



**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 7, 2025

IN THE MATTER OF: An appeal by Bailey MacFadyen against a condition of approval of Development Permit No. PLDPR202500215 to construct a Multi-Family Development at 505 Grove Drive (Plan 1522888 Block 1; Lot 4).

DATE OF HEARING: October 2, 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 October 2, 2025.
- [2] The following members of the Subdivision and Development Appeal Board were in attendance throughout the hearing:
 - a. Andrea Snow, Chair
 - b. Pere Bekederemo
 - c. Liam McGrath
 - d. Keith Schultz
- [3] Gwendolyn Stewart-Palmer 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 at the hearing voiced any objections to the members of the Board hearing the appeal or to the process of the hearing as outlined by the Chair. In its introductory comments, the Board noted that because the development is on land which are the subject of a Direct Control bylaw, the Board’s jurisdiction is limited (as provided for in s. 685(4) of the *Municipal Government Act* (“Act”). The Board invited all parties to make submissions on whether the Development Authority followed the directions of Council.
- [5] At the start of the hearing, the Clerk advised the Board that there was a preliminary issue concerning whether the appeal had been filed in time. During the presentations, those speaking to the Board addressed the question of whether the appeal had been filed in time as well as the merits of the appeal.

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- [6] The Board marked the following documents as exhibits in the hearing. Exhibits 1-13 were part of the Agenda package and had been submitted in advance of the hearing. Exhibits 14-15 were submitted during the hearing.

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.	Notification Map
8.	Subject Site Plan
9.	Site Plan - 505 Grove Drive
10.	Planning Staff Report
11.	Written Submission from Lama Al Tahesh
12.	Written Submission from Monika Deneke
13.	Written Submission from Mitchell Rawluk
14.	Package from B. MacFadyen enclosing hand-drawn floor plan, hand-drawn site plan showing 53 dwellings on Property, and excerpts from City of Spruce Grove Strategic Plan 2022 - 2025
15.	Written Submission from Kristen Wasylenchuk

- [7] There were no objections to the above documents being marked as Exhibits.
- [8] The following persons were in attendance at the Hearing of the appeal and made oral submissions that were considered by the Board:
- a. Tanya Ouellette, Development Officer, City of Spruce Grove;
 - b. Brad McMurdo, Director of Planning and Development, City of Spruce Grove;
 - c. Bailey MacFadyen, Appellant;
 - d. Blaydon Dibben, Manager at Select Engineering Consultants, representing C2 Homes, Applicant;
 - e. Rachel Stephen, affected person; and
 - f. John Carter, affected person,
- [9] 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

- [10] The Development Authority received a development permit application for a row housing development on February 19, 2025 for 63 row housing units located on property municipally described as 505 Grove Drive, Spruce Grove, and legally described as Plan 1522888, Block 1; Lot 4 (the "Property").

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- [11] The Development Authority approved the application on August 29, 2025.
- [12] During the Development Authority's review of the application, the Development Authority compared the proposed development against the provisions of the Direct Control District approved by Council (s. 155, DC15 - Tonewood Row Housing Direct Control District) (the "Direct Control Bylaw"). The Development Authority circulated the development permit application to various City departments, including Engineering, Transportation, and other areas.
- [13] The Development Authority stated that the application met all regulations with regard to setbacks, height, density, site coverage, and all other regulations specific to the type of development and there were no variances. In accordance with s. 642 of the Act it was required to issue the approval with or without conditions. The Development Authority approved the development permit application without variance and subject to conditions.
- [14] The Development Authority noted that since the development is in a Direct Control District, s. 685(4)(b) of the Act provides that any appeal is limited to "whether the development Authority followed the direction of Council as prescribed in the district."
- [15] The Development Authority indicated in its written submissions that notification of the decision was published on September 5, 2025 via the City's websites and a newspaper ad. The Act provides for a 21 day appeal period.
- [16] In response to questions from the Board, the Development Authority stated:
- a. The Development Authority followed Parts 6, 7, 8, 9, and 10 of the City's Land Use Bylaw (the "LUB") (which are referenced in s. 155(2) of the LUB);
 - b. The side yard setback is 7m, as noted in the location behind Building B on the site plan.
 - c. In relation to a traffic impact assessment for Grove Drive, the City has a Traffic Impact Assessment for this road, the scope of which is larger than just for this proposed development. The City's Engineering Department looked at the impact from the proposed development and determined that the access for the proposed development must be across from the access for 500 Grove Drive. The City monitors the impacts of increased development along Grove Drive, and determined that the need for other improvements, such as signalization or roundabouts will be required in the future beyond the 10-year horizon of the City's 10 Year Capital Plan.
 - d. The Development Authority reviews the Traffic Impact Assessment which has been prepared for Grove Drive. That Traffic Impact Assessment is updated as development continues. The impacts from the proposed development are minor.
 - e. The Development Authority confirmed that the area of the Property is 1.58 ha. When the area is multiplied by a minimum density of 40 u/ha, that results in 63 units.

