



HEARING DATE: May 12, 2025  
FILE NO.: 0111-S01-SDAB-25-03  
DEVELOPMENT PERMIT 2024-037

**BOARD MEMBERS:**

Ms. Lindsay Skelly, Chair  
Mr. Carl Savard  
Mr. Joe Prusak  
Mr. Leigh Redding

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

**INTRODUCTION**

[1] On October 10, 2024, the Development Authority of the City of Beaumont (the "Development Authority") issued a development permit for a four storey mixed use building: 54 dwelling units and 3 commercial/institutional units including 1 educational use (6,106 ft<sup>2</sup>) and 2 commercial retail units (1,525 ft<sup>2</sup> and 1,148 ft<sup>2</sup>) for land municipally described as 180 Dansereau Way; previously 6202 & 6302-65 Street, Beaumont, AB and legally described as Plan 2422259, Block 25, Lot 201A (the "Lands").

[2] On April 17, 2025, Lauren de Graaf, the Appellant, appealed the approval of the Development Permit (the "Appellant").

[3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on May 12, 2025, in person.

**PRELIMINARY MATTERS**

**A. Board Members**

[4] At the outset of the appeal, Board Member Savard indicated that he had worked for Stantec many years ago, with his employment ending in 2019. He stated he had had no connection with Stantec since that time. The Chair noted that she had a professional relationship with one of the registered speakers. In light of the members' disclosures 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 and the Board proceeded with all members.

## **B. Exhibits**

[5] At the beginning of the hearing the Chair confirmed that everyone in attendance had the hearing package prepared for the hearing.

[6] During the hearing, the Board received a copy of a photograph taken February 28, 2025 showing the sign installed at the Lands. There was no objection to the Board accepting the photo as evidence. The Board accepted the photo as evidence and marked it as an exhibit.

## **C. Miscellaneous**

[7] There was no request for an adjournment of the hearing.

[8] The Board noted that there was a preliminary issue about whether the appeal had been filed in time. In order to run the hearing efficiently, the Board advised that it would hear submissions from those presenting on the two relevant questions:

(a) whether the appeal had been filed in time; and

(b) on the merits of the appeal, which included whether there had been any misinterpretation, relaxation or variance in the issuance of the permit.

[9] The Board noted that the Development Authority, the Appellant and the Applicant would be provided 20 minutes to make their main submissions. Affected persons would be provided 5 minutes to make their submissions. There were no objections to the proposed hearing process.

[10] At the beginning of the hearing, the Board confirmed that members of Administration (the Development Authority) are not part of the Board and do not participate in deliberations. During the Board's caucus, the Board did not meet with members of Administration and no member of Administration took part in the Board's deliberations.

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

[11] The Board denies the appeal.

## **SUMMARY OF HEARING**

[12] 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**

[13] Development Authority provided detailed written submissions, and an oral submission.

[14] The Development Authority received an application on April 12, 2024 for a four-storey mixed use building with 3 commercial/institutional units on the main floor and 54 residential units located on floors 2 through 4 ranging from 36.8m<sup>2</sup> to 77.9m<sup>2</sup> in area.

[15] The application was deemed complete in accordance with s. 683.1 of the Municipal Government Act ("MGA") on May 6, 2024. The Notice of Decision was issued on October 10, 2024. The building permit was issued January 24, 2025 and site work started January 28, 2025. Because the uses were permitted, there was no requirement in the LUB to provide notices.

[16] Section 685(3) of the MGA states:

Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

[17] The Development Permit 2024-037 is for permitted uses and includes no relaxations, variances or misinterpretations of the Land Use Bylaw.

[18] The Development Authority noted that there were two Uses associated with the application. First, a Dwelling Unit which is a Permitted Use within the Integrated Neighbourhood District (LUB Section 3.4.2). The 54 units are dwelling units and thus permitted. Second, Education which is a Permitted Use within the Integrated Neighbourhood District (LUB Section 3.4.2). Daycare is classified under the Education use which is a permitted use in the Integrated Neighbourhood District. The two bays on the main floor were identified as commercial retail units (CRU), meaning that a use permit is required prior to occupying the area, so it is not possible to determine the nature of the use until an application is made.

[19] In the Development Authority's written submissions, they indicated that the Land Use Bylaw in place at the time of application and approval is Bylaw 944-19 Our Zoning Blueprint: Land Use Bylaw (LUB).

