

**FOOTHILLS COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Development Appeal Board Decision**

HEARING DATE: July 23, 2026

BOARD ORDER: D18/2026

APPELLANTS/LANDOWNERS: PRABHSIMER ARORA, SUPRIYA ARORA

APPLICANT: TRICOR DESIGN GROUP

APPEAL AGAINST: REFUSAL OF 25D 238 FOR A SINGLE FAMILY DWELLING, SECONDARY SUITE, PRINCIPAL & OVERSIZED ATTACHED GARAGE ON A CRA LOT

SUBJECT PROPERTY: PLAN 1711526, BLOCK 3, LOT 13; PTN. SW 35-21-01 W5M

BEFORE: CHAIRMAN G. BEACOM; BOARD MEMBERS D. MACDONALD, BRAD MEYERS, D. LARSON AND R. SIEWERT AND RECORDING SECRETARY J. SCHULER

DECISION

Having been satisfied that notice of this hearing was provided in accordance with the Municipal Government Act, R.S.A. 2000, Chapter M-26;

And upon having read the materials provided, and upon having heard the representations from the Applicant, Landowner, and the Development Authority for Foothills County with respect to the appeal filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the refusal of 25D 238 for a Single Family Dwelling, Secondary Suite, Principal & Oversized Attached Garage on a Country Residential Sub-District "A" lot on Plan 1711526, Block 3, Lot 13; Ptn. SW 35-21-01 W5M (The "Property").

The Subdivision and Development Appeal Board for Foothills County (the "Board") has decided to:

ALLOW the appeal and OVERTURN the Development Authority's decision to refuse Development Permit 25D 238 for a Single Family Dwelling, Secondary Suite, Principal & Oversized Attached Garage on a Country Residential Sub-District "A" Lot on Plan 1711526, Block 3, Lot 13; Ptn. SW 35-21-01 W5M.

The application is thereby APPROVED.

APPROVAL DESCRIPTION:

Upon completion of the below noted pre-release condition(s), this approval granted by Board Order 19/2026 allows for the following:

1. Single Family Dwelling with 18,256.21 sq. ft of habitable space shared between a walk-out basement floor, main floor and upper floor, and 307.32 sq. ft. of space

for guard and security rooms attached to the garage, with an overall maximum average height of 11.95 metres (39.2 feet);

2. Secondary Suite, Principal with 1304 sq. ft. of habitable space within the upper floor of the Single Family Dwelling, included within the total square footage; and
3. Variance on the size of the Attached Garage with an area of 4,688.68 sq. ft., including the multi-purpose area.

PRE-RELEASE CONDITION:

Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before December 23, 2026 will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).

1. The applicant shall submit a compliance deposit in the amount of \$5,000.00. This deposit will be refunded at such time that the involved professional(s) provide written verification that all aspects of the noted reports and accepted plans have been satisfied, and that the project has been completed.

CONDITIONS OF APPROVAL:

The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued. Failure to complete the conditions of approval will see the Development Permit be deemed null and void unless a time extension is approved under agreement between the Development Authority for Foothills County and the Applicant(s).

1. The applicant shall maintain the development in accordance with all conditions of the Subdivision and Development Appeal Board Order D18/2026 and plans that have been acknowledged by the Subdivision and Development Appeal Board to be appropriate. Any revisions to the approved development or additional uses of this land shall not proceed without first obtaining the appropriate approvals and permits;
2. The applicant shall obtain any necessary building and safety code permits and inspections from the County to the discretion of the Safety Codes Officer. The development is required to illustrate compliance with the requirements of the Alberta Building, Plumbing, Electrical, and Fire Codes at all times.
3. It is the landowner's responsibility to ensure that all considerations and recommendations are adhered to as identified within the following accepted documents:
 - a) Private Sewage (PSTS) Assessment by Osprey Engineering Inc., signed on February 24, 2016, by Michael A. Kitchen, P.Eng.;
 - b) Stormwater Management Plan by Osprey Engineering Inc., signed on February 24, 2016, by Michael A. Kitchen, P.Eng.;
 - c) Preliminary Geotechnical Evaluation by McIntosh Lanali Engineering Ltd., signed in December 2015, by Marty D. Ward, P.Eng.
4. It is the applicant's responsibility to obtain and properly post independent County address (es) for the principal dwelling and secondary suite prior to occupancy. Please contact the County's GIS Department to be assigned new address(es) and obtain information regarding address signage. The applicant is advised that

additional addressing may cause a change to the existing mailing address for the property. Please contact the County's GIS department for information in this regard;

5. Prior to the County acknowledging completion of the development, the applicant shall obtain a letter from a designated professional confirming the development adheres to all comments and recommendations as provided within the reports noted in Condition 3; and
6. The applicant shall provide written notification to the Development Authority upon completion of the development, as approved herein.

