



CITY OF FORT SASKATCHEWAN
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SERVICES**

10005 102 Street, Fort Saskatchewan, Alberta T8L 2C5
780.992.6200 | legislativeservices@fortsask.ca

September 11, 2026

Terra & Ryan Currie
10225 109 Street
Fort Saskatchewan, AB T8L 2K7

**NOTICE OF DECISION OF THE
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

FILE NO: **PLRES20260569**

APPEAL: **Development Permit Conditions of Approval**

LAND USE DESIGNATION: **R1 – Single Detached Residential District**

LEGAL DESCRIPTION: **Lot 10, Block 41, Plan 5134H3**

CIVIC ADDRESS: **10220 109 Street, Fort Saskatchewan, AB, T8L 2K8**

IN THE MATTER OF AN APPEAL filed with the City of Fort Saskatchewan (the “City”) Subdivision and Development Appeal Board (the “Board”) pursuant to Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (the “MGA”). The Appeal Hearing was held on September 1, 2026, in Council Chambers of City Hall.

**It is the decision of the Board that the Appeal is DENIED, and
Development Permit PLRES20260569 is UPHELD.**

BEFORE:

Board Members:

Similoluwa Akintunde – Chair
George Rowe
Melissa Zaretsky

Administration:

Iryna Kennedy - Clerk for the Subdivision and Development Appeal Board
Rachelle Gilbert – Legislative Services

PARTIES PRESENT AND PRELIMINARY MATTERS:

For the Appellant:

Terra Currie: Adjacent Property Owners (the “Appellant”).

For the Applicant:

Malcolm Munroe: Owner of the Property (the “Applicant”).

For the Respondent:

Dean McCartney – Manager, Development Planning
Jaxon Freitag – Development Planner

} (the “Development Authority”)

Speaking in support of the Appeal:

There were no additional presentations.

Speaking in opposition to the Appeal:

There were no additional presentations.

Proceedings:

1. The Appellant filed a Notice of Appeal to the Board following the Development Authority’s approval of a Development Permit application made by the Applicant for property legally described as Lot 10, Block 41, Plan 5134H3 and municipally described as 10220 109 Street, Fort Saskatchewan, Alberta (the “Property”).
2. The Clerk called the meeting to order at 1:01 p.m. and provided a brief overview of the hearing process.
3. At the start of the Hearing, a motion was made by Melissa Zaretsky to appoint Similoluwa Akintunde as Chair. The motion was passed unanimously.
4. A motion was then made by George Rowe to adopt the agenda, as presented. The motion was passed unanimously.
5. The Chair outlined how the hearing would be conducted to all parties present. There were no objections to the proposed Hearing process.
6. The Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the Appeal. None of the persons in attendance had any objection to the members of the Board hearing the Appeal.
7. Based on the information provided by the Development Authority, the Appeal appears to have been filed on time, in accordance with Section 686(1) of the MGA.

8. The Board was satisfied it had jurisdiction to deal with this matter. There were no objections raised at the Hearing regarding the Board's jurisdiction to deal with this matter.
9. The Development Authority advised that it may have an additional submission to provide if required in response to questions from the Board. Later in the Hearing, the board requested the submissions. There were no objections to the Board receiving the additional submission, and it was added to the agenda as follows:
 - a. Exhibit "H" – Revised illustration of the Property depicting the proposed detached garage at the approved height.

