

# **CITY OF BROOKS**

## **SUBDIVISION & DEVELOPMENT APPEAL BOARD**

---

**August 20, 2026**

**5:00 p.m.**

**Hearing No. SUB 2026-0-084**

**APPLICANT/APPELLANT:** Kira & John Penner

---

### **LIST OF EXHIBITS**

- A. Notice of Hearing and Location Sketch Map
- B. List of Persons Notified
- C. Notice of Appeal
- D. Notice of Decision
- E. Subdivision Report to Council for July 13, 2026 including Referral Responses
- F. Council Meeting Minutes (unapproved), July 13, 2026
- G. Draft Resolution from Planner
- H. Notice of Application to Adjacent Landowners and Referral Agencies
- I. Subdivision Application 2026-0-084
- J. Excerpts from Land Use Bylaw 14-12



# CITY OF BROOKS

## NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

Subdivision Application SUB 2026-0-084

Lot 1, Block 1, Plan 951 2251 within SW ¼ 4-19-14-W4M

(716 – 2 Street East, Brooks AB)

THIS IS TO NOTIFY YOU THAT IN ACCORDANCE WITH SECTION 678 OF THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA, 2000, CHAPTER M-26, AS AMENDED, A PANEL OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD WILL HEAR AN APPEAL OF A DECISION BY THE:

### Subdivision Authority of the City of Brooks with respect to Subdivision Application SUB 2026-0-084

**APPELLANT/ APPLICANT:** John & Kira Penner

**LEGAL DESCRIPTION:** Lot 1, Block 1, Plan 951 2251 within SW ¼ 4-19-14-W4M  
**(SUBJECT PROPERTY)** (716 – 2 Street East, Brooks AB)

**PROPOSAL:** Residential subdivision of Lot 1, Block 1, Plan 9512251 within the SW ¼ 4-19-14-W4M (Certificate of Title No. 251 273 829), to create a 0.13 acre (0.052 ha) lot, from a title of 0.37 acres (0.147 ha) for residential use

**DECISION:** Refused with Reasons by the Subdivision Authority

**PLACE OF HEARING:** **Council Chambers**  
City of Brooks Administrative Office  
201 – 1<sup>st</sup> Avenue West, Brooks, Alberta

**DATE OF HEARING:** August 20, 2026

**TIME OF HEARING:** 5:00 P.M.

#### PROCEDURES PRIOR TO THE HEARING:

1. The applicant has filed an appeal on the above matter, and they and any affected persons may submit written comments to the Appeal Board or participate in the hearing.
2. **Provide Written Submissions** – If you would like to provide comments for consideration on the appeal matter the Appeal Board is encouraging all hearing participants to submit presentations, letters, and comments to the Board prior to the hearing. It is preferred that written material is emailed to the Board Clerk, **NO LATER THAN NOON ON THE 17<sup>th</sup> DAY OF AUGUST 2026**, ideally in a PDF format. Contact the Clerk with your written submissions at:

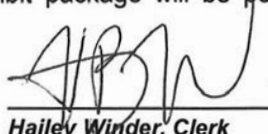
EMAIL: [haileywinder@orrsc.com](mailto:haileywinder@orrsc.com)

MAIL: **Hailey Winder, Board Clerk**  
**Oldman River Regional Services Commission**  
**3105 – 16<sup>th</sup> Avenue N., Lethbridge, Alberta T1H 5E8**

*If you are bringing information to the hearing for submission, you are required to supply 12 copies.*

2. **Exhibit Viewing** - The initial appeal exhibit package will be posted on the ORRSC website at [www.orrsc.com](http://www.orrsc.com).

**DATE:** July 27, 2026



**Hailey Winder, Clerk**  
**Subdivision & Development Appeal Board**

# CITY OF BROOKS

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Land Subject of Appeal Hearing SUB 2026-0-084

716 – 2 Street East, Brooks AB



LOCATION SKETCH  
 LOT 1, BLOCK 1, PLAN 951 2251  
 WITHIN SW ¼ 4-19-14-W4M

---

# **CITY OF BROOKS**

## **SUBDIVISION & DEVELOPMENT APPEAL BOARD**

Subdivision Application 2026-0-084

### List of Persons Notified

---

**Municipality:**

City of Brooks Development Staff (2)  
ORRSC Planner, Gavin Scott

**SDAB Members:**

Erwin Braun  
Maurice Landry  
Cory Springer

**Appellant/Applicant:**

Kira & John Penner

**Other Persons Notified:**

Yonas M. Zerom, Zebib Gebreyesus  
Brett & Brooke-Lyn Martin  
Gordon & Tracy Krinke  
Tytus Butkiewicz  
John & Wendy Butkiewicz  
Muhudin Abukar, Abdirashid Mohamed  
Rodney & Glenda Coombs  
Carla Kallio  
Jay Matthew Bannister, Penny Ann Sideritsch-Bannister  
Roy I. & Joyce K. Yokoyama  
Lori A. K. Yokoyama-Red Gun

**Agencies Notified:**

Christ the Redeemer School Division  
Grasslands School Division No 6  
AltaLink  
Fortis Alberta  
Telus Referrals  
ATCO Gas Referrals  
ATCO Transmission  
AHS South Zone  
Eastern Irrigation District  
AB Environment  
AER  
Canada Post  
AB Transportation



July 21, 2026

To: The City of Brooks Subdivision and Development Appeal Board  
Re: Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M / City of Brooks  
File: 2026-0-084

We are writing today regarding the subdivision application for the property referenced above and known civically as 716 – 2 Street East, Brooks. Please accept this letter as our notice of appeal as it pertains to the recently denied subdivision application, decision dated July 13, 2026.

We respectfully submit that the denial of the subdivision application is not supported by the applicable planning framework and request that the decision be overturned. The subdivision application complies with the governing legislation and planning documents, and the refusal relies on subjective neighbourhood character rather than established policy.

The subdivision exceeds all requirements of the Land Use Bylaw (R-MD, Residential Medium Density) as summarized in the table below:

| Lot Characteristic | Bylaw Requirement | Proposed          | Result           |
|--------------------|-------------------|-------------------|------------------|
| Width              | 12m               | 13m               | Exceeds Required |
| Depth              | 33.5m             | 39.63m            | Exceeds Required |
| Area               | 402 square metres | 515 square metres | Exceeds Required |

Additional points of consideration include the following:

- The subdivision application was recommended for approval by the Development Officer. This recommendation demonstrates that the proposal satisfies the planning framework established by council through its adopted bylaw.
- The proposed plan was circulated to a wide number of stakeholders including utility and service providers. None of the utility or service providers expressed concern with the proposal.
- Last-minute concerns were raised by one neighbour. The concerns raised did not pertain to the subdivision application.
- The proposed subdivision allows for the existing residence to remain and still be legally conforming based on the underlying zoning. This permits the existing tenants to continue living there without disruption.

Please accept these points as our foundation for appeal, with the understanding that we will provide a more detailed account at the scheduled appeal hearing.

Respectfully submitted,

John & Kira Penner





# ORRSC

OLDMAN RIVER REGIONAL SERVICES COMMISSION  
PLANNING & GIS FOR STRONG COMMUNITIES

## SUBDIVISION APPLICATION DECISION

Our File: 2026-0-084  
Your File: 6106-26C

**NOTICE DATE:** July 15, 2026

**TO:** John Penner and Kira Penner, Cameron Christianson, A.L.S., City of Brooks, Christ the Redeemer School Division, Grasslands School Division No. 6, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Transmission, AB Health Services - South Zone, Eastern Irrigation District (EID), AB Environment & Protected Areas - J. Cayford, AB Transportation, AER, Canada Post

**RE:** Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M / City of Brooks

**DECISION:** REFUSED

**DECISION DATE:** July 13, 2026

## RIGHT TO APPEAL

Pursuant to the Municipal Government Act, the applicant, government departments, and local authorities have a right to appeal the decision, any conditions, or the reserve requirement of the subdivision **within 14 days of receipt of this notice** to the appropriate appeal board. The date of receipt of the decision is deemed to be 7 days from the date the decision is mailed. The appeal may be commenced by providing a written statement of the grounds of appeal to:

**City of Brooks Subdivision and Development Appeal Board**  
Box 879, Brooks AB T1R 1R7

The appeal board must receive your notice of appeal within 21 days of the date of this letter informing you of the subdivision authority's decision. (Please contact the municipality to determine any applicable fees.)

Yours truly,

Gavin Scott  
*Senior Planner*

GS/jm

Enclosure



(403)-329-1344  
1-844-279-8760



3105 16 Avenue North  
Lethbridge, AB T1H 5E8



subdivision@orrsc.com  
www.orrsc.com

# RESOLUTION

2026-0-084

**City of Brooks**

**Residential** subdivision of Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M

THAT the Residential subdivision of Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M (Certificate of Title No. 251 273 829), to create a 0.13 acre (0.052 ha) lot, from a title of 0.37 acres (0.147 ha) for residential use; BE REFUSED subject to the following:

## REASON:

1. The Subdivision Authority finds that the proposed lot is not in keeping with the size of the lots in this block or the surrounding area.

## INFORMATIVE:

- (a) Thank you for including TELUS in your circulation.

At this time, TELUS has no concerns with the proposed activities.

- (b) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.

Please contact FortisAlberta land services at [landserv@fortisalberta.com](mailto:landserv@fortisalberta.com) or by calling (403) 514-4783 for any questions.

- (c) ATCO Gas has no concerns.

- (d) ATCO Transmission wishes to confirm we have no conflict as we have no high-pressure pipelines in the proposed area.

NOTE: ATCO Distribution [Gas] will reply under separate email.

Thank you for allowing ATCO to review your proposal and provide feedback.

- (e) Alberta Health Services – Kristen Dykstra, Public Health Inspector:

“Thank you for the opportunity to comment on File No. 2026-0-084. Alberta Health Services – Environmental Public Health (AHS-EPH) reviews and provides comment on land use applications from a public health perspective.

It is understood that the purpose of this application is to subdivide a parcel for residential use. The proposed northerly portion contains an existing dwelling, and the proposed southerly portion is vacant. Proposed water and sewer services for the new lot are municipal.

AHS-EPH has no concerns at this time. We do not foresee any new public health problems being created as a result of the above noted subdivision provided that the applicant complies with all pertinent regulations, by-laws, and standards.

Please feel free to contact me with any questions or concerns.”

- (e) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to

Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 873, 1, 25296

**Transportation and Economic Corridors offers the following comments with respect to this application:**

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 7(6)(d) of the regulation, Transportation and Economic Corridors agrees to waive the referral distance for this particular subdivision application. As far as Transportation and Economic Corridors is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application

**Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:**

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information”

(f) Alberta Energy Regulator (AER):

“Thank you for your email. We have no setback concerns associated with this referral based on our current data.”

(g) Comments from Gordon Krinke:

Oldman River Regional Services Commission

3105-16<sup>th</sup> Avenue North

Lethbridge, Alberta T1H 5E8

VIA email: [subdivision@orrsc.com](mailto:subdivision@orrsc.com)

Re: File No. 2026-0-084

July 6, 2026

Dear Sir:

My wife and I own a lot adjacent to the parcel proposed to be subdivided, and, in accordance with your letter dated June 16, 2026, I am providing you with my comments. I apologize for not getting these to you sooner, but I was working in Calgary during the week of June 22 and on holidays in Ontario during the week of June 29, so I just received your letter this past weekend.

Background

I am attaching my letter to the City of Brooks, dated April 4, 2026, together with the comments I attached to that letter. I realize that these were provided to the City in response to a Development Application on the subject property, but I think it is important for the Subdivision Authority to understand the history of this matter so that it has the appropriate context.

It is equally important to understand that any consideration of subdivision of the property without also considering the proposed development of the property is an artificial means of assessing the merits of the subdivision application.

The property was previously zoned R-SD. In March 2025, it was rezoned R-MD. My letter dated April 4, 2026 summarizes why I feel that City Council at the time was inadvertently misled about the rezoning application. In particular, the Request for Decision ("RFD"), prepared by Gavin Scott, treated the rezoning application as if Council was dealing with a new residential development. The application should have been treated as if the parcel was an infill development. Instead of focussing on "a mixture of housing needs", which is applicable to new residential developments, Council should have focussed on whether the rezoning was "sensitive to the design, orientation and massing of surrounding dwelling," which is applicable to infill developments.

Furthermore, Mr. Scott intervened at the end of the public meeting in support of the proposed rezoning. After the property owner, Mr. Elmer, provided three examples of proposed developments in the city, Mr. Scott "... also clarified that with regards to the three examples provided by the property owner, that is the type of build the property owner wants to see happen on the subject property, which can't be done under the existing zoning." The property needs to be redesignated to Residential Medium Density to build this type of dwelling. These comments from the City Planner left City Council with the impression that Mr. Elmer was going to develop the property (which he was not going to do) and that a certain type of development would occur on the property.

Based on this erroneous information, and despite significant opposition by the surrounding homeowners, City Council voted to rezone the property to R-MD.

Shortly after the rezoning, Mr. Elmer sold the property. A development application was submitted to the Development Authority in the spring of 2026 by the new (current) owners. The proposed development of an eight-plex on the subject property was denied on April 16, 2026. A copy of this decision is also attached to this letter. To my knowledge that decision was never appealed.

Present Application

I believe it is safe to say that the current owners have no interest in developing the property consistent with the design, orientation and massing of the surrounding buildings. Furthermore, they have no interest in developing the property consistent with the type of development that Mr. Elmer, supported by Mr. Scott, outlined to City Council. What the proposed subdivision application seeks to do is use the back door to accomplish something that cannot be done through the front door. This is why I say it is artificial to consider the subdivision application without also considering the potential development implications.

The proposed subdivided parcel is significantly inconsistent with the size of the surrounding parcels to the extent that no development proposed for such a small parcel could possibly be sensitive to the design, orientation and massing of the surrounding buildings.

By subdividing the property into two parcels and leaving the current R-MD zoning attached to both properties, the owners would then be free to submit, again and likely again, inappropriate plans for developing both the subdivided parcel and the remnant parcel. For example, the owners could apply for a duplex on the subdivided property and a six-plex on the remnant parcel. Alternatively, they could apply to subdivide the property again and again.

Currently, only the property owners have knowledge of what they propose to develop on each property. Until such time as the Subdivision Authority is provided with such plans, no approval should be granted. Alternatively, if the property owners are not willing to provide sufficient information to City Council to enable City Council to make a reasoned decision on the current application, the subdivision approval could be granted on the condition that property owners agree to rezone both parcels to R-SD.

I thank you for your time and consideration

A black rectangular redaction box covering the signature of Gordon Krinke.

Gordon Krinke

City of Brooks  
201-1<sup>st</sup> Avenue West  
Brooks, Alberta T1R 1B7

April 4, 2026

Attention: Ms. Bailee Boulet, Development Control Officer

Dear Madam:

RE: Development Permit Application (716-2<sup>nd</sup> Street East)

Further to your March 25, 2026 letter, I am attaching my comments with respect to the above-noted application. I appreciate your willingness to meet with me on March 31 to discuss this matter.

I am writing on behalf of my wife, Tracy, and myself. Other individuals have expressed to me that they may also be providing comments, but the attached comments are solely my views. I have no experience in land use planning, but I did have the opportunity to review the latest iteration of the Land Use Bylaw. However, I defer to your expertise if I misread or misapply the Bylaw.

As I mentioned to you, the current application provides a cautionary tale and, hopefully, in the future at least, applications to rezone properties will be approached with more care. We would not be in the position of having to provide comments on what is clearly an unsuitable development proposal had the City of Brooks not rezoned this property from R-SD to R-MD after a public hearing on March 3, 2025. This is one of a number of inexplicable actions by the previous City Council relating to various developments. I believe the councillors were well-meaning but ill-advised by staff and, in particular, the CAO, who was placed on administrative leave on April 23, 2025, and subsequently resigned. As a concerned citizen, I am hopeful that the new Council will review these decisions and, hopefully, reverse some of these decisions, if possible.

I had the opportunity to look at the minutes of the meeting ("Minutes") at which the rezoning application was considered. This included the Request for Decision ("RFD") submitted by Gavin Scott, dated February 13, 2025. In reviewing the Minutes and the RFD, and in speaking with people who were at the Public Meeting, it is clear that Mr. Scott and Mayor Petrie were strong proponents of the rezoning application. The RFD was generated in February and the Public Meeting occurred in March so I am unaware of interactions between Mr. Scott, the CAO, Mayor Petrie and other counsellors.

The RFD likely guided the discussion amongst council before, at and after the public meeting. The RFD framed the discussion as follows: "The decision on the proposed rezoning should be evaluated based on the suitability of the land. A policy for a mixture of housing needs to be measured against the reality of an area that has thus far been for single unit development." That, quite simply, is not accurate. The RFD lists four objectives, taken from the Municipal Development Plan. Two of these objectives deal with new residential developments. Two objectives relate to infill developments. The objective to achieve a mix of housing densities relates to new residential developments. The correct objective, the one related to infill housing, is: "infill development should be sensitive to the design, orientation and massing of surrounding dwellings." Had this objective been the focus of discussion, and with the opposition to the rezoning by the owners of the surrounding properties, as evidenced by their attendance and comments at the public hearing, the result could very well have been different.

The Public Hearing was equally problematic. Mr. Scott reiterated that "a policy for a mixture of housing needs to be measured against the reality of the area that has thus far been for single family development." When members of the public focussed Council's attention on concerns that the rezoning would negatively impact the surrounding properties, Mayor Petrie intervened in an effort to counter their legitimate concerns (density, property values; access; parking).

At the end of the public hearing, the owner of the property was given an opportunity to provide closing comments. As a result of these comments, and Mr. Scott's additional comments in support, Councillors may have been left with the mistaken impression that the then-owner of the property was going to develop the property consistent with certain properties located "near the City's tennis courts" (Minutes). "G. Gavin [sic] also clarified that with regards to the three examples provided by the property owner, that is the type of build the property owner wants to see happen on the subject property, which can't be done under the existing zoning. The property needs to be redesignated to Residential Medium Density to build this type of dwelling."

Shortly after the March 3, 2025 meeting, the property was transferred to a new owner who apparently has no interest in following through with the representations made by the previous owner. The three properties referred to by the previous owner and Mr. Gavin at the public hearing bear no resemblance to the proposed development application currently being reviewed. As well, these other properties were developed by a local developer with a stellar reputation for quality construction and ongoing maintenance. The applicant in the current application resides in Manitoba. The proposed development is inconsistent with, as Mr. Scott referred to in his Request for Decision, the following objective of the Municipal Development Plan: "Infill development should be sensitive to the design, orientation and mass of surrounding dwellings."

I'm uncertain whether it is too late to reconsider the rezoning of the lot under consideration, but any assessment of the merits of the current development application on this property should be viewed in the context of the history of this matter and the representations made by the owner and Mr. Scott in support of the rezoning application at the public hearing.

