



BEAUMONT
**Subdivision
and Development**
APPEAL BOARD

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
CITY OF BEAUMONT**

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HEARING DATE: February 23, 2026
FILE NO.: SDAB-25-09 Permit 2025-098

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] On October 29, 2025, the Development Authority of the City of Beaumont (the "Development Authority") refused a development permit application (2025-98) made by Selkirk Signs c/o Permit Solutions Inc. for Commercial Signage: Existing Electronic/Free-standing Sign located at 5204-50 Street, Beaumont, AB and legally described as Plan 6384ET, Lot 3 (the "Lands"). The proposed development is described as "Modifications to existing freestanding: re-cladding, reducing the height, removing and replacing cabinets and upgrading from one manual pricer to two digital pricers".

[2] On November 19, 2025, 2025, the Applicant, Selkirk Signs c/o Permit Solutions Inc., appealed the refusal of the development permit application. In this decision, Selkirk Signs c/o Permit Solutions Inc. will be referred to as the Appellant. The Appellant agreed to have the hearing heard outside the 30 day period.

[3] The Subdivision and Development Appeal Board (the "Board") heard the appeal in person on February 23, 2026.

PRELIMINARY MATTERS

A. Board Members

[4] At the outset of the appeal, the Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. None of the persons in attendance had any objection to the members of the Board hearing the appeal. None of the Board members had any conflicts of interest that would prevent them from hearing the appeal.

B. Exhibits

[5] The Board marked the exhibits as set out at the end of this decision.

C. Miscellaneous

[6] The appeal was filed in time.

[7] The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections to the hearing process outlined by the Chair. There were no preliminary matters raised at the beginning of the hearing and no requests for an adjournment.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[8] The Board allows the appeal and grants the development permit.

SUMMARY OF HEARING

[9] The following is a brief summary of the oral and written evidence submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written submissions filed in advance of the hearing.

Development Authority

[10] The Lands are located at 5204 50 Street, Beaumont AB, Plan 6384ET, Lot 3 and are within the Main Street (MS) District.

[11] The proposed development is a freestanding sign located in the northeast corner of the site, adjacent to the 50th Street right-of-way. The 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 September 9, 2025, and deemed complete on September 10, 2025. At the time of application was submitted, the sign works had already been completed. The application was to upgrade the sign from one manual pricer to 2 digital pricers, but freestanding signs and gas stations are no longer permitted or discretionary uses in the district.

[12] The application showed:

- a. New Cabinet (A) at the top portion of the sign, described as “New D/F Pylon Cabinets Router & Push-Thru Letters & Shapes”
- b. New Cabinet (B), shown between the sign columns, with dimensions of 122 inches high by 73.5 inches wide.
- c. A notation on the drawing states: “Existing Columns cut off – New Cladding Applied”.
- d. The drawing illustrated two electronic price displays (“pricers”): one for regular gasoline and one for diesel. The previous sign indicates a single non-electronic (manual) pricer.

[13] The application materials did not specify a precise proposed height. A side-by-side comparison of the existing and proposed indicated that the new sign would be shorter in overall height than the previous.

[14] The Development Authority noted the following definitions from the Municipal Government Act, RSA 2000, c. M-26 (the “MGA”) for “non-conforming building” (s. 616(q)) and “non-conforming use” (s. 616(r)). The Development Authority also referenced s. 643 which dealt with lawful non-conformity.

[15] The Development Authority referenced several sections of the City’s Municipal Development Plan including s. 4.11.6, 4.11.8, and 4.11.13. The Development Authority also referenced sections of the City’s Centre-Ville Area Redevelopment Plan and the Beaumont Urban Design Guidelines including s. 4.4.2.3, s 4.4.2.5(a), and s. 4.4.2.5(a).

[16] The Development Authority referenced sections of the City’s Land Use Bylaw (“LUB”) including s. 3.6.1, 3.6.2, 3.6.7, 4.2.2, 4.2.5.1 and 4.2.5.2. The Development Authority referenced the sections of the City’s Urban design Guidelines, including s. 1.3.2, 3.1.2 and C1.

[17] The Development Authority presented an overview of the development of the gas station and sign noting that in 1983, a development permit was issued for a Self-Serve Gas Bar, Retail Store, and Car Wash and a permit was issued at about the same time for a Free-Standing Sign with a height of 23’ 6’. The districting was changed to MS - Main Street, resulting in a change in 2019 whereby the use was no longer permitted in the district. The development permit application for changes to the sign was refused.

[18] The Development Authority refused Development Permit 2025-098 because:

- a. A freestanding sign is neither a permitted nor discretionary use in the MS District based on the LUB’s signage permissions in Part 4.
- b. 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.
- c. 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.

- d. 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).
- e. 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.

