

Record of Proceedings

Subdivision and Development Appeal Board Hearing
Wednesday, January 14, 2026
3rd Floor - Council Chambers
315 Jespersen Ave
Spruce Grove, AB T7X 3E8

ATTENDANCE

Board Members:

Andrea Snow, Chair
Glenn Jensen
Liam McGrath
Keith Schultz

Administration:

Laura Hall, SDAB Clerk
Nicole Hitchens, Recording Secretary
Anshu Gupta, Development Officer
Lori Kustra, Supervisor of Development
Tanya Ouellette, Senior Development Officer

CALL TO ORDER

Chair Andrea Snow called the Subdivision and Development Appeal Board hearing to order at 6:30 p.m.

Chair Andrea Snow provided an overview of the purpose of the Subdivision and Development Appeal Board.

Chair Andrea Snow introduced Laura Hall, SDAB Clerk and indicated that it is the practice of the Board to have the Clerk participate in private discussions with the Board. No objections were raised from those in attendance.

Chair Andrea Snow asked the sitting Board Members to introduce themselves.

Chair Andrea Snow introduced the Subdivision and Development Appeal Board staff and City of Spruce Grove administration.

APPROVAL OF THE AGENDA

Moved by Board Member Glenn Jensen that the agenda for the Wednesday, January 14, 2026 Subdivision and Development Appeal Board hearing be approved as presented.

Carried

APPEAL HEARING - PLDPR202501225

An appeal has been filed against the refusal of Development Permit PLDPR202501225.

Appellants/Applicants:

Harman Kandola, Victory Homes, 1665 91 Street SW, Edmonton, AB
Jaskaran Sandhu, Tidal Law LPP, 6530 36 Street NE, Unit #1155, Calgary, AB

Chair Andrea Snow called upon the SDAB Clerk to introduce the subject of the appeal.

Laura Hall, SDAB Clerk, advised of the appeal by Harman Kandola of Victory Homes, represented by Jaskaran Sandhu, Partner, Tidal Law, against the refusal of Development Permit 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. The Development Permit Application was refused on December 1, 2025.

Chair Andrea Snow asked the SDAB Clerk if there were any preliminary matters to be addressed by the Board. The SDAB Clerk confirmed that there were no preliminary matters to address.

Chair Andrea Snow asked if anyone present would like a postponement of the Hearing to a later date. No postponement was requested.

Chair Andrea Snow asked if any Board Member felt the need to disclose any conflicts. The Board Members present had nothing to disclose.

Chair Andrea Snow asked if anyone affected by this appeal objects to any Board Member hearing the appeal. No objections were raised by those present.

Chair Andrea Snow explained the hearing process and the procedures to be followed and asked if anyone present had any concerns with the process outlined. No concerns with the process were raised by those present.

Chair Andrea Snow asked if everyone present received a copy of the agenda. All present confirmed they received a copy of the Agenda.

Chair Andrea Snow asked if there were any objections to the Board marking documents in the agenda as exhibits. No objections were raised by those present.

Chair Andrea Snow asked if there were any additional written submissions from anyone present. No additional submissions were provided.

Submission of the Development Authority

Chair Andrea Snow called upon the Development Authority for the City of Spruce Grove to provide their presentation.

Anshu Gupta, Development Officer, read the Development Officer's Report into the record and provided the following:

- The appeal is filed against the decision of Development Permit No. PLDPR202501225, that was issued for 1.27 m high, 3.37 m by 4.40 m sized as-built rear uncovered deck at 5 Sydwyck Circle.
- The subject site is zoned as R1 - Mixed Low to Medium Density Residential District and is legally described as Plan 242 2030; Block 1; Lot 42.
- The site is developed as a single detached dwelling with a front attached garage and the rear uncovered deck.
- A deck above 0.6 m from grade requires a development permit and is considered under site coverage.
- The total overall coverage is 51.5% which exceeds the maximum overall coverage of 50% permitted under the R1 District.
- The as-built rear uncovered deck is under appeal and, other than maximum site coverage, meets all other regulations.
- The Land Use Bylaw does not allow Development Officers to apply a variance to maximum site coverage. Therefore, the Development Authority refused Development Permit No. PLDPR202501225.

Chair Andrea Snow asked if the Board had any questions for the Development Officer.

Liam McGrath, Board Member, asked the Development Officer about a discrepancy in the agenda material as the Notice of Appeal stated a variance of 1.1% but the Development Officer's Report stated a variance of 1.5%.

Anshu Gupta, Development Officer, replied that she asked the Applicant to calculate the variance of the total site coverage and, initially, the Applicant stated it was 51.1%. On a follow up phone call, the Applicant stated it was 51.5% so the Development Officer released the decision based on the 51.5% variance. When the Applicant received the Notice of Decision, there was another discussion about the variance but the Applicant did not raise a concern about the 51.5% site coverage provided in the Notice of

Decision, so the Development Officer made the decision to leave the site coverage at 51.5%.

Liam McGrath, Board Member, asked the Development Officer to provide the section of the Land Use Bylaw that refers to granting a 10% variance.

