BEAUMONT
Subdivision
and Development
APPEAL BOARD

City of Beaumont
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Date of Hearing: October 27, 2025
File Number: 0111-S01-SDAB 2025-08

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] On August 21, 2025, the Development Authority of the City of Beaumont (the "Development Authority") approved a development permit (D-2025-55) with conditions for Cory Canart for a Driveway Extension (Front Driveway 2m x 9.6m) located at 4706-55 Avenue, Street, Beaumont, AB and legally described as Plan 7720379, Block 17, Lot 13 (the "Lands").

[2] On September 11, 2025, 2025, the Applicant, Cory Canart, appealed the Development Permit. In this decision, Mr. Conart will be referred to as the Appellant.

[3] The Subdivision and Development Appeal Board (the "Board") heard the appeal on October 27, 2025. The hearing was a hybrid hearing with the Appellant and the Development Authority attending in person at City Hall and Mr. Mackenzie, the Appellant's consultant, appearing virtually.

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

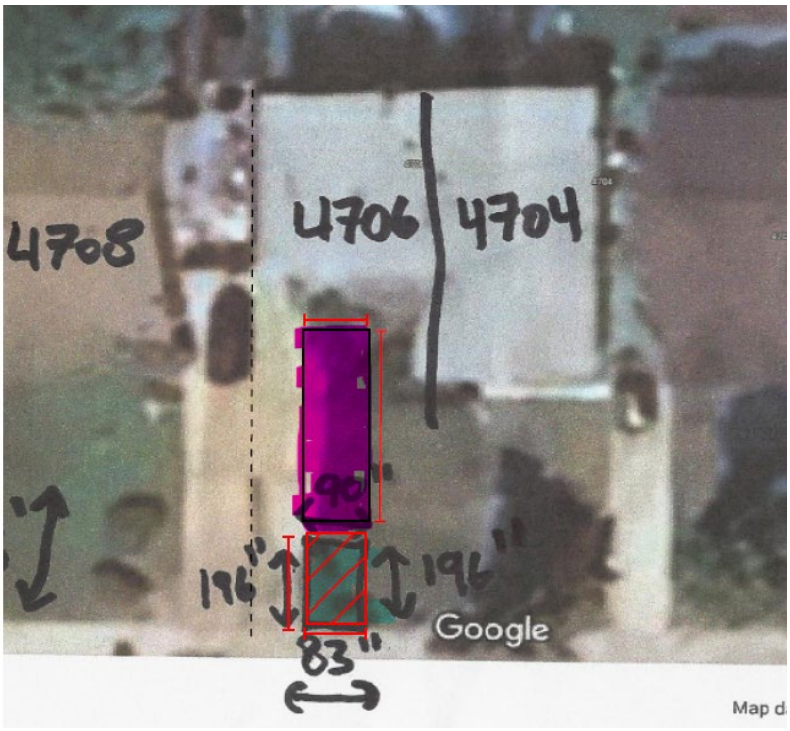
[6] The appeal was filed in time.

[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 grants the appeal and varies the terms of Development Permit D-2025-55 so that the permit is subject to the below conditions:

1. The driveway extension is approved for the portion of development located on 4706-55 Avenue, indicated in pink and red cross hatched on the below site plan.



2. The Applicant must obtain written authorization from the City (encroachment agreement) for the occupation of the municipal land (the portion identified above in red cross hatching).

3. The Applicant must ensure that the driveway complies with the City's Surface Drainage Bylaw 1058-25 and the City of Beaumont General Design Standards.

SUMMARY OF HEARING

[1] 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

[2] The Lands are located at 4706-55 Avenue, Beaumont, AB and legally described as Plan 772 0379, Block 17, Lot 13. The Lands are districted Mature Neighbourhood (MN) under the City of Beaumont Land Use Bylaw (LUB). The principal use of the parcel is Duplex Housing, which is a permitted use in this district.

[3] The application for a secondary access for a front driveway. The driveway extension is considered to be accessory to the permitted use. The development permit application sought approval to extend the existing driveway's width from 3.52 metres to 5.52 metres. The length of the extension is from near the front of the house to the roadway curb. The front property line is 6.26 metres from the roadway curb. Therefore, 2.0 m X 9.6 m of driveway extension is located on private property, and 2.0 m × 6.26 m is on the municipal boulevard.

