



**NOTICE OF DECISION
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
CITY OF SPRUCE GROVE**

Pursuant to Part 4 of the City of Spruce Grove Land Use Bylaw C-824-12 (the "Land Use Bylaw"), as amended, and Part 17, Division 10 of the *Municipal Government Act*, RSA 2000, cM-26, as amended.

DATE OF DECISION: December 16, 2025

IN THE MATTER OF: An appeal by Colleen Hazzard and Douglas Hazzard against the conditional approval of Development Permit No. PLDPR202501133 to operate a Family Day Home at 103 Garneau Gate (Plan 2122566, Block 14, Lot 32).

DATE OF HEARING: December 3, 2025

SUMMARY OF THE HEARING:

- [1] Notice of the appeal was given to all interested parties in accordance with the Land Use Bylaw and the requirements of the *Municipal Government Act* and a hearing was held at 315 Jespersen Avenue, 3rd Floor, on December 3, 2025.
- [2] The following members of the Subdivision and Development Appeal Board were in attendance throughout the hearing:
 - Andrea Snow, Chair
 - Liam McGrath
 - Timothy Ormsbee
 - Keith Schultz
 - Pere Bekederemo
- [3] Laura Hall served as Clerk to the Board for the hearing.
- [4] Following an introduction of the Board and the Chair outlining the hearing process, no persons present voiced any objections to the members of the Board hearing the appeal or to the process of the hearing as outlined by the Chair.
- [5] The Board received and considered written submissions from each of the following:
 - Development Officer's Report
 - Development Officer's PowerPoint Presentation
 - Appellants' Written Submission

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[6] The following persons were in attendance at the hearing of the appeal and made oral submissions that were considered by the Board:

- Tanya Ouellette, Development Officer
- Colleen Hazzard, Appellant Party
- Douglas Hazzard, Appellant Party
- Jintu Kuriakose, Applicant

[7] All those who provided evidence at the Hearing indicated that they had a fair opportunity to present their evidence and argument.

SUMMARY OF EVIDENCE

[8] The Board marked the following documents as exhibits in the hearing. There were no objections to them being marked as exhibits.

Exhibit #	Description
1.	Timelines
2.	Municipal Enforcement Warning Letter and Email Correspondence
3.	Development Permit Application
4.	Development Permit Decision
5.	Notice of Appeal
6.	Notice of Hearing
7.	Adjacent Property Owner List (Confidential)
8.	Subject Site and Site Plan (Maps)
9.	Subject Site Plan (Showing Adjacent Property Owners)
10.	Development Officer's Report
11.	Appellant Submission

[9] The Board heard oral testimony from Tanya Ouellette, Development Officer, including:

- A summary of the content of the Development Officer's report (Exhibit 10) and a PowerPoint presentation.
- Answers to questions from the Board included:
 - An explanation of the approval process for the development permit which consisted of the addition of conditions and mitigation measures to address noise issues.
 - The fact that a dispute was present prior to the issuance of the development permit.

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- Development Officers make efforts to work with applicants to bring their applications into compliance with the Land Use Bylaw.
- The Land Use Bylaw permits four to six children under the age of five in a family day home.

[10] The Board heard oral testimony from the Appellants, Colleen Hazzard and Douglas Hazzard, including:

- A summary of the content of the Appellant's Written Submission (Exhibit 11).
- Answers to questions from the Board included:
 - The parking pad on the property has an alarm system which is triggered when someone steps onto it. When children are dropped-off and picked-up at the day home, the alarm system is triggered by anyone that steps onto the pad.

[11] The Board heard oral testimony from the Applicant Jintu Kuriakose, including:

- Confirmation that safety related inspections were completed by the agency.
- An overview of complaints from the neighbour that began when the applicant moved into the property. The complaints ranged from watching the television, the child in the home playing, walking downstairs and the placement of the garbage bins.
- Measures were taken to reduce noise, such as, installing rubber mats, watching television in the basement and advising visitors to avoid stepping onto the neighbour's parking pad. The complaints still continued despite the efforts to reduce noise.
- Answers to questions from the Board included:
 - There is one child residing in the home and six children attend the family day home.
 - Notices were provided to parents to strictly park in the applicant's driveway and to avoid stepping on the neighbours parking pad.

RELEVANT LEGISLATION

[12] The Board considered the following sections of the Land Use Bylaw in its decision:

- Land Use Bylaw Section 7 - Definitions
- Land Use Bylaw Section 13A – Decisions on Development Permits
- Land Use Bylaw Section 66 – Family Day Homes
- Land Use Bylaw Section 115 - R1 – Mixed Low to Medium Density Residential District

DECISION

[13] Having considered all relevant planning evidence presented at the hearing, the arguments made and the circumstances and merits of the application and the appeal, and having regard for the relevant provisions of *Municipal Government*

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Act, any applicable statutory plans, the Subdivision and Development Regulation and the Land Use Bylaw, this appeal is denied and Development Permit No. PLDPR202501133 is hereby approved with conditions.

