

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
PARKLAND COUNTY**

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HEARING DATE: July 4, 2022 & July 15, 2022  
FILE NO.: 22-D-201

**Notice of Decision of Subdivision and Development Appeal Board**

**INTRODUCTION**

[1] The Development Authority of Parkland County (the "Development Authority") approved development permit 22-D-201 for a Secondary Suite (the "Development Permit") located at Lot 2, Block 1, Plan 4389 TR, Cameron Lake Estates; NE-1-54-1-W5, municipally described as 2, 54020 Highway 779 Parkland County (the "Lands"). The Applicant for the Development Permit was Eveline Kaybidge (the "Applicant").

[2] On June 9, 2022, Kevin and Maureen Verhulst filed an appeal of the Development Permit (the "Appellants").

[3] The Subdivision and Development Appeal Board (the "Board") heard the appeal on July 4 in person, and on July 15, 2022, in person, with virtual attendance from one party.

**PRELIMINARY MATTERS**

**A. Board Members**

[4] At the outset of the appeal, 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.

**B. Adjournments**

[5] During the parties' oral submissions on July 4, 2022, Mr. and Ms. Verhulst identified that they had not seen portions of the Application and supporting documents until the day that submissions were due. Specifically, they had not seen the building plans. They had requested the building plans from the Development Authority. The Appellants were under the impression that they would need to request them through a *Freedom of Information and Protection of Privacy* ("FOIP") process.

[6] The Clerk of the Board sent out a Notice of Hearing to Mr. and Ms. Verhulst by email and mail on June 16, 2022. The Notice of Hearing advised that before commencement of the

hearing, a copy of the Application and supporting documents will be available for inspection and that parties could contact Legislative Services to make arrangements to view the documents.

[7] Mr. and Ms. Verhulst did not contact Legislative Services for a copy of the Application and supporting documents until June 27, 2022. They made arrangements to view the Application and supporting documents on June 28, 2022, which was the deadline for the parties to provide written submissions to the Board. Mr. and Ms. Verhulst stated that they did not believe that the Application and supporting documents would contain the buildings plans based on their discussions with the Development Authority.

[8] Due to no fault of the Development Authority or the Clerk of the Board, Mr. and Ms. Verhulst were under the incorrect impression that they were not entitled to view certain portions of the Application and supporting documents. In response to questions from the Board, Ms. Verhulst identified that she would have contacted a lawyer or real estate professional had she had access to these materials and additional time to prepare.

[9] The Board determined that it was appropriate to grant an adjournment to July 15, 2022, for the parties to make submissions only on matters which were not addressed in the parties' earlier submissions to ensure a procedurally fair process for all parties. This adjournment was to address the submissions of Mr. and Ms. Verhulst that they would have contacted legal counsel or other professionals to assist them in the appeal if they had known they would be able to review the complete Application prior to making their written submissions.

[10] The Board adjourned to July 15, 2022, with the opportunity for parties to provide supplemental submissions by July 11, 2022 at 4:00 pm.

### **C. Exhibits**

[11] At the beginning of the hearing on July 4, 2022, the Chair confirmed that everyone in attendance had the hearing package prepared for the hearing. There was no objection to any of the exhibits which had been submitted in accordance with the Board's hearing submission dates. The Board marked those exhibits received prior to the hearing as set out at the end of this decision.

[12] On July 4, 2022, Mr. Verhulst advised that he had additional materials which he would like to provide as an exhibit. These materials had not been provided to the Applicant or the Development Authority prior to the hearing. Mr. Verhulst indicated that he would speak to the items orally but would like to provide the written materials to the Board. The Applicant advised that they objected to the inclusion of these materials which totaled approximately 13 pages. The Board refused to enter Mr. Verhulst written submissions as an exhibit on July 4, 2022 on the basis that these were not provided in accordance with the timelines and that the other parties had not been given time to review.

[13] Following the Board's decision to adjourn to July 15, 2022, it allowed all parties to provide additional submissions by July 11, 2022 at 4:00 pm. Both the Appellants and the Applicant provided supplemental materials. The Appellants included the 13 pages in their supplemental materials which formed part of the hearing package on July 15, 2022. At the

hearing on July 15, 2022, there was no objection to any of the hearing package being marked as an exhibit and as such, the 13 pages form part of the exhibits in front of the Board.