- f. The Development Authority confirmed that the appeal was filed September 17, 2025. The City's website does note that payment for an appeal must be made the same day as the date the appeal is filed. The Development Authority was not aware of what the SDAB Bylaw provides in relation to the timing of payment. The Clerk read out s. 16.1 of the SDAB Bylaw which states:

16.1 On filing an appeal, the Appellant shall pay to the City the fee set out in the City's Development Fees and Fines Bylaw, as amended.

Bailey MacFadyen

- [17] Ms. MacFadyen provided two written submissions and oral submissions. She lives adjacent to the Property.
- [18] In response to the question of whether her appeal had been filed in time, she noted that she filed her appeal on September 17, 2025 and noted that the date in the Agenda package was incorrectly noted as September 18, 2025. She also noted that she was told that she did not have to pay the appeal fee until the Board determined whether it could accept the appeal. She paid the appeal fee on September 22, 2025.
- [19] Ms. MacFadyen noted that the row of trees along the property line was important to her and other area residents, particularly because of the height of the buildings. The original development plans for the Property changed without warning.
- [20] Her concerns are that the development encroaches on the privacy and well being of the residents living along the Property. Ms. MacFadyen also stated that the proposed development will create a traffic issue and a number of endangered species will be impacted. Her written submissions noted that the proposed development does not account for proper waste management nor does it account for the proper amount of parking for the number of homes planned for the Property. She is concerned about the loss of privacy due to the loss of the tree line (which occurred in February 2025), crowding, traffic, noise, and parking in the area.
- [21] Her key issues are traffic and the site layout (referencing s. 12 of the LUB). Grove Drive is a busy road, and during peak hours, there will be increased traffic. The proposed development adds another access to Grove Drive without signals and she argued there should be signals added.
- [22] She noted in reference to s. 14 of the LUB that the properties are affected through impacts on their privacy, and the absence of a landscaped buffer. She also argued that there should be a requirement under s. 15(2)(d) of the LUB to require tree replacement and for boulevard landscaping, noting that the trees are not going to be replaced on the TELUS easement. She referenced s. 30(1), (2) and (6) and asked the Board to lower the height of the building.
- [23] In reference to the City's Strategic plan, she referenced the goal of safe, livable, and sustainable neighbourhoods (page 19, Exhibit 14) and the goal of targeted investment in environmental strategies (page 23, Exhibit 14).
- [24] She stated that under s. 155(2), the site area is 1.5ha, so the density should be 60 units, and not 63. A reduction of 3 or more units would decrease the impact of the parking,

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which is already a concern for residents. She is concerned that overflow parking will go into the streets in the area. The parking in the proposed development does not permit a double garage, but only tandem parking. Heavy vehicles will not be able to park on the Property, causing an impact to the neighbourhood. She confirmed that she would prefer that there be only 53 dwellings on the Property, as shown in Exhibit 14. She is also asking for a reduction in the height of the buildings to 9 m, which is above the 8.5m of buildings in the area. She believes that if the garage is on the main floor, the buildings can be 2 storeys and not 3.

