
5. Construction may not be abandoned for more than 120 days without prior written notification submitted to this office.

Comments:

- Follow the engineer's directions for removal and replacement of the supporting post and canopy.
- Call for a structural framing inspection prior to concealing the beams and joists

Alberta Building Code 2014 – General Requirements:

2.2.13.1. Safety During Construction

Where a building is undergoing construction, alteration or demolition, measures shall be taken at the building construction site in conformance with Part 8 of Division B of the Alberta Building Code, and the Alberta Fire Code.

2.4.4.1. Responsibility for Compliance

Neither the issuance of a permit, nor inspections made by the authority having jurisdiction, shall in any way relieve the owner (or the owners representative) of a building from full responsibility for carrying out the construction in accordance with the requirements of the Safety Codes Act.

2.6.6.3. Fabrication and Erection of Steel

All fabricators and erectors of welded construction for buildings constructed under Part 4, are certified by the Canadian Welding Bureau.

The above list does not cover every aspect of the building code only the basic are listed. It is the responsibility of the owner or the owner's representative to make sure the work complies with the Alberta Building Code. If you need further assistance call the Town of Beaumont.

Adam Bednarski
Safety Codes Officer



Signature

D6030

Designation No.

210 340 Midpark Way SE
Calgary AB T2X 1P1

P 403 640 0990
F 403 259 6506

ctmdesign.ca



Structural Inspection Report Beaumont Husky Market

Date of Visit: November 18, 2016 | 9:00 am

Project: L5007 Beaumont Market Husky
5204 – 50th Street, Beaumont, AB

No: 16134

Consultant/Inspector:
CTM Design Services Ltd.
Sheryl Bliet, P.Eng.

Client:
Des Whittle
Husky Energy Inc.

Purpose of this site visit:

Husky Energy Inc. discovered that the Northeast column of the canopy has swelled at the base. PM Electric was called to site and found that the column was full of water. PM Electric drilled small holes in the base of the column to release the water. Husky requested that CTM Design Services Ltd. conduct an inspection of the canopy to determine the cause of the leak and provide recommendations for repair. PM Electric was on site to assist with the inspection.



ADAM BEDNARSKI
SAFETY CODES OFFICER
DESIGNATION # D6030

Observations:

This is a double skin canopy that was constructed at two different time frames. The original two islands, located closest to the building, are built with wood trusses bearing on steel beams supported on steel columns and concrete piles below. The two new islands, located furthest from the building, are built with TJI truss joists bearing on steel beams supported by steel columns and concrete piles below. There is an expansion joint between the old and new canopies. The following are the observations made during the inspection.

1. The Northeast column located near dispenser 5/6 has noticeable swelling at the base. Three holes were drilled in the column to release the water inside, one at the base and two about 32" above the concrete island. The bulge was measured to be 1¼" from plumb and extended approximately 26" above the top of the concrete island. There are rust stains on the face of the column and the concrete from the water draining out indicating that the inside of the column is rusting. The outside of the column shows rusting as well. Refer to photos 1-3.
2. The remaining three columns show no signs of bulging and only early signs of rusting appear at their bases. The paint is flaking off all the columns. Refer to photos 3-6.
3. The top of column was observed in the ceiling space near the bulging column. There is a roof drain located adjacent to the column but there is no evidence of a leak in this drain. Even if the drain was leaking, there is no way for water to enter the column since there is a cap plate welded to the top of the column and a support beam on top of the plate. There are no significant holes in the sides of the columns that could allow water to enter the column. One possible explanation for the water in the column is that the water was able to enter during construction and was never able to escape. Another possibility is that the weld between the column and cap plate is not fully continuous and condensation was able to seep through the holes and water accumulated over time. In either scenario, the water has gone through numerous freeze/ thaw cycles putting pressure on the faces of the column and eventually weakening the steel enough to cause bulging. Refer to photos 7-8.
4. While up on the roof of the canopy it was observed that the parapet over the original canopy on the South face is failing and has a noticeable tilt. The screws fastening the sign box to this parapet are also pulling away from the framing. The parapet on the North face is also showing early signs of failure. There is separation at both corners of the parapet framing. Refer to photos 9-14.
5. The framing of the newer canopy was observed while in the ceiling space. The wood and steel members appear to be in good condition. Some of the bolts fastening the nailer plate to the top of the steel beam were noticed to be loose. Refer to photos 15-17.

ADAM BEDNARSKI
SAFETY CODES OFFICER
DESIGNATION # D6030



Photo 1 – Bulge and rust at NE column



Photo 2 – Bulge and rust at NE column



Photo 3 – Bulge and rust at NE column



Photo 4 – Flaking paint at NW column



Photo 5 – Flaking paint at SE column



Photo 6 – Flaking paint at SW column



Photo 7 – Beam column connection at NE column and roof drain



Photo 8 – Top of roof drain at NE column



Photo 9 – Rotation of South parapet



Photo 10 – Rotation of South parapet



Photo 11 – Sign box separating from parapet framing on South face



Photo 12 – Parapet on North face

ADAM BEDNARSKI
SAFETY CODES OFFICER
DESIGNATION # D6030



Photo 13 – Parapet separation at South face



Photo 14 – Parapet separation at North face



Photo 15 – Wood and steel framing in good condition

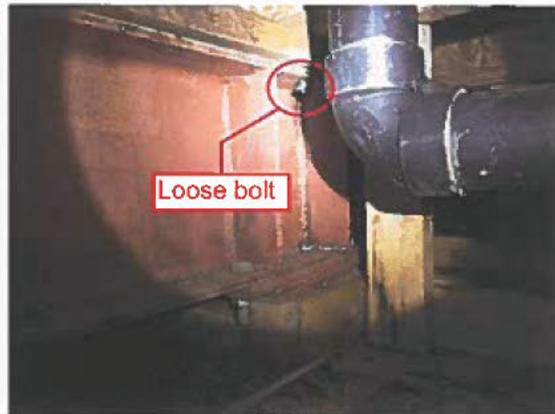


Photo 16 – Loose bolt between steel beam and wood nailer

ADAM BEDNARSKI
SAFETY CODES OFFICER
DESIGNATION # D6030

Recommendations:

1. Due to the rotation of the parapet on the South face of the canopy tied to the store and the separation of the sign box, it is recommended that this sign box be removed immediately. The sign box on the North face should also be removed to allow for repairs to the parapet but is not an immediate issue. Both parapets on the original canopy that is tied to the building shall be removed and rebuilt. The new parapets must be designed for the weight of the sign boxes and be adequately fastened to the canopy framing.
2. Due to the amount of bulging, rusting and fatigue on the Northeast column, this column will need to be replaced. The amount of bulging does not allow for an effective collar to be installed to reinforce the existing column. In the interest of public and worker safety, it is recommended that the canopy over the East two dispensers be removed while the column is being replaced instead of trying to shore the canopy.
3. It is recommended that the remaining three columns be cleaned to remove the existing paint and that they be refinished to prevent corrosion. The columns shall be primed and painted with rust resistant paint. The nuts on the bolts fastening the nailer plate to the steel beams shall be tightened.
4. CTM Design Services Ltd. can provide further details for any of the items listed above at the request of Husky Energy Inc.

Should you have any questions or concerns, please do not hesitate to contact our office.

Regards,

CTM DESIGN SERVICES LTD.



Sheryl Bliet, P.Eng.

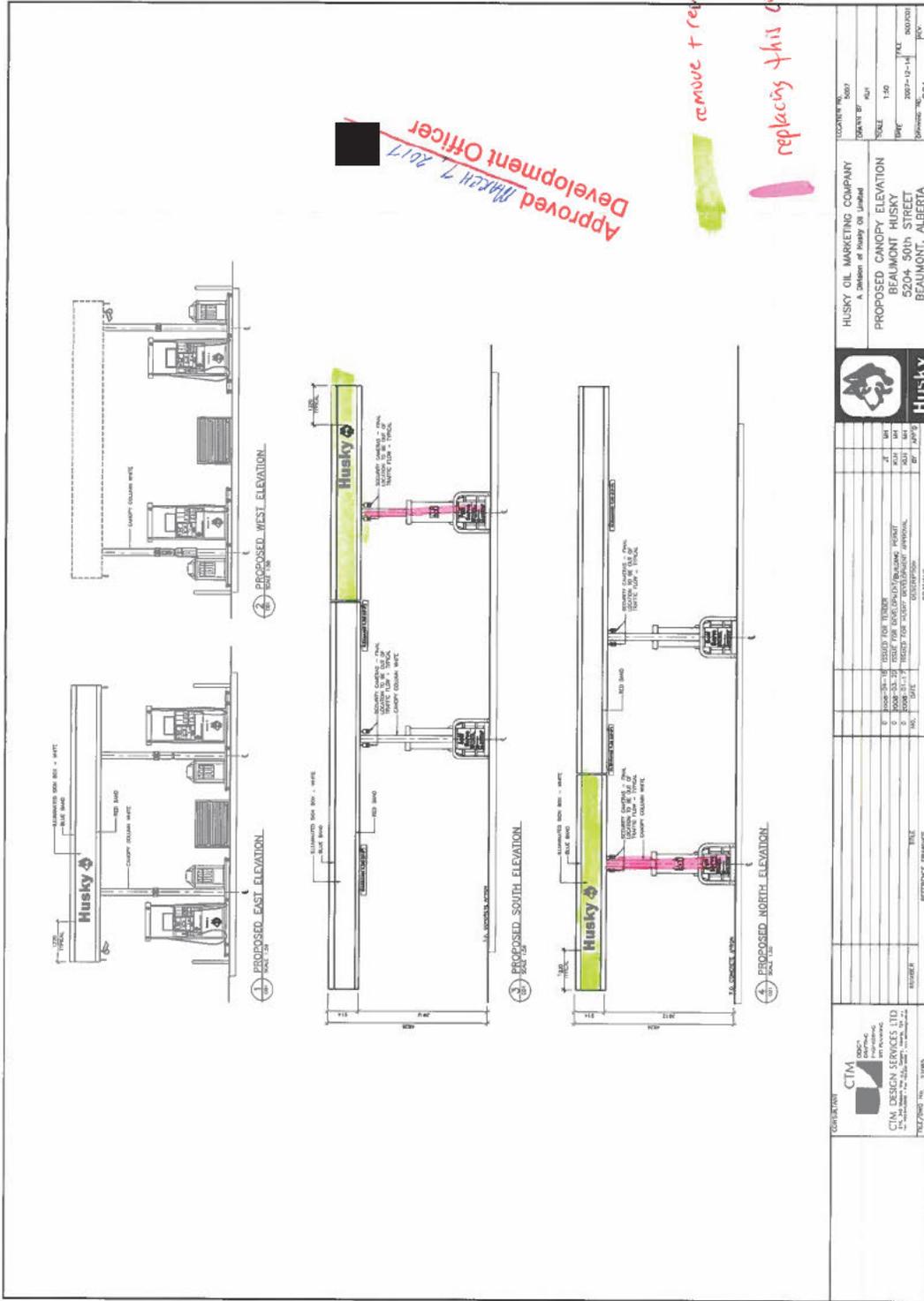


ADAM BEDNARSKI
SAFETY CODES OFFICER
DESIGNATION # D6030

ADAM BEDNARSKI
SAFETY CODES OFFICER
DESIGNATION # D8030
March 10/17

remove + re-installing
replacing this column

Approved March 7, 2017
Development Officer



<p>CTM DESIGN SERVICES LTD 10000 100th Street, Suite 100 Edmonton, Alberta T5A 1C6 Tel: 780-443-1111</p>	<p>PROJECT NO. 24000</p> <p>DATE 03/07/17</p> <p>SCALE 1:50</p> <p>DATE 2017-12-14</p> <p>PROJECT 800030</p>
	<p>LOCATION No. 5007</p> <p>PROJECT No. 801</p> <p>SCALE 1:50</p> <p>DATE 2017-12-14</p> <p>PROJECT 800030</p>
<p>HUSKY OIL MARKETING COMPANY A Division of Husky Oil Limited</p> <p>PROPOSED CANOPY ELEVATION BEAUMONT HUSKY 5204 50th STREET BEAUMONT, ALBERTA</p>	<p>CD1</p>

TAB 9

Development Permit Notice of Decision

Date of Decision: September 10, 2025

Selkirk Signs c/o Permit Solutions Inc.