[19] While the Development Authority recognized the protection granted to non-conforming uses under s. 643 of the MGA, it was the position of the Development Authority that the gas station is a lawful non-conforming use. The Development Authority is not able to evidence the Appellant's intention to discontinue the use, but the pre-existing sign was removed or substantially altered before the development permit application was submitted and the work done was not routine maintenance. Rather, the sign was completely rebuilt. Therefore the protections of s. 643 no longer apply.

[20] In response to Board questions, the Development Authority stated:

- a. In the opinion of the Development Authority, the sign is different in scope that what was initially on the Lands.
- b. The Development Authority could not advise whether the sign, as it is currently constructed, would have been approved in 1983, since the Development Authority only reviewed

[21] Although the initial permit was issued in 1983, over time the planning goals have changed. The Centreville ARP applies. The LUB was amended to reflect that policy. Since 2009, service stations are no longer permitted or discretionary in the district. That makes both the service station and the sign lawfully non-conforming. Section 643 of the MGA makes it clear that its protections are lost if the lawfully non-conforming building is rebuilt or altered, and that is the core of why the new LUB applies. This use was broken out separately, so that it could be assessed independently from the other uses. Once the sign was removed and rebuilt, it lost its status as a lawful non-conformity.

Appellant – Selkirk Signs by Permit Solutions Inc.

[22] The Appellant noted that the gas station is operating under Development Permit 141-83 issued to the previous owners in September of 1983. The basics of lawful non-conformity is that they are entitled to continue to use their land, even if the City changes its bylaw.

[23] The Appellant stated that historically, municipalities did not treat signs as specific uses. In 1983, when the original development permit was issued (page 121 of the Agenda Package) condition 3 noted that the dimension of the sign was to be provided and approved. This meant that the sign is part of the approval. That approval carries forward and is part of the lawful non-conforming use. The sign is part of the original use and practically, one cannot operate a service station without signage information. Every other service station in Beaumont, save one, has a freestanding sign with pricing information.

[24] In addressing the Board's question of whether a sign would have been approved in 1983, the answer is yes, because there were no requirements then for French architecture and

there were no prohibitions on digital price checkers. The sign would be included as part of the main use as a function item.

[25] The Appellant referenced the case of *Stavely v Fern Brothers* noting that the Court held that in order to lose the protection of lawful non-conformity, there must be the intention not to continue the use. The fact that the Appellant has rebuilt the existing sign shows they had no intention of discontinuing the use. They always wanted a sign. The Appellant also referenced the *Emeric v Edmonton* case. This case stands for the proposition that when someone claims the protection of a lawful non-conforming use, that person may not have access to the same information that the Development Authority has and would not be able to prove the lawful non-conformity. Therefore, the burden shifts to the Development Authority to prove the loss of the lawful non-conformity. The Appellant has presented evidence of the lawful non-conformity, including the 1983 development permit and condition 3 as well as the fact that the sign has been in place since 1983. The City has not established that there is a loss of the lawful non-conformity protection. The Appellant has kept the sign, but made it shorter.

[26] If the Board is not persuaded that there is a lawful non-conforming use, then the Appellant also argued that the sign can be approved as an accessory use to the main use.

[27] The Development Authority seems to suggest that the sign cannot be an accessory structure because the principal use is neither permitted nor discretionary. However, the gas station is lawful as a lawful non-conforming use. There is nothing indicating that a use cannot be accessory to a lawful non-conforming use. The entirety of the lot is used for the gas station, so s. 643(4) does not apply since there is no extension of a lawful non-conforming use.

[28] Further, there is no new building on the Lands. The Land Use Bylaw (LUB) restricts the definition of building to 10 m² or greater. Signs are not buildings under the LUB. Further, nothing in the applicable statutory plans (the MDP or the Centreville Area Redevelopment Plan) is binding. Their terms are aspirational. Therefore, the plans must be read down to allow the rights protected by the lawful non-conforming status to continue.

[29] The Appellant has canvassed their neighbours and they support the proposed development.

[30] In response to Board questions, the Appellant stated that:

- a. The Appellant applied for a separate application for the sign at the recommendation of the Development Authority.
- b. In 1983, only one development permit was issued, and it included the sign.

[31] The Appellant disagrees with the Development Authority's conclusion about the loss of the protection afforded by s. 643. The Development Authority has fairly indicated that the Appellant has shown no intention to discontinue the sign. However, in relation to the removal and replacement of the sign, the LUB has defined building and under the LUB the sign is not a building. It is part of the use, the same as a fence. Moreover, it is an accessory structure.

FINDINGS OF FACT

[32] In addition to the facts which are identified in the reasons below, the Board finds the following facts:

[33] The Lands are located at 5204-50 Street, Beaumont, AB and legally described as Plan 6384ET, Lot 3.

[34] The Lands are located within the MS – Main Street District.