[20] The Development Authority provided written submissions that the development met the development standards, including the following:

- (a) 3.4.3 Use Standards;
- (b) 3.4.4 Block/ Subdivision Standards
- (c) 3.4.5 Residential Density
- (d) 3.4.6 Building Placement Standards

- (e) Additional Site Standards
  - i. Corner Visibility
  - ii. General Safety Design elements
  - iii. Lighting
  - iv. Solid Waste
- (f) 3.4.7 Building Profile Standards
- (g) 3.4.8 Frontage Type Standards
- (h) 3.4.9 Landscaping & Screening Standards
- (i) 3.4.10 Parking, Access & Loading Standards.

[21] Based on the above considerations and determinations, on October 10, 2024 and subject to the conditions set out in the development permit, the Development Authority approved the mixed use building as a permitted use with no variances in the Integrated Neighbourhood District in accordance with the LUB.

[22] The Development Authority noted that an Outline Plan is a non-statutory plan that provides land use and servicing frameworks for future subdivision and development within neighbourhoods. These frameworks are consistent with the City's Municipal Development Plan land use policies as well as other relevant municipal policies and plans at the time of adoption. In Beaumont, Outline Plans are approved by Council through Resolution following a Public Hearing and public engagement process. The subdivision of the subject parcel and the redistricting of the site to Integrated Neighbourhood (IN) District were approved in alignment with the Dansereau Meadows Outline Plan. At the development permit stage, the Land Use Bylaw regulations become the standards to which an application for a permitted use is evaluated against. One (1) development regulation in the IN District references required compliance to the applicable outline plan:

- a) Minimum Residential Density
  - i) For built up areas: 1 dwelling unit(s) per lot
  - ii) For planned development: 35 units per net hectare or as per the applicable area structure plan, neighbourhood structure plan or outline plan. Shadow plans for future phased of development shall be required to demonstrate how the minimum density is achieved.

[23] Alberta's Municipal Government Act requires that a framework for subdivision and development describe the density of population proposed for the area either generally, or with respect to specific parts of the area. Density and population statistics shown in outline plans are estimates used for the planning of services and infrastructure, such as calculating the student population to plan for future schools, or anticipated traffic volumes to help determine the transportation requirements. The density described is a minimum threshold, rather than a maximum.

[24] The Dansereau Meadows Outline Plan estimates a density of 40 units per hectare and a corresponding population of 36 residents for the mixed-use area. As this is the minimum, the Dansereau Landing project is considered to meet the development requirements. No amendments to the Outline Plan were required to facilitate the development. Based on the Land

Use Bylaw regulations at the time of approval, an OP amendment would only be considered if the application proposed a density less than 40 du/ha.

[25] The Development Authority's oral presentation focussed on parking and density and noted that the density for the development exceeded 40 units/ha, and met the minimum density. There is no requirement for maximum density. Therefore the development met the density requirements as there is no limit if the other regulations are met.

[26] Fifty-one of the 54 dwelling units are under 75 m<sup>2</sup> and as a result did not require a parking stall in accordance with the LUB in place at the time of approval. For the daycare, based on the regulation, 20 stalls were required and 33 were provided. Street parking does not form part of the approval, but there are 12 parking spots along 180 Dansereau Way.

[27] In response to Board questions, the Development Authority stated:

- (a) The Outline Plan provides for mixed uses. If market conditions don't lend themselves to a ground floor for commercial, then the Outline Plan provides for flexibility and treats the development as medium density.
- (b) The MDP in the Complete Community sections provides for medium density for row housing and low-rise buildings of 4 stories or less. There are no specific densities provided, just development based on form.
- (c) Since the use was permitted, there was no requirement for the Development Authority to provide notice. However, the City did post the permit on its webpage on October 25, 2024. Once there was an awareness of the development, the City also posted an FAQ on March 18, 2025.

## **APPELLANT LAUREN DE GRAAF**

[28] On April 17, 2025, the Appellant submitted a letter to start the hearing as there were a number of residents in Dansereau affected by the development. The Appellant took the Board through his written submission, and stated that the development did not meet the Outline Plan adopted June 2, 2017. The Appellant submitted that the Development Authority acted in contravention to the Terms of Reference for statutory and non-statutory plans.

[29] In his presentation, the Appellant made specific reference to the plan context (part 1.0), and s. 3.2.1 noting it encouraged small scale development. He noted s. 4.2 which spoke to integration and noted also the density of 40 units/ha. The Appellant focussed on density, noting specifically s. 3.3.5, and noting that the density is 180 dwelling units/ha which does not exist anywhere in the City. He stated that in the high density areas, the maximum is 80 dwelling units/ha.