**D. Miscellaneous**

[14] The appeal was filed in time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA").

[15] The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections to the proposed hearing process. There were no preliminary matters raised at the beginning of the hearing.

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

[16] The Board denies the appeal and confirms the Development Permit as granted.

**SUMMARY OF HEARING**

[17] The following is a brief summary of the oral and written evidence submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written submissions filed in advance of the hearing.

**Development Authority**

[18] The Lands are located at 2-54020 Highway 779, legally described as Plan 4389 TR, Block 1, Lot 2 and are within the CR - Country Residential District in Parkland County.

[19] The Lands are located within the Country Residential area in the Municipal Development Plan (the "MDP"). The Development Permit complies with section 7.11 and 7.13 of the MDP which encouraged the provisions of a diversity of housing options and affordability level within the County.

[20] The Lands are subject to the Glory Hills Area Structure Plan ("ASP"). The Development Authority advised that the proposed development complied with the Land Use section of the Glory Hills ASP which supports residential use.

[21] The Lands are not subject to an environmentally significant area as defined in the Environmental Conservation Master Plan (the "ECMP").

[22] The Development Authority received an application for a "senior residents to the property (detached Secondary Suite)" on May 12, 2022. The Development Authority determined the use class of the proposed development to be a Secondary Suite. A Secondary Suite is a Discretionary Use in the CR - Country Residential District.

[23] The Land Use Bylaw 2017-18 (the "LUB") defines a Secondary Suite as follows:

**SECONDARY SUITE** means a development consisting of:

- a. an additional Dwelling Unit located within and Accessory to a Dwelling, Single Detached;
- b. a Garage Suite that is Accessory to a Dwelling, Single Detached; or

c. a Garden Suite, that is Accessory to a Dwelling, Single Detached and located on a Parcel greater than 0.8 ha in area.

A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal on-site Dwelling Unit. A Secondary Suite shall have a separate entrance from the entrance of the principal Dwelling, either from a common indoor landing or directly into the Secondary Suite. This use does not include Boarding Houses.

[24] The Development Authority determined that the proposed development was a "Garden Suite".

[25] The Development Authority determines that the proposed development met the regulations for a Secondary Suite as outlined in Section 12.616 of the Land Use Bylaw and the regulation for the CR - County Residential District outlined in Section 5.3 of the Land Use Bylaw:

<b>Section 12.16 Secondary Suite Regulation</b>	<b>Application 22-D-201</b>
<i>1. One Secondary Suite may be developed on a Parcel where allowed</i>	Secondary Suite is a Discretionary use in District, no other secondary suite existing on site.
<i>2. The minimum floor area for a Secondary Suite shall be 30.0 m<sup>2</sup> and the maximum floor area of a secondary area shall be 92.0 m<sup>2</sup>.</i>	The floor area for the Secondary Suite is 91.6 m <sup>2</sup> .
<i>3. The Development Authority shall, in its opinion, be satisfied that there exists on the hosting Parcel, a suitable development site upon which to site the Secondary Suite</i>	The proposed location on site has access to the private driveway, is in a location that did not require any additional tree clearing and is screened from the road and neighbours.
<i>4. "...The following guidelines may be considered by the Development Authority: a) the suite should not be placed in front of the primary residence or placed in a manner which could obstruct the view from a house on an adjacent property"</i>	Section outlines requirements that may be considered by the Development Authority but are not mandatory. The location of the Secondary Suite is in an existing cleared area and is screened from the subdivision road by an existing tree stand.
<i>4. "...The following guidelines may be considered by the Development Authority: c) the suite shall be sited in accordance with Setback regulations for a principal building;</i>	The proposed development meets the setback requirements for a dwelling as per Section 5.3 and; the Secondary suite is at least 53m away from any property line.
<i>5. A Secondary Suite that is a garden suite shall have a separation distance of at least 5.0 m from any other Dwelling.</i>	The Secondary Suite is more than 5.0m away from the existing dwelling on site.

