

STRATHMORE

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Case: Subdivision and Development Appeal Board Hearing, Appeal of Development Permit D26-083 – Secondary Suite, 52 Lakes Estates Circle, Strathmore AB, Lot 14, Block 25, Plan 081 1227

File No: 2026-27-07-FILE#01

Appeal by: James and Cathy Goertz (the "Appellants")

Appeal against: Development Permit D26-083
Regarding: Secondary Suite
Property Location: 52 Lakes Estates Circle, Strathmore AB
Plan 081 122, Block 25, Lot 14

Hearing date: Thursday, August 20, 2026

Decision date: Thursday, September 3, 2026

Board members: C. Bell, Chair
D. Anderson
E. Chow
P. Swalwell

DECISION

I. Subdivision and Development Appeal Board:

The Subdivision and Development Appeal Board has those powers and duties as set out in the *Municipal Government Act* to hear and determine appeals on behalf of the Town of Strathmore in respect to decisions of the Subdivision Authority or Development Authority.

The purpose of a hearing is for the Appellants, Applicant, Respondent and affected person(s) to provide the Board with information for the appeal. The Board must base its decision on planning merits. Affected person(s) were given an opportunity to speak. The order of presentation for this hearing was Respondent, Appellants, and Affected Parties.

II. Description of the Appeal:

The appeal on Development Permit D26-083 (the "Development Permit") was brought before the Subdivision and Development Appeal Board (the "Board") by James and Cathy Goertz on August 20, 2026. Development Permit D26-083 is for development of a secondary suite at the property located at 52 Lakes Estates Circle, Strathmore AB, Plan 081 122, Block 25, Lot 14.

The question before the Board was:

- Did the Development Authority have the authority to issue the permit?
 - Does it comply with standards and regulations?
 - Is the use appropriate given the context of the application and surrounding areas?

The Board heard arguments from both the Appellants and Respondent, discussing the Development Authority's power and the impact of the proposed development on the community.

- The Respondent argued that The proposal was evaluated for compliance with all relevant *Land Use Bylaw* requirements and issued in accordance with the *Municipal Government Act* (MGA) and the *Land Use Bylaw* (LUB).
- The Appellants argued that a secondary suite in this area would change the intended character of the neighbourhood, negatively impact parking, create snow removal issues, set a precedence for overdevelopment in the area and reduce property values by detracting from the quiet single-family homes already occupied.

III. Procedural History:

1. The Subdivision and Development Appeal Board (the "Board") received a Notice of Appeal on July 27, 2026 from the Appellants. Subsequently the hearing date was set for Thursday, August 20, 2026 at 5:00 p.m., 1 Parklane Drive, Strathmore, Alberta.
2. Notice for the Public Hearing was given in the following ways:
 - a. On August 6, 2026 a letter was sent via email to the Respondent.
 - b. On August 6, 2026 a letter was mailed via Canada Post to the Appellants, Applicant and Affected Parties.
 - c. On August 6, 2026 the hearing was posted on the Town of Strathmore's Website and the Strathmore Municipal Building Front Entrance.
 - d. On August 12 and 19, 2026 the hearing was advertised in the Strathmore Times.
 - e. On August 18, 2026 the Agenda Package was posted on the Town of Strathmore Website and sent to the Respondent and Appellants via email.
3. The Board received written submissions from the Appellants, the Respondent and one Affected Persons prior to the hearing. All correspondence received prior to the August 20, 2026 hearing was included in the agenda package that was released to all parties and available to the public on August 18, 2026.
4. The agenda package for the August 20, 2026 hearing included the following items:

Attachment I:	Notice of Hearing – Board
Attachment II:	Notice of Hearing – Appellants
Attachment III:	Notice of Hearing – Respondent
Attachment IV:	Notice of Hearing – Applicant
Attachment V:	Notice of Hearing – Affected Persons
Attachment VI:	Notice of Hearing – August 12, 2026 Strathmore Times
Attachment VII:	Notice of Hearing – strathmore.ca
Attachment VIII:	Appellants Statement – Notice of Appeal – Received July 28, 2026
Attachment IX:	Development Officer's Appeal Report and Package
Attachment X:	Affected Persons Submission 1
5. On Thursday, August 20, 2026, the Subdivision and Development Appeal Board held a meeting to hear the appeal of Development Permit D26-086.

