

SUBDIVISION AND DEVELOPMENT APPEAL BOARD A G E N D A

DATE: October 25, 2023
TIME: 6:30 p.m.
LOCATION: Council Chambers
3rd Floor, 315 Jespersen Avenue

1. Call to Order
2. Appeal Hearing - PLDPR202300768

Appellant: Alquinn Homes Ltd. by John McCaffray

An appeal has been filed against the refusal of Development Permit PLDPR202300768 to allow for reduced side yard setbacks of the existing detached garage located at 142 Harvest Ridge Drive (Plan 142 4670, Block 11, Lot 52). The Development Permit was refused on September 14, 2023.

3. Adjournment

City of Spruce Grove Subdivision and Development Appeal Board

Appeal Number: PLDPR202300768

Appellant: Alquinn Homes Ltd. represented by John McCaffray

Civic Address	Legal Description
142 Harvest Ridge Drive	Plan 142 4670, Block 11, Lot 52

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EXHIBIT 1

DEVELOPMENT PERMIT No. PLDPR202300768

TIMELINES

Development Permit Application Received	August 28, 2023
Development Permit Application Decision Issued	September 14, 2023
Development Permit Appeal Period Expiry Date	October 4, 2023
Notice of Appeal Received	October 3, 2023
Notice of Hearing Sent to Appellant	October 11, 2023
Notice of Hearing Sent to Adjacent Property Owners	October 12, 2023
Notice of Hearing Advertised in Newspaper	October 13, 2023
Subdivision and Development Appeal Board Hearing	October 25, 2023

EXHIBIT 2

Planning Application				
project number	master project	type	status	date entered
PLDPR202300768	MP2023004945	Development Permit - Residential	Under Appeal	08/28/2023
primary contact		primary location		
ALQUINN HOMES LTD, Address:BOX 4330, Phone:(780) 962-1046		142 HARVEST RIDGE DR		

Planning Application Details				
department	project lead	jurisdiction	site area (gross ha)	
Planning Department	Tanya Ouellette	City of Spruce Grove		
name		location description		
Variance to the side yard setback of the existing detached garage		1424670;11;52		
proposed use		number of lots		
Residential				
appeal deadline date	advertised date	decision deadline	type of decision (dp only)	
10/04/2023	MM/dd/yyyy	10/18/2023	Variance	
date submitted	expiration date	date closed	entered by	
08/28/2023	MM/dd/yyyy	MM/dd/yyyy	Web Registered	
comments				
Variance to the side yard setbacks of the existing detached garage				
public notice summary				
inspector notes		total estimated valuation		
		\$0.00		

I acknowledge that I have read and understood the Terms and Conditions as set out in the document provided in the link below. I am aware that by clicking the "Do you agree" button below, I am freely and voluntarily agreeing to those terms and conditions.

do you agree?

Planning Application

project number PLDPR202300768	master project MP2023004945	type Development Permit - Residential	status Under Appeal	date entered 08/28/2023
primary contact ALQUINN HOMES LTD, Address:BOX 4330, Phone:(780) 962-1046		primary location 142 HARVEST RIDGE DR		

I acknowledge that I have read and understood the Terms and Conditions as set out in the document provided in the link below. I am aware that by clicking the "Do you agree" button below, I am freely and voluntarily agreeing to those terms and conditions.

do you agree?

1 Application Types + Add Application Type

Type	Status	Status Date	Approval Track
Variance	Under Appeal	10/04/2023	Administrative

Generate Fees and Submittals

2 Locations + Add Location

Description	Type	Status	Property Alert	Primary	Display
142 HARVEST RIDGE DR	Address	Active	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1424670;11;52	Property	Active	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Add Related Parcels, Addresses and Owners Show Map

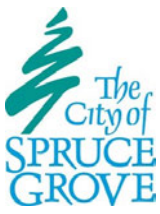
3 Contacts + Add Contact

Description	Type	Contact Alert	Primary	Portal
HURLEY, ANDREW, Address:142 HARVEST RIDGE DRIVE	Property Owner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HURLEY, GEORGIA YAMASHITA, Address:142 HARVEST RIDGE DRIVE	Property Owner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ALQUINN HOMES LTD, Address:BOX 4330, Phone:(780) 962-1046	Applicant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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Update Owner

EXHIBIT 3



315 Jespersen Avenue
Spruce Grove, AB T7X 3E8

Phone: (780) 962-7582
Fax: (780) 962-1062

Business Hours
8:30 a.m. - 4:30 p.m. (Mon - Fri)

Notice of Application Refusal

Application: **PLDPR202300768**
Date: September 14, 2023

ALQUINN HOMES LTD
BOX 4330
SPRUCE GROVE, AB T7X 3B5

Project Information

Civic Address: 142 HARVEST RIDGE DR;
Legal: 1424670;11;52
Project: Variance to the side yard setbacks of the existing detached garage

Pursuant to the City's Land Use Bylaw, there is a required setback from property lines to any development on a site. These development setback areas are intended to act as a buffer between uses. These buffers are put in place for the protection of privacy, drainage and safety. Section 53 of Land Use Bylaw C-824-12 states that the minimum required side yard setback of an accessory building to a property line shall be 1m. This 1m setback shall be measured perpendicularly from the nearest point of the exterior wall of a building to the property line as per the definition of setback under Section 7. In this particular instance, the proposed setback from the exterior wall of the existing detached garage to the property line is approximately 0.74m - 0.75m. Therefore, not meeting the minimum required setback. A variance has been **refused** for the following reasons:

1. Section 14(5) of the City's Land Use Bylaw indicates that a variance shall be considered only in cases of hardship or practical difficulties particular to the use, character or situation of land or buildings which are not common to other sites in the same Land Use District. In comparing the site of 142 Harvest Ridge Drive to other adjacent sites located on the same side of the lane in the same neighbourhood, the Development Officer felt there was no particular reason why a variance should be granted as the lot in question is no different in size or shape than the adjacent sites where 18ft (5.49m) or 20ft (6.10m) wide detached garages were constructed, meeting the minimum required 1m side yard setback regulations. The lot in question has a 22ft (6.71m) wide detached garage which could only be accommodated if the detached garage was set 6.85m into the lot as per the approved plot plan under Development Permit PL20210000725 therefore, the minimum required 1m setback could have been met.
2. Section 14(2) of the City of Spruce Grove Land Use Bylaw C-824-12 states a variance shall only be granted if it is truly minor in nature. It is the opinion of the Development Officer, a variance of approximately 25% is not truly minor in nature.
3. As per Section 4 of the City of Spruce Grove Land Use Bylaw C-824-12, nothing contained within this Bylaw and no approval or permit issued hereunder relieves any person from the requirement to comply with the provisions of any other applicable Federal, Provincial or municipal law nor the provisions of any caveat, easement or other instrument affecting a Building or land. An inspection of the site on September 12, 2023, by the City's Building Inspector, found that the location of the existing detached garage was in contravention of the National Building Code - 2019 Alberta Edition.

Tanya Ouellette
Development Officer

APPEAL PERIOD EXPIRY DATE: October 04, 2023

Important Notices

☞ If you wish to appeal the decision of the Development Officer, a completed form along with the appeal fee can be submitted in the following manner:

In person	By mail
City Hall 315 Jespersen Avenue Spruce Grove, AB	Clerk of the Subdivision and Development Appeal Board c/o City Clerk's Office City of Spruce Grove 315 Jespersen Avenue Spruce Grove, Alberta T7X 3E8

The request for appeal shall be submitted within the appeal expiry date.

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

LOT: 52 **BLOCK:** 11 **PLAN:** 142 4670
CIVIC ADDRESS: 142 HARVEST RIDGE DRIVE
SUBDIVISION: HARVEST RIDGE
MUNICIPALITY: SPRUCE GROVE
PREPARED FOR: ALQUINN HOMES
DATE OF SURVEY: NOVEMBER 24, 2022
SCALE: 1:200

DATE OF TITLE SEARCH: NOVEMBER 18, 2022
 (copy on reverse)

ALBERTA LAND SURVEYOR'S CERTIFICATION:

I hereby certify that this Report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association's Manual of Standard Practice and supplements thereto. Accordingly, within those standards and as of the date of this Report, I am of the opinion that:

1. the plan illustrates the boundaries of the Property, the improvements as defined in Part C, Section 6.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, and registered easements and rights-of-way affecting the extent of the title to the Property;
2. the improvements are entirely within the boundaries of the Property;
3. no visible encroachments exist on the Property from any improvements situated on an adjoining Property;
4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of the Property.

Purpose of Report: This Report and attached plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate, etc.). Copying is permitted only for the benefit of these parties, and only if the plan remains attached. Where applicable, registered easements and utility rights-of-way affecting the extent of the Property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this Report. The attached plan should not be used to establish boundaries because of the risk of misinterpretation or measurement error by the user.

The information shown on this Report reflects the status of this Property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

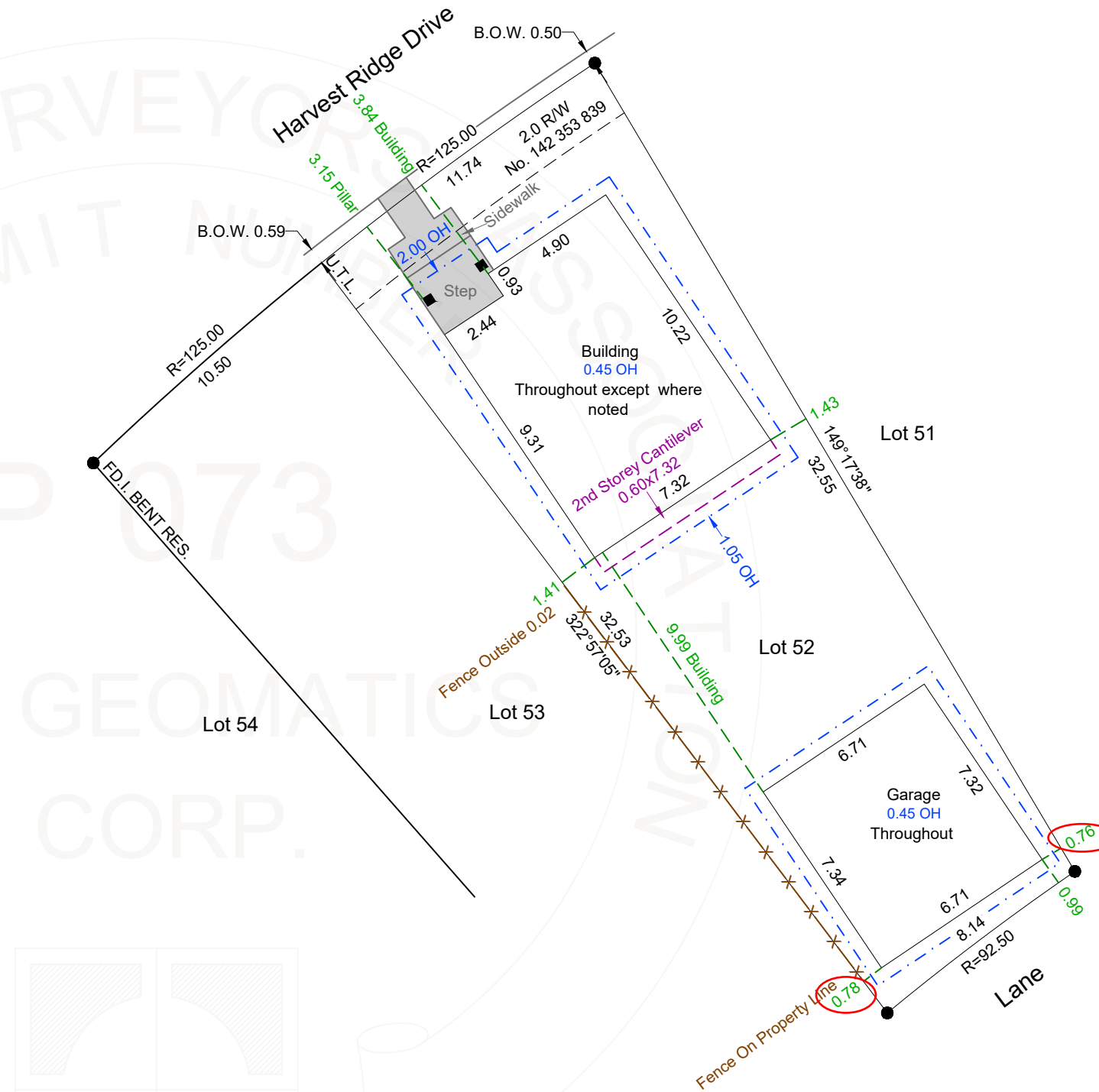
This document is not valid unless it bears the original signature or digital signature of an Alberta Land Surveyor and a Pals Geomatics Corp. permit stamp.

LEGEND:		
CONCRETE	◆	IRON BAR
Ø	(CALC.)	CALCULATED
ADJ.	I. ●	IRON POST
BLD.	OH	OVERHANG
B.O.C.	■	PILLAR
B.O.W.	R/W	RIGHT OF WAY
DIST.	R	RADIUS
DEST.	(R)	RADIAL
Fd.	REF.	REFERENCE
— x — x —	RES.	RESTORED
G	UTL.	UNABLE TO LOCATE
INACC.	INACCESSIBLE	WOOD

THE CITY OF SPRUCE GROVE
PLANS EXAMINED

Development Officer - Tanya Ouellette
 Signature: *T. Ouellette*
 Date: Sep 14, 2023
 Permit #: PLDPR202300768

REFUSED

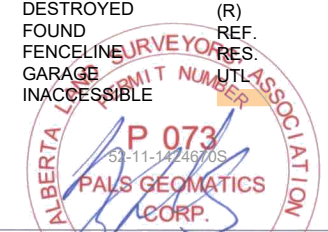
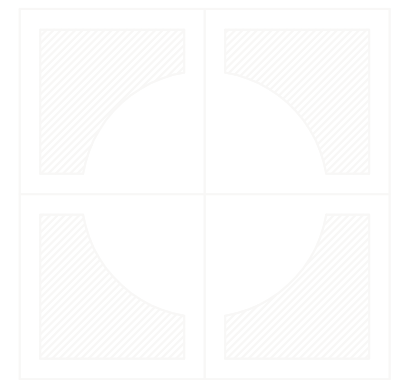


NOTE: BEARINGS ASSUMED FROM SUBJECT PLAN.

