

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
CITY OF ST. ALBERT**

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HEARING DATE: June 11, 2025  
FILE NO.: LEG00979

**Notice of Decision of Subdivision and Development Appeal Board**

**INTRODUCTION**

- [1] On May 12, 2025, the Development Authority of the City of St. Albert (the "Development Authority") refused a Development Permit application to construct a new single detached dwelling.
- [2] The Appellant and landowner, Cody Chikie of Danson Custom Homes Ltd., filed an Appeal from the Development Authority's Development Permit Refusal on May 14, 2025.
- [3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on June 11, 2025, in an in-person hearing.

**PRELIMINARY MATTERS**

**A. Board Members**

- [4] The Chair confirmed from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. No one in attendance objected to the members of the Board hearing the appeal.

**B. Exhibits**

- [5] The Chair confirmed that everyone in attendance had the full hearing package prepared for the hearing.

**C. Miscellaneous**

- [6] There was no request for an adjournment of the hearing.
- [7] There were no objections to the proposed hearing process.

## **DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

[8] This appeal has been approved with the following notes and conditions:

- a) The lot coverage variance has been approved at 45.35% of the lot area total lot area,
- b) The rear setback variance of 47% has been approved.
- c) The side setback variance of 18% has been approved.

### NOTES:

a) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.

b) The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses and approvals, at its own expense.

c) All construction must conform to the relevant requirements of the Alberta Building Code, the City of St. Albert municipal engineering standards and all applicable codes, laws, regulations and standards.

d) The City of St. Albert does not conduct independent environmental checks of land within the city. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of St. Albert, in issuing this development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on or within the property.

e) The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman or suppliers shall be repaired to the satisfaction of the City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.

f) An on-street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the permit.

## **SUMMARY OF HEARING**

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

### **Development Authority**

[10] The Development Authority stated this appeal stems from a refusal decision it made on a development Permit for a new home construction at 149 Eastgate Way.

[11] The Development Permit application proposed a total lot coverage of the structure of 45.35% of the lot. This is in excess of the maximum lot coverage of 40% as established by the Land Use Bylaw. The development officer stated they do not have the authority in the Land Use Bylaw to vary the building size past 40%

[12] The Development Officer further stated that there were two other variances required in the development permit:

- a) Rear yard setback requirement of 6 Metres that was proposed to be only 3.136 metres requiring a variance of 47%
- b) Side yard setback requirement of 1.8 metres that was proposed to be 1.437 metres requiring a variance of 18%

[14] The Development Officer also stated that as they did not have authority to grant a variance to the lot size, all three variances were refused and needed to be dealt with by way of this appeal.

### **Applicant/Appellant**

[15] The appellant, Mr. Chikie, stated this was the last residential development on this side (odd numbers) of Eastgate way. He stated that other lots next to his were too small to develop economically. For all intents and purposes his proposed project would be the end lot with no neighbours to the south.

[16] The appellant stated that there was currently no buyer for the proposed house and the project was a speculation build. He was very candid in saying that he was aware of the lot coverage maximums before proposing the project. He said his interest was in getting as much value in the building for the peculiar shape of the lot and to improve his return on investment.

[17] The appellant stated he was not interested in building a large 2 story home or "monstrosity" and felt that the bungalow he proposed, fit the neighbourhood visual esthetic and provided a home that would allow for aging in place. The appellant further stated that the selection of a three-car garage with room enough for a full-sized truck mitigated any impacts on on-street parking in the neighbourhood.

[18] The appellant stated he had conducted door-to-door consultations with neighbours and obtained nine letters of support. The appellant conceded that five of these people lived outside the notice area and were not even on Eastgate Way. He said these letters were simply an indication of people's support for his plans and not indications of any affected party's position.

## **AFFECTED PERSONS**

[19] Two emails were received from persons living on Eastgate Way in the area covered by the notices to affected parties.

[20] The first email was from Doris and Bill King and spoke about their opposition to the project on the grounds "that allowing another oversize development on the street has a negative/crowding effect on our street (emphasis was theirs) most notably without further extension/exits out of the area."

[21] The second email was from Atif Alam, also a resident of Eastgate Way in the area covered by the notices of affected persons. Alam supported the reasons mentioned by the Kings and supported the development officer's adherence to the guidelines.

## **FINDINGS OF FACT**

[22] The Lands are legally described as PLAN 1823014; BLOCK 26; LOT 6

[23] The Appeal was filed on May 14, 2025.

[24] The information contained in the Development Officer's presentation was accepted by all parties as being accurate and reliable.

