

Appeal File Number: 026-STU-003
Application Number: DP-25-0287
Appeal Against: Development Authority of Sturgeon County
Appellant: Nicholas Davis
Date and Location of Hearing: February 3, 2026
Council Chambers and Through Electronic Communications
Date of Decision: February 17, 2026

SDAB Members: Nicole Mackoway (Presiding Officer), Julius Buski, and Lee Danchuk

NOTICE OF DECISION

IN THE MATTER OF an appeal by Nicholas Davis against the Development Authority’s refusal of a Home-Based Business Level Two (Motor Vehicle Inspection and Repair) with a variance to exterior storage.

- [1] This is the decision of the Sturgeon County Subdivision and Development Appeal Board (the “SDAB” or “Board”) on an appeal filed with the SDAB pursuant to section 685 and 686 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the “MGA” or “Act”).
- [2] In making this decision, the Board reviewed all the evidence presented and considered provisions of the *Municipal Government Act*, Sturgeon County’s Land Use Bylaw 1385/17 (the “Land Use Bylaw” or “LUB”), and Sturgeon County’s Municipal Development Plan (MDP), and any amendments thereto.
- [3] The following documents were received and form part of the record:
- The Notice of Appeal;
 - A copy of the development application with attachments;
 - The Development Authority’s written decision; and
 - Planning & Development Services Report;

PRELIMINARY MATTERS

- [4] There were no preliminary matters addressed at the hearing.

PROCEDURAL MATTERS

- [5] The appeal was filed on time and in accordance with section 686 of the MGA.

[6] There were no objections to the proposed hearing process as outlined by the Presiding Officer.

[7] There were no objections to the composition of the Board hearing the appeal.

[8] The Board is satisfied that it has jurisdiction to deal with this matter.

ISSUES

[9] The Appellant raised the following grounds of appeal:

- The Appellant can reduce yard storage to 40 metres × 10 metres, meeting the requirements for a Home-Based Business Level Three.
- The property is zoned R1, which only permits a Home-Based Business Level Two, while nearly all surrounding properties are zoned AG with the exception of one neighbour. Therefore, a variance is required.
- The property is well maintained and does not resemble a junk yard, unlike several nearby properties with extensive exterior storage.
- Larger construction businesses operate from AG-zoned shops in the area without permits and create significantly greater impacts, while the Appellant is attempting to operate properly and within regulations.
- Industrial park rental costs are too high for a small start-up business to remain competitive; the Appellant seeks to run a small home-based shop employing 1–2 apprentices.
- The business would support local trades employment, provide opportunities for youth, and contribute to the local economy.
- The Appellant has support from neighbouring landowners and works closely with local farmers.
- Most work is performed off-site as a mobile mechanic; the shop would allow the Appellant to offer an additional service to customers.

RECOMMENDATION OF THE DEVELOPMENT AUTHORITY

[10] Yvonne Bilodeau, representative for the Development Authority, provided a presentation which included an issue analysis for the Appellant's proposal and reasons for the Development Authority's refusal.

[11] The subject property is 4.075 hectares (10.07 acres), located within the St. Nicholaas subdivision. The residential property is developed with a Single Detached Dwelling and three accessory buildings (detached garage, Quonset, and barn). The assessment records classify the accessory buildings as farm use. A compliance was issued for the property on October 18, 1993.

[12] An application was received to operate a Home-Based Business for inspecting and repairing trucks (Jeds Mechanical Ltd.) An application for variance was also received to vary the amount of parking/exterior storage on the property.

- [13] The application proposed to operate from the existing accessory building, with a 1,500m² area for exterior storage of vehicles, four employees, and three to seven site visits per day. The maximum allowable number of on-site employees is two. The Appellant subsequently reduced the number of on-site employees from four to two.
- [14] Section 6.16.5 of Land Use Bylaw 1385/17 (Home-Based Business) states that a Home-Based Business shall comply with the requirements provided in Table 6.1, which outlines that a Home-Based Business Level 2 shall have “...no exterior storage. Any Storage shall be located within the dwelling or accessory building(s).” The Appellant proposes a 1,500m² area for exterior storage for the parking of vehicles.
- [15] Section 12 of the Land Use Bylaw states that Home-Based Business Levels 1 and 2 are permitted in the R1 – Country Residential District. Home Based Business Level 3 is not a permitted nor a discretionary use in the R1 District.
- [16] Section 2.8.1(d) of the Land Use Bylaw states that a complete application for a development permit will be considered by the Development Authority who shall not accept an application for a use which is not a listed permitted use or discretionary use in the applicable district.
- [17] The proposed development does not align with the regulations set out in the Land Use Bylaw and therefore was refused by the Development Authority.

SUMMARY OF APPELLANT’S POSITION

- [18] The Appellant, Nicholas Davis, attended the hearing and made a submission in support of the appeal.
- [19] The Appellant clarified that the appeal relates specifically to the parking of heavy equipment, not to exterior storage. He explained that his business involves working on heavy equipment, which requires more space than a standard vehicle. When he referenced “exterior storage” in the application, his intention was simply to avoid having equipment in the front yard and instead park machinery behind the shop.
- [20] He is requesting approval for the maximum parking area permitted under a Home-Based Business Level 3, emphasizing that heavy equipment can be difficult and expensive to relocate, and may remain parked for up to a week while awaiting parts. He stated that he does not “part out” equipment and does not intend to accumulate unused machinery. His request is solely to have the back area recognized as parking, not storage.
- [21] He recently started his business and therefore services automotive, tractor, railroad, and military clients, primarily involving heavy equipment. He is taking on as much work as he can since his business is newly established.

