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December 15, 2025

Kevin Harter & Erin Shewchuk
187 Cranberry Bend
Fort Saskatchewan, AB T8L 0R5

**NOTICE OF DECISION OF THE
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

FILE NO: **1325-20/PLVAR20250744**

APPEAL: **Development Permit Refusal**

LAND USE DESIGNATION: **R1 – Single Detached Residential District**

LEGAL DESCRIPTION: **Lot 83, Block 28, Plan 142 3602**

CIVIC ADDRESS: **187 Cranberry Bend, Fort Saskatchewan**

IN THE MATTER OF AN APPEAL filed with the City of Fort Saskatchewan (the “City”) Subdivision and Development Appeal Board (the “Board”) pursuant to Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (the “MGA”). The Appeal Hearing was held on December 4, 2025, in Council Chambers of City Hall.

**It is the decision of the Board that the Appeal is GRANTED, and
Development Permit PLVAR20250744 is ISSUED.**

BEFORE:

Board Members:

Birgit Blizzard – Chair
Similoluwa Akintunde
George Rowe

Administration:

Jacob Battenfelder - Clerk for the Subdivision and Development Appeal Board
Iryna Kennedy– Legislative Services

PARTIES PRESENT AND PRELIMINARY MATTERS:

For the Appellant / Applicant:

Kevin Harter & Erin Shewchuk: Owners of the Property (the "Appellant").

For the Respondent:

Dean McCartney – Manager, Development Planning
Patricia Brummet – Development Technician

} (the "Development Authority")

Speaking in support of the appeal:

There were no additional presentations (see paragraph 4 regarding additional submissions).

Speaking in opposition to the appeal:

Laine Unterieser & Kevin Unterieser: Owners of the adjacent neighboring property, 183 Cranberry Bend.

Proceedings

1. The Appellant filed a Notice of Appeal to the Board following the Development Authority's refusal of a development permit application made by the applicant for property legally described as Lot 83, Block 28, Plan 142 3602 and municipally described as 187 Cranberry Bend, Fort Saskatchewan, Alberta (the "Property").
2. The Clerk called the meeting to order at 1:00 p.m. and provided a brief overview of the hearing process.
3. At the start of the Hearing, a motion was made by Geroge Rowe to appoint Birgit Blizzard as Chair. The motion was passed unanimously.
4. The Clerk confirmed there were four submissions made after the agenda package had been circulated to all parties. The Board accepted these submissions as amendments to the agenda at the commencement of the hearing. The submissions added to the agenda were as follows:
 - a. Correspondence for consideration submitted by *Laine Unterieser and Kevin Unterieser, 183 Cranberry Bend, the owners of the adjacent neighbouring property* with attached photos of the fence, hereby referred to as "*Exhibit E*,"
 - b. Correspondence for consideration submitted by *Kevin Harter & Erin Shewchuk, owners of 187 Cranberry Bend, on behalf of Amber Trenaman and Nick Trites, owners of 191 Cranberry Bend, the owners of the adjacent neighbouring property* hereby referred to as "*Exhibit F*,"
 - c. Correspondence for consideration submitted by *Kevin Harter & Erin Shewchuk, owners of 187 Cranberry Bend, on behalf of Duaine Rockwell, owner of 171 Cranberry Bend, hereby referred to as "Exhibit G,"*

- d. Correspondence for consideration submitted by *Kevin Harter & Erin Shewchuk, owners of 187 Cranberry Bend*, on behalf of Chris Wilson and Kristy Wilson, owners of 203 Cranberry Bend, hereby referred to as "*Exhibit H.*"
5. A motion was then made by Similoluwa Akintunde to adopt the agenda, as amended. The motion was passed unanimously.
6. At the start of the hearing, the Chair outlined how the hearing would be conducted to all parties present. There were no objections to the proposed Hearing process.
7. The Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the Appeal. None of the persons in attendance had any objection to the members of the Board hearing the Appeal.
8. Based on the information provided by the Development Authority, the Appeal appears to have been filed on time, in accordance with Section 686(1) of the MGA.
9. The Board was satisfied it had jurisdiction to deal with this matter. There were no objections raised at the Hearing regarding the Board's jurisdiction to deal with this matter.

