

## **Hearing Materials**

In-person Hearing

Council Chambers, 2nd Floor City Hall, 4914 48th Ave, Red Deer AB

Thursday, September 17, 2026, commencing at 5:00 p.m.

**Appeal Number SDAB 003 2026:** This appeal was filed in regard to the July 23, 2026, decision of the City Authority, Municipal Planning Commission's subdivision refusal of an existing residential lot into two residential lots by Gary Oosterhoff. The lands are zoned R-L (Residential Low-Density) and are located at 5055 45 Ave, Red Deer, AB.

On August 25, 2026, a Notice of Hearing was issued to the Appellant, City Authority and the owners of 31 property addresses within 100 metres of the subject property. All mailing addresses are within the Province of Alberta.

|                                                     |         |
|-----------------------------------------------------|---------|
| Appeal Filed.....                                   | page 3  |
| Notice of Hearing to Parties.....                   | page 7  |
| Notice of Hearing to Area Landowners.....           | page 9  |
| Proximity Address Report as of August 19, 2026..... | page 11 |
| Proximity Address Map as of August 19, 2026 .....   | page 13 |
| Area Landowner Submission(s).....                   | page 14 |

**Hearing Materials****Exhibit Listing**

| <b>Appeal Number SDAB 003 2026<br/>Hearing Date: September 17, 2026</b> |                                                                                 |                         |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------|
| <b>Exhibit No.</b>                                                      | <b>Description</b>                                                              | <b>No. of<br/>pages</b> |
| <b>A.1</b>                                                              | <b>Hearing Materials – Prepared by the Clerk</b>                                | <b>15</b>               |
| <b>B.1</b>                                                              | <b>SDAB 003 2026 – City Authority Package – Received<br/>September 10, 2026</b> | <b>136</b>              |

# NOTICE TO APPEAL

## Red Deer Subdivision & Development Appeal Board

|                                                                                                                                    |                   |                            |          |
|------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------------|----------|
| <b>Section 1: Appellant Information</b> - this will be provided to the opposing parties to facilitate the exchange of information. |                   |                            |          |
| Name of Appellant<br><b>GARY OOSTERHOFF</b>                                                                                        |                   | Agent Name (if applicable) |          |
| Mailing Address<br><b>205-4807-50 AVE RED DEER, AB</b>                                                                             |                   | City/Town/Village          | Province |
| Daytime Phone #<br><b>403-396-4077</b>                                                                                             | Alternate Phone # | Email Address              |          |

|                                                                                                            |                                                                                |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <b>Section 2: Site Information</b>                                                                         |                                                                                |
| Municipal Address of Site (Street Address, City, Province, Postal Code)<br><b>5055-45 AVE RED DEER, AB</b> | Legal Description of Site (must be completed)<br><b>LOT 7 BLK 1 PLAN K9</b>    |
| Development Permit Number or Subdivision Application Number (if applicable)                                | Date of Decision of Appropriate Authority (if applicable)<br><b>JULY 23/26</b> |

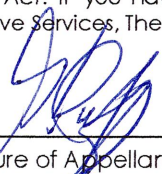
|                                                                                                                                                                       |                                                                                                                                                       |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <b>Section 3: Appeal (check <u>one box only</u> and attach a copy of the Decision, Notice or Order that is the subject of the appeal)</b>                             |                                                                                                                                                       |                                                          |
| <b>Subdivision Application</b><br><input type="checkbox"/> Approval<br><input type="checkbox"/> Conditions of Approval<br><input checked="" type="checkbox"/> Refusal | <b>Development Permit</b><br><input type="checkbox"/> Approval<br><input type="checkbox"/> Conditions of Approval<br><input type="checkbox"/> Refusal | <b>Stop Order</b><br><input type="checkbox"/> Stop Order |

|                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 3: Reasons for Appeal</b><br>You <u>must</u> include reason(s) you are appealing the decision of the Subdivision/Development Authority or a Stop Order.<br><br><div style="text-align: center; font-size: 2em; font-family: cursive;">SEE ATTACHED</div> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(attach a separate page if required)

|                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 4: Hearings (Hearings are scheduled within 30 days - please indicate any days that you are NOT available)</b><br>I am not available on the following dates: |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Personal information that is collected on this form will be used in processing your appeal and contacting you. Appeals are open to the public. This information is collected under the authority of the *Municipal Government Act* and is protected under the provisions of the *Protection of Privacy Act*. If you have any questions about the collection, use and protection of this information, please contact the Board Clerk, Legislative Services, The City of Red Deer, Box 5008, Red Deer, AB T4N 3T4 by email [appeals@reddeer.ca](mailto:appeals@reddeer.ca) or phone 403-342-8132.

