BEAUMONT
Subdivision
and Development
APPEAL BOARD

City of Beaumont
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Date of Hearing: August 11, 2025
File Number: 0111-S01-SDAB 2025-07

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] On July 2, 2025, the Development Authority of the City of Beaumont (the "Development Authority") refused a development permit (D-2025-41) for Sam Bilsky for a Secondary Access (Front Driveway 12.8 m x 7.32 m (24' x 24')), located at 5010-49 Street, Beaumont, AB and legally described as Plan 8445ET, Block 1, Lot 22 (the "Lands").

[2] On July 22, 2025, the Applicant, Sam Bilsky appealed the Development Permit. In this decision, Mr. Bilsky will be referred to as the Appellant.

[3] The Subdivision and Development Appeal Board (the "Board") heard the appeal on August 11, 2025. The hearing was conducted in person at City Hall.

RELIMINARY 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.

[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 denies the appeal and upholds the Development Authority's decision to deny a development permit.

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 Development Authority's written and oral submissions included an overview of the proposed development and the Lands it would be located on.

[11] The Lands are located at 5010-49 Street, Beaumont, AB and legally described as Plan 8445ET, Block 1, Lot 22 within the Our Centre-Ville Redevelopment Plan (the "Area Redevelopment Plan").

[12] The Appellant applied for secondary access for a front driveway on May 9, 2025 with payment processed May 30, 2025.

[13] The proposed secondary access was evaluated under s. 3.5.10.d.i. of the Land Use Bylaw ("LUB"), which requires prior approval by the Development Authority and was determined to be a discretionary use. The application provided for a site plan drawing which showed the existing uses onsite that include a rear access from the lane. The proposed new driveway would be located within the frontage and be 7.32 m wide by 12.8 m long, which would allow at least 2 additional vehicles.

[14] The Development Authority conducted a site inspection on June 17, 2025. The inspection confirmed that all residential properties along both sides of 49 Street have lane access. Five properties in the immediate area have front driveways, three of which have municipal approval to provide access to rear detached garages and two of which are considered legal non-conforming as they were developed prior to the adoption of Bylaw 944-19. While some properties do have front driveways leading to garages, these differ from this application, which proposes a front driveway with no connection to the detached garage. The application

was circulated to the City's Engineering department. Their review raised concerns related to access standards, infrastructure consistency, and lack of justification concluding that the proposed driveway should not be supported.

[15] The Development Authority found the application to be non-compliant with s. 3.5.10.d.ii of the LUB, which states that "where a site is adjacent to a lane, all vehicular access shall be from the lane unless authorized by the Municipality." The proposed development applied to add a secondary front driveway, resulting in access from the public street rather than from the rear lane. While the LUB does permit the Development Authority to authorize an alternative form of access, the discretionary provision was not exercised in this case. The Development Authority determined that allowing front driveway access would unduly interfere with the amenities of the neighbourhood, particularly with respect to pedestrian safety and comfort along the public sidewalk. The Development Authority found that allowing additional front access driveways in mature neighbourhoods can compromise walkability by introducing vehicle-pedestrian conflict points and negatively impact the character of the streetscape.

[16] Furthermore, while a 'driveway' is not explicitly listed under s. 3.5.2. (Uses) of the LUB, the discretionary nature of this application arises from both the interpretation of access regulations and the broader authority granted to the Development Authority under the Municipal Government Act ("MGA").

[17] The Development Authority reviewed the following LUB sections as part of its determination the proposed development did not comply with the LUB.

- Section 5.4.4.j:
    - "The Development Authority shall not approve an application for a [discretionary] Development Permit that is not in conformity with the Municipality's Statutory Documents."
        - The Development Authority determined there are two applicable statutory plans, The City's Our Complete Community Municipal Development Plan, and the City's Our Centre-Ville Area Redevelopment Plan.
        - The City's Municipal Development Plan s. 7.2.4 states:
            - Design of yards in Existing Residential and Future Residential areas shall limit the amount of impervious material coverage in order to protect the stormwater management system and enhance our public realm.
        - The City's Area Redevelopment Plan, s. 5.4.2.3 states:
            - Parking for low density residential developments may be provided from the front street if no alleys are provided.
    - The proposed development was determined not to conform with these statutory plans.