[30] He agreed with the Development Authority that s. 3.3.5 of the LUB provides that there is no maximum residential density, but he questioned why later changes mention the outline plan, but refer only to minimum densities. He stated the Development Authority cannot approve developments which are contrary to statutory plans. He noted that there was no public hearing for the application for the use. He submitted that there should have been a public hearing given the material changes.

[31] The Appellant referenced a previous application which was approved in March 2023, for far fewer dwelling units. He noted that the previous addresses for the 2 parcels were 6202 & 6302-65 Street and the new address is 180 Dansereau Way, which was confusing if a person were to look at website documents to find evidence of approval.

[32] The Appellant's main concern was the ultra high density development and that there was no set density in the City of that amount. From March 2023, when the first application was approved to April 2024, when the new application was approved, there were 9 times the number of units from the first proposal.

[33] The Appellant noted that permitted uses do not need public notification, but argued that where there is a substantial change, there should have been notice, given the serious change to the neighbourhood.

[34] The Appellant noted that the parking met the requirements under the bylaw based on the size of the units, but noted that the owner will have a tough time renting units without parking. He stated that there is no visitor parking, no drop off – loading. He stated that street parking will be difficult because the road was not constructed for parking on both sides. There will be double parking causing issues. He stated that the road is a minor collector road, which is only 10 m wide, and there is a narrow alleyway which will cause difficulty for emergency vehicles.

[35] In response to Board questions, the Appellant stated:

(a) The misinterpretation, relaxation or variance has come because the Development Authority did not take into account the requirements of the Outline Plan.;

(b) He noted that the sign about the development went up about between January 28 and February 5, 2025 with some preliminary digging occurring at about that time. The sign had a cartoon look and did not show the frontage.

## THE APPLICANT STANTEC

[36] The Applicant was represented by Stantec. Mr. Varro, an urban planner, spoke on behalf of the applicant.

[37] He noted that the Board could not grant the appeal because the development was for a permitted use and there had been no misinterpretation, relaxation or variance. He stated that even if the application was appealable, the appeal was filed outside of the 21-day period set out in s. 686(1)(b) of the MGA. The Development Authority posted a notice on its website on October 10 2024, satisfying the notice requirements and no other notice was required. The Appeal was filed April 2025 and is out of time.

[38] A public hearing is not required, especially for a permitted use. The development timelines are in compliance with the higher order plans. There was public engagement and a public hearing before Council adopted the Outline Plan. Following adoption of the Outline Plan, rezoning began. The site was mixed use and direct control under LUB 796-12 in 2017 and 2018, before 2019 when LUB 944-19 was approved. Before adoption of LUB 944-19, there was public engagement by the City and a public hearing. That LUB introduced the Integrated District, which overtook the direct control districting.

[39] Council approved the bylaw amending the LUB (Bylaw 1055-24) which resulted in revisions to the regulations. At time of approval of this bylaw, the development had been approved for 4 months and the developer had started construction and was a lawful non-conforming use despite changes to the LUB.

[40] The amending bylaw affected parking requirements but those rules came into effect on January 15, 2025. Those rules apply to new developments or new development applications and not to the development under appeal.

[41] The development is mixed use, and not high or medium density. It is a 4-storey mixed use, with a daycare and 2 commercial retail units. There are 54 dwelling units. It is in line with the Outline Plan and the MDP, which notes this area as Community Commercial. The LUB notes this as Integrated Neighbourhood. The site plan shows that the building fronts Dansereau Way and has 33 parking stalls behind the building to achieve a street orientation. Therefore, entry is via the rear and not via Dansereau Way. The development permit application was approved under LUB 944-19 with no relaxation, variance or misinterpretation, so no appeal lies.

[42] On October 23, 2024, the Beaumont News contained a news article about projects on the go, which spoke about this development. This was in addition to any notice required by the City. The building permit was issued Jan 4, 2025. Digging started on Jan 28, 2025 and

marketing started February 5, 2025 with foundation work starting February 10, 2025. The appeal was received 194 days after the Development Authority made its decision.

[43] The road is designed for 5,000 vehicles per day and projected traffic is estimated at 1,500 vehicles/day. The higher order plans, such as the EMRB Growth Plan directed the City to achieve higher density.

