

ALLOWED WITH CONDITIONS

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: March 18, 2026
FILE NO.: LEG00991

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

- [1] On January 29, 2026, the Development Authority of the City of St. Albert (the "Development Authority") refused a development permit application to leave an industrial (level two) building as built, located at 19 Riel Drive, St. Albert, AB and legally described as Lot 5, Plan 2114NY (the "Lands"). The applicant for the Development Permit was Gregory Lindgren (the "Applicant").
- [2] Gregory Lindgren filed an Appeal from the Development Authorities refusal on February 19, 2026.
- [3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on March 18, 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 marked at the hearing.

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. Approval is for an industrial building (Westcon Precast Inc.) - Industrial (level two) – to remain as built; a discretionary use under the provisions of Section 5.13(3)(xxii)(b) of the Land Use Bylaw 18/2024.
2. Approval is for an industrial building to remain as built with the following variance as per the stamped approved plans and the variance granted by the Subdivision and Development Appeal Board:
 - a. A 2.80 m (80%) setback variance to allow the building to remain 0.70m from the rear yard property line, whereas a 3.50 m setback is required as per Section 5.13(6)(a)(iii) of Land Use Bylaw 18/2024.
3. Prior to the issuance of a Building Permit, the following fees, levies, charges, securities, and documentation, shall be provided to the Development Authority and where indicated below, approvals obtained from the Development Authority or other City of St. Albert approving department:
 - a. Submission of, and approval by Engineering Services of, a detailed civil engineering drawing package, including site grading, surface, and underground utility plans.
 - b. Submission of, and approval by Building Inspection Services of, two (2) complete sets of detailed construction drawings, including detailed architectural, structural, electrical and mechanical drawings;
 - c. Payment of any outstanding property taxes;
 - d. The posting of a letter of credit (LOC) in an amount to be determined by, and in a form satisfactory to, the Development Authority, as security for the due and proper performance of all obligations under this development permit. The City of St. Albert may call on such security in such amounts, and at such times as it deems appropriate in the event the City determines that:
 - (i) the applicant/developer has failed to comply with any provision of this Permit;
 - (ii) this Permit is suspended or cancelled;
 - (iii) work has been commenced under this Permit but has not been properly completed within a reasonable period of time, as determined by the Development Authority;

- e. A Certificate of Insurance (COI), in the name of the property owner, and in the form prescribed by and to the satisfaction of the Development Authority;
- f. Payment of applicable Building Permit fees as per Master Rates Bylaw – Schedule A: Building Permit Fees, Lot Grading, Street Cleaning;
- g. Submission of, and approval by Engineering Services of, a detailed landscaping plan prepared & stamped by a registered Alberta Landscape Architect (AALA) to the standards, Land Use Bylaw requirements, and satisfaction of the Development Approving Authority.

Note: All fees are as per Master Rates Bylaw, as approved by City Council on a yearly calendar basis.

NOTES:

1. Any relocation or addition of both private and public utility services will be at the cost of the applicant, and requisite approvals must be obtained from the Development Engineering Branch prior to commencing work.
2. 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.
3. 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.
4. 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.
5. 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.

6. 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.

7. 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 as per Land Use Bylaw 18/2024, Section 5.13(6)(a)(iii)(A), a building must be located a minimum of 3.50 m from the rear yard. As built, this industrial building is located 0.70 m from the rear property line. This would require a variance of 2.8 m or 80%.

[12] The variance of 2.80 m (80%) exceeds the maximum variance capacity of 25% that the Development Officer may approve as per Section 2.15(1) of Land Use Bylaw 18/2024.

[13] The Development Authority stated this rear yard variance would be the first step in bringing this unauthorized industrial building into compliance with the Land Use Bylaw as well as building codes, safety codes and other nonrelated legislation.

[14] The Development Authority provided some historical background of this industrial building by stating that the building was started in 1997. The City of St. Albert became aware of the construction of the building in 2000. Between 2000 and 2003 a second unapproved building was erected. Enforcement action was started and efforts were made to obtain a complete development permit that would have allowed for an "As Built" permit with a variance. Apparently, no complete application was received and enforcement did not continue.

[15] Enforcement was started again in 2025 with a complaint submitted to the City by a resident. This appeal is the culmination of work that has been ongoing since the complaint that has

seen the owner of the business following up with the requirements of bringing the industrial building into compliance with the Land Use Bylaw and Alberta Safety Codes.

[16] The Development Authority stated that obtaining development permit approval is essential to ensure that the building permit can then be reviewed for Alberta Safety Codes compliance and to ensure operational safety as the industrial building has not been inspected and is currently being used for preformed concrete production.