DECISION OF THE BOARD

- [22] The Board **GRANTS** the appeal, **REVOKES** the decision the Development Authority made on December 29, 2025, and **APPROVES** the operation of a Home-Based Business Level Two subject to the following conditions:

1. The home-based business shall not occupy more than 30% of the gross floor area of the dwelling, and 100% of area of the accessory building(s).
2. Exterior storage shall not exceed 407m² and be in the location as per the approved site plan.
3. Client traffic generation shall not exceed four (4) vehicle visits per 24-hour period.
4. Parking shall be limited to the 8 spaces to allow for: 2 spaces for one business related commercial vehicle and one business related trailer; 2 employee vehicles; and 4 customer vehicles (total area of 131m²). Parking shall be located as per the approved site plan.
5. The home-based business shall be operated by the permanent resident(s) of the principal dwelling and there shall be no more than two (2), non-resident employees on site.
6. Impacts to adjacent parcels shall be mitigated by requiring retention of trees, or additional plantings, or other screening of such a type and extent that is considered necessary.
7. Only one on-site, commercially produced sign to identify the business, shall be allowed. The sign dimensions shall be a maximum of 1m (3.3ft) in length and 0.6m (2ft) in height. The sign shall be displayed as a window sign, be affixed to a building or be located in the front yard adjacent to the front parcel boundary and either be self-supporting or attached to existing fencing. There shall be no off-site signage associated with this home-based business.
8. The home-based business shall operate between 7:00 a.m. to 8:00 p.m. only.
9. The home-based business shall not generate noise, smoke, steam, odour, dust, fumes exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. At all times, the privacy of the adjacent residential dwelling(s) shall be preserved and shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.
10. The development permit is issued to the applicant and is non-transferable. Should the applicant move or sell the business, the permit will become void.
11. The applicant shall obtain a building permit for a change of use of the accessory building (detached shop – 2,880ft²) from personal use to commercial use associated with the operation of the Home-Based Business.

Advisory Notes:

- Home Based Business means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the permanent residents of the dwelling.
- It is the responsibility of the applicant/landowner to ensure that all development, and activities associated with the development, complies with any federal, provincial, or municipal laws/legislation and any required license, permit, approval, authorization, regulation, or directive.

REASONS FOR THE DECISION

[23] The Appellant's request is to operate a home-based business for inspecting and repairing trucks in the R1 – Country Residential District. A Home-Based Business Level 1 is a permitted use, and a Home-Based Business Level 2 is a discretionary use in the R1 district. A Home-Based Business Level 3 is not listed in this district and therefore cannot be approved.

[24] Table 6.1 under section 6.16.5 of the Land Use Bylaw states that a Home-Based Business Level 2 shall have no exterior storage. It further states that any storage shall be located within the dwelling or accessory buildings. The proposed 1,500m² of exterior storage exceeds the Land Use Bylaw regulations and therefore was refused by the Development Authority.

- [25] The Board received submissions that the business activity (number of client visits, hours of operation, traffic generation, noise, and on-site employment) can be accommodated within Home-Based Business Level 2 parameters without undue impacts to neighbouring properties.
- [26] In determining 407m² of exterior storage, the Board considered that a Home-Based Business Level 3 permits exterior storage not exceeding 1% of the parcel size and applied the same requirements to this Home-Based Business Level Two. The Board finds that the exterior storage granted will remain limited in scale, is directly tied to the approved business activity, and can be appropriately screened and maintained in compliance with the Land Use Bylaw.
- [27] In varying the parking requirements, the Board considered the large size of the parcel and screening from adjacent properties.
- [28] The Board finds that, in accordance with section 687(3)(d) of the *Municipal Government Act*, it may approve a development even though the proposed development does not comply with the land use bylaw if, in its opinion, the proposed development would not unduly interfere with the amenities of the neighbourhood or materially affect the use, enjoyment, or value of adjacent properties. The evidence demonstrated that the storage area is located outside the normal sightlines of neighbouring residences and public roads and will therefore not present a visual or functional hindrance to surrounding landowners. This was supported by the absence of submissions from adjacent property owners.
- [29] For all of these reasons, the Board revokes the decision the Development Authority and approves a development permit for a Home-Based Business Level Two (Motor Vehicle Inspection and Repair), subject to the above conditions and the attached site plan.

Dated at the Town of Morinville, in the Province of Alberta, this 17th day of February, 2025



Nicole Mackoway, Presiding Officer

Pursuant to Section 688(1)(a) of the Municipal Government Act (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with Section 688(2)(b), any other persons that the judge directs.

APPENDIX "A"
List of Submissions

- The Notice of Appeal;
- A copy of the development permit application with attachments;
- The Development Authority's written decision; and
- Planning & Development Services Report