

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
April 10, 2025**

**Hearing Room No. 3
Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB**

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3

TO BE RAISED

I 9:00 A.M. SDAB-D-25-026

To construct a Residential Use building in the form of a Semi-detached House with unenclosed front porches, front attached Garages, fireplaces and to develop Secondary Suites in the Basements

6407 - 15 Avenue NW
Project No.: 542779284-002

II 1:30 P.M. SDAB-D-25-051

To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Row House (Unit 4)

8031 - 71 Avenue NW
Project No.: 542373847-002

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

TO BE RAISEDITEM I: 9:00 A.M.FILE: SDAB-D-25-026**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER**

APPELLANT:

APPLICATION NO.: 542779284-002

APPLICATION TO: Construct a Residential Use building in the form of a Semi-detached House with unenclosed front porches, front attached Garages, fireplaces and to develop Secondary Suites in the Basements

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 28, 2025

DATE OF APPEAL: February 5, 2025

RESPONDENT: Homes By Sran Ltd.

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 6407 - 15 Avenue NW

LEGAL DESCRIPTION: Plan 7721184 Blk 19 Lot 4

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Millwoods and Meadows District Plan

Grounds for Appeal

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

Dear Members of the Subdivision and Development Appeal Board (SDAB),

I have serious concerns regarding the approved variance allowing a front attached garage to occupy 72% of the total front wall length, in contrast to the zoning bylaw requirement of 60% (Section 2.10.6.3). This variance creates several potential negative impacts that I respectfully urge the Board to reconsider.

1. Neighborhood Character and Aesthetic Impact

The Sakaw neighbourhood is characterized by homes that maintain balanced architectural designs, fostering a cohesive and visually appealing streetscape. Allowing an oversized front-attached garage disrupts this balance by dominating the faade of the structure. When multiple properties adopt similar variances, the streetscape becomes garage-heavy, giving a stark, utilitarian feel that diminishes the residential charm and livability of the area.

Preserving the bylaws 60% limit protects the design harmony and ensures that garages do not overshadow key architectural features like porches, windows, and entryways that make the neighborhood inviting.

2. Impact on Property Values

A shift toward oversized garages in front facades may negatively affect the value of neighboring properties. Homebuyers often seek neighborhoods with visually appealing and well-maintained streetscapes. When houses emphasize garages over front entrances, the aesthetic appeal diminishes, potentially reducing demand for surrounding properties.

In contrast, adherence to the bylaw standard ensures homes are designed with an appropriate balance, which can sustain or enhance property values.

3. Increased Safety Risks and Reduced Pedestrian Experience

Large front-attached garages often result in reduced visibility and compromised pedestrian safety. Driveways for these garages can create larger blind spots, especially when garage doors and vehicles obstruct views of sidewalks. This is a concern in a residential area where children, seniors, and other pedestrians frequently use the walkways.

Additionally, with garages dominating the frontage, entryways become less visible, which may decrease neighborhood walkability and casual social interactions between neighbors. Over time, this could erode the community-oriented atmosphere that Sakaw has long valued.

4. Precedent and Overdevelopment

By approving this variance, the City risks setting a precedent that may encourage further deviations from zoning bylaws across the neighborhood. As more homeowners seek similar approvals, the cumulative effect can

lead to gradual overdevelopment that undermines the very purpose of zoning regulations to protect the character and sustainability of the community.

Zoning bylaws exist to provide a consistent standard for development. Granting excessive variances undermines this consistency and may create tension among residents who expect fair and equitable application of the rules.

5. Alternatives and Solutions

I respectfully request that the Board require the applicant to adhere to the bylaw limit of 60% front wall length for the attached garage. This will ensure the development respects community standards and minimizes the adverse impacts outlined above. Alternatively, modifications to the proposed design, such as relocating or reducing the garage size, should be explored to achieve compliance without jeopardizing the integrity of the project.

In conclusion, I urge the Subdivision and Development Appeal Board to carefully consider the concerns of the local community regarding this variance. Approving the oversized garage risks long-term negative consequences for the neighborhood's character, property values, safety, and cohesion. I trust that the Board will act in the best interest of maintaining the balance between responsible development and preserving the identity and livability of the Sakaw community.