Yours truly

Gordon Krinke

## COMMENTS

These are my comments with respect to the Development Permit Application for 716-2<sup>nd</sup> Street East, Brooks. These identify my major concerns only. There are several other concerns, of a more minor nature, which I will address if the application is approved.

1. Density: The permitted use for R-MD zoned properties is 4 units with discretionary use allowed to eight units maximum. The proposed development seeks to create eight separate units on one lot and thus requires Development Authority approval. This lot forms one of eight lots on the block. There are seven dwellings in total on the other seven lots. In other words, on the city block in question, this development would increase the density from eight dwellings to 15 dwellings. The proposed development almost doubles the density of the block. This detracts from the existing character of the street and area and creates a number of related problems.
2. Complementing adjacent lots: Standards for in-fill development are listed in Section 65.3 of Schedule 3 of the By-Law, which is prefaced by the overall objective of "complementing features of the adjacent developed lots and the overall existing or desired character of the street and area." More specifically s. 65.3(1)(a) requires the Development Authority to consider whether the proposed development differs from the building heights, scale, massing, form and orientation of the adjacent lots. This proposed development, rather than complementing the adjacent developed lots, significantly detracts from them, and completely changes the existing and desired character of the street and area.
3. Parking:
  - a. Parking should be consistent with the adjacent lots. All parking on the adjacent lots is accessed from the front street (2<sup>nd</sup> Street East). The corner lot at the opposite end of the block accesses parking from the side street, but not from the lane. To be consistent with the adjacent lots, parking should be restricted to 2<sup>nd</sup> Street East. No lot on either side of the lane accesses their property from the lane. One lot accesses the lane irregularly to park his motorhome. While the proposed development has 11 parking stalls accessed from the lane. This will not only increase traffic on the laneway, with the accompanying noise and dust, it will significantly impact the aesthetics of the area. This impairs the use and enjoyment and, ultimately, the marketability of the immediately adjacent lots and of the lots on both sides of the lane.
  - b. The Development Authority should also consider the likelihood that residents of the proposed development will park on the street rather than in the designated parking stalls. This on-street parking, particularly on Kellington Close, will have a significant impact on visibility at the intersection of Kellington Close and 2<sup>nd</sup> Street East. At the present time, with little or no on-street parking, the intersection is dangerous. Parking on street will make an already dangerous situation worse and, of particular concern, is the dangerous situation it engenders for pedestrians. Second street east is a school bus route and children in Kellington Close who catch a school bus will have to cross at that intersection, which currently has no crosswalk or signage.
  - c. The parking issues are created largely because of the increased density proposed by the development. The number of units in the proposed development must be

reduced to a point that all parking can be accommodated with access from 2<sup>nd</sup> Street East.

4. Traffic:

- a. Section 21.1 of the By-Law provides that: "Notwithstanding that a use of land may be permitted ...the Development Authority ... may refuse to issue a development permit if, in their opinion the site of the proposed building or use... (b) creates a situation where vehicular and non-vehicular traffic safety is negatively impacted."
- b. The traffic issues created by the proposed development are exacerbated by two factors. The first factor relates to the rezoning. Roadway and traffic patterns in the area were designed to accommodate a density factor based a single-family dwelling on each lot. By changing the zoning on present lot to multi-family dwellings, the accompanying increased traffic will put additional pressure on the roadway system.
- c. The second factor is the current usage of 2<sup>nd</sup> Street East does not match its designation as a local roadway. Traffic patterns in Brooks have evolved such that 2<sup>nd</sup> Street East has become an arterial route, moving traffic from the north of Brooks to the East and South of Brooks and vice versa.
- d. The development, as proposed, has the following negative impacts on vehicular and non-vehicular traffic:
  - i. It creates 11 parking spaces accessed by the laneway. These vehicles will logically exit the laneway, turn left onto Kellington Close and then exit Kellington Close onto 2<sup>nd</sup> Street East. This is a significant increase in traffic at this intersection. At present, with little or no street parking along the side of the development and little street parking along 2<sup>nd</sup> Street East in front of the development, visibility is difficult. With anticipated parking at the front and side of the development, and with increased traffic, an extremely dangerous situation will occur. 2<sup>nd</sup> Street East is a busy street although it was not designed as such. It has numerous school bus drop-off and pick-up points. Children in Kellington Close must cross 2<sup>nd</sup> Street East to go to school or to get picked up. There is no sidewalk on the east side of the street. There is currently no crosswalk. Even if there were a crosswalk, crossing the street at the crosswalk to the north (by the pedestrian path) is dangerous, with just one parked car sufficient to obstruct a pedestrian's view of oncoming traffic. A similar, but worse, situation will occur at Kellington Close.
  - ii. Alternatively, vehicles parked at the back of the proposed development could use the laneway to access Southshore Drive East, thus increasing traffic on the lane and exacerbating an already congested intersection at Southshore Drive and 2<sup>nd</sup> Street East.
  - iii. Vehicles which use on-street parking in front of the units along the flankage will need to exit Kellington Close by going around the cul-de-sac, increasing traffic in a cul-de-sac not designed for such traffic. In particular, children play in the centre portion of the cul-de-sac, and the increased traffic will create a dangerous situation.

- e. The traffic issues are created largely because of the increased density proposed by the development. A reduction in the number of units, together with an orientation of the dwellings towards the front and parking at the front will alleviate some, but not all, of the traffic issues.
- f. I do note that the Development Authority, in Section 21.1 of the By-Law, has the power to refuse to issue a development permit, notwithstanding it complies with permitted use (ie: four dwellings), if it creates a situation where vehicular and non-vehicular traffic safety is negatively impacted.

5. Variance applications:

- a. The Bylaw, I believe, needs to be revised. Section 65.3(3) of Schedule 4 provides that "Setback requirements shall be established through the implementation of subsection 7.6 of the Administration portion of this bylaw (Setbacks in Established Areas)". A similar reference is made in section 4.1(2) in the description of Residential Medium Density Districts: "Notwithstanding the setbacks provided in sub-section 4.2 of this section, setbacks in established areas shall be determined by application of sub-section 7.6 of the first part of this bylaw (Administration)." I cannot locate the section referred to. Therefore, I am assuming for the purposes of these comments that the setbacks in subsection 4.2 are the governing setbacks.
- b. I am not certain about the nature and effect of the proposed request for a front setback variance and, as a result, have no comments on this request.
- c. As for the variance to reduce the flankage setback, I have the following comments:
  - i. Flankage setbacks on corner lots primarily exist to ensure adequate visibility for vehicular and non-vehicular traffic. This is a safety issue. No variance should be allowed which decreases the required setback, which would have the effect of making the intersection at Kellington Close and 2<sup>nd</sup> Street East significantly less safe.
  - ii. By varying the flankage setback to 1.6 m from the required 3.0 m, the development will not achieve the objective of ensuring that it complements existing development in the area.
- d. The flankage variance requested has no other purpose than to allow the developer to increase the density of the lot, with all the accompanying negative impacts that such density attracts.

6. Amenities

- a. Amenity space is dealt with in section 68.4 of Schedule C of the By-Law. I am not sure if the Development Authority will classify the proposed application as one for mixed-use development. If so, I believe that 68.4(1) and 68.4(2) will apply.
- b. Whether the provisions of section 68.4 apply, consideration must be given to the lack of amenity space. The proposed development provides for six separate residential units, of which at least six are under 600 square feet, while two, I believe are slightly over 600 square feet. These are two bedroom units, with each bedroom approximately 90 square feet (10 x 9). There simply is insufficient space in the proposed development to offer any reasonable amenities to the occupants of the eight units.

- c. While Mr. Scott, in his recommendation concluded that there are amenities nearby, that is not the case. As far as I can determine, the nearest park/playground is several blocks away and across at least one busy street. The nearest school is a similar distance, and across Cassils Road.

## 7. Conclusion

- a. The proposed application for a development permit should be rejected. The first consideration for the Development Authority is whether to increase the number of allowable units in excess of the permitted use of four. This should not be approved. The lot in question cannot accommodate four units, much less the eight requested. The increased density creates parking issues and traffic issues. Moreover, the lot, as an infill, does not meet the requirement of the By-Law to complement the overall existing character of the street. In fact, it detracts from the existing character.
- b. The second consideration for the Development Authority is the developer's request for a flankage variance. This, too, should be should not be approved. This is a safety issue and no variances should be allowed which increase the likelihood that individuals in the neighborhood, particularly children, will be endangered.
- c. I anticipate that, if this development permit application is rejected, the developer will return with a new plan, with marginally reduced density. As the saying goes, you never have a second chance to make a first impression. My first impression of this out-of-province developer is one having absolutely no consideration for the neighborhood or the City of Brooks. Any further applications for development should be viewed with this in mind.
- d. Consistent with the rezoning application, and the representations made by the owner and Mr. Scott and the public hearing of that application I request that the Development Authority provide guidance, as follows:
  - i. Notice of any future application should be provided to all interested parties. This would include not only properties within a certain radius of the proposed development but, at the very least, all individuals who attended at the zoning application. I have been approached by many individuals who want to comment on the current application but did not receive notice.
  - ii. No variances from setbacks will be granted.
  - iii. All development shall be oriented to 2<sup>nd</sup> Street East (the front) and not to Kellington Close (the flank or second front).
  - iv. Parking for all units will be accessed from 2<sup>nd</sup> Street East and, if necessary, a reduction in the number of allowable units will be required.
  - v. Ideally two, but at most three, residential units will be constructed. Consistent with the description of R-MD lots, these should be two single-detached units or one two or three unit building. The Development Authority has this discretion notwithstanding that four units are permitted to reduce the number of units below four.

April 16, 2026

TO: GORDON & TRACY KRINKE  
8 KELLINGTON CLOSE E  
BROOKS, AB T1R1G8

**RE: Development Permit 26-D-23**  
**716 2 Street East (Plan 9512251, Block 1, Lot 1)**

On April 16, 2026, the City of Brooks Development Authority **DENIED** Development Permit Application 26-D-23 in accordance with the provisions of the Land Use Bylaw 14/12 Section 91.3(2), which state:

*The number of units in a multi-unit residential development shall not be prescribed but instead be based on:*

- (1) The requirements contained in this bylaw, including but not limited to the measurable standards of maximum permitted site coverage, building height, minimum unit sizes, parking, loading and access requirements, and the Floor Area Ratio as outlined in the land use districts that list a Multi-unit Dwelling, Multiple Unit Residential Development or Attached Housing as permitted or discretionary uses;*
- (2) Notwithstanding 91.3(1) of this section, the Development Authority may reduce the maximum density of units that may be permitted within a development as determined by 91.3(1), based on consideration of the:*
  - (a) density of existing development on the street;*
  - (b) adequacy and proximity of community facilities such as schools, shopping and recreational facilities including but not limited to parks and open space, and other community facilities as deemed appropriate by the Development Authority;*
  - (c) adequacy of utilities to accommodate the proposed development;*
  - (d) impacts of future land use on the transportation infrastructure; and*
  - (e) any other matters deemed appropriate by the Development Authority.*

A Multi-Unit Dwelling with a maximum of eight units is a discretionary use within the Residential Medium Density (R-MD) District. The Development Authority has exercised its authority under Section 91.3(2) to reduce the maximum density of units permitted on the site. The proposed density exceeds what the Development Authority considers appropriate for this location.

Reasons for Decision:

1. **Authority to Reduce Density (Section 91.3(2))**  
Section 91.3(2) of the Land Use Bylaw provides that, notwithstanding compliance with measurable standards, the Development Authority may reduce the number of units otherwise permitted or discretionary where deemed appropriate based on specific considerations. After careful review, the Development Authority determined that a reduction in density is warranted.
2. **Discretionary Use – Residential Medium Density District**  
A Multi-Unit Dwelling with a maximum of eight units is listed as a discretionary use within the Residential Medium Density (R-MD) District. As a discretionary use, approval is not granted as-of-right, and the Development Authority must consider whether the use is suitable for the site and surrounding area. The proposed multi-unit dwelling introduces a concentration of dwelling units that is not reflective of the prevailing development context in the immediate surrounding area, which is characterized by single detached dwellings in the Kellington Close neighborhood and 2 Street E, North of Garrow Avenue. The Development Authority determined that the proposed development does not provide an appropriate transition in scale or density between existing development forms and would result in a form of development that is disproportionate to its surroundings.
3. **Impacts on Transportation Infrastructure (Section 91.3(2)(d)(e))**  
The proposed density increase would result in a concentration of residential units beyond the prevailing pattern of development in the area and would rely primarily on the rear alley for vehicular access to parking. This reliance is expected to increase vehicular movements and turning manoeuvres within the alley beyond its intended function. The Development Authority determined that this level of intensification may negatively impact the operational function and safety of the existing rear lane and its connection to the local roadway network, including potential conflicts with neighbouring access, waste collection, and emergency servicing.
4. **Side Yard (Flankage) Variance**  
The subject property is a corner lot and is therefore subject to a side yard (flankage) setback of 3.0 metres from the property line abutting a public roadway. The proposed multi-unit dwelling does not comply with the minimum side yard (flankage) setback requirement of the Land Use Bylaw and requires a variance. The Development Authority determined that the variance would result in an unduly reduced setback that is not minor in nature and would affect the appearance and spatial relationship of the development to the adjacent public roadway, and would undermine the intended function of flankage yards on corner lots.

For the reasons outlined above, the Development Authority has determined that an eight-unit multi-unit dwelling would negatively impact the use and enjoyment of neighboring properties. Therefore, the application is refused pursuant to Section 91.3(2) of the Land Use Bylaw.

You are receiving this notice as you own a property that is adjacent to the subject parcel of land and you have the right to appeal this decision.

As per Section 50 of the City of Brooks Land Use Bylaw 14/12 and Section 686(1) of the Municipal Government Act, **any person affected by a decision or development permit issued by the Development Authority may appeal the decision to the Subdivision and Development Appeal Board (SDAB) by filing a notice of the appeal with reasons within 21 days from the date of notification.**

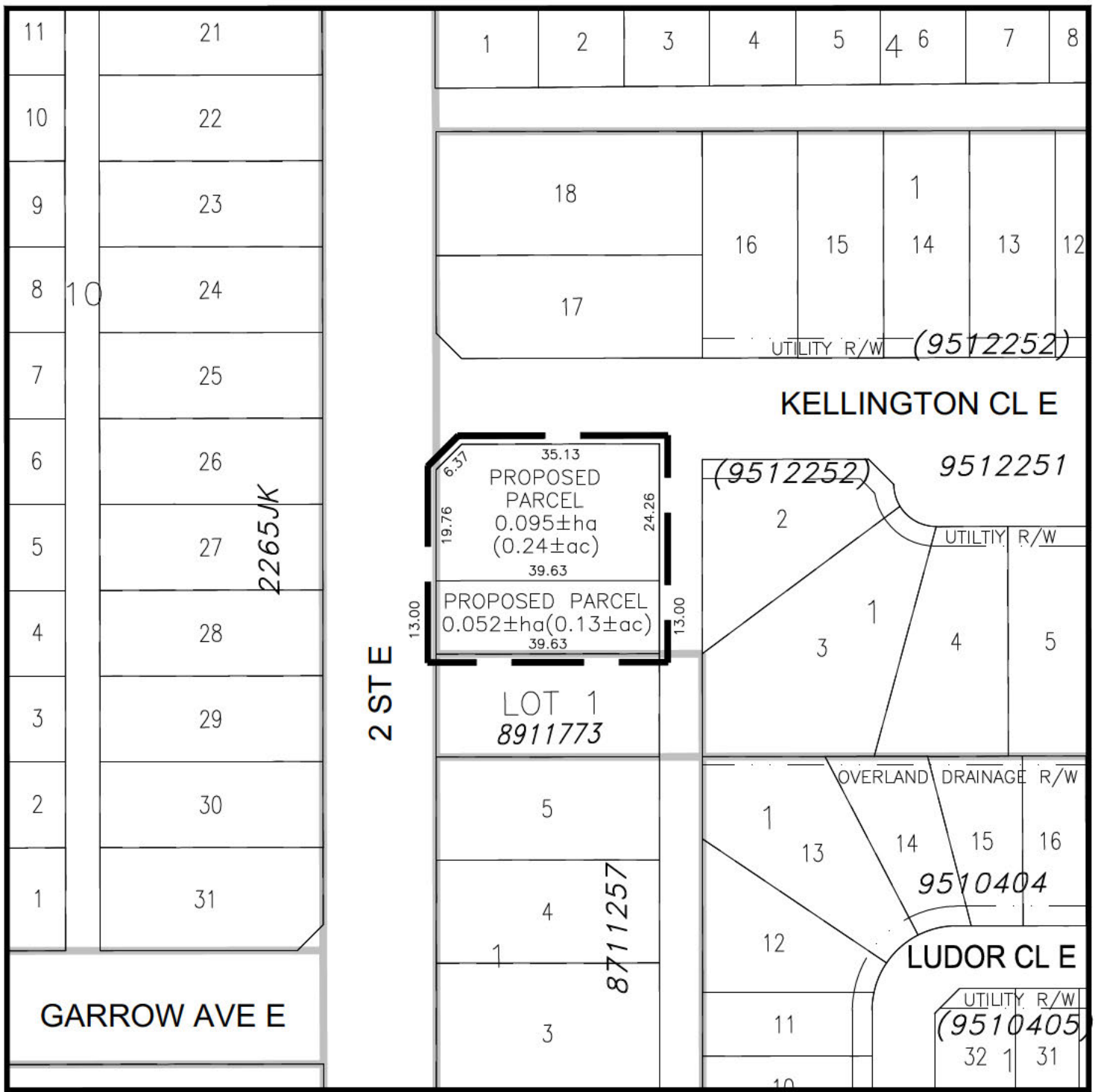
If you wish to submit an appeal regarding this decision, you have until **May 7, 2026**.

If you have any questions, please contact the City of Brooks Planning and Development Department at 403-362-3333.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Boulet", with a stylized flourish at the end.

**Bailee Boulet**  
Development Control Officer  
City of Brooks



## SUBDIVISION SKETCH

See tentative plan of subdivision by Cameron Christianson, A.L.S. file no. 6106-26C

LOT 1, BLOCK 1, PLAN 9512251 WITHIN

SW 1/4 SEC 4, TWP 19, RGE 14, W 4 M

MUNICIPALITY: CITY OF BROOKS

DATE: JUNE 8, 2026

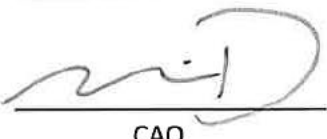
FILE: 2026-0-084







## REQUEST FOR DECISION

|                                                                                                          |                                   |
|----------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>TITLE:</b> Subdivision 2026-0-084                                                                     | <b>AGENDA ITEM:</b>               |
| <b>PRESENTER:</b> Gavin Scott, Senior Planner ORRSC                                                      | Council – July 13, 2026           |
| <b>DEPARTMENT:</b> Planning & Community Development                                                      | <b>ATTACHMENTS:</b>               |
| <b>SUBMITTED BY:</b>                                                                                     | Subdivision Resolution 2026-0-084 |
| <u>Gavin Scott</u><br>Name                                                                               | <u>July 6, 2026</u><br>Date       |
| <b>REVIEW APPROVALS:</b>                                                                                 |                                   |
| <br>Department Director | <u>July 8/26</u><br>Date          |
| <br>CAO                | <u>July 9/26</u><br>Date          |

### **BACKGROUND**

The vacant lot on the corner of 2nd Street E and Kellington Close E (the parcel subject of this application) was designated to Residential – Medium Density (R-MD) from Residential – Single Detached under amending Bylaw 25/08 on the 18 of February 2025. On April 16, 2026, a proposed 8-unit dwelling was denied by the Development Authority for the current lot.