6. During the Confirmation of Agenda the Clerk requested that a Preliminary Issue for Application Confirmation be added to the agenda as item 3.1. The clerk's office is obligated to bring any emergent items forward for the Board.
7. The Board adopted the August 20, 2026 Subdivision Development Appeal Board Agenda as amended, with 3.1, Preliminary Matter – Additional Submissions added.

IV. Timeline

- a. The house at the subject property was built in 2025.
- b. The application was for a house with a developed basement.
- c. The house with basement passed inspection in September 2025.
- d. Development Services received complaints on May 20, June 2 and June 15, 2026 alleging construction of a secondary suite without permits at the subject address.
- e. A Building Codes Officer conducted a site visit on June 2, 2026 and issued a Stop Order on June 16, 2026 for construction on the site.
- f. The Applicant submitted for a Development Permit on June 10, 2026 (paid for on June 12, 2026) to bring the project into compliance.
- g. The application was determined to be complete and Development Permit D26-083 was approved by the Development Authority Office on July 7, 2026.
- h. The required Adjacent Landowner notification letters were mailed on July 7, 2026.
- i. On July 27, 2026 an Appeal was filed.
- j. On August 6, 2026, a hearing notification letter was mailed via Canada Post to the Appellants, Respondent, Applicant and Adjacent Landowners.
- k. On August 12 and 19, 2026, the hearing was advertised in the Strathmore Times newspaper.
- l. The hearing notice was posted on the Town of Strathmore's website and at the front entrance to the Strathmore Municipal Building.

V. Preliminary Issues:

8. 3.1 Preliminary Matter – Additional Submissions
 - a. The Clerk stated they had received additional information from the Applicant on August 19, 2026. This submission is labelled:
 - i. Exhibit A: New Urban Homes Statement
 - b. The Clerk stated they had received a written submission from Adjacent Landowners on August 20, 2026. These submissions are labelled:
 - i. Exhibit B: Letter from Joey and Karen Koester
 - ii. Exhibit C: Photos from Mr. Toth of Property
 - iii. Exhibit D: Photos from Mr. Toth of Neighbourhood

- c. Before hearing the appeal, the Board needed to clarify the acceptance of this additional information.
 - d. Copies of the new submissions were made available for inspection.
 - e. The Chair asked the Appellants if there were any questions or comments on the matter and if they accepted Exhibits A, B, C and D. The Appellants accepted the information.
 - f. The Chair asked the Respondent if there were any questions or comments on the matter and if they accepted Exhibits A, B, C and D. The Respondent accepted the information.
 - g. The Board indicated they were satisfied with accepting the submissions and indicated that the hearing could proceed.
9. At 5:14 p.m. on Thursday, August 20, 2026 the Board commenced with the hearing as scheduled, as there were no procedural issues with the appeal. The appeal was filed on time with payment, in accordance with section 686 of the *Municipal Government Act*.
 10. The Chair asked the Appellants, Respondent, and Affected Persons present to state if they had any objection to the composition of the Subdivision and Development Appeal Board. There were no objections to the Board.
 11. The Chair confirmed with the Appellants and Respondent that they had received a copy of the Agenda Package for the August 20, 2026 Subdivision and Development Appeal Board meeting.
 12. The Chair outlined the purpose of the hearing and how the hearing would be conducted, including the order of appearance of parties.
 13. The Chair asked that individual speakers direct their comments to the Board and that if there were any additional submission materials, that copies be left with the Clerk. The Chair requested that page numbers in the Hearing Agenda Package be referenced as arguments were made.

