



**NOTICE OF DECISION
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
CITY OF SPRUCE GROVE**

Pursuant to Part 4 of the City of Spruce Grove Land Use Bylaw C-824-12 (the “Land Use Bylaw”), as amended, and Part 17, Division 10 of the *Municipal Government Act*, RSA 2000, cM-26, as amended.

DATE OF DECISION: October 2, 2026

IN THE MATTER OF: An appeal by Michael Yaremchuk against the conditional approval of Development Permit No. PLDPR202600626 to permit a Change of Use from the existing Single Detached Dwelling to a Group Home, Limited, located at 78 Marlboro Drive, legally described as Plan 7521495; Block 8; Lot 25.

DATE OF HEARING: September 23, 2026

SUMMARY OF THE HEARING:

- [1] Notice of the appeal was given to all interested parties in accordance with the Land Use Bylaw and the requirements of the *Municipal Government Act* and a hearing was held at 315 Jespersen Avenue, 3rd Floor, on September 23, 2026.
- [2] The following members of the Subdivision and Development Appeal Board were in attendance throughout the hearing:
 - Glenn Jensen, Vice-Chair
 - Liam McGrath
 - Keith Schultz
 - Pere Bekederemo
- [3] Laura Hall served as Clerk to the Board for the hearing.
- [4] Following an introduction of the Board and the Chair outlining the hearing process, no persons present voiced any objections to the members of the Board hearing the appeal or to the process of the hearing as outlined by the Chair.
- [5] The Board marked the following documents as exhibits in the hearing. There were no objections to them being marked as exhibits.

Exhibit #	Description
1.	Development Permit Application

2.	Notice of Decision
3.	Notice of Appeal
4.	Notice of Hearing
5.	Adjacent Property Owner Map & List (Confidential)
6.	Subject Site Plan (Map)
7.	Subject Site Plan (Showing Adjacent Properties)
8.	Development Officer's Report
9.	Development Officer's Presentation

[6] The following persons were in attendance at the Hearing of the appeal and made oral submissions that were considered by the Board:

- a. Anshu Gupta, Development Officer;
- b. Tanya Ouellette, Senior Development Officer;
- c. Michael Yaremchuk, Appellant;
- d. Rick Gerhardt, Applicant;
- e. Gary Lee, affected person; and
- f. Vera Solmer, affected person

[7] All those who provided evidence at the hearing indicated that they had a fair opportunity to present their evidence and argument.

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SUMMARY OF EVIDENCE

Development Authority

[9] On June 15, 2026 the Development Authority received a development permit application to Change of Use from the existing Single Detached Dwelling to a Group Home, Limited, located at 78 Marlboro Drive, legally described as Plan 7521495; Block 8; Lot 25.

[10] The Development Authority conditionally approved the application on August 10, 2026.

[11] In the Development Authority's review of the application, the Development Authority confirmed the property is districted RE1 - Established Neighbourhood Residential District 1. The Development Authority stated that s. 118(1) - RE1 establishes Neighbourhood Residential District 1 where, Group Home, Limited is a Discretionary Use.

- [12] The Development Authority indicated that s. 7(1) of the Land Use Bylaw defines a Group Home as a “A residential care facility which is recognized, authorized, licensed or certified by a public authority such as a social care facility intended to provide room and board for six residents or less, exclusive of staff or family members residing in the home, for disabled persons or persons with physical, mental, social or behavioural problems. The facility may provide for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character of the Dwelling shall be primary; with the occupants living together as a single housekeeping unit and using shared cooking facilities. This Use does not include active treatment centers such as drug or alcohol treatment or housing facilities for convicts or ex-convicts”.
- [13] The Development Authority stated s. 69 - Group Care Facilities and Limited Group Homes specifies development regulations for a ‘Group Home, Limited’ indicating the following regulations apply to the subject Use:
1. The Development Officer shall establish the maximum number of residents allowed in a Group Care Facility or Limited Group Home, on a case specific basis with attention given to the district in which the Use is located and the type of facility seeking approval.
 2. Pedestrian and vehicular traffic shall not be generated in excess of what is characteristic for the area.
 3. A Site containing a Group Care Facility or Limited Group Home shall not contain a Secondary Suite, Garage Suite or Garden Suite.
- [14] The Development Authority advised that s. 85(2) states on-site parking for a Group Home, Limited is at the discretion of the Development Officer.
- [15] During the Development Authority’s review of the application, the Development Authority considered available parking on-site of two (2) parking stalls in the garage and up to three (3) parking stalls in the driveway. In addition, the Development Authority considered the maximum number of residents to be six (6) with around the clock on-site supervision of two (2) to three (3) staff. The Development Authority noted that a small sized SUV vehicle will be parked at the property and used for transporting the residents, as needed. The Development Authority also advised that the rear-yard contains a secure four (4) foot high chain link fence.
- [16] The Development Authority stated that the development meets the definition of Group Home, Limited, applicable regulations and is a suitable use for the neighbourhood. The Development Authority conditionally approved the Development Permit. The Development Authority placed the following conditions as part of the Decision:
1. A Secondary Suite shall not be allowed within the same Site containing a Group Care Facility, Limited Group Home, Home Occupation-Major, Garden Suite or Garage Suite.