[4] The Development Authority approved the portion of the driveway extension located on private property, with the condition that the portion on municipal land was not part of the approval and must be removed by September 19, 2025. The Development Authority determined that authorization could not be granted for the portion on public property. The approval contained Condition 2 and 3, directing the applicant to restore the boulevard area to its original landscaped condition.

[5] The following provisions of the City's Municipal Development Plan and LUB empower the Development Authority to regulate access, landscaping, and use of municipal property to maintain safety, stormwater function, and neighbourhood character:

> Municipal Development Plan (MDP): Section 7.2.4: Design of yards in Existing and Future Residential areas shall limit impervious material coverage to protect the stormwater management system and enhance the public realm.
>
> Land Use Bylaw (LUB): Section 3.5.10(d)(i). – All lots require at least one access from a legal and physical public roadway approved by the Municipality. Additional accesses require prior approval from the Development Authority.
>
> Section 5.13.1(o). – Hard and/or soft landscaping within a frontage or forming part of a development that requires a development permit must receive Development Authority approval.
>
> Section 5.14.2(b). – When an application is made by someone other than the registered landowner, written authorization from the owner is required.
>
> Section 5.31.4. – No person may remove or alter landscaping or structures on public property without authorization from the Development Authority.

Section 5.4.4(j). – The Development Authority shall not approve an application that is inconsistent with the Municipality's statutory plans. (The MDP is a Statutory Plan)

General Design Standards 2.1.1.3 e.g. – Driveways must be located to maximize on-street parking availability.

[6] Under LUB s. 5.31.4, the Development Authority acts on behalf of the Municipality to authorize or prohibit development on public lands. The Development Authority has jurisdiction to regulate driveway extensions that encroach onto municipal boulevards and to require restoration where no authorization is provided.

[7] The driveway extension required a permit because:

a. It altered parcel access, which must be approved by the Municipality (s. 3.5.10(d)(i)).

b. It involved hard landscaping within a frontage forming part of a development requiring a permit (s. 5.13.1(o)).

c. It affected landscaping on public property, requiring authorization from the Development Authority (s. 5.31.4).

[8] The MDP encourages limiting impervious coverage to protect drainage and the public realm. The front yard, including boulevard, is approximately 140 m², of which 49 m² (35 %) is already hard surfaced. The proposed extension would add 31.2 m², bringing total coverage to 57 % of the frontage. This remains within the range typically observed for duplex dwellings but required assessment of cumulative impacts on stormwater and neighbourhood design.

[9] The property already has a single legal access from 55 Avenue, consistent with LUB s. 3.5.10d i.

[10] The driveway extension would widen the approach from 3.52 m to 5.52 m. The site provides more than the required parking (1 stall per dwelling unit > 75 m²). The existing 19.5 m driveway accommodates 2–4 vehicles, exceeding the minimum. The Development Authority determined that while a modest expansion on private property was reasonable, additional hard surfacing on the boulevard was not necessary to support vehicle movement or on-site parking.

[11] Between the Lands and its neighbour, 4704-55 Avenue, there is a 14 m frontage available for on-street parking. Per the Traffic Safety Bylaw, vehicles cannot park within 1.5 m of a driveway. Extending the driveway over the boulevard would reduce usable curb length from 11 m to 9 m, effectively removing a public parking stall. Given that J.E. Lapointe School lies across the street and the south side of 55 Avenue is restricted for school bus loading, on-street parking on the north side serves as an important community function during peak periods. The loss of one stall would therefore materially impact neighbourhood parking availability and conflict with the General Design Standards objective of maximizing on-street parking.

[12] The extension across the municipal boulevard was not approved for the following reasons. The expanded approach is not required to facilitate effective access. Parking requirements for the site are already exceeded. Converting a public parking stall to private use is not justified and would negatively affect the streetscape and neighbourhood function.

[13] The Development Authority offered two alternatives: confirm the development permit with the 2 conditions; or to vary the decision. If the Board authorizes the boulevard portion, the Development Authority suggested three conditions:

a. Written authorization from the City for occupation of municipal land;

b. Payment of restoration security and applicable fees; and

c. Compliance with all Engineering and Transportation comments.

