

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

5 St. Anne Street
St. Albert, AB T8N 3Z9
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Telephone: (780) 459-1500

HEARING DATE: June 25, 2025
FILE NO.: LEG00981

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

- [1] On June 2nd, 2025, the Development Authority of the City of St. Albert (the "Development Authority") refused to issue a Development Permit to "Install a Commercial Accessory Building (Quonset) on Site", located at 120-730 St. Albert Trail and legally described as Lot 7, Block 1, Plan 0321377 (the "Lands"). The applicant for the Development Permit was Curtis Kinal (the "Applicant").
- [2] Habitat for Humanity Edmonton Society filed an Appeal from the refusal on June 2nd, 2025.
- [3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on June 25th, 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.
- [6] The Board requested that the presentation that the Appellant gave be provided to the Board and entered into the record as an Exhibit.

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 Board **ALLOWS** the appeal and **REVOKEs** the decision of the Development Authority with the following conditions:

1. Development Permit approval is issued to authorize the installation of a Quonset as an Accessory Building on the site.
2. The Accessory Building shall be located a minimum of 1.0m from the existing side fencing to allow for maintenance access.
3. Accessory Buildings are a discretionary use in the TCC (Trail Corridor Commercial) Land Use District, in accordance with Section 5.9(3)(xxiii)(3) of Land Use Bylaw 18/2024.
4. The development shall exist in accordance with the stamped, approved plan(s).
5. Any proposed changes in design, elevation or site plan configuration shall first be submitted for review by the Development Officer and any such changes may require a new Development Permit application. No changes shall be undertaken without written authorization provided by the Development Officer.
6. The approved Accessory Building shall be maintained in a clean, structurally sound, and aesthetically acceptable condition at all times. The fabric exterior must be kept free from excessive fading, tearing, staining, or other forms of visible deterioration. The Accessory Building shall not be permitted to fall into a state of disrepair or neglect that would negatively impact the visual quality of the site or surrounding area, as determined by the Development Authority.
7. The existing visual screening, consisting of wood and chain link fencing installed around the site shall be maintained in good condition to effectively screen the Accessory Building from adjacent properties.
8. The Accessory Building shall only be used for accessory commercial storage purposes to the principal business on site and shall not be used for retail sales, or any other use without prior approval of the Development Authority.

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 stated that the proposed development is an Accessory Development for a building, which is a Discretionary Use in the TCC (Trail Corridor Commercial) District

[12] In their opinion, the development did not meet the requirements of Section 3.12 of the Land Use Bylaw which pertains to "Design, Character, and Appearance of a Building".

[13] This section requires the following of building developments:

- a. All exterior finishes shall have a finished treatment.
- b. The design, character and appearance of a building, including all accessory buildings and relocatable buildings, must be:
 - i. Compatible with any other buildings on the site, and in the vicinity; and
 - ii. Consistent with the regulations and purpose of the District in which the building is located.

[14] The Development Authority also stated that the proposed development did not comply with Section 3.80 of the Land Use Bylaw which further states that all buildings must be finished as follows:

- a. Exterior finishing materials on facades visible from a public right-of-way, Residential District, residential Use, natural area, or park shall be of a higher quality appearance, as determined by the Development Authority, and
- b. The use of two or more colours or materials is required to enhance the building exterior and to create design accents. Building and architectural details (including flashing and downspouts) shall have a colour that complements the principal building, as determined by the Development Authority.

[15] Section 3.80 also states that "large expanses of uninterrupted wall planes are prohibited where visible from a public right of way, Residential District, residential use, natural area or park.

[16] The Development Authority's main concern was with the materiality of the structure, which was fabric, as well as the lack of architectural detail and color for the proposed development.

[17] They are also concerned by the large uniform wall surface and absence of enhanced finishes, which they believe contributes to its incompatibility to the surrounding built environment.

[18] The Development Authority believes the appearance of the proposed development leads to a "utilitarian experience" as regards its architecture, rather than something more desirable

[19] The Development Authority suggested that the appellant consider constructing a permanent accessory building with conventional exterior finishes which the appellant declined to pursue.