SUMMARY OF EVIDENCE AND ARGUMENT:

10. The following is a summary of the oral evidence presented to the Board.

Development Authority Presentation:

11. The Board first heard from the Development Authority of the City, referencing the materials submitted, attached to the Agenda as Exhibit "B".
12. The Development Authority provided an overview of the events leading up to the Appeal, being: The Appellant is Appealing the conditions of the Development Authority's approval of a Development Permit application of a rear detached garage. The Development Authority provided an overview of the application and its decision to approve a rear detached garage with variances to the overall building height, vertical exterior wall height, and accessory building site coverage requirements of the Land Use Bylaw.
13. The Property is districted as R1 – Single Detached Residential District. Within this land use district, Land Use Bylaw C23-20 requires accessory buildings to not exceed 5.0 m in height or 3.0 m in height for vertical exterior walls, as per Section 6.2.2. Section 6.12.4 further establishes a maximum site coverage of 55% for all buildings and structures where the principal building is one storey, and a maximum total lot coverage of 15% for all accessory buildings. Sites under 493.0 m² are excluded from the 15% maximum accessory building coverage requirement.
14. Under Section 3.3.1 of the Land Use Bylaw, the Development Authority may approve or conditionally approve an application for a development that does not comply with this Bylaw, if in the opinion of the Development Authority:
 - a. The proposed development would not unduly interfere with the amenities of the neighbourhood; or
 - b. the proposed development would not materially interfere with or affect the use, enjoyment, safety or value of neighbouring land.
15. On June 29, 2026, a Development Permit Application for the construction of an oversize detached garage on the property was submitted to Planning & Development.

16. On July 15, 2026, the Development Authority issued a decision approving the Development Permit application of a rear detached garage with the granted variances:
 - c. Overall Building Height exceeding by 2.87m (9.4 feet);
 - d. Vertical Exterior Wall Height exceeding by 0.66m (2 feet); and
 - e. Accessory Building Site Coverage exceeding by 9.82%.
17. The Development Authority was of the opinion that the variances to the overall building height and vertical exterior wall height were reasonable, appropriate and supportable.
18. The Development Authority was of the opinion that, based on the existing conditions of the property and adjacent properties, the variance to the maximum accessory building lot coverage was reasonable and would not impact the use and enjoyment of surrounding properties.
19. In support of its opinion, the Development Authority noted that when the principal building and accessory buildings are considered together, the total site coverage would be approximately 39.5%, which is 15.5% below the permitted maximum of 55%.
20. The Development Authority further stated that, given the overall site coverage, existing vegetation in the area, and size of the Property, it was reasonable to authorize the variance.
21. The SDAB can overturn the decision and:
 - a. refuse the Development Permit;
 - b. require the detached garage to comply with all applicable regulations of Land Use Bylaw C23-20; or
 - c. allow the development to proceed with variances to Sections 6.2.2 and 6.12.4(e), at the SDAB's discretion, in accordance with Section 3.3.1(a).

Questions of the Board to the Development Authority:

22. *Is there vegetation on the property, in addition to the vegetation on the adjacent properties?*

The Development Authority advised that, based on the photographs of the Property, there did not appear to be significant vegetation on the Property. The vegetation considered in support of the variance was primarily located on the adjacent properties.

23. *In considering the existing vegetation, did the Development Authority consider seasonal changes, such as the loss of foliage, or environmental changes that could affect the vegetation over time?*

The Development Authority advised that seasonal or environmental changes to the vegetation were not specifically considered. Rather, the Development Authority considered the presence of different types of vegetation and other buildings of a similar size in the surrounding area as limiting the visual impact of

the proposed detached garage.

24. *In addition to visual impact, what other impacts did the Development Authority consider in determining that the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, safety or value of neighbouring land?*

The Development Authority advised that there were no public amenities in the immediate area that would be impacted by the proposed development, as the development is located within the rear yard of private property. In considering the impact on neighbouring properties, the Development Authority considered the mature vegetation and other buildings on adjacent properties, which provided screening and limited views of the proposed detached garage. The Development Authority further advised that it did not identify safety concerns and did not consider the development to negatively affect neighbouring properties' value. With respect to the use and enjoyment of neighbouring properties, the Development Authority believed the proposed detached garage would have minimal impact.

25. *If the use of the detached garage were to change in the future, would further approval from the Development Authority be required?*

The Development Authority advised that the development was approved for use as a detached garage only. If the use were changed, such as converting the detached garage to a garage suite for residential occupancy, a new Development Permit would be required. The Development Authority further advised that a garage suite is a discretionary use and any decision on a Development Permit application could be subject to an Appeal to the SDAB.

