



City of Beaumont
5600 – 49 Street
Beaumont, AB T4X 1A1
Telephone: (780) 929-8782
Fax: (780) 929-3300

HEARING DATE: June 23, 2025
FILE NO.: SDAB 2025-05

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

- [1] On May 8, 2025, the Development Authority of the City of Beaumont (the "Development Authority") refused a development permit (D-2025-21) for Amundeeep Kaur (the "Applicant") for a home based business Major – Creative Champs (Day Home), located at 5826 Pelerin Crescent, Beaumont, AB, and legally described as Plan 192 0846, Block 9, Lot 49 (the "Lands").
- [2] On May 28, 2025, the Applicant appealed the refusal. In this decision, the Board refers to Amandeep Kaur as the Appellant.
- [3] The Subdivision and Development Appeal Board (the "Board") heard the appeal on June 23, 2025.

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. None of the Board members had any conflicts of interest that would prevent them from hearing the appeal.

B. Exhibits

- [5] The Board marked the exhibits as set out at the end of this decision.

C. Miscellaneous

- [6] The appeal was filed in time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA").
- [7] The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections to the hearing process outlined by the Chair. There were no preliminary matters raised at the beginning of the hearing and no requests for an adjournment.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- [8] The Board allows the appeal and grants the development permit subject to a condition that that the parking spot outlined in yellow is dedicated for the use of the Home Based Business, Major.



SUMMARY OF HEARING

- [9] 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

- [10] The Lands are located within the Conventional Neighbourhood (CN) District of the City's Land Use Bylaw 944-19 (the "LUB"). The Lands are municipally described as 5826 Pelerin Crescent, Beaumont, AB T4X 2X8, and legally described as Plan 192 0846, Block 9, Lot 49.

- [11] The Development Authority received a development permit application for a Home Based Business – Major, (Day Home) on March 5, 2025. The Development Authority determined the application was complete on April 3, 2025. The Development Authority refused the development permit application on May 8, 2025. (the “Proposed Development”).
- [12] Home Based Business – Major is a discretionary use in Conventional Neighbourhood Districts. This means that the Development Authority can make a determination whether the use should be allowed. The Development Authority reviews each application in relation to the property and the site context. As a discretionary use, approval is not automatic.
- [13] The definition of “Home Based Business – Major” is:
- Home Based Business – Major is development consisting of the incidental use of a dwelling unit and/or accessory structure by residents for business activities that do not affect the residential character of the property.
- [14] The proposed development is an incidental use with a majority use of the home being a dwelling unit.
- [15] The Proposed Development is a discretionary use and is subject to the Use Standards set out in Section 3.3.3.d.i-v of the LUB:
- i. Up to 10 clients per day are permitted;
Under Provincial Legislation a day home is permitted to offer child care for up to six (6) children; application meets the requirement.
 - ii. May include a day home
The applicant proposed a day home
 - iii. 1 non-illuminated sign shall be permitted; and
The applicant did not request a sign with their application; application meets the requirement.
 - iv. May include outdoor activities that do not cause a nuisance for adjacent lot, in opinion of Development Authority; and
The applicant did provide for an outdoor space for the children at the back of the property, which backs onto the side yard of the property to the south. The proposed hours of operation are during normal business hours of 7 am-6 pm. Noise impacts from the proposed development on adjacent properties are minimized due to the subject property being a corner lot with only 2 properties sharing a property line on the east and south sides of the property.

