



**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 July 22, 2024

IN THE MATTER OF An appeal by Sophia Armstrong and others against the approval of Development Permit PLDPR202400470 to construct a secondary suite in the basement of an existing single detached dwelling at 50 Brunswyck Crescent (Plan 2122703 Block 2 Lot 36).

DATE OF HEARING July 17, 2024

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, 3rd Floor, on July 17, 2024.

- [2] The following members of the Subdivision and Development Appeal Board were in attendance throughout the hearing:
 - Andrea Snow, Chair
 - Glenn Jensen, Vice-Chair
 - Keith Schultz
 - Liam McGrath
 - Jamie Koe
 - Pere Bekederemo
 - Real Van Brabant

- [3] Jennifer Maskoske served as Clerk to the Board for the hearing. No persons present voiced any objections to the Clerk assigned to this hearing or the role of the Clerk.

The Community of Choice

- [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 Armstrong's Written Submission represented by Carol Wegenast
 - Applicant Lipinski's Written Submission
- [6] The following persons were in attendance at the hearing of the appeal and made oral submissions which were considered by the Board:
- Tanya Ouellette, Development Officer
 - Carole Wegenast, Appellant Representative
 - Sophia Armstrong, Appellant Party
 - Ethan Armstrong, Appellant Party
 - Todd McKnight, Appellant Party
 - Alison Arychuk, Appellant Party
 - Kyle Lipinski, Applicant
- [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.

Exhibit	Description
1.	Timelines
2.	Development Permit Application
3.	Development Permit Decision
4.	Notice of Appeal – Armstrong
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

Exhibit	Description
11.	Applicant Submission
12.	Appellant Submission (<i>additional exhibit received at the hearing</i>)

- [9] At the hearing, the Appellant submitted additional documents as evidence for the Board; two pictures (undated) identifying parking concerns on Brunswyck Crescent near the site; City of Spruce Grove Secondary Suites pamphlet (dated March 2020); image of "Building code requirements" (date and source unknown). These documents were not part of the Agenda Package. These documents were accepted as information and marked as Exhibit 12.
- [10] 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 included:
 - The conditional approval of the development permit did consider the Municipal Development Plan.
 - The provision for waste bins is managed through a separate department; however, waste bins are required for dwellings.
 - Separate building / development permits are required for the heating and ventilation and land and building. The secondary suite development is land and building which the Development Officer is responsible for through a development permit.
 - The parking pad is not finished as of the date of the hearing.
 - Each parking stall is to be a minimum of 2.5 m wide by 6 m long. The development permit identifies one stall in tandem and one regular stall. The one parking stall is to be 12m long to accommodate the tandem parking arrangement.
 - A garage has not been approved and is not a requirement to be built, only a parking pad.
- [11] The Board heard oral testimony from the Appellant's representative, Carol Wegenast, including:
- A summary of the content of the Appellant's Written Submission (Exhibit 10 and Exhibit 12).
 - Answers to questions from the Board included:
 - The dwelling next to 50 Brunswyck Crescent does have a secondary suite entrance.
 - One lot remains empty on the street and is to be developed.
 - Confirmation that the location of the pictures submitted in Exhibit 12 were taken was in front of 50 Brunswyck Crescent. The timing of the pictures was taken during the day and evening.
 - There is an alleyway behind the homes.
 - Answers to questions from other parties included:

- The three remaining homes next to 50 Brunswyck Cres do not have completed parking pads.
- Garages are too small to fit vehicle sizes.

[12] The Board heard oral testimony from the Applicant, Kyle Lipinski, including:

- A summary of the content of the Applicant's Written Submission (Exhibit 11)
- Answers to questions from the Board including:
 - The completion date of the garage pad is unknown at this time.
 - Applicant will be moving into the suite once the development permit has been approved.
 - Electrical and heating access is separate for the main dwelling and secondary suite.

[13] The Board heard oral testimony from Todd McKnight:

- Todd McKnight lives in the 30m radius notification area.
- He enjoys the location of the area and does not want renters in the neighbourhood.
- He spoke to the rules and guidelines of the Fenwyck neighbourhood for a single-family home.
- He stated that the landscaping for each home was to be completed by certain guidelines.
- He had concerns with the development of the home at the time of it being built.