Thank you for your time and attention to this matter. I look forward to your thoughtful consideration of this appeal.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on March 6, 2025:

“That the appeal hearing be postponed to April 9 or 10, 2025.”

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**.

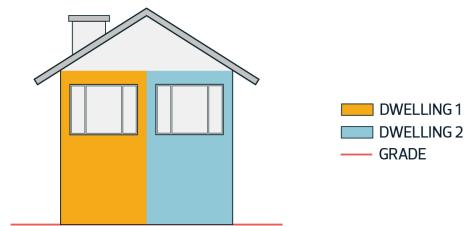
Under section 8.10, a **Residential Use** means:

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.

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.
residents.

RS - Small Scale Residential Zone - General Regulations

Section 2.10.6.3 states:

Where permitted, the maximum Garage door width for a front attached Garage is 60% of the total length of the front building wall.

Under section 8.20, **Garage** means “an Accessory building, or part of a principal building, designed and used primarily to store vehicles and includes carports. A Garage does not contain a Drive Aisle.”

Development Planner’s Determination

Attached Garage - The front attached garage is allowed to be 72% of the total length of the front building wall, instead of 60% (Subsection 2.10.6.3.).

[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.

Edmonton	Project Number: 542779284-002 Application Date: NOV 22, 2024 Printed: January 28, 2025 at 11:34 AM Page: 1 of 4								
Minor Development Permit									
<p>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.</p>									
Applicant	Property Address(es) and Legal Description(s) 6407 - 15 AVENUE NW Plan 7721184 Blk 19 Lot 4								
Specific Address(es)	Suite: 6407 - 15 AVENUE NW Suite: 6409 - 15 AVENUE NW Suite: BSMT, 6407 - 15 AVENUE NW Suite: BSMT, 6409 - 15 AVENUE NW Entryway: 6407 - 15 AVENUE NW Entryway: 6409 - 15 AVENUE NW Building: 6407 - 15 AVENUE NW								
Scope of Permit <p>To construct a Residential Use building in the form of a Semi-detached House with unenclosed front porches, front attached Garages, fireplaces and to develop Secondary Suites in the Basements.</p>									
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">1. Titled Lot Zoning: RS</td> <td style="width: 50%;">2. Number of Principal Dwelling Units To Construct: 2</td> </tr> <tr> <td>3. Overlay:</td> <td>4. Number of Secondary Suite Dwelling Units to Construct: 2</td> </tr> <tr> <td>5. Statutory Plan:</td> <td>6. Backyard Housing or Secondary Suite Included?: Yes</td> </tr> <tr> <td>7. Neighbourhood Classification: Redeveloping</td> <td>8. Development Category / Class of Permit: Discretionary Development</td> </tr> </table>		1. Titled Lot Zoning: RS	2. Number of Principal Dwelling Units To Construct: 2	3. Overlay:	4. Number of Secondary Suite Dwelling Units to Construct: 2	5. Statutory Plan:	6. Backyard Housing or Secondary Suite Included?: Yes	7. Neighbourhood Classification: Redeveloping	8. Development Category / Class of Permit: Discretionary Development
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5. Statutory Plan:	6. Backyard Housing or Secondary Suite Included?: Yes								
7. Neighbourhood Classification: Redeveloping	8. Development Category / Class of Permit: Discretionary Development								
Development Permit Decision <p>Approved</p> <p>Issue Date: Jan 28, 2025 Development Authority: ZHANG, LAILAI</p>									
Subject to the Following Conditions <ol style="list-style-type: none"> 1) This Development Permit is NOT valid until the notification period expires (Subsection 7.160.1.3). 2) This Development Permit authorizes the construction of a Residential Use building in the form of a Semi-detached House with unenclosed front porches, front attached Garages, fireplaces and to develop 2 Secondary Suites in the Basements. 3) The development must be constructed in accordance with the approved drawings. 4) WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD WITH NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a Development Permit notification Sign (Subsection 7.160.2.2). 5) Landscaping must be installed and maintained in accordance with Section 5.60. 6) A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided (Subsection 5.60.3.2). 7) Pathway(s) connecting the main entrance of the Dwelling directly to an Abutting sidewalk or to a Driveway must be a minimum width of 0.9 m (Subsection 5.80.2.1.1). 8) The existing Driveway off 15 Avenue must be removed in accordance with Curb Fill Permit 542779284-007 (Subsection 									



Project Number: **542779284-002**
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Minor Development Permit

2.10.6.1).