  
 Signature of Appellant/Agent

**AUG 5/26**  
 Date

|                                                                                                                                                                                                                                  |                                                                                                    |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--|
| <b>- OFFICE USE ONLY -</b>                                                                                                                                                                                                       |                                                                                                    |  |
| <b>Appeal Fee</b><br><input type="checkbox"/> \$75.00 (Appeal)<br><input type="checkbox"/> \$75.00 (Advertising - additional fee for subdivisions only - commercial/industrial)<br>Amount Payable: _____<br>Fee Processed: _____ | <b>Appeal Information</b><br>Appeal File #: _____<br>Appeal Deadline: _____<br>Hearing Date: _____ |  |

#### APPEAL BASED ON FOLLOWING:

- 1) A large part of the decision to reject the application was based on information regarding the developability of the new lot being created. This is an overreach or overstepping of the subdivision authorities requirement. The requirement at this stage is simply to determine suitability for subdivision and not to speculate about or prejudge any development.
- 2) It was clearly demonstrated by the subdivision report that the new lot being created is in total compliance with the RL zoning requirement and is developable without any variances. It was also clearly demonstrated that the new lot being created is consistent with the Woodlea character statement section 2.3.6 in terms of its width depth and area in the immediate street context.
- 3) The subdivision report also recommended that the next step in the process rest with the development authority to determine development suitability. This is a safeguard for the subdivision authority and is a very reasonable and rational recommendation. ie: suitability for development before final endorsement of subdivision.
- 4) The applicant was misquoted as saying any development would require significant variances or setbacks, when in fact the applicant stated “a very suitable and adequate development could be achieved with a modest or moderate variance” but again developability and or variances in determining suitable development should be considered by and rest with the development authority.

July 23, 2026

Via Email: garyo4039@gmail.com

Re: 5055-45 Ave – Lot 7, Block I, Plan K9 (within N.E ¼ of Sec 16, Twp 38, Rge 27, W4M)

(Gary Oosterhoff) (the 'Applicant')

To Whom It May Concern,

A Subdivision Approval application has been received to subdivide the existing residential lot {5055-45 Ave. - Lot 7, Block I, Plan K9 (Within N.E. ¼ of Sec 16, Twp 38, Rge 27, W4M)} into two residential lots to allow for the development of a new dwelling on the proposed Lot 13 (east) and the possible demolition and redevelopment of a dwelling on the proposed Lot 12 (west).

---

The decision of the Municipal Planning Commission with respect to the above application is as follows:

WHEREAS the subdivision authority, being The City of Red Deer Municipal Planning Commission, is not satisfied that the proposed application meets the requirements of Section 654 of the Municipal Government Act, having considered the relevant matters listed in Section 9 of the Matters Related to Subdivision and Development Regulation (AR 84/2022) (see attached Appendix A); and

WHEREAS submissions from referral agencies and landowners within 100m were presented to and considered by the subdivision authority as outlined in the subdivision report dated July 22, 2026;

THEREFORE, the subdivision authority, being The City of Red Deer Municipal Planning Commission, REFUSES the subdivision (as shown in Appendix C) for the following reasons:

1. In the opinion of the subdivision authority, the land proposed to be subdivided is not suitable for the purpose for which the subdivision is intended [s.654(1)(a)], as the developable area of the proposed east lot is so limited that the subdivision authority is not satisfied that a development permit for a dwelling could be obtained; and
2. The proposed subdivision does not meet the intent of the Woodlea Character Statements (Appendix E), including s.2.3.6, which requires lots to be compatible in width, depth and area with properties existing within the Immediate Street Context, and the subdivision authority declines to exercise its discretion under

s.654(2) of the Municipal Government Act to approve the proposed subdivision despite that non-compliance.

3. The Subdivision Authority does not support the subdivision of this property as compatibility of a subdivided lot with the neighborhood is critical. It does not meet the intent of the Woodlea Character Statements and would not be compatible with the depth, width and area of the immediate properties within the immediate street context and streetscape.
4. The Subdivision Authority acknowledges the statement from the City Zoning Bylaw 3357/2024 and the Woodlea Character Statements, Section 1.2 and how character Statements applied, "Where the regulations in the Land Use Bylaw or the Neighborhood Planning and Design Standards conflict with the Character Statements, the Character Statements shall prevail".
5. The Subdivision Authority relies on 'Section 1.4 – Interpretation' within the Woodlea Character Statements that states "Character Statements that contain "shall" are those which must be followed."
6. The Subdivision Authority relies on the statement from the Applicant that there is an expected and likelihood of significant variances and setbacks if this application would be approved.