[35] The Use of the Proposed Development is for “Modifications to existing freestanding: re-cladding, reducing the height, removing and replacing cabinets and upgrading from one manual pricer to two digital pricers”.

[36] The Appellant is an affected person.

REASONS

Jurisdiction

[37] The Board notes that its jurisdiction is found in s. 687(3) of the MGA. In making this decision, the Board has examined the provisions of the LUB and has considered the oral and written submissions made by and on behalf of the Development Authority and the Appellant.

- 687(3)** *In determining an appeal, the subdivision and development appeal board*
- (a) must act in accordance with any applicable ALSA regional plan;*
 - (a.1) must comply with any applicable land use policies;*
 - (a.2) subject to section 638, must comply with any applicable statutory plans;*
 - (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;*
 - (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*
 - (b) must have regard to but is not bound by the subdivision and development regulations;*
 - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
 - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,*
 - (i) the proposed development would not*
 - (A) unduly interfere with the amenities of the neighbourhood, or*
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*

and
(ii) *the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

[38] Further, in making its decision the Board has also reviewed the provisions of s. 643 of the MGA.

Affected Persons

[39] The first question the Board must determine is whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to those making submissions to the Board. However, for completeness, the Board will address this issue in its reasons.

[40] As the person who applied for the development permit and appealed the refusal, the Appellant is an affected person.

Issues to be determined

[41] The Appellant has appealed the refusal of its development permit application. In order to decide the appeal, the Board must determine the following questions:

- a. What is the use and is it permitted or discretionary within the District?
- b. If not, is the use a lawful non-conforming use?
- c. If not, is the use an accessory use to the principal use?
- d. Does the use require any variance of the regulations, and if so, should the Board exercise its variance power?
- e. Does the use comply with the statutory plans?

a. What is the use and is it permitted within the District?

[42] There is no question between the parties that the proposed development seeks to authorize modifications to a sign that was constructed some time after 1983 and the Board finds this as a fact. There is also no question between the parties that the applicable district under the LUB is MS – Main Street and the Board also makes this as a finding of fact.

[43] In examining the uses for the MS district (Page 17/221 of the Agenda Package), the Board notes that:

- a. gas station is neither permitted nor discretionary in this district; and
- b. signs are listed as "other uses" and are either permitted or discretionary in accordance with Part 4 of the LUB.

[44] s. 4.2.2.2 (page 39/221 of the Agenda Package) provides that "electronic signs" are not allowed in the Main Street District.

b. If not, is the use a lawful non-conforming use?

[45] In light of the fact that electronic signs are not allowed in the Main Street District, the Board must examine whether the use is a lawful non-conforming use.

[46] As noted by both parties, a lawful non-conforming use is colloquially called a "grandfathered use". The Board acknowledges that a lawful non-conforming use is one where the use had been previously approved, but the land use bylaw was amended and the use removed from that district.

[47] The question before the Board is to determine whether the use is a lawful non-conformity. This means that the Board must determine whether the use had previously received development approval.

[48] The evidence before the Board is that in 1983, the Development Authority approved a development permit for a self-serve gasoline bar, retail store and car wash. Condition 3 of that 1983 development permit states:

That the dimensions for the free standing sign in the north-east corner of the lot be provided and approved.

[49] Based on this evidence the Board concludes as a fact that the 1983 approval for the self-serve gasoline bar included as part of that development a free-standing sign.

[50] In the face of the 1983 development permit, the Board concludes that the first element of a lawful non-conformity has been established – the use in question has been approved before the LUB changed.

[51] The Board must consider whether the protection of lawful non-conformity has been lost. In this regarding the Board notes that both parties agree that lawful non-conformity may be lost either because:

- a. The use was discontinued and there as an intention to discontinue the use; or
- b. The non-confirming building was rebuilt or structurally altered.

[52] The Appellant's evidence was that it did not intend to discontinue the use and the Development Authority fairly conceded that it could not establish the intention to discontinue the use. In light of this evidence the Board concludes that there was no intention to discontinue the use.

[53] The Board must consider the Development Authority's argument that the protection of the lawful non-conformity has been lost because the sign was rebuilt or structurally altered. In support of its argument, the Development Authority noted that the existing sign columns were cut and reclad and the height is reduced. The Development Authority's conclusion is that there was a structural alteration.

[54] The Appellant argued that the LUB defines "building" as:

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.

[55] The sign in question is not 10 square meters in size, and therefore does not meet the definition of building. As a result, it is not a building and thus the sign has not lost the protection of being lawfully non-conforming.

[56] The Development Authority did not provide a response to this argument.