- 9) The Secondary Suites must have a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building (Section 8.20).
- 10) A Hard Surfaced Pathway connecting the main entrance of the Secondary Suite directly to an Abutting sidewalk or to a Driveway is required, which must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).
- 11) The Secondary Suites must have less Floor Area than the principal Dwelling (Section 8.20).
- 12) The Secondary Suites must not be separated from the principal Dwelling by a condominium conversion or subdivision (Section 8.20).

TRANSPORTATION CONDITIONS:

- 1) The proposed approximate 11.6m shared driveway access to 15 Avenue located approximately 2.1m from the east property line, is acceptable to Subdivision Planning and must be constructed to the City of Edmonton Complete Streets Design and Construction Standards.

The balance of the existing driveway located adjacent to the west property line must be removed from the back of the existing sidewalk and restored with grassed boulevard to the north property line within the road right-of-way to the City of Edmonton Complete Streets Design and Construction Standards.

The existing curbing along 15 Avenue is roll face and should allow for the drivers to "jump the curb" to access the driveway, should the applicant/owner wish to cut the curb in the future, a curb crossing permit will be required.

The owner/applicant must obtain a Permit to construct the driveway within road right-of-way OR to construct a private crossing and to also fill in the existing access, available from Development Services, developmentpermits@edmonton.ca.

- 2) Onsite sidewalks must be developed as accessible and hard-surfaced and must connect the building entrances, including the secondary suites, to the public sidewalk to meet Section 5.80 of Zoning Bylaw 20001.
- 3) Permanent objects including concrete steps, railings, planters, etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property.
- 4) There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <https://utilitiesafety.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
- 5) Any alley, sidewalk, and/or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner. The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction of the access.
- 6) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
 - a. the start/finish date of project;
 - b. accommodation of pedestrians and vehicles during construction;
 - c. confirmation of lay down area within legal road right of way if required;
 - d. and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.
 It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM



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Minor Development Permit

online at:
https://www.edmonton.ca/business_economy/oscam-permit-request.aspx

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.

A Building Permit may be required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

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. 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 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

Subdivision Planning understands the site was recently subdivided (LDA24-0400) and approved on November 14, 2024.

Variances

Attached Garage - The front attached garage is allowed to be 72% of the total length of the front building wall, instead of 60% (Subsection 2.10.6.3.).