## **REASONS**

### **Affected Persons**

[25] The first question the Board must determine is whether those individuals who made written submissions and appeared before the Board are affected persons. The Board notes that no party raised any objection with any other party's participation.

[26] The Applicant is an affected person.

[27] Although those who wrote in favour of the appeal are possibly affected people, the failure to include any reasons for their support made it difficult to assess the degree to which they were affected. Little weight was assigned to their support.

[28] The submissions by Doris and Bill King as well as Atif Alam were submissions by affected persons. Both parties did not have the benefit of information on the scope and scale of the proposed development, and they clearly believed the project involved "an oversized

development". Both affected parties expressed concerns about traffic on the street and the potential for development of exits from the neighbourhood.

## **Jurisdiction**

[29] The Board's jurisdiction is found in s. 687(3) of the MGA.

**687(3)** *In determining an appeal, the subdivision and development appeal board*

- ...*
- (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.*

[30] In making this decision, the Board has examined the provisions of the MDP and the LUB and has considered the oral and written submissions made by and on behalf of those who provided evidence: the Development Authority and the appellant.

## **Issues to be Decided**

[31] Central to this appeal are the three variances needed to move the proposed project forward. The Board must determine if these variances can be justified in light of the requirements of Sect 687(3)(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.*

[32] This appeal must take into consideration the position of the parties as Affected Persons.

Cody Chickie, the Appellant was very clear and candid that his interests lay with building a speculation home that would allow him to improve his return on his investment in the land. As proposed, this development would be relatively small in comparison to the other structures on the block and from a street view, nothing close to a “monstrosity”. His plan to include a larger 3 vehicle garage capable of parking a full-sized truck as well as two other vehicles would effectively deal with any concerns with on-street parking and associated congestion. Mr. Chickie believes the property to the south of his will not be developed as it is too small. Additionally, all the properties on the east or odd address number side back onto Coal Mine Road, making it highly unlikely there will be neighbours to the east. Mr. Chickie believes the bungalow design would provide an excellent opportunity for an owner to age in place.

Doris and Bill King with Atim Alam opposed the project based on their fear of another “monstrosity” built in the neighbourhood as well as the attendant traffic issues.

Others who provided their support of the proposed project via email were deemed to be not Affected Persons in this appeal.

[33] The board accepts the appellant’s position over the opponent’s position as the opponent’s position was largely based on the lack of accurate information they had with respect to the scope and scale of the project.

[34] The board considered whether the proposed project “would interfere with the amenities of the neighbourhood or materially interfere with the enjoyment of value of the neighbouring parcels of land”. It was clear to the Board that the proposed bungalow aspect of the project actually improved neighbours' view and enjoyment of the land east of the development as opposed to a two-story building not needing a variance. The Board could find no interference with amenities in the neighbourhood. Additionally, the appellant’s choice to include a three-car garage appears to mitigate any concerns with on street parking.

Bottom line is that the affected neighbours' concerns were based on inaccurate or non-existent information regarding their neighbour's proposed home.

## Conclusion

[35] For the above reasons, the Board finds that the appeal is allowed with variances in the total lot coverage of 45.35%, rear yard setback variance of 47%, and side yard setback variance of 18%

[36] Issued this \_\_17\_\_ day of June, 2025 for the City of St. Albert Subdivision and Development Appeal Board.



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Bill Newton, Acting Chair  
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"**  
BOARD MEMBERS

**MEMBERS**

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1. Bill Newton – Acting Chair
2. Garry Rorke
3. Feinan Long
4. Christian Benson
5. Marcel LeBlanc

**APPENDIX "B"**  
REPRESENTATIONS

**PERSONS APPEARING**

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1. Cody Chikie - Appellant
2. Heather Brook - Appellant
3. Kathleen Short – Development Authority
4. Renee McDonald – SDAB Clerk

**APPENDIX "C"**  
**DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:**

Agenda Package			
	Description	Date	Pages
1.	Agenda	June 11, 2025	1
2.	Development Officer Report		2 – 12
3.	Appellant Submission		13 - 33
4.	Development Permit Decision		34 - 35
5.	Radius Map & Labels		36 - 38



<b>EXHIBITS</b> <b>Documents Received at the Hearing</b>			
	Description	Date	Exhibits
A.	Affected Party Submission_Redacted	June 11, 2025	A.
B.	Affected Party Submission	June 11, 2025	B.
C.	Development Authority SDAB PowerPoint Presentation	June 11, 2025	C.
D.	Appellant Presentation	June 11, 2025	D.
E.	June 11, 2025 SDAB Recording	June 11, 2025	E.