SUBDIVISION AND DEVELOPMENT APPEAL BOARD
CITY OF ST. ALBERT

5 St. Anne Street
St. Albert, AB T8N 3Z9
Email: sdabsubmissions@stalbert.ca
Telephone: (780) 459-1500

HEARING DATE: August 6th, 2025
FILE NO.: DP073354

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] On July 18th, 2025, the Development Authority of the City of St. Albert (the "Development Authority") refused to issue a development permit to Construct a Single Detached Dwelling with an Attached Garage and Basement Suite located at 86 Jubilation Drive and legally described as Lot 7, Block 18, Plan 2422448 (the "Lands"). The applicant for the Development Permit was Parkwood Master Builder Inc. (the "Applicant").

[2] Parkwood Master Builder Inc. filed an Appeal from the Development Permit Refusal on July 21st, 2025.

[3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on August 6th, 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] The Board **ALLOWS** the appeal, and **REVOKES** the decision of the Development Authority with the following conditions:.

1. Development Permit approval is issued for the construction of a single-detached dwelling with attached garage and two-bedroom basement suite, issued in accordance with the provisions of Land Use Bylaw 18/2024.

2. No portion of a fireplace chase or cantilever section including eaves shall project more than 0.6 metres into a required side yard.

3. The finished floor of the main level shall not be located more than 2.0 metres above the finished grade.

4. The dwelling shall be constructed in accordance with the approved site plan.

5. The dwelling height shall not exceed 11.0 m.

6. The maximum lot coverage shall be permitted by SDAB at 42.56%.

7. Any proposed changes in design, elevation or site plan configuration shall first be submitted for review by the Development Officer and any such changes shall not be undertaken until written authorization is provided by the Development Officer.

8. The exterior finishes must be completed within two (2) years of the date of the development permit.

9. Future deck and basement development shall be subject to a separate development permit application.

10. The landscaping shall be completed within two (2) years of the date of development permit approval.

11. Failing to comply with the conditions of development permit approval shall render this permit invalid.

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 the house is proposed with a 42.56% lot coverage.

[11] That is a 6.4% variance of 11.40 m2 or 123ft2.

[12] In accordance with Section 2.15(5), the Development Officer cannot vary lot coverage.

[13] The Development Authority does not support this application as it exceeds maximum lot coverage in accordance with Land Use Bylaw 18/2024, Section 5.3(6)(a).

[14] The application pertains to the construction of a new home in a newly developing area characterized by a standard building lot and devoid of encumbrances that would limit the ability of the builder to adhere to established lot coverage requirements.

[15] The maximum lot coverage percentages specified in the Land Use Bylaw are designed to ensure that a portion of each lot remains unobstructed by structures.

[16] The appellant has been advised that lot coverage requirements can be met with a change to the design of the proposed dwelling.

In Response to Questions from the Board, the Development Authority provided the following responses:

[17] The Development Officer was not certain what the zoning of a large parcel of property to the southeast was.

[18] The proposed development's rear setback is smaller than adjacent neigbors, but still meets the Land Use Bylaw requirements.

[19] The purpose of the maximum lot coverage is to ensure there is not too much massing to a building and to provide for a consistent street view.

[20] The lot coverage calculations exclude the rear deck as it is uncovered.

Applicant/Appellant

[21] The Appellant was represented by Josh Benko.

[22] Mr. Benko clarified that zoning of the large parcel of property to the southeast would be a green space or a reservoir.

[23] The proposed development would be built within a building pocket that met the zoning regulations for the setbacks.

[24] He confirmed that the customers did not request a covered deck for this development

[25] Mr. Benko indicated that when Accessory buildings are provided on a lot in this zone, the lot coverage could actually be 42%. He noted that there are no Accessory buildings proposed on the lot at this time, and as such, the 42.56% being proposed for the house, is negligible when compared to lot coverage for houses with accessory buildings at 42% lot coverage.

In Response to Questions from the Board, the Appellant provided the following responses:

[26] Mr. Benko indicated that the developer had asked them to set the building further back on the property, which is why the building sits further back than adjacent developments, but still within the limits of the Land Use Bylaw.

[27] In response to whether or not he could alter the floor plan to meet the lot coverage, Mr. Benko indicated that it was possible to make alterations to the design of the building, but that this would be costly and time restricting, and possibly add another three months to the development of the project.