[REDACTED]
[REDACTED]

Proposed Development: **Commercial Signage:** Canco Convenience Store & Car Wash
Projecting Sign and Fascia/Wall Signs w/ variances

Legal Description: Plan 6384ET, Block n/a, Lot 3
Municipal Address: 5204 50 Street, Beaumont, AB
Land Use District: Main Street
Permit Application No: 2025-067
Tax Roll: 000047

Development Permit Status: Approved with conditions

Development Permit Conditions

The development noted above is considered a Discretionary Use with a variance within the Main Street District and has been **approved** by the Development Authority subject to the conditions listed below. Unless otherwise provided for in this approval, all requirements of the City of Beaumont Land Use Bylaw 944-19 shall be met. **Be sure to review all the documentation included with this permit.**

- 1. As this permit has been issued for a Discretionary Use with a variance, this permit shall not come into force and effect until expiration of the required 21-day appeal period, pending no appeals. Refer to appeal information below.**
2. Development shall commence within one year from the date of decision noted above. If the development does not commence within this time frame, a new development permit will be required.
3. Location of the signs are approved as per the attached site plan.
4. A variance has been granted to waive the requirement for a Fascia / Wall Sign on the Convenience Store (east elevation) to be illuminated with gooseneck lighting (Section 4.2.4.2(c)).
5. A variance has been granted to waive the requirement for a Fascia / Wall Sign on the Car Wash (north and south elevation) to be illuminated with gooseneck lighting (Section 4.2.4.2(c)).
6. The regulation that Fascia/Wall signs should include raised or recessed letters to provide relief to the signs has not been applied to this development.
7. Fascia/Wall Signs shall not exceed a vertical height of 2.14 m and a horizontal dimension not greater than the bay in which the business is located.

**Development Permit
Notice of Decision**

Date of Decision: September 5, 2025

Permit Number: 2025-067

8. Fascia/Wall Signs shall be architecturally integrated with the building façade with respect to size, scale, colour, location and type of materials.
9. Fascia/Wall Signs shall not project more than 20 cm beyond the building surface.
10. Fascia/Wall Signs shall not be more than 1 sign per building face per business.
11. Projecting Signs shall be directly related to the use or development in that building or unit within a multi-tenant building.
12. Projecting Signs shall be located immediately above or adjacent to a building or unit entrance, or, if the use is located on a higher floor, shall be located at the corner of the same building at the 2nd storey.
13. Projecting Signs shall be limited to 1 sign per building or tenant.
14. Projecting Signs shall not project over the height of the principal building.
15. Projecting Signs shall have a minimum vertical clearance of 2.5 m above grade
16. Projecting Signs shall not exceed 1.5 m² in area.
17. Approved signage includes:
 - a. Convenience Store
 - i. One (1) Fascia/Wall Sign – 3.66m m x 0.66 m / 2.42 m²; internal illumination; located on East elevation of Convenience Store;
 - ii. One (1) Projecting Sign – 1.2 m x 0.9 m / 1.1 m²; non-illuminated; located on the East elevation of the Convenience Store;
 - b. Car Wash
 - i. One (1) Fascia/Wall Sign – 13.7 m x 0.9 m / 12.54 m²; internal illumination; located on South elevation of Car Wash;
 - ii. One (1) Fascia/Wall Sign – 13.7 m x 0.9 m / 12.54 m²; internal illumination; located on North elevation of Car Wash;
 - c. Gas Bar
 - i. The refurbishment of the existing gas bar awning/canopy sign does not form part of this Development Permit approval. A rebranding of panels does not require additional permits and can continue as legal non-conforming.

Failure to comply with any of the preceding conditions will render this permit null and void.

Additional Information

Development Permit Notice of Decision

Date of Decision: September 5, 2025

Permit Number: 2025-067

1. This Notice of Decision is NOT a building permit. Work or construction shall not commence until an applicable Building Permit has been issued under the *National Building Code – Alberta Edition 2023* and any other applicable bylaws or regulations.
2. This Development Permit is issued under the City of Beaumont Land Use Bylaw 944-19. It does not exempt you from compliance with any other municipal bylaw or statutory plan applicable to the Proposed Development, any relevant federal or provincial statute or regulation, or any easement, covenant, agreement, or contract affecting the subject lands.
3. Contact Alberta One Call at 1-800-242-3447 to locate underground services prior to construction, if applicable.

Permit Notification Information

In accordance with the City of Beaumont Land Use Bylaw 944-19, notices regarding this Development Permit have been mailed to owners of adjacent and nearby properties, as these individuals have the right to appeal this permit, as explained above. The same Development Permit Notice mailed to these individuals has been attached for your information.

Furthermore, given that this Development Permit is for a development that may be of public interest, general information regarding this approved Permit may be published on the City of Beaumont website.

For more information regarding this Development Permit, its conditions, or the Land Use Bylaw, contact the Development Authority who made the decision on this permit:

[REDACTED]
Aleshia Ingram
Planner II
[REDACTED]

Appeal Information

Any Development Permit may be appealed to the Subdivision and Development Appeal Board (SDAB) or the Land and Property Rights Tribunal if the permit was:

- a) issued for a permitted use with a variance, or for a discretionary use, or
- b) issued with conditions, or
- c) refused.

**Development Permit
Notice of Decision**

Date of Decision: September 5, 2025

Permit Number: 2025-067

An appeal may be filed by:

- a) the person applying for the permit, and/or
- b) any person affected by the issuance of the permit.

As the person applying for the permit, you may appeal the decision of the Development Authority regarding the permit or any conditions placed on the permit (as listed above) within 21 days after the date on which the decision is made.

Notice of Decision:	September 10, 2025
Appeal deadline:	October 1, 2025
Permit active (if no appeals filed):	October 2, 2025

Please be advised that an appeal may be submitted in accordance with Section 685 of the Municipal Government Act with the Subdivision and Development Appeal Board within 21 days of the written decision.

To file an appeal or to get information on the appeal process you must contact the Secretary of the SDAB directly at 780-929-8782 or at legislative@beaumont.ab.ca. Appeals must be filed no later than 4:30 p.m. on the date indicated above. Please visit our website for more details at www.beaumont.ab.ca

VARIANCE APPLICATION

What is a Variance?

A Variance is the relaxation of or exemption from a specific requirement of the City of Beaumont Land Use Bylaw. A Variance shall be considered only in cases where the character or situation of the land will cause practical difficulties regarding private use and where those characteristics and situations are not generally common to other land in the same district.

There shall be no variance of regulations regarding district use, maximum height, floor area or density.

Permit No.: 2025-067

Applicant: Selkirk Signs c/o Permit Solutions Inc.

Property Address: 5204 - 50 Street

Legal: Lot: 3 Block: - Plan: 6384ET

What is the specific variance you require? (Please include a site plan)

Fascia [Canco wash entrance] - internal illumination; located on South elevation of Car Wash. A variance for a gooseneck lighting.

What is/are the unique circumstance(s) of your property that warrants a variance?

Canco gas station/car wash is the only business of this type located in the Main Street District. Their clientele is predominantly motorists and externally illuminated signs are less visible from the road. "On-premise signs are a critical wayfinding device for drivers and poorly visible ones negatively impact road safety." Using internally illuminated signs also provides greater legibility for navigation of pedestrians and drivers once on site. Canco would like to maintain their brand standards and also continue to be competitive with other gas stations that are not required to use gooseneck lighting in other parts of town.
refer to "Internal vs External On-Premise Sign Lighting: Visibility and Safety in the Real World" - final report 2009 prepared for United States Sign Council Foundation.

HAVE YOU ATTACHED ALL SUPPORTING MATERIAL RELEVANT TO THIS APPLICATION?

(See checklist on reverse)

I have reviewed all of the information supplied to the City of Beaumont with respect to an application for a Variance and confirm it is true and accurate to the best of my knowledge and belief. I understand that the City will rely on this information in its evaluation of my application for a Variance and that any decision made by the City based on inaccurate information may be rescinded at any time.

Signature

September 8, 2025

Date

VARIANCE APPLICATION

What is a Variance?

A Variance is the relaxation of or exemption from a specific requirement of the City of Beaumont Land Use Bylaw. A Variance shall be considered only in cases where the character or situation of the land will cause practical difficulties regarding private use and where those characteristics and situations are not generally common to other land in the same district.

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Permit No.: 2025-067

Applicant: Selkirk Signs c/o Permit Solutions Inc.

Property Address: 5204 - 50 Street

Legal: Lot: 3 Block: - Plan: 6384ET

What is the specific variance you require? (Please include a site plan)

Fascia [Canco Wash Exit] internal illumination; located on North elevation of Car Wash. A variance for a gooseneck lighting.

What is/are the unique circumstance(s) of your property that warrants a variance?

Canco gas station/car wash is the only business of this type located in the Main Street District. Their clientele is predominantly motorists and externally illuminated signs are less visible from the road. "On-premise signs are a critical wayfinding device for drivers and poorly visible ones negatively impact road safety."¹ Using internally illuminated signs also provides greater legibility for navigation of pedestrians and drivers once on site. Canco would like to maintain their brand standards and also continue to be competitive with other gas stations that are not required to use gooseneck lighting in other parts of town.

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Signature



September 8, 2025

Date

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There shall be no variance of regulations regarding district use, maximum height, floor area or density.

Permit No.: 2025-067

Applicant: Selkirk Signs c/o Permit Solutions Inc.

Property Address: 5204 - 50 Street

Legal: Lot: 3 Block: - Plan: 6384ET

What is the specific variance you require? (Please include a site plan)

Fascia [One Stop]-internal illumination; located on East elevation of Convenience Store. A variance for a gooseneck lighting.

What is/are the unique circumstance(s) of your property that warrants a variance?

Canco gas station/car wash is the only business of this type located in the Main Street District. Their clientele is predominantly motorists and externally illuminated signs are less visible from the road. "On-premise signs are a critical wayfinding device for drivers and poorly visible ones negatively impact road safety."¹ Using internally illuminated signs also provides greater legibility for navigation of pedestrians and drivers once on site. Canco would like to maintain their brand standards and also continue to be competitive with other gas stations that are not required to use gooseneck lighting in other parts of town.