You may appeal this decision to the Red Deer Subdivision & Development Appeal Board, at [appeals@reddeer.ca](mailto:appeals@reddeer.ca), 14 days from the date of this written decision. For information regarding the appeal process, you can visit [www.reddeer.ca/SDAB](http://www.reddeer.ca/SDAB) or contact [appeals@reddeer.ca](mailto:appeals@reddeer.ca) or call 403-342-8132.

In the event that the appeal is approved for subdivision of the subject land an endorsement fee must be paid to the City prior to endorsement of the subdivision. The endorsement fee of \$147.00 for each lot being created (subject to the City's fee schedule in effect at the time of endorsement) reserve lots, public utility lots, and common property within a bare land condominium are excluded from any endorsement fees.

If you have any questions or concerns regarding the above decision, please do not hesitate to contact the Legislative Advisor at [councilcommittees@reddeer.ca](mailto:councilcommittees@reddeer.ca) or 403-342-8132.

Sincerely,



Mayor Cindy Jefferies  
Board Chair

August 25, 2026

APPELLANT

Gary Oosterhoff  
205 - 4807 50 AVE  
Red Deer, AB T4N 4A5

Email: [garyo4039@gmail.com](mailto:garyo4039@gmail.com)  
(paper copy to follow)

CITY AUTHORITY

Growth and City Planning  
3<sup>rd</sup> Floor, 4914 48 Avenue  
Red Deer, AB T4N 3T4

Email: [Planning@reddeer.ca](mailto:Planning@reddeer.ca)  
(paper copy to follow)

To Whom it May Concern:

**RE: NOTICE OF HEARING**

---

Further to our email correspondence and confirmation of receipt of appeal, the information for the Appeal Hearing is as follows:

|                         |                                                                                                    |
|-------------------------|----------------------------------------------------------------------------------------------------|
| <b>APPELLANT:</b>       | <b>GARY OOSTERHOFF</b>                                                                             |
| <b>SUBJECT:</b>         | <b>SUBDIVISION APPLICATION</b>                                                                     |
| <b>SITE LOCATION:</b>   | <b>5055 45 AVE, RED DEER, AB</b>                                                                   |
| <b>DATE OF HEARING:</b> | <b>THURSDAY, SEPTEMBER 17, 2026</b>                                                                |
| <b>TIME:</b>            | <b>5:00 P.M.</b>                                                                                   |
| <b>LOCATION:</b>        | <b>COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR CITY HALL,<br/>4914 48<sup>TH</sup> AVE, RED DEER AB</b> |

The Board will hear arguments from you, and any other person who claims to be affected by the application. The general procedure for the Board is:

1. The Presiding Officer calls the hearing to order
2. The Presiding Officer asks the Clerk to introduce the appeal
3. The Presiding Officer introduces the members of the Board and asks for objections
4. The Board hears from the City Authority
5. The Board hears from the Appellant (person who filed the appeal)
6. The Board asks for comments from the public
7. The Board adjourns the hearing to deliberate and make a decision. The decision issued in writing within 15 days of the end of the hearing.

While written submission may be made at the hearing, it is recommended that you provide your initial written arguments in advance and in sufficient detail to allow the opposing Party to respond to the argument at the hearing. Please provide your written argument to the Board (care of the undersigned) **AND** the opposing Party (identified above) no later than **Thursday, September 10, 2026.**

**Subdivision and Development Appeal Board**

---

If paper copies of your submission are required by the Board, you will be notified. **The Parties should decide among themselves whether paper copies are necessary and how they will be exchanged.** Please ensure all documentation whether electronic or paper, **is numbered consecutively including dividers or tabs.**

All verbal and written submissions made to the Board, before or during the hearing, form part of the record of hearing and are public information. If you have any questions regarding the use of this information, please contact the Board Clerk at 403.342.8132 or visit [reddeer.ca/tribunals](http://reddeer.ca/tribunals).