FINDINGS OF FACT

[28] The Lands are legally described as Lot 7, Block 18, Plan 2422448.

[29] The Appeal was filed on July 21st, 2025

[30] The Applicant is an affected person.

[31] Those who spoke in favour of the appeal are affected people.

REASONS

Affected Persons

[32] 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.

[33] The Board confirms that Parkwood Master Builder is an affected party as they are the applicants of the Development Permit.

Jurisdiction

[34] 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.

[35] 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

[36] The Board must determine the following issues:

a. Will the excess lot coverage of 2.56% unduly interfere with the amenities of the neighborhood?

b. Will the excess lot coverage of 2.56% materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land?

Will the excess lot coverage of 2.56% unduly interfere with the amenities of the neighborhood?

[37] The Board must first determine if the excess lot coverage unduly interferes with the amenities of the neighborhood.

[38] The Board identifies the rear green space (identified as a reservoir by the Appellant) and the consistent streetscape and streetview (as indicated by the Development Authority) as possible amenities of the neighborhood.

[39] The Board also notes that the architectural character of the neighborhood (as noted by the appellant) may be an amenity of the neighborhood.

[40] As regards the green space to the southeast, the Board recognizes that the proposed development is set back further than adjacent houses, which could potentially cause a visual obstruction to neighboring houses. However, that obstruction does not appear to be caused by the excess lot coverage, but rather the developer's insistence that the building be further setback on the lot. Furthermore, despite this setback, it still conforms with all the Setback regulations of the Land Use Bylaw.

[41] As such, the Board is convinced that the excess lot coverage does not assist in creating a visual obstruction for any neighboring lots to the green space.

[42] The Board also heard from the appellant that the developer sought to have a consistent streetscape and streetview.

[43] The excess lot coverage again does not seem to contribute to any type of deviation from the streetscape or streetview. The width of the development and its architectural details are not altered in any meaningful way to disrupt the streetscape.

[44] This builds to the final amenity discussed which is the architectural character of the neighborhood. The arguments from the point above apply to this amenity as well. There is little change in the architectural details of the building due to excess lot coverage.

Will the excess lot coverage of 2.56% materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land?

[45] The Board heard from the Development Authority that the reasoning for leaving 60% of the site unobstructed by structures was to reduce the massing impact and maintain a consistent streetview. The Board has already addressed the concerns related to the streetscape and streetview above.

[46] As regards massing, the Board needs to determine if an extra 2.56% interferes or affects the use, enjoyment or value of neighboring parcels.

[47] The Board reasons that it will not, and bases this reasoning on the concept of Setbacks and Height in the Land Use Bylaw.

[48] By establishing building setbacks and building height limits, City Council is setting an absolute limit to where a building can be placed before it becomes undesirable or offensive to an abutting property.

[49] The appellant has not violated any of these limits, and as such has met Council's determination that the size of the building no longer interferes with these adjacent parcels of land.

[50] The Board also notes that the "massing" of a development, based on the City's determination of 40% limit, will not result in similar size developments unless every lot is of the exact same size.

[51] As shown on the Development Authority's presentation, some nearby lots are substantially smaller or larger than the appellant's lot. As such, the 40% lot coverage on a larger lot nearby could actually result in a more "massive" development than the appellant's proposed development of 42.56%.

[52] The Board has difficulty in seeing how an extra 2.56% lot coverage on this lot creates a massing effect that is worse than a 40% lot coverage impact on a larger lot.

[53] Finally, the Board notes that nobody was in opposition to the appeal, and that future homeowners, by fact of their purchase of new houses, are accepting of the excess lot coverage.

[54] As such, the Board has determined that the excess lot coverage will not materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

Conclusion

[55] For the above reasons, the Board finds For the above reasons, the Board finds the proposed development does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land.

[56] Issued this 18th day of August, 2025 for the City of St. Albert Subdivision and Development Appeal Board.