SUMMARY OF EVIDENCE AND ARGUMENT:

10. The following is a summary of the oral evidence presented to the Board.

Development Authority Presentation:

11. The Board first heard from the Development Authority of the City.
12. The Development Authority provided an overview of the events leading up to the appeal, being: The Appellant is appealing the decision of the Development Authority to refuse a development permit application of an existing fence at 187 Cranberry Bend.
13. The Property is districted as R1 – Single Detached Residential District. Within this land use district, the City's Engineering Standard requires a chain link fence to be installed when adjacent to open spaces by the land developer at the time of services for a new subdivision.
14. On October 15, 2025, a Development Permit Application for an existing fence with a variance to allow a board fence at the rear of the property adjacent to public land at 187 Cranberry Bend was submitted to Planning & Development.
15. On October 24, 2025, the application was reviewed, and it was determined that the existing structure was in contravention with the City's established Engineering Standard therefore did not meet the requirements of the Land Use Bylaw C23-20 and a refusal letter was sent to the applicant.
16. The Development Authority believed approving fencing outside the City's Engineering Standard contravenes key regulations intended to preserve the integrity and function of the City's trail network, as well as the aesthetic quality of the public use area. As such,

the proposed development would result in an undue interference with the amenities of the neighbourhood. The Development Authority interpreted the purpose of Section 5.5.3 of the Land Use Bylaw as requiring common fencing be erected on private lands adjacent to arterial or collector roadways and public spaces. Land Use Bylaw section 5.5.3 states:

5.5.3 The Development Authority may require common fencing be erected on private lands adjacent to arterial or collector roadways and public open spaces.

17. The Development Authority cited Land Use Bylaw section 5.14.1, which states:

5.14.1 Development should be designed to retain significant existing natural features and characteristics of the site and surrounding area. The Development Authority shall review applications with respect to their response to the physical characteristics of the site and the contextual influences of the surrounding area.

The Development Authority further stated that the purpose of Section 5.14.1 provides direction that development should be designed to retain characteristics of the site and surrounding area. The characteristics of the site and surrounding area contain an open space pedestrian corridor with chain link fencing on the adjacent private lands. It was noted that the proposed fencing variance is viewed not as a necessity but rather as luxury.

18. Moreover, the Development Authority stated that the proposed fencing variance will have a material interference with the use and enjoyment and value of the neighbouring parcels. The proposed development would introduce a walled corridor and will take away from the intent of the design altering the pedestrian experience in this area. Additionally, approving this development by the Development Authority would risk setting a precedent for similar applications which could collectively degrade the cohesive and consistent residential form along public corridors.
19. The Development Authority stated that they are of the opinion the proposal is not in alignment with the regulatory framework designed to promote safety, efficient, and attractive public spaces. It is inconsistent with the land, which follows broader objectives and with eroding the long-term planning issue.
20. The Development Authority summarized that the reasons for refusal being:
- a. The proposed development unduly interferes with the amenities of the neighborhood by compromising the open space pedestrian corridor.
 - b. It also materially interferes with the use, enjoyment, and value of the neighboring parcels by altering the expected function and visual form of the area.
 - c. The proposal offers no compelling planning jurisdiction and directly contravenes the purpose and intent of multiple sections of the Land Use Bylaw.
21. The SDAB can overturn the decision and permit the Existing Fence to remain as sited thereby granting a variance to allow the use of wooden boarding in place of the chain link fencing.

Questions of the Board to the Development Authority:

22. *Are permits required for fencing in the City of Fort Saskatchewan and are there any requirements should different fencing types be preferred?*

The Development Authority advised that a development permit with a variance is only required should the fencing differ from what is outlined in the City's Engineering and Servicing Standards, otherwise no development permit is required.

23. *When did the current requirement for rear fencing onto public spaces come into effect?*

The Development Authority stated that the Engineering and Servicing Standards have been in place for over 20 years.

24. *What is the maximum height fencing is permitted to be, and should a resident intend to construct a fence taller than that maximum what would be the process?*

The Development Authority Advised that the current height maximum for fencing that is affronting public spaces is five feet, and that additional height would require a development permit with a variance. Additionally, fencing that is not facing public spaces may be a maximum of 1.85 meters in height.

25. *Do we have any record of the Appellant contacting the Development Authority to confirm the requirements for fencing at the property in question?*

The Development Authority stated there is no written record of the Appellant contacting the City.