26. *Did the Development Authority discuss with the Applicant whether the intended use of the detached garage could be achieved through an alternative design that would require a lesser height variance, and why was the requested variance ultimately considered reasonable?*

The Development Authority advised that reducing the height of the detached garage was discussed with the Applicant. Following further review, the Development Authority determined that the requested variance was reasonable. In reaching this conclusion, consideration was given to the mature vegetation and surrounding development in the area, and the Development Authority was of the opinion that a minor reduction in the proposed height would not materially change the impact of the development.

27. *Given that the Land Use Bylaw establishes a separate maximum site coverage for accessory buildings, what was the Development Authority's rationale for approving a variance from that requirement despite the development remaining within the maximum total site coverage permitted for all buildings and structures?*

The Development Authority advised that the variance allows the existing accessory structures, including a shed and pergola, to remain on the Property in addition to the proposed detached garage. The Development Authority stated that, if the other accessory structures were not present, the detached garage

would result in approximately 20% accessory building site coverage, exceeding the permitted maximum by approximately 5%. The Development Authority further noted that the Land Use Bylaw permits up to 55% total site coverage for all buildings and structures and that any future redevelopment of the principal building would be evaluated through a separate Development Permit process, taking into consideration the accessory structures existing on the Property at that time.

Appellant Presentation:

28. The Appellant referenced the materials they provided in support of the Appeal, attached as Exhibit "C", which included photographs illustrating the view of the proposed detached garage from the Appellant's adjacent property and written submission outlining reasons for opposing the Development Authority's decision.
29. The Appellant stated that the mature vegetation relied upon by the Development Authority would not screen the detached garage from the Appellant's property. The Appellant noted that there is limited vegetation on the Property itself and no boulevard trees along that side of the street. The mature trees relied upon are located on neighbouring private properties and could be removed over time.
30. The Appellant expressed concern that the approved height and size of the detached garage would result in a substantial visual impact and would be directly visible from the front windows and patio of the Appellant's property, where the family spends time, and would affect their view of the trees and sky.
31. The Appellant raised concerns about the potential future use of the detached garage, noting that the plans include two bathrooms, a kitchen sink, electrical servicing and an upper storage area. The Appellant was concerned that the building could be used for residential occupancy purposes in the future and its impact on the neighbourhood.
32. The Appellant further questioned whether the requested variances were appropriate given the character of the surrounding neighbourhood and expressed concern that the proposed detached garage would be substantially different in scale from surrounding development.

Questions of the Board to the Appellant:

33. *What is the current view from your property and how would the proposed detached garage affect that view?*

The Appellant explained that the subject Property is located directly across the street from their property and that the existing view includes the house and mature trees located on neighbouring properties, including trees on the property behind the subject Property across the alley. The Appellant stated that the height of the detached garage would obstruct a significant portion of the existing tree line visible from their property.

Applicant Presentation:

34. The Applicant referenced the written materials submitted in support of the development, attached as Exhibit “D”, which outlined the rationale for the detached garage and the requested variances.
35. The Applicant explained that the existing home was constructed in 1952 and, in their opinion, no longer provides sufficient space to accommodate the needs of a modern family. The Applicant stated that the proposed detached garage would provide additional storage and off-street parking without requiring the existing home to be demolished or substantially altered.
36. The Applicant stated that the proposed height of the detached garage is intended to accommodate the indoor storage of a truck and camper. The Applicant explained that indoor storage would provide protection from the elements and security, while the additional garage space would accommodate vehicles that may otherwise require on-street parking.
37. The Applicant explained that the previous detached garage was demolished in 2023 due to limited space and drainage issues caused by the elevation of the rear alley. The Applicant stated that the garage had flooded and the proposed detached garage would address these issues while providing additional parking.
38. The Applicant explained that the proposed roof pitch was selected to match an existing accessory structure on the Property and provide continuity in the design. The Applicant further stated that the window facing toward the Appellant’s property was included to provide natural light and ventilation and was not intended to impact the Appellant’s privacy.
39. The Applicant referenced other properties in the surrounding area identified in the written submission with accessory buildings of considerable height and site coverage and stated that, in their opinion, the proposed development was consistent with the evolving needs of the neighbourhood.