Mark Harrison Mark Harrison

Mark Harrison (Aug 25, 2025 14:48:28 MDT)

Mark Harrison, 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
1.	Bill Newton
2.	Garry Rorke
3.	Christian Benson
4.	Marcel Leblanc
5.	Feinan Long
6.	Mark Harrison (Chair)
7.	Terry Clackson (Vice-Chair)

APPENDIX "B"
REPRESENTATIONS

	PERSONS APPEARING
1.	Chantelle Malo (Development Officer)
2.	Kairee Droogers (SDAB Clerk)
3.	Josh Benko (Appellant)

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

Agenda Package			
	Description	Date	Pages
1.	Agenda	August 1, 2025	1-2
2.	Development Officer Report	August 1, 2025	33-36
3.	Appellant Submission	August 1, 2025	37-58
4.	Development Permit Decision	August 1, 2025	59-61
5.	Radius Map & Labels	August 1, 2025	62-64

EXHIBITS			
	Description	Date	Exhibits
1.	Development Officer Presentation	August 6, 2025	C

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HEARING DATE: August 6th, 2025
FILE NO.: DP073293

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] On July 8th, 2025, the Development Authority of the City of St. Albert (the "Development Authority") refused to issue a development permit to Construct a 2nd Secondary Suite (internal micro-suite) located at 2 Falcon Crescent and legally described as Lot 40, Block 2, Plan 6049RS (the "Lands"). The applicant for the Development Permit was Katie Thompson (the "Applicant").

[2] Katie Thompson filed an Appeal from the refusal on July 15th, 2025.

[3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on August 6th, 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] The Board **ALLOWS** the appeal, and **REVOKES** the decision of the Development Authority with the following conditions:

1. Development Permit approval is issued for the construction of a secondary suite (internal), micro suite, in accordance with the provisions of Land Use Bylaw 18/2024. The suite shall be permitted by the SDAB as the second internal suite in the principal dwelling with an area less than 30sq.m.

2. Parking shall be provided on-site as two stalls for the principal dwelling and as per the Land Use Bylaw 18/2024, Section 4.3(6)(b) one stall required when there are two secondary suites on a lot in the LDR District. Parking spaces shall be hard-surfaced and accessible by permanent vehicle access. No more than two of the required parking stalls can be designed in tandem per dwelling unit for the stalls to be counted towards the total required parking.

3. The development shall be constructed in accordance with the stamped, approved plan(s).

4. Any proposed changes in design, elevation or site plan configuration shall first be submitted for review by the Development Officer and any such changes shall not be undertaken until written authorization is provided by the Development Officer.

5. Future basement development shall be subject to a separate development permit application.

   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 the proposed Secondary Suite would be the second internal suite on the property, with an area of 29.31m2.

[11] Section 3.69(5)(a) states that in the LDR district only, a maximum of two secondary suites are allowed on a lot with the dwelling (single detached), provided that one of the suites is contained within the principal dwelling.

[12] They believe the intent of this Section is to allow one secondary suite within the principal dwelling and optionally, one additional suite in the form of a garden suite or garage suite. The dwelling already has an approved basement suite. The addition of a second internal suite would exceed the number of internal suites permitted on a single property.

[13] The current wording of this Section has been identified as a housekeeping item and is scheduled for an amendment for clarity and will go before Council in 2026 for amendment.

[14] Section 3.69(8)(a) states the minimum area of a Secondary Suite (internal) shall not be less than 30.00m2

[15] The proposed, internal "micro-suite: is 29.31 m2 and fails to meet the minimum required floor area for a self-contained living unit.

[16] As regards Section 3.69(5)(a) of the Land Use Bylaw, the Development Authority is of the opinion that the proposed development exceeds the number of internal suites permitted.

[17] They believe that a second suite, if proposed, must be in the form of a garden suite or garage suite, not another internal suite.

[18] This application proposes a second, internal suite within the principal dwelling, which is not supported by the Development Authority's interpretation or the intent of the bylaw.

[19] The proposed micro suite also does not meet the minimum required floor area for a self-contained dwelling unit.

[20] Section 3.69(8)(a) requires that an internal secondary suite be a minimum of 30.0m2 in size. The proposed suite is 29.31m2, and therefore fails to meet this standard.

[21] The minimum size requirement exists to ensure basic livability, safety, and functionality for occupants.

[22] The appellant's interpretation of the bylaw differs from that of the Development Authority. While their position is acknowledged, it is not consistent with the Development Authority's application of the bylaw.