Cordially,



Hannah Delisle, Clerk

Subdivision and Development Appeal Board

**Map of Area**

Red Deer Tribunals Phone: 403-342-8132 Email: [Appeals@reddeer.ca](mailto:Appeals@reddeer.ca)

2<sup>nd</sup> Floor 4914 48 Avenue Box 5008

Red Deer, AB T4N 3T4

August 25, 2026

«Owner\_Name»

«Owner\_Address1»

«Owner\_Address2»

To Whom it May Concern:

**RE: NOTICE OF HEARING OF DEVELOPMENT APPEAL**

This letter is to advise you that an appeal has been filed with the Red Deer Subdivision and Development Appeal Board. You are receiving this notice because our records indicate that you own property that is close to the address under appeal, and you may be affected.

|                         |                                                                                                    |
|-------------------------|----------------------------------------------------------------------------------------------------|
| <b>APPELLANT:</b>       | <b>GARY OOSTERHOFF</b>                                                                             |
| <b>SUBJECT:</b>         | <b>SUBDIVISION APPLICATION</b>                                                                     |
| <b>SITE LOCATION:</b>   | <b>5055 45 AVE, RED DEER, AB</b>                                                                   |
| <b>DATE OF HEARING:</b> | <b>THURSDAY, SEPTEMBER 17, 2026</b>                                                                |
| <b>TIME:</b>            | <b>5:00 P.M.</b>                                                                                   |
| <b>LOCATION:</b>        | <b>COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR CITY HALL,<br/>4914 48<sup>TH</sup> AVE, RED DEER AB</b> |

If you are not able to attend and would like to give a written submission to the Board, please ensure delivery to this office prior (found below) to the hearing. Please refer to appeal number #SDAB 003 2026.

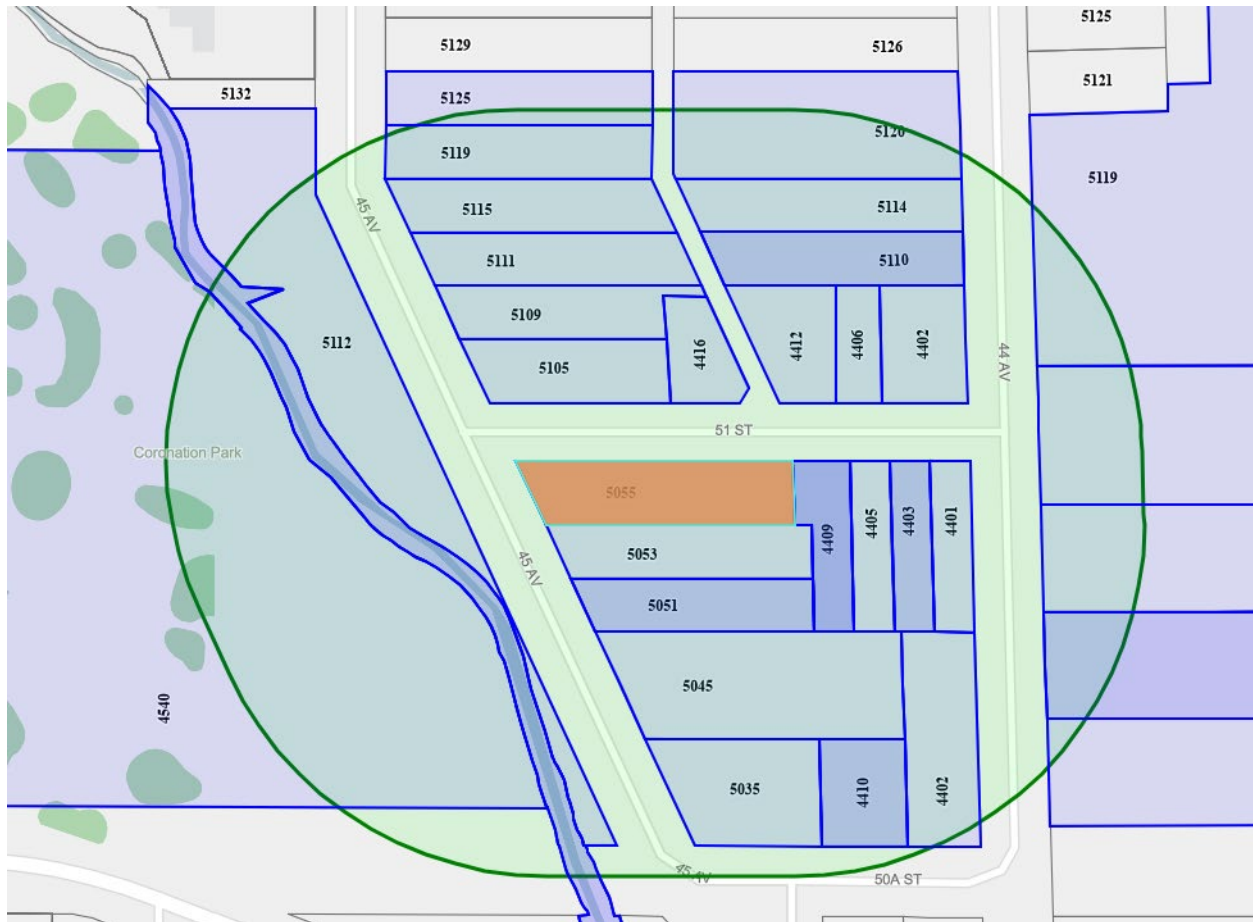
The hearing is open to the public and the Board will provide an opportunity for any person who is affected by the matter under appeal to be heard.