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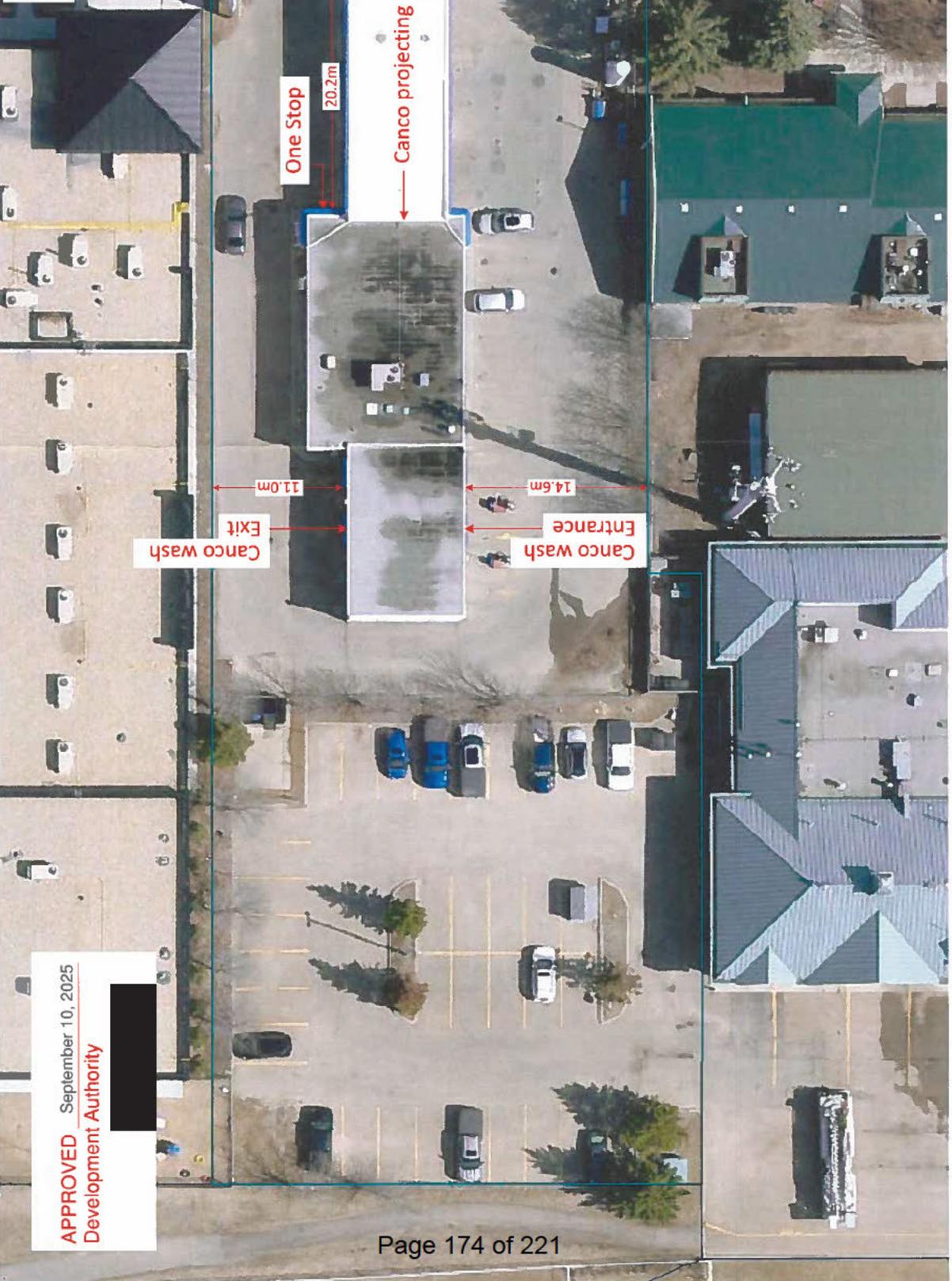
Signature



September 8, 2025

Date

5204 - 50 Street
Lot 3, Plan 6384ET



50 STREET / HIGHWAY 814

APPROVED September 10, 2025
Development Authority

25_Canco_24-7858_BS01_R1

P:\24-7858_Canco Petroleum Ltd (Beaumont AB)\Design East elevation

5204 - 50 Street
Lot 3, Plan 6384ET

APPROVED September 10, 2025
Development Authority



PH: 250-426-8833 Fax: 250-426-8832
421 Patterson St. W. Cambridge, BC V1C 6T3
www.selkirksigns.com



Page: 1 of 1



CORPORATE PROGRAM

Description
Hanging Sign

Quantity: 1

Scale: 1"=1'

Revisions

#1
Date: 8/13/25
Details: Overlay added

#2

Date:
Details:

Client Approval

Signature:

Date:

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and perspectives of the signs are being
achieved



Customer: Canco

Address: Beaumont, AB

Project Manager: Gilles Hupe

Designer: AC

Date: 3/11/25

24_Canco-24-7858_CL01_R2
 P:\24-7858_Canco Petroleum Ltd (Beaumont AB)\Design
 East elevation

5204 - 50 Street
 Lot 3, Plan 6384ET



Ph: 403.243.0778 Fax: 403.278.8450
 Suite 200, 1700 10 Ave SE, Calgary, AB, T2C 2A9
 www.selkirk.com

MEMBER OF



Page: 1 of 1



CORPORATE PROGRAM

Description
 Building Signs

Quantity: 1

Scale: 1/2"=1'

Revisions

#1

Date: 2/28/25

Details: Size Changed

#2

Date: 5/12/25

Details: Sign Moved to the right

Client Approval

Signature:

Date:

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APPROVED September 10, 2025
 Development Authority



Customer: Canco Address: Beaumont, AB Designer: AC Date: 11/18/24

(A) CONSTRUCTION: FRONT LIT CHANNEL LETTERS & SHAPES
 SUBSTRATE: WHITE ACRYLIC 4.5MM 24-47 SG
 TRIM CAP: 1" WHITE
 RETURNS: 3 3/8" WHITE
 PERIMETER: 536" AREA: 1029" SQ.
 ILLUMINATION: LED
 INSTALLATION DETAILS: DIRECT MOUNT

(B) CONSTRUCTION: ROUTERED & BACKED LETTERS
 SUBSTRATE: 0.125" ALUMINIUM FACE & SIDES PAINTED SULTAN BLUE
 WITH 4.5MM 24-47 SG WHITE ACRYLIC ROUTERED & BACKED TO FACE
 AREA: 3-5 3/4" sq
 DEPTH: 3 5/8"
 ILLUMINATION: LED
 INSTALLATION DETAILS: MOUNT TO WALL

"Canco" COLOUR SPECIFICATIONS:
 ■ ORANGE: 3M 3630-44
 ■ SULTAN BLUE: 3M 3630-157
 □ WHITE: ACRYLIC FACE

25_Canco_24-7858_BS01_R1

P:\24-7858_Canco Petroleum Ltd (Beaumont AB)\Design

East elevation

5204 - 50 Street
Lot 3, Plan 6384ET

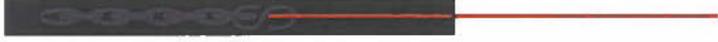
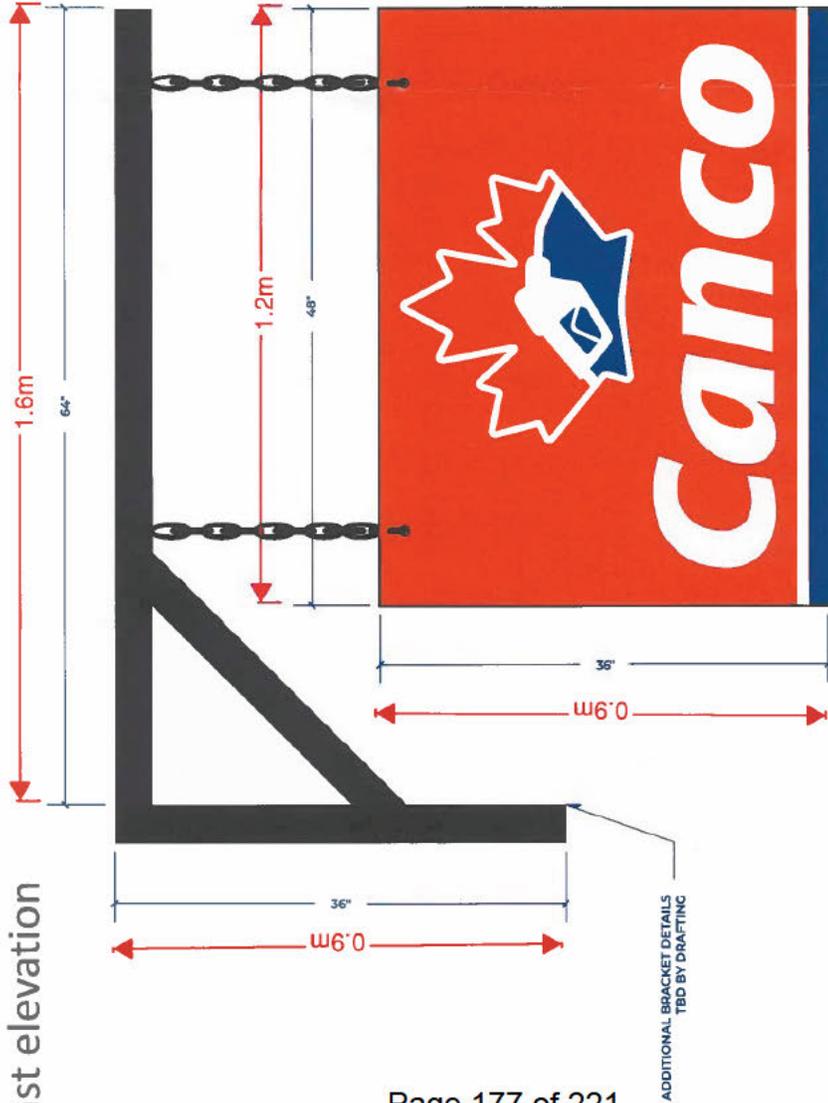


Page: 1 of 1



Canco
CORPORATE PROGRAM

Description
Hanging Sign



Side View

Sign area : 12 ft² (1.11 m²)

Sign Area: 1.1 m²

Customer: Canco Address: Beaumont, AB Project Manager: Gilles Hupe Designer: AC Date: 8/11/25

- COLOUR SPECIFICATIONS:**
- ORANGE: 3M 3630-44
 - SULTAN BLUE: 3M 3630-157
 - WHITE: ACM SURFACE
 - BRACKETS & CHAIN: PAINTED BLACK

- CONSTRUCTION: D/S HANGING BLADE SIGN**
- SUBSTRATE: 6MM WHITE ACM C/W APPLIED VINYL GRAPHICS
 - BRACKETS: ALUMINUM BRACKET SYSTEM, PAINTED BLACK
 - INSTALLATION DETAILS: TOP MOUNTED W/ BRACKET SYSTEM TO S-HOOKS AND CHAIN PAINTED BLACK

APPROVED September 10, 2025
Development Authority



Client Approval

Signature:
Date:

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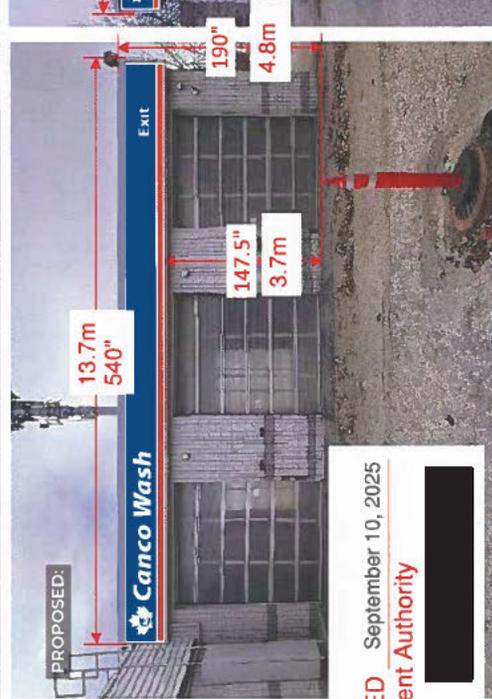
Perspective renditions in this drawing are by the designer. Only approximate sizes and perspectives of the signs are being achieved.