Questions of the Board to the Applicant:

40. *What was the size of the previous detached garage and how did it compare to the size of the proposed detached garage?*

The Applicant advised that the previous detached garage was smaller, measuring approximately 24 feet by 24 feet. The Applicant explained that it was originally constructed as a single garage and was later expanded by a previous property owner with an addition that experienced structural and flooding issues.

41. *What is the intended purpose of the plumbing and bathrooms shown in the plans for the proposed detached garage?*

The Applicant explained that the additional amenities were intended to provide flexibility in the use of the space, including its potential use as an office, studio or gym, as the existing home does not accommodate all the Applicant’s needs.

42. *Is the proposed roof height necessary to accommodate the Applicant's vehicle and camper, or is there another reason for the proposed roof height and pitch?*

The Applicant explained that the proposed roof pitch was selected to match the covered outdoor entertainment structure on the Property for architectural continuity and because the slope assists in shedding snow, leaves and pine needles. The Applicant confirmed that the full roof height was not required to accommodate the vehicle and camper.

Those Speaking in Favour of the Appeal:

43. There were no Parties that presented in favor of the Appeal. The written submission attached to the Agenda as "*Exhibit E*" was submitted by LeeAnn Mohr and identified Ron and Debi Mohr of 10224 109 Street and Cory and LeeAnn Mohr of 10227 109 Street as supporting the Appeal.

Those Speaking in Opposition to the Appeal:

44. There were no Parties that presented in opposition to the Appeal. The written submission attached to the Agenda as "*Exhibit F*" was submitted by Megan Normandeau and Reece Halbgewachs of 10222 109 Street, an adjacent property, in support of the Development.
45. The Chair declared the recess at 1:48 p.m.; the Hearing reconvened at 2:22 p.m.

Additional Questions of the Board:

46. *Question to the Development Authority: If the vegetation considered in support of the variances was not present, how would that have affected the Development Authority's consideration of the application?*

The Development Authority stated that it could not determine what the decision would have been without evaluating the application in those circumstances. The Development Authority acknowledged that the existing vegetation was a significant factor in its decision and that, without the vegetation, a lesser variance may have been approved.

47. *Question to the Development Authority: In addition to the existing vegetation, were there any other factors considered in support of the height variance?*

The Development Authority stated that existing structures on neighbouring properties were also considered, as they obstruct views of the detached garage from different directions.

48. *Question to the Development Authority: Are the existing structures considered in relation to the visual impact of the proposed detached garage located on neighbouring properties?*

The Development Authority confirmed that the structures were located on neighbouring properties and indicated that there appeared to be a gazebo-type structure to the north and a garage to the south, which would obstruct views of the proposed detached garage from different directions.

49. *Question to the Development Authority: Has the Development Authority approved any other accessory buildings in the area with similar variances?*

The Development Authority stated that it would need to review its records to determine whether similar variances had previously been approved in the area.

50. *Question to the Development Authority: If the Board overturns the Development Authority's decision, what options are available to the Board?*

The Development Authority referenced the options outlined in its presentation and advised that the Board could overturn the decision and refuse the Development Permit; overturn the decision and require the detached garage to comply with all applicable regulations of the Land Use Bylaw; or allow the development to proceed with variances determined at the Board's discretion.