[20] In the opinion of the Development Authority, the proposed development is not compatible with adjacent buildings which are primarily finished with stucco and have more architectural detail.

[21] Other than concerns with the appearance of the development, the proposal conforms with all other regulations of the Bylaw (Setbacks, Height, Floor Area).

[22] The proposed development was enclosed by a combination of eight-foot wood and chain link fences. These fences are in generally good condition and do provide reasonable screening.

Applicant/Appellant

[23] Ann-Marie Reddy spoke on behalf of Habitat for Humanity. Habitat for Humanity has been exploring the opportunity to operate alongside Goodwill Industries since 2013, including operating a ReStore operation.

[24] The proposed development would provide employment opportunities for local residents, provide the opportunity for residents to shop locally, and further building opportunities for local residents based on what the ReStore sells.

[25] Habitat for Humanity is subleasing the space from Goodwill Industries.

[26] Wal Mart Canada has right of first refusal for the Site, meaning their support is required in order for permanent future development of structures to occur at this location.

[27] Wal Mart did not support the erection of a permanent structure, which is one reason why Habitat for Humanity is seeking the proposed Quonset Hut.

[28] The proposed Quonset Hut will be constructed to an International Standard.

[29] The Quonset Hut will consist of a steel frame with a fabric cover.

[30] The hours of operation will be the same as Goodwill Industries.

[31] Without the proposed Quonset Hut, they would have to store the large building materials and furniture outside, which has a negative impact on their business and operations, particularly in the winter.

[32] Without approval of the Quonset Hut, they estimate that approximately 632 metric tons of waste could end up in the landfill.

[33] They also estimate a 23% loss in volunteer hours and up to six local jobs.

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

[34] The development will be built and designed with property safety standards considered including the Building Code and Fire Code.

[35] They are also developing space within the existing Goodwill Store.

[36] While there are some temporary structures without foundations that could be used, such as those with metal siding, those are cost prohibitive for the appellant.

[37] There may still be some outside storage, but not nearly as much as there would be if the Quonset hut is not developed.

[38] It is their belief that utilizing outside storage such as racking would be more of an eyesore than the proposed Accessory Structure.

FINDINGS OF FACT

[39] The Lands are legally described as Lot 7, Block 1, Plan 0321377.

[40] The Appeal was filed on June 2nd, 2025

[41] The Applicant is an affected person.

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

REASONS

Affected Persons

[43] 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.

[44] The Appellants are representatives of the organization whose Development Permit application was refused. They are affected persons.

Jurisdiction

[45] 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.*

[46] 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

[47] The Board must determine the following issues:

- a. What are the amenities of the neighbourhood?
- b. Does the proposed development unduly interfere with those amenities?
- c. Will the proposed development interfere with the use, value or enjoyment of the neighbouring lands in a material way?

[48] By presenting the land use regulations of Section 3.12 and Section 3.80 of the Land Use Bylaw, the Development Authority has presented its case that the design and appearance of buildings located along St. Albert Trail are considered to be amenities for residents, customers, and pedestrians in the area.

[49] The Board agrees that the aesthetic appearance of buildings can be considered an amenity, however, cautions that the degree to which a building's aesthetic appearance can be considered an important or necessary amenity is highly subjective.

[50] The Board also considered the shared use path located to the rear of the development and along the stormwater management pond an amenity of the area.

[51] Finally, the Board considers residential districts' views of scenery to be a potential amenity.

[52] The Board must determine whether or not the use of a fabric material and lack of architectural detail on the proposed Quonset hut would unduly interfere with amenities of the neighborhood.

[53] While the Development Authority provided information on how the proposed development failed to meet the requirements of Section 3.12 and Section 3.80, the presence of these deficiencies does not necessarily mean the proposed development and its appearance will negatively impact amenities of surrounding properties.

[54] The Board also needs to determine if the materiality of the proposed Quonset Hut and its lack of architectural detail and multiple colors in any way interferes with the use, value or enjoyment of neighboring lands in a material way.

[55] The Board notes that while the material of the proposed development is different from the existing commercial buildings, their colors are very similar. As such, neighboring properties would be looking at a similar color scheme as what they currently look at.

