

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

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HEARING DATE: July 23, 2025
FILE NO.: AR-25-329

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

- [1] On June 27, 2025, the Development Authority of the City of St. Albert (the "Development Authority") refused to issue a development permit to construct a privacy screen located at 185 Redwing Wynd and legally described as Lot 23; Blk 11; Plan 222 2383 (the "Lands"). The applicant for the Development Permit was John McCarron.
- [2] Madonna Proulx and John McCarron (the Applicants) filed an Appeal from the refusal on June 29, 2025.
- [3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on July 23, 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] There were no additional documents presented.

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 Application is granted and the permit approved, subject to the conditions and notes which follow

CONDITIONS:

1. Development Permit approval is issued to authorize the construction of an accessory structure (privacy screen /trellis) and includes a variance to the side yard setback. The accessory structure is approved at 0.60 meters (2') from the side property line. A variance of 0.4 meters or 40% is applied.
2. Accessory structures are a permitted use in the small-lot residential (SLR) Land use district; in accordance with Section 5.3(3)(xi)(a) Of the Land Use Bylaw 18/2024.
3. The development shall be located in accordance with the stamped, approved plan.
4. The accessory structure shall not exceed 3.7 meters in total height
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 shall not be undertaken until written authorization is provided by Development Officer.

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 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 permit was refused because the structure did not comply with the Land Use Bylaw. The structure proposed would encroach on the minimum side property line setback of 1.0 meter. The encroachment of 0.4 meters or 40% exceeded the variance powers of the Development Officer.

Applicant/Appellant

[12] The Applicants stated that the proposed structure was professionally designed. The structure had to encroach on the side property line minimum to allow proper access to their deck/patio, to allow for the construction of a proper foundation, and to preserve as much of their existing patio as possible.

[13] The Applicants stated that the structure was necessary to screen their neighbors's recreational vehicle from impinging on the Applicants' view, both while inside and while on their deck/patio.

FINDINGS OF FACT

[14] The Lands are legally described as previously indicated.

[15] The Appeal was filed on the date previously identified.

[16] Both Applicants are affected persons.

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

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] As residents of 185 Redwing Wynd, the Applicants Are clearly affected persons.

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 Applicants, both of whom addressed the board.

Issues to be Decided

[22] The Board must determine the following issues:

Whether the requested variance will unduly interfere with the amenities of the neighborhood and/or materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

Plainly, the Applicants believe the structure proposed to be necessary to allow them to fully enjoy their property. The Applicants engaged a design professional and carefully considered the appropriate placement of the structure to maximize their limited outdoor space while still ensuring that the structure erected would be properly and tastefully built.

The Applicants advised that in their opinion the structure will enhance the appeal of their property should they choose to sell.


As well, the nature and location of the structure does not appear to interfere with the amenities of the neighborhood. No evidence was led to suggest otherwise.

While the proposed structure may affect the views of the residents of the neighboring property, 187 Redwing Wynd, where the recreational vehicle is parked, there is no reason to conclude that the interference would materially interfere with those residents' use or enjoyment of their property. Again, no evidence was led to suggest otherwise.

Conclusion

[23] For the above reasons, the Board finds that a permit to develop the proposed structure shall issue subject to the conditions and notes detailed in paragraph 9, hereof.

[24] Issued this 25 day of July, 2025 for the City of St. Albert Subdivision and Development Appeal Board.


Terry Clackson (Jul 25, 2025 13:27:36 MDT)

Terry Clackson Vice 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. Terry Clackson

APPENDIX "B"
REPRESENTATIONS

PERSONS APPEARING

1. Chelsea Thompson (Development Officer)
2. Madonna Proulx (Appellant)
3. John McCarron (Appellant)
4. Kairee Droogers (SDAB Clerk)

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

Agenda Package			
	Description	Date	Pages
1.	Agenda	July 17, 2025	1-2
2.	Development Officer Report	July 17, 2025	3-9
3.	Appellant Submission	July 17, 2025	10-16
4.	Development Permit Decision	July 17, 2025	17-19
5.	Radius Map & Labels	July 17, 2025	20-22

EXHIBITS			
Documents Received at the Hearing			
	Description	Date	Exhibits
1.	Affected Party Submission	July 23, 2025	A
2.	Development Authority SDAB PowerPoint Presentation	July 23, 2025	B

Written Decision - 185 Redwing Wynd

Final Audit Report

2025-07-25

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By:	kdroogers@stalbert.ca
Status:	Signed
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"Written Decision - 185 Redwing Wynd" History



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