[27] The Development Authority submits that the approval be upheld, and the appeal be dismissed.

[28] The Development Authority responded to questions from the Appellants, Applicant and the Board. The Development Authority clarified how it determined that floor area for the proposed development is 91.6 m<sup>2</sup>. The Development Authority explained that the calculation of the floor area did not include the attached covered deck and did not include wall thickness which she calculated as approximately 6 inches around.

[29] Notification letters for the Development Permit were sent out to all properties within 100 m radius. In total, 10 letters were sent including one to AltaLink and one to the Applicant.

[30] The Development Authority advised that there is no minimum size for a Dwelling, Single Detached in the CR – Country Residential District.

### **Appellants Kevin and Maureen Verhulst**

[31] The Appellants reside on and are the registered owners of a neighbouring parcel to the Lands.

[32] The Appellants appealed the proposed development on the basis that the CR - Country Residential District is to allow for only one primary dwelling per parcel. The Appellants submit that the proposed development is not a Secondary Suite but is a second Dwelling, Single Detached. The Appellants submit that the proposed development does not comply with the LUB or the Glory Hills ASP.

[33] The Appellants are not opposed to Secondary Suites, intergenerational occupancy of land or densifying. They oppose the proposed development as they argue it does not meet the intent of a Secondary Suite and is an attempt to put a second Dwelling, Single Detached on the Lands without subdividing the Lands.

### Use

[34] The Appellants note that the purpose of the CR – Country Residential District is “to provide traditional Multi-Parcel country residential communities” and to accommodate “varied housing and lifestyle needs”. The Appellants submit that the proposed development does not meet the purpose of the CR – Country Residential District.

[35] The Appellants do not object to Secondary Suites where they are over a garage or an accessory outbuilding or located within a Dwelling Unit. They oppose the undefined “Garden Suite” Secondary Suite. The Appellants take the position that the proposed development is a Dwelling Unit, Single Family Detached.

[36] The Appellants state that the proposed development is not in fact Accessory to the primary dwelling on the property. “Accessory” is defined in the LUB as “subordinate, incidental to, and exclusively devoted to a principal Use or principal Building”. The Appellants submit that the proposed development will not be subordinate or incidental to the primary dwelling as it has a deck that is for the benefit and enjoyment of the residents of the proposed development and that the deck is accessory to the proposed development.

[37] The Appellants submit that the proposed development could be placed on a parcel and be considered a Dwelling, Single Detached. There is no minimum size for a Dwelling, Single Detached. The proposed development can not be distinguished from a Dwelling, Single Detached and therefore can not be characterized as a Secondary Suite.

[38] The Appellants raise the use of "Dwelling Unit, Additional" in the LUB which means a second dwelling on Parcels 28.3 ha, or greater, where a principal building is located. The Appellants submit that "Dwelling Unit, Additional" is the appropriate use class for the proposed development. The LUB, s. 11.4 only allows one Dwelling per parcel smaller than 28.0 ha. The Lands are only 20 acres (8.093 ha). As such, the Appellants submit there cannot be a second Dwelling placed on the Lands.

[39] The Appellants object to the proposed development on the basis that the Applicant should instead subdivide the Lands and place the proposed development on a separate lot from the existing primary dwelling. The Appellants state that the Applicant had told them that they are applying for a Secondary Suite permit to avoid the time and cost associated with subdividing the Lands. The Appellants made comments on the nature of the Applicant's relationship and the possibility that, should the Applicant sell, the proposed development would become a rental unit.

[40] The Appellants raised issues regarding negative property tax implications for the County if property owners develop secondary suites in the nature of the proposed development instead of subdividing their lots.

[41] The Appellants consulted with a realtor who advised them that the proposed development would not have negative or positive impact on their property value but that the Lands would no longer be a comparable for the purposes of evaluating the Appellants' property.

#### Compliance with the LUB

##### *s. 12.16.2*

[42] The Appellants raised concerns that the proposed development exceeded the maximum floor area in s. 12.16.2 of the LUB for a Secondary Suite (92.0 m<sup>2</sup>). At the hearing on July 15, 2022, the Appellants acknowledged that the proposed development did not exceed the maximum floor area.