All verbal and written submissions made to the Board, before or during the hearing, form part of the record of hearing and are public information. If you have any questions regarding the use of this information, please contact the Board Clerk at 403.342.8132 or visit [redeer.ca/SDAB](http://redeer.ca/SDAB).

Cordially,

Clerk of the Red Deer Tribunals  
Subdivision and Development Appeal Board

MAP OF AREA (100 meters)



Owner Address1

205 - 4807 50 AVE  
3RD FLOOR, 4914 48 AVE  
PO BOX 20013

5111 45 AVE  
5115 45 AVE  
5119 45 AVE  
5125 45 AVE  
5120 44 AVE  
PO BOX 5008 STN POSTAL BOX CTR  
5114 44 AVE  
25460 TOWNSHIP ROAD 381A  
4402 51 ST  
5045 45 AVE  
5053 45 AVE  
4409 51 ST  
4405 51 ST  
4401 51 ST  
5120 43A AVE  
4410 50A ST  
5035 45 AVE  
5140 43 AVE  
5144 43 AVE  
5105 45 AVE  
4416 51 ST  
5109 45 AVE  
4406 51 ST  
5051 45 AVE  
4403 51 ST  
4403 51 ST  
5130 43 AVE  
4402 50A ST

Owner Address2

RED DEER, AB T4N 4A5  
RED DEER, AB T4N 3T4  
MOUNTVIEW, RED DEER AB T4N 3B0

RED DEER AB T4N 3L2  
RED DEER AB T4N 3L2  
RED DEER AB T4N 3L2  
RED DEER AB T4N 3L2  
RED DEER AB T4N 3H8  
RED DEER AB T4N 3T4  
RED DEER AB T4N 3H8  
RED DEER COUNTY AB T4E 3A6  
RED DEER AB T4N 2A2  
RED DEER AB T4N 3L1  
RED DEER AB T4N 3L1  
RED DEER AB T4N 2A1  
RED DEER AB T4N 2A1  
RED DEER AB T4N 2A1  
RED DEER AB T4N 3H1  
RED DEER AB T4N 1Z2  
RED DEER AB T4N 3L1  
RED DEER AB T4N 3E2  
RED DEER AB T4N 3E2  
RED DEER AB T4N 3L2  
RED DEER AB T4N 2A2  
RED DEER AB T4N 3L2  
RED DEER AB T4N 2A2  
RED DEER AB T4N 3L1  
RED DEER AB T4N 2A1  
RED DEER AB T4N 2A1  
RED DEER AB T4N 3E2  
RED DEER AB T4N 1Z2

2283 MONS AVE SW  
4412 51 ST

CALGARY AB T2T 5L2  
RED DEER AB T4N 2A2

The map displays the 51st Ward of Chicago, with a large green circle indicating a specific geographic area. The ward is bounded by 44th Avenue to the east, 45th Avenue to the west, 50th Street to the south, and 52nd Street to the north. The map shows a grid of residential lots, each labeled with its address. A blue line, likely representing a river or canal, runs diagonally through the western part of the ward. The map also shows surrounding areas, including Corcoran Park to the west and other wards to the north and east.

Key features and addresses visible on the map include:

- Streets:** 44th Avenue, 45th Avenue, 50th Street, 51st Street, 52nd Street.
- Addresses:** 5129, 5126, 5125, 5121, 5119, 5115, 5114, 5111, 5110, 5109, 5105, 4416, 4412, 4406, 4402, 5112, 5055, 5053, 5051, 5045, 5035, 4409, 4405, 4403, 4401, 4410, 4402.
- Geographic Features:** Corcoran Park, a blue line (likely a river or canal) running diagonally through the western part of the ward.