[56] The Development Authority also stated concerns about the large uniform wall surface and lack of finishing. The Board notes that the existing rear facade also has an apparent large uniform wall surface, albeit with a little more finishing.

[57] It is the Board's opinion that new development will present a similar aesthetic as to what is already there, albeit with fewer architectural details.

[58] The Board also notes that an eight-foot-high wooden fence encloses the structure on the west side, which is the side facing both the residential development of Jensen Lakes and the stormwater management pond with its shared use path.

[59] The eight foot (2.4 metre) high fence screens a portion of the 7.1-metre-high proposed structure. While this does not screen the entire structure from residents in the Jensen Lakes neighborhood, it does provide some screening from afar.

[60] The proposed structure is not visible from St. Albert Trail itself, as it is hidden behind the principal structure currently occupied by Goodwill Industries. As such, the aesthetics of the development are limited to users of the facility and residential properties to the west.

[61] As regards the residential properties to the west, most are at least 100 metres or more away from the proposed location of the structure and screened from it by at least two fences (one for each residential property, and one for the commercial location upon which the development is proposed).

[62] The Board is not certain that from these distances the difference in materiality of the Quonset hut from the principal building (stucco) would be greatly distinguishable, specifically to the point of creating a negative experience for the residential or parks use.

[63] Finally, the Board notes there was nobody in opposition to the proposed development.

Conclusion

[64] For the above reasons, the Board finds that the proposed development does not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

[65] Issued this 4th day of July, 2025 for the City of St. Albert Subdivision and Development Appeal Board.

Mark Harrison

Mark Harrison

Mark Harrison (Jul 10, 2025 10:17 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. Mark Harrison
2. Christian Benson
3. Gary Rorke
4. Terry Clackson
5. Bill Newton

APPENDIX "B"
REPRESENTATIONS

PERSONS APPEARING

1. Curtis Kinal (Appellant)
2. Dr. Ann-Marie Reddy (Appellant)
3. Melanie Smith (Development Officer)
4. Kairee Droogers (SDAB Clerk)

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

Agenda Package			
	Description	Date	Pages
1.	Agenda	June 19, 2025	1-2
2.	Development Officer Report	June 19, 2025	39-54
3.	Appellant Submission	June 19, 2025	55-59
4.	Development Permit Decision	June 19, 2025	60-63
5.	Radius Map & Labels	June 19, 2025	64-66

EXHIBITS			
Documents Received at the Hearing			
	Description	Date	Exhibits
A.	Additional Appellant Material – Fire Retardancy	June 26, 2025	A
B.	Development Authority SDAB PowerPoint Presentation	June 25, 2025	B

EXHIBITS Documents Received at the Hearing			
	Description	Date	Exhibits
C.	June 25, 2026 SDAB Recording	June 25, 2025	C
D.	Appellant PowerPoint Presentation	June 25, 2025	D

Written Decision - 120 730 St. Albert Trail

Final Audit Report

2025-07-10

Created:	2025-07-09
By:	kdroogers@stalbert.ca
Status:	Signed
Transaction ID:	CBJCHBCAABAAtRapiEZRiGfylo-JWfQRuOJcTYjyhVYI

"Written Decision - 120 730 St. Albert Trail" History

 Document created by kdroogers@stalbert.ca
2025-07-09 - 6:01:19 PM GMT- IP address: 96.52.124.12

 Document emailed to mark.harrison3330@gmail.com for signature
2025-07-09 - 6:01:37 PM GMT

 Email viewed by mark.harrison3330@gmail.com
2025-07-10 - 4:16:33 PM GMT- IP address: 74.125.209.32

 Signer mark.harrison3330@gmail.com entered name at signing as Mark Harrison
2025-07-10 - 4:17:10 PM GMT- IP address: 68.150.113.141

 Document e-signed by Mark Harrison (mark.harrison3330@gmail.com)
Signature Date: 2025-07-10 - 4:17:12 PM GMT - Time Source: server- IP address: 68.150.113.141