### **DISCUSSION/OPTIONS**

The purpose of this application is to create a 0.13 acre (0.052 ha) lot, from a title of 0.37 acres (0.147 ha), for residential use.

The proposal is to accommodate the subdivision of an existing title into two separate lots, with the northerly portion presently containing a single detached dwelling. Access to the lot is from 2nd Street East. The newly created vacant lot will require connections to municipal services to be provided at the applicant's expense.

The lots proposed all meet the minimum size and dimensions required in accordance with the Land Use Bylaw requirements.

### **FINANCIAL IMPLICATIONS**

There are no major financial impacts to the City of Brooks for this subdivision.

### **STRATEGIC PLAN**

A proposal such as this can relate to the task of developing a housing strategy that creates adequate supply and diverse housing types as targeted within the Sustainability Strategic Pillar.

### **RECOMMENDATION**

That Council approve Subdivision 2026-0-084 as presented.

Respectfully submitted,



---

Gavin Scott  
Senior Planner, ORRSC

## DRAFT RESOLUTION

July 6, 2026

Our File: 2026-0-084

Michael Derricott  
Chief Administrative Officer  
City of Brooks  
Box 879  
Brooks AB T1R 187

Dear Mr. Derricott:

**RE: Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M / City of Brooks**

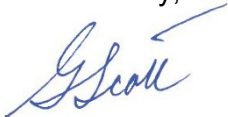
With regard to the subdivision application noted above, please find attached a draft resolution for your decision.

The Subdivision Authority should note that comments have not been received from the Christ the Redeemer School Division, Grasslands School Division No. 6, AltaLink, Eastern Irrigation District (EID), AB Environment & Protected Areas - J. Cayford and Canada Post.

After the Subdivision & Development Authority's consideration of the application, **please forward the signed resolution to the Oldman River Regional Services Commission at your earliest convenience in order for our staff to promptly notify the applicant of the decision.**

Please contact this office if you require any further information.

Yours truly,



Gavin Scott  
*Senior Planner*

GS/jm

# RESOLUTION

2026-0-084

**City of Brooks**

**Residential** subdivision of Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M

THAT the Residential subdivision of Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M (Certificate of Title No. 251 273 829), to create a 0.13 acre (0.052 ha) lot, from a title of 0.37 acres (0.147 ha) for residential use; BE APPROVED subject to the following:

## CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the City of Brooks.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the City of Brooks which shall be registered concurrently with the final plan against the title(s) being created.

## REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 9 of the Matters Related to Subdivision and Development Regulation.
3. The Subdivision Authority, in considering the written submission from Gordon Krinke, finds that the concerns are focused on the future development approvals and land use designation and are therefore outside the parameters of the subdivision rules and procedures pertaining to the proposal.

## INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(c) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Protected Areas, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Thank you for including TELUS in your circulation.

At this time, TELUS has no concerns with the proposed activities.

- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.

Please contact FortisAlberta land services at [landserv@fortisalberta.com](mailto:landserv@fortisalberta.com) or by calling (403) 514-4783 for any questions.

- (f) ATCO Gas has no concerns.
- (g) ATCO Transmission wishes to confirm we have no conflict as we have no high-pressure pipelines in the proposed area.

NOTE: ATCO Distribution [Gas] will reply under separate email.

Thank you for allowing ATCO to review your proposal and provide feedback.

- (h) Alberta Health Services – Kristen Dykstra, Public Health Inspector:

“Thank you for the opportunity to comment on File No. 2026-0-084. Alberta Health Services – Environmental Public Health (AHS-EPH) reviews and provides comment on land use applications from a public health perspective.

It is understood that the purpose of this application is to subdivide a parcel for residential use. The proposed northerly portion contains an existing dwelling, and the proposed southerly portion is vacant. Proposed water and sewer services for the new lot are municipal.

AHS-EPH has no concerns at this time. We do not foresee any new public health problems being created as a result of the above noted subdivision provided that the applicant complies with all pertinent regulations, by-laws, and standards.

Please feel free to contact me with any questions or concerns.”

- (i) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 873, 1, 25296

**Transportation and Economic Corridors offers the following comments with respect to this application:**

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 7(6)(d) of the regulation, Transportation and Economic Corridors agrees to waive the referral distance for this particular subdivision application. As far as Transportation and Economic Corridors is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application

**Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:**

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information”

(j) Alberta Energy Regulator (AER):

"Thank you for your email. We have no setback concerns associated with this referral based on our current data."

(k) Comments from Gordon Krinke:

Oldman River Regional Services Commission  
3105-16<sup>th</sup> Avenue North  
Lethbridge, Alberta T1H 5E8

VIA email: [subdivision@orrrsc.com](mailto:subdivision@orrrsc.com)

Re: File No. 2026-0-084

July 6, 2026

Dear Sir:

My wife and I own a lot adjacent to the parcel proposed to be subdivided, and, in accordance with your letter dated June 16, 2026, I am providing you with my comments. I apologize for not getting these to you sooner, but I was working in Calgary during the week of June 22 and on holidays in Ontario during the week of June 29, so I just received your letter this past weekend.

Background

I am attaching my letter to the City of Brooks, dated April 4, 2026, together with the comments I attached to that letter. I realize that these were provided to the City in response to a Development Application on the subject property, but I think it is important for the Subdivision Authority to understand the history of this matter so that it has the appropriate context.

It is equally important to understand that any consideration of subdivision of the property without also considering the proposed development of the property is an artificial means of assessing the merits of the subdivision application.

The property was previously zoned R-SD. In March 2025, it was rezoned R-MD. My letter dated April 4, 2026 summarizes why I feel that City Council at the time was inadvertently misled about the rezoning application. In particular, the Request for Decision ("RFD"), prepared by Gavin Scott, treated the rezoning application as if Council was dealing with a new residential development. The application should have been treated as if the parcel was an infill development. Instead of focussing on "a mixture of housing needs", which is applicable to new residential developments, Council should have focussed on whether the rezoning was "sensitive to the design, orientation and massing of surrounding dwelling," which is applicable to infill developments.

Furthermore, Mr. Scott intervened at the end of the public meeting in support of the proposed rezoning. After the property owner, Mr. Elmer, provided three examples of proposed developments in the city, Mr. Scott "... also clarified that with regards to the three examples provided by the property owner, that is the type of build the property owner wants to see happen on the subject property, which can't be done under the existing zoning." The property needs to be redesignated to Residential Medium Density to build this type of dwelling. These comments from the City Planner left City Council with the impression that Mr. Elmer was going to develop the property (which he was not going to do) and that a certain type of development would occur on the property.

Based on this erroneous information, and despite significant opposition by the surrounding homeowners, City Council voted to rezone the property to R-MD.

Shortly after the rezoning, Mr. Elmer sold the property. A development application was submitted to the Development Authority in the spring of 2026 by the new (current) owners. The proposed development of an eight-plex on the subject property was denied on April 16, 2026. A copy of this decision is also attached to this letter. To my knowledge that decision was never appealed.

Present Application

I believe it is safe to say that the current owners have no interest in developing the property consistent with the design, orientation and massing of the surrounding buildings. Furthermore, they have no interest in developing the property consistent with the type of development that Mr. Elmer, supported by Mr. Scott, outlined to City Council. What the proposed subdivision application seeks to do is use the back door to accomplish something that cannot be done through the front door. This is why I say it is artificial to consider the subdivision application without also considering the potential development implications.

The proposed subdivided parcel is significantly inconsistent with the size of the surrounding parcels to the extent that no development proposed for such a small parcel could possibly be sensitive to the design, orientation and massing of the surrounding buildings.

By subdividing the property into two parcels and leaving the current R-MD zoning attached to both properties, the owners would then be free to submit, again and likely again, inappropriate plans for developing both the subdivided parcel and the remnant parcel. For example, the owners could apply for a duplex on the subdivided property and a six-plex on the remnant parcel. Alternatively, they could apply to subdivide the property again and again.

Currently, only the property owners have knowledge of what they propose to develop on each property. Until such time as the Subdivision Authority is provided with such plans, no approval should be granted. Alternatively, if the property owners are not willing to provide sufficient information to City Council to enable City Council to make a reasoned decision on the current application, the subdivision approval could be granted on the condition that property owners agree to rezone both parcels to R-SD.

I thank you for your time and consideration

A black rectangular box redacting the signature of Gordon Krinke.

Gordon Krinke

City of Brooks  
201-1<sup>st</sup> Avenue West  
Brooks, Alberta T1R 1B7

April 4, 2026

Attention: Ms. Bailee Boulet, Development Control Officer

Dear Madam:

RE: Development Permit Application (716-2<sup>nd</sup> Street East)

Further to your March 25, 2026 letter, I am attaching my comments with respect to the above-noted application. I appreciate your willingness to meet with me on March 31 to discuss this matter.

I am writing on behalf of my wife, Tracy, and myself. Other individuals have expressed to me that they may also be providing comments, but the attached comments are solely my views. I have no experience in land use planning, but I did have the opportunity to review the latest iteration of the Land Use Bylaw. However, I defer to your expertise if I misread or misapply the Bylaw.

As I mentioned to you, the current application provides a cautionary tale and, hopefully, in the future at least, applications to rezone properties will be approached with more care. We would not be in the position of having to provide comments on what is clearly an unsuitable development proposal had the City of Brooks not rezoned this property from R-SD to R-MD after a public hearing on March 3, 2025. This is one of a number of inexplicable actions by the previous City Council relating to various developments. I believe the councillors were well-meaning but ill-advised by staff and, in particular, the CAO, who was placed on administrative leave on April 23, 2025, and subsequently resigned. As a concerned citizen, I am hopeful that the new Council will review these decisions and, hopefully, reverse some of these decisions, if possible.

I had the opportunity to look at the minutes of the meeting ("Minutes") at which the rezoning application was considered. This included the Request for Decision ("RFD") submitted by Gavin Scott, dated February 13, 2025. In reviewing the Minutes and the RFD, and in speaking with people who were at the Public Meeting, it is clear that Mr. Scott and Mayor Petrie were strong proponents of the rezoning application. The RFD was generated in February and the Public Meeting occurred in March so I am unaware of interactions between Mr. Scott, the CAO, Mayor Petrie and other counsellors.

The RFD likely guided the discussion amongst council before, at and after the public meeting. The RFD framed the discussion as follows: "The decision on the proposed rezoning should be evaluated based on the suitability of the land. A policy for a mixture of housing needs to be measured against the reality of an area that has thus far been for single unit development." That, quite simply, is not accurate. The RFD lists four objectives, taken from the Municipal Development Plan. Two of these objectives deal with new residential developments. Two objectives relate to infill developments. The objective to achieve a mix of housing densities relates to new residential developments. The correct objective, the one related to infill housing, is: "infill development should be sensitive to the design, orientation and massing of surrounding dwellings." Had this objective been the focus of discussion, and with the opposition to the rezoning by the owners of the surrounding properties, as evidenced by their attendance and comments at the public hearing, the result could very well have been different.

The Public Hearing was equally problematic. Mr. Scott reiterated that "a policy for a mixture of housing needs to be measured against the reality of the area that has thus far been for single family development." When members of the public focussed Council's attention on concerns that the rezoning would negatively impact the surrounding properties, Mayor Petrie intervened in an effort to counter their legitimate concerns (density, property values; access; parking).

At the end of the public hearing, the owner of the property was given an opportunity to provide closing comments. As a result of these comments, and Mr. Scott's additional comments in support, Councillors may have been left with the mistaken impression that the then-owner of the property was going to develop the property consistent with certain properties located "near the City's tennis courts" (Minutes). "G. Gavin [sic] also clarified that with regards to the three examples provided by the property owner, that is the type of build the property owner wants to see happen on the subject property, which can't be done under the existing zoning. The property needs to be redesignated to Residential Medium Density to build this type of dwelling."

Shortly after the March 3, 2025 meeting, the property was transferred to a new owner who apparently has no interest in following through with the representations made by the previous owner. The three properties referred to by the previous owner and Mr. Gavin at the public hearing bear no resemblance to the proposed development application currently being reviewed. As well, these other properties were developed by a local developer with a stellar reputation for quality construction and ongoing maintenance. The applicant in the current application resides in Manitoba. The proposed development is inconsistent with, as Mr. Scott referred to in his Request for Decision, the following objective of the Municipal Development Plan: "Infill development should be sensitive to the design, orientation and mass of surrounding dwellings."

I'm uncertain whether it is too late to reconsider the rezoning of the lot under consideration, but any assessment of the merits of the current development application on this property should be viewed in the context of the history of this matter and the representations made by the owner and Mr. Scott in support of the rezoning application at the public hearing.

Yours truly

Gordon Krinke

## COMMENTS

These are my comments with respect to the Development Permit Application for 716-2<sup>nd</sup> Street East, Brooks. These identify my major concerns only. There are several other concerns, of a more minor nature, which I will address if the application is approved.

1. Density: The permitted use for R-MD zoned properties is 4 units with discretionary use allowed to eight units maximum. The proposed development seeks to create eight separate units on one lot and thus requires Development Authority approval. This lot forms one of eight lots on the block. There are seven dwellings in total on the other seven lots. In other words, on the city block in question, this development would increase the density from eight dwellings to 15 dwellings. The proposed development almost doubles the density of the block. This detracts from the existing character of the street and area and creates a number of related problems.
2. Complementing adjacent lots: Standards for in-fill development are listed in Section 65.3 of Schedule 3 of the By-Law, which is prefaced by the overall objective of "complementing features of the adjacent developed lots and the overall existing or desired character of the street and area." More specifically s. 65.3(1)(a) requires the Development Authority to consider whether the proposed development differs from the building heights, scale, massing, form and orientation of the adjacent lots. This proposed development, rather than complementing the adjacent developed lots, significantly detracts from them, and completely changes the existing and desired character of the street and area.
3. Parking:
  - a. Parking should be consistent with the adjacent lots. All parking on the adjacent lots is accessed from the front street (2<sup>nd</sup> Street East). The corner lot at the opposite end of the block accesses parking from the side street, but not from the lane. To be consistent with the adjacent lots, parking should be restricted to 2<sup>nd</sup> Street East. No lot on either side of the lane accesses their property from the lane. One lot accesses the lane irregularly to park his motorhome. While the proposed development has 11 parking stalls accessed from the lane. This will not only increase traffic on the laneway, with the accompanying noise and dust, it will significantly impact the aesthetics of the area. This impairs the use and enjoyment and, ultimately, the marketability of the immediately adjacent lots and of the lots on both sides of the lane.
  - b. The Development Authority should also consider the likelihood that residents of the proposed development will park on the street rather than in the designated parking stalls. This on-street parking, particularly on Kellington Close, will have a significant impact on visibility at the intersection of Kellington Close and 2<sup>nd</sup> Street East. At the present time, with little or no on-street parking, the intersection is dangerous. Parking on street will make an already dangerous situation worse and, of particular concern, is the dangerous situation it engenders for pedestrians. Second street east is a school bus route and children in Kellington Close who catch a school bus will have to cross at that intersection, which currently has no crosswalk or signage.
  - c. The parking issues are created largely because of the increased density proposed by the development. The number of units in the proposed development must be

reduced to a point that all parking can be accommodated with access from 2<sup>nd</sup> Street East.

4. Traffic:

- a. Section 21.1 of the By-Law provides that: "Notwithstanding that a use of land may be permitted ...the Development Authority ... may refuse to issue a development permit if, in their opinion the site of the proposed building or use... (b) creates a situation where vehicular and non-vehicular traffic safety is negatively impacted."
- b. The traffic issues created by the proposed development are exacerbated by two factors. The first factor relates to the rezoning. Roadway and traffic patterns in the area were designed to accommodate a density factor based a single-family dwelling on each lot. By changing the zoning on present lot to multi-family dwellings, the accompanying increased traffic will put additional pressure on the roadway system.
- c. The second factor is the current usage of 2<sup>nd</sup> Street East does not match its designation as a local roadway. Traffic patterns in Brooks have evolved such that 2<sup>nd</sup> Street East has become an arterial route, moving traffic from the north of Brooks to the East and South of Brooks and vice versa.
- d. The development, as proposed, has the following negative impacts on vehicular and non-vehicular traffic:
  - i. It creates 11 parking spaces accessed by the laneway. These vehicles will logically exit the laneway, turn left onto Kellington Close and then exit Kellington Close onto 2<sup>nd</sup> Street East. This is a significant increase in traffic at this intersection. At present, with little or no street parking along the side of the development and little street parking along 2<sup>nd</sup> Street East in front of the development, visibility is difficult. With anticipated parking at the front and side of the development, and with increased traffic, an extremely dangerous situation will occur. 2<sup>nd</sup> Street East is a busy street although it was not designed as such. It has numerous school bus drop-off and pick-up points. Children in Kellington Close must cross 2<sup>nd</sup> Street East to go to school or to get picked up. There is no sidewalk on the east side of the street. There is currently no crosswalk. Even if there were a crosswalk, crossing the street at the crosswalk to the north (by the pedestrian path) is dangerous, with just one parked car sufficient to obstruct a pedestrian's view of oncoming traffic. A similar, but worse, situation will occur at Kellington Close.
  - ii. Alternatively, vehicles parked at the back of the proposed development could use the laneway to access Southshore Drive East, thus increasing traffic on the lane and exacerbating an already congested intersection at Southshore Drive and 2<sup>nd</sup> Street East.
  - iii. Vehicles which use on-street parking in front of the units along the flankage will need to exit Kellington Close by going around the cul-de-sac, increasing traffic in a cul-de-sac not designed for such traffic. In particular, children play in the centre portion of the cul-de-sac, and the increased traffic will create a dangerous situation.

- e. The traffic issues are created largely because of the increased density proposed by the development. A reduction in the number of units, together with an orientation of the dwellings towards the front and parking at the front will alleviate some, but not all, of the traffic issues.
- f. I do note that the Development Authority, in Section 21.1 of the By-Law, has the power to refuse to issue a development permit, notwithstanding it complies with permitted use (ie: four dwellings), if it creates a situation where vehicular and non-vehicular traffic safety is negatively impacted.

