



NOTICE OF DECISION

FILE NO. SDAB 2026-006

APPLICATION No.: 2026-DP-00266

DEVELOPMENT: Single Detached Dwelling with Attached Garage, Rear Uncovered Deck (2.74m x 3.81m)

LAND USE DESIGNATION: R2 – Low-Rise Medium Density Residential District

LEGAL DESCRIPTION: Lot: 75 Block: 1 Plan: 8021827

CIVIC ADDRESS: 111 Graham Place, Fort McMurray, Alberta

IN THE MATTER OF AN APPEAL filed with the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board (“the Board”) pursuant to Sections 685 and 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (“the Municipal Government Act”), the Appeal Hearing was held on Wednesday, September 9, 2026 via Microsoft Teams.

BETWEEN:

Morgan Simms on behalf of 1442511 Ab Ltd O/A Rochelle Homes (“the Appellant”)

-and-

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

BEFORE:

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

Administration:

M. Bokhari, Clerk for the Subdivision and Development Appeal Board

MERIT HEARING

- [1] Following the introduction of the Board, the Chair confirmed with the parties in attendance that there were no objections to the constitution of the Board. No objections were raised.

Preliminary Matters

- [2] No preliminary matters were raised.

Summary of Hearing*Submission of the Respondent*

- [3] The Development Authority Supervisor began the proceedings with a verbal summary of their written report, highlighting specific points and facts within the report and outlining the planning considerations for which the decision was based.
- [4] The appeal stems from the refusal of Development Permit Application No. 2026-DP-00266, an application for a single detached dwelling with an attached garage and rear uncovered deck (2.74m x 3.81m) located at 111 Graham Place, within the R2 – Low-Rise Medium Density Residential District. The Development Authority Supervisor advised that the proposed development does not meet the minimum rear-yard setback requirement in Section 6.4.4 (h) of Land Use Bylaw No. 26/001 (the “Land Use Bylaw”) and exceeds the maximum variance of ten percent (10%) that the Development Authority is authorized to grant under Section 2.3.2(a)(ii) of the Land use Bylaw.
- [5] Following a full technical review, the application was refused on August 10, 2026, as it did not comply with the Land Use Bylaw 26/001 for the following reasons:
- i. As the parcel does not have lane access, Section 6.4.4(h) of the Land Use Bylaw requires a minimum rear yard setback of 4.6 m. The proposed development provides a rear yard setback of 3.52 m.
 - ii. The proposed 3.52 m setback represents a variance of approximately 23 percent from the 4.6 m requirement. This exceeds the maximum 10 percent variance that the Development Authority is authorized to grant under Section 2.3.2(a)(ii) of the Land Use Bylaw. Accordingly, the Development Authority is not authorized to approve the Development Permit application as proposed.
- [6] Section 687(3)(d) of the Municipal Government Act authorizes the Board to grant a variance for permitted use, with or without conditions, where the statutory requirements for granting the variance are satisfied.
- [7] The Development Authority Supervisor recommended that the Subdivision and

Development Appeal Board allow the appeal and approve Development Permit Application No. 2026-DP-00266, subject to a variance to allow a minimum rear-yard setback of 3.52m, in accordance with the plans submitted with the application, and to the standard conditions of approval applicable to a single detached dwelling.

- [8] During questioning from the Board, the Development Authority Supervisor submitted the following:
- i. The proposed development would not unduly interfere with the amenities of the neighbourhood, or interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
 - ii. The proposed development conforms with the use prescribed for that land or building in the Land Use Bylaw 26/001.
 - iii. The requested variance does not conflict with any existing utility or other rights-of-way or other easements.

Submission of the Appellant

- [9] The Appellant submitted that proposed development is consistent with the design and character of the existing homes in the neighbourhood, and that the proposed development would not interfere with the amenities of the neighbourhood or affect the use, enjoyment, or value of neighbouring parcels of land.

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

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

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

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

Closing Comments from the Respondent

- [12] The Respondent offered no closing comments.

Closing Comments from the Appellant

- [13] The Appellant offered no closing comments and thanked the Board for their time.

Conclusion

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

Findings Of Fact

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

- a. The Subject Property is located in the R2 – Low-Rise Medium Density Residential District;
- b. The proposed development is a Single Detached Dwelling with Attached Garage, Rear Uncovered Deck (2.74m x 3.81m);
- c. The use is a permitted use.

Decision

[16] **It is the decision of the Subdivision and Development Appeal Board to UPHOLD the Appeal. The application for a Single Detached Dwelling with Attached Garage and Rear Uncovered Deck, subject to a variance allowing a minimum rear-yard setback of 3.52 m, is APPROVED in accordance with the submitted plans and standard conditions of approval.**

Reasons for The Decision

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

Affected Persons

[18] The Board finds that the Appellant is affected as they are the Applicant for the Development Permit and the Development Authority Supervisor is affected as they are representing the Development Officer who refused the permit.

Issues to be determined

The Board must determine:

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

What is the use and is the use permitted or discretionary?

- [19] Based on the evidence before it, the Board determined that the proposed development is a Single Detached Dwelling with Attached Garage, Rear Uncovered Deck (2.74m x 3.81m), which is classified as a permitted use within the R2 – Low-Rise Medium Density Residential District.

Is the proposed development compatible with the neighbouring uses?

- [20] The Board finds that the proposed development does not interfere with the amenities of the neighbourhood or affect the use, enjoyment, or value of neighbouring parcels of land.

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

- [21] The Board finds that the proposed single detached dwelling is a permitted use in the R2 – Low-Rise Medium Density Residential District. The proposed development remains a permitted use that requires a variance from the applicable rear yard setback requirement. Accordingly, the Board considered whether the requested variance could be granted in accordance with the Board's authority under the Municipal Government Act.
- [22] The Board notes that the proposed development and requested variance will not impact any existing utility or other rights-of-way or other easements.
- [23] For the reasons above, the Board is exercising its variance powers under section 687(3)(d) of the *Municipal Government Act* to uphold the appeal and approve the permit.
- [24] The decision of the Subdivision and Development Appeal Board is final and binding on all parties, subject only to an appeal to the Alberta Court of Appeal under section 688 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 24th day of September 2026.

CHAIR:

ATIA s.20(1) s.20(1)

Alex McKenzie

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

Exhibit No.	Description	Filing Date
	Subject Area Map	2026-08-18
1.	Notice of Appeal (2 pages)	2026-08-14
2.	Notice of Refusal (3 pages)	2026-08-14
3.	Planner's Report (30 pages)	2026-08-02

APPENDIX "B"

REPRESENTATIONS

Person Appearing	Capacity
Morgan Simms	Appellant
Jennica Collette	Development Authority Supervisor
Bethlehem Tessema	Development Officer