VI. Appearances:

14. The Board received submissions from and heard from:
 - a. Ms. Cathy Jones as the representative for the Town of Strathmore's Development Authority, the Respondent
 - b. Mr. James Goertz, on behalf of the Appellants
 - c. Mr. Vineet Tulsiani as the Applicant, representing New Urban Custom Homes
 - d. Ms. Candace Warder, Adjacent Landowner
 - e. Mr. Rod McPhee, Adjacent Landowner
 - f. Mr. Alexander Toth, Adjacent Landowner
 - g. Mr. Gary Wise, engineering consultant and owner of Torus Engineering
 - h. Mr. Peter Samer of Wyman Construction Group, the architectural consultant for the development
 - i. Mr. Ray Dashney, Adjacent Landowner
 - j. Mr. Colin Fitzgerald and Ms. Kelly Chalmers, written submission, Adjacent Landowners
 - k. Ms. Karen and Mr. Joseph (Joey) Koester, written submission, Adjacent Landowners

VII. Summary of Evidence Presented:

Submission from the Development Authority (Respondent)

15. Ms. Jones presented the background of Development Permit D26-083 on behalf of the Development Authority. Ms. Jones stated:
 - a. A Development Permit application was received from New Urban Custom Homes on July 10, 2026.
 - b. The subject property is located at 52 Lakes Estates Circle.
 - c. The proposed development consists of a Secondary Suite within an existing single detached dwelling.
 - d. The application included site plan, floor plans, parking plan, and supporting drawings.
 - e. One additional on-site parking stall proposed for the suite.
 - f. The application for the Development Permit was deemed complete on July 7, 2026.
16. Ms. Jones shared photos of the completed dwelling. She asked that attention be drawn to the 3-car garage with parking stalls visible in the photo.
17. Ms. Jones stated that the application was reviewed in accordance with the *Municipal Government Act* (MGA) and the Town of Strathmore's *Land Use Bylaw* (LUB) No. 14-11.
18. Ms. Jones stated that the Development Authority must base its decision on the applicable legislation and land use regulations.
19. Ms. Jones confirmed that the proposal was evaluated for compliance with all relevant *Land Use Bylaw* requirements by the Development Authority.
20. Ms. Jones clarified the process her office undertakes with the Board, stating that a Building Permit for the suite cannot be issued until the Development Permit is in force, including the expiry of the appeal period.
21. Ms. Jones then shared some history on secondary suites in the Town of Strathmore. She stated that:
 - a. In 2014, Municipal Development Plan No. 14-03 was adopted and supports secondary suites if parking and safety codes are met.
 - b. In 2014, Council added secondary suites to *Land Use Bylaw* No. 14-11 as a discretionary use in residential districts.
 - c. In 2015 secondary suites were temporarily removed from the *Land Use Bylaw*.
 - d. Between 2015 – 2020 Council underwent public engagement to refine regulations as they relate to secondary suites in the Town. Research was completed and feedback from the Public on parking and compatibility was obtained.
 - e. In 2020 secondary suites were reintroduced as discretionary use in low density areas of Strathmore, a Public Hearing process followed.
 - f. On June 3, 2020 Bylaw No. 20-04 was adopted and secondary suites re-instated in the Town of Strathmore *Land Use Bylaw* in low density districts.
22. Ms. Jones stated that the proposed secondary suite was reviewed for compliance and meets the requirements and follows the Legislation.

