

May 14th, 2026

NOTICE OF DECISION

RE: Appeal of the Development Authority refusal of Development Permit PRMO-2026-0035 for a proposed second secondary suite within a detached building, which was determined to constitute a prohibited multi-unit dwelling under the Land Use Bylaw at 4617 51 Street, Olds, Alberta; Low Density Residential Legacy District (RLD).

SUMMARY OF APPEAL

This is an appeal of the refusal of Development Permit PRMO-2026-0035 for a proposed second secondary suite within a detached building at 4617 51 Street, Olds, Alberta; Low Density Residential Legacy District (RLD). The Appellant(Applicant), James Rosenberger, appealed the decision. The reasons for the appeal are based on:

- (1) The Appellant's position that the proposed development supports the Town of Olds objectives for additional and affordable housing and aligns with the intent of the Land Use Bylaw to encourage secondary suites;
- (2) The Appellant's interpretation that the proposed development should not be classified as a duplex or multi-unit dwelling, as the Land Use Bylaw recognizes stacked secondary suite configurations and the proposed layout is similar to a garage suite arrangement; and
- (3) The Appellant's position that the principal dwelling would remain the primary residence on the site, that no significant exterior or parking impacts would result, and that the property is suitable for additional housing due to its existing configuration and proximity to the college.

Notice of the appeal was provided to interested parties and a hearing was held on May 6, 2026.

Hearing Panel: Joe Henderson, Chair
 Cheri Neitz, Board Member
 Earl Graham, Board Member

SDAB Clerk: Jiayi Wang

BACKGROUND OF THE APPLICATION

The Development Authority refused the Development Permit PRMO-2026-0035 on March 30, 2026. The subject site is located at 4617 51 Street, Olds, Alberta, and is designated Low Density Residential Legacy District (RLD) under the Town of Olds Land Use Bylaw. The development permit application proposed a second secondary suite within an existing detached garden suite building.

The Development Authority determined that the proposal did not comply with the definitions for secondary suites under the Land Use Bylaw and considered the proposed development to constitute a prohibited multi-unit dwelling.

An appeal was filed with the Subdivision and Development Appeal Board on April 8, 2026 by the Appellant. Affected parties were notified on April 21, 2026, with adjacent landowner notification distributed on April 22, 2026. A public hearing package was available on April 29, 2026, and was made available on the Town's website on May 4, 2026.

MERIT HEARING

Summary of the Development Authority's Submissions

The Development Authority submitted that the application was for an additional secondary suite within an existing detached garden suite structure that had previously received a height variance to allow a second storey.

The Development Authority indicated that the proposed development does not meet any of the definitions for secondary suites under the Town of Olds Land Use Bylaw. Specifically:

- A "Secondary Suite, Garden" must be a single-storey secondary suite, while the proposed development includes a second level.
- A "Secondary Suite, Garage" must be located above a detached garage, but the main floor of the existing subject building is not a garage.
- An internal secondary suite must be located within the principal dwelling, whereas the proposed suite would be within a detached accessory building rather than the main residence.

The Development Authority further noted that although a second secondary suite could potentially be considered a discretionary use by Council, the proposed configuration would effectively create a multi-unit dwelling that does not fit within the permitted uses or definitions in the Low Density Residential Legacy District (RLD).

The Development Authority also indicated that the building would not qualify as a semi-detached dwelling or duplex because such developments require a shared side or rear wall, which this proposal does not have. Therefore, in the opinion of the Development Authority, the proposal does not constitute a permitted use under the Land Use Bylaw.

The Development Authority also confirmed that the proposal did not meet the applicable definitions for a secondary suite and therefore was not considered a discretionary use. And further that the application did not proceed to Council because it was not considered a discretionary use under the Land Use Bylaw.

The Development Authority explained that the original garden suite was approved under the previous Land Use Bylaw. A height variance was granted because the secondary suite was located on the main floor and the second floor was approved as storage space.

The R1 district was brought into the new Land Use Bylaw as the Low Density Residential Legacy District (RLD). The Development Authority noted that the previous bylaw only allowed one secondary suite, while the current bylaw allows a second secondary suite at Council's discretion, where it meets the bylaw requirements.

The Development Authority advised that under the Land Use Bylaw a typical layout would include one internal secondary suite within the principal dwelling and one detached secondary suite, such as a garage suite or garden suite, provided it meets the applicable definitions.

The Development Authority indicated that there were no problems with required parking or other matters.