51. *Question to the Development Authority: You indicated that you may have an additional submission in response to information presented during the hearing. What is the additional submission?*

The Development Authority stated that the additional submission related to the Appellant's illustration depicting the height of the proposed detached garage in comparison to the existing dwelling. The Development Authority explained that the Appellant's illustration depicted the garage in a manner resembling a two-storey home structure height and advised that it had prepared an alternative illustration intended to more accurately depict the sloped roof of the proposed detached garage. The Development Authority acknowledged that its illustration was also an estimate.

52. *Question to the Development Authority: Can the Board review the additional illustration?*

The Development Authority advised that the illustration could be provided to the Board.

53. There were no objections from any Party to the additional illustration being received for the consideration of the Board and added to the amended Agenda as Exhibit "H".

54. The Chair declared the recess at 2:27 p.m. to allow copies of the additional submission to be prepared for the Board and all Parties in attendance; the Hearing reconvened at 2:39 p.m.

55. *Question to the Development Authority: Does the additional illustration depict the proposed roof height and the upper portion of the detached garage?*

The Development Authority explained that the upper area depicted in Exhibit "H" would be contained within the slope of the roof and would not constitute a full second storey. The Development Authority indicated the approximate location of

a window within the sloped roof area and clarified that the Appellant's illustration was not to scale.

56. *Question to the Development Authority: What is the Development Authority's response to the Appellant's concern that the proposed development, including the accessory building site coverage, would alter the character of the neighbourhood?*

The Development Authority acknowledged that the proposed development would alter the character of the neighbourhood due to the number and size of accessory structures on the Property and the height of the proposed detached garage. However, the Development Authority stated that it did not necessarily consider the alteration to have a negative impact.

57. *Question to the Appellant: You expressed concern that the accessory building site coverage would negatively affect the character of the neighbourhood. Can you explain how the increased site coverage would affect the neighbourhood character?*

The Appellant stated that the neighbourhood is characterized by larger lots with green and open space and expressed concern that increased accessory building coverage would reduce the amount of open and landscaped space. The Appellant stated that, in their opinion, this would negatively affect the character of the neighbourhood.

58. *Question to the Appellant: Does the front of the Property have green space and vegetation?*

The Appellant stated that there is some green space and a garden containing a few shrubs but described the vegetation as minimal and noted that there are no trees.

59. *Question to the Appellant: Despite the illustration you presented being less accurate than the subsequent illustration provided by the Development Authority in depicting the amount of the existing view that would be obstructed by the proposed detached garage, your illustration still shows trees visible behind and above the garage, correct?*

The Appellant confirmed that trees would still be visible but noted that the trees are located on neighbouring properties and could be removed or reach the end of their lifespan. The Appellant stated that, even in the revised illustration provided by the Development Authority, the roof peak would still occupy a significant portion of their sightline from the front patio and reduce the view of the sky and trees.

60. *Question to the Appellant: You previously expressed concerns regarding privacy and the windows in the proposed detached garage. Do you have similar privacy concerns with the windows in the existing principal dwelling?*

The Appellant stated that they do not have privacy concerns regarding the windows in the existing principal dwelling and noted that privacy measures have been added around their patio area. However, the Appellant remained concerned about the higher window proposed near the roof of the detached garage and was uncertain what views it may provide into their property and backyard.

61. *Question to the Appellant: If the mature trees on neighbouring properties were removed, would that not affect the character of the neighbourhood generally?*

The Appellant did not directly address whether the removal of the trees would affect the character of the neighbourhood generally. The Appellant stated that, in their experience, mature trees that are removed in the neighbourhood are often replaced and expressed concern that, if the trees were removed and not replaced, the proposed detached garage would have a greater visual impact.

62. *Question to the Applicant: With respect to the height of the proposed detached garage, what portion of the requested height is necessary for its intended use rather than a personal preference?*

The Applicant stated that the height and roof slope requested in the application were needed to accommodate the vehicles and the desired roof design. The Applicant indicated that reducing the approved dimensions would require significant revisions to the proposed design.