5. Variance applications:

- a. The Bylaw, I believe, needs to be revised. Section 65.3(3) of Schedule 4 provides that "Setback requirements shall be established through the implementation of subsection 7.6 of the Administration portion of this bylaw (Setbacks in Established Areas)". A similar reference is made in section 4.1(2) in the description of Residential Medium Density Districts: "Notwithstanding the setbacks provided in sub-section 4.2 of this section, setbacks in established areas shall be determined by application of sub-section 7.6 of the first part of this bylaw (Administration)." I cannot locate the section referred to. Therefore, I am assuming for the purposes of these comments that the setbacks in subsection 4.2 are the governing setbacks.
- b. I am not certain about the nature and effect of the proposed request for a front setback variance and, as a result, have no comments on this request.
- c. As for the variance to reduce the flankage setback, I have the following comments:
  - i. Flankage setbacks on corner lots primarily exist to ensure adequate visibility for vehicular and non-vehicular traffic. This is a safety issue. No variance should be allowed which decreases the required setback, which would have the effect of making the intersection at Kellington Close and 2<sup>nd</sup> Street East significantly less safe.
  - ii. By varying the flankage setback to 1.6 m from the required 3.0 m, the development will not achieve the objective of ensuring that it complements existing development in the area.
- d. The flankage variance requested has no other purpose than to allow the developer to increase the density of the lot, with all the accompanying negative impacts that such density attracts.

6. Amenities

- a. Amenity space is dealt with in section 68.4 of Schedule C of the By-Law. I am not sure if the Development Authority will classify the proposed application as one for mixed-use development. If so, I believe that 68.4(1) and 68.4(2) will apply.
- b. Whether the provisions of section 68.4 apply, consideration must be given to the lack of amenity space. The proposed development provides for six separate residential units, of which at least six are under 600 square feet, while two, I believe are slightly over 600 square feet. These are two bedroom units, with each bedroom approximately 90 square feet (10 x 9). There simply is insufficient space in the proposed development to offer any reasonable amenities to the occupants of the eight units.

- c. While Mr. Scott, in his recommendation concluded that there are amenities nearby, that is not the case. As far as I can determine, the nearest park/playground is several blocks away and across at least one busy street. The nearest school is a similar distance, and across Cassils Road.

## 7. Conclusion

- a. The proposed application for a development permit should be rejected. The first consideration for the Development Authority is whether to increase the number of allowable units in excess of the permitted use of four. This should not be approved. The lot in question cannot accommodate four units, much less the eight requested. The increased density creates parking issues and traffic issues. Moreover, the lot, as an infill, does not meet the requirement of the By-Law to complement the overall existing character of the street. In fact, it detracts from the existing character.
- b. The second consideration for the Development Authority is the developer's request for a flankage variance. This, too, should be should not be approved. This is a safety issue and no variances should be allowed which increase the likelihood that individuals in the neighborhood, particularly children, will be endangered.
- c. I anticipate that, if this development permit application is rejected, the developer will return with a new plan, with marginally reduced density. As the saying goes, you never have a second chance to make a first impression. My first impression of this out-of-province developer is one having absolutely no consideration for the neighborhood or the City of Brooks. Any further applications for development should be viewed with this in mind.
- d. Consistent with the rezoning application, and the representations made by the owner and Mr. Scott and the public hearing of that application I request that the Development Authority provide guidance, as follows:
  - i. Notice of any future application should be provided to all interested parties. This would include not only properties within a certain radius of the proposed development but, at the very least, all individuals who attended at the zoning application. I have been approached by many individuals who want to comment on the current application but did not receive notice.
  - ii. No variances from setbacks will be granted.
  - iii. All development shall be oriented to 2<sup>nd</sup> Street East (the front) and not to Kellington Close (the flank or second front).
  - iv. Parking for all units will be accessed from 2<sup>nd</sup> Street East and, if necessary, a reduction in the number of allowable units will be required.
  - v. Ideally two, but at most three, residential units will be constructed. Consistent with the description of R-MD lots, these should be two single-detached units or one two or three unit building. The Development Authority has this discretion notwithstanding that four units are permitted to reduce the number of units below four.

April 16, 2026

TO: GORDON & TRACY KRINKE  
8 KELLINGTON CLOSE E  
BROOKS, AB T1R1G8

**RE: Development Permit 26-D-23**  
**716 2 Street East (Plan 9512251, Block 1, Lot 1)**

On April 16, 2026, the City of Brooks Development Authority **DENIED** Development Permit Application 26-D-23 in accordance with the provisions of the Land Use Bylaw 14/12 Section 91.3(2), which state:

*The number of units in a multi-unit residential development shall not be prescribed but instead be based on:*

*(1) The requirements contained in this bylaw, including but not limited to the measurable standards of maximum permitted site coverage, building height, minimum unit sizes, parking, loading and access requirements, and the Floor Area Ratio as outlined in the land use districts that list a Multi-unit Dwelling, Multiple Unit Residential Development or Attached Housing as permitted or discretionary uses;*

*(2) Notwithstanding 91.3(1) of this section, the Development Authority may reduce the maximum density of units that may be permitted within a development as determined by 91.3(1), based on consideration of the:*

*(a) density of existing development on the street;*

*(b) adequacy and proximity of community facilities such as schools, shopping and recreational facilities including but not limited to parks and open space, and other community facilities as deemed appropriate by the Development Authority;*

*(c) adequacy of utilities to accommodate the proposed development;*

*(d) impacts of future land use on the transportation infrastructure; and*

*(e) any other matters deemed appropriate by the Development Authority.*

A Multi-Unit Dwelling with a maximum of eight units is a discretionary use within the Residential Medium Density (R-MD) District. The Development Authority has exercised its authority under Section 91.3(2) to reduce the maximum density of units permitted on the site. The proposed density exceeds what the Development Authority considers appropriate for this location.

Reasons for Decision:

1. **Authority to Reduce Density (Section 91.3(2))**  
Section 91.3(2) of the Land Use Bylaw provides that, notwithstanding compliance with measurable standards, the Development Authority may reduce the number of units otherwise permitted or discretionary where deemed appropriate based on specific considerations. After careful review, the Development Authority determined that a reduction in density is warranted.
2. **Discretionary Use – Residential Medium Density District**  
A Multi-Unit Dwelling with a maximum of eight units is listed as a discretionary use within the Residential Medium Density (R-MD) District. As a discretionary use, approval is not granted as-of-right, and the Development Authority must consider whether the use is suitable for the site and surrounding area. The proposed multi-unit dwelling introduces a concentration of dwelling units that is not reflective of the prevailing development context in the immediate surrounding area, which is characterized by single detached dwellings in the Kellington Close neighborhood and 2 Street E, North of Garrow Avenue. The Development Authority determined that the proposed development does not provide an appropriate transition in scale or density between existing development forms and would result in a form of development that is disproportionate to its surroundings.
3. **Impacts on Transportation Infrastructure (Section 91.3(2)(d)(e))**  
The proposed density increase would result in a concentration of residential units beyond the prevailing pattern of development in the area and would rely primarily on the rear alley for vehicular access to parking. This reliance is expected to increase vehicular movements and turning manoeuvres within the alley beyond its intended function. The Development Authority determined that this level of intensification may negatively impact the operational function and safety of the existing rear lane and its connection to the local roadway network, including potential conflicts with neighbouring access, waste collection, and emergency servicing.
4. **Side Yard (Flankage) Variance**  
The subject property is a corner lot and is therefore subject to a side yard (flankage) setback of 3.0 metres from the property line abutting a public roadway. The proposed multi-unit dwelling does not comply with the minimum side yard (flankage) setback requirement of the Land Use Bylaw and requires a variance. The Development Authority determined that the variance would result in an unduly reduced setback that is not minor in nature and would affect the appearance and spatial relationship of the development to the adjacent public roadway, and would undermine the intended function of flankage yards on corner lots.

For the reasons outlined above, the Development Authority has determined that an eight-unit multi-unit dwelling would negatively impact the use and enjoyment of neighboring properties. Therefore, the application is refused pursuant to Section 91.3(2) of the Land Use Bylaw.

You are receiving this notice as you own a property that is adjacent to the subject parcel of land and you have the right to appeal this decision.

As per Section 50 of the City of Brooks Land Use Bylaw 14/12 and Section 686(1) of the Municipal Government Act, **any person affected by a decision or development permit issued by the Development Authority may appeal the decision to the Subdivision and Development Appeal Board (SDAB) by filing a notice of the appeal with reasons within 21 days from the date of notification.**

If you wish to submit an appeal regarding this decision, you have until **May 7, 2026**.

If you have any questions, please contact the City of Brooks Planning and Development Department at 403-362-3333.

Sincerely,



**Bailee Boulet**  
Development Control Officer  
City of Brooks

\_\_\_\_\_  
MOVER

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE



OLDMAN RIVER REGIONAL SERVICES COMMISSION

3105 - 16<sup>th</sup> Avenue North  
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344  
Toll-Free: 1-844-279-8760  
E-mail: [subdivision@orrsc.com](mailto:subdivision@orrsc.com)  
Website: [www.orrsc.com](http://www.orrsc.com)

## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** June 16, 2026

**Date of Receipt:**

May 29, 2026

**Date of Completeness:**

June 4, 2026

**TO: Landowner:** John Penner and Kira Penner

**Agent or Surveyor:** Cameron Christianson, A.L.S.

**Referral Agencies:** City of Brooks, Christ the Redeemer School Division, Grasslands School Division No. 6, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Transmission, AB Health Services - South Zone, Eastern Irrigation District (EID), AB Environment & Protected Areas - J. Cayford, AB Transportation, AER, Canada Post

**Adjacent Landowners:** Yonas M. Zerom, Zebib Gebreyesus, Brett & Brooke-Lyn Martin, Gordon & Tracy Krinke, Tytus Butkiewicz, John & Wendy Butkiewicz, Muhudin Abukar, Abdirashid Mohamed, Rodney & Glenda Coombs, Carla Kallio, Jay Matthew Bannister, Penny Ann Sideritsch - Bannister, Roy I. & Joyce K. Yokoyama, Lori A. K. Yokoyama-Red Gun

**Planning Advisor:** Gavin Scott 

The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the City of Brooks. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Matters Related to Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **July 6, 2026**. (Please quote our File No. 2026-0-084 in any correspondence with this office).

**File No:** 2026-0-084

**Legal Description:** Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M

**Municipality:** City of Brooks

**Land Designation:** Residential Medium Density: R-MD  
(Zoning)

**Existing Use:** Residential

**Proposed Use:** Residential

**# of Lots Created:** 1

**Certificate of Title:** 251 273 829

**Proposal:** To create a 0.13 acre (0.052 ha) lot, from a title of 0.37 acres (0.147 ha) for residential use.

**Planner's Preliminary Comments:**

The purpose of this application is to create a 0.13 acre (0.052 ha) lot, from a title of 0.37 acres (0.147 ha) for residential use.

The proposal is to accommodate the subdivision of an existing title into two separate lots, with the northerly portion presently containing a dwelling. Access to the lot is from 2nd Street East. The vacant lot will require connections for municipal services to be provided at the applicant's expense.

The lots proposed all meet the minimum size and dimensions required in accordance with the bylaw regulations.

This proposal complies with the criteria of the City of Brooks's Land Use Bylaw and the Subdivision Authority is hereby requested to consider the following when rendering a decision on this application:

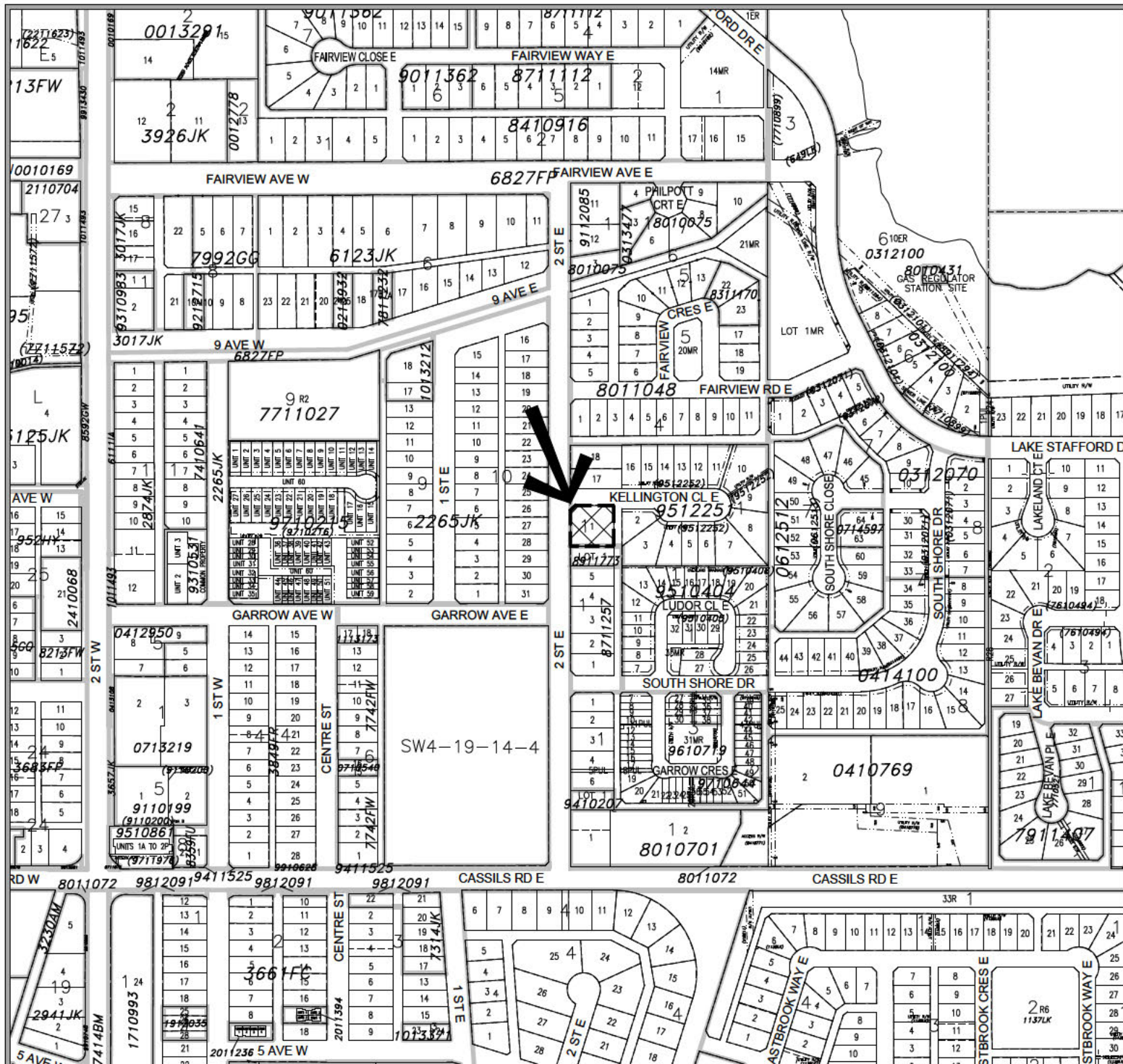
1. Any outstanding property taxes shall be paid to the City of Brooks.
2. The applicant or owner or both enter into a Development Agreement with the City of Brooks to address any municipal servicing requirements.
3. Provision of a surveyor's sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies or the municipality shall be established.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.

**RESERVE:**

- Municipal Reserve is not applicable pursuant to Section 663(c) of the MGA, as the parcel is less than 2 acres in size.

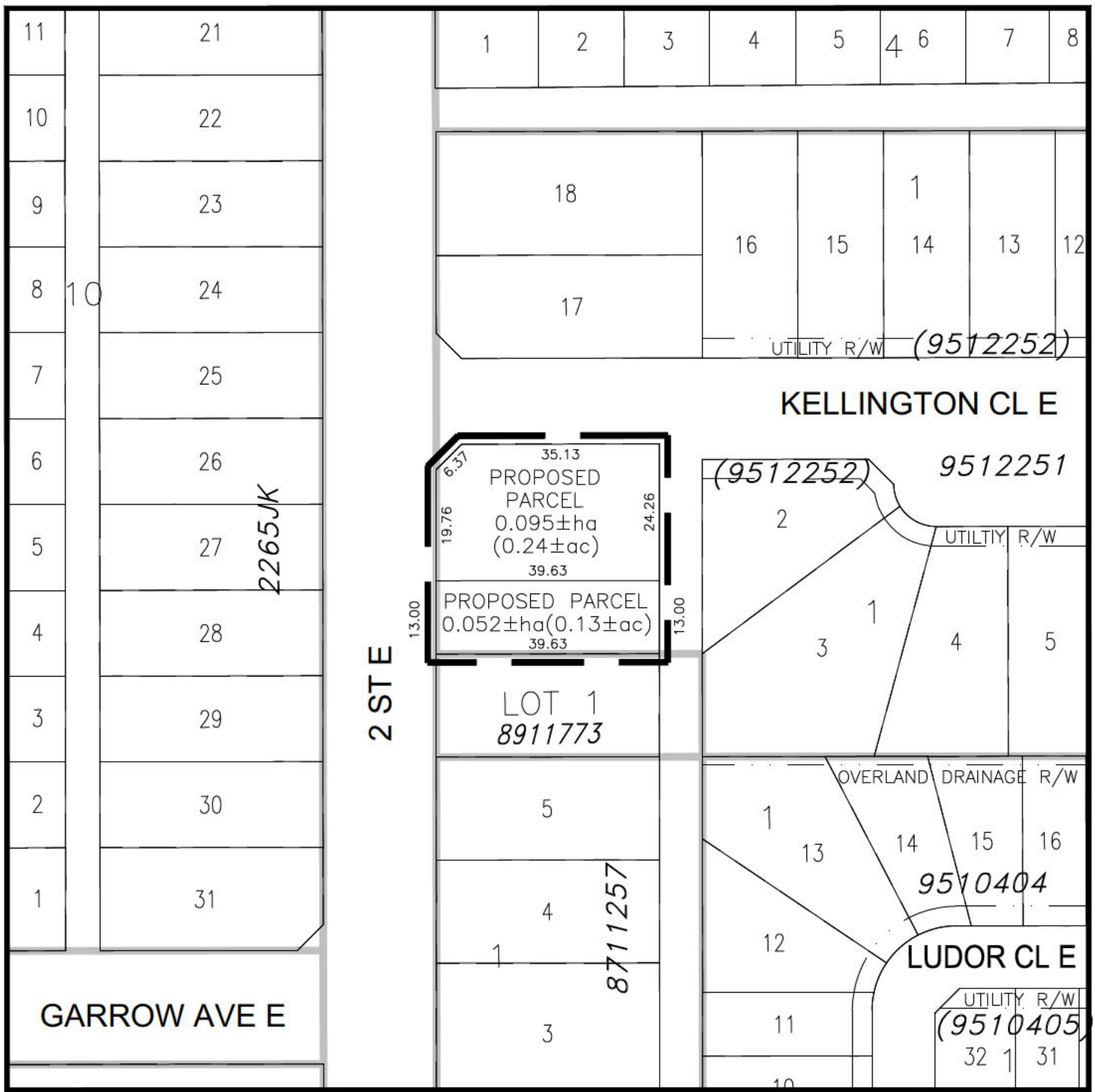
**If you wish to make a presentation at the subdivision authority meeting, please notify the City of Brooks Municipal Administrator as soon as possible.**

**Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.**



SUBDIVISION LOCATION SKETCH  
 LOT 1, BLOCK 1, PLAN 9512251 WITHIN  
 SW 1/4 SEC 4, TWP 19, RGE 14, W 4 M  
 MUNICIPALITY: CITY OF BROOKS  
 DATE: JUNE 8, 2026  
 FILE: 2026-0-084





## SUBDIVISION SKETCH

See tentative plan of subdivision by Cameron Christianson, A.L.S. file no. 6106-26C

LOT 1, BLOCK 1, PLAN 9512251 WITHIN

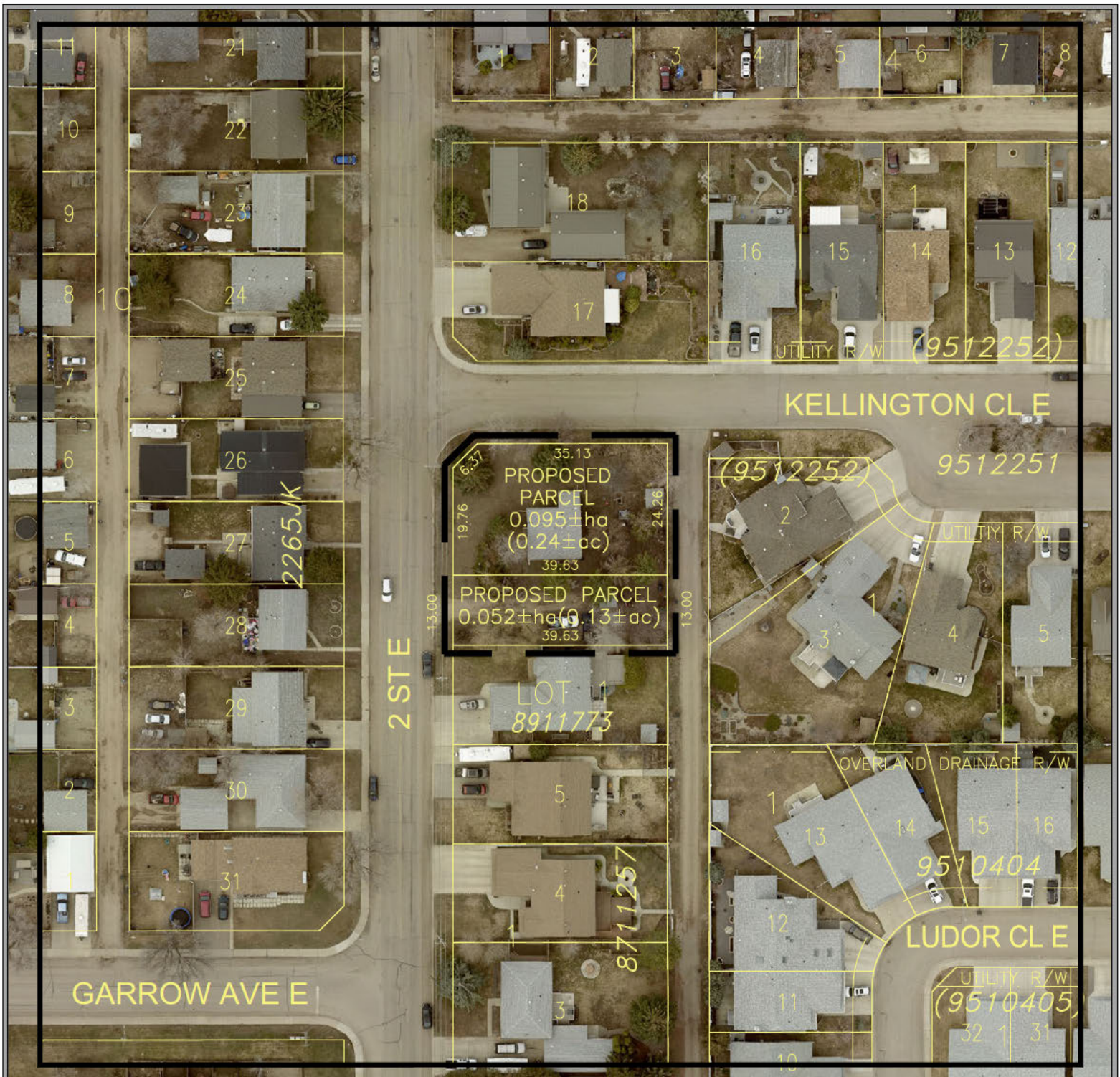
SW 1/4 SEC 4, TWP 19, RGE 14, W 4 M

MUNICIPALITY: CITY OF BROOKS

DATE: JUNE 8, 2026

FILE: 2026-0-084





## SUBDIVISION SKETCH

See tentative plan of subdivision by Cameron Christianson, A.L.S. file no. 6106-26C

LOT 1, BLOCK 1, PLAN 9512251 WITHIN

SW 1/4 SEC 4, TWP 19, RGE 14, W 4 M

MUNICIPALITY: CITY OF BROOKS

DATE: JUNE 8, 2026

FILE: 2026-0-084



June 08, 2026 N:\Subdivision\2026\2026-0-084.dwg

# PLAN SHOWING PROPOSED SUBDIVISION

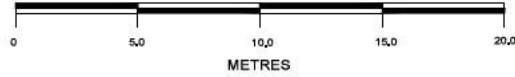
FOR KIRA & JOHN PENNER

LEGAL DESCRIPTION: LOT 1, BLOCK 1, PLAN 951 2251

MUNICIPAL ADDRESS: 716 SECOND STREET EAST, BROOKS

BY: CAMERON CHRISTIANSON, A.L.S. Surveyed February 4, 2026

SCALE: 1:200



## LEGEND:

Distances are in metres and decimals of a metre.

Survey Post found is shown thus

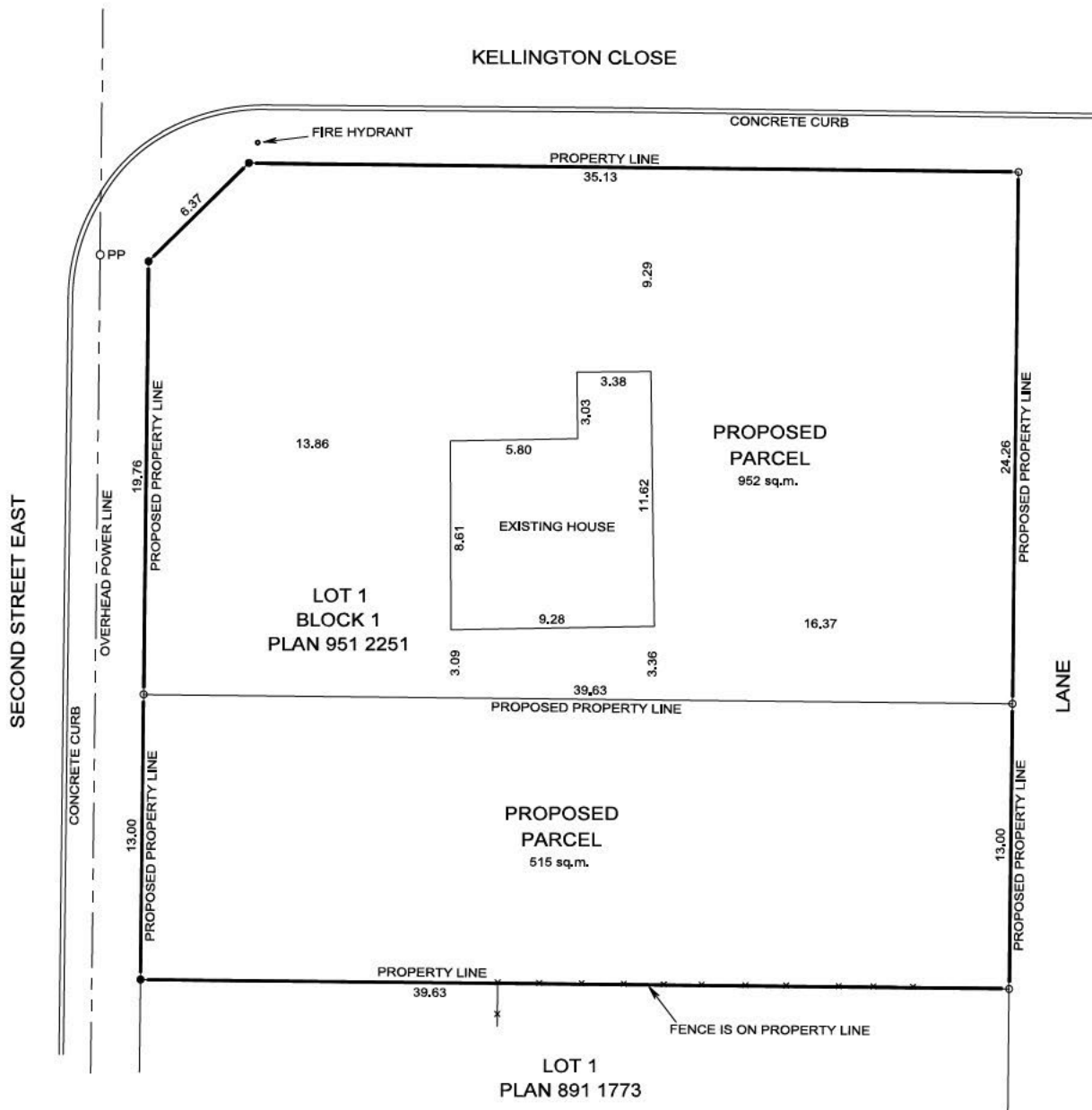
Proposed Survey post is shown thus

Proposed Subdivision is outlined thus

Fence is shown thus

## NOTES:

PP stands for Power Pole



## ADDITIONAL INFORMATION:

Owner: KIRA & JOHN PENNER

Address: [REDACTED] Manitoba, R2M 1Z8

Phone: 204-222-1222

Job No. [REDACTED]

PHONE: 403 - 793 - 0011

CAMERON CHRISTIANSON, A.L.S.

BROOKS

FILE 6106-26C

**MINUTES OF THE REGULAR COUNCIL MEETING OF THE  
CITY OF BROOKS HELD IN COUNCIL CHAMBERS AT CITY  
HALL ON JULY 13, 2026 AT 4:30 P.M.**

---

**PRESENT:** Mayor Norm Gerestein  
Councillor Mohammed Idriss  
Councillor Mara Nesbitt  
Councillor Chad Falkenberg  
Councillor Jackie Johnson  
Councillor Anne-Marie Philipsen  
Councillor Mike Regner

**STAFF:** Mike Derricott, CAO  
Amy Fontoura, Manager, Legislative Services  
Lisa Tiffin, Director, Planning and Community Development  
Mark Shantz, Director, Recreation and Protective Services  
Brian Leibel, Director, Corporate Services  
Shireen Zameel, Manager, Human Resources  
Barry Yokoyama, Fire Chief  
Cathy Slaney, Financial Planning Supervisor  
Bailee Boulet, Senior Development Officer  
Jourdan Jones, Communications Officer  
Jenny Wallace, Executive Assistant/Recording Secretary

**OTHERS IN  
ATTENDANCE:** Katherine Hofmann, President, Sage Brush Arts Society  
Kasey Olsen, Sage Brush Arts Society  
Lorrene Neufeld, Sage Brush Arts Society  
Garnet Neufeld, Sage Brush Arts Society  
Gavin Scott, Senior Planner, ORRSC  
Rachel Schortinghuis, Planner, ORRSC

**CALL TO  
ORDER:** Mayor Gerestein called the meeting to order at 4:30 p.m.

**AGENDA**

CAO Derricott advised of the following addition to the agenda:

9.e) **Advice from Officials** – Held Confidential Pursuant to  
Section 29 of ATIA

26/271 MOVED BY COUNCILLOR JOHNSON that “the agenda be  
adopted as amended”.

MOTION CARRIED

## 26/272

MOTION CARRIED

## 26/273

MOTION CARRIED

26/274

MOTION CARRIED

## 26/275

MOTION CARRIED

## Declaration of Surplus Land

26/276 MOVED BY COUNCILLOR JOHNSON that “the Declaration of Surplus Land be tabled until September for further information to come back to Council”.

MOTION CARRIED

**Subdivision 2026-0-068**

---

26/277 MOVED BY COUNCILLOR IDRIS that “Council approve Subdivision 2026-0-068 as presented”.

MOTION CARRIED

**Subdivision 2026-0-084**

---

26/278 MOVED BY COUNCILLOR PHILIPSEN that “Council approve Subdivision 2026-0-084 as presented”.

MOTION DEFEATED

The Subdivision was denied by Council acting as the Subdivision Authority, as it was found that the proposed lot is not in keeping with the size of the lots in this block or the surrounding area.

*G. Scott and R. Schortinghuis left at 6:00 p.m.*

**2027 Budget Discussion**

---

26/279 MOVED BY COUNCILLOR REGNER that “the 2027 Budget Discussion be received as information”.

MOTION CARRIED

*Everyone left the meeting except Council, M. Derricott, L. Tiffin, M. Shantz, B. Boulet, and J. Wallace.*

**CLOSED SESSION**

26/280 MOVED BY COUNCILLOR NESBITT that “Council close the meeting to the public for agenda items 9.a), b) and c) Land Matter as per Section 19, ATIA, 9.d) Personnel as per Section 22, ATIA, and 9.e) Advice from Officials as per Section 29 of ATIA, at 6:08 p.m.”.

MOTION CARRIED

*Mayor Gerestein called a recess at 6:08 p.m. and reconvened the meeting at 6:13 p.m.*

**Land Matter – Held Confidential Pursuant to Section 19 of ATIA**

**Land Matter – Held Confidential Pursuant to Section 19 of ATIA**

**Land Matter – Held Confidential Pursuant to Section 19 of ATIA**

*B. Boulet and J. Wallace left at 7:10 p.m.*

**Advice from Officials – Held Confidential Pursuant to Section 29 of ATIA**

*L. Tiffin and M. Shantz left at 8:15 p.m.*

*S. Zameel arrived at 8:16 p.m.*

**Personnel – Held Confidential Pursuant to Section 22 of ATIA**

26/281 MOVED BY COUNCILLOR JOHNSON that “the meeting move out of Closed Session at 8:39 p.m.”.

MOTION CARRIED

**ADJOURNMENT**

26/282 MOVED BY COUNCILLOR FALKENBERG that “the meeting adjourn at 8:40 p.m.”.

MOTION CARRIED

---

Mayor

---

Chief Administrative Officer



# ORRSC

OLDMAN RIVER REGIONAL SERVICES COMMISSION  
PLANNING & GIS FOR STRONG COMMUNITIES

## DRAFT RESOLUTION

July 6, 2026

Our File: 2026-0-084

Michael Derricott  
Chief Administrative Officer  
City of Brooks  
Box 879  
Brooks AB T1R 187

Dear Mr. Derricott:

**RE: Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M / City of Brooks**

With regard to the subdivision application noted above, please find attached a draft resolution for your decision.

The Subdivision Authority should note that comments have not been received from the Christ the Redeemer School Division, Grasslands School Division No. 6, AltaLink, Eastern Irrigation District (EID), AB Environment & Protected Areas - J. Cayford and Canada Post.

After the Subdivision & Development Authority's consideration of the application, **please forward the signed resolution to the Oldman River Regional Services Commission at your earliest convenience in order for our staff to promptly notify the applicant of the decision.**

Please contact this office if you require any further information.

Yours truly,

Gavin Scott  
*Senior Planner*  
GS/jm



(403)-329-1344  
1-844-279-8760



3105 16 Avenue North  
Lethbridge, AB T1H 5E8



subdivision@orrsc.com  
www.orrsc.com

# RESOLUTION

2026-0-084

**City of Brooks**

**Residential** subdivision of Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M

THAT the Residential subdivision of Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M (Certificate of Title No. 251 273 829), to create a 0.13 acre (0.052 ha) lot, from a title of 0.37 acres (0.147 ha) for residential use; BE APPROVED subject to the following:

## CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the City of Brooks.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the City of Brooks which shall be registered concurrently with the final plan against the title(s) being created.

## REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 9 of the Matters Related to Subdivision and Development Regulation.
3. The Subdivision Authority, in considering the written submission from Gordon Krinke, finds that the concerns are focused on the future development approvals and land use designation and are therefore outside the parameters of the subdivision rules and procedures pertaining to the proposal.

## INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(c) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Protected Areas, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) Thank you for including TELUS in your circulation.

At this time, TELUS has no concerns with the proposed activities.

- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.

Please contact FortisAlberta land services at [landserv@fortisalberta.com](mailto:landserv@fortisalberta.com) or by calling (403) 514-4783 for any questions.

- (f) ATCO Gas has no concerns.
- (g) ATCO Transmission wishes to confirm we have no conflict as we have no high-pressure pipelines in the proposed area.

NOTE: ATCO Distribution [Gas] will reply under separate email.

Thank you for allowing ATCO to review your proposal and provide feedback.

- (h) Alberta Health Services – Kristen Dykstra, Public Health Inspector:

“Thank you for the opportunity to comment on File No. 2026-0-084. Alberta Health Services – Environmental Public Health (AHS-EPH) reviews and provides comment on land use applications from a public health perspective.

It is understood that the purpose of this application is to subdivide a parcel for residential use. The proposed northerly portion contains an existing dwelling, and the proposed southerly portion is vacant. Proposed water and sewer services for the new lot are municipal.

AHS-EPH has no concerns at this time. We do not foresee any new public health problems being created as a result of the above noted subdivision provided that the applicant complies with all pertinent regulations, by-laws, and standards.

Please feel free to contact me with any questions or concerns.”

- (i) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 873, 1, 25296

**Transportation and Economic Corridors offers the following comments with respect to this application:**

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 7(6)(d) of the regulation, Transportation and Economic Corridors agrees to waive the referral distance for this particular subdivision application. As far as Transportation and Economic Corridors is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application

**Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:**

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information”

(j) Alberta Energy Regulator (AER):

"Thank you for your email. We have no setback concerns associated with this referral based on our current data."

(k) Comments from Gordon Krinke:

Oldman River Regional Services Commission  
3105-16<sup>th</sup> Avenue North  
Lethbridge, Alberta T1H 5E8

VIA email: [subdivision@orrrsc.com](mailto:subdivision@orrrsc.com)

Re: File No. 2026-0-084

July 6, 2026

Dear Sir:

My wife and I own a lot adjacent to the parcel proposed to be subdivided, and, in accordance with your letter dated June 16, 2026, I am providing you with my comments. I apologize for not getting these to you sooner, but I was working in Calgary during the week of June 22 and on holidays in Ontario during the week of June 29, so I just received your letter this past weekend.