ALL VISIBLE GROUND LEVEL SIDEWALKS, PATIOS AND DRIVEWAYS PERTAINING TO THIS PROPERTY ARE WITHIN THE LIMITS OF THE SAME UNLESS SHOWN OTHERWISE.

FENCES SETBACKS ARE SHOWN TO THE CENTER OF THE FENCE POSTS.

DRIVEWAY INACCESSIBLE DUE TO SNOW AND ICE.



Dated at: Edmonton, AB
 November 29, 2022

Ryan M. Pals, A.L.S. © 2022

- NOTES:**
1. DIMENSIONS ARE SHOWN IN METERS AND DECIMALS THEREOF.
 2. DISTANCES ON CURVED BOUNDARIES ARE ARC DISTANCES.
 3. EAVES ARE MEASURED TO THE LINE OF THE FASCIA.
 4. DIMENSIONS ARE TO FOUNDATION WALLS
 5. BUILDING HAS CLADDING.

Pals Geomatics
 Corp.

EMAIL: RPR@PALSGEOMATICS.COM 10704 - 176TH STREET NW
 TEL: (780) 455-3177 EDMONTON, ALBERTA T5S 1G7
 FAX: (780) 481-1301 DRAFTER: KS



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0036 356 252 1424670;11;52 222 127 352

LEGAL DESCRIPTION
PLAN 1424670
BLOCK 11
LOT 52
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;27;53;8;SW

MUNICIPALITY: CITY OF SPRUCE GROVE

REFERENCE NUMBER: 142 353 837 +6

Table with 5 columns: REGISTRATION, DATE (DMY), REGISTERED OWNER(S) DOCUMENT TYPE, VALUE, CONSIDERATION. Row 1: 222 127 352, 03/06/2022, TRANSFER OF LAND, \$115,900, \$115,900

OWNERS
ALQUINN HOMES LTD.
OF 109, 301 SASKATCHEWAN AVENUE
SPRUCE GROVE
ALBERTA T7X 3B5

ENCUMBRANCES, LIENS & INTERESTS

Table with 3 columns: REGISTRATION NUMBER, DATE (D/M/Y), PARTICULARS. Row 1: 142 353 839, 21/10/2014, UTILITY RIGHT OF WAY... Row 2: 222 127 366, 03/06/2022, MORTGAGE...

(CONTINUED)

IF MORE INFORMATION IS REQUIRED ON A PENDING REGISTRATION WHERE
THE CONTACT INFORMATION DISPLAYS N/A PLEASE EMAIL LTO@GOV.AB.CA.

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER DATE (D/M/Y) PARTICULARS

ALBERTA T5J0N3
ORIGINAL PRINCIPAL AMOUNT: \$9,000,000

TOTAL INSTRUMENTS: 002

PENDING REGISTRATION QUEUE

Table with 4 columns: DRR NUMBER, RECEIVED DATE (D/M/Y), CORPORATE LLP TRADENAME, LAND ID. Rows include FINLAY LAW, TRANSFER OF LAND, MORTGAGE, OGILVIE LLP, DISCHARGE.

TOTAL PENDING REGISTRATIONS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 18 DAY OF NOVEMBER, 2022 AT 11:17 A.M.

ORDER NUMBER: 45892380
CUSTOMER FILE NUMBER: RPR



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

(CONTINUED)

EXHIBIT 4



315 Jespersen Ave, Spruce Grove, AB
 Phone: 780-962-2611
 M-F: 8:30 a.m. – 4:30 p.m.

NOTICE OF APPEAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development or Subdivision Application No.: PLDPR202300768	Appeal of the <input checked="" type="radio"/> Approval <input type="radio"/> Conditional approval <input checked="" type="radio"/> Refusal	<input type="checkbox"/> Representing group <input type="checkbox"/> List of names attached
Stop Order Dated: _____		

APPELLANT – REQUIRED			
Appellant Name: Alquinn Homes Ltd / John McCaffray	Home Phone No.: 780-962-1046	Work Phone No.:	
Mailing address: Box 4330	City: Spruce Grove	Province: AB	Postal Code: T7X 3B5
Signature: 	Date:		
Email admin@alquinnhomes.com / jmccaffray@alquinnhomes.com			

APPELLANT'S REPRESENTATIVE			
Appellant Name: John McCaffray	Home Phone No.:	Work Phone No.: 780 869 3298	
Mailing address: P.O. Box 4330	City: Spruce Grove	Province: AB	Postal Code: T7X 3B5
Email jmccaffray@alquinnhomes.com			

ADDRESS OF SUBJECT SITE – REQUIRED		
Suite:	Street Address: 142	Street Name: Harvest Ridge Drive
Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian		
Lot 52 / Block 11 / Plan 142 4670 /		

REASON FOR APPEAL - REQUIRED
<p>The original garage location took up most of the backyard and therefore the homeowner requested to move the garage to it's current location. A new plot plan was prepared but unfortunately drafting staff at the time did not submit the change to the City of Spruce Grove for approval. We respectfully ask for consideration in this matter as the garage and yard are now complete.</p> <p><i>In consideration of variance we could treat sidewalks with dogholes, New utility soffits</i></p>

OFFICE USE ONLY		
Appeal Period Expiry Date: October 4/23	Date Appeal Received: October 3/23	Receipt No.: 2080735

This information is being collected under the authority of section 33(c) the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used to administer an appeal to the Subdivision and Development Appeal Board. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-962-2611.

EXHIBIT 5

October 11, 2023

«Owner_Name»
«Owner_Name2»
«Owner_Addr1»
«Owner_Addr2»
«Owner_City», «Owner_Prov» «Owner_Postal_Code»
«AddressBlock»

Dear Property Owner:

**RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Development Permit PLDPR202300768, Plan 142 4670, Block 11 Lot 52**

An appeal has been filed against the refusal of Development Permit PLDPR202300768 to allow for reduced side yard setbacks of the existing detached garage located at 142 Harvest Ridge Drive (Plan 142 4670, Block 11, Lot 52). The Development Permit was refused on September 14, 2023.

The Subdivision and Development Appeal Board (SDAB) will hold an appeal hearing as follows:

DATE: Wednesday, October 25, 2023
TIME: 6:30 p.m.
LOCATION: Council Chambers, Third Floor, City Hall
315 Jespersen Avenue, Spruce Grove

When an appeal is filed with the SDAB, all persons who own property within 30 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property, the applicant of the development permit, and the person(s) who filed the appeal will also receive a copy of this letter.

Persons mentioned above and affected by this development have the right to submit a verbal or written submission to the Board. When making a submission, keep in mind that in accordance with the legislation that governs the SDAB, the SDAB can only consider relevant planning matters when rendering its decision.

If you wish to submit written material to the SDAB for inclusion in the hearing agenda package, it should be received by the City Clerk by **Wednesday, October 18, 2023**, at **12 noon** by email at cityclerk@sprucegrove.org, or by mail at SDAB Clerk, 315 Jespersen Avenue, Spruce Grove, AB, T7X 3E8. Visuals such as PowerPoint presentations, photos, or graphics are considered to be written submissions. If you are unable to meet this submission deadline, please bring 10 copies of the materials to the hearing and it will be distributed at the start of the hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on SDAB procedures and how to make presentations to the SDAB. Please feel free to contact me should you have any questions.

Yours truly,

Jennifer Maskoske
Clerk, Subdivision and Development Appeal Board
Email: cityclerk@sprucegrove.org
Phone: 780-962-7634 Ext. 227

EXHIBIT 6

CONFIDENTIAL PAGE REMOVED

This information has been removed as per section 17 of the *Freedom of Information and Protection of Privacy Act*.