[23] Permitting two internal suites within a single detached dwelling introduces triplex-sytle intensity under the guise of a single detached home.

[24] While the Land Use Bylaw does allow a combination of one internal and one garden or garage suite, these configurations intentionally distribute intensity between the principal dwelling and an accessory dwelling. Allowing two internal suites concentrates all residential intensity within the primary dwelling, fundamentally changing its form and function in a way that is not supported within the Low Density Residential (LDR) district.

[25] The Development Branch stands behind the intent of the text in the Land Use Bylaw, and does not support the Appellant's interpretation of the Bylaw as allowing two internal suites on a single lot.

In Response to Questions from the Board, the Development Authority provided the following information:

[26] Two parking stalls are required for the principal dwelling, and one additional stall is required for both of the Secondary Suites together.

[27] The three stalls will be on the hardsurfaced driveway.

[28] The three stalls will likely fit on the driveway, with two of the stalls in tandem which is allowed.

[29] Each parking stall must be 2.6 metres in width.

[30] The appellant could apply to widen the driveway if they require extra space for parking.

[31] The measurements taken to determine the size of the unit are taken from the inside of the wall and not the exterior of the walls as it is the living space in which individuals live that is being determined.

[32] The Development Authority indicated that while the appellant has noted they will revise their plans to make the suite 30.01 m2, they had not received those plans, and as such stood by their initial review where the suite is 29.31m2.

[33] They confirmed the proposed suite has its own separate exterior entrance.

Applicant/Appellant

[34] The appellant was represented by Trent Thompson. Mr. Thompson indicated his belief that there was only one issue to be discussed, which was the size of the Secondary Suite. He believes that the Development Authority's interpretation of Section 3.69(5)(a) is incorrect. He believes that the regulation suggests that at least one suite must be in the house, while the second suite may be placed wherever the landowner wishes.

[35] Mr. Thompson noted that the regulation does not contain words such as "only" or "a maximum of", which further supports his belief that he may have two secondary suites in the house.

[36] He suggested that the Development Authority contradicted themselves by indicating they stand behind their interpretation of Section 3.69(5)(a) while at the same time indicating they would be changing the regulation.

[37] He stated that this was not a triplex as stated by the Development Authority but simply a residence with suites in the former garage and basement.

[38] He wants to know if the Board is in agreement with the Development Authority's interpretation of Section 3.69(5)(a) or his.

[39] He does not understand why having 2 secondary suites in one house is an issue.

In Response to Questions from the Board, the Appellant provided the following information:

[40] Mr. Thompson clarified that what was being termed "micro suite" was the proposed suite in the garage and not in the basement.

[41] The original garage door had been removed, a patio window installed, and he would be properly insulating the suite.

[42] He did not believe a proper garden suite would fit on the lot due to the location of the house and driveway.

[43] Prior to him purchasing the property, the garage area functioned as a double car garage before being converted to a "mancave".

[44] Mr. Thompson confirmed that all three dwellings had their own separate entrance and that the sliding doors at the front of the "micro suite" were not meant to be an entrance, but rather lead to a small outside patio area.

[45] He confirmed that all three dwellings would be rental units. However, there were no renters in the house yet, but he had many inquiries.

[46] Mr. Thompson confirmed that he intended to increase the size of the unit to 30.01m2 by changing the size of one of the walls. He had not submitted revised plans, but was willing to do so.

Affected Parties in Opposition to the Appeal

[47] The Board then heard from Mr. Tym Spruston whose property is kitty-corner to the Thompsons' property.

[48] Mr. Spruston is opposed to the proposed development.

[49] His main concern is the parking.

[50] Mr. Spruston indicated that the street in front of the residence had permit parking, due to past issues with high school students from Paul Kane High School parking on the streets.

[51] He feels that the proposed development will exacerbate existing parking issues.

[52] He noted that the house has been in a derelict condition for nearly nine years, so he does welcome the upgrades that have been made by the appellants. However, this does not mitigate his concerns about parking.

[53] He questioned whether the City's parking requirements are adequate. He indicated his own family has 3 vehicles, and believes it's possible that eachof the suites renter(s) will have multiple vehicles.

[54] He also disputes Mr. Thompson's assertions that the previous garage was a double garage, but was rather a single garage.

