

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Tuesday, 9:00 A.M.

April 15, 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-25-046

Construct exterior alterations to a Single Detached House (Driveway extension, 9.60m x 2.79m)

4164 - Savaryn Drive SW
Project No.: 561308239-002

II 10:30 A.M. SDAB-D-25-052

Construct an Accessory building (detached Garage, 7.32 m x 9.14 m) and to demolish a detached Garage

3911 - 118 Street NW
Project No.: 559944016-002

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-25-046

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 561308239-002

APPLICATION TO: Construct exterior alterations to a Single Detached House
(Driveway extension, 9.60m x 2.79m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 11, 2025

DATE OF APPEAL: March 14, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 4164 - Savaryn Drive SW

LEGAL DESCRIPTION: Plan 1124310 Blk 32 Lot 192

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Ellerslie Area Structure Plan

DISTRICT PLAN: Ellerslie District Plan

Grounds for Appeal

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

I wish to appeal Development Authority's decision of rejecting my driveway extensions due to the below reasons:
- We have elderly family living with us for weeks at a time; our garage stairs are too steep for them to climb & the driveway extension enables us

to drive them closer to the front entrance. They also require the wider walkway up to the front entrance during times of inclement weather which can bleed all the way through March.

- We have 5 vehicles in our house hold & it is not possible to back cars out of the garage without having the additional space on the side. We have tried street parking in the past, but we are located along a collector road with heavy traffic and have had our vehicles struck multiple times in the past; photo evidence with time stamps can be provided as supporting documentation.

- Our adjacent & front neighbors have no issues with the widening & have expressed positive opinions as the extension allows additional safety precautions for driving our elderly family closer to the main entrance. We can provide signed letters of support if required.

- There is still a very large soft-scaped area in the front yard between our home & our neighbors home directly to the west, thus not negatively impacting the neighbourhood aesthetics.

- The grass drainage swale at the common property line between our home & our neighbors home directly to the west remains constructed to standard, as both the crossfall slope & longitudinal slope meet the minimum lot grading requirements.

- No existing City/EPCOR or third party infrastructure has been impacted due to the widening.

For the reasons noted above, we ask that Development Authority's decision be reversed.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on March 19, 2025:

“That the appeal hearing be postponed to April 15 or 16, 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 2.20.2.2, 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.

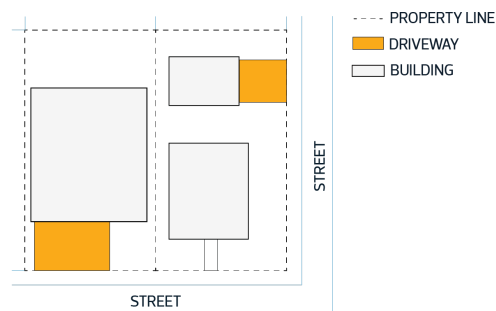
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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, **Accessory** means “a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

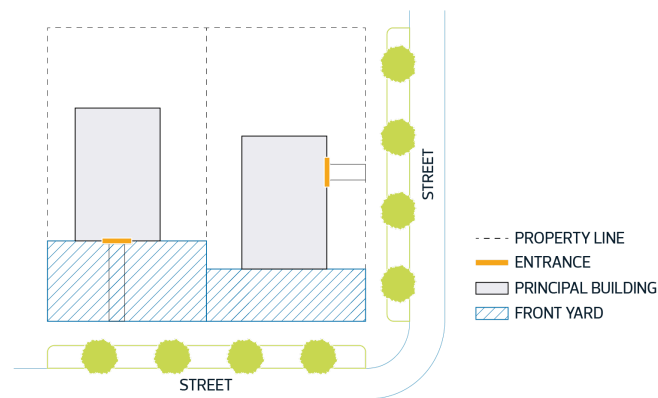
Under section 8.20, **Driveway** means:

means an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



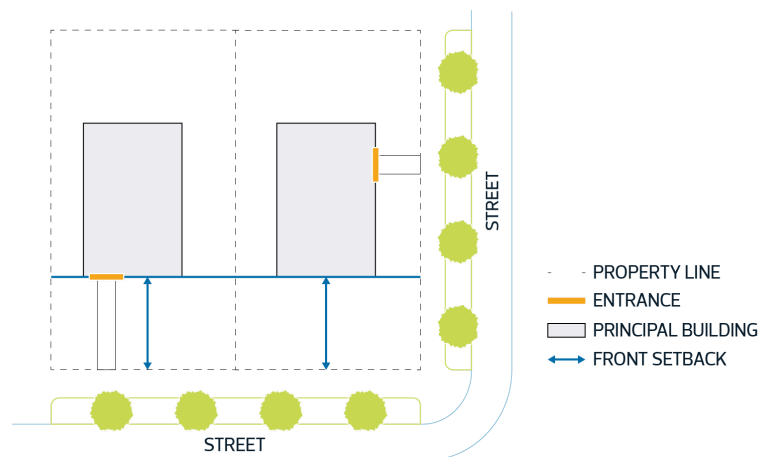
Under section 8.20, **Front Yard** means:

means the portion of a Site Abutting the Front Lot Line extending across the full width of the Site, between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 8.20, **Front Setback** means:

means the distance that a development or a specified portion of a development, must be from a Front Lot Line. A Front Setback is not a Front Yard.”



Under section 8.20, **Parking Area** means “means an area that is used for vehicle parking. A Parking Area has 1 or more parking spaces and includes a parking pad, but does not include Street parking, a vehicle access, a Driveway, or a Drive Aisle.”

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.”

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.

<p><i>Site Circulation and Parking Regulations for Small Scale Residential Development</i></p>

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 principal Dwellings directly to an Abutting sidewalk 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.

Driveways

2.1.2. Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.

2.1.3. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.

2.1.4 A Driveway provided from a Street must comply with the following:

2.1.4.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:

2.1.4.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and

Abutting Pathways is 4.3 m.

2.1.4.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:

2.1.4.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less.

2.1.5. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within:

2.1.5.1. a Front Yard;

2.1.5.2. a Flanking Side Yard; or

2.1.5.3 a Flanking Side Setback.

2.1.6. For Zero Lot Line Development, a Parking Area must not encroach on the easement area.

Development Planner's Determination

1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3)

Proposed: The driveway does not lead directly from the roadway to the garage.

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4 m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2)

Proposed: The driveway is 9.2 m wide.


3) Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard. (Subsection 5.80.2.1.5.1)


Proposed: The additional concrete provides vehicle parking space in the front yard.

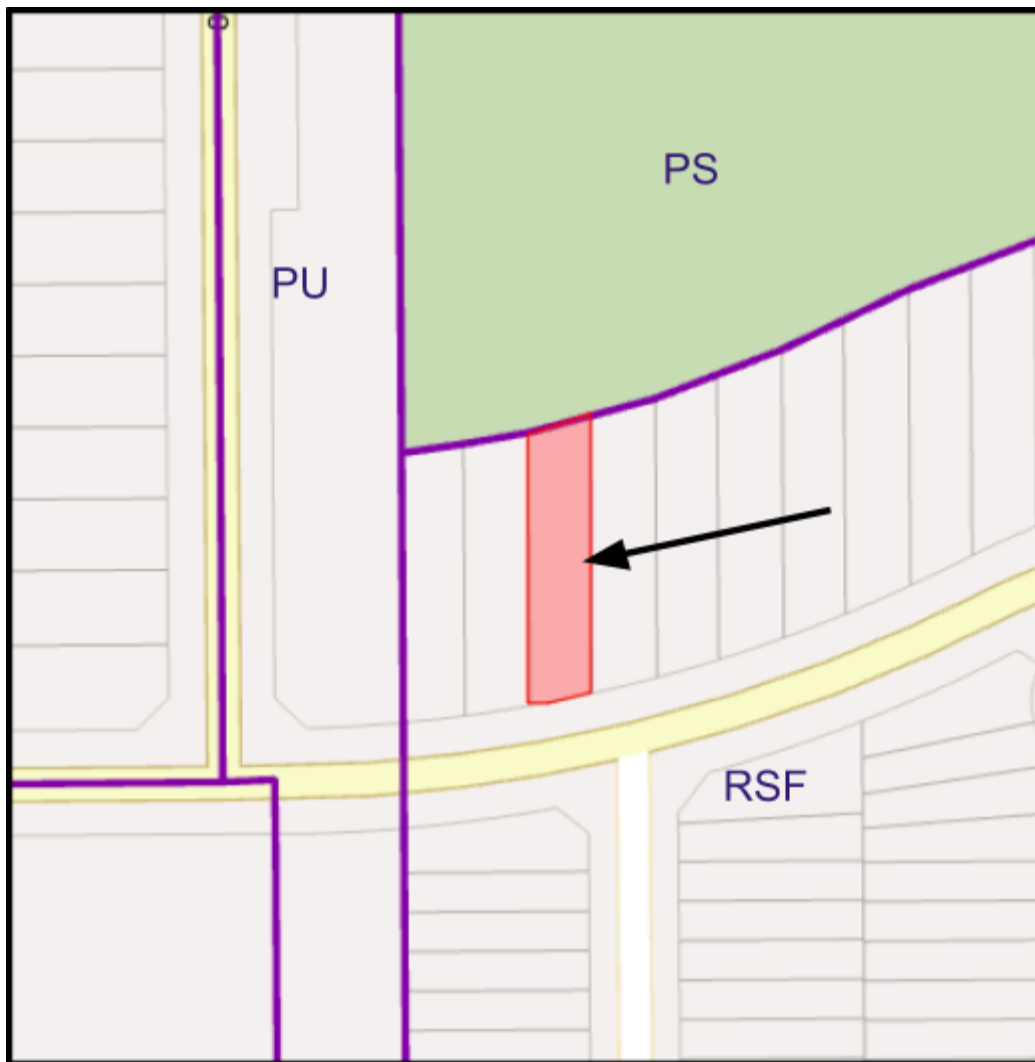
[unedited]