63. *Question to the Applicant: Is the desire to have the roofline of the proposed detached garage matching the existing covered outdoor structure a personal preference?*

The Applicant confirmed that it was a personal preference.

64. *Question to the Applicant: Aside from the preference to match the existing roofline, what height is necessary for the roof of the proposed detached garage?*

The Applicant did not identify a specific lesser height and maintained that the height requested in the application was justified. The Applicant referenced other buildings of similar height in the neighbourhood identified in his written submission and stated that the proposed roof slope would also allow greater visibility of surrounding foliage than a less steep roof design.

65. The Chair declared the recess at 2:55 p.m.; the Hearing reconvened at 3:08 p.m.

66. *Question to the Appellant: If the Development Authority's decision is upheld without changes, are there any remedies or compromises that could address your concerns?*

The Appellant did not identify remedies that would address their concerns if the Development Authority's decision were upheld without changes. The Appellant stated that addressing their concerns would require changes to the approved variances and conditions for a landscaping or vegetation plan involving screening located on the Property. The Appellant clarified that they were not opposed to a detached garage but were opposed to the proposed design and believed the variances should reflect what is necessary for the development.

67. *Question to the Appellant: To clarify, are your objections related to the height and accessory building site coverage variances?*

The Appellant stated that they objected to all aspects of the Development Permit and reiterated concerns regarding the height, site coverage and potential use of the proposed detached garage.

68. *Question to the Appellant: To clarify, the matters before the Board are the variances associated with the Development Permit, including height and accessory building site coverage, rather than a potential future use of the detached garage?*

The Appellant acknowledged the clarification and indicated that they understood the variances granted under the Development Permit were the matters they were able to appeal.

69. *Question to the Appellant: Your written submission identifies eight requested outcomes. Are these intended to be alternative options for addressing your concerns?*

The Appellant stated that the requests were intended as possible options and that they were not suggesting that all of them were required.

70. *Question to the Appellant: Of the options identified in your written submission, are there any that you consider higher priority?*

The Appellant stated that their preference would be for the Development Permit to be revoked and the application resubmitted with a reduced height. If the approved height were maintained, the Appellant identified privacy associated with the proposed window and substantial screening or vegetation on the Property as additional concerns. The Appellant reiterated that development on the Property should comply with the Land Use Bylaw and consider the surrounding properties and neighbourhood.

71. *Question to the Development Authority: In your opinion, did the Applicant provide sufficient justification for the height variance, or could a lesser height achieve the objectives identified by the Applicant?*

The Development Authority stated that it could not determine what lesser height could achieve the Applicant's objectives and noted that it did not have the expertise to determine different roof slopes required for the Applicant's objectives.

72. *Question to the Development Authority: If the Board were to approve a lesser height variance, would the Board need to specify the permitted height??*

The Development Authority confirmed that the Board would need to specify the permitted height.

73. *Question to the Development Authority: If additional expert information was required to determine an appropriate lesser height, how could the Board obtain that information?*

The Development Authority stated that it could not provide that information as a Party to the hearing and that the Board would need to determine what additional information it required. The Development Authority noted that the Board could also consider conditions requiring additional screening or vegetation.

74. *Question to the Development Authority: What types of accessory buildings and developments are permitted in this area?*

The Development Authority identified sheds, pergolas and covered decks as examples of accessory development. The Development Authority also noted that a garage suite may be considered but would require a separate Development Permit.

75. *Question to the Development Authority: Are there accessory buildings in the area with heights similar to the proposed detached garage?*

The Development Authority stated that it would need to review the individual properties to confirm their heights. The Development Authority noted that the Applicant had identified examples in their submission and that some accessory buildings in the City exceed the standard 5.0 metre maximum height as a result of approved variances.

76. *Question to the Development Authority: If the Applicant wanted to develop a garage suite in the future, would a separate application to the Development Authority be required?*

The Development Authority confirmed that a separate Development Permit would be required for a garage suite, which is a discretionary use, and that a decision could be subject to appeal.