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

a. The original approval for the driveway included a driveway made of impermeable concrete. The previous development approval gave one access to the Lands.

b. Condition number 3 is meant to address the grading required by the surface drainage bylaw. The Development Authority relies upon Engineering to provide the requirements for the standard to which the drive must be constructed, particularly the portion on municipal property. However, the Development Authority noted that the portion on the municipal property was refused and so there are no comments from engineering as to what would be acceptable at this stage.

c. There are utility lines underneath the driveway. However, the access is within City property and therefore the utilities can be accessed.

d. The amount of surface area on the portion on municipal lands covered by the 2m X 6m square would not impact the storm management system.

e. The Development Authority noted that condition 1 which referenced a written authorization was an encroachment agreement and the City does not charge a fee for it. In relation to condition 2 (the amount required to remediate the Lands), the encroachment agreement is for a set amount of time. If the encroachment agreement is not renewed, the City would then have money to restore the right of way lands to their previous state. The encroachment agreement would be between 2 parties and is not a Development Permit that runs with the land. In relation to the third condition, there were no comments provided by Engineering or Transportation. The concern of the City is that the Development needs to meet the General Design Standards and the Surface Drainage Bylaw.

[15] The Development Authority stated that regardless of whether the interpretation is a widening of the access or an additional access, there are several other policies in the LUB

stating that altering the landscaping requires authorisation. It requires a development permit and needs approval from the Development Authority before it is altered. Further, the regulations are at the discretion of the Development Authority. The City wants to maximise street parking and soft landscaping and have curb cuts minimized. The Development Authority indicated the widening of the driveway was not justified.

Appellant – Cory Canart and Greg MacKenzie, Consultant to the Appellant

[16] The Appellant requested an appeal of conditions 2 and 3 of the Development Permit. The provisions related to the driveway width. The driveway was no wider than the width of a garage and there is no garage on the property. The regulation in question is a qualitative regulation. The Appellant seeks to widen the driveway but is not in contravention of the LUB. There is no maximum width for a driveway set out in the LUB. Further, in relation to any requirements for parking, the LUB provides for minimum parking requirements but does not provide any maximum number of parking stalls. Therefore, a request to increase the number of parking stalls is not in contravention of the LUB. Although the City says that the driveway widening means that there is more than one access, the position of the Appellant is that it is a widening of an existing approved access and not a second access.

[17] In relation to the concerns of the Development Authority regarding parking spaces on the street and converting those public spaces to private spaces, the Appellant stated that there are no minimum public parking requirements on the street. The parking standards in the LUB provide that all stalls are to be provided on site except where the Development Authority approves street parking. In the Appellant's submission, the LUB provisions encourage on site parking and provides on-street parking as an option, rather than the reverse. The issue here is removing on-street parking.

[18] In relation to the calculations provided by the Development Authority, the evidence before the Board is that the on-street parking is 14 metres. At 6 metres per parking stall (on-street) plus 1.5 metres from the edge of the private driveways, it would be 2 stalls at 6 metres each plus 3 metres which is 15 metres. Therefore, even before the widening, the street parking is insufficient to provide for 2 approved sized street parking stalls. Although 2 cars would fit, they are not conforming stalls. After the widening, there would be one conforming parking space as there always was. This is in line with the City's LUB, which prefers on site parking.

[19] In relation to the MDP which speaks of minimizing hard surfaces, this is not a quantifiable section. There is a requirement for a storm water plan to demonstrate the impact of introducing additional impervious surfaces. However, the Appellant was not notified until the decision was made that the storm water plan would be required.

[20] In relation to comments about the attractive streetscape, neighbours have mentioned ponding on the Lands before the widening. The Appellant's improvements have removed the ponding, and neighbours feel that the work is an improvement over the infrastructure in the City's right of way before it had been improved. It is not a negative impact on the neighbourhood but rather improves the streetscape.

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

a. In relation to the conditions, he assumes that the Appellant could obtain authorization from the City for the occupation as contemplated under the first proposed condition.

b. In relation to the second condition, he stated that securities are common in development and assumes that the securities would be returned following the inspection.

c. The Appellant assumed that the funds would be returned on the security once the standards had been met. He stated that he had built side walks for the City before and had done it to City specifications. He had no concerns with construction. He was positive that the sidewalk would not crack or settle. He stated that it would be terrible to cut out the two metre by six metre block and it would not look good.

d. In relation to the third condition, this may be a challenge because of the City's standards. He presumed that the City's standards would address the thickness of concrete, the slopes etc. His understanding is that the work which has been completed will meet this test.

e. The Appellant stated that the concern is in relation to the (2m x 6m) area on city property. They are concerned with having to tear it up. The neighbours are in support. They accept the three conditions if the Board were to grant the approval with those conditions.