EXHIBIT 7

142 Harvest Ridge Drive

Site Plan

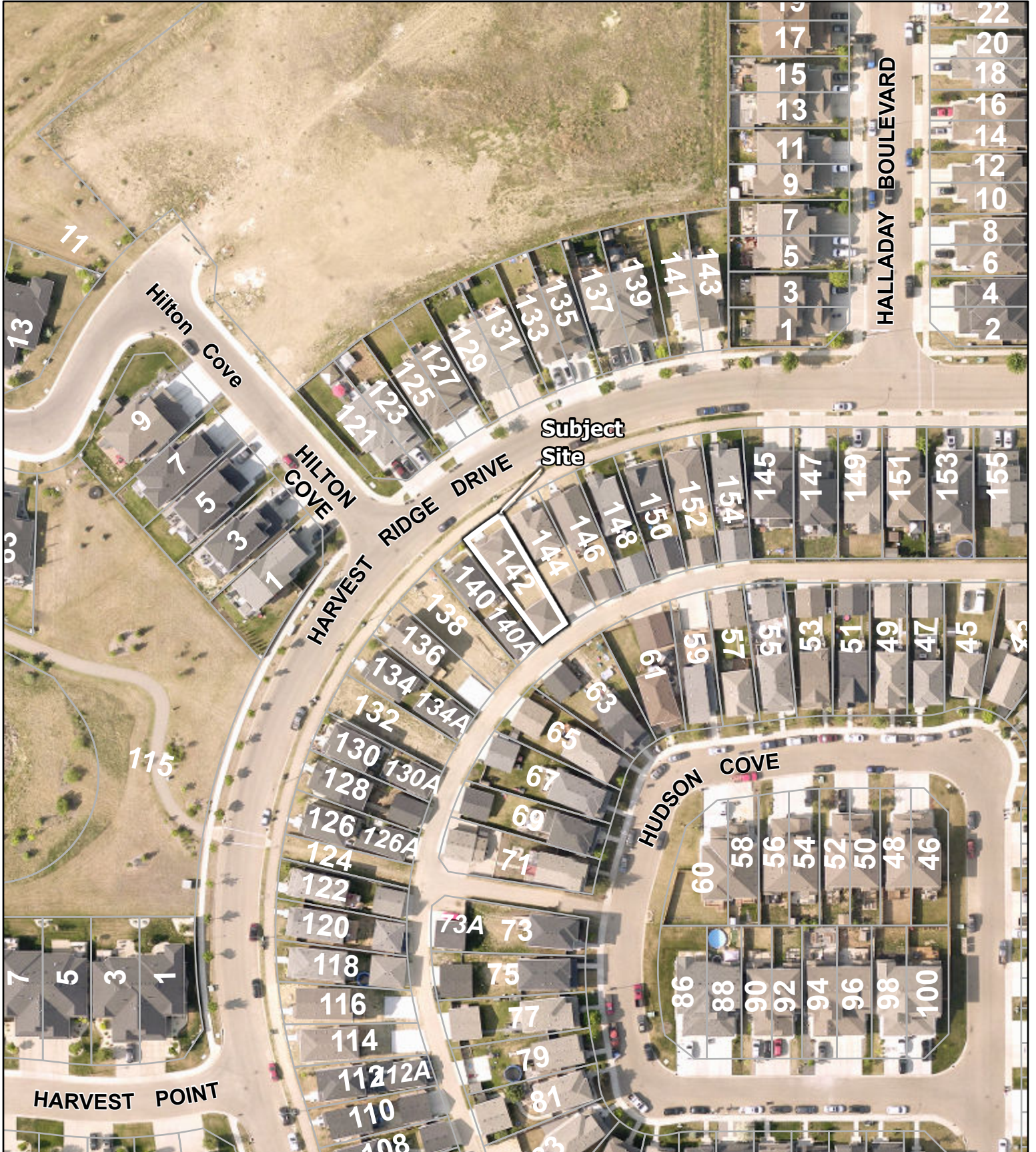


EXHIBIT 8

142 Harvest Ridge Drive

Subject Site

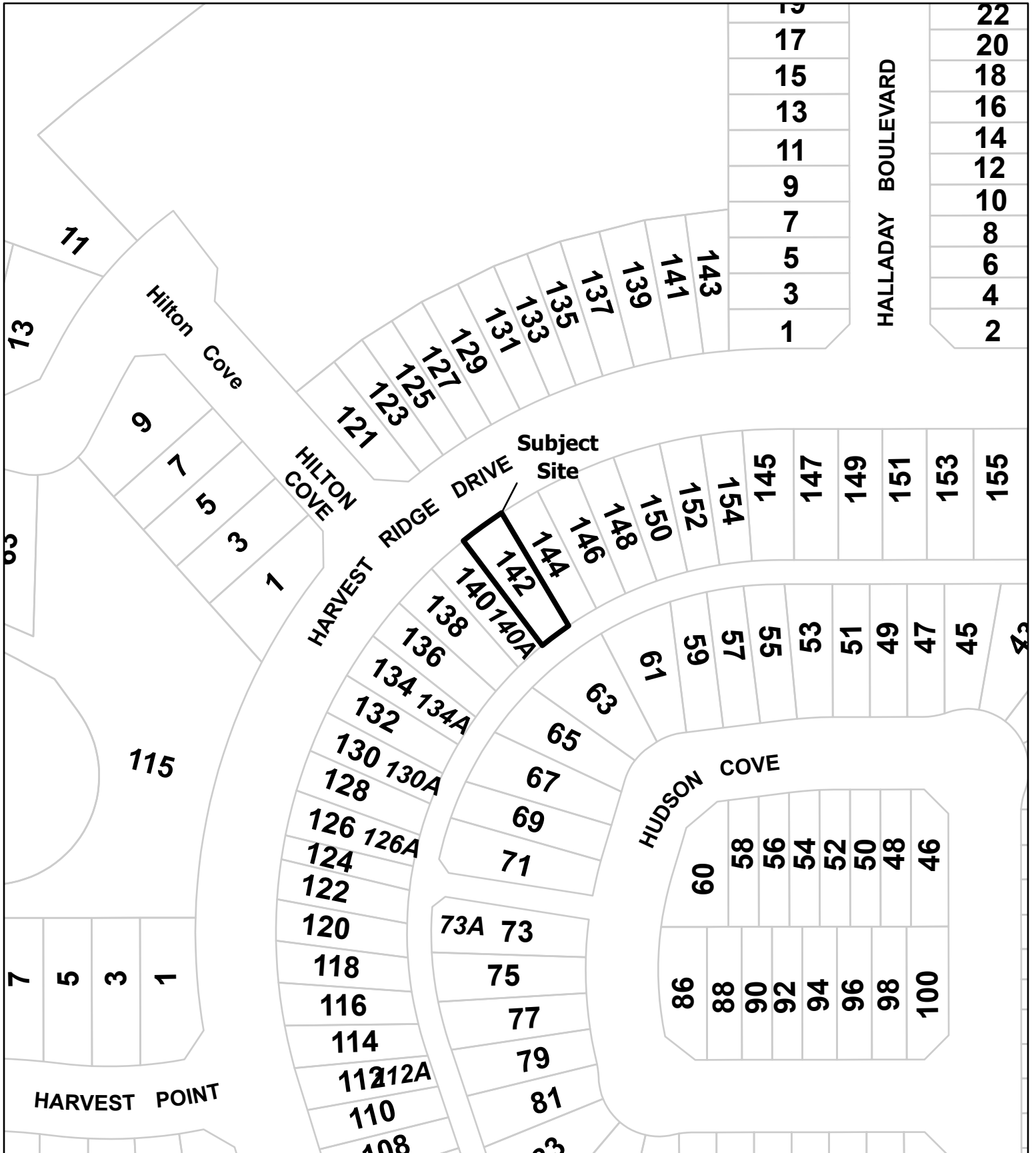


EXHIBIT 9



File No: 142-4670-11-52	Subject: An appeal against the refusal of Development Permit Decision PLDPR202300768, to allow for reduced side yard setbacks of the existing detached garage located at 142 Harvest Ridge Drive (Plan 142-4670, Block 11, Lot 52).
Date of Report: October 6, 2023	
Date of Meeting: October 25, 2023	

The following is a summary of information relevant to the application:

Development Permit: PLDPR202300768

Date of Decision: September 14, 2023

Date Appeal Received: October 3, 2023

Relevant Sections of the Land Use Bylaw:

- Section 4 Other Legislative Requirements**
- Section 7 Definitions**
- Section 14 Variances**
- Section 53 Accessory Buildings**

Land Use District: R1 – Mixed Low to Medium Density Residential District

Proposed Use: Variance to the minimum required side yard setback

Municipal Address: 142 Harvest Ridge Drive

Legal Description: Plan 142-4670, Block 11, Lot 52

I. BACKGROUND INFORMATION

October 7, 2021 - The builder and applicant, Alquinn Homes Ltd., with authorization from the property owner, Harvest Ridge Joint Venture Ltd., of 142 Harvest Ridge Drive, submitted a development permit application to construct a single detached dwelling with detached garage.

November 1, 2021 - The Development Officer conditionally approved development permit PL20210000725 to construct a single detached dwelling with detached garage.

September 19, 2022 - Occupancy of the dwelling was issued.

November 1, 2022 - A warning letter was sent to Alquinn Homes Ltd. advising to submit a Real Property Report by November 29, 2022 to satisfy condition # 5 of Development Permit Decision PL20210000725.

January 24, 2023 - Ogilvie LLP submitted a Real Property Report as part of their request for compliance.

February 7, 2023 - A non-compliance letter was issued to Ogilvie LLP indicating what was not in compliance.

August 28, 2023 - Alquinn Homes Ltd., with authorization from the property owners, Andrew and Georgia Hurley, applied for a development permit requesting a variance to the minimum required side yard setback of the existing detached garage.

September 12, 2023 - City Building Inspector completes a site inspection.

September 14, 2023 - The Development Officer refused the request for a variance to the minimum required side yard setbacks of the existing detached garage under Development Permit PLDPR202300768.

October 3, 2023 - Alquinn Homes Ltd. submitted an appeal application against the refusal of Development Permit PLDPR202300768.

II. LAND USE BYLAW C-824-12

Section 4 - Other Legislative Requirements:

- 1) Nothing contained within this Bylaw and no approval or permit issued hereunder relieves any person from the requirement to comply with the provisions of any other applicable Federal, Provincial or municipal law nor the provisions of any caveat, easement or other instrument affecting a Building or land.

Section 7 - Definitions: The definition under this section that applies to this appeal is as follows:

Setback: A minimum distance measured perpendicular to the Site line specified in the land use provisions of this Bylaw that Development, structures or uses must be from Site lines, Streets or Utility rights-of-way. The minimum horizontal distance measured perpendicularly from the nearest point of the exterior wall of a Building or specified portion thereof, to the property line, excluding Corner cuts.

Section 14 - Variances: The regulations under this section that apply to this appeal are as follows:

- 2) In addition to the consideration provided under Section 14(1) of this Bylaw, and subject to Sections 14(3) and 14(4), a variance may only be granted if, in the opinion of the Development Officer the variance: (a) Requested maintains the intent and purpose of the Municipal Development Plan; (b) Requested maintains the General Purpose and intent of the Land Use District which is being applied; (c) Is desirable for the appropriate and orderly Development or Use of the land; and (d) In the opinion of the Development Officer, is truly minor in nature.
- 5) A variance shall be considered only in cases of hardship or practical difficulties particular to the use, character or situation of land or Buildings which are not common to other Sites in the same Land Use District.
- 8) All requests for a variance shall be made through a Development Permit application, clearly stating the reasons for the variance, outlining the applicable criteria identified in Section 14(2) of this Bylaw, and the nature of the hardship or practical difficulties that will arise if the variance is not granted.

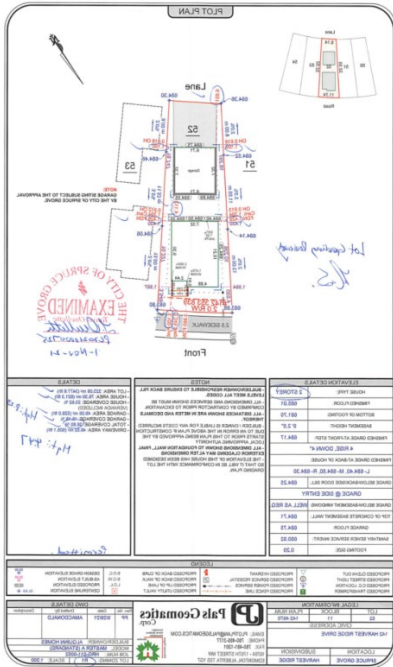
Section 53 - Accessory Buildings: The regulation under this section that apply to this appeal is as follows:

- 3) Unless otherwise provided in this Bylaw, Accessory Buildings shall be located

(d) No closer than 1.0 m to the side property line;

III. STAFF COMMENTS

The property in question, 142 Harvest Ridge Drive, is located within the R1 – Mixed Low to Medium Density Residential District. An accessory building is a permitted use within the R1 district. A permitted use is development that complies with the Land Use Bylaw and falls under the Permitted Use section of the applicable land use district.

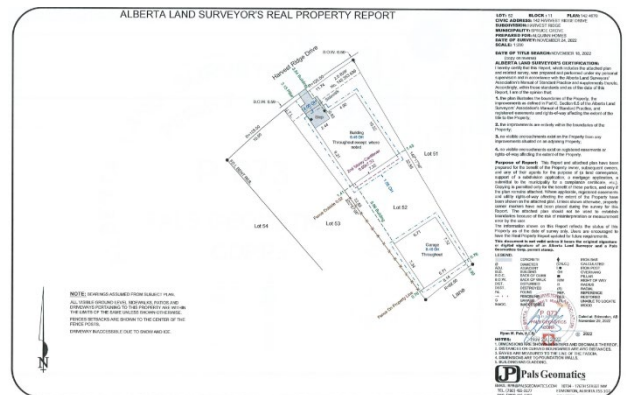


Through the review of Development Permit PL20210000725 to construct a single detached dwelling with detached garage, it was found the proposed detached garage was larger than other detached garages on similar lots in the immediate area and due to the tapering of the lots in this area, had to be located further into the lot to accommodate its size. However, the proposed location shown on the plot plan met the minimum required setbacks, therefore, was conditionally approved.

To ensure development on a site is built as approved, a condition of a development permit is to submit a Real Property Report prior to occupancy. The property in question received occupancy on September 19, 2022. A warning letter dated November 1, 2022 was sent to Alquinn Homes Ltd. requesting the Real Property Report be submitted to the City of Spruce Grove by no later than November 29, 2022 to satisfy condition #5 of development permit PL20210000725. A Real Property Report was submitted on January 24, 2023.

Through the review of the Real Property Report, it was found the detached garage location was not consistent with what was approved and the minimum required 1m side yard setback was not met. The non-compliant side yard setbacks are 0.74m - 0.75m. A non-compliance letter dated February 7, 2023, was issued to Ogilvie LLP.

On August 28, 2023, Alquinn Homes Ltd. applied for a development permit requesting a variance to the minimum required side yard setback of the existing detached garage. As per Section 14(8), the applicant shall clearly state the reasons for the variance, outlining the applicable criteria identified in Section 14(2) of this Bylaw, and the nature of the hardship or practical difficulties that will arise if the variance is not granted. The reasons to consider a variance provided by Alquinn Homes Ltd. was the detached garage took up too much of the back yard, therefore, was located closer to the rear property line. Alquinn Homes Ltd. noted they could not find record of applying for an amendment to their approved development permit, however, as the detached garage and yard are complete, Alquinn Homes Ltd. felt a variance should be considered.



Pursuant to the City's Land Use Bylaw, there is a required setback from property lines to any development on a site. These development setback areas are intended to act as a buffer between uses. These buffers are put in place for the protection of privacy, drainage and safety. Section 53 states that the minimum required side yard setback of an accessory building to a property line shall be 1m. This 1m setback shall be measured perpendicularly from the nearest point of the exterior wall

of a building to the property line as per the definition of setback under Section 7. In this particular instance, the existing setback from the exterior wall of the existing detached garage to the property line is approximately 0.74 - 0.75m. The Development Officer reviewed the request for a variance in sync with a site inspection by the City of Spruce Grove's Building Inspector on September 12, 2023. There were no inspection requests called in during or after the construction of the detached garage. The Development Officer determined the variance request was to be refused for the reasons as set out in Development Permit Decision PLDPR202300768. Development Permit PLDPR202300768 is exhibit #3 of the appeal package.

In conclusion, as the Development Officer determined the existing detached garage location should not be approved due to the reasons as set out in Development Permit Decision PLDPR0202300768, the detached garage shall be moved to meet the location as approved under Development Permit PL20210000725.

Alquinn Homes Ltd. chose to submit an appeal against the Development Officer's decision.

EXHIBIT 9.a

	Proposed	Bylaw Requirements	Conforms to Bylaw (yes or no)
Area of Site	323.08m ²	450m ² – multi unit dwellings 225m ² – semi detached 137.5m ² – street oriented row housing 167.5m ² – street oriented row housing (end units) 270m ² – all other uses	Yes
Site Area of Building	76.30m ²		
Site Area of Accessory Building (detached garage)	49.06m ²		
Total Site Coverage	38.80%	Total maximum of 50% Total maximum of 57% - street oriented row housing; this shall only apply to internal dwelling units with no side yard	Yes
Front Yard Setback	3.100m	3m - principal dwelling 6m - attached garage	Yes
Rear Yard Setback	>7m	4.5m – principal building, corner site 3m – attached garage accessed from alley, corner site 6m – attached garage accessed from alley, all other sites 7m – all other principal buildings	Yes
Side Yard Setback	1.428m	3m – street side yard 1.2m – all other side yards	Yes
Principal Building Height	Approx. 8.23m/2 storey	12m & ≤ 3 storeys Maximum differential of one storey between adjacent lots	Yes
Parking Spaces Provided	>2	2	Yes
Setback of Detached Garage from Dwelling Unit	4.113m	1m	Yes
Side Yard Setback Detached Garage	1.100m	1m	Yes
Rear Yard Setback Detached Garage	6.851m	1m	Yes
Detached Garage Height	Approx. 4.47m	4.5m	Yes

Approved **Conditionally Approved** Refused
 Permitted Use Discretionary Use Variance Granted

The application for a development permit to construct a single detached dwelling with detached garage is approved, as shown on the submitted plot plan, subject to the following conditions:

1. A parking area shall be provided at the rear of the property, with access from the lane. The parking area shall provide space for two vehicles. One parking space may be in tandem.
2. The developed finish grades shall meet with the overall subdivision engineered grade plan approved by the City.
3. Driveways must maintain a minimum clearance of **300 mm** from all side yard property lines (with the exception of duplex and multi-family developments). (Detail TN-17)
4. A Grading and Location Certificate from an Alberta Land Surveyor indicating compliance with the approved overall subdivision grade plan shall be filed with the City Development Officer preferably prior to occupancy, but in no case shall it be filed any later than one (1) year after the date of the permit issuance.
5. A Real Property Report from an Alberta Land Surveyor shall be filed with the City Development Officer prior to occupancy.
6. An address number with a minimum height of **10 cm** shall be installed such that it is visible from the street and located near the front door of the main entrance prior to occupancy.
7. There shall be a maximum differential of one (1) storey between adjacent lots.
8. The eaves shall not project more than **0.6 m** over the required side yard setback, **1.5 m** over the required front yard setback and **1.2 m** over the required rear yard setback.