23. Ms. Jones stated that the proposed suite meets *Land Use Bylaw* definition and is a Discretionary Use in the R1 – Single Detached Residential District.
24. Ms. Jones further stated that the property has the required parking and is subject to conditions.
 - a. The suite meets specific requirements including separate entrance and required parking stall.
 - b. Internal referrals raised no concerns.
 - c. The site supports the development: 3 car garage, plus 3 parking stalls.
 - d. Conditions were applied to the Development Permit to ensure compliance as follows:
 - i. The development shall comply with the requirements of the R1- Single Detached Residential District and all applicable provisions of the *Land Use Bylaw*.
 - ii. The development must be constructed in accordance with the approved plans. Any changes to the approved plans (including non-compliance of the development) must be submitted for review and approval to the Development Authority.
 - iii. Parking shall be provided in accordance with the approved plan, as well as the parking requirements of the *Land Use Bylaw*.
 - iv. The maximum number of dwelling units on this parcel shall be two (2): the principal dwelling and one secondary suite.
 - v. The secondary Suite registry door sticker shall be place on the front door of the primary dwelling unit, in accordance with the approved plans.
25. Ms. Jones reviewed a PowerPoint slide that showed the location of the entrance, and she reviewed the side elevation and the location of the stairwell.
26. Ms. Jones stated that the Development Permit was approved on July 7, 2026 and the appeal period concluded on July 28, 2026. She asked that the Board uphold the decision of the Development Authority.
27. Mr. Tulsiani spoke on behalf of the builder, New Urban Custom Homes, and stated that he submitted a written letter with their position to the board for consideration, and stated that they are making all the requirements and not disturbing the neighbourhood. He also stated they have enough parking. [Reference: Exhibit A]
28. Mr. Tulsiani stated that there is a specific need in Strathmore for this type of housing.

Submission from the Appellants – James and Cathy Goertz

29. Next the Board invited the Appellant, Mr. Goertz, to speak.
30. Mr. Goertz began by stating that he was here to appeal the development of a secondary suite at the property located at 52 Lakes Estates Circle.
31. Mr. Goertz stated that his and his neighbours' concern is regarding the negative impact on the character and density of the neighbourhood.
32. Mr. Goertz stated that it is a beautiful and quiet community that he and his wife chose for those very reasons. When looking to move to a forever home, they specifically looked for an R1 community.

33. Mr. Goertz stated that it was their understanding when purchasing the lots that the community was only for single detached homes and would not include secondary suites.
34. Mr. Goertz stated that he recognizes that suites are permitted in certain circumstances, but that the community believes that the Town should consider the negative impact on the residents of Lakes Estates Circle regarding this particular suite. Consideration should be given to the expectations of homeowners who purchased properties in this neighbourhood under the existing zoning framework.
35. Mr. Goertz stated that in 2016 there were two (2) rental suites installed without appropriate approvals and the matter ultimately resulted in the suites being decommissioned. He elaborated that this history is important because after previously requiring unauthorized suites to be removed, allowing one now changes that precedent.
36. Mr. Goertz stated that allowing for these single lots to add secondary suites creates additional traffic and pressure on existing services in the community. He stated that this should also be a consideration when determining if this secondary suite should be permitted.
37. Mr. Goertz shared that he and his neighbours are concerned about fire compliance at the site. He inquired if all the proper permits have been obtained and stated that he thinks that the Town should verify these fire permits.
38. Mr. Goertz asked if construction could start without permits, because he asserted that it has and it is his understanding that a Building Permit must be secured before any building can commence. They have seen that work had already begun on the property.
39. Mr. Goertz stated that he respectfully requests to confirm with the Town whether the suite complies.
40. Mr. Goertz stated that landscaping requirements for an R1 in section 4.11(4)(c) of the Bylaw specify the number of trees per lot. He stated that the Bylaw says that a corner lot must have three (3) trees but this subject property only has one (1), he stated that this fact is important as it raises the question of if the builder will comply with other requirements as set out by the Development Authority.
41. Mr. Goertz stated that he asking the Town to verify compliance.
42. Mr. Goertz stated that his opinion is that if the property has trouble selling without a secondary suite it is due to price.
43. Mr. Goertz stated that in conclusion Strathmore Lakes Estates was developed as a quiet community and a secondary suite of this nature would be disruptive to the community.
44. Mr. Goertz stated that he respectfully requests on behalf of the residents of Strathmore Lakes Estates Circle that the Town evaluate the history of previous concerns and that Development Permit application D26-083 be denied.

Adjacent Landowner in Support of the Appeal – Ms. Candace Warder

45. Next the Board heard from Ms. Candace Warder as an Adjacent Landowner.
46. Ms. Warder stated that the property is right next door to her home.