ADVISORY REQUIREMENTS:

The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity. It is the responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements for the life of the development.

1. Providing variance for the oversize garage and accessory buildings fully utilizes the area of permitted Accessory Buildings and Garages on a property of this size. As such, no additional Accessory Buildings or additional garage space is permitted on the subject property without first obtaining the required approval(s) from Foothills County. This includes any structure with a roof and/or any buildings with temporary foundations;
2. Development on the property shall at all times comply with the requirements of the Alberta Building, Safety, and Fire Codes. Acknowledgement from the Safety Codes Officer that the Secondary Suite, Principal, is suitable for its proposed use and occupancy must be obtained prior to occupancy;
3. The applicant is responsible to comply with the requirements of Alberta Health Services, including but not limited to the regulatory requirements under the Alberta Public Health Act, Housing Regulation 173/99 and the Minimum Housing and Health Standards (MHHS);
4. As per the executed Declaration of Understanding submitted with the application, it is the landowners' responsibility to ensure that water servicing and sanitary sewer servicing are adequately provided, maintained, and operated; in compliance with all pertinent regulatory requirements, for the life of the development;
5. Should lot grading be substantially altered, the applicant shall submit a Geotechnical Report for Slope Stability, as well as engineering review fees, to the satisfaction of the Public Works department;
6. Emergency address signage shall be installed and maintained, to the satisfaction of the County's Emergency Services;
7. No portion of the Dwelling, Secondary Suite, or Attached Garage shall be used for the purpose of any business-related uses without first obtaining any necessary approvals from the Foothills County;
8. No topsoil shall be removed from the subject lands. When relocating or placing materials and conducting development on the land, the applicant shall ensure that measures are taken to contain those materials and mitigate effects with respect to dust, erosion, runoff, and weeds. Natural drainage of the parcel must be maintained. Except as acknowledged within the accepted Stormwater Management Plan, alteration to natural drainage may proceed only under the authorization of an approved Development Permit for Lot Grading;

9. All exterior lighting applications must adhere to the guidelines and technical specifications as outlined within the Foothills Dark Sky Bylaw, which requires outdoor lights to be fully shielded, energy-efficient, and directed downward to minimize glare, light trespass, and sky glow;
10. All structures shall be located as to adhere to Municipal setback requirements from the boundaries of the legally titled property, as illustrated within the accepted site plan. No variance for yard setbacks has been considered under this approval;
11. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
12. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit.

NOTES:

1. This is not a Building Permit. Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
3. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Subdivision and Development Appeal Board Order D18/2026.

INTRODUCTION

- i. The subject property is an existing 2.5-acre Country Residential District Sub-District "A" parcel located approximately 430 metres east of Highway 552 West, 417 meters to the south of 250 Avenue West, and is on Hamilton Heights Drive. It is located within the Hamilton Heights Subdivision. This property is adjacent to six other properties.
- ii. On June 10, 2026, the Development Authority for Foothills County refused Development Permit 25D 238 for a Single Family Dwelling, Secondary Suite, Principal & Oversized Attached Garage on a CRA Lot on Plan 1711526, Block 3, Lot 13; Ptn. SW 35-21-01 W5M.
- iii. An appeal was received on June 29, 2026 from Prabhsimer Arora and Supriya Arora against the refusal of Development Permit 25D 238.

