



**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 Abdul Razeq against the refusal of Development Permit No. PLDPR202600625 to construct a secondary suite in the basement of an existing Single Detached Dwelling, located at 11 Eton Link, legally described as Plan 2221764; Block 3; Lot 28.

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.	Timelines

2.	Development Permit Application
3.	Notice of Decision
4.	Notice of Appeal
5.	Notice of Hearing
6.	Adjacent Property Owner Map & List (Confidential)
7.	Subject Site Plan (Map)
8.	Subject Site Plan (Showing Adjacent Properties)
9.	Development Officer's Report
10.	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; and
- c. Abdul Razeq, Appellant

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

SUMMARY OF EVIDENCE

Development Authority

[8] On June 15, 2026, the Development Authority received a development permit application to permit the construction of a Secondary Suite in the basement of an existing Single Detached Dwelling, located at 11 Eton Link, legally described as Plan 2221764; Block 3; Lot 28.

[9] The Development Authority refused the application on August 26, 2026.

[10] During the Development Authority's review of the application, the Development Authority confirmed the property is within Land Use District R1 – Mixed Low to Medium Density Residential District.

[11] The Development Authority indicated that s. 75(6) establishes parking requirements for secondary suites specifying that a minimum number of one (1) on-site parking stall must be provided for the Principal Dwelling. In addition, the Development Authority noted that s. 85(2) mandates a minimum parking stall count of two (2) on-site parking stalls for a Single Detached Dwelling (Principal Use) and one (1) on-site parking stall for a Secondary Suite (Accessory Use), establishing a total minimum on-site requirement of three (3) dedicated on-site parking stalls.

- [12] The Development Authority confirmed that the subject site contains a Single Detached Dwelling served by a double detached rear garage (6.71m by 6.71m) accessed by a 1.1m driveway, and the rear garage provides exactly two (2) parking stalls, which satisfies the statutory minimum requirement for the Principal Dwelling under s. 85(2).
- [13] The Development Authority stated that the applicant proposes to designate one (1) stall inside the detached garage for the proposed Secondary Suite and that the reallocation reduces the dedicated parking for the Principal Dwelling to one (1) stall, resulting in a one-stall deficiency for the combined site uses.
- [14] In the Development Authority's review of the application, the Development Authority expressed concerns regarding the applicant's proposal to designate one (1) parking stall inside the detached garage to meet the minimum required on-site parking stall to accommodate the secondary suite development.
- [15] The Development Authority stated s. 14(5) limits the power of the Development Authority to grant a variance based on physical hardship or practical difficulties.
- [16] In the Development Authority's review of the application, the Development Authority noted that the review included an evaluation of the property to determine if a unique physical hardship or practical difficulty existed on the site to justify granting a variance and noted that no such hardship or difficulty was observed.
- [17] Based on the Development Authority's review, it was concluded that the Application does not meet the minimum on-site parking requirement to accommodate a Secondary Suite. Further, the Development Authority confirmed that a physical hardship or practical difficulty was not observed at the property, therefore a variance was not issued, and the application was refused.
- [18] In response to questions from the Board, the Development Authority stated:
- a. The presentation included standard conditions for Secondary Suites should the Board decide to approve the Application.
 - b. When determining whether a variance can be granted, several factors are explored, including, lot size, shape and topography. On-street parking is not part of the consideration due to potential issues with congestion, snow clearing, etc.
 - c. The recommended conditions in the Presentation do not include parking.
 - d. Moving the existing garage would allow for additional on-site parking stalls to meet the requirements; other property owners have undertaken this to meet the parking requirements for a Secondary Suite.
 - e. Parking has become a major concern throughout the City of Spruce Grove and this should be considered when making decisions.
- [19] The Development Authority did not provide any concluding remarks.

Appellant/Applicant

- [20] Abdul Razeq, provided one oral submission.
- [21] Mr. Razeq confirmed that he was present to speak on behalf of the property owner who was not in attendance for the Hearing.
- [22] He indicated that the garage is already built and cannot be moved due to the high cost. He stated the property owner is willing to reallocate one (1) parking stall for the principal use to accommodate the Secondary Suite.
- [23] In his concluding remarks, Mr. Razeq stated that it is not feasible to physically move the existing garage to accommodate additional parking stalls.

RELEVANT LEGISLATION

- [24] The Board considered the following sections of the Land Use Bylaw and the *Municipal Government Act* in its decision:
- Land Use Bylaw Section 14(5) – Variance
 - Land Use Bylaw Section 75(6) –Secondary Suites (Minimum number of parking stalls)
 - Land Use Bylaw Section 85(2) – Number of On-Site Parking Stalls RequiredLand Use Bylaw Section 115 - R1 – Mixed Low to Medium Density Residential District
 - *Municipal Government Act* Section 687(3)(d)(i)

DECISION

- [25] 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 *Municipal Government Act*, any applicable statutory plans, the Subdivision and Development Regulation and the Land Use Bylaw, this appeal is upheld and Development Permit No. PLDPR202600625 is hereby refused

REASONS:

- [26] 1. All evidence provided by both the Development Authority and the Appellant applied to 11 Eton Link.
2. The Board finds that the evidence established the subject property is districted R1 – Mixed Low to Medium Density Residential, and the proposed accessory use to construct a Secondary Suite would have been a valid discretionary use, had it met the minimum on-site parking requirements.

3. The Board accepts the evidence that the subject property currently contains a single detached dwelling served by a double detached rear garage which provides two (2) on-site parking stalls, thereby satisfying the statutory minimum requirement for the principal dwelling.
4. The Board finds that the evidence did not show that there were any physical hardships or practical difficulties particular to the use, character or situation of land or buildings that were not common to other sites in the same land use district. The Development Authority was therefore limited by Section 14(5) of the Land Use Bylaw and could not grant the variance to the minimum parking requirements for a Secondary Suite.
5. The Board considered the Appellant's argument that the property owner is willing to allocate one parking stall currently designated for the principal use for the Secondary Suite.
6. The Board considered the Appellant's argument that moving the existing garage is not feasible.
7. The Board considered that the Development Authority was unable to demonstrate a physical hardship or practical difficulty to the subject property that would support the issuance of a variance to permit the construction of the Secondary Suite without meeting the requirement for one (1) additional parking stall.
8. The Board agrees with the Development Authority's submission that, even if one (1) current parking stall inside the existing rear garage was reallocated to the Secondary Suite, it would have still reduced the dedicated parking for the principal dwelling to one (1). The result is that regardless of whether the stall is allocated to the Secondary Suite or the Principal Dwelling, there would still be a one-stall deficiency for the combined uses.
9. In evaluating all the arguments advanced at the Hearing, and in consideration of the authority given to the Board pursuant to Section 687(3) of the *Municipal Government Act*, the Board concludes that this would not be an appropriate case in which to grant a variance. The Appellant has not provided evidence that there are any unique physical constraints at the subject site. The Board accepts the Development Authority's evidence that parking is a major concern across the City of Spruce Grove.
10. As a result of the Board's conclusion that a variance should not be granted, the Board denies the appeal and confirms the decision of the Development Authority to refuse Development Permit PLDPR202600625.

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.