47. Ms. Warder stated that the access point to the suite has been built on the side that shares a fence with her property. The access point raises concern with privacy and disruptions to her own home.
48. Ms. Warder asked why access to this suite was not placed on another side of the home.
49. Ms. Warder stated that she has concern that the particular configuration creates a large impact on her home.
50. Ms. Warder stated there is no sidewalk leading to the door to the secondary suite, just grass, creating opportunity for individuals to walk on her property for access.
51. Ms. Warder added the increase in people, noise and late-night activities are concerning to her.
52. Ms. Warder clarified that her concerns are not related to who the future occupants may be, but the location of the entrance.
53. Ms. Warder stated that the builders have been disrespectful from day one of construction. She elaborated that she and her neighbours take pride in their yards and the builder has allowed construction materials to end up in her yard without remediation.
54. Ms. Warder further stated that the builder has been working late night hours and has been blocking her driveway, causing safety concerns.
55. Ms. Warder stated that she respectfully requests that the Board reject this development permit application.

Adjacent Landowner in Support of the Appeal – Mr. Rod McPhee

56. Mr. McPhee addressed the Board and shared that there are also another five (5) homes in the area that are not selling.
57. Mr. McPhee alleged that they are high priced for what they are selling.
58. Mr. McPhee stated that it concerns the neighbours that there are five (5) more homes that could also have these secondary suites.
59. Mr. McPhee stated that all-in-all they oppose the addition of this secondary suite as they don't feel like it will add to the community.
60. Mr. McPhee stated that there are other neighbourhoods being designed and designated for this, and there are other areas where these can be built in the Town.
61. Mr. McPhee stated that they are watching this integrity of the builders in this instance and see this leading to safety concerns.
62. Mr. McPhee stated that integrity is following the bylaws for a build. He elaborated that this application was an afterthought and not something that the builder did right – until they were reported, so it is a question of integrity on the part of New Urban Custom Homes.

Adjacent Landowner in Support of the Appeal – Mr. Alexander Toth

63. Mr. Toth addressed the Board and shared that he and his neighbours were all here this evening to protect their neighbourhood.
64. Mr. Toth stated that it was the desire of the residents to not have basement suites.

65. Mr. Toth stated that all around them are options for a variety of homes, there is no need to offer basement suites to the existing Circle to allow for lower cost housing.
66. Mr. Toth stated that adding a basement suite and allowing the builder to promote it as a part of the sale only benefits the builder. He stated that the builder will have no connection to the neighbourhood afterwards.
67. Mr. Toth stated there is no 'for sale' sign on the property at this time.
68. Mr. Toth asked the Board to deny the application, as was done in the past.
69. Mr. Toth stated that it is negligent to allow for this increase in infrastructure usage without a plan for garbage pick-up and street cleaning.
70. Mr. Toth stated that he and his neighbours all bought into the neighbourhood because of single family dwellings and desire to be a part of that type of community.
71. Mr. Toth stated that the community is safe for kids to play with limited traffic and the addition of secondary suites will only increase traffic and reduce safety.
72. Mr. Toth stated that the residents all work to keep their yards nice and the builder is not respectful of that.
73. Mr. Toth stated that it is his wish that the Board help keep Lakes Estate Circle the neighbourhood it was designed to be, with its residents as prosperous and proud people.

Affected Person in Support of the Appeal – Mr. Gary Wise

74. Mr. Wise introduced himself as the Consulting Engineer for Strathmore Lakes Estates. And confirmed he did all of Strathmore Lakes Estates and was present on behalf of the Developer.
75. Mr. Wise stated that his concern is a mechanical issue and from what he could see there are issues with the entrance to the secondary suite location.
76. Mr. Wise questioned if there was frost footing put into that entrance.
77. Mr. Wise asked if there was confirmation as to where the water would go, because it can't tie into the storm sewage because of the limited footing. He further stated that to run that storm line in won't work because it barely gets under the basement slab.
78. Mr. Wise stated that it is his belief that frost protection for that drain is needed. He further stated that if that is being connected into the weeping tile it will freeze the weeping tile as it is not the correct connection to make it work in the winter months.