##### *s. 12.16.3*

[43] The LUB s. 12.6.3 requires that the Development Authority shall be satisfied that the Secondary Suite can and will, where possible, be properly connected to services associated with the existing host residence without jeopardizing existing services associated with either the hosting parcel of adjacent or neighbouring parcels.

[44] The Appellants submit that the proposed development cannot be connected to the same services as the existing Dwelling, Single Detached due to its location and that the proposed development will have a separate well and septic system. The Appellants contacted ATCO and

Fortis which advised that the proposed development will require separate meters for electricity and gas.

[45] The Appellants are concerned that the drilling of an additional well will impact their well and object on the basis that the Development Authority did not discuss the impact of the proposed development with them to determine that the proposed development will not impact adjacent and neighbouring parcels. The Appellants provided in their supplemental submissions information from Summers Drilling including the estimated cost of drilling a new well.

#### *12.16.4*

[46] The Appellants submit the proposed development does not comply with 12.16.4 which requires that a Secondary Suite be designed, sited, constructed and finished in a visually compatible, in the opinion of Development Authority, with the residential character of adjacent and neighbouring lands and/ or the neighbourhood in general.

[47] The Appellants submit that the proposed development can not be compatible with the neighbourhood as it is under 1,000 square feet. All the neighbouring properties in the subdivision have Dwellings, Single Detached that are much larger than 1,000 square feet. The Appellant's Dwelling is approximately 3,000 square feet. The Appellants purchased in the subdivision on the basis that all the properties were well kept, the homes were all similar in size there was green space, lots of trees and very little noise.

#### *12.16.4(a)*

[48] The Appellants object to the siting of the proposed development at the front of the Lands, in front of the existing Dwelling, Single Detached, as a person entering onto the Lands would think that it was the principal Dwelling on the Lands. The Appellants stated that they would feel differently if the proposed development was to be located at the back of the Lands. The Appellants are concerned that future prospective buyers viewing the subdivision would be given the impression that there are many parcels with smaller homes.

[49] The Appellants acknowledge that the considerations in 12.16.4 (b)-(d) are not at issue with the proposed development.

#### Glory Hills ASP

[50] The Appellants submit that the proposed development does not comply with the Glory Hills ASP. They note the portion of the Glory Hills ASP which states:

- "A country residence is interpreted to mean a parcel land on which there is located one single family detached residence."
- "All residential development within Glory Hills shall be serviced by an onsite water well or cistern and a private sewage disposal system..."

The Appellants point to these portions of the Glory Hills ASP to support an interpretation that the proposed development is prohibited within the Glory Hills ASP. In particular, the Appellants point to the wording in the Glory Hills ASP being singular to support their argument that the proposed development does not comply with the Glory Hills ASP.

[51] The Appellants note that the MDP at s. 7.1.3 and 7.1.11 identified that the County will update ASPs to support a greater mix of land uses in residential areas and may update ASPs for Country Residential areas, including the Glory Hills ASP.

### **Applicant Eveline Kaybidge**

[52] Ms. Eveline Kaybidge was represented by her daughter, Ms. Allyson Kaybidge as agent.

[53] The Applicant relied on the submissions from the Development Authority. The Applicant felt she had followed the process and reviewed various options with the County and proceeded with a Secondary Suite instead of a subdivision at this time. A Garden Suite is one of the options for Secondary Suite within the LUB.

[54] She advised that it was inaccurate for the Appellants to state there were no modular homes in the subdivision.

[55] The Applicant provided a video showing the Lands from the roadway. The Applicant submitted that the proposed siting of the proposed development would not allow for it to be seen from the roadway. The proposed development could only be seen by individuals who had come onto the Lands. She noted that as part of this process all the neighbours have been notified and that the only neighbours who had objected were the Appellants.

### **Persons Speaking Against the Appeal**

[56] Mr. Rod Kaybidge spoke against the appeal. Mr. Rod Kaybidge advised that he has enjoyed living on the Lands for over 29 years. He was surprised at the length of time of the process. His plan was to have many more years on the Lands with Ms. Kaybidge where they can support each other.

