

REGIONAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

UNIT B 4730 ROSS STREET
RED DEER AB T4N 1X2
403-343-3394

October 03, 2025

NOTICE OF DECISION

RE: Appeal of Development Permit application 25-128 for 8-unit Multi-Plex with a variance to maximum driveway width requirements at 4634 & 4638 – 51 Street, Olds, Alberta within the Medium Density Residential Land Use district

SUMMARY OF APPEAL

This is an appeal of Development Permit application 25-128 for 8-unit Multi-Plex with a variance to maximum driveway width requirements at 4634 & 4638 – 51 Street, Olds, Alberta within the Medium Density Residential Land Use district. The Appellant, Rickie Rosenberger (Owner of Rosey Developments INC. the applicant of the DP 25-128), appealed the decision. The reasons for the appeal are based on:

- (1) The refusal of the development permit, as the proposed variance to driveway width is not believed to unduly affect neighborhood amenities.
- (2) The requested variance is necessary to address safety considerations for shared neighborhood space.
- (3) The proposal was designed with the wellbeing of the community in mind and is consistent with similar developments elsewhere in the province.
- (4) The appellant is prepared to provide evidence and documentation showing the variance will not negatively impact amenities, but instead enhance long-term neighborhood viability and property functionality.

Notice of the appeal was provided to interested parties and a hearing was held on September 29th, 2025.

Hearing Panel: Earl Graham (Chair)
Anita Gillard (Panel Member)
Jocelyn Robinson (Panel Member)

SDAB Clerk: Jiayi Wang

BACKGROUND OF THE APPLICATION

The Development Authority refused Development Permit DP25-128 on August 25th, 2024. The subject site is 4634 & 4638 – 51 Street, Olds, Alberta. The subject site is designated R3 – Medium density Residential District under the Town of Olds Land Use Bylaw. The development permit 8-units Multi-Plex with a variance to maximum driveway width requirements.

An appeal was filed with the Regional Subdivision and Development Appeal Board on September 11th, 2025 by the appellant. Affected parties were notified on September 17th, 2025, with public notification being distributed on September 22nd, 2025.

MERIT HEARING

Summary of the Development Authority's Submissions

The application is for an 8-unit Multi-Plex located at 4634 and 4638 – 51st Street. The proposed development is a permitted use; however, a variance is required to accommodate driveway width and associated parking.

The Land Use Bylaw establishes a maximum driveway width of 10 meters in a residential district. The applicant is proposing a driveway width of 22 meters, representing a 120% variance.

The rationale for the variance is to satisfy the minimum parking requirement for an 8-unit Multi-Plex, which is 16 stalls. The applicant's site plan shows: 8 parking stalls located at the front of the property, and 8 parking stalls accessed from the rear.

As a result, the requested variance is specific to the driveway width needed to facilitate the required parking layout.

Summary of the Appellant/Applicants' Submissions

The appellant explained that they are long-term residents and investors in Olds, with experience in rental properties, and intend to actively participate in the development of the proposed an 8-unit Multi-Plex at 4634 and 4638 – 51st Street.

- Parking was a central concern. The Land Use Bylaw requires 16 stalls, and the appellant presented three site layout options:
 - Option 1: Full parking provided on-site, split on either side of the elm tree.

- Option 2: Fewer front stalls, which would push two vehicles onto the street.
- Option 3: A further reduction, which would require four to six vehicles to park on the street.
- The appellant stated their intent is to minimize on-street parking and ensure tenants have sufficient off-street stalls.
- There were also concerns from residents about the elm tree located at the front of the property. The appellant, a forester by trade, confirmed that the elm will be retained and incorporated into the design. They also expressed openness to planting additional trees to match the neighborhood character.
- The submission addressed drainage by noting that all stormwater will be retained on-site through an underground system with a 130 cubic metre capacity, integrated with a geothermal installation. The appellant stated this would improve resilience to major storm events and support the geothermal system's efficiency.
- Other concerns raised included snow removal, garbage and recycling storage, and traffic. The appellant committed to managing snow removal off-site, providing one shared dumpster for waste, and ensuring blue bins are placed in an organized manner for collection. They also noted the street is relatively quiet and comparable developments already exist in the area.
- The appellant emphasized a commitment to being a good neighbor, addressing issues raised by residents, and adapting the design where possible, even at additional cost.

Summary of Other Party Presentations

Adjacent landowners, speaking on behalf of the neighbourhood near the appeal site, raised concerns regarding the requested parking variance. They emphasized the long-standing history of the property, built in the 1940s, and noted that redevelopment approvals in East Olds set precedents that will shape the future character of the neighborhood.