- v. No more than two (2) employees shall be in attendance at any one time
Applicant confirmed on the phone at least one (1) resident employee will be on site; application meets the requirement.
- [16] Section 3.3.10.iv of the LUB includes regulations for minimum parking standards. A Home Based Business – Major requires a minimum of 1 parking stall for residential use and 1 parking stall for business use. The Proposed Development has 2 parking stalls onsite, but there are 2 dwelling units: the principal dwelling and an additional dwelling unit in the basement.
- [17] At the time of approval, the parking requirements for dwelling units were one (1) stall per dwelling unit over 75m². Therefore each of the dwelling units requires 1 parking stall. In the approval of the additional dwelling unit (Exhibit 3), the parking was identified on the driveway. One of the two (2) proposed parking stalls for the Homes Based Business-Major would interfere with the tenant parking associated with the Additional Dwelling Unit. The applicant could reduce the Home Based Business-Major parking requirement from two (2) stalls to one (1) and meet the minimum requirement. However, there are several factors that resulted in the determination that there is insufficient parking to support the use:
- (a) While tandem parking is not restricted in the Land Use Bylaw, having all driveway parking allocated to users who do not reside in the principal dwelling (day home and tenant) results in restricted use of the garage for the intended personal use, likely pushing one (1) or more cars to the street.
 - (b) Section 3.3.10b) iii of the Land Use Bylaw indicates that street parking may be considered at the discretion of the Development Authority where the curb frontage is a minimum of 6m per stall excluding appropriate safety distances. There are no legal parking stalls in front of the property along Pelerin Crescent (principal frontage of the lot). There are three (3) stalls located on the west side of the property along Soleil Boulevard (the secondary frontage), adjacent to the subject parcel. Having no legal parking along the principal frontage increases the likelihood of idling in an illegal spot at drop off and poses a potential safety risk with parking across the street to facilitate child drop off.
 - (c) There are 14 additional dwelling units along Soleil Boulevard and Pelerin Crescent between 30 Avenue and the south east end of Pelerin Crescent (Exhibit 4), placing additional pressures on the parking inventory in the neighbourhood. Given the limited available street parking and the concentration of additional dwelling units within a small area, considering street parking as part of the approval, was not deemed appropriate by the development authority.
- [18] The Appellant can provide the minimum number of parking stalls onsite; however, the site and surrounding context limit the functionality of the proposed parking. The Development Authority determined that the addition of a Home Based Business -Major to this area would place excess hardship on parking and traffic movement.

- [19] Section 5.18.3 j) of the Land Use Bylaw outlines the Development Authority's ability to attach conditions they consider are appropriate to a development permit, including, but not limited to those that would ensure that the proposed development is compatible with surrounding land uses. In considering compatibility the Development Authority reviewed:
- (a) The appropriateness of the proposed use in relation to the lot/property characteristics;
 - (b) The appropriateness of the proposed use in relation to the surrounding area; and
 - (c) The appropriateness of the proposed use in relation to the zoning.
- [20] The Development Authority did their due diligence and took the following into consideration when rendering their decision. It was determined based on the below analysis that no reasonable conditions would be able to mitigate the volume of traffic and intensity that an incidental use of a Home Based Business – Major would cause in the area.
- Appropriateness of the proposed use in relation to the lot/property characteristics*
- [21] 5826 Pelerin Crescent is a Single Side Yard home with a front attached garage on a corner lot as shown in Exhibit 2 of the written submissions. This means one side of the property that would typically have a setback to property line is no longer present. This creates closer proximity to neighbors and eliminates street parking that may otherwise be present (Exhibit 2). As noted above, the configuration of the property would not be able to support the parking needs of all the uses present on the property without creating potential for illegal parking or drop off to occur.
- Appropriateness of the proposed use in relation to the surrounding area*
- [22] In their written submissions, the Development Authority noted that 5826 Pelerin Crescent is located in the Place Chaleureuse Neighbourhood. It is in close proximity to eight (8) daycares (Exhibit 5), 2 school sites (Exhibit 4), and directly adjacent to a recently approved subdivision approving 57 amount of town homes, (Exhibit 4). The block and surrounding area also contains 14 additional dwelling units (Exhibit 4). Daycares, schools and dayhomes all have the same or similar morning and afternoon traffic peaks. On an individual basis, each application may not significantly increase the number of cars to 30 Avenue and Place Chaleureuse, however, the cumulative impact of eight (8) daycares and 2 schools creates for higher congestion and traffic volumes at peak times.
- [23] In their oral submissions, the Development Authority noted that there are 5 existing daycares, 2 schools, 14 Additional Dwelling Units and 57 townhomes located in close proximity to the proposed development. The daycares and schools would have the same or similar peak times. It is not just the question of 6 cars dropping off or picking up children, it will be 6 cars during the peak times that surrounding uses have peak traffic.
- [24] The Development Authority determined that approving a day home in an area with a higher intensity of differing uses would unduly interfere with the character of the neighbourhood, and a designated commercial space would be better equipped to support this type of business.