25_Canco-24-7858_F05_R1

P:\24-7858_Canco Petroleum Ltd (Beaumont AB)\Design

5204 - 50 Street
Lot 3, Plan 6384ET

North elevation



APPROVED September 10, 2025
Development Authority

South elevation



Customer: Canco Address: Beaumont, AB

PM: Gilles Hupc

Designer: AC

Date: 3/5/25



Ph. 403.243.0778 Fax 403.278.8450
Suite 200, 3700 76 Ave SE, Calgary, AB, T2C 2L8
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MEMBER OF

Page: 2 of 2



CORPORATE PROGRAM

Description
S/R Cabinets

Quantity: 2 Total

Scale: NTS

Revisions

#1

Date: 8/7/25

Details: Side View added

#2

Date:

Details:

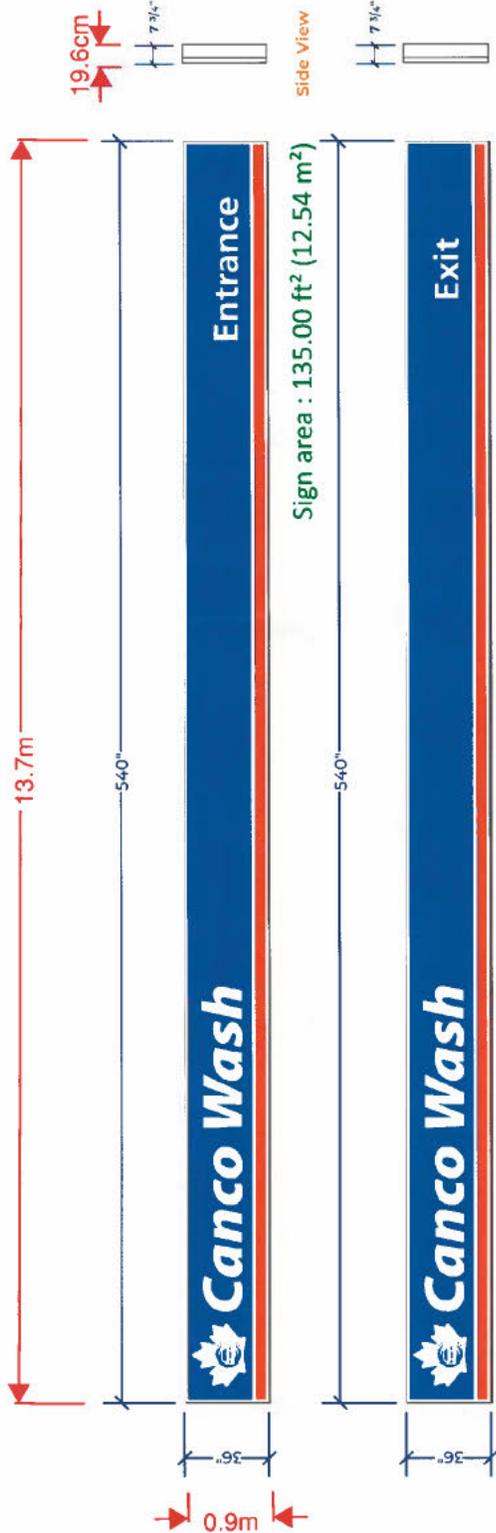
Client Approval

Signature:

Date:

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and perspectives of the signs are being
achieved



Sign area : 135.00 ft² (12.54 m²)

Sign area : 135.00 ft² (12.54 m²)

APPROVED September 10, 2025
 Development Authority

Customer: Canco Address: Beaumont, AB PM: Gilles Hupe Date: 3/5/25 Designer: AC

- COLOUR SPECIFICATIONS:**
- ORANGE: 3M 363030-44
 - SULTAN BLUE: 3M 3630-157
 - WHITE: FLEX FACE

CONSTRUCTION: S/F CABINET
SUBSTRATE: WHITE FLEX FACE MATERIAL C/W APPLIED VINYL GRAPHICS
CABINET: PAINTED WHITE
RETAINERS: PAINTED WHITE
ILLUMINATION: LED
INSTALLATION DETAILS: SECURITY LIGHTS & EXISTING CABINETS TO BE REMOVED BY GC, MOUNTED ABOVE BAY DOORS

24_Canco_24-7858_CPY01_R1

P:\24-7858_Canco Petroleum Ltd (Beaumont AB)\Design

5204 - 50 Street
Lot 3, Plan 6384ET



PH: 780.998.2209 Fax: 780.992.3129
11238 - 88 Avenue Fort Saskatchewan, AB T8L 3M5
www.selkirksigns.com



Page: 1 of 1



CORPORATE PROGRAM

Description
Canopy Refresh

Quantity: 1

Scale: 1/8"=1'

Revisions

#1
Date: 2025-03-05 (AD)
Details: added non-illuminated elevation over c-store

#2

Date:

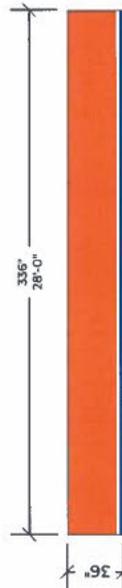
Details:

#3

Date:

Details:

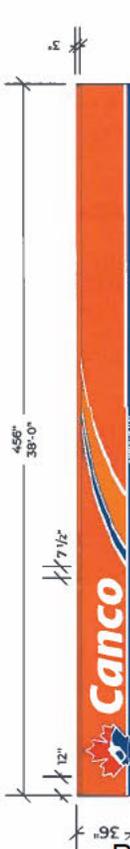
WEST ELEVATION (NON-ILLUMINATED)



EAST ELEVATION



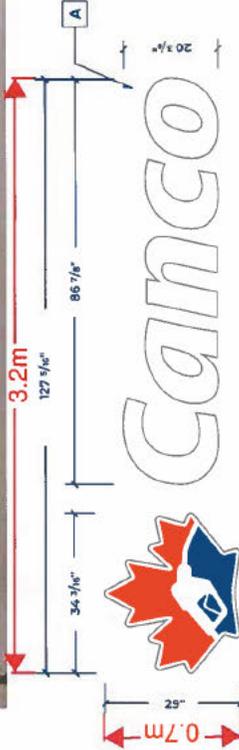
NORTH ELEVATION



SOUTH ELEVATION



APPROVED September 10, 2025
Development Authority



SCALE: 3/8" = 1'

Customer: Canco Address: Beaumont, AB Designer: AC Date: 11/19/24

(A) CONSTRUCTION: FRONT LIT CHANNEL LETTERS

SUBSTRATE: WHITE ACRYLIC 4.5MM 2447 SG

GRAPHICS: FIRST SURFACE TRANSLUCENT VINYL

TRIM CAP: 1" WHITE

RETURNS: 3" WHITE

PERIMETER: 833 1/16" AREA: 1325" SQ.

ILLUMINATION: WHITE LED

(B) CONSTRUCTION: BACKER

SUBSTRATE: ORANGE ACM PANEL

GRAPHICS: VINYL STRIPING & SWOOSH

(C) CONSTRUCTION: EYEBROW LIGHTING

SUBSTRATE: ORANGE ACM PANEL

ILLUMINATION: EYEBROW LIT

COLOUR SPECIFICATIONS:

ACM BACKER: PRE-PRINTED ORANGE

CANCO ORANGE: 3630-44 ORANGE

CANCO TANGERINE: 3630-84 TANGERINE

CANCO BLUE: 3630-157 SULTAN BLUE

WHITE STRIPING: 7725-10 WHITE

CHANNEL LETTER BG: WHITE ACRYLIC 2447 SG

Client Approval

Signature:

Date:

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LANDLORD LETTER OF APPROVAL

Date:

Outright:

Lease: X

Name: K-5 Developments Inc.

(Company Name or Full Name of Property Owner)

Site Address: 5204 50 Street

(Civic no., Street Name, Street Type)

City/Province: Beaumont, AB

Postal Code: T4X 1E5

Phone Number: 

Fax Number:

To Whom It May Concern: City of Beaumont, Building/Permit Department

(To whom it may concern: City of....building or permit department)

With this letter, we/I K-5 Developments Inc. confirm ownership of the above mentioned (Landlord Name or Company Name) project address, and give authorization to **Permit Solutions** to apply and pull necessary permits for the installation of new signage at the above said address.

This letter shall also serve as authorization for **Selkirk Signs** to proceed with the installation of signage.

Regards, 

Contact Name: 

TAB 10

In the Court of Appeal of Alberta

Citation: Emeric Holdings Inc. v. Edmonton (City), 2009 ABCA 65

Date: 20090227

Docket: 0703-0083-AC

Registry: Edmonton

Between:

Emeric Holdings Inc.

Appellant (Applicant)

- and -

**The City of Edmonton and the Subdivision and Development
Appeal Board of the City of Edmonton**

Respondents (Respondents)

The Court:

**The Honourable Madam Justice Carole Conrad
The Honourable Mr. Justice Ronald Berger
The Honourable Mr. Justice Frans Slatter**

**Reasons for Judgment of The Honourable Mr. Justice Berger
Concurred in by The Honourable Madam Justice Conrad**

**Dissenting Reasons for Judgment of
The Honourable Mr. Justice Slatter**

Appeal from the Decision by the
Subdivision and Development Appeal Board of the City of Edmonton
Dated the 9th day of March, 2007

**Reasons for Judgment of
The Honourable Mr. Justice Berger**

[1] The issue in this appeal is whether representations by a municipality as vendor of land that long term usage of the property complies with regulatory requirements, precludes enforcement of those regulations against a subsequent purchaser of the property when there has been no change in usage.

[2] The Appellant operates a commercial parking lot on nine lots in the downtown core of Edmonton. Only three of the lots are the subject of this appeal: Lots 14A and 15A, Block 2, Plan 226CL, located at 9633 - 101 Avenue and Lot 16, Block 2, Plan ND, located at 9637 - 101 Avenue (collectively the “lots”).

[3] In August 1996, the City of Edmonton (the “City”) sought and obtained permission to demolish a building located on the property in question. The subject lots thereafter were used by the City as vehicle parking and the lands were eventually sold by the City to Malcan Holdings Ltd. (“Malcan”) who in turn transferred all of the lots to the Appellant (October 14, 2003).

[4] In January, July and December 2006, Stop Orders were issued to discontinue the use of the subject lots for non-accessory parking. Two were overturned by the Subdivision and Development Appeal Board (“SDAB”) and the third was revoked by the Development Officer. Stop Orders were again issued on January 18, 2007 directed at three of the lots. In the result, for an uninterrupted period of approximately ten years, and with the knowledge and consent of the City, all nine lots were used as a non-accessory parking lot.

[5] The Appellant appealed the Stop Orders of January 18, 2007. The SDAB first announced that the appeals had been allowed and that the Stop Orders were vacated. Its written decision released two weeks later, however, stated that the appeals had been denied.

[6] Three grounds of appeal are proffered:

- (a) That the SDAB erred in law or otherwise exceeded its jurisdiction and denied the Appellant a fair hearing in failing to articulate and in failing to apply the appropriate burden and standard of proof.
- (b) That the SDAB erred in law or otherwise denied the Appellant procedural fairness by failing to disclose to the parties before it relevant evidence in the Board’s possession and forming part of the Record.
- (c) That the SDAB erred in law in holding that the Appellant’s use of land could not be a non-conforming use of land within the meaning of the *Municipal Government Act*, R.S.A. 2000, c. M-26 where the existing use was allowed both at the time of its inception and at the date the Stop Orders were issued.