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: 561308239-002 Application Date: JAN 24, 2025 Printed: March 11, 2025 at 10:39 AM Page: 1 of 2	
		Application for Driveway Extension Permit	
This document is a Development Permit Decision for the development application described below.			
Applicant		Property Address(es) and Legal Description(s) 4164 - SAVARYN DRIVE SW Plan 1124310 Blk 32 Lot 192	
Scope of Application To construct exterior alterations to a Single Detached House (Driveway extension, 9.60m x 2.79m).			
Details			
Development Category: Site Area (sq. m.): 613.91		Overlay: Statutory Plan:	
Development Application Decision Refused Issue Date: Mar 11, 2025 Development Authority: WINGET, MARK Reason for Refusal 1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3) Proposed: The driveway does not lead directly from the roadway to the garage. 2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4 m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2) Proposed: The driveway is 9.2 m wide. 3) Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard. (Subsection 5.80.2.1.5.1) Proposed: The additional concrete provides vehicle parking space in the front yard. 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			
	Fee Amount	Amount Paid	Receipt #
			Date Paid
THIS IS NOT A PERMIT			

	Application for Driveway Extension Permit		Project Number: 561308239-002 Application Date: JAN 24, 2025 Printed: March 11, 2025 at 10:39 AM Page: 2 of 2	
Fees				
Existing Without Permit Dev Application Penalty Fee Development Application Fee Total GST Amount: Totals for Permit:	Fee Amount \$190.00 \$190.00 \$0.00 \$380.00	Amount Paid \$190.00 \$190.00 \$380.00	Receipt # 032923001001672 084890001001948 	Date Paid Jan 31, 2025 Jan 24, 2025
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-046



N

ITEM II: 10:30 A.M.FILE: SDAB-D-25-052AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 559944016-002

APPLICATION TO: Construct an Accessory building (detached Garage, 7.32 m x 9.14 m) and to demolish a detached Garage

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 13, 2025

DATE OF APPEAL: March 17, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 3911 - 118 Street NW

LEGAL DESCRIPTION: Plan 3073NY Blk 45 Lot 11

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Whitemud District Plan

Grounds for Appeal

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

I am submitting this letter to formally appeal the denial of my development permit application for a detached garage at my property, located at 3911 118 St NW Edmonton. My application was refused due to the proposed structure exceeding the maximum allowable height and vehicle access not from the alleyway. However, I respectfully request that the board

reconsider this decision, as neither of these factors negatively impact the neighborhood or any adjacent properties, and all adjacent neighbours have reviewed and are in favor of the proposed structure.

The proposed height of the garage is necessary to accommodate vehicle clearance, loft storage and aesthetic consistency with existing structures. Despite exceeding the bylaw limit, the additional height does not interfere with sightlines, block sunlight, or create an undue visual impact on neighbouring properties. The mere 0.2m of proposed height overage which includes a 0.15m grade allowance as included by the city, is crucial for the build and has significant design implications if reduced. Several garages in the area have similar or greater heights, demonstrating that such a design is in keeping with the character of the neighborhood. Commonly found in the Greenfield neighbourhood are detached garages with backyard housing units which have an allowable height of 6.8m – well above the 4.5m that is proposed. Again, the proposed height will not obstruct views, cast excessive shadows, or create any undue burden on adjacent properties, but instead blend with the established esthetic of the neighbourhood.