- Section 3.5.10:
    - Requires that one (1) on-site parking stall shall be required per dwelling unit.

- The Development Authority determined that existing parking accommodation within the property consists of a double detached garage and two (2), to possibly four (4) driveway parking stalls, and that the addition of another 93.70 m^2 of hard surfacing within the frontage would be excessive.

- Section 3.5.10.b.ii:
  - "Parking lots shall not be located in the principal frontage."
  - The Development Authority determined that the proposed parking area is located within the principal frontage of the property. However, the proposed development appears to function as a driveway that is accessory to the dwelling, and not as a 'parking lot', as defined in the LUB: "A parking area which is located on an area of land and is not accessory to a particular use or development".
  - The Development Authority noted the LUB does not define driveway, which creates some ambiguity in interpretation. The Development Authority determined this section provides regulatory direction, encouraging parking to be located at the rear where possible, rather than as a strict prohibition on front yard driveways.

- Section 3.5.10.d.ii:
  - "Where the site is adjacent to a lane, the lane will be used for all vehicular access unless otherwise authorized by the Municipality."
  - The Development Authority determined that the proposed parking area is accessed from the public roadway (front street) rather than the rear lane, which is not permitted unless explicitly approved by the Municipality. It is noted that the existing on-site parking–comprising four (4) to six (6) stalls located on the rear parking pad and within the rear yard garage–already utilizes the rear lane for vehicular access.

[18] The Development Authority denied the application for a secondary access for a front driveway. While s. 640(6) of the MGA grants the Development Authority discretion to approve a development that does not fully comply with the LUB, this discretion was not exercised in this instance. The Development Authority refused the application for four reasons:

a. The proposed development did not conform with the Municipality's Statutory Documents (Municipal Development Plan, Our Complete Communities and Our Centre-Ville Area Redevelopment Plan).
b. The proposed development is located within the principal frontage, which is contrary to the Land Use Bylaw.
c. The proposed parking area is in addition to lane access that has a parking pad and an accessory structure for parking vehicles. This is not permitted in the Land Use Bylaw.
d. There is sufficient parking available onsite which allows for 4 to 6 parking stalls.

[19] The Development Authority stated that the LUB defined parking spaces as 6 m of curb frontage. The proposed development would remove one public parking space and replace it with a private space, which would have a negative impact on the public use of the street.

[20] In response to Board questions:

(a) The Development Authority noted that all driveways are required to be made with cement so by definition it would be a hard surface identified by the Municipal Development Plan.

(b) In addition to runoff concerns there were concerns with the proposed development crossing the pedestrian boulevard and creating a conflict point between pedestrians and vehicles. The proposed development would involve more than just approving a hard surface; it would also involve approving new road access and cutting the curb.

(c) Following a Board question to the Appellant about how often he planned to park in the proposed front driveway as opposed to the existing rear parking, the Board asked the Development Authority if the Appellant's assertion he would still mostly park in rear parking changed their decision. The Development Authority noted that even if the current landowner was only planning on occasionally parking in a front driveway, any future property owners were not obligated to do so, and the existence of a front driveway would imply a right to park there.

(d) The Development Authority stated that they are unable to approve any proposed development that does not conform with the Statutory Plans. The Development Authority acknowledged that the Board was able to approve a proposed development if they disagreed with the Development Authority's decision, but these submissions expressed their concerns.

(e) The Board asked the Development Authority how much room for flexibility there was in under the statutory plans. In response, the Development Authority noted that developments approved under previous bylaws were allowed to remain in place as lawful non-conforming developments. The Development Authority stated that the changing bylaws are a reflection of changing priorities and are developed with substantial public input. These bylaws and statutory plans reflect the best practices as they are currently understood.

(f) The Development Authority noted that a variance had been granted on the Lands in order to build a larger garage which created more space for parking.

(g) The Board asked a question about other developments in the neighbourhood which seem more impactful. The Development Authority noted that those are permitted applications (as opposed to discretionary applications) and are approved under a different framework in the MGA.