[7] The following factual underpinnings are not in dispute:

- (a) The City had, immediately prior to developing the commercial parking facility on the site, applied for and received a Development Permit to raze the building which had previously existed thereon;
- (b) The City developed a commercial parking facility on the site;
- (c) The City had not, during its tenure as owner of the subject lots, required its own tenant, Expert Parking Inc., to obtain a separate Development Permit for the parking lot use, notwithstanding that the tenancy agreement between the City of Edmonton and Expert Parking Inc. included the following provision under the heading “Development Permit”:

“1.1 Notwithstanding any other term or condition of this Lease, this Lease and the leasing of the Premises as contemplated herein are expressly subject to the Tenant applying for and obtaining prior to the 31st day of May, 1998 or such other date as may be mutually agreeable to the Landlord and the Tenant, an approved Development Permit for the Tenant’s proposed use of the Premises as a non-accessory motor vehicle parking lot.” (A.B. Vol. 3, E188)

- (d) The tenant enjoyed the right to extend the term of the lease for a period of one year provided that the tenant “pays the rent and performs all of its obligations herein.” (clause 2.2 at A.B. E189)

In addition, the tenant was required to comply with all applicable laws including those enacted by the municipality. Clause 10 made that clear:

“10. COMPLIANCE WITH LAWS

The Tenant shall use, occupy and carry on all business upon the Premises in compliance with all federal, provincial and municipal legislation and will during the Term obey all orders, directions and requests made by municipal and other public authorities to carry out repairs or effect changes to the Premises in order that the Premises will comply with such legislation.” (A.B., Vol. 3, E194)

The lease also anticipated the prospect of non-observance of the terms and conditions set out therein. In such circumstances, the lease provided that it was open to the landlord to:

- a) terminate the lease, or
- b) cure the default itself.

(See clauses 18.2, 18.2.1 and 18.2.2. at A.B. Vol. 3, E199)

- (e) On the sale of the subject lots to Malcan Holdings Ltd., the City represented to its purchaser that, as at October 1999, all uses of the subject lands were, to the best of the City’s knowledge, lawful. The City warranted that:

“[t]here are no defaults now existing in the payment of rent under the Lease or, to the best of the City’s knowledge and belief, the performance of any of the Lessee’s covenants contained in the Lease. ...” (A.B. Vol. 3, E216)

- (f) the sale documents forwarded to counsel for Malcan included “one copy each of the existing lease between the City of Edmonton and Expert Parking Inc. ...” (A.B. Vol. 3, E209)
- (g) the assignment of the Expert Parking lease to Malcan included the following provision:

“This Agreement shall enure to the benefit of and be binding upon the City and the Purchaser and their respective heirs, executors, administrators, successors and assigns.” (A . B . Vol. 3, E216)

- (h) The City had not, despite the continued and uninterrupted existence of the parking lot use for some ten years, taken any steps to prohibit the same or to force the various owners and occupants thereof over time to obtain a separate Development Permit.

STANDARD OF REVIEW

[8] Binding precedent in this jurisdiction holds that the standard of review on an appeal from the decision of a SDAB is correctness: *Lor-al Springs Ltd. v. Ponoka (County) Subdivision and Development Appeal Board*, 2000 ABCA 299, [2000] A.J. No. 1286. A correctness standard has been applied to the SDAB’s interpretation of both *Land Use Bylaws* and the *Municipal Government Act*: *Goodrich v. Flagstaff (County) Subdivision and Development Appeal Board*, 2002 ABCA 293, (2002), 317 A.R. 289, at paras. 8-9; *Canada Lands Co. CLC v. Edmonton (City)*, 2005 ABCA 218, [2005] A.J. No. 703.

[9] Indeed, in *Coventry Homes Inc. v. Beaumont (Town) Subdivision and Development Appeal*

Board, 2001 ABCA 49, [2001] A.J. No. 219 at para. 24, a unanimous Alberta Court of Appeal held as follows:

“Sections 688 and 689 of the MGA address the scope and standard of review. Review of an SDAB decision is available in this Court only on a question of law or jurisdiction. In deciding the question, this Court is not to reweigh evidence properly considered by the SDAB, nor to receive new evidence. However, it is open to this Court to draw inferences from the evidence before the SDAB, so long as they are not inconsistent with any express fact findings.”

ANALYSIS

[10] The City’s position before the Board may properly be characterized as asserting an inadvertent misrepresentation as to the lawfulness of the existing use while acknowledging that the City had simply failed to apply for a development permit.

[11] The Appellant relies on Laux, *Planning Law and Practice in Alberta*, 3d. ed. (Edmonton: Juriliber, 2002) to the effect that once a municipality establishes that the use of land is outside the current rules, the resulting burden on the recipient of the Stop Order is limited only to providing sufficient evidence to raise a doubt about the status of his development as non-conforming. The Appellant argues that to the extent that doubt is raised, it must be resolved in favour of the recipient of the Stop Order. The following excerpt from Laux reflects the Appellant’s position:

“... [O]nce a breach of the current rules has been proved, the evidentiary burden shifts to the alleged violator to produce evidence showing that his is a non-conforming use or building within the meaning of s. 643.¹ If he does not produce any evidence to that effect, he runs a grave risk of being found guilty of the infraction. However, if he produces sufficient evidence to raise a doubt about whether his case falls within s. 643, that doubt should be resolved in his favour.² ...” (at p. 15-25) [emphasis added]

[12] Section 643 of the *Municipal Government Act* reads, in part, as follows:

“643 (1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-

¹*Emily (Township) v. Johnson* (1981), 37 O.R. (2d) 623, 15 O.M.B.R. 371 at 376, 135 D.L.R. (3d) 465 (H.C.), affirmed (1983), 15 O.M.B.R. 371, 143 D.L.R. (3d) 576 (C.A.)

² *Richmond Hill (Town) v. Miller Paving Ltd.* (1978), 22 O.R. (2d) 779, 94 D.L.R. (3d) 145 at 148 (H.C.)

conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect. [emphasis added]

...

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.”

[13] The City of Edmonton Land Use Bylaw No. 5996, in force at the material time, provided, in part, as follows:

“14. DEVELOPMENT CLASSES

The following classes of development are hereby established:

(1) Class O - No Development Permit Required

...

14.1 Class O - No Development Permit Required

No development permit is required under this Bylaw for developments in this class provided that such developments shall comply with the regulations of this Bylaw where applicable. If the Development Officer receives a development permit application for a development in this Class, he shall advise the applicant that no permit is required and return his submission, including any fees paid, except that he may issue a development permit when the applicant requests a permit to be issued to indicate compliance with this Bylaw.”

[14] As I see it, the first question is whether the Appellant proffered sufficient evidence to satisfy the evidential burden as to whether a development permit ever issued or, in the alternative, whether it had been dispensed with by a development officer.

[15] I am inclined to the City’s view that there was no evidence proffered that a development permit had been issued. That said, mindful of the historical use of the lots, the factual underpinnings, including the City’s representations and assurances, provide an evidentiary basis to infer that the development officer of the day had exercised his discretion to determine that no development permit

was required. In determining whether the evidence rises to the requisite standard, one must keep in mind that the Appellant could not reasonably be expected to provide evidence of the latter proposition to a standard of certainty or even on a balance of probabilities.

[16] The judgment of the Board was premised on the following critical passage: “The Board finds there is no evidence from which it can be assumed that a Development Officer considered Section 14.1 [of the previous Land Use Bylaw].” Any such evidence, of course, would be in the possession of the City, not the Appellant. Moreover, it is unlikely that the City would have taken the trouble when it owned the lands to record in its files that its development officer had exercised his discretion to dispense with the need for his employer to obtain a development permit.

[17] My colleague places considerable reliance upon the decisions in *Lamont (Town) v. Renyk*, 1998 ABQB 742, 233 A.R. 393; *R. v. Manship Holdings Ltd.*, 2007 NSSC 320, 262 N.S.R. (2d) 273; and *R. v. Schwartz*, [1988] 2 S.C.R. 443 that follow the Ontario Court of Appeal judgment in *R. v. Lee’s Poultry Ltd.* (1985), 17 C.C.C. (3d) 539. It must be remembered that the Court in *Lee’s Poultry* was mindful of and relied upon s. 48(3) of the *Provincial Offences Act*, R.S.O. 1980, c. 400 which expressly provided that:

“The burden of proving that an authorization, exception, exemption or qualification prescribed by law operates in favour of the defendant is on the defendant, and the prosecutor is not required, except by way of rebuttal, to prove that the authorization, exception, exemption, or qualification does not operate in favour of the defendant, whether or not it is set out in the information.”

[18] No such provision is to be found in the legislative framework that governs the resolution of the issue in this appeal. It follows that the consequences that flow from the language of the Ontario enactment, i.e. that it is for the defendant to prove that he was entitled to do the prohibited act, is not the case under the extant legislation in this Province. In Alberta, the Appellant has the evidential burden to proffer evidence to the contrary which, if satisfied, imposes upon the Respondent City the legal or persuasive burden to establish that the non-accessory parking lot operates in violation of the regulatory rules.

[19] I agree with the Appellant that the Board erroneously imposed a burden on the Appellant to demonstrate that the development officer would have, or should have, exercised his discretion in that manner. The proper inquiry, it seems to me, would have been to ask whether the development officer, absent clear and unequivocal evidence, one way or the other, might have exercised his discretion in that manner in the light of all of the historical circumstances.

[20] The City of Edmonton is not a monolith. The acquisition and sale of property is but one aspect of its functions. Another is its regulatory role. In the latter context, the City has the onus of proving that it is entitled to the Stop Orders it has issued. The evidence is clear and unequivocal that the City over time licensed non-accessory parking on the site in question; that, and the City’s

confirmation on the sale of the property to Malcan that there were no defaults in the performance of the City’s lease with Expert Parking Inc. (A.B. Vol. 3, E211-E216) satisfies the evidential burden on the Appellant . That being so, the legal burden, in my opinion, rests with the City to establish on a balance of probabilities that the Stop Order should be sustained. That burden was not discharged in the instant case.

[21] I am fortified in my view of the matter by the decision of Saunders J. in *Town of Richmond Hill v. Miller Paving Ltd.* (1978), 22 O.R. (2d) 779. The critical factual underpinning in that case was the absence of evidence that the building inspector for the Township, who visited the site on two occasions, raised the question of a building permit with anyone. In fact, his testimony was “that a building permit was not necessary because he understood the plant to be temporary.” Saunders J. reasoned that:

“There is, therefore, considerable doubt as to whether a building permit was required, and if required, could have been refused.”

[22] The Board erroneously imposed a standard of proof upon the Appellant not warranted in the circumstances of this case. If the Board had employed the proper test, the Stop Orders would have been vacated given the factual underpinnings. Those underpinnings, in my opinion, satisfy the evidential test. That being so, the remaining grounds of appeal need not be addressed.

[23] The appeal is allowed. The order of the Board is reversed. The Stop Orders of January 18, 2007 are vacated.

Appeal heard on November 27, 2008

Reasons filed at Edmonton, Alberta
this 27th day of February, 2009

Berger J.A.

I concur:

As authorized: Conrad J.A.

**Dissenting Reasons for Judgment of
The Honourable Mr. Justice Slatter**

[24] The issue on this appeal from the Subdivision and Development Appeal Board is whether the appellants are entitled to continue to use several lots in the City of Edmonton as parking lots. The present zoning does not permit non-accessory parking without a development permit.

Facts

[25] The lots in question were purchased by the City of Edmonton in 1995. At that time there were buildings on the lots, but in 1996 the City obtained a development permit for demolition, demolished the buildings, and commenced use of the lots as non-accessory parking lots. There is no indication that the City, or any of its successors in title, obtained a development permit permitting non-accessory parking. Over the next few years the City licensed or leased the lots to third parties, including Expert Parking Inc., for use as non-accessory parking.

[26] In 1999 the City sold the lots to Malcan Holdings. The agreement of purchase and sale is not on the record, but the sale from the City to Malcan included the assignment of two parking licences and a lease with Expert Parking. The two licences are silent on the issue of land use compliance, but the lease between the City and Expert Parking contained the following provisions:

1. DEVELOPMENT PERMIT

1.1 Notwithstanding any other term or condition of this Lease, this Lease and the leasing of the Premises as contemplated herein are expressly subject to the Tenant applying for and obtaining prior to the 31st day of May, 1998 or such other date as may be mutually agreeable to the Landlord and the Tenant, an approved Development Permit for the Tenant's proposed use of the Premises as a non-accessory motor vehicle parking lot.