9. The detached garage shall be located so that it is no closer to the dwelling than **1.0 m (3.3 ft)**.
10. The exterior of the detached garage shall contain an address number that is a minimum **10cm tall** facing the laneway.
11. The vehicle doors of the detached garage shall be located facing the laneway.
12. The detached garage shall not exceed one storey, or **4.5 m (14.8 ft.)** in height, from the building grade to the top of the roof.
13. The eaves of the detached garage shall not project more than **0.6m (2.0 ft)** into any yard setback.
14. The exterior finish of the detached garage is to be of a material and quality similar to the existing dwelling unit.
15. There shall be no encroachment of any portion of the building(s) onto registered utility rights of way.
16. A garbage container or method of garbage removal is required for the site as specified on the Site Cleanliness Questionnaire that will be supplied as part of the building permit application. Further to the City of Spruce Grove Site Cleanliness Bylaw C-976-16, the following shall also be adhered to:
 - (a) All construction materials and excavated materials related to construction shall be confined to the construction site. No hazardous materials shall be deposited in any garbage container or into the storm sewer or sanitary sewer system. No material, including excess concrete, gravel or clay, shall be washed down the storm sewer, dumped onto adjacent lots, public land or a City highway or stored anywhere else on the construction site. Construction materials, excavated materials and refuse shall not be placed or stored on a City highway.
 - (b) Unless otherwise authorized by the Development Officer, once backfilling operations are complete, a gravel pad shall be created as a staging area for equipment. Alternatively, a poured driveway may be used as a staging and storage area.
 - (c) A temporary fence or other barrier may be required on the construction site. Please refer to the document titled, "Fencing Required for In-fill Developments," to determine if fencing is required.

Tanya Ouellette

1-November-21

Development Officer

Signature

Date

APPEAL PERIOD EXPIRY DATE:

Please Note:

- **All new residential construction shall install Water-Efficient Fixtures as per the City of Spruce Grove’s Municipal Utility Services Bylaw Amendment C-866-14. For more information please see the following web link:**
https://www.sprucegrove.org/media/1614/utility_bylaw_c_866_14.pdf

Driveways

Driveways tying into lanes must be framed and poured **flush** to within ¼” of the edge of pavement of the lane. Where the driveway connects to the lane, saw-cut 1:-2” (25mm to 50mm) **into edge of full depth asphalt** and create smooth and straight edge. Tie concrete **flush** with proper expansion joint foam separating the two. (Detail TN-15)

All driveways adjacent to lanes must be framed and poured flush in elevation to within ¼” (6mm) of the edge of pavement of the lane. All driveways exceeding ½” difference in elevation will be required to be removed and replaced in accordance with these Municipal Development Standards and approved development and building permits.

Sidewalks to Trails

Sidewalks tying into asphalt trails must be framed and poured **flush** to within ¼” of the edge of pavement of the trail. Where the concrete sidewalk connects to the trail, saw-cut 1”-2” (25mm to 50mm) **into edge of full depth asphalt** and create smooth and straight edge. Tie concrete **flush** with proper expansion joint foam separating the two. (Detail TN-16)

All sidewalks adjacent to trails must be framed and poured flush in elevation to within ¼” (6mm) of the edge of asphalt of the trail. All concrete sidewalks exceeding ½” difference in elevation will be required to be removed and replaced in accordance with these Municipal Development Standards and approved development and building permits.

Important Notices

- This is not a building permit (must be obtained separately). A Building Permit may be required, please contact the Planning and Development Department for more information.
- A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement, bylaw, regulation (municipal or provincial) or instrument affecting a building or land.
- Any development carried out prior to the appeal expiry date is at the sole risk of the applicant.
- If you wish to appeal the decision of the Development Officer, you may do so by completing a form available from the:

City of Spruce Grove
Planning and Development Department, Office Location
414 King Street, Spruce Grove, Alberta

OR

On the City's website at <https://www.sprucegrove.org/services/building-and-development-permits/development-permits/>

The completed form along with the appeal fee can be submitted in the following manner:

Mailing:
City of Spruce Grove
Planning and Development Department
315 Jespersen Avenue
Spruce Grove, Alberta T7X 3E8

In Person:
City of Spruce Grove
Planning and Development Department
414 King Street
Spruce Grove, Alberta

OR

Email:
permits@sprucegrove.org

The request for appeal shall be submitted within the appeal expiry date.

For Information Purposes

- (1) **THIS IS NOT A BUILDING PERMIT.** Such permits must be obtained separately.
- (2) **POSTING OF DEVELOPMENT OFFICER'S DECISION**
Where there is a right of appeal, by anyone other than the applicant, from a decision on an application, posting on the site may be required. Such a posting must be on the site as may be required by the Development Officer, describing the proposed development and the Development Officer's decision, and advising of the right of appeal to the Subdivision and Development Appeal Board. The notice shall be of durable material, and shall be at least one (1) foot by two (2) feet in size.
- (3) **GROUND'S FOR APPEAL**
Section 685 of the Municipal Government Act states:
“(1) If a Development Authority
(a) refuses or fails to issue a development permit to a person,
(b) issues a development permit subject to conditions, or
(c) issues an order under section 645
the person applying for the permit or affected by the order under section 645 may appeal to the Subdivision and Development Appeal Board.”
(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the Subdivision and Development Appeal Board.
(3) Notwithstanding 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.”

Section 686 of the Municipal Government Act states in part:

- (1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board
- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - A. within 21 days after the date on which the decision is made under section 642, or
 - B. if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (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.
- (2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The subdivision and development appeal board must give at least 5 days' notice in writing of the Hearing
- (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified."

Section 687 of the Municipal Government Act states in part:

- (1) At a hearing under section 686, the Subdivision and Development Appeal Board must hear
- (a) the appellant or any person acting on behalf of the appellant,
 - (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
 - (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of the person, and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear, or a person acting on behalf of that person.
- (2) The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within 15 days of concluding the hearing."

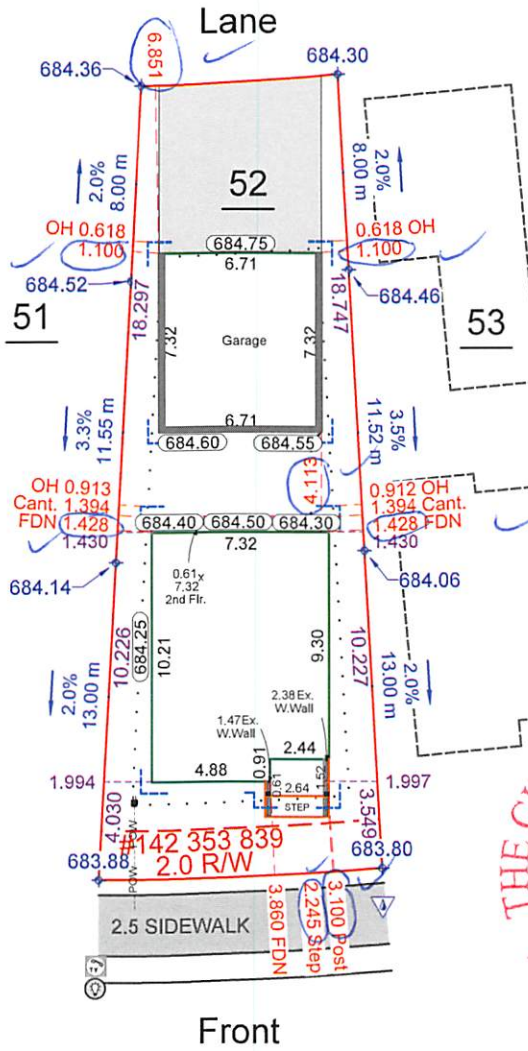
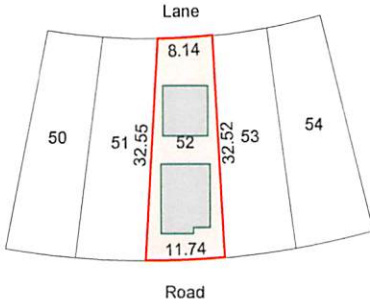
(4)

PERMIT VALIDITY

- (a) A development permit is effective for a period of one year unless specified otherwise in the permit conditions. If the development permit cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date and if substantial development has occurred on the site, in the opinion of the Development Officer.
- (b) A development once commenced is not to be discontinued or suspended for a period or periods totalling more than six months unless the Development Officer has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained the development permit shall be considered to have lapsed.
- (c) In the case of an appeal the decision of the Subdivision and Development Appeal Board, to approve the development permit or amend any conditions, is effective for a period of one year from the date of the written notification. If the decision of the Subdivision and Development Appeal Board cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date.

EXHIBIT 9.a.1

PLOT PLAN



NOTE:
GARAGE SITING SUBJECT TO THE APPROVAL BY THE CITY OF SPRUCE GROVE.

*Lot Grading Reviewed
H.S.*

THE CITY OF SPRUCE GROVE
EXAMINED
Tanya Ouellette
L. Ouellette
PL20210000725
1-Nov-21

ELEVATION DETAILS	
HOUSE TYPE:	2 STOREY
FINISHED FLOOR:	685.01
BOTTOM OF FOOTING:	681.70
BASEMENT HEIGHT:	9' 2.5"
FINISHED GRADE AT-FRONT STEP:	684.17
4 RISE, DOWN 4"	
FINISHED GRADE AT-BACK OF HOUSE:	L- 684.40, M- 684.50, R- 684.30
GRADE BELOW-BACK/SIDE DOOR SILL:	684.25
GRADE @ SIDE ENTRY	
GRADE BELOW-BASEMENT WINDOWS:	WELL AS REQ.
TOP OF CONCRETE BASEMENT WALL:	684.71
GARAGE FLOOR:	684.75
SANITARY SEWER SERVICE INVERT:	680.92
FOOTING SIZE:	0.20

NOTES
- BUILDER/OWNER RESPONSIBLE TO ENSURE BACK FILL LEVELS MEET ALL CODES.
- ALL DIMENSIONS AND SERVICES SHOWN MUST BE CONFIRMED BY CONTRACTOR PRIOR TO EXCAVATION.
- ALL DISTANCES SHOWN ARE IN METER AND DECIMALS THEREOF.
- BUILDER / OWNER IS LIABLE FOR ANY COSTS INCURRED DUE TO AN ERROR IN THE ABOVE PLAN IF CONSTRUCTION STARTS PRIOR TO THIS PLAN BEING APPROVED BY THE LOCAL APPROVING AUTHORITY
- ALL DIMENSIONS SHOWN TO FOUNDATION WALL, FINAL EXTERIOR CLADDING MAY ALTER DIMENSIONS
- THE ELEVATION OF THIS HOUSE HAS BEEN DESIGNED SO THAT IT WILL BE IN CONFORMANCE WITH THE LOT GRADING PLAN.

DETAILS
- LOT AREA: 323.08 m ² (3477.6 ft ²)
- HOUSE AREA: 76.30 m ² (821.3 ft ²)
- HOUSE COVERAGE: 23.62 %
(VERANDA INCLUDED)
- GARAGE AREA: 49.06 m ² (528.0 ft ²)
- GARAGE COVERAGE: 15.18 %
- TOTAL COVERAGE: 38.80 %
- DRIVEWAY AREA: 46.92 m ² (505.1 ft ²)

Hgt: 8.23
Hgt: 4.47
Permitted.

LEGEND

PROPOSED CLEAN OUT	PROPOSED HYDRANT	PROPOSED BACK OF CURB	B.O.C.	DESIGN GRADE ELEVATION	00.00
PROPOSED STREET LIGHT	PROPOSED SERVICE PEDESTAL	PROPOSED BACK OF WALK	B.O.W.	AS-BUILT ELEVATION	00.00
PROPOSED C.C. LOCATION	PROPOSED POWER SERVICE	PROPOSED LIP OF LANE	L.O.L.	PROPOSED ELEVATION	00.00
PROPOSED TRANSFORMER	PROPOSED FENCE LINE	PROPOSED UTILITY VAULT	V	CENTERLINE ELEVATION	CL 0.0

LEGAL INFORMATION		
LOT	BLOCK	PLAN NUM.
52	11	142 4670
CIVIC ADDRESS:		
142 HARVEST RIDGE DRIVE		
LOCATION	SUBDIVISION	
SPRUCE GROVE	HARVEST RIDGE	

Pals Geomatics Corp.

EMAIL: PLOTPLAN@PALSGEOMATICS.COM
PHONE: 780-455-3177
FAX: 780-481-1301
10704 - 176TH STREET NW
EDMONTON, ALBERTA T5S 1G7

Canadian Home Builders Association Member

DWG DETAILS			
Rev. No.	Date:	Drafted By:	Description
PP	9/28/21	AMACDONALD	
BUILDER/OWNER: ALQUINN HOMES			
MODEL: MASTER A (STANDARD)			
JOB NUM.: HRG-011-0052			
LOT ZONING: R1		SCALE: 1:300	

EXHIBIT 9.b



WARNING LETTER

✓ MAIL DELIVERED

November 1, 2022

Alquinn Homes Ltd
Box 4330
Spruce Grove, AB T7X 3B5

Re: Non-compliance to Development Permit # PL20210000725
Municipal Address: 142 Harvest Ridge Drive
Legal Land Description: Plan 142-4670, Block 11, Lot 52 ("Lands")

The City of Spruce Grove ("City") Planning and Development Department has not received to date, a Real Property Report ("RPR") for Development Permit # PL20210000725. A condition of the Development Permit decision states: "*A Real Property Report from an Alberta Land Surveyor shall be filed with the City Development Officer prior to occupancy*".

