

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 10:00 A.M.

April 9, 2025

Hearing Room No. 3

Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I 10:00 A.M. SDAB-D-25-047

Add a Dwelling to a Residential Use building
(Secondary Suite in the Basement of a Single
Detached House)

1604 - 151 Avenue NW
Project No.: 549707490-002

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

ITEM I: 10:00 A.M.

FILE: SDAB-D-25-047

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 549707490-002

APPLICATION TO: Add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Single Detached House)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 11, 2025

DATE OF APPEAL: March 12, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 1604 - 151 Avenue NW

LEGAL DESCRIPTION: Plan 1523406 Blk 115 Lot 50

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N.A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northeast District Plan

<i>Grounds for Appeal</i>

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

When we applied for developing secondary suite we were told that there is an issue with side door access. Basically since the cantilever on the side of home is between the side door and the front of the lot, there is enough adequate enough space for our fire rescue to access the suite if anything should ever happen. It needs to have 1.2m between the property line and

the wall, and there is only 0.67m. these were the remarks pointed out by development officer,

But my concern is when we bought house our plan was to develop a legal suite and use the basement for rental purposes. So when the builder applied for development and building permit why did the city official not pointed that the plot plan is not in compliance with the city requirements. They should have mentioned it at the initial stage and it is not our fault if we have bought the house which is not built as per city safety codes but the city issued the building and development permits. so we are kindly requesting it to be amended so that they could continue developing a secondary suite.

<i>General Matters</i>

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 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

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

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, **Single Detached Housing** means “a building that contains 1 principal Dwelling and has direct access to ground level.”

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

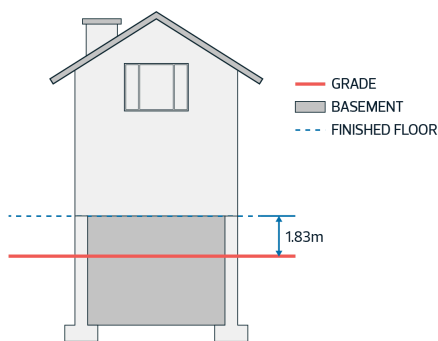
a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common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

Under section 8.20, **Basement** means:

the portion of a building or structure that is wholly or partially below ground level. A Basement has a maximum Height of 1.83 m above Grade measured from Grade to the finished level of the floor directly above.



Section 2.20.1 states that the **Purpose** of the **RSF - Small Scale Flex 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. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Cantilevers and other similar features

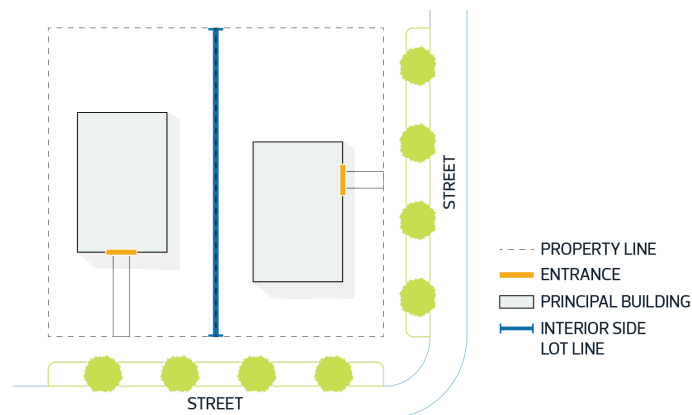
Section 5.90.9 states:

Despite Subsection 8.1, on Interior Sites, a minimum distance of 1.2 m must be maintained from one Interior Side Lot Line to the outside wall of projections from the first Storey where:

- 9.1. a main entrance to another Dwelling on the Lot is provided further from the Street than the projection; [...]

Under section 8.20, **Interior Side Lot Line** means:

the Lot line other than a Front Lot Line, Flanking Side Lot Line or Rear Lot Line.



Site Circulation

Section 5.80.2.1 states:

Single Detached Housing, Duplex Housing, Semi-detached Housing, Backyard Housing, and Row Housing, and Multi-unit Housing with 8 Dwellings or less must comply with the following:

Site Circulation

- 2.1.1. 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of Dwellings directly to an Abutting sidewalk, Street where no sidewalk exists or to a Driveway, except that:

- 2.1.1.1. A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

Under section 8.20, **Pathway** means “a Hard Surfaced path of travel that is located on private property that cannot be used for motor vehicles.”

Development Planner’s Determination

- 1) A minimum distance of 1.2m must be maintained from one Interior Side Lot Line to the outside wall of projections from the first Storey where a main entrance to another Dwelling on the Lot is

provided further from the Street than the projection. (Subsection 5.90.9.1)

Proposed: The distance between the projection and the Interior Side Lot Line is 0.7m.


2) 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of Dwellings directly to an Abutting sidewalk, Street where no sidewalk exists or to a Driveway. (Subsection 5.80.2.1.1)


Proposed: Only 0.7m unobstructed width is provided between the Dwelling entrance and the sidewalk.

[unedited]

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.