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

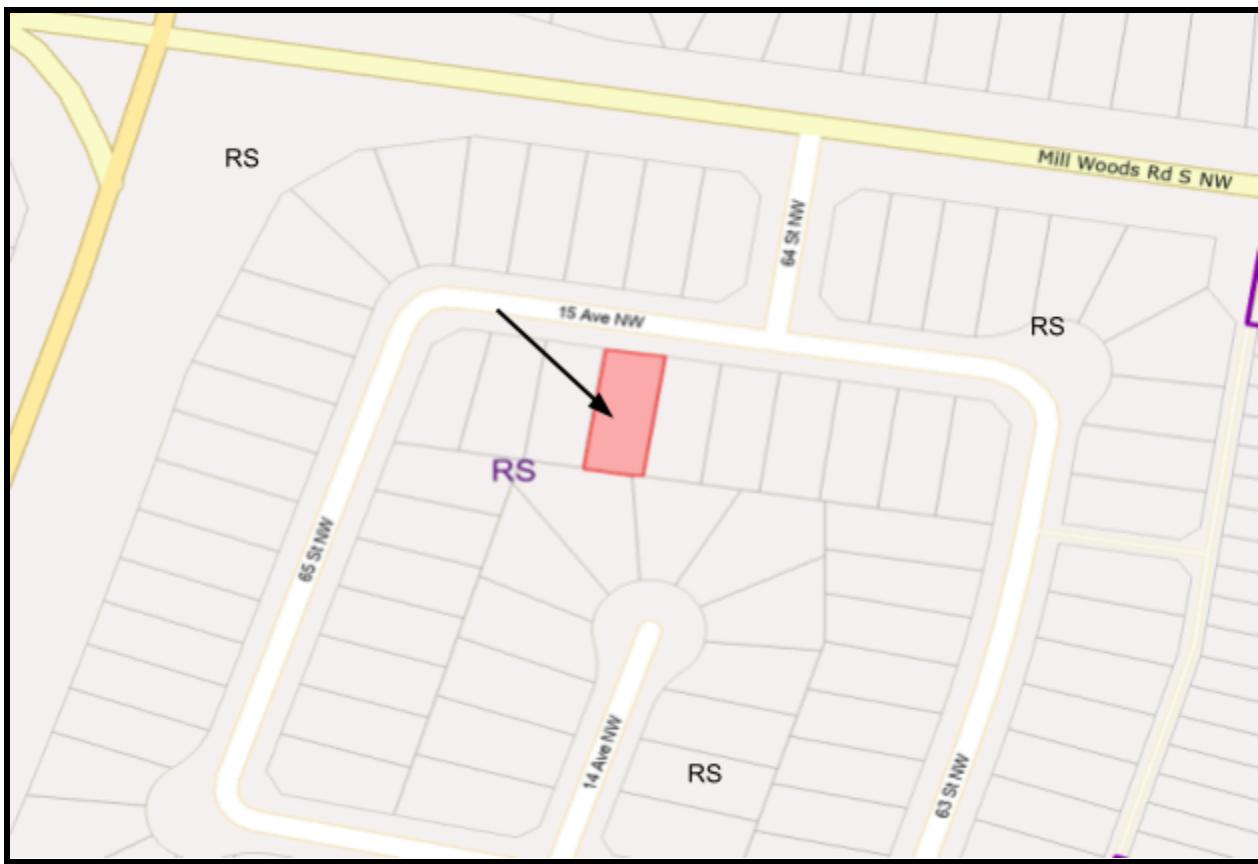
Edmonton

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Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$600.00	\$600.00	033243001001242	Dec 04, 2024
Lot Grading Fee	\$310.00	\$310.00	033243001001242	Dec 04, 2024
Variance Fee	\$150.00	\$150.00	09389074	Jan 23, 2025
Total GST Amount:	\$0.00			
Totals for Permit:	<hr/> \$1,060.00	<hr/> \$1,060.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-026

▲
N

ITEM II: 1:30 P.M.FILE: SDAB-D-25-051AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 542373847-002

APPLICATION TO: Add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Row House (Unit 4))

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 27, 2025

DATE OF APPEAL: March 17, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8031 - 71 Avenue NW

LEGAL DESCRIPTION: Plan 2421441 Blk 15 Lot 2A

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Southeast District Plan

Grounds for Appeal

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

I would like to formally appeal the refusal of my development permit application (File No. 542373847-002) for adding one more secondary suite at 8031 - 71 Avenue NW. The permit was refused due to a site area deficiency of 59.8 m².

I respectfully request that the Board reconsider this decision based on the following key points:

1. No Increase in Building Size

This development does not involve any physical expansion or modifications to the existing building. Instead, it maximizes the use of already constructed space to accommodate an additional dwelling. This approach ensures:

No increase in the building footprint, preserving the character and scale of the neighborhood.

Efficient use of existing infrastructure, including water, sewer, and roads, without adding strain or requiring additional resources.

2. Precedent of Approved Appeals There are precedents where development permit officers have approved applications despite site area deficiencies.

Case 1: SDAB-D-24-073

- Project No.: 498012692-002 (15120 - 93 Avenue NW)
- Development: Construction of a Residential Use Building in the form of a 2-Dwelling Backyard House with a mutual garage (6.55m x 12.19m) on the main floor and two backyard houses (each 6.55m x 6.10m) on the second floor.
- Variance: The required site area for 10 dwellings was 750 m².
- This application was approved by DP officer with deficiency of site area of 61.96 m².

Case 2: SDAB-D-24-074

- Project No.: 498925486-002 (15403 - 90 Avenue NW)
- Development: Construction of a 2-Dwelling Backyard House.
- Variance: The required site area for 10 dwellings was 750 m².
- This application was approved by DP officer with deficiency of site area of 62.54 m².