### **FINDINGS OF FACT**

[57] In addition to the specific facts set out under the Board's reasons, the Board finds the following as facts.

[58] The Lands are located at 2-54020 Highway 779, in Parkland County legally described as Plan 4389 TR, Block 1, Lot 2.

[59] The Lands are located within the CR - Country Residential District under the LUB.

[60] The Lands are located within the Glory Hills ASP.

[61] The Use Class of the proposed development is a Secondary Suite.

[62] The proposed development complies with the regulations for a Secondary Suite in the LUB.

[63] The proposed development is allowed within the Glory Hills ASP.

[64] The proposed development is compatible with adjacent and neighbouring uses.

[65] The Appellants are affected persons.

[66] The Applicant is an affected person.

[67] Mr. Kaybidge is an affected person.

## **REASONS**

### **Jurisdiction**

[68] The Board notes that its jurisdiction is found in section 687(3) of the MGA. In making this decision, the Board has examined the provisions of the LUB and has considered the oral and written submissions made by and on behalf of those who provided evidence: the Development Authority, the Appellants, the Applicant and those speaking in favor of the Applicant.

*687(3) In determining an appeal, the subdivision and development appeal board*

*(a) repealed 2020 c39 s10(52)*

*(a.1) must comply with any applicable land use policies;*

*(a.2) subject to section 638, must comply with any applicable statutory plans;*

*(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;*

*(a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*

*(b) must have regard to but is not bound by the subdivision and development regulations;*

*(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*

*(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,*

*(i) the proposed development would not*

*(A) unduly interfere with the amenities of the neighbourhood, or*

*(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*

*and*

*(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

### **Affected Persons**

[69] The first question the Board must determine is whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to those making submissions to the Board. The Appellants own and live on property in proximity

to the Lands. Due to their proximity to the proposed development, the Board finds the Appellants to be affected.

[70] Because the Applicant's development permit is under appeal, the Applicant is also affected by this appeal.

[71] Because Mr. Kaybidge resides on the Lands, the Board finds that he is affected.

### **Issues to be decided**

[72] The Board must determine:

- What is the use?
- Is the use discretionary?
- If so, is the use compatible with surrounding uses?
- Does the proposed development comply with the LUB regulations, or should a variance be authorized?
- Is the proposed development in compliance with the applicable statutory plans?

### **What is the Use?**

[73] The Board finds that the proposed Development is a Secondary Suite. A Secondary Suite includes a "Garden Suite". Where a Secondary Suite is a "Garden Suite" there are minimum distances between the Secondary Suite and any other Dwelling (s. 12.16.5 of the LUB).

[74] The Board does not accept the Appellants' submission that use for the proposed development is a Dwelling, Single Detached. The LUB contemplates that a Secondary Suite may not be attached to a Dwelling, Single Detached or other outbuilding in the use of a "Garden Suite". The LUB allows for one Secondary Suite to be developed on a Parcel where allowed (s. 12.16.1 of the LUB).

[75] The Board finds that the proposed development is accessory to the existing Dwelling, Single Detached on the Lands. The Secondary Suite is subordinate to the existing Dwelling, Single Detached and cannot be separated from it through subdivision or condominium conversion (s. 12.16.10 of the LUB). The Appellants' argument that the proposed development would be occupied as a permanent residence with unique residents from the existing Dwelling, Single Detached, meaning it is not accessory would apply to any Secondary Suite. The Board does not accept this argument. A Secondary Suite can be accessory to the primary Dwelling, Single Detached on a property without requiring that the residents be the same between the two.

[76] The Appellants expressed concern that a Garden Suite was a loophole in the LUB, and that the County would be negatively impacted in terms of tax revenue if the Board was to approve the proposed development.

[77] The Board does not accept that the tax implications of a proposed development is a relevant consideration in determining the use of a proposed development. The Applicant is entitled to rely on the LUB as written and the uses it allows in the CR – Country Residential district. That the Appellants believe the Applicant should have subdivided the Lands is not a relevant consideration for the Board in determining the use classification of the proposed development.