The City's Development Officers hold authority under the *Municipal Government Act, RSA 2000 Chapter M-26* to administer the City's Land Use Bylaw C-824-12 in respect to enforcement of such permits and their conditions. Therefore, the City has a responsibility to ensure all conditions are being met at all times.

We ask that the outstanding Development Permit condition, noted above, be complied with **no later than 12:00 noon on Tuesday, November 29, 2022**. Failure to do so, will result in a Stop Order being issued against the Lands.

Please disregard this letter if you have submitted your RPR for the above mentioned property.

Please contact Tanya Ouellette, Development Officer, by phone at 780-962-7634 Ext. 173, or via email at touellette@sprucegrove.org if you wish to discuss this matter in further detail.

Yours truly,
City of Spruce Grove
Per:

Stephen Chipchase, CD
Development Compliance Officer
Planning & Development Department
T: 780-962-7625
E: schipchase@sprucegrove.org

EXHIBIT 9.c

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

LOT: 52 **BLOCK:** 11 **PLAN:** 142 4670
CIVIC ADDRESS: 142 HARVEST RIDGE DRIVE
SUBDIVISION: HARVEST RIDGE
MUNICIPALITY: SPRUCE GROVE
PREPARED FOR: ALQUINN HOMES
DATE OF SURVEY: NOVEMBER 24, 2022
SCALE: 1:200

DATE OF TITLE SEARCH: NOVEMBER 18, 2022
 (copy on reverse)

ALBERTA LAND SURVEYOR'S CERTIFICATION:

I hereby certify that this Report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association's Manual of Standard Practice and supplements thereto. Accordingly, within those standards and as of the date of this Report, I am of the opinion that:

1. the plan illustrates the boundaries of the Property, the improvements as defined in Part C, Section 6.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, and registered easements and rights-of-way affecting the extent of the title to the Property;
2. the improvements are entirely within the boundaries of the Property;
3. no visible encroachments exist on the Property from any improvements situated on an adjoining Property;
4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of the Property.

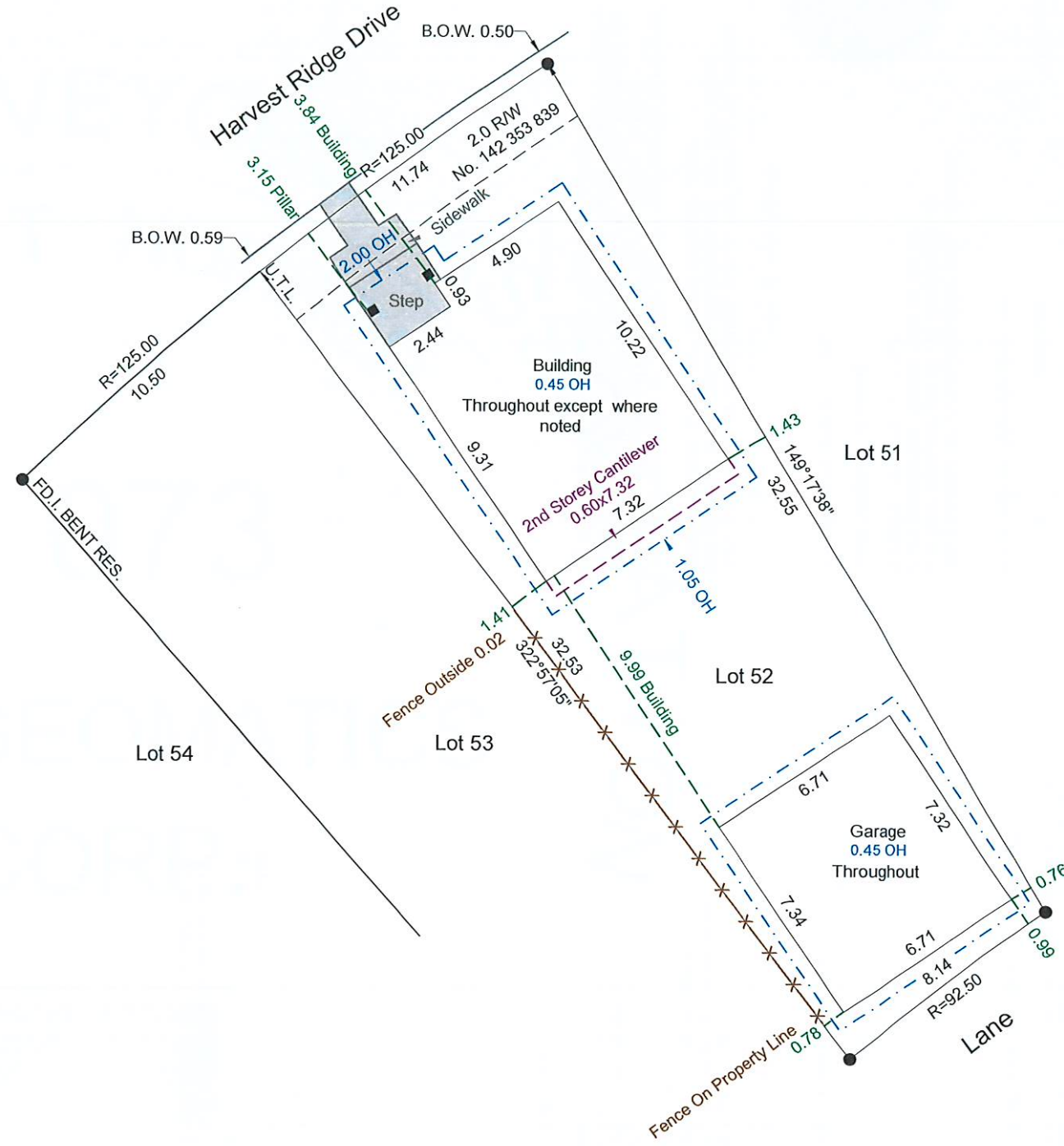
Purpose of Report: This Report and attached plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate, etc.). Copying is permitted only for the benefit of these parties, and only if the plan remains attached. Where applicable, registered easements and utility rights-of-way affecting the extent of the Property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this Report. The attached plan should not be used to establish boundaries because of the risk of misinterpretation or measurement error by the user.

The information shown on this Report reflects the status of this Property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

This document is not valid unless it bears the original signature or digital signature of an Alberta Land Surveyor and a Pals Geomatics Corp. permit stamp.

LEGEND:

Ø	CONCRETE DIAMETER	◆ (CALC.)	IRON BAR CALCULATED
ADJ.	ADJACENT	I. ●	IRON POST
BLD.	BUILDING	OH	OVERHANG
B.O.C.	BACK OF CURB	■	PILLAR
B.O.W.	BACK OF WALK	R/W	RIGHT OF WAY
DIST.	DISTURBED	R	RADIUS
DEST.	DESTROYED	(R)	RADIAL
Fd.	FOUND	REF.	REFERENCE
-x-x-x	FENCE LINE	RES.	RESTORED
G	GARAGE	UTL.	UNABLE TO LOCATE
INACC.	INACCESSIBLE	W	WOOD

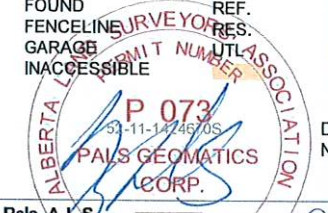


NOTE: BEARINGS ASSUMED FROM SUBJECT PLAN.

ALL VISIBLE GROUND LEVEL SIDEWALKS, PATIOS AND DRIVEWAYS PERTAINING TO THIS PROPERTY ARE WITHIN THE LIMITS OF THE SAME UNLESS SHOWN OTHERWISE.

FENCES SETBACKS ARE SHOWN TO THE CENTER OF THE FENCE POSTS.

DRIVEWAY INACCESSIBLE DUE TO SNOW AND ICE.



Ryan M. Pals, A.L.S.

© 2022

NOTES:

1. DIMENSIONS ARE SHOWN IN METERS AND DECIMALS THEREOF.
2. DISTANCES ON CURVED BOUNDARIES ARE ARC DISTANCES.
3. EAVES ARE MEASURED TO THE LINE OF THE FASCIA.
4. DIMENSIONS ARE TO FOUNDATION WALLS.
5. BUILDING HAS CLADDING.



EMAIL: RPR@PALSGEOMATICS.COM 10704 - 176TH STREET NW
 TEL. (780) 455-3177 EDMONTON, ALBERTA T5S 1G7
 FAX: (780) 481-1301 DRAFTER: KS

EXHIBIT 9.d



February 7, 2023

Our File: 142-4670-11-52

Ogilvie LLP
1400, 10303 Jasper Avenue
Edmonton, AB T5J 3N6

RE: Compliance Request
Plan 142-4670, Block 11, Lot 52
142 Harvest Ridge Drive, Spruce Grove, AB

Further to your request for compliance, we have reviewed the Real Property Report dated November 29, 2022 as supplied with the compliance request and the City property files and advise as follows.

1. The statement respecting compliance relates only to the City of Spruce Grove Land Use Bylaw No. C-824-12 and makes no representation as to compliance with the Alberta Safety Codes Act.
2. The property in question is districted under Land Use Bylaw No. C-824-12 as R1 – Mixed Low to Medium Density Residential District.
3. The location of the detached garage within the property does not meet the regulations of the City of Spruce Grove Land Use Bylaw C-824-12. The side yard setback to the exterior wall is less than the minimum 1.0m setback that is required. Nor does the detached garage location comply with the approved Plot Plan PL20210000725 dated November 1, 2021.
4. The intent of all other applicable land use regulations for the development shown on the Real Property Report appears to have been met.

In issuing this letter for the compliance request, the Development Compliance Officer did not conduct a site inspection and our response is based upon the Real Property Report.

Yours Truly,
City of Spruce Grove
Per:

Stephen Chipchase, CD
Development Compliance Officer
Planning & Development Department
T: 780-962-7625
E: schipchase@sprucegrove.org

EXHIBIT 9.e

Compliance for 142 Harvest Ridge Drive

John McCaffray <jmccaffray@alquinnhomes.com>
To: Sarah Tisdale [REDACTED]

Thu, Sep 7, 2023 at 8:56 AM

Please see attached plot plans. The original garage location took almost all of the backyard up. It was requested by homeowner to move garage back. The new plot plan was prepared (Attached). The drafter at the time Jason was to apply as per plot plan. I am unable to find his notes on submission. I respectfully ask for consideration, as the garage and yard are complete.

From: Sarah Tisdale [REDACTED]
Sent: Wednesday, September 6, 2023 9:16 AM
To: John McCaffray <jmccaffray@alquinnhomes.com>; Karen Epton <kepton@alquinnhomes.com>
Subject: Re: Compliance for 142 Harvest Ridge Drive

EMAIL GENERATED EXTERNALLY-CHECK THE SENDERS ADDRESS IT IS NOT FROM ALQUINN!

[Quoted text hidden]

----- Forwarded message -----
From: Jason Armstrong <jarmstrong@alquinnhomes.com>
To: Quinn McCaffray <qmccaffray@alquinnhomes.com>
Cc:
Bcc:
Date: Mon, 13 Jun 2022 18:48:18 +0000
Subject: FW: REVISED PLOT PLAN

See attached revised plot plan for 142 Harvest Ridge



Jason Armstrong – Lead Architectural Technologist

PO Box 4330
109, 301 Saskatchewan Ave
Spruce Grove, AB T7X 3B5

W. 780-962-1046 EXT 114

alquinnhomes.com

From: plotplan <plotplan@palsgeomatics.com>
Sent: Monday, June 13, 2022 12:47 PM
To: Jason Armstrong <jarmstrong@alquinhomes.com>
Subject: RE: REVISED PLOT PLAN

EMAIL GENERATED EXTERNALLY-CHECK THE SENDERS ADDRESS IT IS NOT FROM ALQUINN!

Hello,

Attached is your requested revision.

Reminder for all builders* Please include your **full lot, block and plan** for all plot plan and revision requests. **For unregistered plans**, please include the **stage number**.

For plot plan revisions* **Only** provide plans **pertaining to the revision required**. Providing a full set of plans will delay your revision as all pages are reviewed for changes.

Please note we are currently drafting requests from: **June 6th**

*Thank you,
Brittany Sanford*

P Pals Geomatics
Corp.

Builder Services - Plot Plan Administrator

10704-176th Street NW, Edmonton AB, T5S 1G7

Phone: (780) 455-3177 **Ext.** 398 | **Fax:** (780) 481-1301

Email: plotplan@palsgeomatics.com



From: Jason Armstrong <jarmstrong@alquinhomes.com>
Sent: Monday, June 13, 2022 8:33 AM
To: plotplan <plotplan@palsgeomatics.com>
Subject: RE: REVISED PLOT PLAN

Hi,

Can I get a revised plot plan for 142 Harvest Ridge Drive?

The detached garage is now 1m setback from the lane way.

Attached is original plot plan.

Thanks,



Jason Armstrong – Lead Architectural Technologist


PO Box 4330
109, 301 Saskatchewan Ave
Spruce Grove, AB T7X 3B5

W. 780-962-1046 EXT 114

alquinnhomes.com

3 attachments

 **Plot Plan.pdf**
511K

 **52-11-1424670HR-PP.pdf**
511K

 **FW: REVISED PLOT PLAN.eml**
970K

EXHIBIT 10

Subdivision and Development Appeal Board

RE: PLDPR202300768 Plan 142 4670, Block 11, Lot 52

Please accept this information in considering the variance to side yard setback on a detached garage in Harvest Ridge

The original plan called for a detached garage to be set back of 8m (see plot plan attached). This effectively used up the entire backyard if a deck was built.