[44] The Applicant referred to the City's Municipal Development Plan s. 4.12 and noted that the Outline Plan references a low rise building with ground floor commercial and upper apartments. Outline plans are non-statutory plans and the MDP is a statutory plan. The LUB regulates the land use and carries more authority.

[45] There are no grounds for the appeal, and the appeal was filed out of time. The development permit was issued October 10, 2024. The appeal period is 21 days.

[46] In response to Board questions, the Applicant stated:

(a) The sign was at the corner adjacent to the site and showed a 4 storey building.

(b) The density of the Lands was permitted based on the minimum density in the LUB, and the fact that there is no maximum density.

(c) The mixed use allows for a mix of uses, whether medium density or lower.

## **AFFECTED PERSONS**

[47] Lorraine Troppmann lives near the development. She opposes the development because it is too large, will cause disruptions, and traffic will triple. She raised safety concerns due to the number of vehicles on the road. She was unhappy with the density and argued that notification should have been provided to the neighbours.

[48] Nadine Michael lives near the development. She is also concerned about the density and parking. She was concerned that there had not been community engagement with residents. She felt the new bylaw should be applied retroactively and felt there was insufficient parking provided which will result in congestion on the roads. She had not looked at the City's webpage. She knew that something was going on there.



[49] Cory Smid lives near the development. He echoes the previous speaker's points. He was concerned about the density and the traffic noting that there will be increased traffic. He questioned whether emergency vehicles will be able to respond if vehicles are parked on both sides of the road.

[50] Cody Donnan lives near the development. He opposed the development and felt it should not have been approved. He stated that the value of their houses will depreciate. There will be increased traffic and congestion. He questioned whether emergency vehicles and snowplows will be able to respond if vehicles are parked on both sides of the road.

[51] David Layton lives near the development. He is concerned about his property values and the parking. He also expressed concerns about the increased density and where people will park, and how it will affect his home business.

[52] Jim Boudreau lives near the development. He objected to the development as being a gross misinterpretation of the bylaws, and the MDP. He suggested the development does not comply with the Outline Plan or the MDP, s. 4.0 Responsible Development. In his view, the project exceeds the spirit and intent of the plans and documents and there should have been consultation. There is no transit in the area, and the development is not consistent with the general purpose of the MDP or the zoning blueprint. He noted that when he met with Council on April 8, 2025, they were advised an appeal process was going on, which was not accurate.

[53] Courtney Mathieu lives near the development. They were not opposed when the project was a reasonable size. They are concerned with how it will affect their property value and for safety concerns. They are also concerned about whether there is adequate parking.

[54] Bogdan Blazhko lives near the development. He stated that the street is already crowded because of existing parking. He questioned how fire, ambulance and snowplows would be able to access the streets if there is parking on them.

[55] Barbara Wieler lives near the development. She is concerned about parking and safety issues, particularly in light of the community mailbox where people stop their cars to pick up their mail. She is concerned about the decrease in her view of the sky and is also concerned about her property value decreasing.

[56] Dr. Melody Morin lives near the development. She stated there was no notice to neighbours nor an opportunity to state their concerns, which was a reasonable expectation from the development process. Based on information from a realtor, she believes her property value will decrease by \$60,000. She is not opposed to thoughtful development but felt that a scaled back version aligning with the original vision would be better.

[57] Celia Lawrence lives near the development. She is concerned about parking given the number of cars that park along the street.

[58] Anthony Kohlsmith supported the previous speakers' comments. He questioned whether the traffic study accounted for the additional dwelling units and noted that on average there are 2.38 vehicles owned by families. He felt the changes from the previous development were not communicated and felt there was an implicit obligation under the LUB to consult.

## **FINDINGS OF FACT**

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

[60] The Lands are located at 180 Dansereau Way; previously 6202 & 6302-65 Street, Beaumont, AB and legally described as Plan 2422259, Block 25, Lot 201A.

[61] The Lands are zoned Integrated Neighbourhood (IN) District.

[62] The proposed development is for a four-storey mixed use building: 54 dwelling units and 3 commercial/institutional units including 1 educational use (6,106 ft<sup>2</sup>) and 2 commercial retail units (1,525 ft<sup>2</sup> and 1,148 ft<sup>2</sup>).

[63] The uses of dwelling unit and education use are permitted uses in the IN District.

[64] The development permit was issued on October 10, 2024.

[65] The notice of appeal was filed April 17, 2025.

[66] The notice of appeal was filed out of time.

[67] The provisions of the LUB were not relaxed, varied or misinterpreted.