[78] The Board notes that the Appellants made comments regarding the Applicant and Mr. Kaybidge personally. The Board regulates the use not the user. These comments are not relevant to the Board's assessment of the use.

### **Is the Use Discretionary?**

[79] A Secondary Suite is a discretionary use in the CR – Country Residential district.

### **Is the Use Compatible with Neighbouring Uses?**

[80] The Appellants raised concerns that potential purchasers would be less likely to buy in the subdivision due to the size of the proposed development being under 1,000 sq ft and a modular home and that a potential purchaser might think the subdivision was full of smaller homes. This is contradicted by the evidence they provided that a real estate agent advised them the proposed development would have neither positive nor negative impact on their property value. The Board does not accept that the size of the proposed development renders it incompatible with neighbouring uses.

[81] The Board determines the proposed development is compatible with neighbouring uses as based on the video provided by the Applicant, the proposed development will not be visible from the roadway. In order to see the proposed development (or the existing buildings on the Lands), a person would need to enter onto the Lands. The Applicant noted that only persons invited should be on the Lands and others would be trespassing.

[82] The Board does not accept that the provision of an additional well on the Lands to serve the proposed development would cause any material impact on neighbouring parcels. The Appellants have provided information regarding the cost of drilling a new well but have provided no evidence in support of their concern that the proposed development will impact their well. Ms. Verhulst acknowledged there was a "slim chance" that the Appellants would need to install a new cistern or well. Persons may choose to dig an additional well for many reasons and the information provided by the Appellants from Summers Drilling is that there is no permit required to drill a well and that many people have more than one well on a lot with one for a house and another for a shop, greenhouse or animal barn. The Applicant could add another well to the Lands without the proposed development and based on the information from the Appellants, would not require a permit.

### **Does the Use Comply with LUB Regulations?**

[83] The Board has considered the Appellants arguments regarding the LUB. The Board finds that the proposed development complies with the LUB for the reasons set out below.

*s. 12.16.2*

[84] The Appellant conceded at the continuation of the hearing on July 15, 2022, that the proposed development did not exceed the maximum floor area for a Secondary Suite. The Board accepts the calculations provided by the Development Authority and finds as fact that the floor area of the proposed development is 91.8m<sup>2</sup>.

*s. 12.16.3*

[85] The Board has considered the Appellants' argument that the proposed development does not comply with s. 12.16.3 as it will have separate servicing from the existing Dwelling, Single Detached. The Board does not accept this argument as s. 12.16.2 of the LUB states that this is only "where possible". The LUB does not require a Secondary Suite to connect to services associated with the existing host residence where it is not possible.

*s. 12.16.14*

[86] The Board has considered the Appellant's argument that the proposed development cannot be designed, sited, constructed and finished in a visually compatible manner with the neighbourhood contrary to s. 12.16.4 of the LUB. The Appellants rely on the size of the proposed development and its location at the front of the Lands for this argument. The Board does not accept this argument as the proposed development is sited so that it is not visible from the road.

[87] The Board accepts that the proposed development may be smaller than the Dwellings, Single Detached in the neighbourhood but finds that this does not render it incompatible. The proposed development is not visible from the roadway. The Appellants have not provided any evidence or argument regarding the visual incompatibility of the proposed development beyond the size differential between the proposed development and the Dwellings, Single Detached in the neighbourhood. The Board finds that the proposed development is designed, sited, constructed and finished in a visually compatible manner with the neighbourhood.

*s. 12.16.4(a)*

[88] The Board has considered the Appellants argument that the proposed development is sited at the front of the Lands contrary to s. 12.16.4(a). The Board does not accept this argument. Sections 12.16.4(a)-(d) are guidelines which "may be considered by the Development Authority". These are not regulations on Secondary Suites but guidelines which the Development Authority may consider. The Board has considered the siting of the proposed development as discussed above and finds that it is sited in a visually compatible manner. The proposed development is not placed in a manner which could obstruct the view from a house on an adjacent property as it is not visible from the roadway.