[22] The Appellant was concerned about the amount of security but was confident based on the work that the work would meet the City's standards. The Appellant was fine with an encroachment agreement. Although the Appellant did not know the amount of the security, the Appellant believed that it would be returned once an inspection was completed.

FINDINGS OF FACT

[23] The Lands are located at 4705-55 Avenue, Beaumont, AB and legally described as Plan 7720379, Block 17, Lot 13.

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

[25] The Use of the Proposed Development is for exterior alteration of front driveway extension (2m x 9.6m).

[26] The Appellant is an affected person.

REASONS

Jurisdiction

[27] 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 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

[28] 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.

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

[30] The Appellant has appealed conditions 2 and 3 of the Development Permit. The question for the Board is whether the conditions 2 and 3 should be altered or upheld. In order to decide the appeal, the Board must determine the following questions:

a. What is the use and is it permitted within the District?
b. Does the use comply with the statutory plans?
c. Does the use require any variance of the regulations, and if so, should the Board exercise its variance power?
d. If the Board decides to approve the use, should the Board impose any conditions on the approval?

a. What is the use and is it permitted within the District?

[31] The only evidence before the Board is that the Lands are zoned as MN – Mature Neighbourhood (MN) District and as a result the Board finds so as a fact.

[32] There also was no disagreement between the parties that the use is a driveway widening and that driveway widening is accessory to the permitted use of the Dwelling Unit. Based on this evidence, the Board finds as a fact that the use is an accessory permitted use within the District.

b. Does the use comply with the statutory plans?

[33] The only applicable provision of the MDP is s. 7.2.4 which states:

> *Design of yards in Existing Future Residential areas shall limit impervious material coverage to protect the storm water management system and enhance the public realm.*

[34] The Appellant seeks approval for an additional (2m x 6m) rectangle of impervious material.

[35] In considering whether the approval for the additional area would contravene the City's MDP, the Board notes that the language of the MDP does not provide a quantitative direction about how much impervious material is permitted. The Board also notes that the language of s. 7.2.4 is a requirement to *limit* impervious material coverage.

[36] The section does not indicate a mandatory prohibition of impervious surfaces, but seeks to limit them to protect the stormwater management system and to enhance the public realm. Therefore, the Board must make a determination about whether the additional rectangle would cause an impact to the City's storm water management system. The Development Authority noted that the additional area would not cause a negative effect on the City's stormwater system.

[37] The evidence before the Board from neighbours in the area of the Lands was that the work done by the Appellant to construct a new driveway, thus fixing the "dip" improved the neighbourhood.

[38] Based on the evidence before the Board, the Board is of the view that approving the additional rectangle falls within the relevant section of the MDP. The Development Authority was prepared to approve all but the 2m X 6m rectangle. The additional piece is not a significantly large area. There is no evidence of impact to the City's storm system and the evidence of the neighbours supports a finding that the public realm is enhanced. Therefore the Board concludes that the 2m X 6m triangle complies with the City's MDP.

c. Does the use require any variance of the regulations, and if so, should the Board exercise its variance power

[39] Having heard the submissions of the Development Authority advising that the LUB would prohibit or at least provide the Development Authority with the justification to refuse the widening, the Board has reviewed the provisions to determine whether any of the provisions cited by the Development Authority would require a variance.

[40] The Board reviewed s. 3.5.10(d)(i), which provides that all lots require at least one access, and that additional access is required with prior approval from the Development Authority. Having reviewed the photographs and the plans, the Board is of the view that the widening is not an additional access but is a widening of the existing access to the Lands. As a result, the Board does not interpret this provision of the LUB as requiring a variance. The Lands do have an existing approved access. The requested widening does not create a second access and therefore this section does not require any variance. In light of the Board's conclusion that the proposed development is a widening, the Board does not need to grant approval for a second widening.

[41] Section 5.13.1(o) provides that hard landscaping requires a development permit. The Board agrees that this section give discretion to the Development Authority to approve hard landscaping. The Board does not interpret this section as imposing a standard that requires variance. It merely provides authority to approve or refuse the landscaping. On appeal, the Board may exercise this discretion. The Board has considered the evidence of community support. The Board is of the view that cutting out a 2m X 6m rectangle would be unattractive, and would create issues of mud, etc. As a result, the Board is prepared to exercise its discretion to grant approval under this section.