---

**[External] Written Submission in Opposition — Appeal #SDAB 003 2026**

---

From [REDACTED]  
Date Fri 2026-09-04 7:22 AM  
To Appeals <Appeals@reddeer.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

**Written Submission in Opposition to Appeal  
Appeal #SDAB 003 2026  
Subdivision Application — 5055 45 Avenue, Red Deer**

September 3, 2026

To the Chair and Members of the Subdivision and Development Appeal Board:

My name is [REDACTED]. I am the adjacent property owner at [REDACTED], directly east of the proposed Lot B at 5055 45 Avenue. I am unable to attend the September 17, 2026 hearing and respectfully request that this written submission be entered into the record. My position is in opposition to this appeal.

I ask the Board to uphold the Municipal Planning Commission's decision of July 22, 2026 to refuse this subdivision application.

**The MPC's Decision Was Correct and Well-Grounded**

The MPC refused this application by a vote of 3-2 following a thorough hearing at which eight residents spoke and fifteen written submissions from neighbouring landowners were received and considered. The refusal was not a close call on the merits — it was grounded in specific, mandatory provisions of both the Municipal Government Act and the Woodlea Character Statements.

The MPC's refusal motion identified six grounds. I will address the most significant.

**Ground 1 — The Land Is Not Suitable for the Purpose Intended**  
(MGA Section 654(1)(a); MPC Refusal Ground 1)

Under Section 654(1)(a) of the Municipal Government Act, the subdivision authority must be satisfied that the land proposed to be subdivided is suitable for the purpose for which the subdivision is intended. The MPC was not satisfied of this, and for good reason.

Once required setbacks under Zoning Bylaw 3357/2024 are applied to the proposed east lot, the developable building envelope — the area where a dwelling could legally be placed — is approximately 4.8 metres in depth. To put that in concrete terms: that is shorter than a standard mid-size vehicle. The MPC's own approval motion acknowledged, in its notes, that "due to the limited building depth on the proposed east lot, a front attached garage is unlikely to be accommodated without variances." If a garage cannot fit without variances, it is difficult to see how a functional dwelling can be considered suitable for this lot under any reasonable interpretation of Section 654(1)(a).

## **Ground 2 — Non-Compliance with the Woodlea Character Statements**

*(Woodlea Character Statements Sections 1.2, 1.4, and 2.3.6; MPC Refusal Grounds 2, 3, 4, and 5)*

Section 2.3.6 of the Woodlea Character Statements, which form part of Zoning Bylaw 3357/2024, states that lots shall be compatible in width, depth and area with properties existing within the Immediate Street Context. The proposed east lot, with a frontage of 18.4 metres and a depth of 33.5 metres, is not compatible with the established lots in this area.

The word "shall" is not incidental. Section 1.4 of the Woodlea Character Statements states explicitly: "Character Statements that contain 'shall' are those which must be followed." The MPC relied on this provision directly in its refusal (Ground 5). Section 1.2 further states that where the Land Use Bylaw conflicts with the Character Statements, "the Character Statements shall prevail." The MPC cited this as well (Ground 4). These are not discretionary guidelines — they are binding standards, and the MPC applied them correctly.

## **Ground 3 — The Applicant's Own Concession**

*(MPC Refusal Ground 6)*

The MPC's refusal also relied on a statement from the applicant at the hearing acknowledging an expected likelihood of significant variances and setbacks being required if the application were approved. This concession is significant. An applicant cannot argue that a subdivision should be approved while simultaneously acknowledging that the resulting lot cannot accommodate a dwelling within the existing regulatory framework. The need for significant variances is not a minor administrative detail — it confirms that the proposed lot does not meet the standards that currently govern development in this neighbourhood.

## **The Character of This Neighbourhood Deserves Genuine Protection**

The Central Woodlea Character Area is one of Red Deer's oldest and most historically significant residential neighbourhoods. The Woodlea Character Statements were developed with direct input from the community and exist specifically to ensure that redevelopment in this area is held to a higher standard than general zoning minimums allow. The level of community opposition to this application — fifteen written submissions and eight speakers at the MPC hearing — reflects how seriously residents take that protection.

Approving this appeal would signal that the mandatory standards in the Character Statements can be set aside when an applicant proposes a lot that technically meets R-L minimums, regardless of whether it fits the neighbourhood. That would undermine the purpose of the Character Statements entirely.

The MPC heard the evidence, applied the correct legal framework, and reached a well-reasoned decision. I respectfully ask the Board to uphold it.

Sincerely,