Appellant Presentation:

26. The Appellant referenced the materials they provided and are attached as Exhibit "C", which included maps indicating properties with similar fencing to that of the subject Property in the same neighborhood.
27. The Appellant explained they have resided at the Property in question since 2016 and that the fence in question was constructed in 2017, at which time they contacted the City of Fort Saskatchewan prior to constructing the fence in question to inquire if they needed to apply for a development permit, which they were informed they did not. They stated they additionally search the City website for information relating to fencing regulations relating to the construction of board fencing, of which they found none.
28. The Appellant further explained that at the time of construction they reviewed the Land Use Bylaw, Municipal Development Plan and the West Park Area Structure Plan and found nothing relating to fencing requirements on their property.
29. The Appellant further explained that there are no caveats attached to their land title stating a required fencing type.

30. The Appellant also stated they do not believe alternative fencing types affect the safety of adjacent property owners or those that utilize the public path.

Questions of the Board to the Applicant / Appellant:

31. Following the Appellant's presentation, the Board acknowledged that many questions had already been addressed through both the verbal and written submissions.

32. *Were the other board fences referenced in "Exhibit C" in your area backing onto the open space in place prior to the construction of your fence?*

The Appellant explained that while they cannot reference which fences were and which were not in place at the time with certainty, a significant amount were already in place prior to the construction of the fence in question in 2017.

33. *At the time of construction were you aware that board fences backing onto public spaces were in contravention of the City's Engineering Standard?*

The Appellant explained that they were not aware and contacted City Administration to inquire if they needed a permit, which they were told they did not.

34. *Do you have any record of this communication with the City?*

The Appellant indicated they do not.

35. *When you spoke to the City regarding if there is a requirement to get a permit for fencing did you inform them you would be erecting a wooden board fence?*

The Appellant indicated that they did.

36. *When you contacted the City can you confirm that you spoke to someone within the Planning & Development Department?*

The Appellant indicated that no they did not confirm the staff member they spoke with was a member of the Planning & Development Department.

Those Speaking in Favour of the Appeal:

37. There were no Parties in favor of the Appeal. "Exhibit F" was read into the record by the Clerk for the consideration of the Board.

Those Speaking in Opposition to the Appeal:

38. Laine Unterieser and Kevin Unterieser of 183 Cranberry Bend, presented "Exhibit E" and expressed concern related to safety as the existing rear fence obstructs views of the public open space from their property. Additionally, correspondence within "Exhibit E" between themselves and the Planning & Development Department, in which they inquired about erecting similar fencing at the rear of their property and were told it would not be permitted. They suggested that granting this development would undermine the

consistency of the Land Use Bylaw as it allows one property to exceed limitations that others must meet.

39. Laine Unterieser and Kevin Unterieser of 183 Cranberry Bend, stated the fence in question does not meet the Land Use Bylaw criteria of height and the desire for consistent fencing types along public spaces. They suggested the fence in question removes the natural surveillance of the public use trail in the rear of the property and creates blind spots for adjacent landowners, and that open sightlines increase perceived and actual safety along public paths.
40. Clarification was requested by the Board as to when and why they reached out to the City regarding the construction of their fence, which was answered through the correspondence provided in "Exhibit E."
41. Clarification was requested by the Board as to whether the rear fencing obstructs the view of the path or if any obstruction is caused by the fencing separating the yards. Images provided through "Exhibit E" were referenced as a reply.
42. The Chair declared the recess at 1:39 p.m.; the Hearing reconvened at 1:54 p.m.

Additional Questions of the Board:

43. *Question to the Development Authority: Could you further elaborate on where within the City's Engineering and Servicing Standards is the requirement for chain-link fencing relating to rear fencing affronting public spaces?*

The Development Authority referenced pg. 22 of the agenda package which contains a drawing identifying the fencing types for the properties within the neighborhood. The Engineering and Servicing Standards document itself, including any provision relating to rear fencing onto public open spaces, was not provided by the Development Authority or otherwise included in the agenda materials.

44. *Question to the Development Authority: Could you elaborate on the footnotes/specification notes included at the bottom of the City Engineering and Servicing Standards Document?*

The Development Authority explained that document in question outlines the fencing types and specifications that are prescribed to certain areas of the planned neighborhood, with some location requiring wooden board fencing and others requiring black chain link fencing.

45. *Question to the Development Authority: Are you able to find the City Engineering and Servicing Standards document on the City of Fort Saskatchewan website?*

The Development Authority stated yes, the City Engineering and Servicing Standards document is available on the City of Fort Saskatchewan website however it is not referenced on the webpage relating to fencing requirements in the City.

46. *Question to the Development Authority: Would any of the statutory plans relating to this area be affected by a decision either in favor or against this development?*

The Development Authority responded that no statutory plans relating to this area would be affected by a decision either in favor or against this development, however if the decision were to be overturned similar appeals relating to this issue of rear fencing onto public spaces come forward it could prompt the City to reevaluate the standard.

