

**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.

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**DATE OF DECISION:** March 3, 2023

**IN THE MATTER OF:** An appeal by Lisa Juba and Mernie Greenwood and John Russell against a conditional approval of Development Permit PLDPR202200877 to construct a secondary suite in the basement of an existing single detached dwelling and relocation of the proposed detached garage at 60 Treble Landing (Plan 182-2672, Block 3, Lot 25).

**DATE OF HEARING:** February 23, 2023

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**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 in Council Chambers at 315 Jespersen Avenue, 3<sup>rd</sup> Floor, on February 23, 2023.
- [2] The following members of the Subdivision and Development Appeal Board were in attendance throughout the hearing:
  - Paul Hanlan, Chair
  - Tim Ormsbee, Board Member
  - Tim Tully, Board Member
- [3] Jennifer Maskoske served as Board 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 and the process of the hearing as outlined by the Chair.
- [5] The Board received and considered written submissions from each of the following:
  - Development Officer's Report
  - Development Officer's PowerPoint presentation

- Appellant Greenwood's Written Submission
- Appellant Russell's Written Submission
- Appellant Juba's Written Submission
- Applicant's Written Submission

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

- Tanya Ouellette, Development Officer
- Lisa Juba, Appellant
- Mernie Greenwood, Appellant
- Lovey Grewal, Canvas Custom Homes, Applicant
- Mike Swaren, Other Affected Party

[7] All those who provided evidence at the Hearing indicated that they had a fair Hearing.

### **SUMMARY OF EVIDENCE**

[8] The Board marked the following documents as exhibits in the hearing. There were no objections to them being marked as exhibits.

<b>Exhibit</b>	<b>Description</b>
1.	Timelines
2.	Development Permit Application
3.	Development Permit Decision
4.	Notice of Appeal – Greenwood/Russell (1) and Juba (2)
5.	Notice of Hearing
6.	Adjacent Property Owner List (Confidential)
7.	Site Plan Showing Adjacent Property Owners
8.	Subject Location (Maps)
9.	Development Officer's Report
10.	Appellant Submission
11.	Applicant Submission

[9] The Board heard oral testimony from Tanya Ouellette, Development Officer, including:

- A summary of the content of the Development Officer's report (Exhibit 9) and a PowerPoint presentation.
- Answers to questions from the Board including:

- The Land Use Bylaw speaks to the configuration of parking stalls. One parking stall may be in a tandem layout.
- [10] The Board heard oral testimony from the Appellant Mernie Greenwood including:
- A summary of the content of the Appellant's Written Submission (Exhibit 10).
  - The Board had no questions for Mernie Greenwood.
- [11] The Board heard oral testimony from the Appellant Lisa Juba including:
- A summary of the content of the Appellant's Written Submission (Exhibit 4).
  - The Board had no questions for Lisa Juba.
- [12] The Board heard oral testimony from the Applicant, Lovey Grewal, Canvas Custom Homes, including:
- A summary of the content of the Applicant's Written Submission (Exhibit 11).
  - Answers to questions from the Board including:
    - The square footage of the property could allow for either a one or a two-bedroom layout; the most likely option being a two-bedroom design.
    - The garage was relocated to successfully meet the development permit conditions and the driveway was added to allow for additional parking requirements.
- [13] The Board heard oral testimony from Mike Swaren:
- Mike Swaren lives in the 30m radius notification area.
  - If there are two families living at this location, there could potentially be 6 vehicles at this home.
  - Will there be enough power provided for potentially two separate living spaces on this site?
  - This could potentially become an income property with the rental income to offset the mortgage.
  - He has concerns regarding snow removal, space for garbage and recycling receptacles.
  - His family chose Spruce Grove for a slower pace of life and want to put down roots here.
  - Mike has rented a storage space to ensure that his personal belongings do not inconvenience the area.
  - Mike believes the property value does go down when areas get congested.
  - The type of development proposed at this property is better suited to a larger lot.

## **RELEVANT LEGISLATION**

- [14] The Board considered the following sections of the Land Use Bylaw in its decision:
- Land Use Bylaw Section 7 – Definitions

- Land Use Bylaw Section 75 – Secondary Suites
- Land Use Bylaw Section 85 – Number of On Site Parking Stalls Required
- Land Use Bylaw Section 115 – R1 – Mixed Low to Medium Density Residential District

## **DECISION**

[15] 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 denied and Development Permit No. PLDPR202200877 is hereby approved.