77. *Question to the Development Authority: Does the Development Authority generally receive complaints from this neighbourhood regarding changes to its character?*

The Development Authority stated that it could not provide a definitive answer, as Planning and Development is only one department within the City and may not be aware of concerns raised through other areas of the organization.

78. *Question to the Development Authority: What would trigger the requirement for a Development Permit to use the detached garage as a garage suite?*

The Development Authority stated that residential occupancy of the detached garage, such as its conversion to a garage suite, would require the appropriate Development Permit and that residential occupancy without the required approval would not be permitted.

79. *Question to the Development Authority: Would someone sleeping in the detached garage be considered residential occupancy?*

The Development Authority stated that it could constitute a change in use and would need to be reviewed in the context of the particular circumstances.

80. *Question to the Development Authority: Would using the detached garage as an office or gym trigger a change in use requiring approval?*

The Development Authority confirmed that it would.

81. *Question to the Development Authority: Does the Development Authority have the authority to approve such a change in use?*

The Development Authority confirmed that it has the authority to consider an application for a change in use.

Closing Comments of the Development Authority:

82. The Development Authority had no further submissions beyond what was included in their written submission and presentation to the Board and confirmed that the decision to approve was based on the planning merits.

Closing Comments from the Appellant:

83. In their closing remarks, the Appellant reiterated their concerns regarding the size of the proposed detached garage and its potential impact on neighbouring properties. The Appellant also referenced the potential use as office or gym space and the inclusion of a kitchen sink in the design and expressed concern regarding the potential future use of the detached garage. The Appellant asked the Board to consider the impact of its decision on neighbouring properties.

Closing Comments from the Applicant:

84. In their closing remarks, the Applicant stated that neighbourhoods need to evolve over time and that continued investment in properties contributes to the neighbourhood. The Applicant stated that the proposed development represents an investment in the Property and, in their opinion, would add value to the neighbourhood. The Applicant also stated that the proposed detached garage would substitute its roofline for the existing roofline of another property visible across the alley and reiterated that they have always obtained permits for previous improvements to the Property and will continue to do so.

At the close of the hearing the parties acknowledged that they felt they had been provided with an adequate opportunity to state their case and felt that the hearing process was conducted in a fair and impartial manner.

The hearing adjourned at 3:30 p.m.

DECISION:

85. It is the decision of the Board that the Appeal be DENIED, and Development Permit PLRES20260569 is UPHELD.

FINDINGS OF FACT:

86. The Board makes the findings of fact set out below:

87. The Property is located at Lot 10, Block 41, Plan 5134H3, and municipally described as 10220 109 Street, Fort Saskatchewan, Alberta.
88. The Property is zoned as R1 – Single Detached Residential District.
89. The Development Application PLRES20260569 for a detached garage with variances was approved.

REASONS FOR THE DECISION:

90. The Board's jurisdiction is found in section 687(3) of the *Municipal Government Act*. In making this decision, the Board has examined the provisions of the Land Use Bylaw, all applicable statutory plans, and has considered the oral and written submissions made by the Development Authority, the Appellant, the Applicant, and the written submissions received with respect to the Appeal.
91. ***Affected Persons:***
Pursuant to Sections 687(1)(c), and 687(1)(d) of the MGA the Board must hear from those given notice and under section 687(1)(d), from those claiming to be affected, which included:
 - a. "Exhibit E" was a written submission emailed by LeeAnn Mohr in opposition to the Development and in support of the Appeal. The submission identified Ron and Debi Mohr, 10224 109 Street, and Cory and LeeAnn Mohr, 10227 109 Street. The Board confirmed that these properties were not identified as adjacent properties on the Map of Adjacent Properties and, based on the definition of "Adjacent" in the Land Use Bylaw, determined that the submitters were not directly affected by Development Application PLRES20260569. Accordingly, the Board gave no weight to the submission in making its decision.
 - b. "Exhibit F" was a written submission from Megan Normandeau and Reece Halbgewachs, 10222 109 Street, in support of the Development. As owners of a property adjacent to the Property, the Board determined that they were affected persons for the purposes of the Appeal.
92. **ALSA Regional Plan**
There is no ALSA regional plan applicable to the Property. Therefore, the Board need not consider this plan.
93. **Statutory Plans**
The Board was not provided with evidence from the Development Authority about the City's statutory plans. There was no comment from the parties about the statutory plans and in the absence of any evidence that the matter before it was contradictory to the statutory plans, the Board finds there is compliance with the statutory plans.
94. **Subdivision and Development Regulations**
The Board must have regard for the Subdivision and Development Regulations in making its decision. Neither the Development Authority nor the Appellant raised the