47. *Question to the Development Authority: Who would have provided the City Engineering and Servicing Standards drawing as referenced in "Exhibit B"?*

The Development Authority stated the drawing in question would have been provided by the developer to the City.

48. *Question to the Development Authority: If a property backing onto a public space that does not meet the City's fencing standard is in need of repair or replacement is the expectation that they would do bring their rear fencing into compliance with the standard when doing so?*

The Development Authority responded that yes; this is the expectation.

49. *Question to the Development Authority: Would you say that the information relating to the City's Engineering and Servicing Standards regarding rear fencing onto public open spaces is easily accessibly?*

The Development Authority stated that no, the information is not easily accessible, and a change will be made to the website to rectify this.

50. *Question to the Development Authority: Can fencing between neighboring parcels be wooden and do they need a permit?*

The Development Authority states that yes fencing between neighboring properties can be wooden, and there is no need for a permit as long as the fence fits within the standard.

51. *Question to the Development Authority: Relating to LUB Section 5.5.3 and Section 5.14.1 can you elaborate on how the Development Authority interprets this section relating to the appeal at hand?*

The Development Authority explained that the sections in question grant the Development Authority the power to apply uniform fencing to an area such as this.

52. *Question to the Development Authority: Should rear fencing backing onto a public space fall into a state of disrepair is the homeowner responsible for repairing the fencing?*

The Development Authority stated that yes fencing exposed to open public spaces that are in a state of disrepair are in contravention of the City of Fort Saskatchewan's Community Standards Bylaw and it is the responsibility of the property owner to bring them into compliance.

53. *Question to the Development Authority: Should a fence between two neighboring properties fall into a state of disrepair, does this apply as well?*

The Development Authority stated that no that would be a civil matter and would not fall within the scope of the City's Community Standards Bylaw.

54. *Question to the Development Authority: Should this appeal be granted are you of the belief it will be detrimental to the safety of the neighborhood?*

The Development Authority stated it is of the opinion that it will be detrimental to the safety of the neighborhood should the appeal be granted.

55. *Question to the Development Authority: Could you expand on how in your opinion this variance, should it be granted, would unduly interfere with the amenities of the neighborhood as well as material effect the views and enjoyment of neighboring persons or members of the public?*

The Development Authority stated it is of the opinion that by creating a walled corridor through construction of wooden board fencing, the enjoyment and use of the pedestrian network may be reduced and made less inviting due to reduced visibility.

56. *Question to the Development Authority: Are there any conditions that the Development Authority believes would mitigate some of the concerns relating to visibility without the full removal of the fence?*

The Development Authority stated that it is of the opinion that any differentiation from the Engineering Standard will take away from the corridor's character.

57. *Question to the Appellant: Do you believe there are any features of your current fence that are essential to the use of your yard?*

The Appellant stated that yes, the board fence creates privacy that allows them to use their backyard amenities comfortably, and there is mature landscaping in place that is related to the current fencing.

58. *Question to the Appellant: Do you know what the cost implication of removing the current fence would be?*

The Appellant stated that they believe there would be significant cost, but at this time they did not have a quoted price for the replacement of the existing fence.

59. *Question to the Appellant: Do you believe there would be a negative impact on safety should you replace the current fencing with a chain-link fence?*

The Appellant stated that they are of the opinion that the wooden rear fence provides them with a higher level of safety than a chain link fence would.

60. *Question to the Development Authority: Could you provide clarification as to when the as-built drawing provided relating to the City Engineering and Servicing Standards was finalized?*

The Development Authority stated that the as-built drawing provided relating to the City Engineering and Servicing Standards was finalized in 2020.

61. *Question to the Development Authority: As the as-built drawing provided relating to the City Engineering and Servicing Standards was finalized in 2020, was the standard relating to fencing in place prior to 2020?*

The Development Authority stated that an engineering drawing set that was approved by the City would have been in place prior to the initial build of the neighborhood, however this was not included in the Development Authority's submission.

Closing Comments of the Development Authority:

62. The Development Authority had no further submissions beyond what was included in their written submission and presentation to the Board and confirmed that the decision to refuse was based on the planning merits.

Closing Comments from the Applicant / Appellant

63. In their closing remarks, the Appellant noted that the as-built drawing provided relating to the City Engineering and Servicing Standards was finalized in 2020, which means it was not in effect when the existing fence was constructed.