28. NON-STATUTORY WAIVER

The Landlord in entering into this Lease is doing so in its capacity as an owner of real property and not in its capacity as a regulatory, statutory or approving body pursuant to any law of the Province of Alberta and nothing in this Lease shall constitute the granting by the Landlord of any approval or permit as may be required pursuant to the Municipal Government Act, S.A. 1994 Ch. M-26.1, and any amendments thereto, and any other Act in force in the Province of Alberta. The Landlord, as far as it can legally do so, shall only be bound to comply with and carry

out the terms and conditions stated in this Lease, and nothing in this Lease restricts the Landlord, its Municipal Council, its officers, servants or agents in the full exercise of any and all powers and duties vested in them in their respective capacities as a municipal government, as a municipal council and as the officers, servants and agents of a municipal government.

The City had expressly reserved its jurisdiction as a municipality to enforce its bylaws, notwithstanding any parallel or inconsistent covenant in the lease.

[27] Expert Parking had applied for a permit in 1998 as contemplated by the lease, but the application was never completed. The assignment of this lease in 1999 from the City to Malcan included the following covenant:

2. The City warrants and covenants with the Purchaser that:
 - (b) There are no defaults now existing in the payment of rent under the Lease or, to the best of the City's knowledge and belief, the performance of any of the Lessee's covenants contained in the Lease and no rents have been prepaid except as expressly indicated in the Lease - namely, a deposit of \$5,000.00 as referred to in Section 4 of the Lease;

The assignment of the lease therefore did not contain an unequivocal representation by the City that Expert Parking had obtained a development permit as it had covenanted to do.

[28] In 2003 the appellant purchased the lots from Malcan. The appellant asked the Board to draw from the prior agreements between the City and Malcan an inference that Expert Parking or the City had come to the conclusion that a permit was not needed, and that this supported an inference that a dispensation from the requirements of the bylaw had been obtained but misplaced.

[29] In 2006, the City received a complaint from an adjoining landowner, and so issued stop orders to the appellant, directing that it cease using the lots for non-accessory parking without a development permit. If the appellant were to apply for a development permit it would be required to comply with existing standards respecting drainage and landscaping, at some expense. The appellant instead appealed to the Subdivision and Development Appeal Board, arguing that it did not require a permit, as it enjoyed a legal non-conforming use.

[30] The Board dismissed the appeal. It concluded that no development permit had ever been issued permitting non-accessory parking. It found no evidence that the non-accessory parking commenced at a time when it was a permitted use, thereby making the continuance of that use a non-conforming use potentially protected by section 643 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (quoted *infra*, para. 36).

[31] The appellant also argued before the Board that a development officer, at some time in the past, may have exercised his discretion to permit non-accessory parking without a permit. This

argument was based on a provision in the Land Use Bylaw No. 5996 as it then existed:

14.1 Class O - No Development Permit Required

No Development Permit is required under this Bylaw for developments in this Class provided that such developments shall comply with the regulations of this Bylaw where applicable. If the Development Officer receives a Development Permit application for a development in this Class, he shall advise the applicant that no permit is required and return his submission, including any fees paid, except that he may issue a Development Permit when the applicant requests a permit to be issued to indicate compliance with this Bylaw.

The following developments are included in this Class:

- 1) those uses and developments exempted under Section 3 of the Planning Act and regulations thereto;
- 2) those uses and developments in the DC4 District, when they are governed entirely by superior legislation;
- 3) the following uses and developments: [lists 16 sub-categories, including dams, minor or temporary uses and structures, fences, towers, small signs and decks, etc.];
- 4) the following Sign uses and developments: [lists 11 sub-categories of small or temporary signs]; and
- 5) *any minor development within a Direct Control District, which, in the opinion of the Development Officer, is similar to other developments listed under subsection 14.1*

If the development officer forms the opinion that s. 14.1(5) applies, then s. 14.1 says that “no development permit is required”.

[32] Section 14.1(5) has since been repealed. The Board concluded:

9. The Appellant has invited the Board to assume that under Section 14.1 of the Land Use Bylaw, a Development Officer considered that a development permit was not required as the use of non-accessory parking lots was similar to other temporary uses in that section. The Board finds there is no evidence from which it can be assumed that a Development Officer considered Section 14.1.

Further the uses described in Section 14.1 include uses such as signs and very small buildings, which are different in nature from a large area being used as a non-

accessory parking lot for a considerable period of time. In this regard the Board notes the argument of Mr. Heaton, that the City had likely simply not obtained the Development Permit for itself when it should have done so.

The Board went on to conclude at para. 12 that there was not “. . . on the facts, any evidence from which it could reasonably be concluded that a determination had been made that a permit was not required”.

[33] The appellant was granted leave to appeal on the following issues:

1. That the Board erred in law or otherwise exceeded its jurisdiction and denied the Applicant a fair hearing in failing to articulate and in failing to apply the appropriate burden and standard of proof.
2. That the Board erred in law or otherwise denied the Applicant procedural fairness by failing to disclose to the parties before it relevant evidence in the Board's possession and forming part of the Record.
3. That the Board erred in law in holding that the Applicant's use of land could not be a non-conforming use of land within the meaning of the *Municipal Government Act*, supra, where the existing use was allowed both at the time of its inception and at the date the stop orders were issued.

See *Emeric Holdings Inc. v. Edmonton (City)*, 2007 ABCA 255. It is noteworthy that no leave was granted with respect to any issue of misrepresentations by the City.

The Statute

[34] The Land Use Bylaw No. 12800, s. 5.1 prohibits the development or use of lands unless the owner holds a development permit, or the use is a prior non-conforming use. Section 645 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, permits the issuance of “stop orders” if a contravention is found:

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person

responsible for the contravention, or any or all of them, to

- (a) *stop the development or use of the land or building in whole or in part as directed by the notice,*
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

- (3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Section 545 of the *Act* is a generic provision dealing with enforcement of municipal laws, while s. 645 specifically relates to Part 17 of the *Act*, which deals with Planning and Development issues.

[35] Non-compliance with a development bylaw or a stop order can be dealt with in a number of ways. Section 646 allows the municipality to enter on the lands and take any action necessary to carry out the order. Section 553(1)(h.1) allows the costs of such action to be added to the tax roll. A caveat can be filed to give notice of the order. An appeal to the subdivision and development appeal board is provided for. These are essentially civil remedies.

[36] There are also punitive provisions:

557 A person who contravenes or does not comply with

- (a) a provision of this Division,
 - (a.1) a provision of Part 17 or the regulations under Part 17,
 - (a.2) a land use bylaw as defined in Part 17,
 - (a.3) an order under section 645,
 - (a.4) a development permit or subdivision approval or a condition of a permit or approval under Part 17,
- ...

or who obstructs or hinders any person in the exercise or performance of the person's powers under Part 17 or the regulations under Part 17, *is guilty of an offence.*

Under s. 566, the maximum penalty on conviction is a \$10,000 fine, imprisonment for one year, or both. The proceedings and remedies under s. 557 are criminal in nature.

[37] This appeal concerns a stop order under s. 645. No charges have been laid under s. 557, and no criminal proceedings are underway. These are essentially civil proceedings: *Newell (County No. 4) v. Dola*, 2003 ABCA 371, 6 M.P.L.R. (4th) 292 at para. 9; *1022049 Alberta Ltd. v. Medicine Hat (City)*, 2007 ABCA 108, 71 Alta. L.R. (4th) 1 at para. 16; *Parkland (County) v. Barakat Industries Ltd.*, 2004 ABQB 822, 45 Alta. L.R. (4th) 312 at para. 25; *Pawlowski v. Calgary (City)*, 2008 ABQB 267, 48 M.P.L.R. (4th) 106 at paras. 38-41. The civil nature of the remedies in s. 645 can be seen from the following:

- (a) There is no provision for a fine or other penalty or forfeiture. The provisions are of an “administrative nature instituted for the protection of the public” and do not impose “true penal consequences”: *Wigglesworth v. The Queen*, [1987] 2 S.C.R. 541 at pp. 560-61.
- (b) The criminal sanctions are found elsewhere: see s. 557.
- (c) There is no remedy for past non-compliance with the bylaw; the remedies are all prospective and preventative, and seek only to control future conduct.
- (d) There is no trial or other due process leading up to the stop orders, which are issued *ex parte*: see *R. v. Al Klippert Ltd.*, [1998] 1 S.C.R. 737 at para. 19.
- (e) The appeal is to the subdivision and development appeal board, not a court of traditional criminal appeal jurisdiction.

Since the proceedings are civil in nature, civil standards of proof should apply.

Standard of Review

[38] The test for selecting the standard of review in administrative law was comprehensively set out in *Pushpanathan v. Canada (Minister of Citizenship and Immigration)*, [1998] 1 S.C.R. 982, and recently re-examined in *Dunsmuir v. New Brunswick*, [2008] 1 S.C.R. 190, 2008 SCC 9 at paras. 55, 64. It is appropriate to identify or advert to the standard of review in all cases. However, it is not necessary to perform a fresh standard of review analysis in every case if the standard of review has already been set for the type of question in issue: *Dunsmuir* at paras. 57, 62.

[39] It has previously been established that the standard of review applied to decisions of subdivision and development appeal boards on questions of law is generally correctness: *Goodrich v. Flagstaff (County) Subdivision and Development Appeal Board*, 2002 ABCA 293, 9 Alta. L.R. (4th) 54 at para. 8; *Canada Lands Co. CLC v. Edmonton (City)*, 2005 ABCA 218, 46 Alta. L.R. (4th) 72 at paras. 7-10. Issues about the burden and standard of proof to be applied are outside the expertise of the board, and will be reviewed for correctness: *Canada Lands Co. CLC* at paras. 8, 10. Leave to appeal can only be given on issues of law and jurisdiction. This Court cannot overturn the factual decisions of the Board: *Act*, ss. 689(1)(a) and 689(2); *Coventry Homes Inc. v. Beaumont (Town) Subdivision and Development Appeal Board*, 2001 ABCA 49, 277 A.R. 278 at para. 24. The Court can only reach factual questions where they are inescapably intertwined with other grounds of appeal, such as the failure to give reasons: *Lor-al Springs Ltd. v. Ponoka (County) Subdivision and Development Appeal Board*, 2000 ABCA 299, 90 Alta. L.R. (3d) 52.

[40] The *Pushpanathan* analysis does not apply to issues of procedural fairness or natural justice. The fairness of the proceedings is not measured based on whether they are “correct” or “reasonable” in the *Pushpanathan/Dunsmuir* sense. Rather, these issues are reviewed based on whether the proceedings met the level of fairness required by law: *Moreau-Bérubé v. New Brunswick (Judicial Council)*, 2002 SCC 11, [2002] 1 S.C.R. 249 at para. 74; *C.U.P.E. v. Ontario (Minister of Labour) (Retired Judges Case)*, 2003 SCC 29, [2003] 1 S.C.R. 539 at paras. 100-103; *McLeod v. Alberta Securities Commission*, 2006 ABCA 231, 61 Alta. L.R. (4th) 201, 391 A.R. 121 at para. 31; *Ha v. Canada (Minister of Citizenship and Immigration)*, 2004 FCA 49, [2004] 3 F.C.R. 195 at paras. 42-45. Because the court decides whether the fairness standard has been met without affording deference, in that sense fairness is reviewed for “correctness”: *Boardwalk Reit LLP v. Edmonton (City)*, 2008 ABCA 220, 91 Alta. L.R. (4th) 1 at para. 174.