Subdivision and Development Regulations. The Board found no conflict between the Subdivision and Development Regulations and the subject of this permit.

95. **Land Use Bylaw**

The Board considered the Development Permit Appeal and the evidence presented by all parties in the course of the hearing, weighing it against the provisions of Sections 3.3.1, 6.2.2 and 6.12.4(e) of the Land Use Bylaw. The Board determined that the proposed development would not:

- i) Unduly interfere with the amenities of the neighborhood; or
- ii) Materially interfere with or affect the use, enjoyment, and safety of neighboring land, based on the following factors:
 - (1) The detached garage is located within the rear yard of the Property and is surrounded by residential properties. The Board noted that the amenities in the immediate area are associated with privately owned residential properties, and there are no public amenities or public properties in the immediate area that would be negatively affected by the proposed development. The Board also considered the existing mature vegetation and surrounding buildings, which provide some screening and reduce the visual impact of the detached garage. On this basis, the Board determined that the approved variances would not unduly interfere with the amenities of the neighbourhood.
 - (2) The Board considered the Appellant's concern that the size and height of the detached garage would alter the established character of the neighbourhood. The Development Authority acknowledged that the development would result in some change to the area but did not consider that change to have a negative impact. The Applicant similarly acknowledged that neighbourhoods change over time and submitted that the proposed development represented continued investment in the Property and the neighbourhood. The Board also considered the submissions received from adjacent property owners in support of the development. Based on the evidence before it, the Board was not satisfied that the change resulting from the detached garage would negatively affect the established residential character of the neighbourhood.
 - (3) The total site coverage of the principal building and accessory buildings is approximately 39.5%, which remains below the maximum site coverage of 55% permitted under Section 6.12.4(e) of the Land Use Bylaw. The Board considered this in assessing the Appellant's concerns regarding the overall size and massing of development on the Property and found that, despite the variance granted for accessory building coverage, the overall development of the Property remains within the maximum site coverage permitted by the Land Use Bylaw.
 - (4) With respect to the use and enjoyment of neighbouring properties, the Board considered the Appellant's concerns regarding the height, massing, views and privacy. However, the Board did not receive evidence from other adjacent property owners demonstrating that the detached garage would materially

interfere with their use or enjoyment of their properties. Rather, the adjacent property owners who provided submissions supported the development. Having considered the evidence as a whole, the Board determined that the approved variances would not materially interfere with or affect the use, enjoyment or safety of neighbouring land.

- (5) The Board found that no evidence was presented demonstrating that the proposed detached garage, including the approved variances, would create a public safety concern.

MERITS OF THE APPEAL:

96. For the above reasons, the Appeal is DENIED and the Development Permit for the detached garage is UPHELD, including the variances granted by the Development Authority.

Dated at the City of Fort Saskatchewan in the Province of Alberta, this 11th day of September 2026.

Clerk:


Signed by Iryna Kennedy – Clerk to the Subdivision
and Development Appeal Board.

The decision of the Subdivision and Development Appeal Board is final and binding on all parties, subject only to Appeal to the Court of Appeal under Section 688 of the *Municipal Government Act*, R.S.A 2000, c. M-26