Affected Person in Support of the Appeal – Mr. Peter Stamer

79. Mr. Stamer introduced himself as the appointed architect coordinator for Strathmore Lakes Estates. He stated that he was involved in this development application when New Urban Custom Homes first applied for architectural control.
80. Mr. Stamer stated that the Applicant had requested at the time to put in an entrance at the north end of the property.
81. Mr. Stamer stated that his office calculated if it would work and the proposal was ultimately rejected by their office and sent it back to the builder.
82. Mr. Stamer stated that subsequently his office received a new set of plans for the property. The drawings for the basement showed a gym and a bank of counters with a sink.

83. Mr. Stamer stated that he had discussions with Al Bertram (the Developer) and informed him that this type of home could be coming to Strathmore Lakes Estates. It was his takeaway that this was not his design or intent for the community.
84. Mr. Stamer stated that it was his personal opinion that secondary suites were never the intention for Strathmore Lakes Estates and that vacant lots number 7, 8 and 9 have the protentional for more suites to be built.
85. Mr. Stamer stated that he hopes that the Board looks at this seriously.

Applicant in Opposition of the Appeal – Mr. Vaneet Tulsiani

86. Mr. Tulsiani stated that the application is not asking for an exception, he elaborated that the Town rules state that the secondary suite complies with the *Land Use Bylaw*.
87. Mr. Tulsiani stated that they are simply asking the Board to confirm secondary suites are able to exist on this property.
88. Mr. Tulsiani stated that the property looks like a single detached residence, there is no additional property access visible from the street.
89. Mr. Tulsiani asked that the Board please approve this property not on fear of what may happen in the future.
90. Mr. Tulsiani stated that they have worked to satisfy the requirements.
91. Mr. Tulsiani stated that under Strathmore's Municipal Planning Policy is not contrary to the planning framework. Secondary Suites are recognized as appropriate means of supplying additional housing. It is permitted as a discretionary use in low density neighbourhoods.
92. Mr. Tulsiani stated that if there is a concern for the drainage, they can waterproof, stormproof and ensure the property is up to code.

Affected Person in Support of the Appeal – Mr. Ray Dashney

93. Mr. Dashney stated that the reason he and his neighbours bought on Strathmore Lakes Estates Circle was for the quality house and because it was an R1 district. He stated that this neighbourhood was zoned for single family homes.
94. Mr. Dashney stated that houses located here are quite expensive, and people spend money to be in that area because it is a single-family home and bought for the prestige of the lake and surrounding area that is low density.
95. The Board asked for clarification on where the three (3) parking stalls are located.
96. Ms. Jones responded that it is a three (3) car garage, with additional stalls available on the driveway.
97. The Board asked for clarification on if the Town had reviewed and given any approval for the drainage at the site.
98. Ms. Jones stated they have not finished the Development Permit stage, and those engineering items would be reviewed during the Building Permit process.
99. The Board asked when building had commenced.

100. Ms. Jones stated that there has been a Stop Work Order issued in July 2026 and to her knowledge there had been no additional work done since that time.
101. The Board asked to confirm that the Town is looking into frost covers.
102. Ms. Jones stated items such as that will be submitted for Building Permit review and engineering will be reviewed at that stage.
103. The Board ask if internally it has been seen yet.
104. Ms. Jones answered, no.
105. The Board asked if before occupancy is granted, would a Safety Codes Officer have to sign off on all permits?
106. Ms. Jones answered, yes.

Closing Remarks – Respondent

107. Ms. Jones stated she had nothing additional to add, just to reiterate that the Development Permit complied with the *Land Use Bylaw* and aligns with the Municipal Development Plan, parking is compatible with the neighbourhood and it is in her opinion that it does not alter the character of the neighbourhood.

Closing Remarks – Appellants

108. Mr. Goertz stated that he does think that adding a secondary suite at this location changes the character of the neighbourhood.
109. Mr. Goertz stated that one evening he visited 36 homes and asked that they sign the petition he presented saying they were not in favor 35 out of the 36 approached signed immediately and the next day the 36th signed.
110. Mr. Goertz stated that it is clear no one wants these types of homes in this community.
111. The Board Chair confirmed with the Respondent and the Appellants that they were satisfied they had been heard and then closed the hearing.