Summary of the Appellant/Applicants' Submissions

The Appellant, Mr. Rosenberger, explained that the existing detached garden suite was originally designed as a one-and-a-half-storey building and that the upper floor had already been constructed and finished for storage purposes. The proposed application would convert this existing upper area into an additional secondary suite without requiring major exterior alterations to the building.

Mr. Rosenberger emphasized that the Town of Olds has identified a need for additional and affordable housing and has encouraged secondary suites as part of that objective. He argued that the proposal aligns with the Town's goals of increasing housing options and reducing unnecessary regulatory barriers.

Mr. Rosenberger stated that the proposed configuration is similar to a garage suite arrangement already illustrated in the Land Use Bylaw, except that the lower level of the

detached building is not used as a garage. He argued that the bylaw recognizes stacked secondary suite configurations and specifically excludes secondary suites from being classified as multi-unit dwellings or duplexes. In his opinion, approving a second secondary suite should not automatically reclassify the building as a duplex or multifamily dwelling.

Mr. Rosenberger further submitted that the proposal would not change the principal residential function of the property. The main dwelling would remain the principal residence at the front of the lot, while the detached building would continue to function as an accessory structure. He noted that all servicing for the detached building continues through the principal dwelling and there are no separate utility meters. He also stated that the principal dwelling remains larger in overall living space than the detached building, even when considering the proposed suite.

Mr. Rosenberger also highlighted the suitability of the site for additional housing, noting that the property is located approximately half a block from the college, making it a convenient location for students or visiting professors. He advised that no exterior changes or additional parking modifications would be required, and that the site already contains sufficient parking spaces on the property.

Overall, Mr. Rosenberger requested that the SDAB consider the proposal as a reasonable additional configuration for secondary suites under the Land Use Bylaw and approve the second secondary suite.

KEY FINDINGS OF FACT

The Board makes the following key findings:

1. The subject site is located at 4617 51 Street, Olds, Alberta, and is designated Low Density Residential Legacy District (RLD) under the Town of Olds Land Use Bylaw.
2. Development Permit PRMO-2026-0035 proposed a second secondary suite within an existing detached garden suite building.
3. The existing detached garden suite previously received a height variance under the former Land Use Bylaw, allowing the building to exceed the maximum height otherwise permitted for a garden suite and the second story was approved as a storage area.
4. Under the current Land Use Bylaw, a second secondary suite may be permitted within the definitions and configurations established in the Land Use Bylaw. The Land Use Bylaw clearly defines the acceptable configurations for secondary suites.

5. No variance application was requested or considered as part of Development Permit PRMO-2026-0035.

DECISION

For the reasons detailed below, the Appeal is denied, and the decision of the Development Authority to refuse Development Permit PRMO-2026-0035 is upheld.

REASONS FOR DECISION

1. The proposed development does not meet the definitions for secondary suites under the Town of Olds Land Use Bylaw.
2. The Land Use Bylaw provides for a second secondary suite to be developed on a property. However, the Bylaw is very explicit in defining what the acceptable suites would be. While the current building is similar in height to a garage secondary suite, it is not a garage. Approving this development would open the door to multi-level garden suites which would be outside the provisions of the Land Use Bylaw. To approve this would require a change to the definitions in the Land Use Bylaw and this is outside the purview of this board.
3. The Appellant indicated that the Land Use Bylaw specifically excludes secondary suites from the definition of “multi-unit” residences. The board believes that this exclusion is not for the purpose of creating multiple secondary suites within either a garden suite or a garage suite but rather that the intention is to protect primary residences containing a secondary suite from being considered as multi-unit developments. Approval of this development permit would constitute approval of a multi-unit development.
4. The Board acknowledges the Appellant’s comments regarding housing needs and affordability; however, broader housing policy considerations are outside the scope of this Board’s authority in this appeal.

CLOSING:

This decision can be appealed to the Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in section 688 of the Municipal Government Act which requires an application for leave to appeal to be filed and served within 30 days of the date of this decision.

Dated at _____, in the Province of Alberta this ___ day of May 2026 and signed by the Chair on behalf of all three panel members who agree that the content of this decision adequately reflects the hearing, deliberations and decision of the Board.

Joe Henderson

SDAB Chair

Date

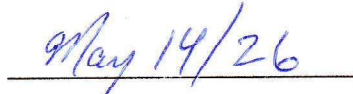
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Dated at Ponoka County, in the Province of Alberta this 14th day of May, 2026 and signed by the Chair on behalf of all three panel members who agree that the content of this decision adequately reflects the hearing, deliberations and decision of the Board.



Joe Henderson



Date

SDAB Chair