ISSUES**1. APPLICATION:**

- i. The Development Authority submitted that the appeal is against the discretionary refusal of Development Permit 25D 238 for a proposed Single Family Dwelling, Secondary Suite, Principal, and Oversized Garage.
- ii. The Development Authority submitted that the parcels within this subdivision were zoned Country Residential Sub-District “A” to ensure that the recommendations and restrictions as outlined in a septic disposal evaluation, high water table testing, building locations, storm water management plan, lot grading plan, geotechnical report, comprehensive site drainage plan and slope stability testing were constructed to the satisfaction of the County.
- iii. The Development Authority submitted that the application proposes a Single Family Dwelling, a Secondary Suite, Principal, and an attached garage, with a total building lot coverage of 15%. The Single Family Dwelling consists of a walk-out basement, a main floor containing an indoor pool, and an upper floor, as well as guard and security rooms attached to the garage. The attached garage is designed around a gated central courtyard. The Secondary Suite, Principal, is located on the upper floor of the Single Family Dwelling and extends above a portion of the attached garage.
- iv. The Development Authority submitted that between the Single Family Dwelling and the Secondary Suite, there are to be a total of 10 legal bedrooms within this building, two of which are labelled for use as offices. The Single Family Dwelling and Secondary Suite, Principal, are permitted uses normally exempt from a development permit. However, as it is a Sub-District “A” parcel, they both require a development permit.
- v. The Development Authority submitted that the Oversized Garage requires a variance and as such is discretionary in nature. The refusal is due to the size of the proposed attached garage. The maximum size for a garage without a development permit is 1,200 sq. ft.
- vi. The Development Authority submitted that the proposed 14-door garage provides 4,688 sq. ft. of garage space. This calculation excludes the staircase, vestibule, security and guard rooms, and the uncovered courtyard, but includes the multi-purpose area because its double doors allow it to function as garage space.
- vii. The Development Authority submitted that the total garage space in the most recently submitted plan indicates a total of 4,996 sq. ft. including the multi-purpose area, which is about 308 sq. ft. larger than the size that was calculated for refusal in the development permit.
- viii. The Development Authority submitted that under Land Use Bylaw Sections 4.2.1.9 and 9.2.3, the maximum permitted garage area is 1,200 sq. ft., making the proposed 4,688 sq. ft. garage a variance of 3,488 sq. ft. (391%). However, Section 9.2.4 allows the Development Authority to consider the combined cumulative area of garages and accessory buildings when determining the maximum permitted area.

- ix. The Development Authority submitted that the 2.5-acre parcel is permitted a maximum cumulative accessory building area of 1,675 sq. ft. under Land Use Bylaw Table 4.2.1.7A, for a combined maximum of 2,875 sq. ft. of garage and accessory building space.
- x. The Development Authority submitted that, as no accessory buildings are proposed, the full 2,875 sq. ft. maximum could be allocated to the garage, resulting in a variance of 1,813 sq. ft. (163%).
- xi. The Development Authority submitted that, even using the cumulative garage and accessory building allowance, the proposed garage size would only be permitted on a parcel of at least 5 acres—two parcel size categories larger than the subject parcel.
- xii. The Development Authority submitted that the proposed garage significantly exceeds the maximum garage and accessory building area considered appropriate for a parcel of this size.
- xiii. The Development Authority submitted that the additional 308 sq. ft. shown on the close-up plan would increase the total garage area to the size category applicable to 10-acre parcels.
- xiv. The Development Authority submitted that Section 5.5 of the Land Use Bylaw states that the Development Authority may approve a discretionary use if different conditions are met, particularly regarding consistency with the County's policies, compatibility with the Country Residential District, and traffic impacts of the intended project, which shares this subdivision road with 17 other parcels. When considering this application, the Development Authority was not provided with sufficient information to determine that these conditions were met.
- xv. The Development Authority submitted that the proposed 4,688 sq. ft., 14-car garage exceeds the maximum oversized garage area that can be considered for a Country Residential parcel of this size.
- xvi. The Development Authority submitted that the proposed total lot coverage is 25.47%, including buildings, driveways, and sidewalks, which is below the 40% maximum permitted.
- xvii. The Applicant, A. Gouda of Tricor Design Group, provided that the proposed garage area calculation is 4,171 sq. ft., excluding the multi-purpose space. The multi-purpose space is intended for storage of lawn care and property maintenance equipment.
- xviii. The Applicant provided that the proposed development is intended to be a multigenerational family home, accommodating younger and older generations, including in-laws. Due to the number of residents and the value of the vehicles, a larger garage area is required to protect vehicles from hail and weather exposure.