Approving my appeal will ensure fair and consistent application of variance decisions by the City.

3. Supporting the City's Goal of Increased Density The City of Edmonton is committed to increasing density within existing neighborhoods to expand housing opportunities and optimize infrastructure use. The proposed secondary suite aligns seamlessly with this vision by transforming existing space within an approved Row House development into much-needed additional housing.

By approving this suite, the City would actively support infill development and maximize the potential of available residential land, addressing housing shortages without requiring new large-scale construction.

4. Affordable Housing Solutions Secondary suites provide affordable rental options, addressing the growing demand for housing in Edmonton.

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, **Multi-unit Housing** means a building that contains:

- a. 1 or more Dwellings combined with at least 1 Use other than Residential or Home Based Business; or
- b. any number of Dwellings that do not conform to any other definition in the Zoning Bylaw.

Typical examples include stacked row housing, apartments, and housing in a mixed-use building.

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

a building that contains 3 or more principal Dwellings joined in whole or in part at the side, the rear, or the side and the rear, with none of the principal Dwellings being placed over another. Each principal Dwelling has separate, individual, and 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.

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.

<i>Site Area</i>

Section 2.10.4.1.1 states:

4.1. Development must comply with Table 4.1:

Table 4.1 Site and Building Regulations

Subsection	Regulation	Value	Symbol
4.1.1	Minimum Site area per Dwelling	75.0 m ²	-

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, **Site** means “an area of land consisting of 1 or more Abutting Lots.”

Development Planner's Determination

Site Area - Minimum Site area per Dwelling 75.0m² (Section 2.10.3.2.1)

Required: 450.0m² (for 6 dwellings)

Proposed: 390.2m²

Deficient by: 59.8m²

[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.

		Project Number: 542373847-002 Application Date: NOV 21, 2024 Printed: February 27, 2025 at 2:53 PM Page: 1 of 1																																						
<h2>Application for Secondary Suite Permit</h2>																																								
<p>This document is a Development Permit Decision for the development application described below.</p>																																								
Applicant		Property Address(es) and Legal Description(s) 8031 - 71 AVENUE NW Plan 2421441 Blk 15 Lot 2A																																						
		Location(s) of Work Suite: BSMT, 8031 - 71 AVENUE NW Entryway: 8031 - 71 AVENUE NW Building: 8031 - 71 AVENUE NW																																						
Scope of Application To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Row House (Unit 4) .																																								
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Development Category:</td> <td style="width: 50%;">Overlay:</td> </tr> <tr> <td>Site Area (sq. m.): 381.64</td> <td>Statutory Plan:</td> </tr> </table>				Development Category:	Overlay:	Site Area (sq. m.): 381.64	Statutory Plan:																																	
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Development Application Decision Refused Issue Date: Feb 27, 2025 Development Authority: ZENG, KATHY																																								
Reason for Refusal Site Area - Minimum Site area per Dwelling 75.0m ² (Section 2.10.3.2.1) Required: 450.0m ² (for 6 dwellings) Proposed: 390.2m ² Deficient by: 59.8m ²																																								
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="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Fee</th> <th style="text-align: center;">Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">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;">\$14.80</td> <td>05954J001001139</td> <td>Nov 21, 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;">\$370.00</td> <td>05954J001001139</td> <td>Nov 21, 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;">\$400.00</td> <td>05954J001001139</td> <td>Nov 21, 2024</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;"></td> <td style="text-align: right;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;"><hr/>\$784.80</td> <td style="text-align: right;"><hr/>\$784.80</td> <td style="text-align: right;"><hr/>\$784.80</td> <td></td> <td></td> </tr> </tbody> </table>						Fee	Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$14.80	\$14.80	\$14.80	05954J001001139	Nov 21, 2024	Building Permit Fee (Construction Value)	\$370.00	\$370.00	\$370.00	05954J001001139	Nov 21, 2024	Development Application Fee	\$400.00	\$400.00	\$400.00	05954J001001139	Nov 21, 2024	Total GST Amount:	\$0.00					Totals for Permit:	<hr/> \$784.80	<hr/> \$784.80	<hr/> \$784.80		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-051



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