### **Compliance with Statutory Plans**

[89] The Board agrees with the Appellants' submissions that it is bound by statutory plans, including the Glory Hills ASP and the MDP and cannot vary the requirements of a statutory plan.

If the proposed development does not comply with the Glory Hills ASP and MDP, the Board must allow the appeal.

[90] The Board has considered the MDP and finds that the proposed development aligns with the MDP. The MDP supports the provision of “innovative housing forms to ensure the provision of a diversity of housing options and affordability levels to Parkland.” The proposed development aligns with the goal in the MDP to provide a diversity of housing options.

[91] The Board has considered the Glory Hills ASP and finds that the Glory Hills ASP does not prohibit Secondary Suites within the Glory Hills ASP area. The Glory Hills ASP explicitly specifies that:

Specific residential and recreational land use regulations and a schedule of permitted uses will be defined in the Land Use By-Law.

[92] The Board interprets this section of the Glory Hills ASP to mean that the Glory Hills ASP does not prohibit any particular use of the lands within the Glory Hills ASP and that the use of those lands will be governed by the LUB. The LUB allows Secondary Suites as a discretionary use within the CR – Country Residential district.

[93] Further, the Board notes that paragraph 2 on page 3 of the Glory Hills ASP states in full:

In an effort to maximize the land resources available for County Residence use, it is proposed that parcel sizes range from 2 to 10 acres. This size range allows for most activities relating to acreage living and at the same time allows flexibility which is required to take advantage of the varied topographical features of the landscape. A country residence is interpreted to mean a parcel land on which there is located one single family detached residence.

[94] The Board notes that the Lands are approximately 20 acres - far larger than the 2 to 10 acres contemplated in the Glory Hills ASP for Country Residence use. As such, even if the Appellants were correct in their interpretation of the last sentence in the paragraph prohibiting Secondary Suites, the Board does not find the reference to be applicable to the Lands.

[95] The Board considered the Appellants submissions that the portion of the Glory Hills ASP which states:

All residential development within Glory Hills shall be serviced by an onsite water well or cistern and a private sewage disposal system...

means that only a single dwelling can be on site as there can only be one onsite water well or cistern or private sewage disposal system.

[96] The Board rejects this argument. There is no indication in the Glory Hills ASP that it is limiting each lot to one onsite well or cistern and one private sewage disposal system. Rather, the Glory Hills ASP is referring to how the lots are to be serviced and indicating that these lots will be privately serviced rather than serviced with municipal water and sewage services.

### **Conclusion**

[97] For the above reasons, the Board denies the appeal, and confirms the Development Permit as issued.

[98] Issued this 22<sup>nd</sup> day of July 2022 for the Parkland County Subdivision and Development Appeal Board.



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Barb Williams, Clerk of the SDAB, on behalf of B. Bundt, Chair  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

*This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to Section 688 of the Municipal Government Act, RSA 2000, c M-26.*

### **APPENDIX "A"** REPRESENTATIONS

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#### **PERSON APPEARING**

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1. Vada Antonakis, Development Planner
2. Rachele Trovato, Senior Development Planner (July 15, 2022 only)
3. Kevin Verhulst, Appellant
4. Maureen Verhulst, Appellant
5. Allyson Kaybidge, Agent for the Applicant Evelyn Kaybidge
6. Rod Kaybidge

**APPENDIX "B"**  
**DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:**

<b>July 4, 2022 Agenda Package</b>			
<b>Exhibit</b>	<b>Description</b>	<b>Date</b>	<b>Pages</b>
1.	Agenda Coversheet	June 29, 2022	1
2.	Table of Contents	June 29, 2022	2
3.	Notice of Appeal – Kevin and Maureen Verhulst	June 10, 2022	7-16
4.	Submission of the Development Authority	June 28, 2022	17-62
5.	Submission of the Applicant – Eveline Kaybidge	June 27, 2022	63-69
<b>July 15, 2022 Agenda Package</b>			
6.	Additional Submission of the Appellant - Kevin and Maureen Verhulst	July 11, 2022	5-41
7.	Additional Written Submission of the Applicant – Eveline Kaybridge	July 11, 2022	42
8.	Video Submission of the Applicant	July 11, 2022	n/a