[25] With this product on the corner that is directly adjacent to other properties that also have Additional Dwelling Unit as shown in Exhibit 4, and those properties also effectively doubling the traffic and parking compared to only one (1) dwelling unit being on the lot, adding a day home would adversely affect the traffic flow and parking in the area.

[26] Taken in isolation, the development is appropriate and fits the definition of a Home-Based Business - Major. However, the cumulative effects of surrounding uses places increased pressure on the surrounding transportation network and parking inventory, discussed more below.

Appropriateness of the proposed use in relation to the zoning

[27] 5826 Pelerin Crescent is zoned as Conventional Neighbourhood District. The outline plan designates this lot as low density residential (Exhibit 6). The original use was approved for a Single Side Yard lot. A lot is permitted to have 2 dwelling units total in the Conventional Neighbourhood District and with the approval of permit DB-2024-228, and ADU forms part of this property. The ADU is considered an incidental use to the primary use of a dwelling unit, as well, is considered a residential use. An additional dwelling unit, while still an incidental use to the primary dwelling unit, allows for the same functions and characteristics that other dwellings units would have, therefore not unduly interfering with the character of the neighbourhood.

Issuance of Development Permit

[28] Based on the above considerations and determinations the DA refused the Home Based Business – Major for a day home in the Conventional Neighbourhood District for the following reasons:

[29] Section 5.18.3 of the Land Use Bylaw allows for the Development Authority to impose conditions on a Development Permit for discretionary use to ensure compatibility with surrounding land uses. After review of the application, it was determined that there were no reasonably achievable condition that would mitigate the issues noted below:

- (a) A day home (Home Based Business – Major) in this location would place too much pressure on the surrounding transportation system and be incompatible with the existing residential character of the neighbourhood. The proposal would increase the intensity of traffic and activity at peak school and drop off times in the area beyond the residential scale intended, especially considering the eight (8) daycares and two (2) schools in such close proximity.
- (b) The property has an already approved additional dwelling unit that has parking requirements. The approval of an additional home based business – major in addition to the already existing additional dwelling unit would impede on the parking required for the primary use of the lot as a primary dwelling.

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

- (a) The daycares identified at page 34 of the Agenda are institutional uses out of a commercial building. A dayhome has 6 or less children.

- (b) The Board noted that there were some inconsistencies in relation to the number of daycares and day homes from the written submissions (page 10 notes 8 daycares) and page 34 (which notes 9 daycares) and the slideshow which says 5 daycares. The Development Authority stated that exhibit 5 (page 34) is the accurate number. The daycares are licensed facilities in commercial units on the south side of 30th Avenue.
- (c) In the vicinity identified on page 34, there are no daycares north of 30th Avenue.
- (d) The Development Authority confirmed that there are 4 dedicated parking stalls for the residence on the Lands: 2 in the garage and 2 on the drivepad. The LUB requires the dwelling unit to have 1 parking stall, and the Additional Dwelling Unit to have 1 parking stall, but the LUB does not specify whether the parking stall should be inside or outside. The only question is the ability to open the garage by someone who is not a resident of the primary dwelling unit.
- (e) The LUB states that for parking to be considered for the development, it must be in the frontage. The parking along Soleil Boulevard (the secondary frontage) is legal parking for cars, but the Development Authority cannot consider that parking as dedicated for the Home Based Business, Major.
- (f) The parking to the east is not considered because there are 14 Additional Dwelling Units in close proximity to the intersection between Soleil Boulevard and Pelerin Crescent. The City's previous Land Use Bylaw did not require the property to provide a dedicated on-site parking stall for the Additional Dwelling Units, so the owners could use all 4 parking stalls themselves and require the tenants to park on the street, creating parking pressure.
- (g) The Development Authority confirmed that page 34 shows the approved daycares and that there was no other application for a Home Based Business, Major (dayhome) approved between May 8 and June 23, 2025 for Pelerin Crescent.
- (h) A dayhome cannot be approved as a Home Based Business, Minor, which does not allow visits or outdoor activity.
- (i) The daycares south of 30th Avenue are zoned commercial and are designed to support higher traffic and parking. The Lands are zoned Conventional District and include lower density housing.