They urged the Board to deny the appeal, stating that just because a variance can be approved does not mean it should. The landowners argued that approving this parking variance would have broader implications for the entire neighborhood and future redevelopment.

Specific points raised included:

- The comparison to a nearby row townhouse was not suitable given current planning standards.

- Measurements taken of an existing fourplex driveway (built in 2006) demonstrated much narrower widths (10–12 feet per stall).
- Since the adoption of the East Olds Redevelopment Plan (2014), stricter policies for design, boulevards, front setbacks, and parking apply.
- The current request of approximately 72 feet of combined driveway width would remove boulevard space, a pedestrian walkway, and potentially the mature elm tree.
- Loss of the elm tree would sacrifice an important natural asset with water retention benefits, and retaining it would make meeting the parking requirement difficult.
- The landowners concluded that the proposed variance is inconsistent with the East Olds Redevelopment Plan and would set an inappropriate precedent for the community.

KEY FINDINGS OF FACT

The Board makes the following key findings:

1. The subject property is municipally addressed as 4634 and 4638 – 51st Street and comprises two titled lots considered as one development site.
2. The application proposes an 8-unit Multi Plex, a permitted use in the district, and seeks a variance to maximum driveway width.
3. The Land Use Bylaw sets a maximum driveway width of 10 m in residential areas; the proposal seeks 22 m, a 120% variance.
4. Minimum parking requirement is 16 stalls (2 per dwelling). Parking layouts presented would rely on extensive front-yard hard surface and/or on-street parking to meet counts.
5. The East Olds Redevelopment Plan (Schedule E, s.3.1) includes objectives and design standards that:
 - discourage long/wide driveways and garage elements from dominating the public realm, and
 - emphasize landscaped edges, rear/laneway access patterns, and preservation of mature street character (including the boulevard elm tree).

6. The evidence before the Board did not demonstrate a clear or feasible plan from the applicant to meet minimum parking requirements while also retaining the elm tree and maintaining the intended streetscape character. While the appellant presented several potential options, these were not advanced as part of the formal development permit application and would require further review by the Development Authority to determine whether they align with policy and design standards.
7. Issues raised regarding drainage, water/sewer servicing, fire-hydrant clearances, snow removal, traffic, and parking permits were either addressed by Town standards or not substantiated as material planning concerns for this decision.

DECISION

The Board denies the appeal and upholds the refusal of the development permit. The Board finds that the proposed 120% driveway-width variance would unduly affect the amenities of the neighborhood.

REASONS FOR DECISION

1. Scale of Variance / Public Realm Impact

The requested increase from 10 m to 22 m would result in a predominant hard-surface frontage inconsistent with Schedule E, s.3.1 (driveways and garages should not dominate views from the public street and should provide landscaped edges). The extent of paving necessary to enable the front parking layout would diminish streetscape quality and pedestrian friendliness.

2. Neighbourhood Character and Mature Vegetation

Schedule E's objectives to preserve the mature character of existing residential streets support maintaining boulevard form and mature trees (elm). On the evidence, the appellant did not show how minimum parking could be achieved without removing or materially compromising the elm tree and associated boulevard features. The Board gives considerable weight to this objective.

3. Parking Compliance Not Demonstrated Without Adverse Effects

While multiple "options" were discussed, no binding plan demonstrated compliance with 16 required stalls in a manner that respects Schedule E and avoids dominant driveway presence. Reliance on expanded front-yard paving and/or additional on-street parking would unduly affect neighbourhood amenities.

4. Other Issues Not Determinative

Concerns regarding drainage, servicing, fire-hydrant setbacks, snow removal logistics, traffic, and permit administration were either addressed by Town requirements or not

justified as planning grounds to overcome the variance concern. They do not alter the Board's conclusion on the driveway/amenity impact.

5. Precedent and Policy Consistency

Approving a variance of this magnitude would set an inappropriate precedent contrary to the East Olds policy direction intended to guide redevelopment over the plan horizon, undermining long-term neighborhood character.

Conclusion: On balance of the evidence and applicable policy, the Board finds the variance would unduly affect the amenities of the neighborhood and therefore upholds the refusal.

CLOSING:

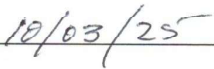
This decision can be appealed to the Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in section 688 of the Municipal Government Act which requires an application for leave to appeal to be filed and served within 30 days of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

Dated at _____, in the Province of Alberta this ____ day of October 2025 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.



Earl Graham

SDAB Chair



Date