VIII. Legislative Framework

112. On September 17, 2014, the Town adopted *Land Use Bylaw* No. 14-11. The Bylaw outlines land use regulations for the Town of Strathmore and is amended from time to time following the processes outlined in the *Municipal Government Act*.
113. The Board has regard for the following:
 - a. *Authority and Responsibility of the Approving Authority* – Section 1.9 (7)(b)
 - b. *Land Use Bylaw No. 14-11, R1* – Single Detached Residential District – Section 4.1
 - c. *Municipal Development Plan Bylaw No. 14-03* – Section 3.2.16

IX. Issue of Appeal

The issue in front of the Board is whether the Development Authority has the authority to issue the Developmental Permit D26-083.

The Board heard from both parties, the Respondent and the Appellants, at the hearing and through their written submissions. Along with statements from the Applicant and several Adjacent Landowners and Affected Parties.

The Respondent's (the Development Authority) position that

the permit should be upheld for the following reasons:

- a. The Development Permit complies with the *Land Use Bylaw*.
- b. The Development Permit aligns with the *Municipal Development Plan*.
- c. Parking is sufficient.
- d. The Secondary Suite does not alter the character of the neighbourhood.

The Appellants' position that:

the permit should be revoked for the following reasons:

- a. Zoning and Neighborhood Character: The property and surrounding area are zoned R1 for single family dwellings. Allowing a secondary suite would change the intended character of the neighborhood and set a precedent for multi-family units which was not anticipated by the current homeowners.
- b. Parking Limitations: The area already faces parking shortages, especially with the public mailboxes located next to the property. Adding another family unit would further strain the limited parking available.
- c. Snow Removal Issues: The road is not regularly plowed in winter. Increased on-street parking from additional residents would make snow removal more difficult and worsen the driving conditions.
- d. Precedent for Overdevelopment: Approving this application could lead to similar requests from other homeowners. If all 65 lots on Lakes Estates Circle added secondary suites, the number of family units would double, overwhelming local infrastructure and parking.
- e. Negative Impact on Property Values: The introduction of secondary suites is believed to reduce property values and detract from the quiet, single-family character that attracted the current residents to the neighborhood.
- f. There is concern that proper engineering requirements are not in place which could have significant drainage issues and impacts on the neighborhood.
- g. Residents have concerns with the process and the fact that building has already taken place, there are trust issues with the builder and respect given to the neighbourhood.

X. Decision:

114. The matter under appeal is the decision by the Development Authority to issue Development Permit number D26-083.

115. In determining this appeal, the Board:

- a. Complied with the relevant provincial legislation and land use policies, relevant statutory plans and the Town of Strathmore's *Land Use Bylaw* No. 14-11.
- b. The Board considered all relevant evidence presented at the hearing and considered the arguments made both in favour and opposition to the appeal.
- c. The Board considered the merits of the application.

116. The Board finds that:

The appeal is allowed in part (see below), and the decision of the Development Authority to issue the Development Permit D26-083 is otherwise upheld. Original Development Permit D26-083 will stand, with amended conditions.

Condition:

That the builder provides verification from an independent, external, qualified, Professional Engineer that proper Drainage and a Frost Wall is in place below the basement footing, or has the ability to be remedied, prior to the Development Permit being issued, before the Building Permit stage.

XI. Reasons:

117. Appeal allowed, in part, by the introduction of a new drainage condition (see below at paragraph 131).

118. The Board reviewed all evidence and arguments, written and oral, submitted by the Appellants, applicant, respondent, and affected person(s) and focused on key evidence and arguments relevant to planning considerations in outlining its reasons.

119. While the Board heard the evidence from the Appellants and the Adjacent Landowners about the merits of the proposed secondary suite and the concerns regarding the builders, process and future implications, the Board finds this information is not the subject of this appeal.