[17] The Development Authority went on to state that their review is limited to the building as it relates to the Land Use Bylaw. Apparently, portions of the development's operations are encroaching onto City-owned land within the Reserve area. These matters are being addressed separately by other City departments through a coordinated effort to bring both the property and associated business operations into full compliance. These departments will deal with any other enforcement action as required. From a Land Use Bylaw perspective this building is classified as an Industrial Use, Level two (2).

Applicant/Appellant

[18] The Appellant made a brief presentation and informed us that the business operator, Westcon, has been in the city since 1967. Currently Westcon employs over 70 people and pays approximately \$120,000.00 in annual taxes. Westcon designs, engineers, fabricates, and supplies custom precast concrete products, including but not limited to precast concrete water cisterns, septic tanks, sump pits, Jersey barriers, parking curbs, precast steps, block retaining walls, concrete pads and bases for utility boxes, concrete vaults, sound barriers, and insulated wall panels.

[19] The Appellant stated that if the Development Permit is not approved the owner may potentially relocate the operations to property in Acheson, Alberta.

[20] The Appellant further stated he has obtained letters of support from neighbours at Barker's Pet Motel at 27 Riel Drive, Quantum Chemical at 15 Riel Drive and LBH Building supplies at 11 Riel Drive. The Appellant stated he did not approach other neighbours on the south side of Riel Drive as they were not affected by his operations.

FINDINGS OF FACT

[21] The Lands are legally described as Lot 5, Plan 2114NY.

[22] The Appeal was filed in time on February 19, 2026.

[23] The Applicant is an affected person.

[24] Those who wrote in favour of the appeal are affected people.

[25] A 2.80 m (80%) setback variance to allow the building to remain 0.70 m from the rear yard property line is required.

REASONS

Affected Persons

[26] 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.

[27] The affected persons/businesses in this appeal are the Appellant, Alex Aldred of Barker's Pet Motel, Tony LaGrange of Quantum Chemical and Tony Carroll of LBH Building Supplies. All these people, with the exception of the Appellant, signed a letter acknowledging that the building under appeal does not negatively impact the use or value of their property.

Jurisdiction

[28] 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.*

[29] 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

[30] The Board must determine the following issues:

The sole issue in this appeal is the lack of a required rear setback at the property. Currently the building is set back only 0.7 m where Land Use Bylaw at Section 5.13(6)(a)(iii), requires 3.5 m. The Development Authority and the appellant have been working at bringing the building and operations into compliance with the Land Use Bylaw. Providing a variance of 2.8 m or 80% would allow a Development Permit to be issued. Once the Development Permit is approved, this will allow other aspects of the business and operations to be assessed and brought into compliance with other statutes and codes outside our jurisdiction. The board took note of the letter of support signed by the appellant's neighbours and believes they will not be negatively impacted by granting a Development Permit.

Conclusion

Issued this 23rd day of March, 2026 for the City of St. Albert Subdivision and Development Appeal Board.

Bill Newton

[Bill Newton \(Mar 23, 2026 13:53:49 MDT\)](#)

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. Feinan Long
4. Dan Santucci
5. Garry Rorke

APPENDIX "B"
REPRESENTATIONS

PERSONS APPEARING

1. Gregory Lindgren – Appellant
2. Chantelle Malo – Development Officer
3. Grace Magyar – SDAB Clerk

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

Agenda Package			
	Description	Date	Pages
1.	Agenda	March 18, 2026	1 – 2
2.	Development Officer’s Report	March 18, 2026	3 – 18
3.	Appellant Submission	March 18, 2026	19 - 25
4.	Radius Map & Labels	March 18, 2026	26 – 28
5.	Development Officer SDAB PowerPoint Presentation	March 18, 2026	75 - 96

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD CITY OF ST. ALBERT

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HEARING DATE: March 18, 2026
FILE NO.: LEG00992

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

- [1] On February 13, 2026, the Development Authority of the City of St. Albert (the "Development Authority") refused to issue a development permit to construct a breezeway structure between two show homes, located at 1 Nectar Wynd, St. Albert, AB, and legally described as Lot 7; Block 6; Plan 2522510 (the "Lands"). The applicant for the Development Permit was Jayman Built Ltd. (the "Applicant").
- [2] Carla Entz filed an Appeal from the Development Authorities refusal on March 2, 2026.
- [3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on March 18, 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 marked at the hearing.