## **REASONS:**

- [16]
1. The Appellants are all residents of the neighbourhood, near the dwelling on which the proposed use is located. As a result of their proximity to the dwelling, the Board finds that they are an affected party.
  2. Mike Swaren lives in the neighbourhood, near the dwelling on which the proposed use is located. As a result of his proximity to the dwelling, the Board find that he is an affected party.
  3. Lovey Grewal represented Canvas Custom Homes, owner of the dwelling on which the proposed use is located. As a result of Canvas Custom Homes owning the land, the Board find that it is an affected party.
  4. The proposed development is for a secondary suite.
  5. The lands are governed by section 115 (1) of the Land Use Bylaw – the R1- Mixed Low to Medium Density Residential District. The purpose of the R1 District is to accommodate a range of low to medium density dwelling types to provide flexibility in the design and development of the neighbourhood. Since the inception of the area, the zoning of the area has not changed and allows for mixed low to medium density uses.
  6. A secondary suite is a discretionary use for the R1 District.
  7. In considering a discretionary use, the Board is tasked with determining whether the proposed development is reasonably compatible with neighbouring uses or can be made reasonably compatible with neighbouring uses by the imposition of conditions.

8. In examining the evidence, the Board considered whether the addition of a secondary suite would significantly alter the residential character of the Principal Dwelling. On the evidence provided, the Board is satisfied that the nature of the area is not significantly altered. The area would remain residential with the addition of a secondary suite. The Board noted that the Applicant submitted a revised plan to address the location of the garage, to deal with parking stalls. The Applicant relocated the detached garage to accommodate the required parking stalls with access from the rear lane. The Board has concluded that this change does not affect the overall residential character of the Principal Dwelling.
9. The Board heard evidence from the Development Officer that there was an example of a current dwelling in the cul de sac containing a secondary suite. The fact that there is another pre-existing secondary suite in the area which has existed without complaint supports a conclusion that the overall character of the neighbourhood remains residential.
10. The written materials provided in support of the appeals cited the fact that there would be 2 trash bins, 2 recycling bins and 2 blue bags on a lot less than 30' wide. There were no particulars provided by the Appellants as to why having 2 trash or recycling bins would create an incompatibility. The Board did not hear evidence that the trash or recycling could not be picked up. There was no evidence about what the impact of having 2 trash or recycling bins would be. As will be discussed below, if the concern is that the bins will be on the street (due to parking concerns), the Board is satisfied that the Applicant has provided sufficient on-site parking. The provision of on-site parking should address concerns that the trash and recycling bins could not be placed out for collection.
11. The written materials also list a concern about extra noise. The Board was not presented with any specific evidence of a concern about noise other than the general reference to "noise" in the Appellants' materials. The Board was not persuaded that the general comments about noise, in the absence of some specific evidence or concerns, was sufficient for the Board to conclude that the secondary suite is not compatible with the neighbouring residential uses.

### **Parking Concerns**

12. The primary concern raised in the appeal is the increased pressure on parking as a result of the secondary suite with a tenant. The Board considers the concern below.
13. The Board is satisfied that the Developer exceeded minimum requirements for onsite parking. The Development Officer confirmed a single detached requires two parking stalls per dwelling and for a secondary suite, one

parking stall per suite (three stalls in total). The Developer has provided four parking stalls for the single detached and secondary suite dwelling, one more than the minimum required.

14. The proposed detached garage will accommodate the two stalls required for the single detached dwelling and the proposed driveway of 6.05m in length, will accommodate the additional parking stall required for the secondary suite. The Development Officer provided one parking stall may be in tandem.
15. The Board notes that all of the required parking can be accommodated on-site. As a result, the Board has concluded that the secondary suite does not cause any incompatibility in parking.
16. Since there is no incompatibility in regard to the parking, the Board does not need to impose any additional conditions to deal with parking concerns.

### Conditions

17. The Board is satisfied with the Development Officer's conditions as outlined in the Development Permit are fair and reasonable. In light of the Board's conclusions regarding the concerns regarding compatibility, the Board does not need to address the question of whether further conditions would be required.
18. Based upon the above considerations, the Board is satisfied the development is compatible with the neighbouring uses.

Dated at the City of Spruce Grove in the Province of Alberta, March 3, 2023

DocuSigned by:

*Jennifer Maskoske*

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Jennifer Maskoske, Clerk, on behalf of  
Paul Hanlan, 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.