- xix. The Applicant provided that the garage has been designed in a courtyard configuration to minimize the visibility of multiple garage doors from the street. The proposed gates are intended for security and safety purposes, with the garage areas intended solely for personal vehicle storage.
- xx. The Applicant provided that the exterior sliding doors are not garage doors and are not intended for vehicle access; rather, they will be used for storage of equipment required to maintain the 2.5-acre property.
- xxi. The Applicant acknowledged that the proposed garage is larger than permitted under the bylaw but advised that the combined dwelling and garage area does not exceed 15% of the total parcel area. The Applicant noted that the design consolidates the development into one attached structure rather than multiple accessory buildings or a warehouse-style development.
- xxii. The Applicant provided that the proposed residence is intended to be a high-end, multigenerational family home and is not intended for commercial purposes. The Applicant requested consideration of the variance for the oversized garage, noting that portions of the additional area are intended for property maintenance purposes only and do not include vehicle access or overhead garage doors. The Applicant further advised that the garage design is intended solely to accommodate the family's personal needs.
- xxiii. The Applicant presented a plan of the garage, including the multi-use storage area, which is separated by a partition. The Applicant confirmed that there would be no access between the garage and the multi-use storage area and stated that the development authority is including this area in the garage and he is asking that it is not. He stated that it shares a common roof with the garage.
- xxiv. The Development Authority confirmed that as the development permit was a refusal it was not circulated in the same way as an approval. The SDAB Clerk J. Schuler provided that the appeal was circulated to neighboring landowners.
- xxv. The Landowner, P. Arora, advised that they are a member of the HOA Board within the community and that residents are aware of the application. It was noted that, as the project proposes more site coverage than typically permitted, additional rainwater management submissions have been provided by qualified engineers. These submissions confirm that the proposed drainage system and water gardens are appropriately designed to manage stormwater runoff and facilitate effective drainage.
- xxvi. The Development Authority clarified that the correct proposed garage size is 4,996 sq. ft. rather than 4,688 sq. ft. that was mentioned earlier. It was noted that 4,171 sq. ft. is attributed to garage space, and the Board must determine whether the multipurpose area should be considered as part of the garage space.
- xxvii. The Applicant confirmed that the proposed garage space consists of 4,171 sq. ft. with an additional 825 sq. ft. allocated to the multipurpose area.

REASONS FOR DECISION

The Board is ALLOWING the appeal and OVERTURNING the Development Authority's decision to refuse Development Permit 25D 238 for a Single Family Dwelling, Secondary Suite, Principal & Oversized Attached Garage on a Country Residential Sub-District "A" Lot on Plan 1711526, Block 3, Lot 13; Ptn. SW 35-21-01 W5M.

The Board considered the application materials, the Development Authority's decision, the applicable provisions of Land Use Bylaw 60/2014, and the oral and written submissions provided by the Development Authority, the Applicant and the Landowner.

The Board considered that the property is designated as a Sub-District "A" parcel and recognized that runoff and drainage concerns had been addressed. The proposed development was determined to remain well within the allowable building footprint.

The Board considered the location and design of the proposed development and determined that the visual impact on surrounding properties and from the roadway would be limited.

The Board further considered that no objections were raised by neighbouring landowners or the subdivision's Home Owner's Association and as such determined that the development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land.

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, R.S.A. 2000 Chapter M-26, which requires an application for leave to appeal to be filed and served within 30 days of this decision.

Dated at the Town of High River, in the Province of Alberta, this 7th Day of August and signed by the Chairman of the Subdivision and Development Appeal Board, who agrees that the content of this document adequately reflects the appeal hearing, deliberations and decision of the Subdivision and Development Appeal Board.



Mr. Gar Beacom, Chairman

RELEVANT LEGISLATION**FOOTHILLS COUNTY LAND USE BYLAW 60/2014****4.2.1.7 Accessory Buildings/Structures****4.2.1.7 A detached accessory building where it is accessory to a primary residence:**

- a. having an area 20.8 sq. m. (224 sq. ft.) or less, where an accessory building is a permitted use in the land use district, including those lands designated as Sub-district "A", Direct Control District, within the Flood Hazard Protection Overlay, and/or within the Airport Protection Overlay provided the structure does not result in the cumulative accessory buildings on the property exceeding the size or number of accessory buildings allowed under Table 4.2.1.7A, and does not exceed to maximum permitted height under the designated Land Use District or the Airport Protection Overlay, and
- b. having an area greater than 20.8 sq. m. (224 sq. ft.) where an accessory building is a permitted use in the land use district and does not exceed the cumulative size of accessory buildings allowed under Table 4.2.1.7A except on any lands designated Sub-district "A", Direct Control District, or Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay, or where the accessory building is being relocated from another property. Relocation of structures requires a Development Permit in accordance with Section 9.21 of this bylaw.