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 side yard setback of 0.0 m or 100% for the portion of a connecting structure located on 1 Nectar Wynd between this lot and 3 Nectar Wynd as long as the home is used as a show home.
 - 2) The connecting structure shall be removed when the show home use ceases, and the property is permitted as a single-detached house.

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 Appellant is appealing a refusal decision by the Development Authority for a Development Permit application to construct a connecting structure between this house and the adjacent house at 3 Nectar Wynd. The house is approved as a show home under DP 074058.

[12] Development is regulated by Land Use Bylaw 18/2024. Section 5.3 establishes the regulations for development within the Small-Lot Residential (SLR) District which is the land use district in this area. Side Yard Setback Section 5.3(9)(b)(i) states that for lots greater than 12.50 m in width the required side yard setback is 1.80 m. This lot is 12.94 m wide therefore, the 1.80 m setback is required. The connecting structure on this lot is proposed to be located 0.0 m from the side property line.

[13] The authority for the Development Authority to vary setbacks is in Section 2.15 of Land Use Bylaw 18/2024. Section 2.15(1) states: "Subject to the limitation on the discretion to approve a variance set out in Section (2) to (9) the Development Authority may approve a variance up to a maximum of 25% above any applicable measurement limit set out in this Bylaw if, in their opinion, the proposed development with the variance 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 properties."

[14] The variance required of 1.8 m or 100% exceeds the Development Authority's maximum variance capacity. As such, the Development Authority has no authority to grant a variance to the required side yard setback.

[15] It may interest the Board to note the following: the proposed structure is a temporary structure in place for the length of time of the show home operation. When the show home is to be converted to a single-detached house for sale and occupancy, the structure shall be removed and the garage wall finished to match the exterior finishes of the dwelling. A separate Development Permit is required at that time to convert the show home to a single-

detached house. That permit will be conditional to require the removal of the connecting structure and the completion of exterior finishing.

Applicant/Appellant

[16] The Appellant stated that the builder, Jayman Homes, has traditionally constructed a breezeway between two or more homes to provide safe access to potential clients looking at the properties as well as providing opportunities for marketing messaging. Additionally, the breezeway will allow improved on-site supervision of potential clients viewing the homes as well as providing one access point for the two homes.

[17] The Appellant also stated that the breezeway is a temporary structure that will be removed once their homes in the subdivision are sold. The Appellant said this breezeway could remain in place for up to two (2) years.

FINDINGS OF FACT

[18] The Lands are legally described as Lot 7; Block 6; Plan 2522510

[19] The Appeal was filed on time on March 2, 2026.

[20] The Applicant is an affected person.

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

[22] The proposed breezeway is a temporary structure that will be removed once the Appellant homes are sold in that subdivision.

[23] The breezeway will require a 100% side yard variance.

REASONS

Affected Persons

[24] 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.

[25] The sole affected person in this appeal is the Appellant and their spokesmen Carla Entz and Charles Fey. There were no responses provided by any of the 17 entities contacted in the 30 m notification zone.

Jurisdiction

[26] 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.*

[27] In making this decision, the Board has examined the provisions of the Municipal Development Plan and the Land Use Bylaw 18/2024 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

[28] The Board must determine the following issues:

[29] Will a 100% side yard variance for 1 Nectar Wynd unduly interfere with the amenities of the neighbourhood or materially affect the use, enjoyment or value of neighbouring parcels of land and does the development conform with the use prescribed for those buildings in the Land Use Bylaw?

[30] With respect to the first two tests for granting a side yard variance contained in Section 687(3)(d)(i)(a) and (b), the Board finds that there is a minimal impact on neighbouring properties.

[31] As for the final test in Section 687(3)(d)(ii), the Board finds this proposed temporary Development does conform with the use of this property in the Land Use Bylaw.

Conclusion

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

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

Bill Newton

[Bill Newton \(Mar 23, 2026 19:20:02 MDT\)](#)

Bill Newton, Chair

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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4. Dan Santucci
5. Garry Rorke

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1. Carla Entz - Appellant
2. Charles Fey - Appellant
3. Kathleen Short - Development Officer
4. Grace Magyar - SDAB Clerk

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INTRODUCTION

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- [2] Carla Entz filed an Appeal from the Development Authorities refusal on March 2, 2026.
- [3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on March 18, 2026, in an in-person hearing.

PRELIMINARY MATTERS

A. Board Members

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- [5] The Chair confirmed that everyone in attendance had the full hearing package prepared for the hearing.
- [6] There were no Exhibits marked at the hearing.