Regarding vehicle access, my property's layout makes alleyway access impractical and more importantly dangerous due to the lack of adequate property space, location of alleyway access in reference to the alley corner, and lack of maneuverability. Commonly, vehicles turn blindly down the alley at high rates of speed posing a significant safety concern backing out of a garage at a blind corner onto an already overcrowded alleyway. The lack of maneuverability will require multipoint turns to access the garage, now requiring a vehicle to be stopped at this blind corner – potentially leading to an accident. As per the City of Edmonton rep, changing vehicle access to the alley would only return roughly 7m² of grass to the city, and does not pose any other benefit as there are no curb crossings, city trees, boulevard, or buried utilities – all commonly identified as reasons to relocate vehicle access. The proposed front access does not create traffic concerns, pose safety concerns, lack maneuverability, nor has concern been expressed by neighbours, all of which has been demonstrated by the current vehicle access coming from the road for the last 40+ years. This access point is both functional and appropriate for the site, ensuring efficient use of space while maintaining the aesthetic and safety standards just as many other homes do in the Greenfield neighborhood.

I have had many conversations with neighbours surrounding our property who are not only fully supportive of the proposed design, but enthusiastic and encouraged about the value it will bring to the neighbourhood. Attached to this appeal are letters of support from 5 surrounding neighbours who would be most “impacted” by this proposed development. All neighbours have fully reviewed the proposed development, are understanding of the height and driveway variance, and are confident the development will not negatively impact the character, privacy, or

enjoyment of their property, adding exceptional value to the neighbourhood.

Given that my proposed garage does not detract from the character of the neighborhood, negatively affect adjacent properties, or pose any safety concerns, I kindly request that the board reconsider my application.

Thank you for your time and consideration. I look forward to the opportunity to present my case at the appeal hearing. Please let me know if any additional information is required.

<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;

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- (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, **Single Detached Housing** means:

a building that contains 1 principal Dwelling and has direct access to ground level.

Under section 8.20, **Accessory** means “a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

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>Height</i>

Section 5.10.9 states:

Unless otherwise specified in this Bylaw, Accessory buildings or structures located in residential Zones must comply with Table 9:

Subsection	Regulation	Value	Symbol
9.1	Maximum Height	4.3 m	-

Under section 8.20, **Height** means “a vertical distance between 2 points. Where described as a Modifier in a regulation, this is represented as the letter “h” and a number on the Zoning Map.”

Development Planner’s Determination

1. Accessory Building Height - The proposed detached Garage is 4.5 m high, instead of 4.3 m. (Section 5.10.9.1.)

[unedited]

<i>RS - Small Scale Residential Zone - General Regulations</i>

Section 2.10.6.1 states “Vehicle access must be from an Alley where a Site Abuts an Alley.”


Development Planner’s Determination

2. Driveway Location - Vehicle access must be from an Alley where a Site Abuts an Alley. (Section 2.10.6.1.)

[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.

	<h2>Application for Home Improvement Permit</h2>			Project Number: 559944016-002 Application Date: JAN 20, 2025 Printed: March 13, 2025 at 1:54 PM Page: 1 of 1																																			
This document is a Development Permit Decision for the development application described below.																																							
Applicant	Property Address(es) and Legal Description(s) 3911 - 118 STREET NW Plan 3073NY Blk 45 Lot 11																																						
	Location(s) of Work Suite: 3911 - 118 STREET NW Entryway: 3911 - 118 STREET NW Building: 3911 - 118 STREET NW																																						
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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.): 579.04</td> <td>Statutory Plan:</td> </tr> </table>					Development Category:	Overlay:	Site Area (sq. m.): 579.04	Statutory Plan:																															
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Development Application Decision Refused Issue Date: Mar 13, 2025 Development Authority: FOLKMAN, JEREMY Reason for Refusal 1. Accessory Building Height - The proposed detached Garage is 4.5 m high, instead of 4.3 m. (Section 5.10.9.1.) 2. Driveway Location - Vehicle access must be from an Alley where a Site Abuts an Alley. (Section 2.10.6.1.) 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.																																							
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