[25] In response to Board questions, Ms. MacFadyen stated:

- a. In relation to how the Development Authority erred in its decision, she stated that the Traffic Impact Assessment was not properly done by the Development Authority. Further, the density and height, while within the bylaw, due to the dissolution of the Edmonton Metropolitan Regional Board, now is the time to make changes.
- b. The proposed development is not compatible with the existing homes. She has spoken with City Council and staff for three years and there has been no changes.

[26] In her concluding remarks, Ms. MacFadyen stated that the proposed development does not align with the intent of the LUB in safety, the character of the neighbourhood, or the livability of the neighbourhood. She feels there are hazards as a result of the access, and the loss of the tree line harms neighbours. She feels the design elements, like massing and height are not appropriate. The parking and density do not work. She wants a decrease in the density of the proposed development.

Blaydon Dibben - on behalf of the Applicant

[27] Mr. Dibben is a planner with Select Engineering Consultants for C2 Homes, the builder. He also worked on the 2023 Area Structure Plan for the area.

[28] He noted that this is a Direct Control District and the Board's jurisdiction is limited to determining whether the Development Authority followed the direction of Council. He noted that there were no variances and the approval complies with the Direct Control Bylaw.

[29] The proposed development is at 12m, which is lower than the previous development plans for the Property, which were at 24m.

[30] In relation to whether the appeal was filed in time, Mr. Dibben stated that the City's website notes that payment has to be made on the same day that the appeal is filed. The payment was made September 22, 2025, and therefore was at least four days after the appeal was filed and therefore is out of time.

[31] In response to questions from the Board, the Applicant stated:

- a. The Direct Control Bylaw does not speak to specific design standards, but when designing the proposed development the Applicant considered the City's statutory plans.

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- b. There are 82 trees and 400 shrubs on the property. They are connecting the walkway to the walkway near Grove Drive. They have considered emergency vehicle turning radii, safe parking and setbacks and all are compliant. The units are 20 feet wide and are set back 7m from the property line. The balconies are 10 feet wide and so there is more than the minimum depth, so the buildings are more than 7m from the property line. The height is 12m. The proposed development meets the minimum density. If the maximum density were taken into account, there could be as many as 110 units on the Property.
- c. The Applicant asked for two accesses, but only one was permitted.

Rachel Stephen - Affected Person

- [32] Ms. Stephen is a resident who backs onto the proposed development. She stated that the appeal process is complex. She feels that the density makes the proposed development unattractive and that it needs more architectural features. She is of the view that the Development Authority made an error in calculating the density. She supported the submissions of Ms. MacFadyen.
- [33] Based on her discussion with her real estate agent, her property has lost value because the proposed development has been approved.

John Carter - Affected Person

- [34] Mr. Carter lives in the Greenbury neighbourhood in proximity to the proposed development. He feels that the Traffic Impact Assessment is not complete. His belief is that the proposed development is in the wrong neighbourhood and asks the Board to reconsider the development.

RELEVANT LEGISLATION

- [35] The Board considered the following sections of the Land Use Bylaw in its decision:
 - a. Land Use Bylaw s. 7 - Definitions
 - b. Land Use Bylaw s. 155 - Tonewood Row Housing Direct Control District

DECISION

- [36] The appeal was filed in time.
- [37] The appeal is denied. The Development Authority followed the directions of Council. The Board confirms the decision of the Development Authority in PLDPR202500215.

REASONS:

- [38] In making its decision, the Board considered all relevant planning evidence, including written and oral presentations, the arguments made and the circumstances and merits of the application and the appeal, and had regard for the relevant provisions of *Municipal Government Act*, any applicable statutory plans, the Subdivision and Development Regulation and the Land Use Bylaw.
- [39] The Board must address three questions:
- a. Was the appeal filed in time?
 - b. If so, since the Property is governed by the Direct Control Bylaw, did the Development Authority follow the directions of Council?
 - c. If the Development Authority did not follow the directions of Council, what aspect was not followed, and the Board can then exercise that discretion.