Background

I am attaching my letter to the City of Brooks, dated April 4, 2026, together with the comments I attached to that letter. I realize that these were provided to the City in response to a Development Application on the subject property, but I think it is important for the Subdivision Authority to understand the history of this matter so that it has the appropriate context.

It is equally important to understand that any consideration of subdivision of the property without also considering the proposed development of the property is an artificial means of assessing the merits of the subdivision application.

The property was previously zoned R-SD. In March 2025, it was rezoned R-MD. My letter dated April 4, 2026 summarizes why I feel that City Council at the time was inadvertently misled about the rezoning application. In particular, the Request for Decision ("RFD"), prepared by Gavin Scott, treated the rezoning application as if Council was dealing with a new residential development. The application should have been treated as if the parcel was an infill development. Instead of focussing on "a mixture of housing needs", which is applicable to new residential developments, Council should have focussed on whether the rezoning was "sensitive to the design, orientation and massing of surrounding dwelling," which is applicable to infill developments.

Furthermore, Mr. Scott intervened at the end of the public meeting in support of the proposed rezoning. After the property owner, Mr. Elmer, provided three examples of proposed developments in the city, Mr. Scott "... also clarified that with regards to the three examples provided by the property owner, that is the type of build the property owner wants to see happen on the subject property, which can't be done under the existing zoning." The property needs to be redesignated to Residential Medium Density to build this type of dwelling. These comments from the City Planner left City Council with the impression that Mr. Elmer was going to develop the property (which he was not going to do) and that a certain type of development would occur on the property.

Based on this erroneous information, and despite significant opposition by the surrounding homeowners, City Council voted to rezone the property to R-MD.

Shortly after the rezoning, Mr. Elmer sold the property. A development application was submitted to the Development Authority in the spring of 2026 by the new (current) owners. The proposed development of an eight-plex on the subject property was denied on April 16, 2026. A copy of this decision is also attached to this letter. To my knowledge that decision was never appealed.

Present Application

I believe it is safe to say that the current owners have no interest in developing the property consistent with the design, orientation and massing of the surrounding buildings. Furthermore, they have no interest in developing the property consistent with the type of development that Mr. Elmer, supported by Mr. Scott, outlined to City Council. What the proposed subdivision application seeks to do is use the back door to accomplish something that cannot be done through the front door. This is why I say it is artificial to consider the subdivision application without also considering the potential development implications.

The proposed subdivided parcel is significantly inconsistent with the size of the surrounding parcels to the extent that no development proposed for such a small parcel could possibly be sensitive to the design, orientation and massing of the surrounding buildings.

By subdividing the property into two parcels and leaving the current R-MD zoning attached to both properties, the owners would then be free to submit, again and likely again, inappropriate plans for developing both the subdivided parcel and the remnant parcel. For example, the owners could apply for a duplex on the subdivided property and a six-plex on the remnant parcel. Alternatively, they could apply to subdivide the property again and again.

Currently, only the property owners have knowledge of what they propose to develop on each property. Until such time as the Subdivision Authority is provided with such plans, no approval should be granted. Alternatively, if the property owners are not willing to provide sufficient information to City Council to enable City Council to make a reasoned decision on the current application, the subdivision approval could be granted on the condition that property owners agree to rezone both parcels to R-SD.

I thank you for your time and consideration

A black rectangular redaction box covering the signature of Gordon Krinke.

Gordon Krinke

City of Brooks  
201-1<sup>st</sup> Avenue West  
Brooks, Alberta T1R 1B7

April 4, 2026

Attention: Ms. Bailee Boulet, Development Control Officer

Dear Madam:

RE: Development Permit Application (716-2<sup>nd</sup> Street East)

Further to your March 25, 2026 letter, I am attaching my comments with respect to the above-noted application. I appreciate your willingness to meet with me on March 31 to discuss this matter.

I am writing on behalf of my wife, Tracy, and myself. Other individuals have expressed to me that they may also be providing comments, but the attached comments are solely my views. I have no experience in land use planning, but I did have the opportunity to review the latest iteration of the Land Use Bylaw. However, I defer to your expertise if I misread or misapply the Bylaw.

As I mentioned to you, the current application provides a cautionary tale and, hopefully, in the future at least, applications to rezone properties will be approached with more care. We would not be in the position of having to provide comments on what is clearly an unsuitable development proposal had the City of Brooks not rezoned this property from R-SD to R-MD after a public hearing on March 3, 2025. This is one of a number of inexplicable actions by the previous City Council relating to various developments. I believe the councillors were well-meaning but ill-advised by staff and, in particular, the CAO, who was placed on administrative leave on April 23, 2025, and subsequently resigned. As a concerned citizen, I am hopeful that the new Council will review these decisions and, hopefully, reverse some of these decisions, if possible.

I had the opportunity to look at the minutes of the meeting ("Minutes") at which the rezoning application was considered. This included the Request for Decision ("RFD") submitted by Gavin Scott, dated February 13, 2025. In reviewing the Minutes and the RFD, and in speaking with people who were at the Public Meeting, it is clear that Mr. Scott and Mayor Petrie were strong proponents of the rezoning application. The RFD was generated in February and the Public Meeting occurred in March so I am unaware of interactions between Mr. Scott, the CAO, Mayor Petrie and other counsellors.

The RFD likely guided the discussion amongst council before, at and after the public meeting. The RFD framed the discussion as follows: "The decision on the proposed rezoning should be evaluated based on the suitability of the land. A policy for a mixture of housing needs to be measured against the reality of an area that has thus far been for single unit development." That, quite simply, is not accurate. The RFD lists four objectives, taken from the Municipal Development Plan. Two of these objectives deal with new residential developments. Two objectives relate to infill developments. The objective to achieve a mix of housing densities relates to new residential developments. The correct objective, the one related to infill housing, is: "infill development should be sensitive to the design, orientation and massing of surrounding dwellings." Had this objective been the focus of discussion, and with the opposition to the rezoning by the owners of the surrounding properties, as evidenced by their attendance and comments at the public hearing, the result could very well have been different.

The Public Hearing was equally problematic. Mr. Scott reiterated that "a policy for a mixture of housing needs to be measured against the reality of the area that has thus far been for single family development." When members of the public focussed Council's attention on concerns that the rezoning would negatively impact the surrounding properties, Mayor Petrie intervened in an effort to counter their legitimate concerns (density, property values; access; parking).

At the end of the public hearing, the owner of the property was given an opportunity to provide closing comments. As a result of these comments, and Mr. Scott's additional comments in support, Councillors may have been left with the mistaken impression that the then-owner of the property was going to develop the property consistent with certain properties located "near the City's tennis courts" (Minutes). "G. Gavin [sic] also clarified that with regards to the three examples provided by the property owner, that is the type of build the property owner wants to see happen on the subject property, which can't be done under the existing zoning. The property needs to be redesignated to Residential Medium Density to build this type of dwelling."

Shortly after the March 3, 2025 meeting, the property was transferred to a new owner who apparently has no interest in following through with the representations made by the previous owner. The three properties referred to by the previous owner and Mr. Gavin at the public hearing bear no resemblance to the proposed development application currently being reviewed. As well, these other properties were developed by a local developer with a stellar reputation for quality construction and ongoing maintenance. The applicant in the current application resides in Manitoba. The proposed development is inconsistent with, as Mr. Scott referred to in his Request for Decision, the following objective of the Municipal Development Plan: "Infill development should be sensitive to the design, orientation and mass of surrounding dwellings."

I'm uncertain whether it is too late to reconsider the rezoning of the lot under consideration, but any assessment of the merits of the current development application on this property should be viewed in the context of the history of this matter and the representations made by the owner and Mr. Scott in support of the rezoning application at the public hearing.

Yours truly

Gordon Krinke

## COMMENTS

These are my comments with respect to the Development Permit Application for 716-2<sup>nd</sup> Street East, Brooks. These identify my major concerns only. There are several other concerns, of a more minor nature, which I will address if the application is approved.

1. Density: The permitted use for R-MD zoned properties is 4 units with discretionary use allowed to eight units maximum. The proposed development seeks to create eight separate units on one lot and thus requires Development Authority approval. This lot forms one of eight lots on the block. There are seven dwellings in total on the other seven lots. In other words, on the city block in question, this development would increase the density from eight dwellings to 15 dwellings. The proposed development almost doubles the density of the block. This detracts from the existing character of the street and area and creates a number of related problems.
2. Complementing adjacent lots: Standards for in-fill development are listed in Section 65.3 of Schedule 3 of the By-Law, which is prefaced by the overall objective of "complementing features of the adjacent developed lots and the overall existing or desired character of the street and area." More specifically s. 65.3(1)(a) requires the Development Authority to consider whether the proposed development differs from the building heights, scale, massing, form and orientation of the adjacent lots. This proposed development, rather than complementing the adjacent developed lots, significantly detracts from them, and completely changes the existing and desired character of the street and area.
3. Parking:
  - a. Parking should be consistent with the adjacent lots. All parking on the adjacent lots is accessed from the front street (2<sup>nd</sup> Street East). The corner lot at the opposite end of the block accesses parking from the side street, but not from the lane. To be consistent with the adjacent lots, parking should be restricted to 2<sup>nd</sup> Street East. No lot on either side of the lane accesses their property from the lane. One lot accesses the lane irregularly to park his motorhome. While the proposed development has 11 parking stalls accessed from the lane. This will not only increase traffic on the laneway, with the accompanying noise and dust, it will significantly impact the aesthetics of the area. This impairs the use and enjoyment and, ultimately, the marketability of the immediately adjacent lots and of the lots on both sides of the lane.
  - b. The Development Authority should also consider the likelihood that residents of the proposed development will park on the street rather than in the designated parking stalls. This on-street parking, particularly on Kellington Close, will have a significant impact on visibility at the intersection of Kellington Close and 2<sup>nd</sup> Street East. At the present time, with little or no on-street parking, the intersection is dangerous. Parking on street will make an already dangerous situation worse and, of particular concern, is the dangerous situation it engenders for pedestrians. Second street east is a school bus route and children in Kellington Close who catch a school bus will have to cross at that intersection, which currently has no crosswalk or signage.
  - c. The parking issues are created largely because of the increased density proposed by the development. The number of units in the proposed development must be

reduced to a point that all parking can be accommodated with access from 2<sup>nd</sup> Street East.

4. Traffic:

- a. Section 21.1 of the By-Law provides that: "Notwithstanding that a use of land may be permitted ...the Development Authority ... may refuse to issue a development permit if, in their opinion the site of the proposed building or use... (b) creates a situation where vehicular and non-vehicular traffic safety is negatively impacted."
- b. The traffic issues created by the proposed development are exacerbated by two factors. The first factor relates to the rezoning. Roadway and traffic patterns in the area were designed to accommodate a density factor based a single-family dwelling on each lot. By changing the zoning on present lot to multi-family dwellings, the accompanying increased traffic will put additional pressure on the roadway system.
- c. The second factor is the current usage of 2<sup>nd</sup> Street East does not match its designation as a local roadway. Traffic patterns in Brooks have evolved such that 2<sup>nd</sup> Street East has become an arterial route, moving traffic from the north of Brooks to the East and South of Brooks and vice versa.
- d. The development, as proposed, has the following negative impacts on vehicular and non-vehicular traffic:
  - i. It creates 11 parking spaces accessed by the laneway. These vehicles will logically exit the laneway, turn left onto Kellington Close and then exit Kellington Close onto 2<sup>nd</sup> Street East. This is a significant increase in traffic at this intersection. At present, with little or no street parking along the side of the development and little street parking along 2<sup>nd</sup> Street East in front of the development, visibility is difficult. With anticipated parking at the front and side of the development, and with increased traffic, an extremely dangerous situation will occur. 2<sup>nd</sup> Street East is a busy street although it was not designed as such. It has numerous school bus drop-off and pick-up points. Children in Kellington Close must cross 2<sup>nd</sup> Street East to go to school or to get picked up. There is no sidewalk on the east side of the street. There is currently no crosswalk. Even if there were a crosswalk, crossing the street at the crosswalk to the north (by the pedestrian path) is dangerous, with just one parked car sufficient to obstruct a pedestrian's view of oncoming traffic. A similar, but worse, situation will occur at Kellington Close.
  - ii. Alternatively, vehicles parked at the back of the proposed development could use the laneway to access Southshore Drive East, thus increasing traffic on the lane and exacerbating an already congested intersection at Southshore Drive and 2<sup>nd</sup> Street East.
  - iii. Vehicles which use on-street parking in front of the units along the flankage will need to exit Kellington Close by going around the cul-de-sac, increasing traffic in a cul-de-sac not designed for such traffic. In particular, children play in the centre portion of the cul-de-sac, and the increased traffic will create a dangerous situation.

- e. The traffic issues are created largely because of the increased density proposed by the development. A reduction in the number of units, together with an orientation of the dwellings towards the front and parking at the front will alleviate some, but not all, of the traffic issues.
- f. I do note that the Development Authority, in Section 21.1 of the By-Law, has the power to refuse to issue a development permit, notwithstanding it complies with permitted use (ie: four dwellings), if it creates a situation where vehicular and non-vehicular traffic safety is negatively impacted.

5. Variance applications:

- a. The Bylaw, I believe, needs to be revised. Section 65.3(3) of Schedule 4 provides that "Setback requirements shall be established through the implementation of subsection 7.6 of the Administration portion of this bylaw (Setbacks in Established Areas)". A similar reference is made in section 4.1(2) in the description of Residential Medium Density Districts: "Notwithstanding the setbacks provided in sub-section 4.2 of this section, setbacks in established areas shall be determined by application of sub-section 7.6 of the first part of this bylaw (Administration)." I cannot locate the section referred to. Therefore, I am assuming for the purposes of these comments that the setbacks in subsection 4.2 are the governing setbacks.
- b. I am not certain about the nature and effect of the proposed request for a front setback variance and, as a result, have no comments on this request.
- c. As for the variance to reduce the flankage setback, I have the following comments:
  - i. Flankage setbacks on corner lots primarily exist to ensure adequate visibility for vehicular and non-vehicular traffic. This is a safety issue. No variance should be allowed which decreases the required setback, which would have the effect of making the intersection at Kellington Close and 2<sup>nd</sup> Street East significantly less safe.
  - ii. By varying the flankage setback to 1.6 m from the required 3.0 m, the development will not achieve the objective of ensuring that it complements existing development in the area.
- d. The flankage variance requested has no other purpose than to allow the developer to increase the density of the lot, with all the accompanying negative impacts that such density attracts.

6. Amenities

- a. Amenity space is dealt with in section 68.4 of Schedule C of the By-Law. I am not sure if the Development Authority will classify the proposed application as one for mixed-use development. If so, I believe that 68.4(1) and 68.4(2) will apply.
- b. Whether the provisions of section 68.4 apply, consideration must be given to the lack of amenity space. The proposed development provides for six separate residential units, of which at least six are under 600 square feet, while two, I believe are slightly over 600 square feet. These are two bedroom units, with each bedroom approximately 90 square feet (10 x 9). There simply is insufficient space in the proposed development to offer any reasonable amenities to the occupants of the eight units.

- c. While Mr. Scott, in his recommendation concluded that there are amenities nearby, that is not the case. As far as I can determine, the nearest park/playground is several blocks away and across at least one busy street. The nearest school is a similar distance, and across Cassils Road.

## 7. Conclusion

- a. The proposed application for a development permit should be rejected. The first consideration for the Development Authority is whether to increase the number of allowable units in excess of the permitted use of four. This should not be approved. The lot in question cannot accommodate four units, much less the eight requested. The increased density creates parking issues and traffic issues. Moreover, the lot, as an infill, does not meet the requirement of the By-Law to complement the overall existing character of the street. In fact, it detracts from the existing character.
- b. The second consideration for the Development Authority is the developer's request for a flankage variance. This, too, should be should not be approved. This is a safety issue and no variances should be allowed which increase the likelihood that individuals in the neighborhood, particularly children, will be endangered.
- c. I anticipate that, if this development permit application is rejected, the developer will return with a new plan, with marginally reduced density. As the saying goes, you never have a second chance to make a first impression. My first impression of this out-of-province developer is one having absolutely no consideration for the neighborhood or the City of Brooks. Any further applications for development should be viewed with this in mind.
- d. Consistent with the rezoning application, and the representations made by the owner and Mr. Scott and the public hearing of that application I request that the Development Authority provide guidance, as follows:
  - i. Notice of any future application should be provided to all interested parties. This would include not only properties within a certain radius of the proposed development but, at the very least, all individuals who attended at the zoning application. I have been approached by many individuals who want to comment on the current application but did not receive notice.
  - ii. No variances from setbacks will be granted.
  - iii. All development shall be oriented to 2<sup>nd</sup> Street East (the front) and not to Kellington Close (the flank or second front).
  - iv. Parking for all units will be accessed from 2<sup>nd</sup> Street East and, if necessary, a reduction in the number of allowable units will be required.
  - v. Ideally two, but at most three, residential units will be constructed. Consistent with the description of R-MD lots, these should be two single-detached units or one two or three unit building. The Development Authority has this discretion notwithstanding that four units are permitted to reduce the number of units below four.

April 16, 2026

TO: GORDON & TRACY KRINKE  
8 KELLINGTON CLOSE E  
BROOKS, AB T1R1G8

RE: **Development Permit 26-D-23**  
**716 2 Street East (Plan 9512251, Block 1, Lot 1)**

On April 16, 2026, the City of Brooks Development Authority **DENIED** Development Permit Application 26-D-23 in accordance with the provisions of the Land Use Bylaw 14/12 Section 91.3(2), which state:

*The number of units in a multi-unit residential development shall not be prescribed but instead be based on:*

*(1) The requirements contained in this bylaw, including but not limited to the measurable standards of maximum permitted site coverage, building height, minimum unit sizes, parking, loading and access requirements, and the Floor Area Ratio as outlined in the land use districts that list a Multi-unit Dwelling, Multiple Unit Residential Development or Attached Housing as permitted or discretionary uses;*

*(2) Notwithstanding 91.3(1) of this section, the Development Authority may reduce the maximum density of units that may be permitted within a development as determined by 91.3(1), based on consideration of the:*

*(a) density of existing development on the street;*

*(b) adequacy and proximity of community facilities such as schools, shopping and recreational facilities including but not limited to parks and open space, and other community facilities as deemed appropriate by the Development Authority;*

*(c) adequacy of utilities to accommodate the proposed development;*

*(d) impacts of future land use on the transportation infrastructure; and*

*(e) any other matters deemed appropriate by the Development Authority.*

A Multi-Unit Dwelling with a maximum of eight units is a discretionary use within the Residential Medium Density (R-MD) District. The Development Authority has exercised its authority under Section 91.3(2) to reduce the maximum density of units permitted on the site. The proposed density exceeds what the Development Authority considers appropriate for this location.