 Agreement completed.
2025-07-10 - 4:17:12 PM GMT

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CITY OF ST. ALBERT**

5 St. Anne Street
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Telephone: (780) 459-1500

HEARING DATE: June 25, 2025
FILE NO.: LEG00980

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

- [1] On May 27th, 2025, the Development Authority of the City of St. Albert (the "Development Authority") Refused to issue a development permit to Leave a Playhouse as Built with a Height Variance located at 26 Delage Crescent and legally described as Lot 22, Block 3, Plan 9321898 (the "Lands"). The applicant for the Development Permit was Jordan Maruschak (the "Applicant").
- [2] Jordan Maruschak filed an Appeal from the refusal on May 27th, 2025.
- [3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on June 25th, 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

The Board **ALLOWS** the appeal and **REVOKEs** the decision of the Development Authority with the following conditions

1. Development Permit approval is issued to authorize an existing accessory building (Playhouse) to remain as built and includes a variance to the building height. As approved, the playhouse's total height is approved at 5.89m (19.32 feet). A variance of 2.19m or 59% is applied.
2. Accessory Structures are a permitted use in the low density residential (LDR) land use district; in accordance with Section 5.2(3)(xi)(a) of Land Use Bylaw 18/2024.
3. The development shall exist 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. The exterior finishes of the approved accessory building shall match or complement the exterior finishes of the existing dwelling.
6. The exterior finishes must be completed within two (2) years of the date of development permit approval.

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

- [8] 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

- [9] The Development Authority stated that accessory structures such as playhouses are Permitted Uses in the low density residential (LDR) district.
- [10] Accessory Buildings are regulated by Section 3.44 of the Land Use Bylaw
- [11] The playhouse meets all zoning regulations with the exception of Height.
- [12] The maximum Height for an accessory building is 3.7 metres, while the playhouse height is 5.89 metres.
- [13] A variance of 2.19 metres or 59% is required, which exceeds the powers of the Development Officer to consider.
- [14] The playhouse is greater than 10m² in area, and as such requires a Development Permit and a Building Permit. The square area of the playhouse is 11.73m².
- [15] The playhouse is required to be 1 metre from the rear property line and is 5.82 metres from it.
- [16] The playhouse is 5.92 metres from the covered deck portion of the house.

[17] The Development Authority presented an image showing which neighbors were in support of the development, which were opposed, and those who did not respond. The image indicated only one neighbor voiced opposition to the development, while all neighbors immediately abutting the site were in support of the development.

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

[18] Garden Suites are also a Permitted Use in the Zone and have a Height limit of 7.0 metres.

Applicant/Appellant

[19] The appellant stated that during summer months, the foliage of the tree itself would conceal much of the structure.

[20] They were building this structure to help with their children's ability to have fun and be creative during their formative years.

[21] He feels the structure will enhance the quality of his children's lives.

[22] He says the neighbors are predominantly in favor of the playhouse.

[23] The appellant indicated the proposed development was for their children and immediate friends. They noted that it would likely only be in use for approximately ten years, after which time it would likely not be used anymore due to the children's ages.

[24] He noted that the final structure will be inspected, and he is actually overbuilding it in terms of safety.

[25] He hopes the structure will be a beacon of community spirit.

[26] He says the structure will not be permanent and will likely only be in use for about ten years.

[27] He feels the structure will not be an eyesore.

[28] The structure will be finished with wooden slats.

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

[29] The appellant clarified that the playhouse would primarily be used only by his two children, and likely their two best friends.

[30] The appellant indicated a willingness to have a ten-year time limit placed on the structure.

FINDINGS OF FACT

[31] The Lands are legally described as Lot 22, Block 3, Plan 9321898.

[32] The Appeal was filed on May 27th, 2025

[33] The Applicant is an affected person.

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

REASONS

Affected Persons

[35] 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.

[36] The Board notes that the appellant is an affected party, as it was their Development Permit which was refused.

[37] The Board notes that the neighbors who wrote in opposition to the Development were also affected parties as they have a direct sightline to the proposed Accessory Structure.

Jurisdiction

[38] 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.*

[39] 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 and adjacent neighbors.