[42] Section 5.1.4.2 (b) requires a written authorization from the owner for the Development over the City's right of way. The Board will address this section of the LUB when it addresses the proposed condition number 1 (see below).

[43] Section 5.31.4 provides that no person may alter structures on public property without authorization. Again, the Board notes that this does not require a variance but the exercise of discretion and the Board for the same reasons as noted above in relation to s. 5.13.1(o) is prepared to grant this approval.

[44] Section 5.4.4 (j) provides that the Development Authority shall not approve an application that is inconsistent with the city's statutory plans. Having concluded that the proposed development complies with the MDP s. 7.2.4, the Board finds there is no prohibition on the approval based on this section.

[45] In considering all of the above sections, the Board interprets the sections as not imposing standards that require any variance. Rather they set out the authority under which the Development Authority acts. The question is whether the Board should exercise the discretion found within them. The evidence before the Board from the neighbours is that the Appellant has improved the aesthetic of the neighbourhood by removing the ponding which occurred on the driveway. The neighbours have indicated that the proposed development provides a

positive to the neighbourhood. In light of the fact that the area that is in question (2 metres x 6 metres) is small, will not affect the City's storm drainage, and improves the aesthetic, the Board is prepared to grant approval for the 2m X 6m area that had previously had been refused by the Development Authority.

d. If the Board decides to approve the use, should the Board impose any conditions on the approval?

[46] The Board has considered the three proposed conditions from the Development Authority. In relation to condition 1, as noted in ss. 5.13, 5.14 and 5.31, approval is required from the municipality for this work. The Board notes that the evidence of the Development Authority was that the written authorization was an encroachment agreement for which no fee would be required. The Appellant did not object to this condition being imposed.

[47] The Board is of the view that such a condition is reasonable to evidence the approval of the municipality. Further, the imposition of an encroachment agreement between the parties provides clarity of obligations by setting set out the terms for the encroachment. The Board is of the view that such a condition is reasonable given that the proposed development is located over public property.

[48] In relation to the second condition, the Board notes that the parties did not have a similar understanding as to what would be included within a security. The appellant believed that the money would be returned once the construction had been completed. The city indicated that the money would be held pending the potential end of the encroachment agreement and the restoration of the City's lands to their former (undeveloped) state.

[49] Having considered the evidence, the Board is not prepared to impose condition 2 in the form proposed because the security would be imposed as a condition running with the Lands. The impact of doing so would mean that the security would be held until the encroachment agreement ends. If the Appellant were to sell the Lands before the encroachment agreement ended, there would be a question of how the security would be handled. The Board was not provided with alternate wording which might address this situation. In the absence of alternate proposals, the Board is not prepared to impose this condition.

[50] In relation to condition 3, the Board notes that the Development Authority did not receive comments from Engineering or Transportation to date, but that the Development Authority noted that its concerns were compliance with the City's Surface Drainage Bylaw and the City's General Design Standards. The Board agrees that compliance with these two documents is reasonable to prevent neighbourhood impacts arising from poor drainage or construction which does not meet the City's standards. Therefore, the Board amends the proposed condition and imposes as a condition that the development must comply with the City's Surface Drainage Bylaw and with the City's General Design Standards.

[51] Issued this 5th day of November, 2025 for the City of Beaumont Subdivision and Development Appeal Board.

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Chelaine Winter on behalf of
C. Khumalo, 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 s. 688 of the Municipal Government Act, RSA 2000, c M-26.

APPENDIX "A"
REPRESENTATIONS

PERSONS APPEARING

1. Yasmin Sharp, Development Authority
2. Cory Canart, Appellant
3. Greg MacKenzie, Agent for Cory Canart, Appellant

APPENDIX "B"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB

Exhibit	Description	Date	Pages
1.	Hearing Agenda	October 27, 2025	1-2
2.	Notice of Appeal	September 11, 2025	3-4
3.	Notice of Hearing	September 22, 2025	5-6
4.	Development Authority's Report	October 27, 2025	7-38
5.	Development Authority's Presentation	October 27, 2025	39-52
6.	Appellant's Submissions	October 17, 2025	53-67