Rebuttal from the Appellant

[55] Mr. Thompson indicated that he was issued one of the parking permits that Mr. Spruston spoke of, and that in his opinion, that provided a further parking space on the road.

[56] To Mr. Thompsons' knowledge, the parking permit was issued to the property owner, and he was only provided one permit.

[57] The Development Authority then clarified for the Board that street parking was not included in the parking calculations and was managed by a separate City Department.

FINDINGS OF FACT

[58] The Lands are legally described as Lot 40, Block 2, Plan 6049RS.

[59] The Appeal was filed on July 15th, 2025

[60] The Applicant is an affected person.

[61] Those who spoke in favour of the appeal are affected people.

REASONS

Affected Persons

[62] 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.

[63] The Board notes that Mr. Thompson is an affected party as it was his Development Permit application for his property which was refused.

[64] The Board notes that Mr. Spruston is also an affected party as he is an abutting property owner to the lot.

Jurisdiction

[65] 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.

[66] 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, the Appellant Mr. Thompson and the abutting neighbor, Mr. Spruston.

Issues to be Decided

[67] The Board must determine the following issues:

a. Has the appellant met the requirements of Section 3.69(5)(a)?

b. If the appellant has not met the requirements of Section 3.69(5)(a) then,

   i. Will having two secondary suites in the main residence unduly interfere with the amenities of the neighborhood?

   ii. Will having two secondary suites in the main residence materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

c. Will the size of the "microsuite", being less than 30m2, unduly interfere with the amenities of the neighborhood?

d. Will the size of the "microsuite", being less than 30m2, materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land?

[68] The Board notes that while Mr. Spruston has concerns with parking for the development, the Development Authority indicated that the parking requirements based on the Zoning Bylaw had been met, and also showed the Board how they were met. As such, this is not an issue the Board can review in its decision

Has the appellant met the requirements of Section 3.69(5)(a)?

[69] The Board was provided with two different interpretations of Section 3.69(5)(a). The first from the Development Authority, and a second from the Appellant. The Board needs to determine which interpretation is appropriate, as it determines whether or not a variance has been granted, and whether or not the Board must apply the tests of Section 687(3) to this particular regulation.

[70] The regulation, as read in its entirety, including the parent regulation of Section 3.69(5) states:

3.69 (5) Only one secondary suite (garage), secondary suite (garden), or secondary suite (internal) is allowed on a lot with a dwelling (single detached), dwelling (semi-detached) or dwelling (duplex), in accordance with the applicable District

(a) Notwithstanding section (5), in the LDR District only, a maximum of two secondary suites are allowed on a lot with a dwelling (single detached), provided that one of the suites is contained within the principal dwelling.

[71] The Development Authority has given weight to the *intent* of this regulation, stating that the *intent* is to have a secondary suite within the principal dwelling and optionally, one additional suite in the form of a garden suite or garage suite.

[72] No evidence was presented to the Board which codified or legalized the "intent" of the regulation given by the Development Authority, such as a City Policy, statutory plan or any other document. Rather the Development Authority simply stated that the regulation has been identified as a housekeeping item and is scheduled for an amendment for clarity and will go before Council in 2026 for amendment.

[73] Regardless of this, Section 687(3)(a.3) of the Municipal Government Act is very clear that the Board must comply with the *Land Use Bylaw in effect*. As such, the Board must read the wording of the Bylaw as written, and cannot contemplate the "intent" as derived elsewhere or intended future updates to the regulation.

[74] This regulation can be broken into two parts, read as follows:

a. *Notwithstanding Section (5), in the LDR District only, a maximum of two secondary suites are allowed on a lot with a dwelling (single detached)...* and

b. ..*provided that one of the suites is self contained within the principal building.*

[75] The first part of the regulation clearly stipulates that only two secondary suites are allowed on the lot. The applicant has precisely two suites proposed for the lot, and there appears to be no disagreement between the Development Authority and Appellant on this matter.

[76] The second part of the regulation stipulates that one of the suites is to be self contained within the principal building. In reviewing the submissions of both the Development Authority and Appellant, it is evident that there is at least one suite contained within the principal building.

[77] Again, based on a literal reading of the regulation then, the appellant's proposed development has at least one suite contained within the principal building.