[31] In closing submissions, the Development Authority noted that it can only review applications with the information provided before it makes a decision. The information provided by the Appellant after the decision was made could not be taken into account. If the Board is of the view that the Home Based Business, Major development is appropriate, the Development Authority asked the Board to revoke the approval for the Additional Dwelling Unit on the Lands, so that there are only 2 approved uses for the Lands, and not 3.

Amundee Kaur, Appellant

- [32] The Appellant stated that she is a full time mom and applied for a day home because she has 2 children and it is difficult to do a job outside her home. She did not understand why her application was refused because she can provide appropriate facilities in her home, and there is space for a car to park on the driveway.
- [33] She noted that the tenant for the Additional Dwelling Unit is leaving the basement as of July 1, 2025 and if required, the daycare can move into the basement. The tenant does not have a car. If parking is an issue, she is prepared to park in the street to have space on the Lands.
- [34] Her husband is a truck driver, who is home only a couple of days during the week. There is one available space in the garage and the garage pad is free. She noted that after she received the refusal, her husband spoke with the Development Authority and told the Development Authority that the Appellant was prepared to move the dayhome into the basement.
- [35] Mr. Kaur also provide submissions to the Board. He stated that the house next but one to them has a day home and the parents drop the kids off and go. He did not understand how that use was approved, but their application was denied. He confirmed he told the Development Authority that their tenant was leaving as of July 1, 2025.
- [36] Mr. Kaur stated that the daycares south of 30th Avenue are large, with 40 children.

FINDINGS OF FACT

- [37] The lands are located at 5826 Pelerin Crescent, Beaumont, AB T4X 2X8, and legally described as Plan 192 0846, Block 9, Lot 49.
- [38] The Lands are located within the CN – Conventional Neighbourhood (CN) District.
- [39] The Use of the Proposed Development is a Home Based Business – Major.
- [40] Home Based Business - Major is a discretionary use in the CN District.
- [41] The Appellant is an affected person.

REASONS

Jurisdiction

- [42] 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 the Development Authority and the Appellant.

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

- (a) must act in accordance with any applicable ALSA regional plan;*
- (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

- [43] 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. However, for completeness, the Board will address this issue in its reasons.
- [44] As the person whose development permit is under appeal, the Appellant is affected by this appeal.

Statutory Plans

- [45] The Board noted that page 35 of the Agenda shows the Place Chaleureuse Outline Plan, and the Lands are located within a low density residential district. The proposed development is consistent with a low density residential district. The Board heard no specific submissions in relation to the City's statutory plans. In the absence of any submissions regarding the City's statutory plans, the Board infers that there are no concerns about compliance and the Board makes that as a finding of fact.

Land Use District

- [46] The evidence before the Board is that the Lands are zoned as CN – Conventional Neighbourhood (CN) District and the Board finds so as a fact.

What is the Use?

- [47] The Board must determine if the proposed development is a Home Based Business-Major. The definition is set out below, for ease of reference:

Home Based Business – Major is development consisting of the incidental use of a dwelling unit and/or accessory structure by residents for business activities that do not affect the residential character of the property.

- [48] The Development Authority agreed that the proposed development was an incidental use of the main dwelling unit. The Appellant noted that they lived in the dwelling unit. There was no evidence that the residential character of the property would be affected. Based on the above evidence, the Board finds as a fact that the proposed development is a Home Based Business – Major.

Nature of the Use

- [49] Having found that the Proposed Development is a Home Based Business – Major, the Board then turns to the nature of the use. This use is a discretionary use in the CN – Conventional Neighbourhood (CN) District, as set out in Section 3.3.2 of the LUB.
- [50] As the proposed development is a discretionary use, the Board must assess the compatibility of the use applied for with the neighbouring uses as referenced in *Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board)*, 2009 ABCA 261.

[14] The object and purpose of a discretionary use is to allow the development authority to assess the particular type and character of the use involved, including its intensity and its compatibility with adjacent uses.