Burden of Proof

[41] The first ground of appeal relates to the burden of proof. The appellant argues that the Board erred in selecting the burden of proof. It argued an owner is only required to “raise a doubt” about whether the use is lawful, relying on the following quote from F.A. Laux, *Planning Law and Practice in Alberta* (3d ed., looseleaf), (Edmonton: Juriliber, 2002):

15.3(1) The onus of proving a contravention of the Act, or of a land use bylaw, rests with the municipality, whether the enforcement proceeding is by way of a prosecution or injunction application. It has been suggested, however, that once a municipality has established that a use or building contravenes the existing rules, the burden of proof shifts to the accused or the defendant, whichever the case may be to show that he falls within the protection afforded by s. 643. However, case law does not go that far. Instead, once a breach of the current rules has been proved, the evidentiary burden shifts to the alleged violator to produce evidence showing that his is a non-conforming use or building within the meaning of s. 643. If he does not produce any evidence to that effect, he runs a grave risk of being found guilty of the

infraction. *However, if he produces sufficient evidence to raise a doubt about whether his case falls within s. 643, that doubt should be resolved in his favour.* If the legal, as distinct from evidentiary, burden was on the alleged violator, he would have to go beyond raising a doubt and would have to show on preponderance of evidence that his case meets all of the conditions of the section. It would appear that even in respect of matters about which the accused or defendant is in a much better position than the municipality to adduce evidence, the legal burden nevertheless remains with the municipality. (emphasis added)

[42] Professor Laux cites as authority *Town of Richmond Hill v. Miller Paving* (1978), 22 O.R. (2d) 779, 94 D.L.R. (3d) 145. In that case the owner had constructed a plant to produce asphalt, but no asphalt was actually produced until a few weeks after the bylaw was amended to prohibit that use. The issue was whether the construction of the plant was a sufficient “use” to establish a “prior non-conforming use”, or whether asphalt actually had to be produced as well. It was decided that the land had been in prior use as an asphalt plant even though there had been no production. Saunders, J. held at p. 145: “. . . that any doubt as to prior use should be resolved in favour of the owner . . .”. The decision is therefore restricted to the question of mixed fact and law respecting the meaning of “use”, and not more generally to “whether his case falls within s. 643”, nor to issues such as whether a permit was in fact issued in the past. Professor Laux notes that there is an Alberta decision inconsistent with *Miller Paving*: see *Lamont (Town) v. Renyk*, 1998 ABQB 742, 233 A.R. 393. Here there is no dispute as to use: it is common ground that the lots have been used for non-accessory parking at all relevant times.

[43] The general rule is that a party who asserts a proposition of fact has the burden of proving it: *Robins v. National Trust Co.*, [1927] A.C. 515 at p. 520 (J.C.P.C., Ont.). Therefore, a person asserting a permit, exemption or license must prove its existence. That rule even prevails in the criminal law: *Criminal Code*, s. 794(2), adopted by the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, s. 3; *R. v. Manship Holdings Ltd.*, 2007 NSSC 320, 262 N.S.R. (2d) 273 at para. 29. As the majority noted in *R. v. Schwartz*, [1988] 2 S.C.R. 443 at p. 486:

The theory behind any licensing system is that when an issue arises as to the possession of the licence, it is the accused who is in the best position to resolve the issue. Otherwise, the issuance of the certificate or licence would serve no useful purpose. Not only is it rationally open to the accused to prove he holds a licence (see *R. v. Shelley*, [1981] 2 S.C.R. 196, at p. 200, per Laskin C.J.), it is the expectation inherent in the system.

This common law rule applies equally in a regulatory context like that present here. Even if, as the Majority’s reasons suggest, there is an initial burden on the other party to show no such exemption, that burden is easily discharged. Since the required proof is of a negative, all that can usually be said is that “we looked in all the places where such permits are kept, and we found none.” That is what

the City has done here.

[44] Further, the civil burden of proof is on a balance of probabilities. Whatever argument there may have been for various or sliding burdens in civil cases were resolved in *F.H. v. McDougall*, 2008 SCC 53, 297 D.L.R. (4th) 193 which held at paras. 40, 49 that there is only one burden of proof in civil cases: the balance of probabilities. Therefore the burden was on the appellant to show on a balance of probabilities that it had a license or permission to operate the parking lot. There is no basis in law for holding that the appellant need only raise a doubt about the existence of a permit for it to succeed.

[45] There is no obvious policy reason for allowing non-conforming or illegal uses to continue indefinitely based on a “doubt”. As noted in *R. v. Al Klippert Ltd.* at para. 16, planning laws are enacted in the public interest:

The purpose of the Planning Act, as stated in s. 2 thereof, is to ensure the harmonious use and development of land in the province by taking into account both economic and environmental interests, as well as the rights of affected individuals. The growth of modern societies has shown the serious problems that can result from anarchic development and use of land, in particular those problems concerning public health and the environment. While the public interest in regulating land use is indisputable, such regulation must also take the rights of affected individuals into account.

While the rights of owners must be taken into account, it is reasonable to require that those rights be proven to the ordinary civil standard. Otherwise the law may “deliver a result that unduly favours individual landowners at the expense of the community interest”: *Saint-Romuald (City) v. Olivier*, 2001 SCC 57, [2001] 2 S.C.R. 898 at para. 5.

[46] It should be remembered that there is no indication on this record that the appellant would be denied the necessary development permit if it applied for one. The appellant simply wants to avoid the expense associated with complying with the presently existing requirements. As counsel for the appellant advised the Board:

. . . [he] contacted Planning and Development to advise that some of his clients would be happy to improve the condition of their lots without having to fulfill the current Zoning Bylaw specifications in their entirety. The Zoning Bylaw specifications included installation of underground drainage and landscaping requirements. However, the City responded that full compliance is required.

The appellant obviously failed to conduct a proper due diligence examination at the time of purchase, or perhaps was prepared to “take a chance” on the use being made of the lots. In either event, it cannot now complain that the steps taken by the City to enforce the law are unjust or unreasonable, and that any “doubt” should in fairness be resolved in its favour.

[47] In this appeal the standard of proof is relevant: the appellant must show on a balance of probabilities that it has a permit. Merely raising a doubt is not enough. The reasons of the Board demonstrate no error in setting the standard of proof. Since there was some evidence on the record, the burden of proof is not determinative:

But onus as a determining factor of the whole case can only arise if the tribunal finds the evidence pro and con so evenly balanced that it can come to no sure conclusion. Then the onus will determine the matter. But if the tribunal, after hearing and weighing the evidence, comes to a determinate conclusion, the onus has nothing to do with it, and need not be further considered.

This rule as stated in *Robins v. National Trust Co.*, *supra*, was adopted by Sopinka, J. in *Geffen v. Goodman Estate*, [1991] 2 S.C.R. 353 at pp. 397-8.

The Findings of the Board

[48] The appellant accepted that there were three possible explanations why non-accessory parking had been tolerated on the lots for approximately 10 years before enforcement action was taken:

- a. A development permit had been issued in the past, but was lost. Counsel conceded this was highly unlikely.
- b. A development officer had exercised his discretion in the past under s. 14.1(5) of the Bylaw, without leaving a paper trail. The appellant suggested that one City employee (representing the City as owner) could have had a verbal discussion with another City employee (i.e., a development officer) acknowledging that the non-accessory parking did not require a permit, but that neither one of them made any note or memorandum of the conversation that has survived.
- c. The City failed to get a development permit when it required one, and the City had essentially operated the parking lot illegally, but no enforcement action was taken. This may have been because the City as regulator chose not to enforce the bylaws against the City in its capacity as owner. Alternatively, the City enforcement unit may have only acted on complaints (such as were eventually made, leading to these stop orders), which were not then forthcoming, or for some other reason enforcement had not been carried out.

In the first situation the appellant would be entitled to continue the non-conforming use. Even if the second situation was proven, the appellant would not be entitled to succeed, for the reasons given *infra*, paras. 34 ff. Under the third scenario, the appellant would not be entitled to continue the use,

as no estoppel would arise simply from previous failures to enforce the bylaw: *infra*, para. 28.

[49] On the second scenario, the issue before the Board was essentially one of fact. Had it been established on a balance of probabilities that at some time in the past a development officer had formed the opinion under s. 14.1(5) necessary to negate the need for a permit for non-accessory parking? There was no direct evidence of any such opinion being formed. The appellant asked the Board to draw an inference that the opinion had been formed from the following circumstantial evidence:

- a. On other occasions when the City required a permit (for demolition) the City applied for the necessary permit.
- b. It was unlikely that a municipality would openly conduct its business in breach of its own bylaws. On the other hand, the City argued that “the City had likely simply not obtained the Development Permit for itself when it should have done so.” (Board’s Reasons, para. 9)
- c. When the City sold the lots to Malcan Holdings it covenanted that the parking leases were in good standing, thereby inferentially covenanting that the necessary permits or permissions for non-accessory parking had been obtained. The City countered that its real estate department may simply not have been aware of any breaches, and that the covenant was conditional on knowledge of any breach.
- d. The long use without enforcement supported an inference that permission had been obtained in the past. This inference is weakened by the evidence that the City only took enforcement action when a complaint was received.
- e. One of the City’s lessees had been required to obtain a permit for non-accessory parking. While the necessary application was made, it was not pursued, which supported an inference that it was subsequently determined that no permit was needed. There was, however, no written record to support this inference.
- f. Non-accessory parking is a minor use similar to the other minor or temporary uses listed in s. 14.1, which supported an inference that a development officer could have exercised his discretion to allow it without a permit. The City argued in response that non-accessory parking is markedly and qualitatively different from any other use listed in s. 14.1.
- g. Since it was the City (as owner) that required the permission under s. 14.1, it was more likely that the permission had been granted without generating a paper trail. While this might not have happened with a private landowner, it was plausible that two City employees would deal with the matter on an informal basis.

The Board was alive to all of this evidence, and all of the arguments for and against the requested inference. It concluded that no development permit had in fact been issued. It also concluded that “there is no evidence from which it can be assumed that a Development Officer considered Section 14.1”, and that there was not “. . . on the facts, any evidence from which it could reasonably be concluded that a determination had been made that a permit was not required”. The appellant essentially challenges these findings of fact, but they cannot be interfered with on appeal: s. 689(1).

[50] If the Board concluded on a balance of probabilities that an opinion had been formed under s. 14.1(5), then the appellant would be entitled to the limited benefits of that provision. That the Board thought that the development officer who formed the opinion had erred would not be a sufficient reason to deny the appellant the benefits of the section. The issue is whether the opinion was in fact formed, not whether it was correctly formed. There is, however, no indication in the reasons of the Board that it made any such error. There is no indication the Board thought it probable that a development officer had formed the opinion in the past, but was wrong to do so. The Board did state:

Further the uses described in Section 14.1 include uses such as signs and very small buildings, which are different in nature from a large area being used as a non-accessory parking lot for a considerable period of time.

The Board was, however, merely responding to the argument that an inference could be drawn from the similarity between non-accessory parking and the other uses listed in s. 14.1. The Board never stated that it was wrong for such an opinion to be formed. It immediately went on to discuss another piece of the circumstantial evidence, by noting that “the City had likely simply not obtained the Development Permit for itself when it should have done so”. This was a legitimate way to measure and weigh the circumstantial evidence, and it discloses no error.

[51] The Majority suggests that this is a case about misrepresentations made on the sale of lands. It suggests the City can by its conduct in its capacity as a landowner be estopped in its capacity as a municipal corporation from enforcing its bylaws. This argument was not advanced by the appellant, and leave to appeal was not granted with respect to it, but in any event as this Court held in *Neuman v. Parkland (County No. 31)*, 1998 ABCA 83:

[9] Because of the nature of the earlier applications, it is relevant to consider whether the facts that are the basis for the negligent misrepresentation claim could also have given rise to an estoppel argument against the municipality. In other words, could estoppel have been raised as a defence to the enforcement of the municipalities by-law under s. 422 of the *Municipal Government Act*, R.S.A. 1980, c. M-26? If the facts which would support negligent misrepresentation should have been raised before, even in the context of a different issue or claim, *res judicata* might apply.