At the close of the hearing the parties acknowledged that they felt they had been provided with an adequate opportunity to state their case and felt that the hearing process was conducted in a fair and impartial manner.

DECISION:

64. It is the decision of the Board that the appeal be GRANTED, and Development Permit PLVAR20250744 is ISSUED.

FINDINGS OF FACT:

65. The Board makes the findings of fact set out below:
66. The Property is located at Lot 83, Block 28, Plan 142 3602, and municipally described as 187 Cranberry Bend, Fort Saskatchewan, Alberta.
67. The Property is zoned as R1 – Single Detached Residential District.
68. The Development Application PLVAR20250744 for an existing fence was refused.

REASONS FOR THE DECISION:

69. The Board's jurisdiction is found in section 687(3) of the *Municipal Government Act*. In making this decision, the Board has examined the provisions of the Land Use Bylaw, all applicable statutory plans, and has considered the oral and written submissions made by the Development Authority, the Appellant / Applicant, and those speaking with regards to the Appeal.

Affected Persons.

70. Pursuant to section MGA section 687(1)(c), the Board must hear from those given notice and under section 687(1)(d), from those claiming to be affected, which included:
- a. *"Exhibit E" was presented by Laine Unterieser and Kevin Unterieser, 183 Cranberry Bend, the owners of the neighboring property for the consideration of the Board*
 - b. *"Exhibit F" was read into the record by the Clerk for the consideration of the Board.*
 - c. The Board reviewed the submission appended to the amended agenda package as *"Exhibit G"* and determined that it was not submitted by a party directly affected by Development Application PLVAR20250744, therefore no weight was given to it in the decision of the Board.
 - d. The Board reviewed the submission appended to the amended agenda package as *"Exhibit H"* and determined that it was not submitted by a party directly affected by Development Application PLVAR20250744, therefore no weight was given to it in the decision of the Board.

ALSA Regional Plan

71. There is no ALSA regional plan applicable to the Property. Therefore, the Board need not consider this plan.

Statutory Plans

72. The Board notes that while no specific statutory plan provisions were cited by either party to the appeal, and the Development Authority confirmed during the hearing that the proposed development does not conflict with any applicable statutory plans. In the absence of any evidence or argument to the contrary from the parties, the Board finds that the proposed development is in compliance with the statutory plans.

Subdivision and Development Regulations

73. The Board must have regard for the Subdivision and Development Regulations in making its decision. Neither the Development Authority nor the Appellant raised the Subdivision and Development Regulations. The Board found no conflict between the Subdivision and Development Regulations and the subject of this permit.

Land Use Bylaw

74. The Board considered the development permit appeal and the evidence presented by all parties in the course of the hearing, weighing it against the provisions of Land Use Bylaw

Section 5.3.3 and Section 5.14.1; the Board determined that the proposed development would not:

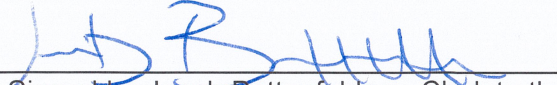
- i) Unduly interfere with the amenities of the neighborhood; or
- ii) Materially interfere with or affect the use, enjoyment, and safety of neighboring land based on the following factors:
 - (1) The pedestrian pathway to the rear of the property in question does not currently have the continuous uniform fencing intended by the Development Authority, as a result the existing fence does not compromise the existing character of the neighbourhood or public space.
 - (2) No examples were provided by any party to the appeal relating to an instance where rear board fencing has caused any instances or issues related to deterioration of public safety.
 - (3) The information relating to the City's Engineering and Servicing Standards regarding rear fencing onto public open spaces is not easily accessible, and neither the Engineering and Servicing Standards document nor the relevant provision therein was provided by the Parties. The references appearing in 'Exhibit B' consist only of a drawing that is dated after construction of the existing fence.
 - (4) The forced removal of the existing fence would cause a financial hardship on the property owners.

MERITS OF THE APPEAL:

75. For the above reasons the appeal is GRANTED and a Development Permit for the existing fence to remain as sited is ISSUED with a variance to allow for the use of wooden boarding in place of the chain link fencing required through the City's Engineering Standards.

Dated at the City of Fort Saskatchewan in the Province of Alberta, this 15th day of December 2025.

Clerk:


Signed by Jacob Battenfelder – Clerk to the
Subdivision and Development Appeal Board.

The decision of the Subdivision and Development Appeal Board is final and binding on all parties, subject only to appeal to the Court of Appeal under Section 688 of the *Municipal Government Act*, R.S.A 2000, c. M-26