[14] The Board heard oral testimony from Alison Arychuk:

- Alison Arychuk lives in the 30m radius notification area.
- She stated that additional garbage pickup creates parking congestion in the areas.

RELEVANT LEGISLATION

[15] 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 84 - Minimum Parking Stall Width and Depth
- 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

- [16] 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. PLDPR202400470 is hereby approved with conditions.

REASONS

- [17] 1. The Appellant's representative Carol Wegenast, spoke for the residents on the appeal who reside in 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. Todd McKnight, named on the appeal, lives in 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.
3. Alison Arychuk, named on the appeal, lives in the neighbourhood, near the dwelling on which the proposed use is located. As a result of their proximity to the dwelling, the Board find that they are an affected party.
4. Kyle Lipinski is the owner of the dwelling on which the proposed use is located. As a result of their owning the land, the Board finds that they are an affected party.
5. No-one present at the hearing contested that the proposed development is a secondary suite. Based on the absence of any contest on this question, the Board finds as a fact that the proposed development is a secondary suite.
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. The zoning of the area allows for R1 mixed low to medium density as per section 115 (1) of the Land Use Bylaw. 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.

9. In order to determine compatibility, the Board considered the provisions of section 75 of the Land Use Bylaw to determine whether the proposed development met the regulations of section 75. In examining the evidence, the Board considered section 75(1) which requires the Board to consider 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 or character of the principal dwelling is not significantly altered. There was no evidence before the Board that the Principal Dwelling would look any different with a secondary suite. Further, the area would remain residential with the addition of a secondary suite. The additional parking spot does not change the residential character of the Principal Dwelling.
10. The secondary suite is within the Principal Dwelling and meets section 75(2).
11. The image at page 31 of the package shows that the secondary dwelling would not exceed the floor area of the first storey of the Principal Dwelling.
12. There is no evidence that there is a Group Care Facility, Limited Group Home, Home Occupation Major, Garden Suite or Garage Suite on the site. As a result, the Board concludes that section 75(5) is met.
13. There was no evidence that the servicing was contrary to section 75(7).
14. In relation to section 75(6), the Board noted in the Development Officer's report, a site plan addresses the size of the garage pad to deal with the parking stalls. The garage pad extension accommodates the required parking stalls with access from the rear lane. The garage pad must be in place by the timeframe outlined in the Development Permit. The Board finds that since sufficient parking is provided for on the site, parking does not create incompatibility.
15. In relation to other considerations, the written materials provided in support of the appeal cited the fact there would be double the garbage increasing the bins to 4 (2 trash bins and 2 recycle bins). 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 the trash or recycling would not be picked up. 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 the Applicant has provided sufficient on-site parking. Based on the absence of evidence about how 2 additional trash and recycling bins creates incompatibility, the Board finds that the additional bins does not create incompatibility.

Parking Concerns

16. A primary concern raised in the appeal is the increased pressure on parking on the street as a result of the secondary suite with a tenant. The Board considers the concern below.
17. The Board is satisfied that the Applicant will meet the minimum requirements for onsite parking by adhering to the Development Permit conditions.
18. 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).
19. The Applicant has provided two parking stalls for the residential dwelling use and one additional parking stall for the secondary suite use. The proposed concrete pad will accommodate the two stalls required for the residential use and extension will accommodate the additional parking stall for the secondary suite. The proposed garage pad length of 12m on the west and 6m on the east, will accommodate parking stalls required. The Development Officer provided one parking stall may be in tandem.
20. The Board notes that all of the required parking can be accommodated on-site. Even though there are parking pressures in the neighbourhood, the Board weighs heavily in its decision the fact that the parking can be accommodated on-site. As a result, the Board has concluded that the secondary suite does not cause any incompatibility in parking.

Conditions

21. 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.
22. 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, July 22, 2024



Jennifer Maskoske, Clerk, on behalf of
Andrea Snow, 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.