



**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: January 16, 2026

IN THE MATTER OF: An appeal by Harman Kandola on behalf of Victory Homes against the refusal of Development Permit No. PLDPR202501225 to construct an as-built rear uncovered deck, measuring 1.27 m in height and 3.37 m x 4.40 m in size, resulting in a total site coverage of 51.5%, which exceeds the maximum permitted 50% site coverage within the R1-Mixed Low to Medium Density Residential District, at 5 Sydwyck Circle (Plan 2422030, Block 1, Lot 42).

DATE OF HEARING: January 14, 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 January 14, 2026.
- [2] The following members of the Subdivision and Development Appeal Board were in attendance throughout the hearing:
 - Andrea Snow, Chair
 - Glenn Jensen
 - Liam McGrath
 - Keith Schultz
- [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 received and considered written submissions from the following:
 - Development Officer's Report
 - Development Officer's PowerPoint Presentation

The Community of Choice!

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

- Anshu Gupta, Development Officer
- Jay Brar, Representative of Appellant Party

[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.	Notice of Application Refusal
4.	Notice of Appeal
5.	Notice of Hearing
6.	Adjacent Property Owner List (Confidential)
7.	Subject Site and Site Plan (Maps)
8.	Subject Site Plan (Showing Adjacent Property Owners)
9.	Development Officer's Report

[9] The Board heard oral testimony from Anshu Gupta, 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 variance discrepancy of 0.4% between the Development Officers Report, which indicates an overage of 1.5% compared to the Appellant's Notice of Appeal which indicates an overage of 1.1% of the overall site coverage, is due to confirmation received from the Appellant over the phone.
 - The Development Authority is permitted to grant a variance of up to 10% of the overall height of the building on the property, but this does not include deck height.
 - An explanation on the purpose of minimum and maximum site coverage allowances is to create developments that are sustainable as site coverage should not negatively impact the neighbourhood.

The Community of Choice!

Such considerations include environmental impacts such as fire safety, drainage, or rainwater concerns on the property and neighbouring properties. In addition, social issues are also considered such as shadow impacts on neighbouring properties.

- The deck height was confirmed to not create shadow issues with neighbouring properties and the development currently complies with all land use regulations.
- There are no amenities in the area that are negatively impacted by the development, including neighbouring properties.

[10] The Board heard oral testimony from the Appellant's Representative, Jay Brar, including:

- A summary of the content of the Appellant's Notice of Appeal (Exhibit 4).
- Answers to questions from the Board included:
 - The height of the deck is the only aspect that is not currently in compliance and therefore the subject of the appeal.
 - The deck was always part of the plans for the property.
 - The reason the height of the deck is not in compliance is because the deck was built to be flush with the rear property entrance. The height of the deck is a result of the final grade of the property, which is not a typical occurrence.

RELEVANT LEGISLATION

[12] The Board considered the following sections of the Land Use Bylaw in its decision:

- Land Use Bylaw Section 7 - Definitions
- Land Use Bylaw Section 11 – Where a Development Permit is Not Required
- Land Use Bylaw Section 14 – Variances
- Land Use Bylaw Section 115 - R1 – Mixed Low to Medium Density Residential District

DECISION

[13] 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. PLDPR202501225 is hereby approved

The Community of Choice!

REASONS:

[14] 1. The Appellant who is also the Applicant, Victory Homes, constructed the as-built rear uncovered deck ("the deck") on the subject property being 5 Sydwyck Circle. As a result, the Board finds that they are an affected party.

2. No one present at the hearing contested that the deck is a 'Deck' as defined in the City's Land Use Bylaw. Based on the absence of any contest on this question, the Board finds as a fact that the deck is a 'Deck'.

3. No one present at the hearing contested that the deck has a height of 1.27 m, which pursuant to Section 11 of the City's Land Use Bylaw, requires a development permit for all decks, patios and stairways that exceed 0.6 m in height. Based on the absence of any contest on this question, the Board finds as a fact that the deck height is 1.27 m and therefore requires a development permit.

4. No one present at the hearing contested that because the deck has a height greater than 0.6 m above grade that it must be included in the total site coverage calculation in accordance with Section 115(2) of the Land Use Bylaw.

5. The Board notes that the Development Officer confirmed that on November 5, 2025, the Planning and Development Department received an application for a Compliance Certificate of a Real Property Report. As a result, the deck, measuring 1.27 m in height and 3.37 m x 4.40 m in size, results in a total site coverage of 51.5%, which exceeds the maximum permitted 50% site coverage within the R1 - Mixed Low to Medium Density Residential District. Based on the absence of any contest on this question, the Board finds as a fact that the size of the deck is 1.27 m in height and 3.37 m x 4.40 m in size and results in a site coverage of 51.5%.

6. The Appellant confirmed the deck requires a variance because it was constructed to be flush with the grade of the rear entrance door, which caused the height of the deck to exceed 0.6 m contributing to an overall site coverage greater than 50%.

7. The Board notes the Development Officer confirmed that in accordance with Section 14(3), the Development Authority cannot grant a variance to the regulations governing maximum site coverage, therefore a Development Permit was refused.

8. When determining an appeal, the Board hearing the appeal pursuant to Section 687(3)(d) of the *Municipal Government Act* may issue a development permit even though the proposed development does not comply with the land use bylaw, if, in its opinion, the proposed development would not unduly interfere with the amenities of the neighbourhood, or

The Community of Choice!

materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

9. The Appellant presented reasons to support the appeal, including the fact that the excess of height of the deck was minimal and does not affect or interfere with sightlines, privacy, access, property lines, setbacks or any other aspects of any neighbouring properties. Further, the Appellant confirmed the property complies with all other land use regulations, inspections and safety requirements and conforms with the intent of the R1 District by preserving neighbourhood consistency and ensuring no material impact to adjacent properties. Visuals were presented demonstrating other properties within the neighbourhood that contain similar rear deck configurations. Evidence was further provided that the owner of the property would be subject to undue hardship to reconstruct the uncovered rear deck to address a minimal overage.
10. Both the Development Officer and Appellant presented evidence to confirm that the issuance of a Development Permit to provide a variance to allow an overall site coverage of up to 51.5% would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
11. The Board considered the provisions of section 7, 11, 14 and 115 of the Land Use Bylaw to determine whether the proposed development met the regulations and intent of the City's Development Standards. In examining the evidence, the Board considered the powers as set out in Section 687(3)(d) of the *Municipal Government Act* regarding the consideration of granting a variance to the City's Land Use Bylaw.
12. The Board agreed with the fact that the overage of the overall site coverage was due to the height of the deck. The Board heard the cause of the overage was due to a discrepancy in the grade of the property which resulted in a height change of the deck to ensure the rear entrance was flush with the rear deck.
13. The Board agreed the overage of the deck does not affect or interfere with the amenities within the neighbourhood. It was noted that the property backs onto a walking path. Further, the Board agreed that the deck does not unduly interfere or materially interfere with the neighbouring properties or neighbourhood effects. This is based on evidence that the deck does not interfere with neighbouring property lines, sightlines, privacy, setbacks or other aspects of the neighbouring properties.
14. For the above reasons, the Board finds the proposed development which seeks to allow a deck that has a total overall site coverage of up to 51.5% is deemed minor in nature and upholds the appeal.

The Community of Choice!

Dated at the City of Spruce Grove in the Province of Alberta, January 16, 2026

Original signed by Laura Hall

Laura Hall, 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.

The Community of Choice!