Was the Appeal filed in Time?

- [40] There was a question before the Board about whether the appeal had been filed in time.
- [41] Although the Development Authority's report states that the appeal was filed September 18, 2025, Exhibit 4 (page 1/39) shows an appeal date of September 17, 2025 and the Appellant confirmed she filed her appeal on September 17, and paid her appeal fees on September 22, 2025.
- [42] The Board accepts the evidence at Exhibit 4 and the Appellant's oral evidence and finds as a fact that the appeal form was filed September 17, 2025. The only evidence before the Board is that the appeal fees were paid September 22, 2025 and the Board finds so as a fact.
- [43] The position of the Applicant was that because the City's webpage says that the appeal fees must be paid at the same time as the appeal is filed, the appeal was out of time.
- [44] The Appellant stated that she had been told that she did not need to pay until the Board confirmed that it could accept the appeal.
- [45] The Development Authority noted the 21 day appeal period but took no position on whether the appeal was filed in time.
- [46] The Board is aware that s. 686(1) of the Act sets out the time within which an appeal may be filed.

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

- (a) in the case of an appeal made by a person referred to in [section 685\(1\)](#)
 - (i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under [section 642](#), or

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(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under [section 684](#), within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under [section 645](#), within 21 days after the date on which the order is made,

or

(b) in the case of an appeal made by a person referred to in [section 685\(2\)](#), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

- [47] Since the Appellant is a person affected by the decision, the appeal period is governed by s. 686(1)(b) - 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- [48] There was no evidence given to the Board about when notice was given in accordance with the City's LUB.
- [49] Since there is no evidence as to when the notice was given, or what the provisions of the LUB are concerning notice, to calculate the appeal period, the Board will use the dates it has. The decision was August 29, 2025. The shortest appeal period is 21 days from that date, which means the appeal period would expire on September 18, 2025.
- [50] In light of the Board's finding of fact that the Appellant filed her appeal form on September 17, 2025, the form was filed in time.
- [51] The question is whether the fees must be paid on the same day and whether the payment of the fees on September 22, 2025 means the appeal is filed out of time.
- [52] The evidence before the Board is that the City's webpage says that the appeal form and the appeal fee have to both be submitted within the 21 day appeal period. However, the Board is of the view that the statutory authority to impose a requirement for the filing of an appeal form and appeal fee within the 21 day period would have to be found within the SDAB Bylaw, and not the City's webpage, which has no legislative authority.
- [53] The Board was advised that s. 16.1 of the City's SDAB Bylaw makes provision for appeals.

16.1 On filing an appeal, the Appellant shall pay to the City the fee set out in the City's Development Fees and Fines Bylaw, as amended.

- [54] In reviewing this provision, the Board notes that the SDAB Bylaw is silent on the timing of payment. The Board is of the view that due to the silence in the SDAB Bylaw about the need for paying the fee within the 21 day period, and because the payment was made on September 22 (before the appeal hearing), the appeal was filed in time.
- [55] If the Board is wrong in this conclusion, the Board notes that s. 686(1)(b) would prescribe a longer appeal window, since the 21 day period for appeal would not start until notice in accordance with the LUB.

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Did the Development Authority follow the directions of Council?

[56] Having concluded that the appeal was filed in time, the Board turns to the second question. Since the Property is governed by the Direct Control Bylaw, the Board is limited in its jurisdiction. The Board's jurisdiction is found in s. 685(4)(b) of the Act:

(4) Despite subsections (1), (2), (2.1) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) . . .

(b) is made by a development authority, the appeal may only be made to the subdivision and development appeal board and is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

[57] The Board must first find that the Development Authority did not follow the directions of Council. The Board noted its limited jurisdiction and asked all parties to address this question.

[58] The following items were raised as possible areas where the Development Authority did not follow the directions of Council:

- a. Density;
- b. Height;
- c. Privacy;
- d. Parking;
- e. Traffic impacts.

Density

[59] The Board heard arguments that the Development Authority incorrectly calculated density for the proposed development.