[68] The Appellant is an affected person. The Applicant is an affected person. Those speaking in favour of the appeal are affected persons.

## REASONS

### Affected Persons

[69] The Board must determine 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; however, the Board wishes to review this issue for completeness.

[70] The Appellant lives near the development and is thus affected. The Applicant's development permit is under appeal and is therefore affected. Those speaking in opposition to the development live in proximity to the development and are thus affected by the development.

### Jurisdiction and Issues to be Decided

[71] The Board notes that the relevant sections of the MGA in relation to the appeal are found in s. 685(3), s. 686(1)(b) and s. 687(3) of the *MGA*.

**686(1)** *A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal.*

...

*(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.*

**685(3)** *Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).*

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

...

- (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.*

[72] 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 Appellant and the Applicant, and those speaking in favour of the Appeal.

[73] To decide the appeal, the Board must determine the following questions:

- a. Was the appeal filed in time?
- b. If yes, what is the use of the proposed development?
- c. Are the uses permitted uses within the district?
- d. Has there been any misinterpretation, relaxation or variance of the LUB?

**a. Was the appeal filed in time?**

[74] Section 686(1)(b) of the MGA provides that an appeal by a person affected by a development permit must be made within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the LUB.

[75] The clear and uncontradicted evidence was that the Development Permit was issued October 10, 2024 and the Board finds so as a fact. The Board also notes that the only evidence before it was that the appeal was filed April 17, 2025, and the Board makes this a finding of fact.

[76] Section 686(1)(b) provides that the appeal period is 21 days from the date of notice in accordance with the LUB. So, the Board must determine when notice was given in accordance with the LUB. Section 5.4.4(d) of the LUB requires that the Development Authority shall post on the City's website a list of all decisions for development permits. However, there is no other requirement in the LUB for advising neighbours directly.

[77] The Development Authority stated that it did post the Development Permit decision on its website on October 25, 2024, and this evidence was not contradicted by any witness. In fact, the Applicant agreed with the Development Authority's statement. Since the only evidence before the Board is that the Development Authority posted the Development Permit decision on its website on October 25, 2024, the Board makes this a finding of fact.

[78] The 21 day period to file the appeal ended November 15, 2024. The appeal was filed April 17, 2025, which is well outside of the 21-day period specified in s. 686(1)(b) and therefore the appeal was filed out of time.

[79] Noting that there was no individual notice of the issuance of the Development Permit (because none was required), the Board has considered whether the Appellant filed the appeal within 21 days from constructive notice of the Development Permit. Since the Appellant did not have direct knowledge of the permit, it might be possible for him to have filed an appeal within 21 days from when he had constructive knowledge of the Development Permit.

[80] The Development Authority provided a chronology in its written submissions (page 23 of the package) which indicated that on January 28, 2025, the site works commenced by stripping and grading. On February 10, 2025, the foundation work started. This evidence was supported by the Applicant who confirmed that between January 28, 2025 to February 5, 2025, work started on site. The Board asked a specific question of the Appellant as to when he noted the construction. The Appellant noted that he noted the sign first which was about February 5, 2025, and he confirmed that construction started sometime between January 28, 2025 and February 5, 2025. The Board notes the congruity of these dates and based upon this finds as a fact that work on the site started between January 28, 2025 and February 5, 2025.

[81] Using the latest date of February 5, 2025, the 21 day appeal period expired February 26, 2025. Since the appeal was filed on April 17, 2025, the Board finds that the appeal was filed out of time.

[82] In light of the Board's finding that the appeal was filed late, the Board has no jurisdiction to extend time and therefore must deny the appeal.

[83] Having concluded that the appeal was not filed in time, the Board does not need to consider the rest of the questions that have been posed in this appeal. However, for reasons of completeness, the Board will consider the remaining questions.

**b. What are the uses of the proposed development?**

[84] The next question would be what are the uses contained in the Development Permit. The only submissions on this point were those of the Development Authority which identified

that there were two approved uses: dwelling unit, and education. The LUB defines “dwelling unit” in Part 6 as:

“a self-contained living premise with cooking, eating, living, sleeping and sanitary facilities for domestic use by one or more individuals.”

[85] Education is defined in Part 6: Definitions as:

“a development of public and private places of learning for any age including licensed child care facilities and / or research facilities.”

[86] The evidence before the Board was that the fifty four (54) units within the mixed use building are considered dwelling units. Daycare is classified under the Education use. In light of the fact that the only evidence supports a finding that the uses are Dwelling Unit and Education use, the Board makes that finding of fact.