[78] The Development Authority has suggested that the "second suite" is the issue of concern. But the Board notes that there is no reference to the desired location of the second suite in this regulation, but rather only the "one suite".

[79] The Board notes that there is no restrictive language stated in Section 3.69(5)(a) which actually prohibits any property owner within an LDR District from placing both suites within the principal dwelling.

[80] Rather, the restrictive language of the clause in the word "maximum" simply limits two secondary suites *per lot.*

[81] It is the Board's opinion that Council has clearly contemplated restrictions on these lots by imposing the word "maximum" into the regulation. But the restriction is limited to the number of suites *per lot* and not their location on the lot, despite the Development Authority's argument otherwise.

[82] The Board accepts the interpretation given by the appellant that as long as *one* Secondary Suite is provided within the principal residence, they are free to choose the location of the second suite.

[83] Based on this interpretation of the regulation, there is no variance to be granted, and the appellant is in conformance with the regulation.

[84] As such, the Board does not need to determine if having two secondary suites in the main residence will unduly interfere with the amenities of the neighborhood or will materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

Will the size of the "microsuite", being less than 30m2, unduly interfere with the amenities of the neighborhood?

[85] The Board however does need to determine these issues as regards Section 3.69(8)(a) of the Land Use Bylaw which states that an internal secondary suite be a minimum of 30.0m2 in size.

[86] The Board notes that the proposed development of 29.31m2 is only 0.69m2 deficient of the minimum size. This is roughly the size of a typical welcome mat for a residence.

[87] The Board must determine if this deficiency in size unduly interferes with amenities of the neighborhood. As the suite is completely internal to the dwelling, which already exists, its size should have no discernible impact on any external amenities.

[88] However, the Board recognizes the concern made by the Development Authority that the size of the dwelling can be considered an amenity to its users.

[89] It must then be decided if 29.31m2 is of sufficient size for a user.

[90] No evidence was provided to the Board why 30m2 is the minimum size required for a resident to enjoy their living space. The appellant was of the belief that 29.31m2 was adequate.

[91] The Board fails to see how a deficiency of 0.69m2 can make the livability of a residence less suitable. The floor plan provided by the appellant appears to show all the basic amenities required in a residence including a kitchen, bathroom, living space and sleeping space.

[92] As such, it is the Board's opinion that a 29.31m2 secondary suite does not unduly interfere with the amenities of the neighborhood.

Will the size of the "microsuite", being less than 30m2, materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land?

[93] Finally, the Board needs to determine if an undersized suite materially interferes with or affects the use, enjoyment, or value of neighboring parcels of land

[94] Similar to the above arguments revolving around impacts on neighborhood amenities, the Board recognizes that the size of this suite in a pre-existing dwelling does not seem to have any external impacts on the neighbors or their land. Rather, the impacts seems to be restricted to the user of the suite itself.

[95] As such, the Board is satisfied that a 29.31m2 secondary suite will not materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land.

Conclusion

[96] For the above reasons, the Board finds the proposed development does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land.

[97] Issued this 18th day of August, 2025 for the City of St. Albert Subdivision and Development Appeal Board.

Mark Harrison Mark Harrison
Mark Harrison (Aug 25, 2025 14:48:28 MDT)

Mark Harrison, 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
1.	Bill Newton
2.	Garry Rorke
3.	Christian Benson
4.	Marcel Leblanc
5.	Feinan Long
6.	Mark Harrison (Chair)
7.	Terry Clackson (Vice-Chair)

APPENDIX "B"
REPRESENTATIONS

	PERSONS APPEARING
1.	Chantelle Malo (Development Officer)
2.	Kairee Droogers (SDAB Clerk)
3.	Trent Thompson (Appellant)

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

Agenda Package			
	Description	Date	Pages
1.	Agenda	August 1, 2025	1-2
2.	Development Officer Report	August 1, 2025	3-6
3.	Appellant Submission	August 1, 2025	7-25
4.	Development Permit Decision	August 1, 2025	26-29
5.	Radius Map & Labels	August 1, 2025	30-32

EXHIBITS			
	Description	Date	Exhibits
1.	Affected Party Submission	August 6, 2025	A
2.	Development Officer Presentation	August 6, 2025	B