(h) After the Appellant made his submissions and noted some confusion about where a copper connection valve was located on the Lands, the Development Authority

clarified that the location was something that the Engineering Department had identified, but acknowledged the Appellant probably had a better understanding of where things were located on the Lands than the Engineering Department. The Engineering Department had not flagged the location of the valve as a specific problem with the proposed development but had expressed non-support for the proposed development.

[21] In closing submissions, the Development Authority reiterated that development rules can change. The statutory plans that guided the Development Authority's decision were developed over several years and had substantial public input which is why the Development Authority is limited to approving proposed developments that conform with those plans.

Appellant – Sam Bilsky

[22] The Appellant stated that several of the houses on the block where he lives have both front and rear access. Some of them have rear access to a garage and a parking pad in the front, not just a front driveway to a rear garage. The houses on both sides of the Lands have a front access driveway. The house north of the Lands has both rear access to a garage and a front driveway to an attached carport.

[23] The Appellant noted the rear lane is not a typical residential back alley. It is a commercial lane which sometimes has large vehicle traffic.

[24] The Appellant noted that when there are events downtown, parking in the area can become hard to find as event attendees park on the streets near the downtown area.

[25] The Appellant expressed concerns with safety due to foot traffic from downtown. He was concerned about someone tampering with his vehicle while it was in the process of being unloaded in front of the house.

[26] The Appellant wanted a parking pad of some kind in the front that could be accessed from the main road in front of his house. The Appellant characterised it as being mostly for unloading groceries. He did not have a firm request on the size of the pad and was open to a smaller pad than described in the proposed development or otherwise changing the design.

[27] The Appellant noted that the Development Authority's submissions had referenced a copper connection valve in the area of the proposed development and stated that the valve was actually in the existing sidewalk and would not be affected by the proposed development.

[28] In response to Board questions:

(a) The Appellant reiterated he was open to different sizes or design proposals if the Board were to decide that way.

(b) The Appellant stated he would still principally park vehicles in the back of his house but sometimes he would park in the front.

[29] In closing remarks, the Appellant stated the appeal was not a vindictive one. He was not sure the proposed development would be a big deal and when the Development Authority denied the application he decided to appeal to see if there was any room for a different outcome.

Submissions from Affected Persons

[30] There were no appearances at the hearing from affected persons, but the written submissions to the Board included an email from a neighbour opposing the proposed development.

FINDINGS OF FACT

[31] The Lands are located at 5010-49 Street, Beaumont, AB and legally described as Plan 8445ET, Block 1, Lot 22.

[32] The Lands are located within the MN – Mature Neighbourhood (MN) District.

[33] The Use of the Proposed Development is Secondary Access for front driveway (12.8 m x 7.32 m).

[34] Secondary Access for front driveway is a discretionary use in the MN District.

[35] The Appellant is an affected person.

REASONS

Jurisdiction

[36] The Board notes that its jurisdiction is found in s. 687(3) of the MGA. In making this decision, the Board has examined the provisions of the MGA, 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

[37] 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.

[38] As the person who applied for the development permit and appealed the refusal, the Appellant is an affected person.

Issues to be determined

[39] The Board has determined that the following questions must be determined:

(a) Does the proposed development comply with the applicable statutory plans?

(b) If so, what is the district and the nature of the use?

(c) Is the use compatible with neighbouring uses?

a. Does the proposed development comply with the applicable statutory plans?

[40] The Board is aware that its decision must comply with any applicable statutory plans. The evidence of the Development Authority is that the Lands are governed by two statutory plans: the City's Municipal Development Plan (The Our Complete Community Plan) and the Area Redevelopment Plan (The Our Centre-Ville Plan).

[41] The Development Authority submitted that the proposed development did not comply with s. 7.2.4 of the Municipal Development Plan or s. 5.4.2.3 of the Area Redevelopment Plan. The Appellant did not provide any submissions in relation to the compliance of the proposed development with the statutory plans.

Municipal Development Plan

[42] Section 7.2.4 of the City's Municipal Development Plan states:

> Design of yards in Existing Residential and Future Residential areas shall limit the amount of impervious material coverage in order to protect the stormwater management system and enhance our public realm.