		Application for Secondary Suite Permit			Project Number: 549707490-002 Application Date: DEC 14, 2024 Printed: March 11, 2025 at 10:24 AM Page: 1 of 2																			
		This document is a Development Permit Decision for the development application described below.																						
Applicant Project Name: AMANDEEP SINGH THIND		Property Address(es) and Legal Description(s) 1604 - 151 AVENUE NW Plan 1523406 Blk 115 Lot 50 Location(s) of Work Suite: BSMT, 1604 - 151 AVENUE NW Entryway: 1604 - 151 AVENUE NW Building: 1604 - 151 AVENUE NW																						
Scope of Application To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Single Detached House).																								
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Permitted Development Site Area (sq. m): 378.5 </td> <td style="width: 50%;"> Overlay: APO - Airport Protection Overlay Statutory Plan: </td> </tr> </table>					Development Category: Permitted Development Site Area (sq. m): 378.5	Overlay: APO - Airport Protection Overlay Statutory Plan:																		
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Development Application Decision Refused Issue Date: Mar 11, 2025 Development Authority: WINGET, MARK Reason for Refusal 1) A minimum distance of 1.2m must be maintained from one Interior Side Lot Line to the outside wall of projections from the first Storey where a main entrance to another Dwelling on the Lot is provided further from the Street than the projection. (Subsection 5.90.9.1) Proposed: The distance between the projection and the Interior Side Lot Line is 0.7m. 2) 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of Dwellings directly to an Abutting sidewalk, Street where no sidewalk exists or to a Driveway. (Subsection 5.80.2.1.1) Proposed: Only 0.7m unobstructed width is provided between the Dwelling entrance and the sidewalk. Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																								
Building Permit Decision No decision has yet been made.																								
Fees <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$14.80</td> <td style="text-align: right;">\$14.80</td> <td style="text-align: right;">086071001001716</td> <td style="text-align: right;">Dec 14, 2024</td> </tr> <tr> <td>Building Permit Fee (Construction Value)</td> <td style="text-align: right;">\$370.00</td> <td style="text-align: right;">\$370.00</td> <td style="text-align: right;">086071001001716</td> <td style="text-align: right;">Dec 14, 2024</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$400.00</td> <td style="text-align: right;">\$400.00</td> <td style="text-align: right;">086071001001716</td> <td style="text-align: right;">Dec 14, 2024</td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$14.80	\$14.80	086071001001716	Dec 14, 2024	Building Permit Fee (Construction Value)	\$370.00	\$370.00	086071001001716	Dec 14, 2024	Development Application Fee	\$400.00	\$400.00	086071001001716	Dec 14, 2024
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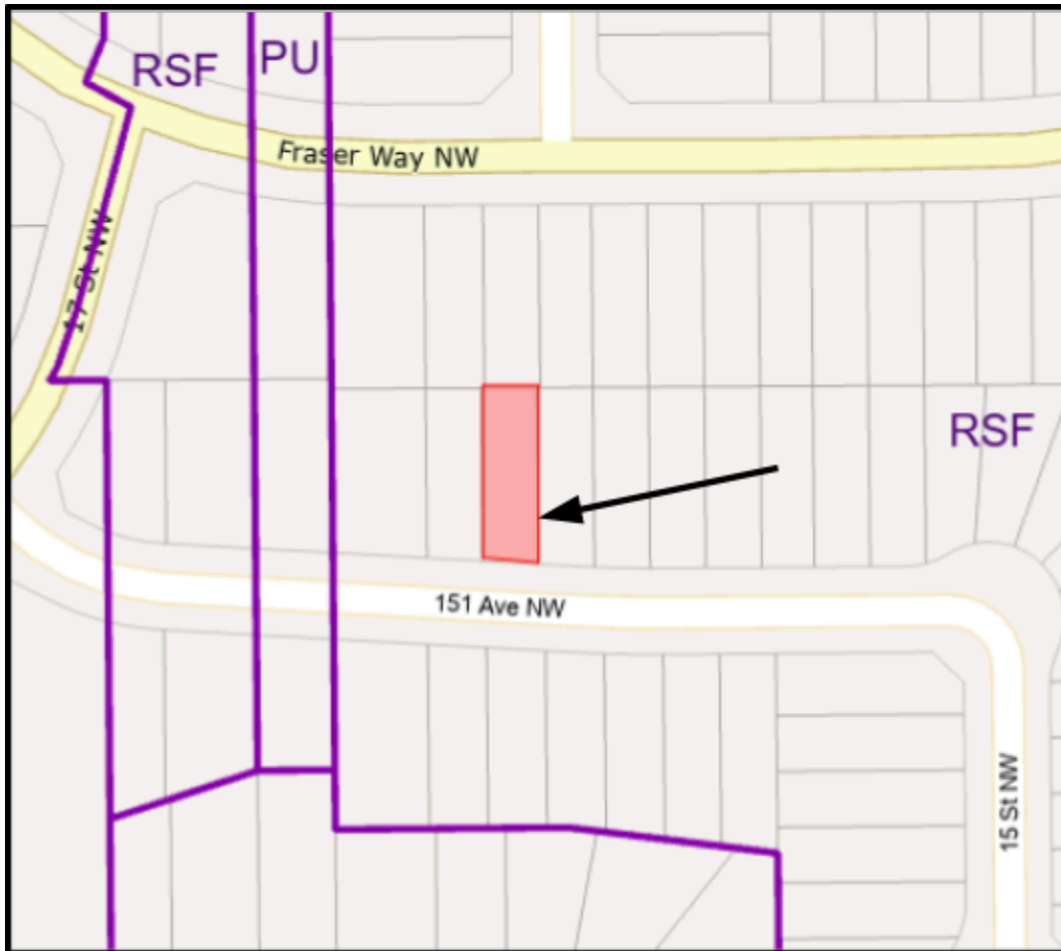
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Application for
Secondary Suite Permit

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$784.80	\$784.80		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-047



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