[60] The Development Authority approved 63 units. Section 155(2) of the Direct Control Bylaw provides that the minimum density is 40 units/net ha. Although the Appellant argued that the Property was 1.5 ha, the Development Authority noted that the correct area is 1.58ha. Multiplying 1.58 ha by 40 u/ha results in 63 dwelling units. Based on this calculation, the Board finds that the Development Authority correctly calculated density and thus followed the directions of Council. The Board also notes that the Appellant requested fewer units than the Direct Control Bylaw minimums. The approved number of units is the minimum allowed by the Direct Control Bylaw. Had the Development Authority approved fewer units, it would have not followed the directions of Council.

Height

[61] The Appellant argued that the buildings on the Property should be reduced in height. However, she did not point to any error in the Development Authority's decision.

[62] Section 155(2) of the Direct Control Bylaw provides that the maximum height of the buildings is 3 storeys not exceeding 12m for Row Housing Development (which is a

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permitted use). The evidence before the Board, which the Board accepts, is that the buildings are 3 storeys and they will be 12m. Based on this evidence, the Board finds that the Development Authority followed the direction of Council.

Privacy

- [63] The Appellant argued that the loss of the tree line resulted in a loss of privacy. However, there was no evidence before the Board on which provision of the Direct Control Bylaw was impugned. In the absence of any identified error by the Development Authority, the Board finds as a fact that in relation to the privacy questions raised by the Appellant, the Development Authority followed the directions of Council.

Parking

- [64] The Appellant argued that the parking provided on the Property would not permit sufficient parking and that there would be overflow parking in the neighbourhood. However, the Appellant did not provide any evidence or submissions on how the Development Authority failed to follow the directions of Council.
- [65] In the absence of any evidence of how the Development Authority failed to follow a provision of the LUB or the Direct Control Bylaw, the Board has no evidence upon which to conclude that the Development Authority failed to follow the directions of Council.

Traffic Impacts

- [66] The Board heard argument that the Development Authority erred in its consideration of the impact of traffic on the neighbourhood, particularly in relation to the Traffic Impact Assessment. The submissions urged the Board to find that it was an error for the Development Authority to rely upon the Traffic Impact Assessment for Grove Drive that is updated when new developments are proposed.
- [67] Section 155(3)(a) of the Direct Control Bylaw provides
- A single all directional access to this Site should align with existing access to 500 Grove Drive. If secondary access is requested, it will be right-in/right-out or emergency access only and supported by a Traffic Impact Assessment.
- [68] The evidence before the Board was that only a single access was approved (see Exhibit 10, page 29/39 of the Agenda package) and the access is directly across from the access at 500 Grove Drive, thus meeting the requirement in the first sentence of the above section of the Direct Control Bylaw.
- [69] The secondary access was approved, and the evidence is that the City has a Traffic Impact Assessment for Grove Drive which is updated when new developments are proposed. The Development Authority's evidence was that the impact of the proposed development was minor. While those in opposition to the proposed development challenged the Development Authority's submissions, there were only assertions before the Board, and no evidence of specific errors or any statements by engineers or qualified persons indicating that the Development Authority's reliance upon the updated Traffic Impact Assessment was an error or did not follow the direction of Council.

- [70] In evaluating all of the arguments advanced by those speaking in opposition to the proposed development, the Board finds that there was no evidence that supported a conclusion that the Development Authority failed to follow the directions of Council as evidenced in the Direct Control Bylaw. Although the Appellant requested that the Board make changes to the proposed development, the Board has no jurisdiction to do so in light of its conclusion that the Development Authority did follow the directions of Council.
- [71] Since the Board has concluded that the Development authority followed the directions of Council, it does not need to address the third question.
- [72] As a result of the Board's conclusion, the Board denies the appeal and confirms the decision of the Development Authority in PLDPR202500215.
- [73] Dated at the City of Spruce Grove in the Province of Alberta, October 7, 2025



Gwendolyn Stewart-Palmer, 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 s. 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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