Anshu Gupta, Development Officer, read Section 14 of the Land Use Bylaw that regulates variances and applies to this appeal: *(3) Notwithstanding Sections 14(1) and 14(2) the Development Officer shall not grant a variance from the regulations prescribing Site Coverage, or Density. Subject to Sections 14(1) and 14(2), the Development Officer may grant a variance from the regulations prescribing Height up to 10% of the maximum prescribed Height.*

Liam McGrath, Board Member, asked the Development Officer if a 10% variance is allowed.

Anshu Gupta, Development Officer, replied that the 10% variance pertains to the overall height of the building, but does not apply to overall site coverage.

Chair Andrea Snow asked the Development Officer about the purpose of site coverage regulations.

Anshu Gupta, Development Officer, replied that 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 or city. There needs to be enough space around the house to ensure there are no environmental impacts such as fire safety, drainage, or rainwater concerns on the property and neighbouring properties. In addition, if everyone wanted to expand structures, there are social issues to consider such as shadow impacts on neighbouring properties.

Chair Andrea Snow asked the Development Officer if this deck causes shadowing on neighbouring properties.

Anshu Gupta, Development Officer, replied that the deck complies with all other land use regulations so there is no shadowing or impact to privacy on neighbouring properties.

Chair Andrea Snow asked the Development Officer what amenities in the area could be negatively impacted.

Anshu Gupta, Development Officer, replied that there are no impacts to the rear of the property or adjacent properties, and the deck does not encroach on other properties.

Submission of the Appellants/Applicants

Chair Andrea Snow called upon the Appellants/Applicants to provide their presentation.

Jay Brar, Appellant's Representative, provided the Board with the following:

- He spoke to Anshu Gupta, Development Officer, on the phone.
- The request is only a minor variance due to the height of the deck.
- Under the Land Use Bylaw, the Development Authority may grant a variance if it doesn't impact neighbourhood amenities, or sightlines or privacy of neighbouring properties.
- In the future, trees may be planted for additional privacy.
- The developers have built hundreds of homes with no issues and comply with all Land Use Bylaw regulations.
- Environmental and social impacts, including fire safety and drainage, aren't applicable as the appeal is based on the height of the deck.
- The deck meets all other regulations; the only issue is the height of the deck.
- There are no shadowing impacts to neighbouring properties.
- Denial of the variance would create unnecessary financial hardship for the current homeowner, including avoidable reconstruction costs on an otherwise compliant project, and the owners would be negatively impacted by delays or disruptions.
- The variance maintains the intent of the neighbourhood consistency, complies with all city regulations, and does not impact the sightline or privacy of neighbours.

Chair Andrea Snow asked if the Board had any questions for the Appellants/Applicants.

Keith Schultz, Board Member, asked the Appellant's Representative about the 1.1% variance on the deck height.

Jay Brar, Appellant's Representative, replied that height of the deck is the only aspect of the deck that is not in compliance and therefore the subject of the appeal.

Keith Schultz, Board Member, asked the Appellant to clarify how the deck was built when it doesn't appear that the property plans initially included a deck.

Jay Brar, Appellant's Representative, replied that a deck was always planned but, when a deck is over 0.6 metres, it is factored in the site limit. The additional 1.1% - 1.5% created an issue and is being appealed. If the deck height was lowered by a small percentage, the site coverage would be compliant.

Additional Speakers or Submissions

Chair Andrea Snow asked if anyone else present wanted to speak to the appeal.

There were no additional speakers.

Chair Andrea Snow asked the SDAB Clerk if any written submissions had been received. The SDAB Clerk confirmed that no written submissions were received.

RECESS

Chair Andrea Snow called a recess at 7:15 p.m.

Chair Andrea Snow reconvened the hearing at 7:22 p.m.

QUESTIONS FROM THE BOARD

Chair Andrea Snow asked if the Board had further questions for clarification for the Development Officer.

There were no additional questions for the Development Officer.

Chair Andrea Snow asked if the Board had further questions for clarification for the Appellants/Applicants.

Keith Schultz, Board Member, asked about the deck height and why it was built above the 0.6 metre allowable height.

Jay Brar, Appellant's Representative, replied that 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 on this property is a result of the final grade of the property, which is not a typical occurrence.

FINAL COMMENTS

Chair Andrea Snow asked if the Development Officer had any final comments.

- There were no further comments from the Development Officer.

Chair Andrea Snow asked if the Appellants/Applicants had any final comments.

- Jay Brar, Appellant/Applicant Spokesperson, stated that they agree with the Development Officer's presentation and request that the variance be allowed due to a marginal error, as the deck meets all other standards and regulations.

FAIR HEARING

Chair Andrea Snow asked if the persons who made presentations felt that they had sufficient opportunity to present their evidence and arguments to the Board. All persons agreed they had sufficient opportunity to present their evidence.

Chair Andrea Snow asked if the Board felt the need to recess at this time to further consider this matter. A recess was not requested.

Chair Andrea Snow asked if the Board was satisfied with the amount of information it had received at the hearing. The Board confirmed that they had received sufficient information.

Chair Andrea Snow closed the appeal hearing at 7:26 p.m.

Chair Andrea Snow shared that a decision would be made within 15 days from the date of today's hearing.

Dated at the City of Spruce Grove in the Province of Alberta, January 14, 2026.

ORIGINAL SIGNED BY NICOLE HITCHENS

Nicole Hitchens, Recording Secretary
SUBDIVISION AND DEVELOPMENT APPEAL BOARD