The revision was intended to ensure the back yard was usable and that rear lane set back was similar to those previously built. The revised plan unfortunately resulted in less than 1m side yard setback. This property is one a rear lane with 8.14 rear width as compared to 11.74 front yard width. This reverse pie orientation has affected the side yards on garage.

In requesting a variance, we have identified properties on the same lane which appear to within in similar situations. The measurements included were based on site measurements.

Question on side yard setbacks

Garage built encroaching on side yard set backs.

Lot 52 (Garage being reviewed)	38" Left side	33" Right Side
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Comparison

Lot 46	42" left side	41" Right side
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Lot 60	34" left side	
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Lot 62	39" right side	
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Question on apron to rear lane.

There is a large variation on rear aprons. The house in question is not closer to the lane than several near by properties. Lengths listed below with site measurements These re identified on the map.

Apron Lengths

Lot 52 (Garage being reviewed)	89"
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Comparison

Lot 53	83"
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Lot 50	80"
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Lot 46	79"
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In considering the request for variance I note the issue of the National Building code. I recognize building within side yard setback, different treatments are required to reduce risk of fire spread. As such I propose the change of the following

- 1) Non vented soffet for length of building
- 2) Exterior sheet be changed to Denseglass (fire rated drywall)
- 3) Interior drywall and tape be added.

These are practiced required on zero lot line detached garages. I believe this will deal with national building code requirements.

The request for variance is also based on the fact the homeowner has also completed landscaping.

I do appreciate the opportunity to present information in hopes a solution which least impacts the homeowner can be arrived upon.

John McCaffray



315 Jespersen Avenue
Spruce Grove, AB T7X 3E8

Phone: (780) 962-7582
Fax: (780) 962-1062

Business Hours
8:30 a.m. - 4:30 p.m. (Mon - Fri)

Notice of Application Refusal

Application: **PLDPR202300768**
Date: September 14, 2023

ALQUINN HOMES LTD
BOX 4330
SPRUCE GROVE, AB T7X 3B5

Project Information

Civic Address: 142 HARVEST RIDGE DR;
Legal: 1424670;11;52
Project: Variance to the side yard setbacks of the existing detached garage

Pursuant to the City's Land Use Bylaw, there is a required setback from property lines to any development on a site. These development setback areas are intended to act as a buffer between uses. These buffers are put in place for the protection of privacy, drainage and safety. Section 53 of Land Use Bylaw C-824-12 states that the minimum required side yard setback of an accessory building to a property line shall be 1m. This 1m setback shall be measured perpendicularly from the nearest point of the exterior wall of a building to the property line as per the definition of setback under Section 7. In this particular instance, the proposed setback from the exterior wall of the existing detached garage to the property line is approximately 0.74m - 0.75m. Therefore, not meeting the minimum required setback. A variance has been **refused** for the following reasons:

1. Section 14(5) of the City's Land Use Bylaw indicates that a variance shall be considered only in cases of hardship or practical difficulties particular to the use, character or situation of land or buildings which are not common to other sites in the same Land Use District. In comparing the site of 142 Harvest Ridge Drive to other adjacent sites located on the same side of the lane in the same neighbourhood, the Development Officer felt there was no particular reason why a variance should be granted as the lot in question is no different in size or shape than the adjacent sites where 18ft (5.49m) or 20ft (6.10m) wide detached garages were constructed, meeting the minimum required 1m side yard setback regulations. The lot in question has a 22ft (6.71m) wide detached garage which could only be accommodated if the detached garage was set 6.85m into the lot as per the approved plot plan under Development Permit PL20210000725 therefore, the minimum required 1m setback could have been met.
2. Section 14(2) of the City of Spruce Grove Land Use Bylaw C-824-12 states a variance shall only be granted if it is truly minor in nature. It is the opinion of the Development Officer, a variance of approximately 25% is not truly minor in nature.
3. As per Section 4 of the City of Spruce Grove Land Use Bylaw C-824-12, nothing contained within this Bylaw and no approval or permit issued hereunder relieves any person from the requirement to comply with the provisions of any other applicable Federal, Provincial or municipal law nor the provisions of any caveat, easement or other instrument affecting a Building or land. An inspection of the site on September 12, 2023, by the City's Building Inspector, found that the location of the existing detached garage was in contravention of the National Building Code - 2019 Alberta Edition.

Tanya Ouellette
Development Officer

APPEAL PERIOD EXPIRY DATE: October 04, 2023

Important Notices

✎ If you wish to appeal the decision of the Development Officer, a completed form along with the appeal fee can be submitted in the following manner:

In person	By mail
City Hall 315 Jespersen Avenue Spruce Grove, AB	Clerk of the Subdivision and Development Appeal Board c/o City Clerk's Office City of Spruce Grove 315 Jespersen Avenue Spruce Grove, Alberta T7X 3E8

The request for appeal shall be submitted within the appeal expiry date.



315 Jespersen Avenue
Spruce Grove, AB T7X 3E8

Phone: (780) 962-7582
Fax: (780) 962-1062

Business Hours
8:30 a.m. - 4:30 p.m. (Mon - Fri)

Inspection Report

Permit Number: **PR20210003677**

Inspection Date: September 12, 2023

ALQUINN HOMES LTD
BOX 4330
SPRUCE GROVE, AB T7X 3B5

Project Information

Civic Address: 142 HARVEST RIDGE DR
Legal: 1424670;11;52
Project Type: Accessory Building / Structure (Garage, Deck, Shed, Sales Centre, Pool)
Project Detail: Description: To construct an accessory building (detached garage)

Inspection Details

Inspection Type: Building - Final Inspection
Inspection Result: Failed

Observations

- Garage completely constructed without any inspections requested

Deficiencies

- Garage eaves are within .45m from property line.0.10.15.5(9)
- Roof requires at least 25% of required venting to be located at top portion of roof. 9.19.1.2.
- Revised construction and plot plan drawing must be submitted to cityview portal
- Permanent address required to be installed facing alley.
- Approved development permit required.

Yours truly,

A handwritten signature in cursive script that reads "Chris Tremblay".

Chris Tremblay
Safety Codes Officer - Building, Plumbing, Gas

The City of Spruce Grove
Designation #: D10206,D10205,D10207



315 Jespersen Avenue
Spruce Grove, AB T7X 3E8

Phone: (780) 962-7582
Fax: (780) 962-1062

Business Hours
8:30 a.m. - 4:30 p.m. (Mon - Fri)

Inspection Report

Permit Number: **PR20210003675**

Inspection Date: August 03, 2023

ALQUINN HOMES LTD
BOX 4330
SPRUCE GROVE, AB T7X 3B5

Project Information

Civic Address: 142 HARVEST RIDGE DR
Legal: 1424670;11;52
Project Type: Lot Grading
Project Detail: Description: Lot grading

Inspection Details

Inspection Type: Lot Grading - Rough Grade Inspection
Inspection Result: Passed

Observations

- Rough Grade inspection could not be performed. Topsoil has been placed. (Fines may apply). Deficiency appears to have been corrected.

The City of Spruce Grove wishes to advise that a Lot Grading Certificate has been received for the above noted property. As-built grades recorded show close conformance with the approved grading plan. Therefore, the grading on the property is accepted as correct and the owner of the property is to assume responsibility for future maintenance. A maximum of 4"-6" of topsoil may be applied uniformly over the entire lot area (clay) to maintain approved drainage patterns and property line elevations. The City advises that it has not in any way verified the information received and relies strictly upon the surveyor for accuracy of elevations and details recorded.

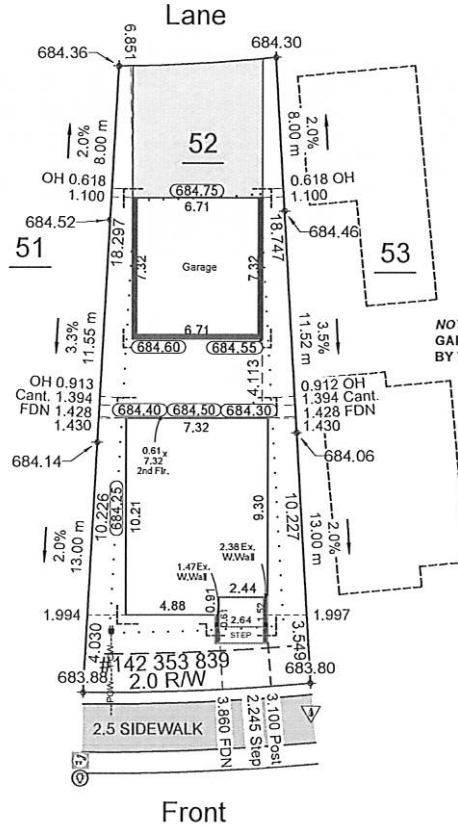
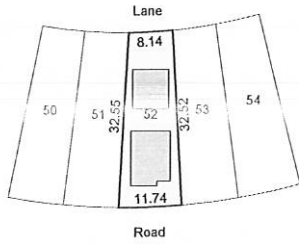
The Owner/Applicant of the property is required to abide to the current City of Spruce Grove's Surface Drainage Bylaw.

Yours truly,

Audrey Stachniak
Technologist – Land/Parks Development

The City of Spruce Grove
Designation #:

PLOT PLAN



NOTE:
GARAGE SITING SUBJECT TO THE APPROVAL
BY THE CITY OF SPRUCE GROVE.

1st Version

ELEVATION DETAILS	
HOUSE TYPE:	2 STOREY
FINISHED FLOOR:	685.01
BOTTOM OF FOOTING:	681.70
BASEMENT HEIGHT:	9' 2.5"
FINISHED GRADE AT-FRONT STEP:	684.17
4 RISE, DOWN 4"	
FINISHED GRADE AT-BACK OF HOUSE:	L- 684.40, M- 684.50, R- 684.30
GRADE BELOW-BACK/SIDE DOOR SILL:	684.25
GRADE @ SIDE ENTRY	
GRADE BELOW-BASEMENT WINDOWS:	WELL AS REQ.
TOP OF CONCRETE BASEMENT WALL:	684.71
GARAGE FLOOR:	684.75
SANITARY SEWER SERVICE INVERT:	680.92
FOOTING SIZE:	0.20

NOTES
- BUILDER/OWNER RESPONSIBLE TO ENSURE BACK FILL LEVELS MEET ALL CODES.
- ALL DIMENSIONS AND SERVICES SHOWN MUST BE CONFIRMED BY CONTRACTOR PRIOR TO EXCAVATION.
- ALL DISTANCES SHOWN ARE IN METER AND DECIMALS THEREOF.
- BUILDER / OWNER IS LIABLE FOR ANY COSTS INCURRED DUE TO AN ERROR IN THE ABOVE PLAN IF CONSTRUCTION STARTS PRIOR TO THIS PLAN BEING APPROVED BY THE LOCAL APPROVING AUTHORITY
- ALL DIMENSIONS SHOWN TO FOUNDATION WALL, FINAL EXTERIOR CLADDING MAY ALTER DIMENSIONS
- THE ELEVATION OF THIS HOUSE HAS BEEN DESIGNED SO THAT IT WILL BE IN CONFORMANCE WITH THE LOT GRADING PLAN.

DETAILS
- LOT AREA: 323.08 m ² (3477.6 ft ²)
- HOUSE AREA: 76.30 m ² (821.3 ft ²)
- HOUSE COVERAGE: 23.62 % (VERANDA INCLUDED)
- GARAGE AREA: 49.06 m ² (528.0 ft ²)
- GARAGE COVERAGE: 15.18 %
- TOTAL COVERAGE: 38.80 %
- DRIVEWAY AREA: 46.92 m ² (505.1 ft ²)

LEGEND			
PROPOSED CLEAN OUT	PROPOSED HYDRANT	PROPOSED BACK OF CURB	B.O.C.
PROPOSED STREET LIGHT	PROPOSED SERVICE PEDESTAL	PROPOSED BACK OF WALK	B.O.W.
PROPOSED C.C. LOCATION	PROPOSED POWER SERVICE	PROPOSED LIP OF LANE	L.O.L.
PROPOSED TRANSFORMER	PROPOSED FENCE LINE	PROPOSED UTILITY VAULT	[V]
			DESIGN GRADE ELEVATION 00.00
			AS-BUILT ELEVATION 02.00
			PROPOSED ELEVATION 00.00
			CENTERLINE ELEVATION CL 0.0

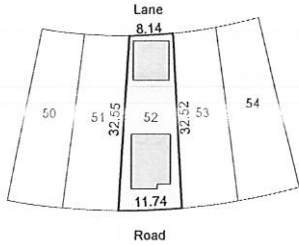
LEGAL INFORMATION		
LOT	BLOCK	PLAN NUM.
52	11	142 4670
CIVIC ADDRESS:		
142 HARVEST RIDGE DRIVE		
LOCATION	SUBDIVISION	
SPRUCE GROVE	HARVEST RIDGE	

Pals Geomatics Corp.
 EMAIL: PLOTPLAN@PALSGEOMATICS.COM
 PHONE: 780-455-3177
 FAX: 780-481-1301
 10704 - 176TH STREET NW
 EDMONTON, ALBERTA T5S 1G7

Canadian Home Builders Association Member

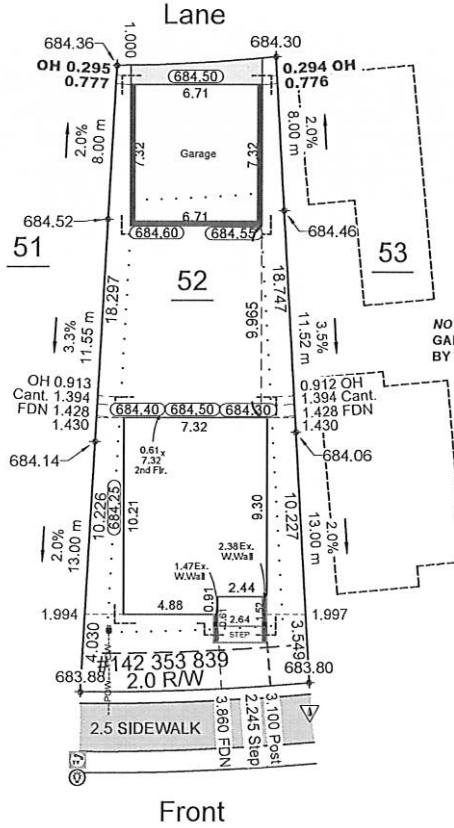
DWG DETAILS			
Rev. No.	Date	Drafted By	Description
PP	9/28/21	AMACDONALD	
BUILDER/OWNER: ALQUINN HOMES			
MODEL: MASTER A (STANDARD)			
JOB NUM.: HRG-011-0052			
LOT ZONING:	R1	SCALE:	1:300

PLOT PLAN



NOTE:
OVERHANGS MUST BE AT
LEAST 2' (0.61m) AWAY FROM
PROPERTY LINE.