Reasons for Decision:

1. **Authority to Reduce Density (Section 91.3(2))**  
Section 91.3(2) of the Land Use Bylaw provides that, notwithstanding compliance with measurable standards, the Development Authority may reduce the number of units otherwise permitted or discretionary where deemed appropriate based on specific considerations. After careful review, the Development Authority determined that a reduction in density is warranted.
2. **Discretionary Use – Residential Medium Density District**  
A Multi-Unit Dwelling with a maximum of eight units is listed as a discretionary use within the Residential Medium Density (R-MD) District. As a discretionary use, approval is not granted as-of-right, and the Development Authority must consider whether the use is suitable for the site and surrounding area. The proposed multi-unit dwelling introduces a concentration of dwelling units that is not reflective of the prevailing development context in the immediate surrounding area, which is characterized by single detached dwellings in the Kellington Close neighborhood and 2 Street E, North of Garrow Avenue. The Development Authority determined that the proposed development does not provide an appropriate transition in scale or density between existing development forms and would result in a form of development that is disproportionate to its surroundings.
3. **Impacts on Transportation Infrastructure (Section 91.3(2)(d)(e))**  
The proposed density increase would result in a concentration of residential units beyond the prevailing pattern of development in the area and would rely primarily on the rear alley for vehicular access to parking. This reliance is expected to increase vehicular movements and turning manoeuvres within the alley beyond its intended function. The Development Authority determined that this level of intensification may negatively impact the operational function and safety of the existing rear lane and its connection to the local roadway network, including potential conflicts with neighbouring access, waste collection, and emergency servicing.
4. **Side Yard (Flankage) Variance**  
The subject property is a corner lot and is therefore subject to a side yard (flankage) setback of 3.0 metres from the property line abutting a public roadway. The proposed multi-unit dwelling does not comply with the minimum side yard (flankage) setback requirement of the Land Use Bylaw and requires a variance. The Development Authority determined that the variance would result in an unduly reduced setback that is not minor in nature and would affect the appearance and spatial relationship of the development to the adjacent public roadway, and would undermine the intended function of flankage yards on corner lots.

For the reasons outlined above, the Development Authority has determined that an eight-unit multi-unit dwelling would negatively impact the use and enjoyment of neighboring properties. Therefore, the application is refused pursuant to Section 91.3(2) of the Land Use Bylaw.

You are receiving this notice as you own a property that is adjacent to the subject parcel of land and you have the right to appeal this decision.

As per Section 50 of the City of Brooks Land Use Bylaw 14/12 and Section 686(1) of the Municipal Government Act, **any person affected by a decision or development permit issued by the Development Authority may appeal the decision to the Subdivision and Development Appeal Board (SDAB) by filing a notice of the appeal with reasons within 21 days from the date of notification.**

If you wish to submit an appeal regarding this decision, you have until **May 7, 2026**.

If you have any questions, please contact the City of Brooks Planning and Development Department at 403-362-3333.

Sincerely,



**Bailee Boulet**  
Development Control Officer  
City of Brooks

\_\_\_\_\_  
MOVER

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE



*OLDMAN RIVER REGIONAL SERVICES COMMISSION*

3105 - 16<sup>th</sup> Avenue North  
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344  
Toll-Free: 1-844-279-8760  
E-mail: [subdivision@orrsc.com](mailto:subdivision@orrsc.com)  
Website: [www.orrsc.com](http://www.orrsc.com)

## NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

**DATE:** June 16, 2026

**Date of Receipt:**

May 29, 2026

**Date of Completeness:**

June 4, 2026

**TO: Landowner:** John Penner and Kira Penner

**Agent or Surveyor:** Cameron Christianson, A.L.S.

**Referral Agencies:** City of Brooks, Christ the Redeemer School Division, Grasslands School Division No. 6, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Transmission, AB Health Services - South Zone, Eastern Irrigation District (EID), AB Environment & Protected Areas - J. Cayford, AB Transportation, AER, Canada Post

**Adjacent Landowners:** Yonas M. Zerom, Zebib Gebreyesus, Brett & Brooke-Lyn Martin, Gordon & Tracy Krinke, Tytus Butkiewicz, John & Wendy Butkiewicz, Muhudin Abukar, Abdirashid Mohamed, Rodney & Glenda Coombs, Carla Kallio, Jay Matthew Bannister, Penny Ann Sideritsch - Bannister, Roy I. & Joyce K. Yokoyama, Lori A. K. Yokoyama-Red Gun

**Planning Advisor:** Gavin Scott 

The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the City of Brooks. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Matters Related to Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **July 6, 2026**. (Please quote our File No. 2026-0-084 in any correspondence with this office).

**File No:** 2026-0-084

**Legal Description:** Lot 1, Block 1, Plan 9512251 within SW1/4 4-19-14-W4M

**Municipality:** City of Brooks

**Land Designation:** Residential Medium Density: R-MD  
(Zoning)

**Existing Use:** Residential

**Proposed Use:** Residential

**# of Lots Created:** 1

**Certificate of Title:** 251 273 829

**Proposal:** To create a 0.13 acre (0.052 ha) lot, from a title of 0.37 acres (0.147 ha) for residential use.

**Planner's Preliminary Comments:**

The purpose of this application is to create a 0.13 acre (0.052 ha) lot, from a title of 0.37 acres (0.147 ha) for residential use.

The proposal is to accommodate the subdivision of an existing title into two separate lots, with the northerly portion presently containing a dwelling. Access to the lot is from 2nd Street East. The vacant lot will require connections for municipal services to be provided at the applicant's expense.

The lots proposed all meet the minimum size and dimensions required in accordance with the bylaw regulations.

This proposal complies with the criteria of the City of Brooks's Land Use Bylaw and the Subdivision Authority is hereby requested to consider the following when rendering a decision on this application:

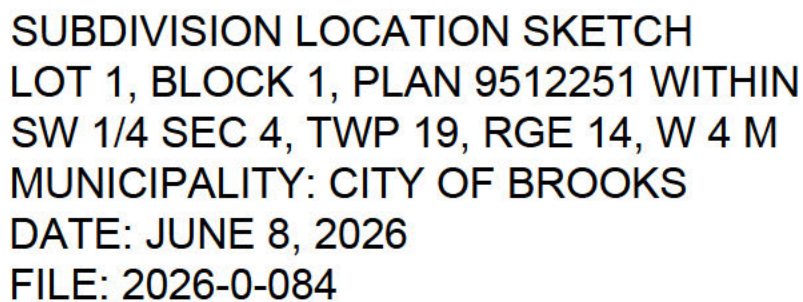
1. Any outstanding property taxes shall be paid to the City of Brooks.
2. The applicant or owner or both enter into a Development Agreement with the City of Brooks to address any municipal servicing requirements.
3. Provision of a surveyor's sketch to illustrate lot dimensions and improvements on site.
4. Consideration of adjacent landowners and referral agencies comments.
5. That any easement(s) as required by utility companies or the municipality shall be established.
6. That any conditions of Alberta Transportation shall be established prior to finalization of the application.

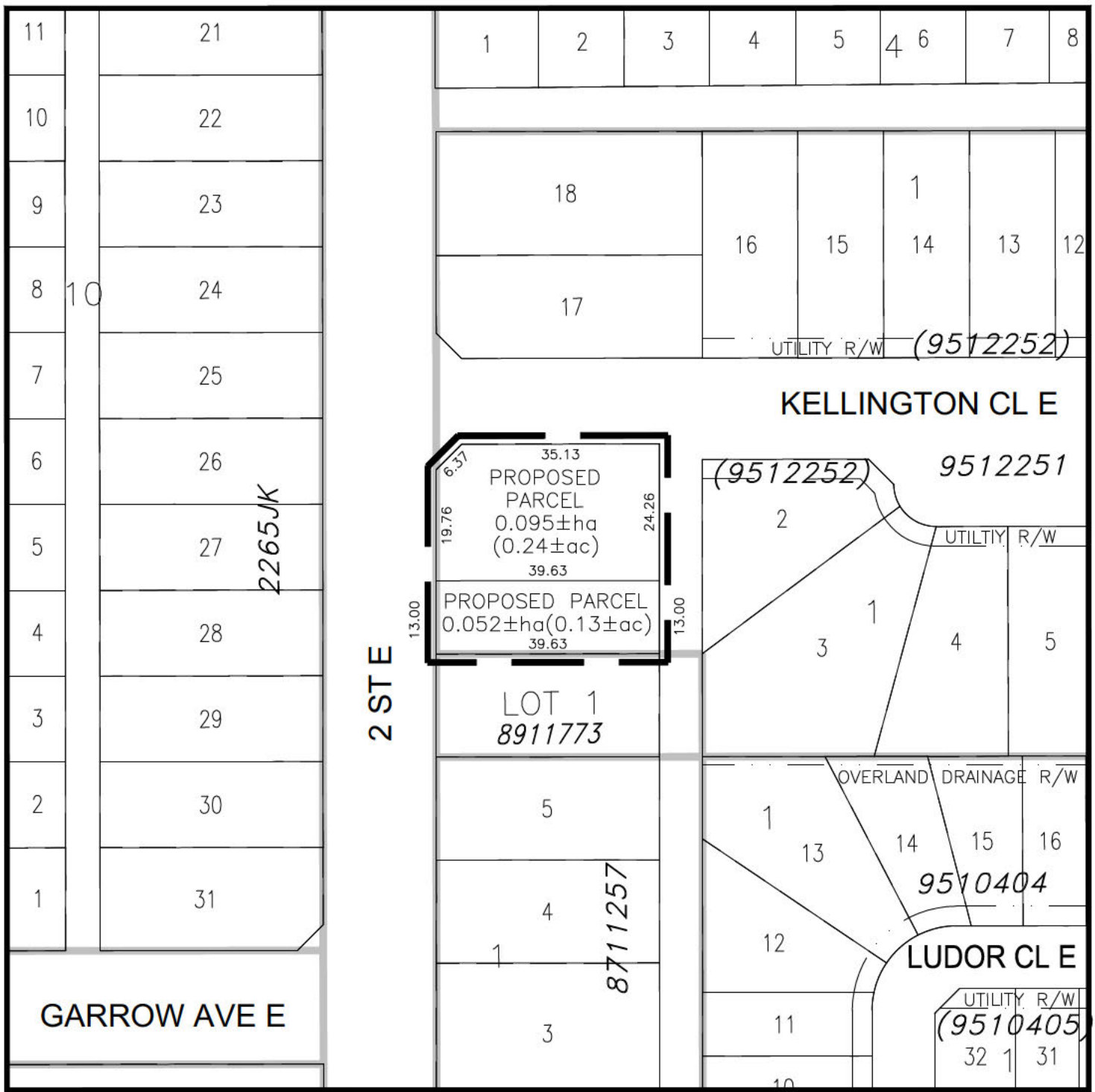
**RESERVE:**

- Municipal Reserve is not applicable pursuant to Section 663(c) of the MGA, as the parcel is less than 2 acres in size.

**If you wish to make a presentation at the subdivision authority meeting, please notify the City of Brooks Municipal Administrator as soon as possible.**

**Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.**





## SUBDIVISION SKETCH

See tentative plan of subdivision by Cameron Christianson, A.L.S. file no. 6106-26C

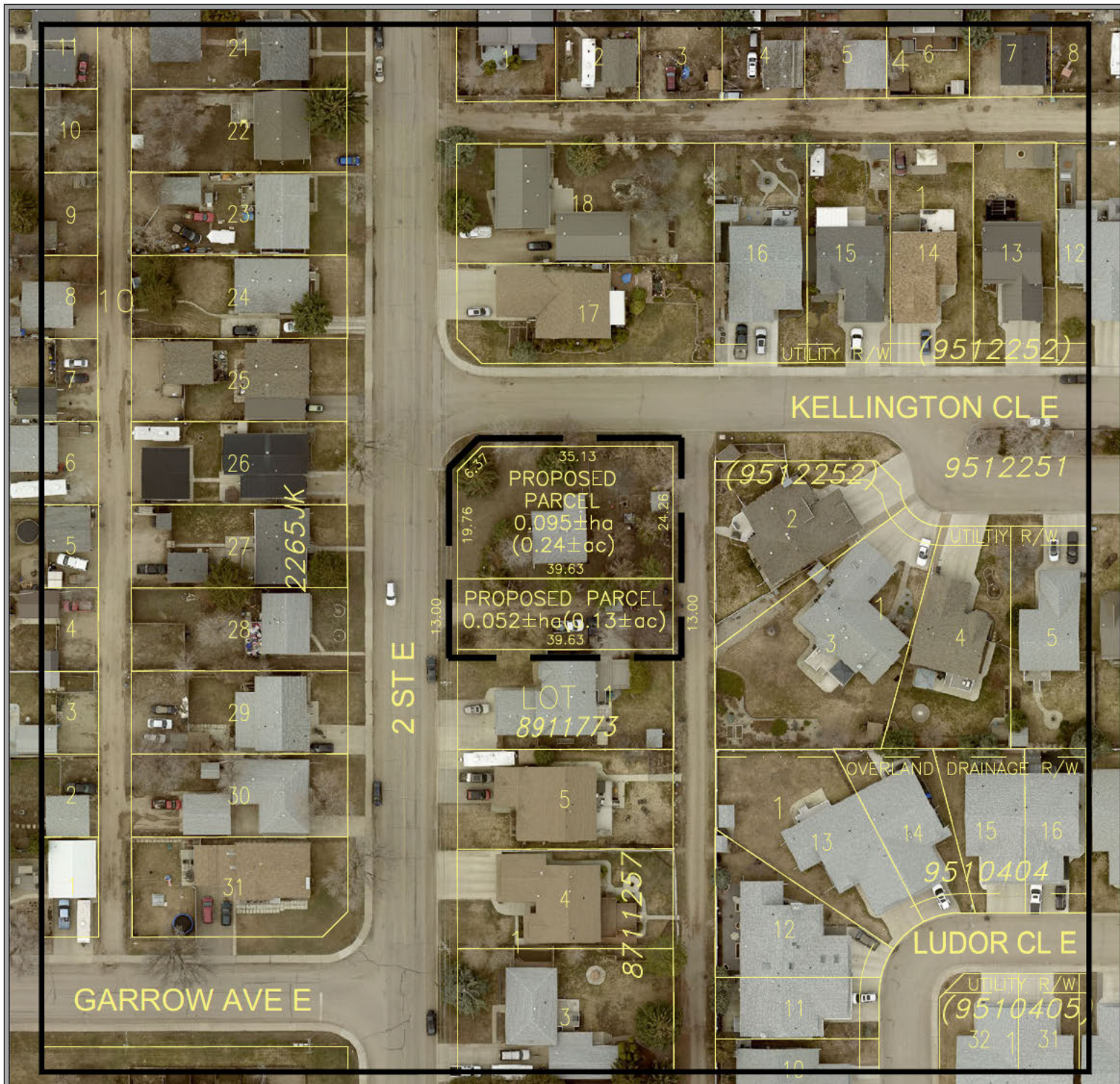
LOT 1, BLOCK 1, PLAN 9512251 WITHIN

SW 1/4 SEC 4, TWP 19, RGE 14, W 4 M

MUNICIPALITY: CITY OF BROOKS

DATE: JUNE 8, 2026

FILE: 2026-0-084



## SUBDIVISION SKETCH

See tentative plan of subdivision by Cameron Christianson, A.L.S. file no. 6106-26C

LOT 1, BLOCK 1, PLAN 9512251 WITHIN

SW 1/4 SEC 4, TWP 19, RGE 14, W 4 M

MUNICIPALITY: CITY OF BROOKS

DATE: JUNE 8, 2026

FILE: 2026-0-084



June 08, 2026 N:\Subdivision\2026\2026-0-084.dwg

AERIAL PHOTO DATE: 2024





**APPLICATION FOR SUBDIVISION  
URBAN MUNICIPALITY**

| FOR OFFICE USE ONLY                                          |                                 |
|--------------------------------------------------------------|---------------------------------|
| Zoning (as classified under the Land Use Bylaw): <u>R-MD</u> |                                 |
| Fee Submitted: <u>\$1200.00</u>                              | File No: <u>2026-0-084</u>      |
| APPLICATION SUBMISSION                                       |                                 |
| Date of Receipt: <u>May 29, 2026</u>                         | Received By: <u>[Signature]</u> |
| Date Deemed Complete: <u>June 4, 2026</u>                    | Accepted By: <u>[Signature]</u> |

**1. CONTACT INFORMATION**

Name of Registered Owner of Land to be Subdivided: KIRA & JOHN PENNEIZ  
Mailing Address: [Redacted] City/Town: WINNIPEG  
Postal Code: R2M 1Z8 Telephone: [Redacted] Cell: [Redacted]  
Email: [Redacted] Preferred Method of Correspondence: Email ☒ Mail ☐  
Name of Agent (Person Authorized to act on behalf of Registered Owner): [Redacted]  
Mailing Address: [Redacted] City/Town: [Redacted]  
Postal Code: [Redacted] Telephone: [Redacted] Cell: [Redacted]  
Email: [Redacted] Preferred Method of Correspondence: Email ☒ Mail ☐  
Name of Surveyor: CAMPBELL CHRISTIANSON A.L.S.  
Mailing Address: Box 301, City/Town: BROOKS  
Postal Code: T1R 1B4 Telephone: [Redacted] Cell: 403 793 0011  
Email: [Redacted] Preferred Method of Correspondence: Email ☒ Mail ☐

**2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED**

a. All/part of the SW ¼ Section 4 Township 19 Range 14 West of 4 Meridian (e.g. SEX 36-1-36-W4M)  
b. Being all/part of: Lot/Unit 1 Block 1 Plan 951 2251  
c. Total area of existing parcel of land (prior to subdivision) is: 0.147 hectares 0.36 acres  
d. Total number of lots to be created: 1 Size of Lot(s): 515 sq. m. & 952 sq. m.  
e. Municipal/Civic Address (if applicable): 716 SECOND STREET EAST, BROOKS  
f. Certificate of Title No.(s): 251 273 829

**3. LOCATION OF LAND TO BE SUBDIVIDED**

a. The land is located in the municipality of CITY OF BROOKS  
b. Is the land situated immediately adjacent to the municipal boundary? Yes ☐ No ☒  
If "yes", the adjoining municipality is [Redacted]  
c. Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes ☒ No ☐  
If "yes" the highway is No. 1  
d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes ☐ No ☒  
If "yes", state its name [Redacted]  
e. Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Unknown ☐ Yes ☐ No ☒

### 3. LOCATION OF LAND TO BE SUBDIVIDED (Continued)

- f. Is the land subject of the application the subject of a licence, permit, approval, or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission? Yes ☐ No ☒

If 'yes', please describe: \_\_\_\_\_

- g. Is the land subject of the application the subject of a licence, permit, approval, or other authorization granted by the Minister or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act\*? Yes ☐ No ☒

If 'yes', please describe: \_\_\_\_\_

\*The Minister is responsible for the following Acts: AB Land Stewardship Act, Environmental Protection Act, Public Lands Act, Surveys Act, Water Act.

### 4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land RESIDENTIAL
- b. Proposed use of the land "

### 5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) FLAT
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)  
DOMESTIC TREES, GRASS

- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) SANDY LOAM
- d. Is this a vacant parcel (void of any buildings or structures)? Yes ☐ No ☒

If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.