**c. Are the uses permitted uses within the district?**

[87] There was no question that the Lands are located in the Integrated Neighbourhood District and the Board makes this finding of fact.

[88] The only evidence before the Board was that Dwelling Unit is a Permitted Use within the Integrated Neighbourhood District and Education is a Permitted Use within the Integrated Neighbourhood District. Since there was no disagreement or contrary evidence, the Board finds that the uses are permitted uses in the Integrated Neighbourhood District.

**d. Has there been any misinterpretation, relaxation or variance of the LUB?**

[89] Having concluded that the uses in the Development Permit are permitted in the Integrated Neighbourhood District, the Board is mindful of s. 685(3) of the MGA, which provides that no appeal from a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

[90] The Development Authority provided extensive evidence that the provisions of the LUB were not relaxed, varied or misinterpreted. The Appellant and other speakers stated that the development did not comply with the provisions of the Outline Plan but did not otherwise provide any evidence that there had been a relaxation, variance or misinterpretation of the LUB. There was no evidence contradicting the Development Authority’s evidence that there had not been any relaxation, variance or misinterpretation of the LUB. As a result, the Board finds as a fact that the provisions of the LUB were not relaxed, varied or misinterpreted.

[91] The Board notes that the Appellant did argue that the provisions of the Outline Plan had not been followed. The Development Authority and the Applicant noted that the Outline Plan is not the LUB, nor is it a statutory plan because it is passed by Council by way of a resolution, and not the process required for a statutory plan under the MGA. The Appellant and those speaking in favour of the appeal did not contradict or refute this evidence and the Board finds the Outline Plan is not a statutory plan.

[92] The Development Authority advised that One (1) development regulation in the IN District references required compliance to the applicable outline plan:

a) Minimum Residential Density

- i) For built up areas: 1 dwelling unit(s) per lot
- ii) For planned development: 35 units per net hectare or as per the applicable area structure plan, neighbourhood structure plan or outline plan. Shadow plans for future phased of development shall be required to demonstrate how the minimum density is achieved

[93] The Development Authority advised that the Dansereau Meadows Outline Plan estimates a density of 40 units per hectare and a corresponding population of 36 residents for the mixed-use area. The density is a minimum density, the Dansereau Landing project is considered to meet the development requirements.

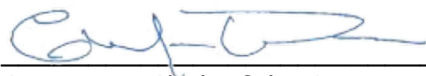
[94] In light of the evidence of the Development Authority, which was not contradicted, the Board finds as a fact that the Development Permit is in compliance with the applicable provision of the Outline Plan.

[95] As a result, the Board concludes that there has been no relaxation, variance or misinterpretation of the LUB. Under s. 685(3), since there has not been a relaxation, variance or misinterpretation of the LUB, the appeal on its merits would be denied, if the appeal had been filed in time.

## Conclusion

[96] Since the appeal has been filed out of time, the Board does not have the jurisdiction to extend the appeal time. If the appeal had been filed in time, the Board notes that the dwelling unit and education uses are permitted in the Integrated Neighborhood District. The Board has found that the Development Authority did not misinterpret, relax or vary any provision of the LUB and therefore the appeal must fail in accordance with s. 685(3) of the MGA.

[97] Issued this 26<sup>th</sup> day of May, 2025 for the City of Beaumont Subdivision and Development Appeal Board.



C. Winter, Clerk of the SDAB, on behalf of L. Skelly, 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**

	<b>PERSON APPEARING</b>
1.	Y. Senior Development Planner, City of Beaumont
2.	S. Ward, Counsel for the Development Authority
3.	L. de Graaf, Appellant
4.	T. Vareau, Stantec, on behalf of the Applicant
5.	L. Troppmann
6.	N. Michael
7.	C. Smid
8.	C. Donnan
9.	D. Layton
10.	J. Boudreau
11.	C. Mathieu
12.	B. Blazhko
13.	B. Wieler
14.	M. Morin
15.	C. Lawrence
16.	A. Kohlsmith

## **APPENDIX "B"**

### **DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:**

<b>May 12, 2025 Agenda Package</b>		
<b>Exhibit</b>	<b>Description</b>	<b>Pages</b>
1.	Agenda	1
2.	Notice of Appeals	2
3.	Notice of Hearing	4
4.	Development Officer Submission	6
5.	Submissions of the Appellant	118
6.	Submissions of the Applicant	130
7.	Submissions of Affected Persons	150
8.	Photo of the Lands	