REASONS:

- [14]
1. The Appellants' Colleen Hazzard and Douglas Hazzard, reside next to the dwelling on which the proposed accessory use is located. As a result of their proximity to the dwelling, the Board finds that they are an affected party.
 2. The Applicant, Jintu Kuriakose is the property owner of the residential dwelling unit of which the proposed accessory use is located. As a result of being the property owner, the Board find that they are an affected party.
 3. No one present at the hearing contested that the accessory use is a Family Day Home. Based on the absence of any contest on this question, the Board finds as a fact that the proposed accessory use is a Family Day Home.
 4. A Family Day Home is defined as an accessory use to a Principal Dwelling used to provide care and supervision, but not overnight accommodation, for four to six children or adults. The number includes any children under the age of five who are otherwise permanent residents of the Dwelling.
 5. The Board notes that the Development Officer confirmed that the total number of children and adults permitted in the Family Day Home is four to six, however, the Applicant indicated there are six children that attend the Family Day Home, plus the one child resident of the home. Based upon the definition, the applicant's child, who is under the age of five, is counted as part of the total number of children, which results in seven children. When the applicant's child is more than five years of age, that child is not included as part of the number of children under the definition.
 6. In order to qualify as a Family Day home, the number of children can be no more than six. This number shall include the total number of residents of the home under the age of five. The applicant must comply with the limits on the number of children permitted as part of a Family Day Home.
 7. The Appellant questioned why the provincial requirements do not override the requirements in the City's Land Use Bylaw so that the Applicant would be entitled to seven children in the Family Day Home. The Board is bound by the terms of the City's Land Use Bylaw and City Council has chosen to restrict the number of children in a Family Day Home, as noted in paragraph 14.5 above. The Board cannot override or ignore the Land Use Bylaw. In order to obtain a development permit, the Applicant must comply with the Land Use Bylaw, which restricts the number of children.

8. In the R1 District, a Family Day Home is a discretionary use. Family Day Homes can, therefore, operate in single detached, semi-detached or row housing dwellings.
9. As the use is discretionary, the Board must determine if the use is compatible.
10. The purpose of the R1 District is to accommodate a range of low to medium density Dwelling types along each block face in order to provide flexibility in the design and Development of the neighbourhood. The R1 District is intended to emphasize complementary relationships of Development with the Street and with each other.
11. The Discretionary use of a Family Day Home does not adversely impact the purpose of the R1 District.
12. There was evidence presented that the Family Day Home impacts the enjoyment of the appellants' property. Although the Appellants argued that there was a concern in relation to noise resulting from the Dwelling unit, the fact that mitigation measures were requested by the Development Officer and agreed to by the applicant should minimize any impact from the proposed development. Such mitigation measures include, staggered child drop off and pick up times, rubber surfaces in play areas designed to reduce noise, activities centered around cognitive development and a two-hour daily nap.
13. The Board notes that there may be some impact on the appellants from the proposed development. However, the Board is of the view that in light of the mitigation measures, the impacts are lessened. Having a Family Day Home which has a limited number of children is compatible with the R1 district which is meant to accommodate dwellings. The Board is of the view that children within a dwelling is compatible with the overall nature of the R1 district. While there is some noise from children, the level of noise from the children is not outside of what would be acceptable in an R1 district and does not make the proposed use incompatible.
14. The Appellant raised safety concerns in relation to how the Family Day Home operates (the kitchen being part of the play area, concerns about fire due to access to flammable materials, the absence of a sidewalk on the side of the street with the Family Day Home, and parking congestion leading to safety concerns).
15. The Board has considered whether these concerns would result in the incompatibility of the Family Day Home. The Board appreciates the concerns expressed by the Appellants, but is of the view that the stated concerns do not result in the incompatibility of the Family Day Homes with the neighbouring residential uses for the following reasons. In relation to the

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concern about the children being allowed to play in the kitchen, the Board notes that there would be no difference between children playing in a kitchen area in a single family dwelling to children playing in a kitchen in the Family Day Home. The Board is not persuaded that the Appellants would have any impact from this occurring. In relation to the potential for children having access to flammable things, with a resulting risk of fire, the Board is not persuaded that this risk would result in an incompatibility of use. There can be a risk of fire starting from anyone's improper use of flammable materials, and there was insufficient evidence to establish that there was any real prospect of fire. In relation to the concerns about the absence of a sidewalk and the parking concerns, the Board notes that these concerns affect all of the uses along the block face and are not specific to the Family Day Home. The Board is not persuaded that these potential impacts indicate any incompatibility between the Family Day Home and the neighbouring uses.

16. The Board considered the provisions of section 66 of the Land Use Bylaw to determine whether the proposed development met the regulations of section 66. In examining the evidence, the Board considered section 66 which requires the Board to consider whether the use is located in a dwelling containing a home occupation (major or minor), the requirement for privacy screening that prevents visual intrusion into any outdoor play areas, the requirement for Provincial or Family Day Home Agency approval and the employment of any person on site other than a resident of the dwelling. On the evidence provided, the Board is satisfied that the Family Day Home complies with the provisions of section 66 of the Land Use Bylaw.
17. The Discretionary use within the dwelling meets section 66.
18. For the above reasons, the Board finds the proposed development is compatible with the neighbouring uses and denies the appeal.
19. In light of the Board's conclusions regarding the concerns regarding compatibility, the Board requires the number children and adults permitted in the Family Day Home to be in accordance with the definition of Family Day Home.

Conditions

20. The Board is satisfied with the Development Officer's conditions as outlined in the Development Permit as being fair and reasonable and the applicant had no objection to those conditions. Therefore, the Board imposes those conditions.

Dated at the City of Spruce Grove in the Province of Alberta, December 16, 2025

Original signed by Laura Hall

Laura Hall, Clerk, on behalf of
Andrea Snow, Chair
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

NOTICE:

If you wish to appeal this decision, you must follow the procedure prescribed in Section 688 of the *Municipal Government Act*. An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to a decision of the Subdivision and Development Appeal Board. An application for leave to appeal must be filed and served within 30 days after the issue of the decision sought to be appealed.

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