120. The Board heard the concern of the parties in how the permitting process and construction has been handled, as well as the structure being constructed before a permit was issued. The Board acknowledges that the process was not ideal but must give limited weight to the conditions in which brought about the hearing.

121. The primary focus of the Board is examining whether evidence was provided to support the overturning of the development permit based on the requirements under Town's *Land Use Bylaw* and the *Municipal Government Act*.

122. The issue for the Board to consider remains the decision to issue the Development Permit as a "discretionary use" under the *Land Use Bylaw* and the *Municipal Government Act*.

123. The Board recognizes that the residents of Strathmore Lakes Estates do not want secondary suites in the neighbourhood. The matter remains that these types of suites are currently permitted by the Town of Strathmore's *Land Use Bylaw*, as adopted in June of 2020 by *Land Use Bylaw* Amending Bylaw No. 20-04.

124. The Board was presented with evidence that two illegal secondary suites in the neighbourhood were overturned in 2016 but found that to have no bearing on the case before them as the *Land Use Bylaw* was different at that time.
125. The Board finds that no evidence was presented in respect to diminished property values.
126. The Board finds that based on photo evidence presented the secondary suite does not have a visible impact to the character of the neighborhood.
127. The Board took into consideration the concerns related to safety due to increased traffic. Based on the information provided, the Board finds that approval of this specific permit for a secondary suite will have a limited impact on traffic in the area.
128. While the Board understands concerns from adjacent landowners about the potential activity of occupants and the possibility of an increase in nuisances, the Town's Bylaws do not state who can live in a principle dwelling or a secondary suite in an R1 neighbourhood.
129. The Board considered the potential implications of future secondary suites in the neighbourhood but found that is not the subject of this appeal and the focus must remain on 52 Lakes Estates Circle.
130. The Board heard from the Adjacent Landowner on concerns to privacy and negative impacts to her property. The Board has determined that the secondary suite is fully contained on the subject property and the expectations of privacy are that of any other home. The impacts felt during construction do not have merit on the future use of such a suite.
131. The Board heard the concerns from Engineers on the potential drainage problems with the construction. With the structure already in place the Board recommends as a part of the decision that a qualified Professional Engineer stamped drawing be provided to the satisfaction of the Development Authority prior to the Development Permit being issued, ahead of the normal Building Permit process.
132. The subject development permit application is a discretionary use development. Therefore, the Development Authority can either refuse or approve the application for a Development Permit.
133. In all respects, the proposed development is within the scope of the R1 Single Detached Residential District.
134. The Board confirms that the conditions outlined for issuance of a Development Permit have been met. Section 3.34 outlines the regulations for secondary suites as follows:
 - i. "Only one (1) Secondary Suite may be developed in conjunction with a principle dwelling."
 - ii. "A minimum of one (1) on-site parking stalls be provided for a Secondary Suite in addition to the required parking stalls for the principal dwelling."
 - iii. "On-site tandem parking arrangements shall be supported by the Development Authority."
 - iv. "Adjacent street parking shall not receive credit towards achieving the minimum parking calculations for a Secondary Suite."
135. The Board has regard for the Town's Municipal Development Plan, specifically section 3.2.16, which states:

"Secondary Suites are considered an appropriate method of providing additional, and affordable, housing in all residential districts if the additional parking requirements can be met and if the secondary suite meets all safety and building codes."

XII. Conclusion:

136. To that end, the Board is exercising its authority as prescribed by section 687(3)(c) of the *Municipal Government Act* in allowing the Appeal, in part, with the additional condition(s). This application is a discretionary application with no variance to the *Land Use Bylaw* regulations.

For the reasons set out above, the appeal is allowed in part, with additional condition(s), and the decision of the Development Authority to issue Development Permit D26-083 is otherwise upheld.

Condition:

That the builder provides verification from an independent, external, qualified, Professional Engineer that proper Drainage and a Frost Wall is in place below the basement footing, or has the ability to be remedied, prior to the Development Permit being issued, before the Building Permit stage.

ATIA Sec. 20(1)

Chris Bell, Chair
Subdivision and Development Appeal Board

September 3, 2026

Date