



SUBDIVISION & DEVELOPMENT
APPEAL BOARD

NOTICE OF DECISION
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
TOWN OF STONY PLAIN

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| DATE OF DECISION: | March 25, 2026 |
| IN THE MATTER OF: | An appeal by Phil Pardo against conditions of approval of Development Permit 25-0828 to construct 3 multi-family structures at 4802 50 Ave (Plan 232 2256 Block I Lot 18). |
| DATE OF HEARING: | March 18, 2026 |
| SDAB MEMBERS: | Eric Meyer (Chair), Ken Carr, Loralee Johnson, Jason Moodie |

PRELIMINARY MATTERS

1. There were no preliminary matters addressed at the hearing.

PROCEDURAL MATTERS

2. The appeal was filed in time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c. M-26.
3. There were no objections to the proposed hearing process as outlined by the Chair.
4. There were no objections to the composition of the Board hearing the appeal.
5. Teresa Olsen served as Clerk to the Board for the hearing.

SUMMARY OF HEARING:

6. Notice of the appeal was given to all affected parties in accordance with the Land Use Bylaw and the requirements of the *Municipal Government Act*. A hearing was held at 4905 51 Ave, Council Chambers, on March 18, 2026.
7. The Board received and considered written submissions from each of the following:
 - Development Officers Report
 - Appellants Notice of Appeal
8. The following persons were in attendance at the hearing and made oral submissions that were considered by the Board:
 - Catherine Kozyra, Senior Development Officer
 - Phil Pardo, Appellant

- Nita Lupul, affected person
 - Al Olson, affected person
 - Arjun Sharma, Applicant
 - Keith Shack, on behalf of applicant
9. All those who provided evidence at the hearing indicated that they had a fair opportunity to present their evidence and argument.

SUMMARY OF EVIDENCE

10. The Board marked the following documents as exhibits in the hearing. There were no objections to them being marked as exhibits.

| Exhibit # | Description |
|------------------|--|
| A. | Notification Letter of Conditional Approval of Development Permit 25-D0282 |
| B. | Notice of Appeal |
| C. | Notice of Subdivision & Development Appeal Board Hearing |
| D. | SDAB Agenda Package |
| E. | Submission from the Development Authority |

11. The Board heard oral testimony from Catherine Kozyra, Senior Development Officer, including:

- A summary of the content of the Development Authority’s report (Exhibit E).
- 2563983 Alberta Ltd. has applied for a development permit to develop two 6-unit residential buildings and one 4-unit residential building at 4802 50 Avenue.
- The subject property is designated as C3 – Central Mixed-Use District within the Land Use Bylaw, which allows Multi-unit dwelling as a permitted use, with a minimum density of 35 dwelling units per hectare and a maximum height of 25 metres.
- There is no maximum density within the C3 District.
- In the Uniquely Stony Plain Municipal Development Plan 2024, the subject property is in the area designated as Area of Transition, which encourages high-density housing.
- The subject property is within the Highway Commercial Character Area within the Old Town Community Plan, which encourages medium density residential development within stand-alone mid-rise buildings (1-4 storeys).
- The subject lot is an infill development, which was created from the consolidation of four lots in 2023.
- The proposed development complies with the development regulations of the C3 District in regards to site coverage, building heights, and setbacks to property lines.
- A minimum of 18 parking stalls are required. A total of 20 parking stalls are provided, including two visitor stalls and two barrier-free stalls.
- A complete set of civil engineering drawings has been accepted by the Town’s Engineering Department.

- The applicant has received Alberta Transportation and Economic Corridors Permit approval.
- The seven parking stalls on the south side of the duplex do not meet the minimum depth required for parking stalls with direct access to the rear lane.
- The setback between the 4-plexes does not meet the minimum required setback between the side faces of the buildings.
- The setback between 4-plex (2) and the duplex does not meet the minimum required setback between the rear face of a building and a side face of a building.
- The width of the parking lot access does not meet the minimum width required.

12. The Board heard oral testimony from the Appellant Phil Pardo, including:

- The Appellant has knowledge of traffic flow in the area as a longtime resident and indicates that the laneway is tight as it currently exists. The laneway currently does not provide room for two vehicles to pass without deviating onto private lands.
- The proposed development is an improvement from a previously proposed development.
- The Appellant believes that parked vehicles from the proposed development will encroach into the laneway.
- Using set standards will avoid potential conflict.
- Fire trucks cannot access the laneway.
- Snow ploughs can't turn around in the laneway.
- There is no place to put snow during snow clearing of laneway, parking lots, or adjacent resident driveways.
- The variances proposed are not insignificant.
- Depth of the proposed parking lot is a 20% reduction and vehicles continue to get larger; 6m is barely enough room for a work truck.
- The Appellant's neighbour at 4803 50 Ave has had her fence taken out twice due to damage from commercial vehicles accessing/travelling the laneway.
- The appellant is less concerned about fire issues knowing there will be a fire hydrant on the property as it was recommended by the Town's Fire Department.
- Concerned that residents of the proposed development will park on the street due to either the property residents having multiple vehicles or the resident vehicles being too large for the parking stalls such as F150 size trucks.
- There is a power pole in the corner of the laneway that is vulnerable to being hit by vehicles accessing the laneway.
- Questioned if the development could be shifted 1.5m to the north to address the parking depth reduction.

13. The Appellant addressed the SDAB to make closing comments.

14. The Board heard Oral testimony from Nita Lupal, including:

- She is a local business owner and concerned about the impact the proposed development will have on the nearby businesses.

