



**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 21, 2025

IN THE MATTER OF: An appeal by Dean Sikorski against a condition of approval of Development Permit No. PLDPR202500656 to construct a secondary suite at 100 Hemingway Crescent (Plan 222 1877 Block 14 Lot 72).

DATE OF HEARING: July 16, 2025

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 July 16, 2025.
- [2] The following members of the Subdivision and Development Appeal Board were in attendance throughout the hearing:
 - Glenn Jensen, Chair
 - Liam McGrath
 - Timothy Ormsbee
 - Keith Schultz
- [3] Lindsay O'Mara 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 received and considered written submissions from each of the following:
 - Development Officer's Report
 - Development Officer's PowerPoint Presentation
 - Appellants' Written Submission
 - Affected Party (Property Owners) Written Submission

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[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
- Lori Kustra, Supervisor of Development
- Dean Sikorski, Appellant Party
- Scott Stuckless, Appellant Party
- Cory Ahlskog, Homexx Corporation, Applicant
- Josh Jentink, Representative of the Home Owner
- Emilee Jentink, Representative of the Home Owner

[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

[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
5.	Notice of Hearing
6.	Adjacent Property Owner List (Confidential)
7.	Subject Site Plan (Map)
8.	Subject Site Plan (Showing Adjacent Property Owner)
9.	Development Officer's Report
10.	Affected Party (Homeowner) Submission
11.	Appellant Submission (<i>exhibit received at the hearing</i>)

[9] At the hearing, the Appellant submitted documents as evidence for the Board; opening statement, response to the homeowners' letter, challenging assumptions, photos showing homes with secondary suites and a copy of the original appeal letter. These documents were not part of the Agenda Package. These documents were accepted and marked as Exhibit 11 and distributed to the other affected parties.

- [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 and other parties included:
 - The dimensions and requirements for parking stalls within the development permit exceed the requirement for the dwelling and secondary suite.
 - There are no specific parking regulations for secondary suites.
 - During the subdivision approval stage, the Engineering Division and Protective Services review the development permit and provide comments related to parking and traffic flow.
 - Answers to questions from other parties included:
 - There are no regulations regarding a limit to the number of secondary suites permitted in a subdivision development.
 - Secondary suites are permitted in single detached dwellings within an R1 District. They are not a permitted use in semi-detached dwellings within an R1 District.
 - Appellants concerns are outside of the scope of the Land Use Bylaw. The City will be reviewing the Land Use Bylaw beginning in 2026, such concerns regarding parking, traffic flow, limiting the number of secondary suites within a development could be brought forward as part of the larger review.
- [11] The Board heard oral testimony from the Appellant's representative, Dean Sikorski and Scott Stuckless, including:
- A summary of the content of the Appellant's Written Submission (Exhibit 11).
 - Answers to questions from the Board included:
 - The path to the school is located between 86 and 88 Hemingway Crescent, and parents park on the road by the path to drop-off and pick-up their children.
 - There hasn't been witnessed incidents of emergency vehicles having difficulty accessing the area due to parked vehicles.
 - It was confirmed that this is the first appeal brought forward by the Appellant's.
 - Answers to questions from other parties included:
 - The information captured in the Homeowners Letter (Exhibit 10) did not consider the area as high traffic.
- [12] The Board heard oral testimony from the Applicant Josh Jentink and Emilee Jentink, Homeowner's Representatives, including:
- A summary of the content of the Applicant's Written Submission (Exhibit 10).
 - Answers to questions from the Board included:

- It is anticipated that 3 vehicles will be parked at the property, this includes utilizing the 2 parking stalls in the garage.
- [13] The Board heard oral testimony from Cory Ahlskog, Applicant representing Homexx Corporation, including:
- Answers to questions from the Board:
 - A summary of secondary suites built by Homexx Corporation in the Harvest Ridge community. Over the last 10 years, approximately 70 to 80 homes built by the builder and approximately 8 include a secondary suite.
- [14] The Board heard oral testimony from Lori Kustra, Supervisor of Development, including:
- Answers to questions from the Board:
 - The process when approving a subdivision development application includes a review of all proposed roads to ensure they meet municipal development standards for fire and emergency vehicles.
 - The behaviour of parents parking on the road to drop off and pick-up children attending the local school is an enforcement issue, and not within the scope of the development approval.

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 84 - Minimum Parking Stall Width and Depth
 - Land Use Bylaw Section 85 - Number of 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. PLDPR202500656 is hereby approved.

REASONS:

- [16]
1. The Appellants' representatives Dean Sikorski and Scott Stuckless, 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. The Applicant, Homexx Corporation represented by Cory Ahlskog and Marc Berube is the builder of the secondary suite on which the proposed use is located. As a result of being the builder, the Board find that they are an affected party.
 3. Harpal Minhas and Fay Hendrickson, represented at the hearing by Josh Jentink and Emilee Jentink, are the owners 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.
 4. 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.
 5. A secondary suite is a discretionary use for the R1 District.
 6. 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.
 7. 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.
 8. 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.

9. The secondary suite is within the Principal Dwelling and meets section 75(2).
10. The image at page 29 of the package shows that the secondary dwelling would not exceed the floor area of the first storey of the Principal Dwelling.
11. 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.
12. There is no evidence that the servicing was contrary to section 75(7).
13. There was evidence presented that the garage area and driveway dimensions accommodate 4 parking stalls which was demonstrated to be sufficient space to support the Principal Dwelling and Secondary Suite. Although the Appellants argued that there was a concern in relation to parking in the area, the fact that there is 4 parking stalls on the lands should minimize any impact from the proposed development. The number of parking stalls on the lands supports a finding of compatibility due to a lessened impact of the development on the neighbouring uses.
14. The fact that there is sufficient parking on the lands should lessen any impact from the development in relation to the path to the school located between 86 and 88 Hemingway Crescent. The Board also accepts the evidence that there has not been any witnessed events of emergency vehicles have difficulty accessing the area. The Board also noted the evidence of homes within the Harvest Ridge area with secondary suites (page 26/33 and page 10/15 of Exhibit 11). In examining the number and location of those secondary suites, the Board noted that they are not clustered near the proposed lands. The Board is of the view that the addition of the proposed development will not cause such a concentration of secondary suites, or such a concentration of vehicles that would make the proposed development incompatible with the neighbouring uses.
15. There is no evidence that the development was not designed and installed to meet the City of Spruce Groves' Municipal Development Standards. Such standards cover the design and installation of storm and sanitary sewers, water mains and roads together with their respective connections and any other services which require design work and installation.
16. There was evidence presented that the development was reviewed and approved by the appropriate City Department's regarding appropriate road width and emergency access, based on the Municipal Development Standards.

17. For the above reasons, the Board finds the proposed development is compatible with the neighbouring uses and denies the appeal.

Dated at the City of Spruce Grove in the Province of Alberta, July 21, 2025



Lindsay O'Mara, Clerk, on behalf of
Glenn Jensen, 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.

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