[57] The Board has considered the positions of the parties and finds that the sign is not a building based on the definition in the LUB which requires a building to be greater than 10 square metres. Since the sign has a much smaller "footprint", the sign cannot be a building as defined in the LUB. Because the sign is not a building, the changes to the sign do not result in a loss of the lawful non-conformity provisions. The Board notes that the intention of lawful non-conformity protection is to protect uses which received development approval, but which continue despite a change to the LUB. This is one of those cases. The evidence is that the gas station has existed in the current location since 1983. Losing the protection of lawful non-conformity for changing the cladding and display of the sign would seem to be contrary to the purpose of protecting these types of uses which are meant to be protected.

c. If not, is the use an accessory use to the principal use?

[58] In light of the Board's conclusion that sign and the proposed development are protected by lawful non-conformity, the Board does not need to, but will, address the question of whether the proposed development is accessory to the principal use.

[59] The Appellant's second argument was that the sign was an accessory use to the gas station use. The Appellant argued that the sign could be accessory to a lawful non-conforming use.

[60] The Board notes that the LUB defines "accessory" as:

a structure or use that provides support to the principal structure or principal use and can include small urban greenhouses or swimming pools. Where an accessory structure is attached to a principal structure by a roof or an open or enclosed structure, it is considered to be part of the principal structure, and shall comply with all requirements applicable to the principal structure.

[61] This definition does not limit the "support" to a use which is currently listed.

[62] Based on the absence of a requirement in the LUB limiting the kind of use to which another use may be accessory, the Board concludes that the sign is accessory to the principal use of gas station. The evidence was that the sign had been approved in 1983 as part of the 1983 development permit. The evidence also included the fact that all but 1 of the gas stations in the City have these types of signs.

[63] In light of this evidence, the Board concludes that the sign which advertises the price of gas “supports” the sale of the gas and therefore the sign is accessory to the principal use of gas station.

d. Does the use require any variance of the regulations, and if so, should the Board exercise its variance power?

[64] There was no evidence that any variance was required. As a result, the Board need not exercise its variance power.

e. Does the use comply with the statutory plans?

[65] The Development Authority argued that the proposed development does not comply with the various statutory plans, including the City’s MDP and the Centre-Ville Area Redevelopment Plan, as well as the Urban Design Guidelines.

[66] The Appellant argued that the plans are aspirational, and that they must be read down to afford greater protection to the development rights protected by the lawful non-conformity.

[67] In relation to the provisions of the MDP referenced by the Development Authority (ss. 4.11.6, 4.11.8 and 4.11.13), the Board notes that s. 4.11.6 speaks to pedestrian scale site planning and building design. There was no evidence that the sign was not “pedestrian scaled”, and in the absence of specifics, the Board cannot find there is non-compliance with this provision. In relation to s. 4.11.8, this section speaks to commercial/office and mixed use development. The proposed development is a sign, and the Board is not convinced that this section applies to the proposed development because the section seems to reference buildings, rather than signs. Section 4.11.13 speaks to design and aesthetics. The Board notes this language is “encouraged” and therefore is aspirational. The Board was not provided with evidence that the quality of the design or aesthetics were not attractive.

[68] In relation to the Centre-Ville Area Redevelopment Plan, the Board notes the focus on having a “French character”, but the Board was not provided any guidance on how a pricing sign for a gas station could have incorporated such a character. The Board is not convinced that the quoted sections would apply to a sign. To the extent that they do, the Board accepts the argument of the Appellant that the specific approval should be preferred to the more aspirational plan document.

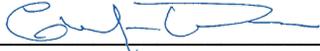
[69] In relation to the Urban Design Guidelines, the Board did not hear specific evidence about whether these were statutory plans. To the extent that they are referenced within the MDP and thus might be incorporated by reference, the Board finds that the language of ss. 1.3.2, 3.1.2 and C1 of the guidelines are aspirational in nature.

[70] As a result, the Board finds the proposed development complies with the statutory plans.

[71] Therefore the Board grants the appeal and revokes the Development Authority’s refusal. More simply put, the Board grants development approval for the development permit

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

[72] Issued this 9th day of March, 2026 for the City of Beaumont Subdivision and Development Appeal Board.



C. Winter, Clerk of the SDAB,
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to s. 688 of the Municipal Government Act, RSA 2000, c M-26.

APPENDIX "A"
REPRESENTATIONS

PERSONS APPEARING

1. C. Thomas, Development Authority
2. J. Murphy, Counsel for the Appellant
3. J. Storsky, Permit Solutions

APPENDIX "B"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB

Exhibit	Description	Date	Pages
1.	Hearing Agenda	February 23, 2026	1-2
2.	Notice of Appeal	November 19, 2025	3-4
3.	Waiver and Notice of Hearing	November 20, 2025	5-7
4.	Development Authority's Report and presentation	February 2026	8-101
5.	Appellant's Submissions	February 2026	102-221
6.	Land use Bylaw 1983		