15. The Board heard Oral testimony from Al Olson, including:

- He is a long-term resident and local business owner.
- He is concerned about the impact the proposed development will have on the nearby businesses and street parking.
- Concerned that the development will quadruple the footprint on the street which will in turn reduce parking in the area.
- Large vehicles may not be able to park in the reduced stall sizes resulting in more residential vehicles parking on the street and impacting the business traffic. Businesses rely on customers and customers need a place to park to access the businesses.
- Local business is beneficial for the economic impact of the Town; detrimental effects to the local businesses will affect the Town's economy.
- There are approximately 20 patrons a day accessing his business.

16. The Board heard oral testimony from the Applicant, Arjun Sharma and their civil engineer Keith Shack, including:

- The power pole in the corner of the laneway is being removed and the electrical cables are being buried to increase turning radius; applicant is currently working with Fortis on this matter.
- The applicant will move the location of the visitor parking stalls to assist with increased turning radius as those parking stalls will likely not always be occupied.
- The proposed parking stall size meets the requirement for the average car size.
- The proposed development will include 4 affordable housing suites.
- Garbage disposal is onsite with a private contractor for pick up.
- The proposed development includes 20 parking spots, 2 more parking stalls than required to avoid onstreet parking.
- Parking stalls on the south side of the proposed development will be designated for small cars only to avoid vehicles encroaching into the laneway.
- The proposed development includes 2 barrier-free parking stalls.
- Several residents in the development may be working through the daytime, reducing concerns related to street parking during the day and impacts to local businesses.
- There is a large slope on the north side of the property making it challenging to move the development northerly.
- The site suitability and location of the building was reviewed by the Town's engineers and approved.

17. The Applicant addressed the SDAB to make closing comments.

RELEVANT LEGISLATION

18. The Board considered the following sections of the Land Use Bylaw in its decision:

- **Land Use Bylaw 2719/LUO/25:**
 - Section 1.2.0. Powers and Duties of the Development Authority
 - Section 2.12.0. C3 – Central Mixed Use District
 - Section 4.1.1. General Parking Regulations
 - Section 4.5.0. Driveways and Access to Roads and Lanes
 - Section 6.2.0. Definition - Multi-unit Dwelling
- **Uniquely Stony Plain Municipal Development Plan 2024**
- **Old Town Community Plan**

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

19. The Subdivision and Development Appeal Board DENIES the appeal and UPHOLDS Development Permit 25-D0282 and conditions issued by the Development Authority.

REASONS FOR THE DECISION

20. Section 1.2.4.1 of the Land Use Bylaw grants the Development Authority authority to vary any regulations.
21. The variances provided are within the scope and intent of the Land Use Bylaw and meet the intent of the Municipal Development Plan and Old Town Community Plan.
22. The subject property is designated as C3 – Central Mixed Use District within the Land Use Bylaw and the proposed development meets the intent of the C3 district for densification and multi-unit dwelling is a permitted use in the C3 district
23. In accordance with section 687(3)(d) of the *Municipal Government Act*, the Board agreed that the variances would not unduly interfere with the amenities of the neighbourhood, and the proposed development conforms with the use prescribed for the land within the Land Use Bylaw.
24. The Board agreed that the proposed development and variances would not materially interfere with or affect the use or enjoyment of neighbouring parcels of land.
25. No direct evidence was provided to show the variances will unduly impact the street parking; the parking being provided is based on providing 1 parking stall allocation per unit, plus 2 visitor and 2 accessible parking stalls; the proposed development will be providing 2 additional stalls over the Town's parking stall requirements.
26. The densification of the development is less than the densification limits of the proposed area.
27. In considering the minimum depth of a parking space with direct access from a lane, where there is no garage, from 7.5 m to 6 m, the Board determined:

- The Development Officer provided evidence that the depth and turning radius on the south side of the duplex building can be met through the additional spacing on either side of the drive aisle width of the laneway.
 - No evidence was provided that vehicles would encroach on the laneway.
 - No evidence was provided that vehicles would encroach the laneway and impact Town snow plowing practices.
 - The Development Officer provided there is a history of authorizing similar variances throughout the Town within similar developments.
 - Verbal evidence was provided regarding possible removal of a power pole. The Board determined that the power pole is not located on the proposed development. In addition, the power pole is related to access and traffic flow and not within the SDAB jurisdiction.
28. In considering the minimum setback between the side face of a building and any other side face of a building from 3.0 m to 2.4 m, the Board determined:
- The Development Officer stated that this variance meets the building safety codes and the fire department was not concerned with the variance subject to a recommendation for an additional fire hydrant on the property.
 - The fire department was consulted and recommended a fire hydrant be provided on the property, which has been included on the civil drawings.
 - The appellant provided no evidence to address this issue.
29. In considering the minimum setback between the rear face of a building and the side face of a building from 6 m to 5.59 m, the Board determined:
- The Development Officer stated that this variance meets the building safety codes and the fire department was not concerned with the variance subject to a recommendation for an additional fire hydrant on the property.
 - The Development Officer stated that the setbacks between buildings for comprehensively planned sites are in place to help reduce the perception of massing in medium to high-density developments.
 - The appellant provided no evidence to address this issue.
30. In considering the variance to parking lot access width from 7.5 m to 7.3 m, the Board determined:
- The Appellant provided no evidence to address this issue.
 - As there was no evidence to outline issues related to the variance to parking lot access width from 7.5 m to 7.3 m, the Board relies on the expertise of the Development Authority in their assertion that the variances are a reasonable deviation from the applicable Development regulations.
31. The Board considered the concerns of the laneway traffic and determined that those concerns were not relevant to the lot access variances. Traffic flow is not subject to the development permit approval and not within the SDAB jurisdiction.

This decision was issued on this 30th day of March 2026 for the Town of Stony Plain Subdivision and Development Appeal Board.



Teresa Olsen, Clerk, on behalf of
Eric Meyer, 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 permission to appeal must be filed and served within 30 days after the issue of the decision sought to be appealed.