Table 4.2.1.7A

PARCEL SIZE	SIZE OF ACCESSORY BUILDING
Less than 1 acre	Maximum of two (2) buildings with a total cumulative size not to exceed 41.8 sq. m. (450 sq. ft.) accessory to the residence
1.0 - 1.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 88.26 sq. m. (950 sq. ft.) accessory to the residence
2 - 2.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 155.6 sq. m. (1,675 sq. ft.) accessory to the residence
3.0 - 4.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 285.7 sq. m. (3,075 sq. ft.) accessory to the residence
5.0 - 9.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 325.2 sq. m. (3,500 sq. ft.) accessory to the residence
10.0 - 14.99 acres in size	Maximum of five (5) buildings with a total cumulative size not to exceed 380.9 sq. m. (4,100 sq. ft.) accessory to the residence

15.0 - 20.99 acres in size	Maximum of five (5) buildings with a total cumulative size not to exceed 422.7 sq. m. (4,550 sq. ft.) accessory to the residence
21.0 acres and over in size	Maximum of six (6) buildings with a total cumulative size not to exceed 478.5 sq. m. (5,150 sq. ft.) accessory to the residence
Agricultural District and Agricultural Business District Parcels	Any size accessory building to be used for agricultural, general purposes on agricultural zoned parcels when an agricultural operation exists on the property, in accordance with Section 4.2.1.7 of this Bylaw

4.2.1.9 Permanent dwellings are permitted up to two private garages, attached to the permitted dwelling or detached, in addition to the accessory buildings allowed under Section 4.2.1.7A, where:

- a. the total cumulative area of the garage(s) does not exceed 167.23 sq. m. (1,800 sq. ft.), on Agricultural zoned properties; or
- b. the total cumulative area of the garage(s) does not exceed 111.48 sq. m. (1,200 sq. ft.) on all other land use districts.

excluding any lands designated Sub-district "A", Direct Control District, Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay, in which a Development Permit is required.

9.2 ACCESSORY BUILDINGS AND USES

9.2.1 In all residential districts, the principal building on each lot shall be a Dwelling, Unit. Notwithstanding anything contained in the land use rules applicable to such districts, accessory buildings shall be considered as permitted uses only in cases where a permitted permanent Dwelling, Unit is actually located on the Lot.

9.2.2 Notwithstanding section 9.2.1, an accessory building exceeding the maximum area allowed in accordance with Section 4.2.1.7, shall be considered as a discretionary use and required to have an approved Development Permit.

9.2.3 In accordance with Section 4.2.1.9, permanent dwellings with up to two private vehicle garages, attached to the permitted dwelling or detached, in addition to the accessory buildings allowed under Section 4.2.1.7, do not require a Development Permit, and shall not be included in the total accumulated area unless noted by a Development Permit Decision where:

- a. the total cumulative area not to exceed 167.23 sq. m. (1,800 sq. ft.), on agricultural zoned parcel or
- b. the total cumulative area of not exceeding 111.48 sq. m. (1,200 sq. ft.) in all other land use districts .

MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, CHAPTER M-26

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

APPENDIX “A”

PERSONS WHO WERE IN ATTENDANCE, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

<u>NAME</u>	<u>CAPACITY</u>
1. P. Karolyi	Foothills County - Development Officer
2. P. Arora & S. Arora	Appellant/Landowner
3. A. Gouda	Applicant – Tricor Design Group

APPENDIX “B”

I. DOCUMENTS RECEIVED PRIOR TO THE HEARING AND MADE AVAILABLE AT THE HEARING:

NO. ITEM

1. Decision from the Foothills County Development Officer 25D 238
2. Notice of Appeal submitted by P. Arora & S. Arora
3. Development Permit 25D 238 File Documents
4. Written submission - Gersten

APPENDIX “C”

EXHIBITS MADE AVAILABLE AT THE HEARING:

NO. ITEM

1. Presentation by the Foothills County Development Officer, P. Karolyi
2. Presentation by the Applicant, A. Gouda