C. Miscellaneous

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

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- [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 side yard setback of 0.0 m or 100% for the portion of a connecting structure located on 3 Nectar Wynd between this lot and 1 Nectar Wynd as long as the home is used as a show home.
 - 2) The connecting structure shall be removed when the show home use ceases, and the property is permitted as a single-detached house.

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 appellant is appealing a refusal decision by the Development Authority for a Development Permit application to construct a connecting structure between this house and the adjacent house at 1 Nectar Wynd. The house is approved as a show home under DP 074057.

[12] Development is regulated by Land Use Bylaw 18/2024. Section 5.3 establishes the regulations for development within the Small-Lot Residential (SLR) District which is the land use district in this area. Side Yard Setback Section 5.3(9)(b)(i) states that for lots less than 12.50 m in width the required side yard setback is 1.25 m. This lot is 9.92 m wide therefore, the 1.25 m setback is required. The connecting structure on this lot is proposed to be located 0.0 m from the side property line.

[13] The authority for the Development Authority to vary setbacks is in Section 2.15 of Land Use Bylaw 18/2024. Section 2.15(1) states: "Subject to the limitation on the discretion to approve a variance set out in Section (2) to (9) the Development Authority may approve a variance up to a maximum of 25% above any applicable measurement limit set out in this Bylaw if, in their opinion, the proposed development with the variance 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 properties."

[14] The variance required of 1.25 m or 100% exceeds the Development Authority's maximum variance capacity. As such, the Development Authority has no authority to grant a variance to the required side yard setback.

[15] It may interest the Board to note the following: The proposed structure is a temporary structure in place for the length of time of the show home operation. When the show home

is to be converted to a single-detached house for sale and occupancy, the structure shall be removed and the garage wall finished to match the exterior finishes of the dwelling. A separate Development Permit is required at that time to convert the show home to a single-detached house. That permit will be conditional to require the removal of the connecting structure and the completion of exterior finishing.

Applicant/Appellant

[16] The Appellant stated that the builder, Jayman Homes, has traditionally constructed a breezeway between two or more homes to provide safe access to potential clients looking at the properties as well as providing opportunities for marketing messaging. Additionally, the breezeway will allow improved on-site supervision of potential clients viewing the homes as well as providing one access point for the two homes.

[17] The Appellant also stated that the breezeway is a temporary structure that will be removed once their homes in the subdivision are sold. The Appellant said this breezeway could remain in place for up to two (2) years.

FINDINGS OF FACT

[18] The Lands are legally described as Lot 8; Block 6; Plan 2522510.

[19] The Appeal was filed on time on March 2, 2026.

[20] The Applicant is an affected person.

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

[22] The proposed breezeway is a temporary structure that will be removed once the appellant homes are sold in that subdivision.

[23] The breezeway will require a 100% side yard variance.

REASONS

Affected Persons

[24] 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.

[25] The sole affected person in this appeal is the Appellant and their spokesmen Carla Entz and Charles Fey. There were no responses provided by any of the 17 entities contacted in the 30 m notification zone.

Jurisdiction

[26] 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.*

[27] In making this decision, the Board has examined the provisions of the Municipal Development Plan and the Land Use Bylaw 18/2024 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

[28] The Board must determine the following issues:

[29] Will a 100% side yard variance for 3 Nectar Wynd unduly interfere with the amenities of the neighbourhood or materially affect the use, enjoyment or value of neighbouring parcels of land and does the development conform with the use prescribed for those buildings in the Land Use Bylaw?

[30] With respect to the first two tests for granting a side yard variance contained in Section 687(3)(d)(i)(a) and (b), the Board finds that there is a minimal impact on neighbouring properties.

[31] As for the final test in Section 687(3)(d)(ii), the Board finds this proposed temporary Development does conform with the use of this property in the Land Use Bylaw.

Conclusion

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

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

Bill Newton

[Bill Newton \(Mar 24, 2026 11:49:06 MDT\)](#)

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. Feinan Long
4. Dan Santucci
5. Garry Rorke

APPENDIX "B"
REPRESENTATIONS

PERSONS APPEARING

1. Carla Entz - Appellant
2. Charles Fey - Appellant
3. Kathleen Short – Development Officer
4. Grace Magyar – SDAB Clerk

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

Agenda Package			
	Description	Date	Pages
1.	Agenda	March 18, 2026	1 – 2
2.	Development Officer’s Report	March 18, 2026	29 - 36
3.	Appellant Submission	March 18, 2026	37 - 48
4.	Radius Map & Labels	March 18, 2026	49 – 51
5.	Development Officer SDAB PowerPoint Presentation	March 18, 2026	75 - 96