- [51] The Development Authority refused the development permit application due to concerns about parking.
- [52] In examining the question of whether the proposed development is compatible with neighbouring uses, the Board has examined the question of compatibility in 2 regards. The first is an assessment of whether the use of a daycare is compatible. In assessing this use, the Board notes that the area around the Lands is predominantly low density residential, and there is evidence of other daycares and dayhomes in the area (see page 34). In light of the residential area, and the presence of schools in the area (see page 43), the Board is of the view that the nature of a dayhome – the care of children – is compatible with the neighbouring uses.

- [53] However, the Board must also assess whether the parking impact from the proposed development makes it compatible with the neighbouring uses.
- [54] In considering the impact of parking from the proposed development, the Board notes that the evidence before it is that the Appellant is able to provide parking on site for the dwelling unit (1 parking stall), the Additional Dwelling Unit (1 parking stall) and the Home Based Business, Major (dayhome) (1 parking stall) and that this provision of parking meets the strict requirements of the City's LUB.
- [55] In addition, the Board noted that there are 3 parking stalls along Soleil Boulevard. The Board understands that the Development Authority could not consider those parking stalls due to restrictions in the LUB at s.3.3.1(b)(iii), but the Board has considered their presence as being able to provide parking for the pick up and drop off of children. In light of the fact that the Appellant meets the onsite parking requirements, the Board is of the view that its consideration of the 3 parking stalls on Soleil Boulevard is not a variance, but is a recognition of additional parking in the area, which would decrease an impact on neighbouring uses.
- [56] The Board notes that the Development Authority provided evidence regarding the daycares south of 30th Avenue in support of its argument that the proposed development would cause parking concerns in the neighbourhood. However, the Board noted the evidence was that the daycares are on lands zoned commercial and also are required to have parking onsite. There was no evidence before the Board about whether those sites could not accommodate the parking required for the pick up and drop off of the children attending those daycares. The Board was not persuaded by the evidence that the daycares located south of 30th Avenue would cause a parking impact north of 30th Avenue.
- [57] The Board also noted that the evidence provided by the Development Authority noted that there were only 2 approved dayhomes north of 30th Avenue, and those were not in close proximity to the Lands. Given their distance to the Lands, the Board does not accept that the existence of these 2 dayhomes would create negative parking impacts on the Lands or the surrounding residences.
- [58] The Board considered the evidence of the Development Authority in relation to the 14 Additional Dwelling Units in the neighbourhood. The Board noted their location and the potential impact on the parking in the area from the additional parking for the dayhome in relation to the availability of parking of vehicles from those Additional Dwelling Units. In its consideration of this potential impact, the Board notes the evidence of Mr. Kaur that the parents of the children would be just dropping off and picking up children and would not be staying long. In the Board's view, the limited timeframe in which the vehicles from the dayhome would be in the neighbourhood helps mitigate any impact on the parking.
- [59] For the above reasons, the Board concludes that the proposed development is compatible with the neighbouring uses. The Board imposes a condition that the parking spot outlined in yellow is dedicated for the use of the Home Based Business, Major.



- [60] The Board notes that the Development Authority asked for the Board to revoke the development permit for the additional dwelling unit if the Board approves the Home Based Business, Major. The Board notes that the only matter before it is the application for the Home Based Business, Major and that the development permit for the Additional Dwelling Unit was approved on May 23, 2024 (page 19). The appeal period for that development permit has expired and the Board has no authority to revoke that development permit.
- [61] Issued this _____ day of June, 2025 for the City of Beaumont Subdivision and Development Appeal Board.

Chelaine Winter, Clerk of the SDAB, on behalf of C. Savard, Chair of the SDAB
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

PERSONS APPEARING

1. S. Boulos, Development Authority
2. Y. Sharp, Development Authority
3. Ms. A. Kaur, Appellant
4. Mr. Kaur, Appellant

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

Exhibit	Description	Date	Pages
1.	Hearing Agenda	June 23, 2025	1
2.	Notice of Appeal	May 28, 2025	2-3
3.	Notice of Hearing		4-5
4.	Development Authority's Report		6-35
5.	Development Authority's Presentation		36-45