- ONE AS SHOWN ON APPLICATION DRAWING - TO REMAIN
- e. Are there any active oil or gas wells or pipelines on the land? Yes ☐ No ☒
- f. Are there any abandoned oil or gas wells or pipelines on the land? Yes ☐ No ☒

### 6. WATER SERVICES

- a. Existing source of water Municipal ☒ Other ☐  
If other, describe existing source of potable water \_\_\_\_\_
- b. Proposed source of water Municipal ☒ Other ☐  
If other, describe proposed source of potable water \_\_\_\_\_

### 7. SEWER SERVICES

- a. Existing sewage disposal Municipal ☒ Other ☐  
If other, describe existing sewage disposal \_\_\_\_\_
- b. Proposed sewage disposal Municipal ☒ Other ☐  
If other, describe proposed sewage disposal \_\_\_\_\_

**8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF**

I, KIRA PENNER hereby certify that

☒ I am the registered owner

☐ I am authorized to act on behalf of the registered owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval.

Signed: 

Date: May 28, 2026

**9. RIGHT OF ENTRY**

I, KIRA PENNER do ☒ / do not ☐ (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation in connection with my application for subdivision. This right is granted pursuant to Section 653(2) of the Municipal Government Act.

  
Signature of Registered Owner(s)

Personal information collected on this form is collected in accordance with Section 653 of the Alberta Municipal Government Act and Section 33(c) of the Freedom of Information and Protection of Privacy Act. Please note that such information may be made public. If you have any questions about the information being collected, contact the Oldman River Regional Services Commission FOIP Coordinator at 403-329-1344.



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0026 519 852           9512251;1;1           251 273 829

LEGAL DESCRIPTION  
PLAN 9512251  
BLOCK 1  
LOT 1  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 4;14;19;4;SW

MUNICIPALITY: CITY OF BROOKS

REFERENCE NUMBER: 951 223 337

-----  
REGISTERED OWNER(S)  
REGISTRATION      DATE(DMY)      DOCUMENT TYPE      VALUE      CONSIDERATION  
-----  
251 273 829      28/10/2025      TRANSFER OF LAND      \$215,000      \$215,000

OWNERS

JOHN PENNER

AND

KIRA PENNER

BOTH OF:



MANITOBA R2M 1Z8  
AS JOINT TENANTS

-----  
ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION  
NUMBER      DATE (D/M/Y)      PARTICULARS  
-----

8661ER .                      IRRIGATION ORDER/NOTICE  
THIS PROPERTY IS INCLUDED IN THE EASTERN  
IRRIGATION DISTRICT

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

# 251 273 829

REGISTRATION

NUMBER      DATE (D/M/Y)      PARTICULARS

-----

3658FH .      25/03/1944 RESTRICTIVE COVENANT

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 18 DAY OF MAY,  
2026 AT 10:26 A.M.

ORDER NUMBER:    57178675

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

-----

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,  
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM  
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,  
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS  
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .

# PLAN SHOWING PROPOSED SUBDIVISION

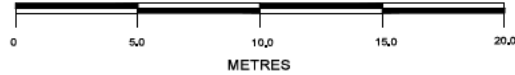
FOR KIRA & JOHN PENNER

LEGAL DESCRIPTION: LOT 1, BLOCK 1, PLAN 951 2251

MUNICIPAL ADDRESS: 716 SECOND STREET EAST, BROOKS

BY: CAMERON CHRISTIANSON, A.L.S. Surveyed February 4, 2026

SCALE: 1:200



## LEGEND:

Distances are in metres and decimals of a metre.

Survey Post found is shown thus

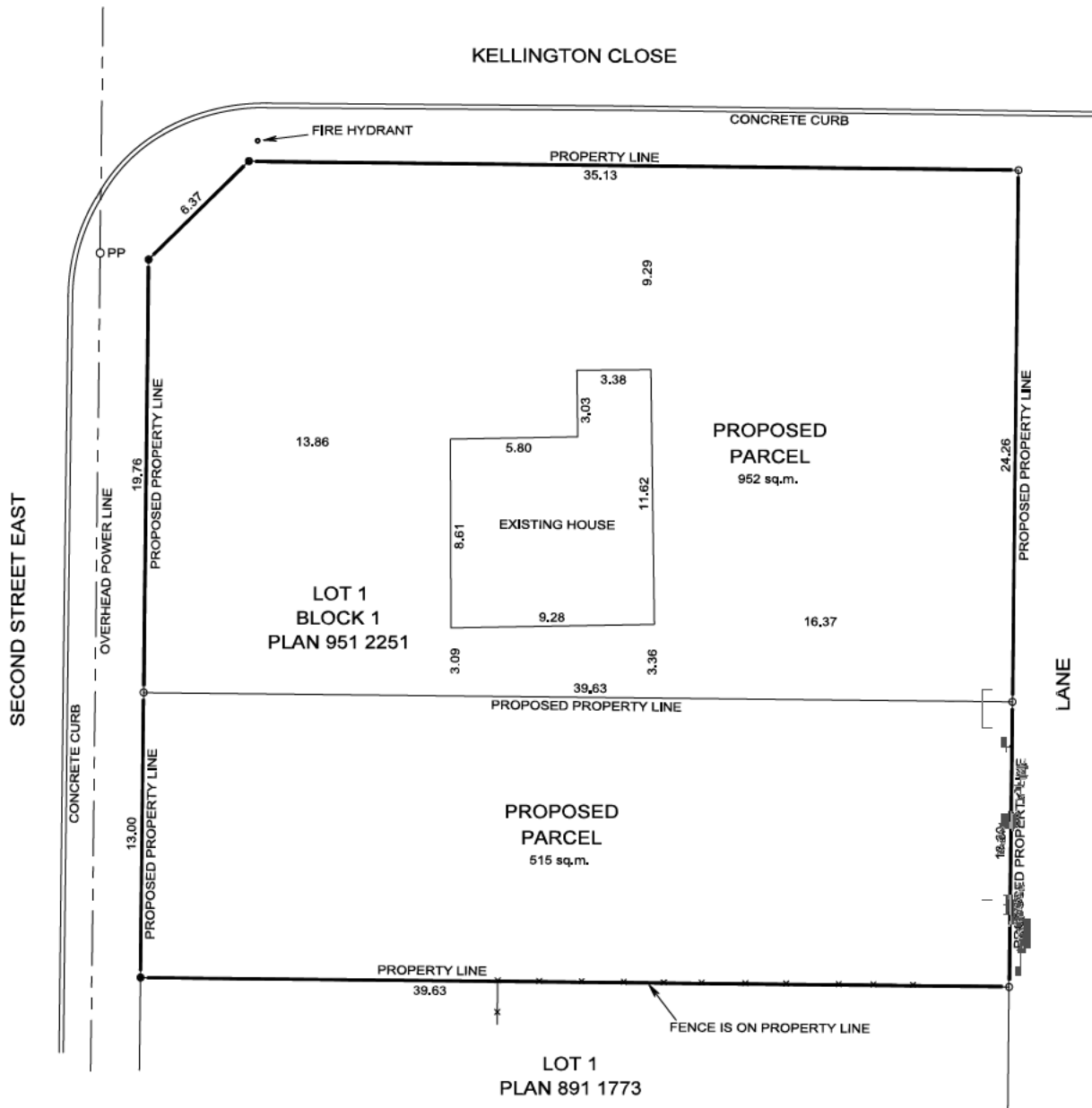
Proposed Survey post is shown thus

Proposed Subdivision is outlined thus

Fence is shown thus

## NOTES:

PP stands for Power Pole



## ADDITIONAL INFORMATION:

Owner: KIRA & JOHN PENNER

Address: [REDACTED] Manitoba, R2M 1Z8

Phone: [REDACTED]

Job No. [REDACTED]

PHONE: 403 - 793 - 0011

CAMERON CHRISTIANSON, A.L.S.

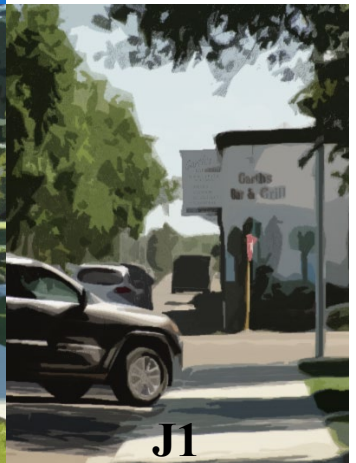
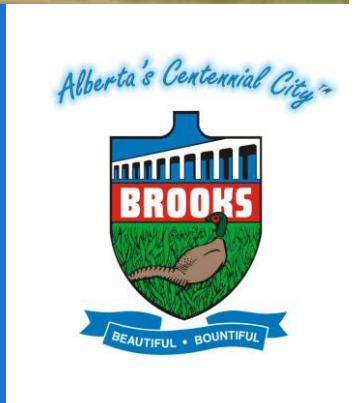
BROOKS

FILE 6106-26C



# City of Brooks Land Use Bylaw 14/12

Consolidated to Bylaw 26/027, May 2026



## RESIDENTIAL MEDIUM DENSITY (R-MD)

### SECTION 1: PURPOSE

The purpose of this district is to provide for low density residential development in the form of Single-Detached and two and three unit dwellings, with consideration for other forms, such as Apartments up to 8 units, where appropriately integrated into the dominate built form.



### SECTION 2: USES

#### 2.1 PERMITTED

- ▶ Accessory Building and Structure
- ▶ Apartment (4 unit maximum)
- ▶ Attached Housing (4 unit maximum)
- ▶ Day Home
- ▶ Duplex
- ▶ Home Occupation – 1, 2
- ▶ Public Utility
- ▶ Secondary Suite
- ▶ Single-Detached Dwelling

#### 2.2 DISCRETIONARY

- ▶ Apartment (8 unit maximum)
- ▶ Attached Housing (8 unit maximum)
- ▶ Bed and Breakfast
- ▶ Cluster Housing
- ▶ Day Care
- ▶ Government and Public Service
- ▶ Group Care Facility ( $\leq 5$  residents)
- ▶ Home Occupation – 3
- ▶ Modular Home
- ▶ Moved-in Dwelling
- ▶ Multiple Unit Residential Development (8 unit maximum)
- ▶ Multi-unit Dwelling (8 unit maximum)

### SECTION 3: MINIMUM LOT DIMENSIONS

| Dwelling Type                    | Lot Size                                     | Lot Depth         | Lot Width                                                                      |
|----------------------------------|----------------------------------------------|-------------------|--------------------------------------------------------------------------------|
| Single-Detached Dwelling, Duplex | 402 m <sup>2</sup> (4327.1 ft <sup>2</sup> ) | 33.5 m (109.9 ft) | Mid block: 12 m (39.4 ft)                                                      |
|                                  |                                              |                   | Corner lot: 15 m (49.2 ft)                                                     |
|                                  |                                              |                   | Pie-shaped lot: 15 m (49.2 ft) measured 5 m (16.4 ft) from front property line |

|                                                        |                                                                                                                                     |                   |                                                                                    |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------------------------------------------------------------------|
| <b>Attached Housing<br/>2 unit<br/>(each unit)</b>     | 335 m <sup>2</sup> (3605.9 ft <sup>2</sup> )                                                                                        | 33.5 m (109.9 ft) | 10 m (32.8 ft)                                                                     |
| <b>Attached Housing<br/>&gt;2 unit<br/>(each unit)</b> | End dwelling:<br>335 m <sup>2</sup> (3605.9 ft <sup>2</sup> )<br>Interior dwelling:<br>218 m <sup>2</sup> (2346.5 ft <sup>2</sup> ) | 33.5 m (109.9 ft) | End dwelling unit:<br>10 m (32.8 ft)<br>Interior dwelling unit:<br>6.5 m (21.3 ft) |
| <b>All others</b>                                      | To the discretion of the Development Authority.                                                                                     |                   |                                                                                    |

## SECTION 4: SETBACKS

### 4.1 APPLICABILITY

- (1) Minimum setbacks for those discretionary uses that do not take place within a Single-Detached Dwelling shall be determined by the Development Authority.
- (2) Notwithstanding the setbacks provided in sub-section 4.2 of this section, setbacks in established areas shall be determined by application of sub-section 7.6 of the first part of this bylaw (Administration).
- (3) Where the shape of a lot or other circumstances is such that the setbacks prescribed in sub-section 4.2 of this section cannot be reasonably applied, the Development Authority shall determine the setbacks.

### 4.2 SETBACK REQUIREMENTS

| Principal Building                                                           |                                                                                                                                                                                     |                                 |
|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Mid-block                                                                    | Front                                                                                                                                                                               | Minimum: 5 m (16.4 ft)          |
|                                                                              | Rear                                                                                                                                                                                | 7.6 m (24.9 ft)                 |
|                                                                              | Side                                                                                                                                                                                | 1.5 m (4.9 ft)                  |
| Corner lot                                                                   | Front: same as mid-block                                                                                                                                                            |                                 |
|                                                                              | Rear                                                                                                                                                                                | 5.0 m (16.4 ft)                 |
|                                                                              | Side                                                                                                                                                                                | 1.5 m (4.9 ft)                  |
|                                                                              | Flankage (secondary front)                                                                                                                                                          | 3.0 m (9.8 ft)                  |
| Notes                                                                        | Setbacks are measured to the closest point of the building, allowing for projections as per Section 74 of Schedule 3.                                                               |                                 |
|                                                                              | Where a site requires vehicular access that is not available from the rear of the lot and there is no attached garage or carport, the side setback on one side shall be 3.0 metres. |                                 |
| Accessory Building(s) Larger than 10 m <sup>2</sup> (107.6 ft <sup>2</sup> ) |                                                                                                                                                                                     |                                 |
| Mid-block                                                                    | Front                                                                                                                                                                               | N/A (prohibited in front yards) |
|                                                                              | Rear                                                                                                                                                                                | 1.0 m (3.3 ft)                  |
|                                                                              | Side                                                                                                                                                                                | 1.0 m (3.3 ft)                  |

|                   |                                                                                                                                                                                     |                              |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <b>Corner lot</b> | Front: same as mid-block                                                                                                                                                            |                              |
|                   | Rear                                                                                                                                                                                | 1.0 m (3.3 ft)               |
|                   | Side                                                                                                                                                                                | 1.0 m (3.3 ft)               |
|                   | Flankage (secondary front)                                                                                                                                                          | N/A (prohibited in flankage) |
| <b>Internal</b>   | From principal building                                                                                                                                                             | 1.5 m (4.9 ft)               |
|                   | From other accessory buildings                                                                                                                                                      | 1.0 m (3.3 ft)               |
| <b>Notes</b>      | <i>Setbacks are measured to the closest point of the building, allowing for projections as per Section 74 of Schedule 3.</i>                                                        |                              |
|                   | <i>Internal setbacks include setbacks from accessory to accessory and accessory to principal buildings on adjacent lots.</i>                                                        |                              |
|                   | <i>No accessory buildings shall be located adjacent to the principal building on the same side of the yard as the one-side 3.0 metre principal building setback, if applicable.</i> |                              |

#### **Accessory Building(s) 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) and Smaller**

|                   |                                                                                                                                                                                     |                                       |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <b>Mid-block</b>  | Front                                                                                                                                                                               | N/A (prohibited in front yards)       |
|                   | Rear                                                                                                                                                                                | 0 m (ft) if internal setbacks are met |
|                   | Side                                                                                                                                                                                | 0 m (ft) if internal setbacks are met |
| <b>Corner lot</b> | Front: same as mid-block                                                                                                                                                            |                                       |
|                   | Rear                                                                                                                                                                                | 0 m (ft) if internal setbacks are met |
|                   | Side                                                                                                                                                                                | 0 m (ft) if internal setbacks are met |
|                   | Flankage (secondary front)                                                                                                                                                          | N/A (prohibited in flankage)          |
| <b>Internal</b>   | From principal building                                                                                                                                                             | 1.5 m (4.9 ft)                        |
|                   | From other accessory buildings                                                                                                                                                      | 1.0 m (3.3 ft)                        |
| <b>Notes</b>      | <i>Setbacks are measured to the closest point of the building, allowing for projections as per Section 74 of Schedule 3.</i>                                                        |                                       |
|                   | <i>Internal setbacks include setbacks from accessory to accessory and accessory to principal buildings on adjacent lots.</i>                                                        |                                       |
|                   | <i>No accessory buildings shall be located adjacent to the principal building on the same side of the yard as the one-side 3.0 metre principal building setback, if applicable.</i> |                                       |

## **SECTION 5: MAXIMUM SITE COVERAGE**

- (1) Total allowable coverage: 45% inclusive of all buildings
- (2) Principal building: 30 - 45% depending on accessory building(s)  
  
Note: attached garages are considered part of the principal building for the purposes of site coverage calculations.
- (3) Accessory building(s): 0-15% depending on principal building

## SECTION 6: MAXIMUM BUILDING HEIGHT

- (1) Single-Detached Dwellings and dwellings up to 4 units: 11.0 m (36 ft)
- (2) Dwellings up to 8 units: 12 m (39.4 ft)
- (3) Accessory building(s): 4.5 m (14.8 ft)

## SECTION 7: MINIMUM FLOOR AREA

### 7.1 APPLICABILITY

- (1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages;
- (2) All minimum floor areas are for the main floor of the dwelling unless otherwise stated; and
- (3) For Single-Detached Dwelling, Duplex, and Attached Housing of more than 1 storey, each additional half storey shall increase the minimum required floor area by 25 percent.

### 7.2 MINIMUM FLOOR AREAS

| Dwelling Type                                                            | Minimum Floor Area                         |
|--------------------------------------------------------------------------|--------------------------------------------|
| Single-Detached Dwelling                                                 | 90 m <sup>2</sup> (968.8 ft <sup>2</sup> ) |
| Apartment, Attached Housing, and Multi-unit Dwelling (per dwelling unit) | 60 m <sup>2</sup> (645.8 ft <sup>2</sup> ) |

## SECTION 8: APPLICABLE SCHEDULES

- (1) The following schedules and sections of this bylaw that apply to the R-MD land use district include but are not limited to:
  - (a) General Standards of Development: Schedule 3
    - Section 56: Accessory Buildings and Structures
    - Section 57: Access Requirements
    - Section 58: Corner Lots
    - Section 59: Design Standards
    - Section 61: Fences, Privacy Walls, and Gates
    - Section 63: Grading, Excavating, Stripping and Stockpiling
    - Section 66: Landscaping
    - Section 68: Moved-in Buildings
    - Section 72: Parking and Loading
    - Section 74: Projections into Setbacks
    - Section 75: Quality of Development

Section 77: Site Drainage and Storm Water Management

(b) Use-specific Standards of Development: Schedule 4

Section 83: Bed and Breakfasts  
Section 84: Child Care Facilities  
Section 85: Group Care Facilities  
Section 86: Home Occupations  
Section 90: Modular Homes  
Section 91: Multi-unit Dwellings  
Section 93: Secondary Suites  
Section 97: Cluster Housing