

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Friday, 9:00 A.M.**

**March 13, 2026**

**River Valley Room**

**City Hall, 1 Sir Winston Churchill Square NW**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
RIVER VALLEY ROOM**

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I 9:00 A.M. SDAB-D-26-055

Construct a Residential Use building in the form  
of a Backyard House (2 Dwellings with Garage)

9322 - 168 Street NW  
Project No.: 637751084-002

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**NOTE:** *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 637751084-002

APPLICATION TO: Construct a Residential Use building in the form of a Backyard House (2 Dwellings with Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: February 5, 2026

DATE OF APPEAL: February 13, 2026

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9322 - 168 Street NW

LEGAL DESCRIPTION: Plan 6378MC Blk 20 Lot 7

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Southeast District Plan

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***Grounds for Appeal***

The Appellant provided the following reasons for appealing the decision of the Development Authority:

This structure is going to block out the majority of my fully commissioned solar system on my south garage roof.

***General Matters***

**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

...

**(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).**

**(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).**

**Appeals**

**686(1)** A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

### **Hearing and Decision**

**687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the Zoning Bylaw 20001:**

Under section 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

Under section 8.10, a **Residential Use** means:

a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Semi-detached Housing** means:

a building that contains 2 principal Dwellings that share, in whole or in part, a common vertical party wall. Each Dwelling has individual, separate and direct access to ground level. This does not include Duplex Housing.



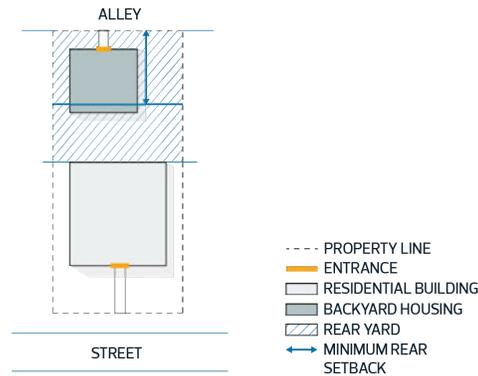
Under section 8.20, **Secondary Suite** means:

a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal

Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.20, **Backyard Housing** means:

a building containing 1 or more Dwellings, that is located wholly within the Rear Yard, and partially or wholly within the Rear Setback of the applicable Zone, of a Residential Site.



Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

Section 2.10.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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	Project Number: <b>637751084-002</b> Application Date: NOV 21, 2025 Printed: February 5, 2026 at 4:20 PM Page: 1 of 3														
<h2>Development Permit</h2>															
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.															
<b>Applicant</b>	<table border="1"> <tr> <td colspan="2" data-bbox="812 520 1373 604"> <b>Property Address(es) and Legal Description(s)</b>                      9322 - 168 STREET NW                      Plan 6378MC Blk 20 Lot 7                 </td> </tr> <tr> <td colspan="2" data-bbox="812 604 1373 636"> <b>Specific Address(es)</b> </td> </tr> <tr> <td data-bbox="812 636 941 667">Suite:</td> <td data-bbox="945 636 1373 667">G1, 9322 - 168 STREET NW</td> </tr> <tr> <td data-bbox="812 667 941 699">Suite:</td> <td data-bbox="945 667 1373 699">G2, 9322 - 168 STREET NW</td> </tr> <tr> <td data-bbox="812 699 941 730">Entryway:</td> <td data-bbox="945 699 1373 730">G1, 9322 - 168 STREET NW</td> </tr> <tr> <td data-bbox="812 730 941 762">Entryway:</td> <td data-bbox="945 730 1373 762">G2, 9322 - 168 STREET NW</td> </tr> <tr> <td data-bbox="812 762 941 793">Building:</td> <td data-bbox="945 762 1373 793">G1, 9322 - 168 STREET NW</td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b> 9322 - 168 STREET NW Plan 6378MC Blk 20 Lot 7		<b>Specific Address(es)</b>		Suite:	G1, 9322 - 168 STREET NW	Suite:	G2, 9322 - 168 STREET NW	Entryway:	G1, 9322 - 168 STREET NW	Entryway:	G2, 9322 - 168 STREET NW	Building:	G1, 9322 - 168 STREET NW
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<b>Scope of Permit</b> To construct a Residential Use building in the form of a Backyard House (2 Dwellings with Garage).															
<b>Details</b> <table border="1"> <tr> <td data-bbox="289 919 808 1041">                     1. Titled Lot Zoning: R5                      3. Overlay:                      5. Statutory Plan:                      7. Neighbourhood Classification: Redeveloping                 </td> <td data-bbox="812 919 1373 1062">                     2. Number of Principal Dwelling Units To Construct: 0                      4. Number of Secondary Suite Dwelling Units to Construct: 2                      6. Backyard Housing or Secondary Suite Included?: Yes                      8. Development Category / Class of Permit: Permitted Development                 </td> </tr> </table>		1. Titled Lot Zoning: R5 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 0 4. Number of Secondary Suite Dwelling Units to Construct: 2 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Permitted Development												
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<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Feb 05, 2026 <b>Development Authority:</b> TESSERA, HERAN <b>Subject to the Following Conditions</b> Zoning Conditions: This Development Permit authorizes the construction of a Residential Use building in the form of a Backyard House (2 Dwellings with Garage).  The development must be constructed in accordance with the approved drawings.  WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a Development Permit Notification Sign (Subsection 7.160.2.2).  A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided (Subsection 5.60.3.2).  Pathway(s) connecting the main entrance of the Backyard Housing directly to an Abutting sidewalk or to a Driveway must be provided and must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).  Facades facing an Alley must have outdoor lighting that complies with Section 5.120 (Subsection 6.10.12).  Outdoor lighting must: be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance; generally be directed downwards, except where directed towards the Site or architectural features located on the Site; be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways; and not interfere with the function of traffic control devices (Subsection 5.120.3).															
P0702003															

## Development Permit

Backyard Housing must not be subdivided from other principal Dwellings on a Site or be part of a Bare Land Condominium (Subsection 6.10.5).

### Subject to the Following Advisements

#### Zoning Advisements:

Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw.

An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act, or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see [https://www.edmonton.ca/residential\\_neighbourhoods/gardens\\_lawns\\_trees/public-tree-permit](https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit). All new installations, above and below ground, within 5m of a City tree require forestry consultation.

In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.

City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage.

The site must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for review and approval. For more information on Lot Grading requirements, plans and inspections refer to the website: [https://www.edmonton.ca/residential\\_neighbourhoods/residential-lot-grading](https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading)

#### Waste Services Advisements:

This review follows Waste Services' current standards and practices and will expire when the Development Permit expires.

Adding any number of additional dwellings beyond what is indicated in this letter may result in changes to your waste collection. Waste Services reserves the right to adjust the collection method, location, or frequency to ensure safe and efficient service.

#### Additional information about waste service at your proposed development:

-Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.

- To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:

- Access to containers and removal of obstructions.
- Container set out, and
- The responsibility for wear and tear or damages.

- The green cart equivalency program while maintaining 1.0 m spacing between carts and any other objects such as vehicles, fences,



Project Number: **637751084-002**  
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## Development Permit

power poles, etc. has been approved for this proposed development with 6 dwellings, allowing it to receive Curbside Collection. Each unit will be charged the waste utility rate. The City will provide a total of 9 carts: 6 x 240 L for garbage and 4 x 240 L for food scraps.

Please note:

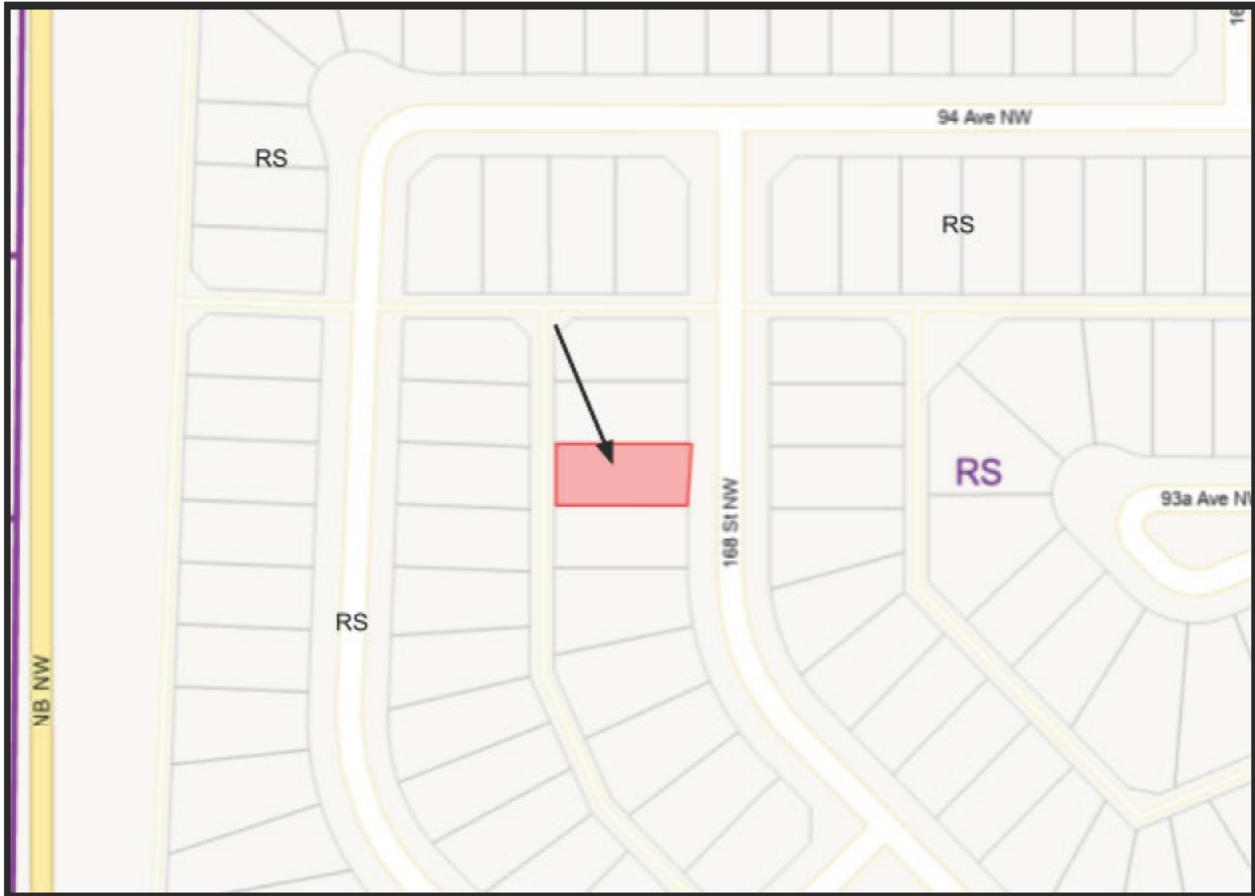
- Residents would be required to share their food scraps carts.
- Residents will be required to set out garbage and food scraps carts on collection day as per the set-out instructions.
- Residents would use blue bags for recycling.
  
- A minimum of 7.5 m unobstructed overhead space is required above the collection area to allow proper servicing of the containers.
  
- If the locations of the transformer and switching cubicles do not exactly match the approved drawings, Waste Services must be advised and reserves the right to make changes to the approved plan to ensure waste can still be collected safely and efficiently.
  
- If the waste enclosure or room is incomplete or does not match the approved drawings upon resident move-in, Waste Services reserves the right to select an alternate location for the waste containers to ensure safe and efficient waste collection. The alternate location may be in a parking stall, loading area, green space, etc.
  
- For developments with rear lanes, waste will only be collected from the rear lane for all dwellings in the development. It is the responsibility of the owner to ensure all residents have access to the rear lane for waste set out.

### Rights of Appeal

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$615.00	\$615.00	02459J001001236	Nov 21, 2025
Lot Grading Fee	\$320.00	\$320.00	02459J001001236	Nov 21, 2025
Total GST Amount:	\$0.00			
Totals for Permit:	\$935.00	\$935.00		



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-055