[10] *It is trite law that a municipality will not be barred by estoppel for carrying*

out its statutory duty. Here the land use was illegal, being in violation of the requisite by-law, therefore the municipality could not have been estopped from proceeding as it did. This being the case, Ms. Neuman need not have raised the facts which would have supported a negligent misrepresentation claim under an estoppel-based defence at that hearing. (Emphasis added)

This rule has been followed in other provinces as well: *Langley (Township) v. Wood*, 1999 BCCA 260, 67 B.C.L.R. (3d) 97; *Pitt Meadows (District) v. Ron Jones Ltd.*, 2004 BCCA 277, 28 B.C.L.R. (4th) 324 at paras. 72-5; Laux, *Planning Law, supra*, at para. 15.2(6)(b). The only issue here is whether the appellant can prove that it has a lawful right to use the land for parking, and the conduct of the City does not enter into it.

[52] The first ground of appeal reveals no reviewable error.

Procedural Fairness

[53] The second ground of appeal is whether there was a breach of the rules of natural justice because the Board relied on evidence that had not been disclosed to the appellant.

[54] It appears that the Board maintains a file with respect to each appeal containing background documents about the lands. The appellant is entitled to review that file. Counsel for the appellant reviewed the file in preparation for the hearing that was held on February 7th, 2007. It appears that between the time counsel examined the file, and the date of the hearing, a further document was placed on the file. This document was a development application that the City had made in 1999 when it wished to install a sign on the lots. The appellant did not become aware of this document until after receiving the reasons of the Board, although it was aware that a permit for the sign had been issued in 2001.

[55] The short answer to this argument is that no document was concealed from the appellant. The file was available for viewing. Obviously no one faults counsel for not re-checking the file on the morning of the hearing, but by the same token the Board is not obliged to start out each hearing by listing off the documents in the file. (Merely stating at the beginning of each hearing that “The Board will be relying on materials in the file” would not have avoided this situation.)

[56] In any event, while it is unfortunate that the document was not noticed, it does not appear that any prejudice resulted. It is unlikely that the sign application added anything of substance to the record. Any procedural breach would be excused under s. 689(4) of the *Act* as occasioning “no substantial wrong or miscarriage of justice”.

Unregulated Non-conforming Uses

[57] The third issue on which leave to appeal was granted relates to the breadth of the non-

conforming use provisions of the *Act*. In order to succeed on the appeal, the appellant must succeed on this issue. Even if the appellant is right about the burden of proof, and even if the appellant can establish (or raise a doubt) that at some point in the past a development officer formed the opinion that no permit was required for non-accessory parking, the appellant cannot succeed unless it can also show that the statutory provisions are wide enough to protect its non-conforming use.

[58] Theoretically there are two ways that a non-conforming use could arise:

- a) The use was regulated at the time it commenced, but a permit had been issued permitting that use.
- b) The use was unregulated at the time it commenced. On the premise that anything that is not prohibited is permitted, the owner had lawfully commenced the use.

Subsequently, the bylaw is amended so that the use now becomes unlawful. If the use is recognized as a prior non-conforming use, the owner can continue it. The issue is whether the second of these theoretical types of non-conforming uses is recognized by Alberta law. The Board held that they are not.

[59] Non-conforming uses are specifically provided for in s. 643 of the *Municipal Government Act*:

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

The precondition to the operation of this section is that a permit was previously issued. It follows that an unregulated use cannot become a protected non-conforming use.

[60] In *Murray v. Wheatland (County) Subdivision and Development Appeal Board*, 2007 ABCA 424, 422 A.R. 123 the applicants were issued a stop order with respect to certain industrial uses of their land that they had been engaged in for over twenty years. They argued that they had relied on oral representations by a development officer many years earlier that their uses were lawful. It was held at para. 20 that this could not found a non-conforming use:

In order for the Murrays to be able to rely upon the section [643] of the MGA non-conforming use provisions, there must have been a development permit issued on or before the day on which a land use bylaw, or a land use amendment bylaw,

comes into force, which makes the use non-conforming. As the SDAB found as a fact that there was no evidence of such a permit, the issue of section 643(1) did not arise and cannot constitute a question of law or jurisdiction for purposes of an appeal.

Likewise, in this case it is conceded that no permit was ever issued. Even if the appellant obtained the benefit of s. 14.1(5) in the past, that cannot form the basis of a non-conforming use.

[61] Section 14.1 of the bylaw operates by providing that “no permit” is needed for the types of developments listed. The argument of the appellant is that it falls into that section because there is proof (or at least a doubt) that at some point in the past a development officer formed the opinion that no permit was required. Section 14.1 therefore operates by negating the need for a permit, not by issuing one or deeming one to exist. Therefore the Board did not err in its ruling. Even if the appellant is correct on the other issues, the *Act* does not extend protection to its non-conforming use.

Conclusion

[62] Since no error of law or jurisdiction has been shown in the reasons of the Board, the appeal should be dismissed.

[63] The Majority has concluded that the appellant need only demonstrate a “doubt” for its appeal to succeed. Whatever the correct legal test, in my view it is inappropriate for this Court to make findings of fact in substitution for those made by the Board. Section 689(1) of the *Act* permits this Court to “confirm, vary, reverse or cancel” the decision of the Board. Section 689(2) of the *Act* provides:

(2) In the event the Court cancels a decision, the Court must refer the matter back to the . . . subdivision and development appeal board, and the relevant board must rehear the matter and deal with it in accordance with the opinion of or any direction given by the Court on the question of law or the question of jurisdiction.

There is no obvious reason why s. 689(2) is limited to “cancellations”, and the policy of the statute seems clear. The effect of the Majority decision may be to “reverse” the decision under appeal, but it is also clearly a “cancellation” of that decision.

[64] Even apart from this statutory wording, the foundation of *Dunsmuir*, and all the other cases discussing the standard of review approach to judicial review, is that the courts should not encroach upon the legitimate jurisdiction of administrative tribunals. As *Dunsmuir* noted:

[27] Courts, while exercising their constitutional functions of judicial review, must be sensitive not only to the need to uphold the rule of law, but also to the

necessity of avoiding undue interference with the discharge of administrative functions in respect of the matters delegated to administrative bodies by Parliament and legislatures.

...

[48] The move towards a single reasonableness standard does not pave the way for a more intrusive review by courts and does not represent a return to pre-*Southam* formalism. In this respect, the concept of deference, so central to judicial review in administrative law, has perhaps been insufficiently explored in the case law. What does deference mean in this context? Deference is both an attitude of the court and a requirement of the law of judicial review. It does not mean that courts are subservient to the determinations of decision makers, or that courts must show blind reverence to their interpretations, or that they may be content to pay lip service to the concept of reasonableness review while in fact imposing their own view. Rather, deference imports respect for the decision-making process of adjudicative bodies with regard to both the facts and the law. . . .

Accordingly, if the appeal is to be allowed, the matter should be remitted back to the Board for a rehearing with appropriate directions as to the law.

[65] As noted (*supra*, para. 26) the Board held that there was “no evidence” that prior approval had been granted. This is a finding of fact; appeals to this Court are restricted to issues of law and jurisdiction, and in any event this Court is poorly positioned to make findings of fact. Whether, notwithstanding those findings of “no evidence”, the Board would find some “doubt” on the record is itself a finding of fact. Mere speculation, unsupported by any evidence, is not enough to raise a “doubt” even in the criminal law: *R. v. Lifchus*, [1997] 3 S.C.R. 320 at paras. 30-31. Whether there is a doubt on this record should be decided by the Board; leave to appeal on this question of fact could not have been granted by this Court. Under the principles stated in *Dunsmuir*, the appropriate remedy is to refer the matter back to the Board with directions.

Appeal heard on November 27, 2008

Reasons filed at Edmonton, Alberta
this 27th day of February, 2009

Slatter J.A.

Appearances:

J.W. Murphy, Q.C.
for the Appellant (Applicant)

D.G. Lopushinsky
for the Respondent - The City of Edmonton

TAB 11

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9



January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Sahil Aulakh, being the owner or manager of Barber Boss located at Unit 111, 5302 – 50 Street, Beaumont do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,



SIGNATURE

01/22/26

DATE

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9

January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Kristine Nelson, being the owner or manager of Bee & Key Boutique located at Unit 102, 5302 – 50 Street, Beaumont do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,



SIGNATURE

Jan 20 / 2026

DATE

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9

January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Dhairat Joshi, being the owner or manager of Cordial

Convenience located at 5019 – 50 Street, Beaumont do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,



SIGNATURE

Jan 22, 2026

DATE

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9



January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Abhishek Savinato, being the owner or manager of
INNTech FUTURE located at 5204 50 St, Beaumont

do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,



SIGNATURE

SAH - 22 - 2026

DATE



January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, PROVATI, being the owner or manager of Kumon located at
Unit ~~103~~²⁰², 5302 – 50 Street, Beaumont do not object to the Canco freestanding sign located at 5204
– 50 Street.

Regards,



SIGNATURE

Jan 22/2026

DATE

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9

January 16, 2026

Subdivision and Development Appeal Board

Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

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Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Amanpreet Kaur, being the owner or manager of Marble Slab

Creamery located at Unit 120, 5302 – 50 Street, Beaumont do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,



SIGNATURE

22-01-2026

DATE

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9
[REDACTED]

January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Aileen Fortin, being the owner or manager of Oishii Japanese

Cuisine located at Unit 108, 5302 – 50 Street, Beaumont do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,

[REDACTED]

SIGNATURE

2026 - 01 - 22

DATE

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9

January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

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Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Tom Day, being the owner or manager of Place Beausejour located at 5020 – 52 Avenue, Beaumont do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,



SIGNATURE

Jan 26 / 26.

DATE

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9
[REDACTED]

January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Regan Gifford, being the owner or manager of Radstyle Cycle and Proshop located at Unit 110, 5302 – 50 Street, Beaumont do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,

[REDACTED]
[Signature]
SIGNATURE

January 22, 2026
DATE

Permit Solutions

445, 9768 - 170 Street, Edmonton, AB T5T 5L9

January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Christopher Montour, being the owner or ^{resident} manager of

[Signature] located at [Redacted], Beaumont

do not object to the Canco freestanding sign located at 5204 - 50 Street.

Regards,

[Redacted Signature]
SIGNATURE

Jan 22, 2016
DATE

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9

January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Arless MEICKENS, being the owner or ^{resident} ~~manager~~ of

_____ located at _____, Beaumont

do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,

SIGNATURE

DATE

22 Jan 2026

Permit Solutions

445, 9768 – 170 Street, Edmonton, AB T5T 5L9



January 16, 2026

Subdivision and Development Appeal Board

Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

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Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Sean Comeau, being the owner or manager of Sea Change Brewery located at Unit 123, 5302 – 50 Street, Beaumont do not object to the Canco freestanding sign located at 5204 – 50 Street.

Regards,



SIGNATURE

Jan 22 2026
DATE

Permit Solutions

445, 9768 - 170 Street, Edmonton, AB T5T 5L9



January 16, 2026

Subdivision and Development Appeal Board
Appeal # SDAB-25-09

Proposed Development: Commercial Signage: Existing Electronic/Free-Standing Sign

Legal Description: Plan 6384ET, Block n/a, Lot 3

Municipal Address: 5204 50 Street, Beaumont, Alberta

Land Use District: Main Street

Permit Application No: 2025-098

To Whom It May Concern:

I, Nilesh Kumar Peredadiya, being the owner or manager of Sugar & Spice Restaurant & Banquet Hall located at Unit 104, 5302 - 50 Street, Beaumont do not object to the Canco freestanding sign located at 5204 - 50 Street.

Regards,



SIGNATURE

Jan 26 2026

DATE