2. Pedestrian and vehicular traffic shall not be generated in excess of what is characteristic for the area.
3. The number of residents shall no more than six (6), exclusive of staff or family members residing in the dwelling. This Use does not include active treatment centers such as drug or alcohol treatment or housing facilities for convicts or ex-convicts.
4. The dwelling shall retain the appearance and function of a residential dwelling, and the residential character of the building shall remain intact. No signage associated with the use is allowed.
5. All vehicles associated with the use by staff and vehicle for transport shall be parked on hard-surfaced parking areas within the private property.
6. If, at any time, any of the requirements for the use has not been complied with, the Development Officer may suspend or cancel this development permit.
7. The development shall operate only as a Limited Group Home in accordance with the definition of the Land Use Bylaw.

[17] In response to questions from the Board, the Development Authority stated:

- a. Group Home is a Discretionary Use in the RE1 District. The District is designed for residential uses and a Group Home, Limited fits into that category. The neighbourhood consists of single detached homes and the proposed use resembles a typical family unit residing in the home. There will not be any signs posted at the property indicating the residence is a Group Home.
- b. The City's Development Compliance Officer and Enforcement Services will investigate any complaints regarding the conditions of the Development Permit or other bylaw related concerns.
- c. The Development Authority expressed that the value of the neighbourhood will not be impacted as the value of residential properties is not based on the use being a Group Home but rather it's based on the dwelling type. The Group Home Limited is operated in a controlled environment with supervision around the clock.
- d. As part of the application process, there isn't a requirement for the applicant to post signage at the subject property or consult with neighbouring property owners on the details of the application. The Development Authority advised that applicants are encouraged to place a sign and consult with neighbours, but it isn't a requirement. It was confirmed that a sign was not posted on the subject property.
- e. The Development Authority confirmed that in her time with the City, she has approved two (2) Group Home, Limited development permits in other residential districts. She confirmed that the City applies the same conditions

on all Group Home, Limited application unless there is something unique about a certain application.

- f. The Development Authority indicated that a Development Permit approval is applied to the property, not a property owner. Therefore, if the property was sold, the use as a Group Home, Limited would still be in effect, unless a Change of Use application was approved.
- g. The Development Authority didn't believe a sunset clause could be applied to the Development Permit.

[18] The Development Authority did not provide any concluding remarks

Michael Yaremchuk, Appellant

[19] Michael Yaremchuk, provided an oral submission. He resides next door to the subject property.

[20] He indicated that he is not opposed to Group Homes, generally. His key issues include the lack of consultation with neighbouring property owners, the intensity of the use, potential for increased traffic and parking on the roadway, the safety issues of the location of the property backing onto a heavily wooded area and the difficulty of locating a resident if they went missing.

[21] He further expressed concerns with the low number of staff assigned to supervise the six (6) children residing in the home. He indicated that the community is a legacy neighbourhood in Spruce Grove with larger roadways and lots located in an established area and felt that the business and commercial operation of a Group Home isn't compatible with the neighbourhood.

[22] In his concluding remarks, Mr. Yaremchuk stated that when you put together all the small issues - lack of consultation with the neighbours, concerns with the safety of the residents, the operation of a business in a legacy neighbourhood, increased traffic and parking concerns, they present a big picture of issues.

[23] in his concluding remarks, Mr. Yaremchuk thanked the board for raising important information through their questioning. He stated his concerns with the new use remaining with the property should it be sold to a different operator.