NOTE:
GARAGE SITING SUBJECT TO THE APPROVAL
BY THE CITY OF SPRUCE GROVE.



NOTE:
GARAGE SITING SUBJECT TO THE APPROVAL
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As Built

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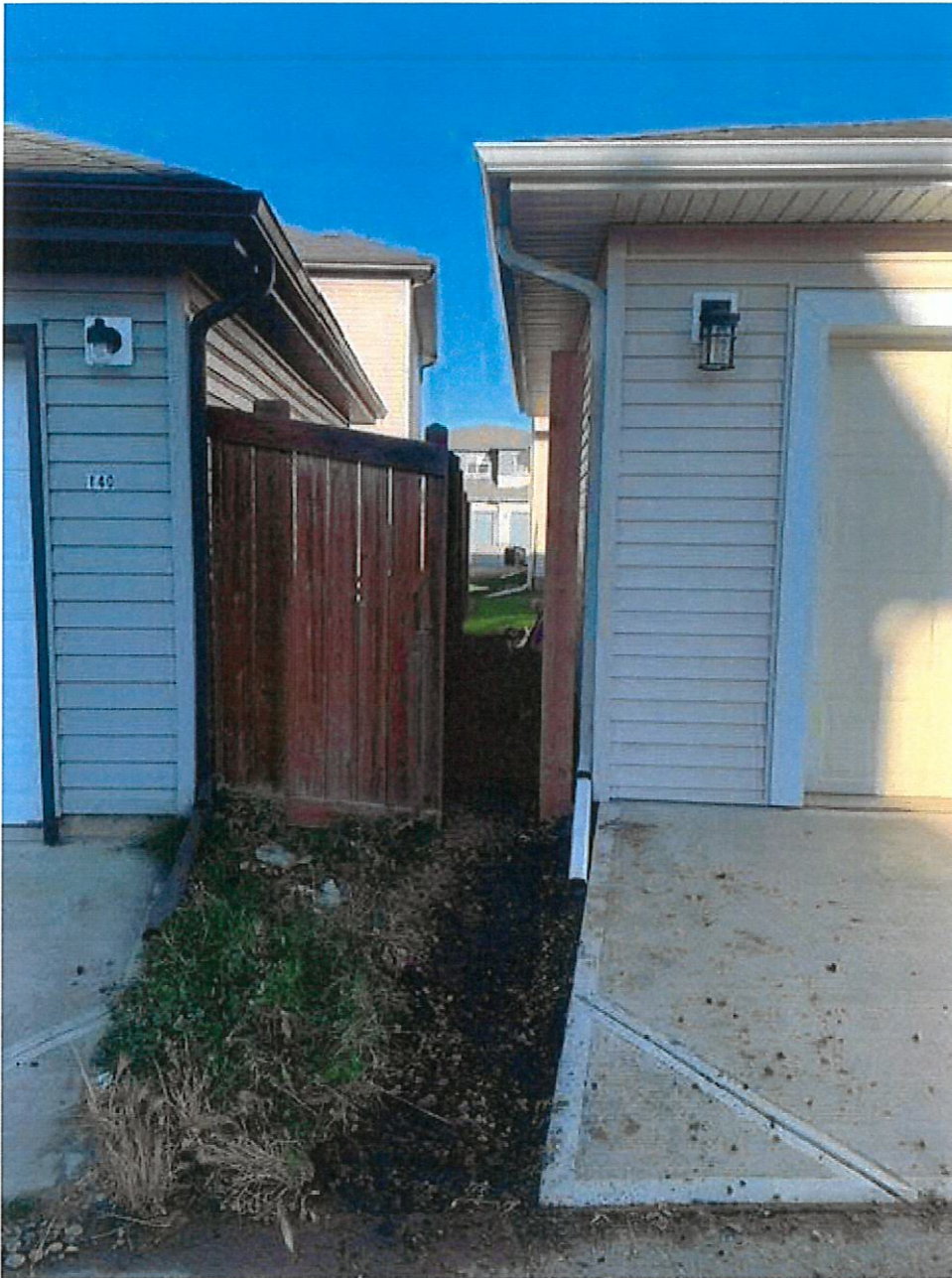
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LOT	BLOCK	PLAN NUM.
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LOCATION	SUBDIVISION	
SPRUCE GROVE	HARVEST RIDGE	

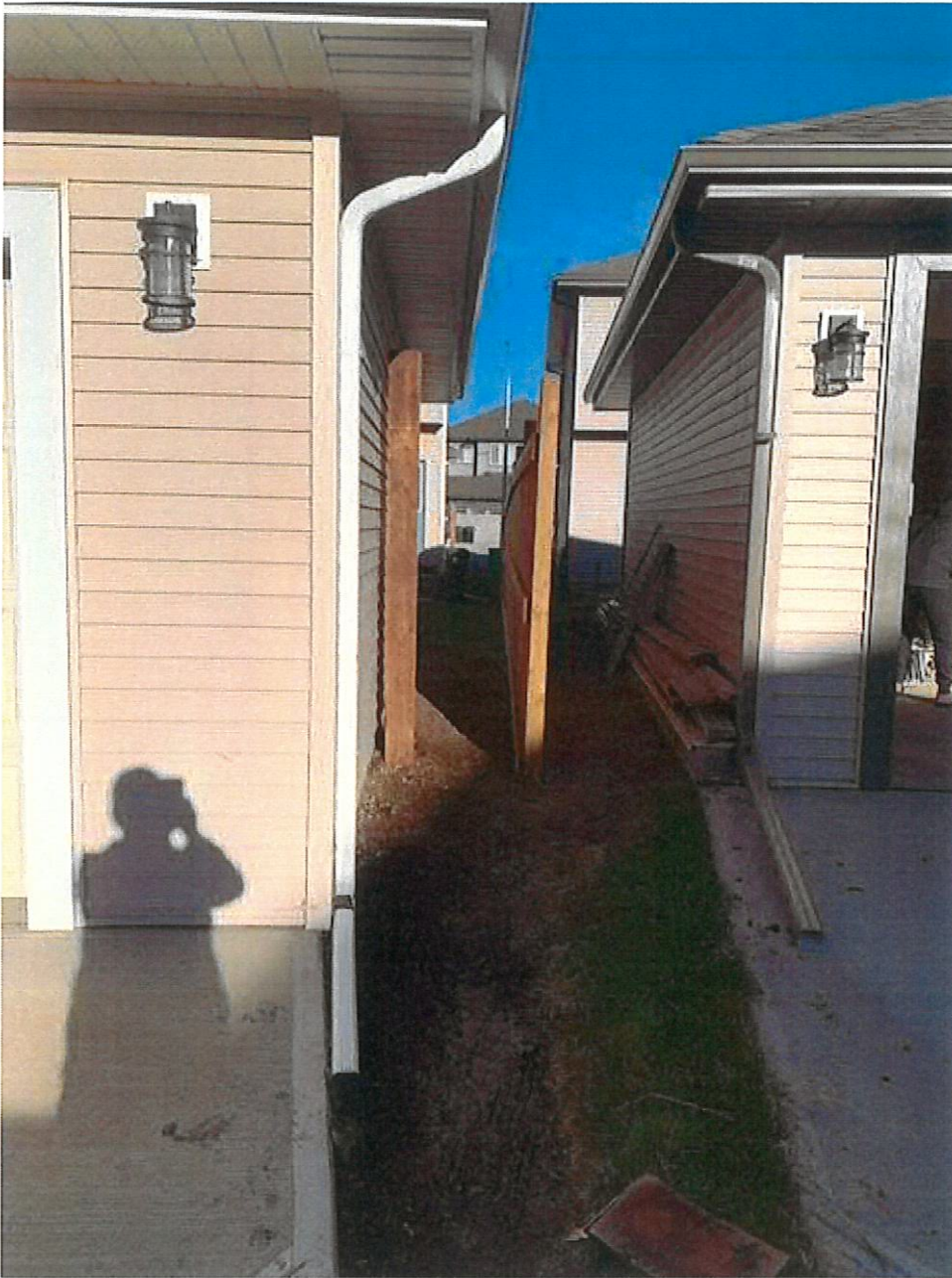
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Canadian Home Builders Association Member

DWG DETAILS			
Rev. No.	Date	Drafted By	Description
PP 01	9/28/21 6/13/22	AMACDONALD JGRAY	GAR. LOCATION
BUILDER/OWNER: ALQUINN HOMES			
MODEL: MASTER A (STANDARD)			
JOB NUM.: HRG-011-0052			
LOT ZONING: R1		SCALE: 1:300	



Lot 52
38" Sideyard.