Issues to be Decided

[40] The Board must determine the following issues:

- a. What are the amenities of the neighbourhood?
- b. Does the proposed development unduly interfere with those amenities?
- c. Will the proposed development interfere with the use, value or enjoyment of the neighbouring lands in a material way?

[41] After reviewing the submissions of the neighbors regarding the proposed development, the Board has heard from at least two residents (both from the same property), who have concerns related to a visually intrusive development. That is to say, the proposed development allows the possibility of other individuals to look into their yards. These residents are thus stating that their privacy is an amenity of their lots, and they believe it to be an amenity for other lots in the neighborhood as well.

[42] The Board also notes that one of the neighbors considers the development to be "unsightly", suggesting that the appearance and aesthetics of the development are of concern to neighboring residents, and can thus be considered an amenity as well.

[43] The Board also considers a property owner's expectation of limited noise to be an amenity of the neighborhood.

[44] As such, the Board needs to consider whether the factors of a visually intrusive development, unsightly development and noise levels for this development will unduly interfere with these amenities.

[45] As regards the concept of a visually intrusive development, the Board heard from the appellant that there will be no windows or doors on the east facing facade of the structure. The east facade is the one that faces the property of the neighbors who voiced concerns about a visual intrusion. As such, the Board is satisfied that the appellant has mitigated their concern of having their privacy infringed by removing doors and windows along that facade.

[46] While the neighbor in opposition states their belief that the structure will be intrusive to numerous lots, the Board notes that it received letters of support from all other adjacent lots, and no notice of opposition from those neighbors. As such, the Board is comfortable in stating that these residents are not concerned about a visual intrusion into their properties.

[47] The Board also needs to take into account whether or not the development is "unsightly".

[48] During the hearing, the Development Authority explained that any approval is subject to the development meeting the design regulations set out in the Land Use Bylaw. Specifically, Section 3.12. This means the playhouse's appearance will have to be compatible with other buildings on the site. This means the playhouse should bear some resemblance to the principal building.

[49] The Board recognizes that the development, as is currently constructed, is not complete. As such, it does appear unsightly in its current form.

[50] But the applicant has indicated their desire to finish the structure quickly, and the regulations of the Land Use Bylaw also mandate this.

[51] As such, the Board is of the opinion that the structure will not be "unsightly" as it will generally resemble in appearance other buildings in the neighborhood.

[52] Finally, the Board needed to determine if the playhouse would create an increase in intensity as regards noise.

[53] Based on the appellant's response that the development is meant primarily for his children and a few of their close friends, the Board is satisfied that noise levels will not exceed what is typically experienced in a residential neighborhood.

Conclusion

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

[55] Issued this 4th day of July, 2025 for the City of St. Albert Subdivision and Development Appeal Board.


Mark Harrison Mark Harrison
Mark Harrison (Jul 10, 2025 10:17 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. Mark Harrison
2. Christian Benson
3. Gary Rorke
4. Terry Clackson
5. Bill Newton

APPENDIX "B"
REPRESENTATIONS

PERSONS APPEARING

1. Chelsea Thompson (Development Officer)
2. Jordan Maruschak (Appellant)
3. Kairee Droogers (SDAB Clerk)

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

Agenda Package			
	Description	Date	Pages
1.	Agenda	June 19, 2025	1-2
2.	Development Officer Report	June 19, 2025	3-13
3.	Appellant Submission	June 19, 2025	14-32
4.	Development Permit Decision	June 19, 2025	32-35
5.	Radius Map & Labels	June 19, 2025	36-38

EXHIBITS Documents Received at the Hearing			
	Description	Date	Exhibits
A.	Development Authority SDAB PowerPoint Presentation	June 25, 2025	A
B.	June 25, 2026 SDAB Recording	June 25, 2026	B

Written Decision - 26 Delage Cres

Final Audit Report

2025-07-10

Created:	2025-07-09
By:	kdroogers@stalbert.ca
Status:	Signed
Transaction ID:	CBJCHBCAABAPO-D7ZK0A5biraN-1aaNaFTBcmMsV28h

"Written Decision - 26 Delage Cres" History

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