Rick Gerhardt, Applicant

[24] Mr. Gerhardt, provided an oral submission. He shared that he is the 5th generation within his family as a Spruce Grove resident. He grew up in Spruce Grove and has owned a home in the community for 25 years. He expressed that he understands the community well, raised his children in Spruce Grove and recognizes the value and characteristics of the neighbourhood.

- [25] He explained the philosophy of a Group Home is to provide children with a safe place to grow up, be a responsible neighbour and property owner. He indicated that he understands trust is earned through action and he intends on ensuring the property is well supervised, safe and maintained in a way that is respectful to area property owners
- [26] Mr. Gerhardt advised that he spoke to some neighbours about the application. He confirmed the Group Home will be professionally operated, safe and it will provide supportive care for children with typical household expectations. He stated it will not be operated as an institution. He stated that children need a safe and stable place to live and any issues or concerns will be addressed should they arise. He shared that personal information of the residents cannot be disclosed.
- [27] In response to Board and affected party questions, Mr. Gerhardt stated:
- a. He will not be residing at the subject property, there will be professional staff supervising the children that reside in the home.
 - b. The first stage of the application is to receive approval from the municipality. The next stage involves regulatory steps for licensing, which include safety plans.
 - c. There are two (2) forms of regulation depending on the type of application. The Province is one regulatory body and the other is through First Nations.
 - d. He was on vacation when the approval was received and requested his name and contact number be included with the letter from the City. He confirmed that a few residents reached out to him with questions and he provided responses.
 - e. The children intended to reside at the Group Home will be 14 years of age or younger and not deemed as high-risk youth. The need for group homes is due to a shortage of foster homes. There is a certain level of selection that takes place. The home will be a restraint free residence.
 - f. It isn't common to see real estate listings of Group Homes and the intention isn't to sell the property.
- [28] In his concluding remarks, Mr. Gerhardt requested the Board uphold the decision and confirmed the home will look as though a family resides there. He shared that the City of Edmonton did a study on Group Homes and it concluded minimal impacts on neighbouring properties. If controls are present, Group Homes operate as a family unit. He stated that it can be difficult to understand the operations unless you are involved with them.

Gary Lee, Affected Person

- [29] Mr. Lee, provided an oral submission. He stated that he has lived at this home for 46 years which adjoins the subject property. He contended that the Group Home is not an appropriate use for the area and has concerns that the owner will not be residing at the property. He raised issues with the fact that the home will not include parents raising their children, but rather it will be supervisors raising the children in the home. Mr. Lee asked what assurances area residents have if the home is sold to another Group Home operator. Due to his proximity to the subject site, the Board was satisfied that Mr. Lee is an affected person.

Vera Solmar, Affected Person

- [30] Ms. Solmar, provided an oral submission. She indicated she was consulted on the application and did not speak with the applicant. She contended that there are no guarantees to the current area residents that the home will only include low-risk children. She expressed concerns that the current children in the neighbourhood could be negatively impacted. She shared that her daughter resides in the Hartwick Manor community and there are several incidents where emergency services are present at the Group Home within that community. She concluded by expressing that there aren't enough safety assurances that the Group Home won't negatively impact the community. Due to her proximity to the subject site, the Board was satisfied that Ms. Solmar is an affected person.

RELEVANT LEGISLATION

- [31] The Board considered the following sections of the Land Use Bylaw in its decision:
- Land Use Bylaw Section 7 – Definitions (Group Home, Limited)
 - Land Use Bylaw Section 69 – Group Care Facilities and Limited Group Homes
 - Land Use Bylaw Section 85 – Number of On Site Parking Stalls Required
 - Land Use Bylaw Section 118(1) – RE1 – Established Neighborhood Residential District 1 (Group Homes, Limited)

DECISION

- [32] Having considered all relevant planning evidence presented at the hearing, the arguments made and the circumstances and merits of the application and the appeal, and having regard for the relevant provisions of the *Municipal Government Act*, any applicable statutory plans, the Subdivision and Development Regulation and the Land Use Bylaw, this appeal is denied and Development Permit No. PLDPR202600626 is hereby approved with conditions

REASONS:

- [33]
1. All evidence provided by the Development Authority, the Appellant, the Applicant and the affected persons applied to 78 Marlboro Drive.
 2. The Board finds that the proposed development does comply with the intent and provisions of the Land Use Bylaw. The evidence established that the subject property is districted RE1 – Established Neighbourhood Residential District 1, and that the proposed use of Group Home, Limited is a Discretionary Use in the RE1 District.
 3. No one present at the hearing contested that the proposed use is Group Home, Limited. Based on the absence of any contest on this question, the Board finds as a fact that the proposed development is a Group Home, Limited, which is a discretionary use within the RE1 District.
 4. A Group Home, Limited is defined in Section 7 of the Land Use Bylaw as a discretionary use to provide “a residential care facility which is recognized, authorized, licensed or certified by a public authority such as a social care facility intended to provide room and board for six (6) residents or less, exclusive of staff or family members residing in the home, for disabled persons or persons with physical, mental, social or behavioural problems. The facility may provide for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character of the Dwelling shall be primary; with the occupants living together as a single housekeeping unit and using shared cooking facilities. This Use does not include active treatment centers such as drug or alcohol treatment or housing facilities for convicts or ex-convicts.”
 5. The Board notes that the Development Authority confirmed that the total number of children permitted in the Group Home, Limited is up to six (6). The Applicant confirmed that in addition to the children, two (2) to three (3) supervisory staff will be present around the clock at the Group Home.
 6. The Board considered the Appellant and Affected Parties’ concern that the issuance of the Development Permit to allow a Group Home, Limited, remains with the subject property no matter who owns the property.
 7. The Board also considered the safety concerns raised by the Appellant and Affected Parties. The Board acknowledged the argument that there are limitations on enforcement where there are no renewal or expiry conditions placed on the Development Permit.
 8. The Board acknowledges that the Applicant’s current plan is to operate a Group Home, Limited that includes up to six (6) children under the ages of 14, but should the subject property be sold, a new operator may operate a

Group Home, Limited with less regard for impacts to neighbouring property owners.

9. Further, the Board accepts the Development Authority's evidence regarding the approval and operation of other Group Homes within different residential districts. The Board accepts that the proposed conditions in this case are similar to conditions that have been imposed for other Limited Group Home developments.
10. The Board also accepts that the Development Authority considered available parking on-site, number of residents, details on how the use will operate with respect to requirements of supervision around the clock and the fencing in the rear-yard.
11. The Board acknowledges the Applicant's submissions regarding other regulatory approvals associated with the operation of the Group Home, Limited, including the selection of low-risk children under the age of fourteen (14).
12. The test for evaluating a Discretionary Use is whether it is reasonably compatible with the surrounding Uses. Furthermore, conditions attached to a development permit can alleviate concerns regarding incompatibility. In this case, conditions serve to limit the intensity of the development (Condition #1: restriction on secondary suite developments; Condition #2: restriction on pedestrian and vehicular traffic; Condition #3: limit on number of residents). They also ensure compatibility with the surrounding residential character of the neighborhood (Condition #4: residential appearance and restriction on signage; Condition #5: vehicles must remain within parking areas; Condition #7: parking must only occur in accordance with the parking plan). Finally, the conditions ensure compliance with the Land Use Bylaw (Condition #6: Development Officer may cancel the permit due to noncompliance; Condition #8: Development must operate with the definition of a Group Home, Limited).
13. For the above reasons, the Board finds the proposed development, with the attached conditions, is compatible with the neighbouring uses. Since there were no variances to the Land Use Bylaw, the Board denies the appeal.
14. In light of the Board's conclusion regarding the permanence of a Development Permit without an expiry date creating difficulties with enforcement, the Board requires that the Development Permit shall be renewed every three (3) years for as long as the use of the property contains a Group Home, Limited.

Conditions

The Board is satisfied with the Development Officer's conditions as outlined in the Development Permit as being fair and reasonable and the applicant had no objection to those conditions. Therefore, the Board affirms those conditions.

Dated at the City of Spruce Grove in the Province of Alberta, October 2, 2026

Original signed by Laura Hall

Laura Hall, Clerk, on behalf of
Glenn Jensen, Vice-Chair
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

NOTICE:

If you wish to appeal this decision, you must follow the procedure prescribed in Section 688 of the *Municipal Government Act*. An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to a decision of the Subdivision and Development Appeal Board. An application for leave to appeal must be filed and served within 30 days after the issue of the decision sought to be appealed.