

ALLOWED WITH CONDITIONS

SUBDIVISION AND DEVELOPMENT APPEAL BOARD CITY OF ST. ALBERT

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HEARING DATE: July 22, 2026
FILE NO.: LEG01004

Notice of Decision of Subdivision and Development Appeal Board

Re: CONDOMINIUM PLAN 9722273; UNIT 9 - known municipally as 9, 30 Giroux Road, St. Albert, AB.

INTRODUCTION

- [1] On June 17, 2026, the Development Authority of the City of St. Albert (the "Development Authority") refused to issue a development permit for Accessory Development (deck and enclosed sunroom with variance to rear yard setback, located at 9, 30 Giroux Road, St. Albert, AB and legally described as CONDOMINIUM PLAN 9722273; UNIT 9 (the "Lands"). The applicant for the Development Permit was Thomas Doerksen (the "Applicant").
- [2] Thomas Doerksen filed an Appeal from the Development Permit Refusal on June 29, 2026.
- [3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on July 22, 2026, 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.
- [6] There were no Exhibits.

C. Miscellaneous

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

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- [9] The St. Albert Subdivision and Development Appeal Board strikes the Development Officer's refusal and submits a Development Permit Approval with the following conditions:
 - 1) Development Permit approval is issued for a new deck with A residential sunroom addition, a permitted use in the Medium Density Residential (MDR) Land Use District; in accordance with the provisions of Land Use Bylaw Section 5.6 and Section 3.56(3)(iv)(A) of the Land Use Bylaw, a minimum rear yard setback of 6.0 m is required where a lot contains an attached garage.
 - 2) The sunroom addition results in a rear yard setback of 3.8 M with a variance of 36.7% allowed.
 - 3) The sunroom 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 Authority, and any such changes shall not be undertaken until written authorization is provided by the Development Officer.
 - 5) The exterior finishes of the sunroom shall match or complement the exterior finishes of the existing dwelling.
 - 6) The exterior finishes of the sunroom must be completed within two (2) years of the date of the Development Permit.

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

[10] 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

[11] The Development Authority (DA) stated that the appellant is appealing a refusal decision by the Development Authority for an Accessory Development consisting of a new deck with an enclosed sunroom constructed on the deck, requiring a variance to the minimum required rear yard setback. The proposed rear setback of 3.8 m requires is 2.2 m short of the regulation 6.0 m or a variance of 36.7%. The DA stated section 2.15(1) of the Land Use Bylaw (LUB) only allows for an administrative variance of 25%. This required variance of 36.7% exceeds this 25% limitation on their administrative authority to grant a variance.

Applicant/Appellant

[12] The Appellant stated that he and his wife Darlene are seniors aged 76 and 77 respectively. Due to significant health and mobility issues, the appellant and his wife chose to build the new deck and attached sunroom to allow both of them to access their outdoor amenity to assist in their recovery.

[13] The appellant further stated that he had checked with his Condominium Board and neighbours and received their support for this build. Additionally, his next door neighbour has a very similar deck structure that is even closer to the back fence.

FINDINGS OF FACT

[14] The Lands are legally described as CONDOMINIUM PLAN 9722273; UNIT 9.

[15] The Appeal was filed on June 29, 2026.

[16] The Applicant is an affected person.

[17] The proposed deck will require a rear yard setback of 3.8 m instead of the required 6.0 m. As a result, a variance of 2.2 m of 36.7% is required.

REASONS

Affected Persons

[18] 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.

[19] The appellant is the only affected person in this appeal.

Jurisdiction

[20] 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.

[21] 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

[22] The Board must determine the following issues:

Does this proposed deck and attached sunroom unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and does the proposed development conform with the use prescribed for that land or building in the land use bylaw.

The Board believes, based on the evidence before it, that this proposed deck and attached sunroom does not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and conforms with the use prescribed for that land or building in the land use bylaw.

Conclusion

[23] For the above reasons, the Board strikes the Development Officer's refusal and submits a Development Permit Approval with the above conditions.

[24] Issued this 23 day of July, 2026 for the City of St. Albert Subdivision and Development Appeal Board.



Bill Newton, 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, Chair
2. Christian Benson, Vice-Chair
3. Ken Benson
4. Marcel LeBlanc
5. Dan Santucci

APPENDIX "B"
REPRESENTATIONS

PERSONS APPEARING

1. Thomas Doerksen, Appellant/Applicant
2. Melanie Smith, Development Officer
3. Grace Magyar, SDAB Clerk

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

Agenda Package			
	Description	Date	Pages
1.	Agenda	July 22, 2026	1 – 2
2.	Development Officer Report	July 22, 2026	3 – 10
3.	Appellant Submission	July 22, 2026	11 - 26
4.	Radius Map and Labels	July 22, 2026	27 - 29
5.	Development Officer SDAB PowerPoint Presentation	July 22, 2026	68 - 87

Exhibits			
	Description	Date	Exhibit
1.	None		