Lot 52
33" Right Side



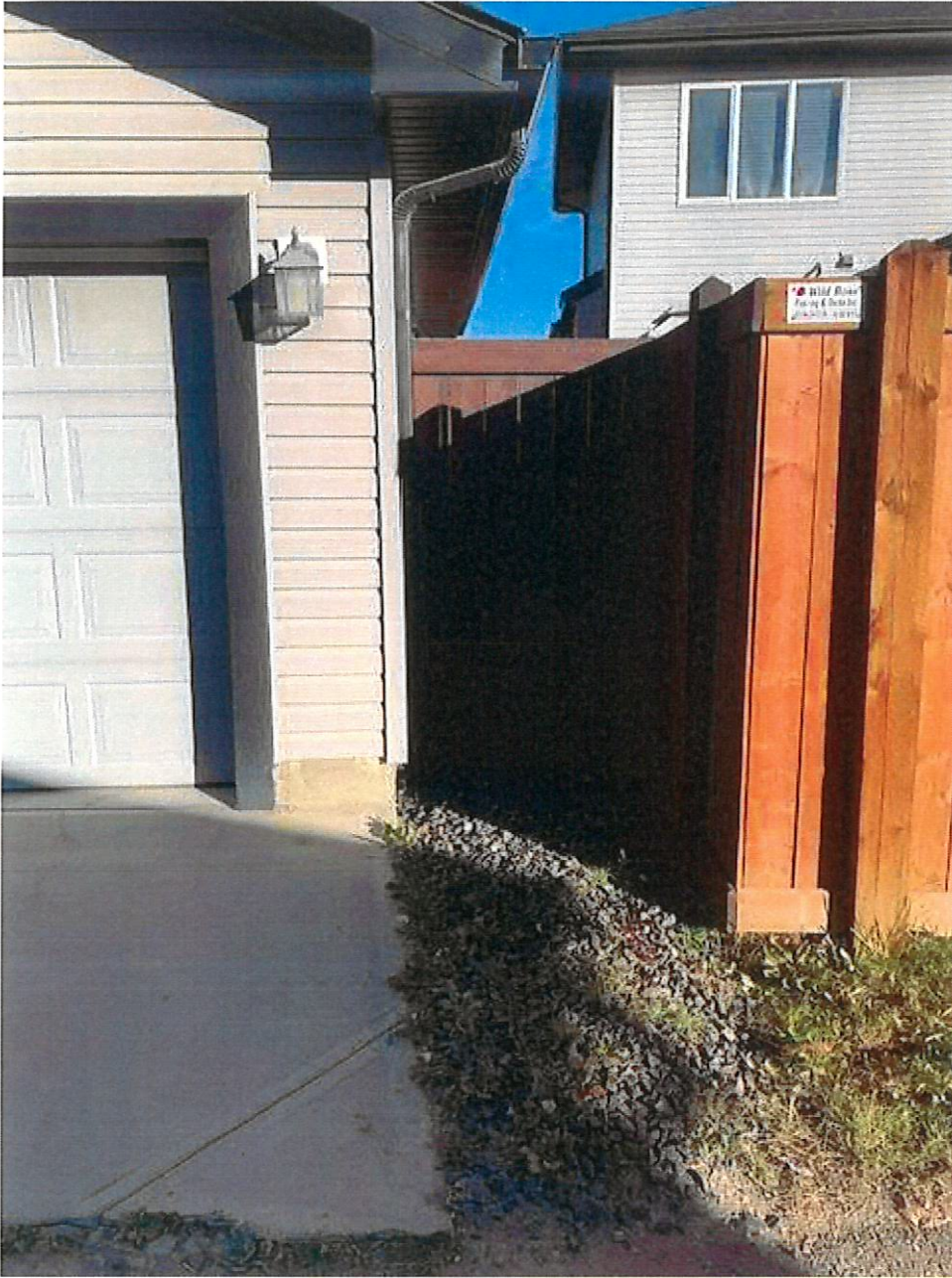


Variation in Apron Lengths

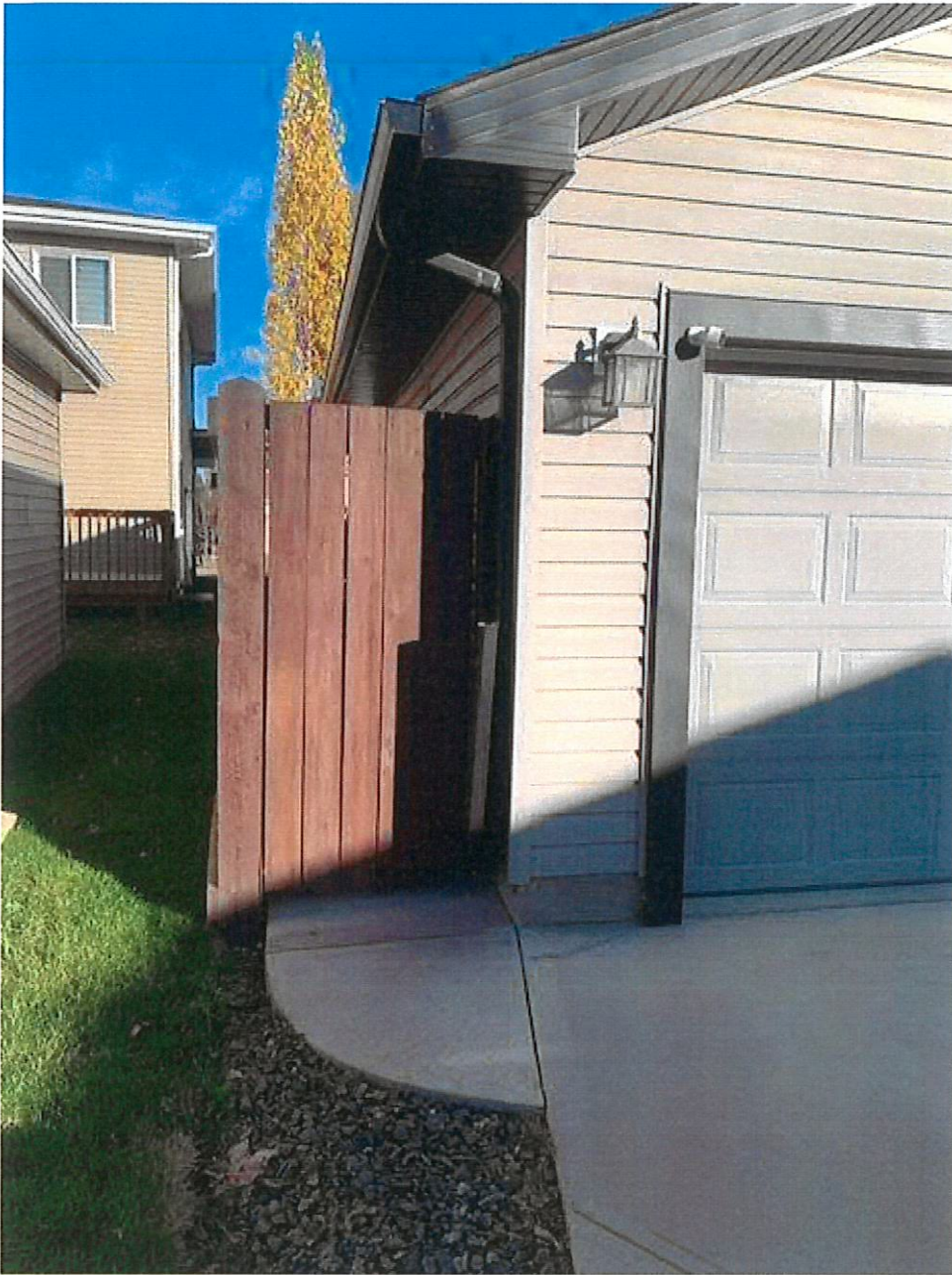


Lot 46

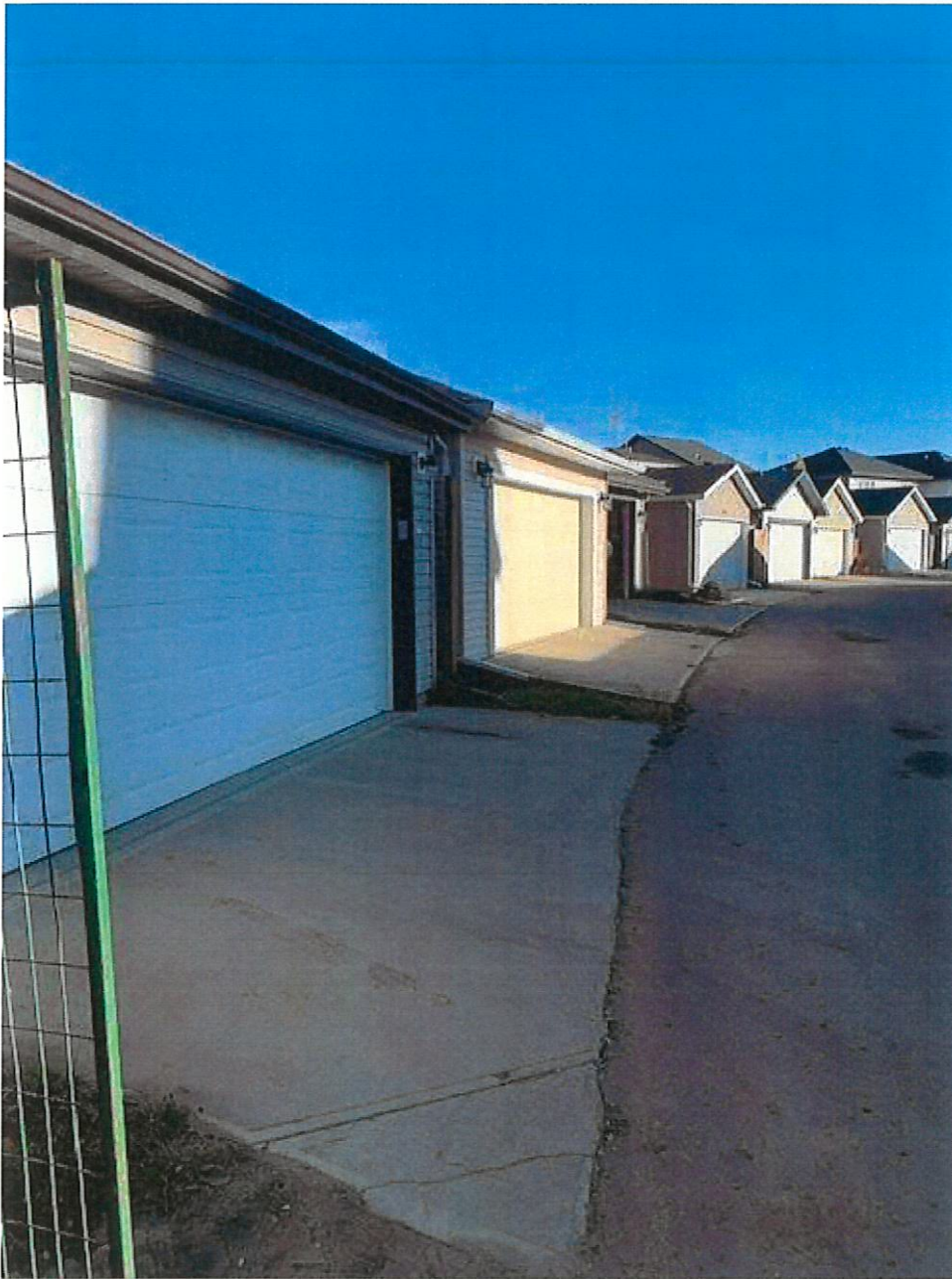
Apron 79"
Side yard Left 42"
Right 41"



Lot 46
Right Side 41"



Lot 46
Left 42"
Side



Lot 53

Apiron 83'



Lot 60
Left side yard 34'



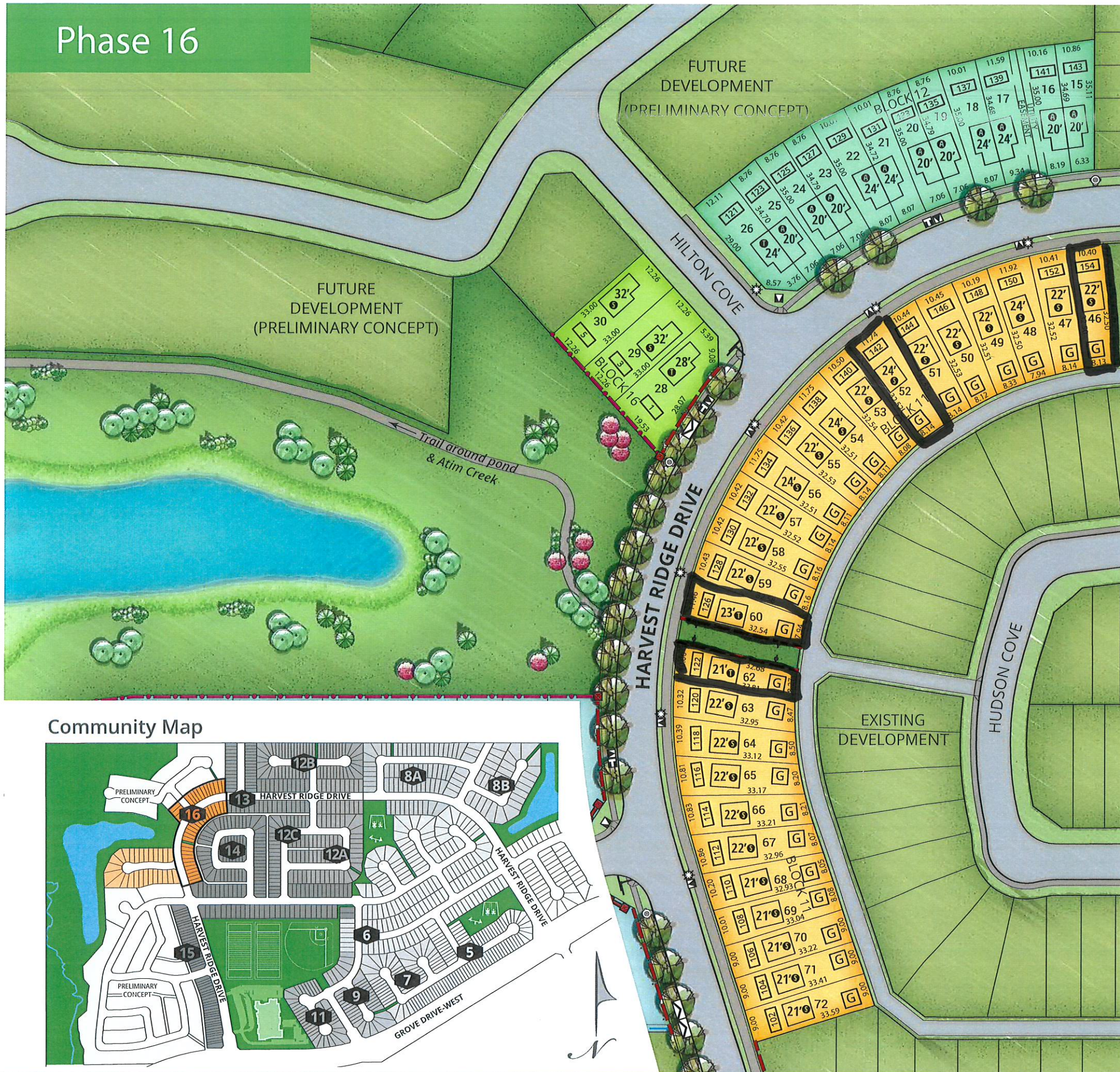
John McCaffray
Alquinn Homes Ltd
780-868-3298

"Time Matters"

Lot 62
Right side yard 39"

EXHIBIT 10.a

Phase 16



Community Map



HARVEST RIDGE

Legend

- | | | | |
|------|--------------------------------------|-----------------------------------|------------------------|
| 1234 | Municipal Address | | Street Sign |
| 23 | Legal Address | | Mailbox |
| 32' | Maximum House Pocket Width (in feet) | | Concrete Swale |
| | Attached Garage Location | | Wood Screen Fence |
| G | Detached Garage Location | | Black Chain Link Fence |
| | Transformer | | Masonry Column |
| | Pedestal | | Entry Feature |
| | Utility Vault | Lot Drainage (approximate) | |
| | Street Light | | 2% - 3% Rear to Front |
| | Hydrant | | Split Drainage |
| | Front-Attached Garage | | Transitional Drainage |
| | Rear-Detached Garage | | |
| | Semi-Detached (Duplex) | | |

Alquinn Homes

alquinnhomes.com
780.293.3092

BEDROCK HOMES
Single Family Housing

bedrockhomes.ca
587.286.1920

HOMEXX CORPORATION

homexx.ca
780.733.7922

MONTORIO HOMES LTD.

montorio.ca
780.571.1881

Southbend Developments

southbenddevelopments.ca
780.699.2936

LAMONT
RESPECTING LAND & PEOPLE

1.877.788.7575 • lamontland.ca Page 66 of 66

Artist rendering only, refer to engineering and legal plans for details. Subject to change without notice. All lot measurements shown in meters, unless otherwise noted.

Check out the latest phase of the Harvest Ridge community!