[43] The Development Authority stated that because of the requirement to limit the amount of impervious material and the asphalt nature of the driveway, the proposed development would not be in compliance with s. 7.2.4. of the MDP.

[44] The Board disagrees with the Development Authority that the proposed development does not comply with s. 7.2.4 of the Municipal Development Plan for the following reasons. In examining the language of the section, the Board notes that the language of s. 7.2.4 of the Municipal Development plan, that design of yards shall "limit" hard surfaces does not prevent all front driveway developments. The word "limit" in the section is not a total prohibition on any hard surfaces and could allow a front driveway development that otherwise complied with the statutory plans. There was no evidence of the amount of the Lands which would be covered by the proposed development, and no indication that there would be any negative impact on the City's stormwater management system if there were a front drive. Further, the Board notes that the Appellant has stated he is willing to reconsider the size of the proposed development. Based on the above, the Board finds as a fact that the proposed development would comply with s. 7.2.4 of the Municipal Development Plan.

Area Redevelopment Plan

[45] Section 5.4.2.3 of the City's Area Redevelopment Plan states:

> Parking for low density residential developments may be provided from the front street if no alleys are provided.

[46] The Development Authority stated that this section precludes approval of a front driveway if there is an alley.

[47] The Board agrees with the Development Authority that the proposed development does not comply with s. 5.4.2.3 of the Area Redevelopment Plan for the reasons set out below.

[48] The language of s. 5.4.2.3 of the Area Redevelopment plan is clear and is capable of only one interpretation. The language of the section is clear that front parking may only be provided if there is no rear alley access. The clear implication of this language is that front parking access will not be permitted if there is rear alley access. The Lands are accessible by the rear alley and therefore front parking is not permitted.

[49] The Appellant submitted that the rear alley is not a typical residential back alley and is instead a commercial alley. The Board acknowledges that there may be commercial vehicles using the alley. However, s. 5.4.2.3 does not make the distinction between different types of alleys. It refers only to access from an alley. There is no qualifier placed on the nature of the

alley. While the Board acknowledges the Appellant's concerns that the alley behind his house is a busier alley, the Area Redevelopment Plan considers only whether there is a rear alley. Since the Lands have a rear alley, the Board cannot approve a front driveway because its decision would not comply with s. 5.4.2.3 of the Area Redevelopment Plan. The Board finds as a fact that the proposed development does not comply with s. 5.4.2.3 of the Area Redevelopment Plan.

b. If so, what is the district and the nature of the use?

c. Is the use compatible with neighbouring uses?

[50] The only evidence before the Board was that the Lands are located within the Mature Neighbourhood Residential District and the proposed development is a discretionary use.

[51] If the Board had determined that the proposed development complied with the applicable statutory plans, it would have needed to make a determination of the compatibility of the proposed development with neighbouring uses.[1] Since the Board has concluded that the proposed development does not comply with the Area Redevelopment Plan, the Board does not need to consider whether the proposed development meets other requirements under the LUB.

Conclusion

[52] The Board denies the appeal and upholds the decision of the Development Authority.

[53] Issued this _____ day of August, 2025 for the City of Beaumont Subdivision and Development Appeal Board.

_____
Gwendolyn J. Stewart Palmer, Clerk of the SDAB, on behalf of the
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 s. 688 of the Municipal Government Act, RSA 2000, c M-26.

APPENDIX "A"
REPRESENTATIONS

PERSONS APPEARING

1. K. Tarnawsky, Development Authority
2. Y. Sharpe, Development Authority
3. S. Bilsky, Appellant

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

Exhibit	Description	Date	Pages
1.	Hearing Agenda	August 11, 2025	1-2
2.	Notice of Appeal	July 22, 2025	3-4
3.	Notice of Hearing	July 24, 2025	5-6
4.	Development Authority's Report	August 6, 2025	7-33
5.	Development Authority's Presentation	August 6, 2025	34-45
6.	Appellant's Submissions	August 6, 2025	46-47
7.	Submissions from Affected Persons	August 6, 2025	48