

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
April 16, 2025**

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3

I 9:00 A.M. SDAB-D-25-053

To construct exterior alterations to a Residential
Use building (Driveway extension)

15616 - 132 Street NW
Project No.: 540508852-002

II 10:30 A.M. SDAB-D-25-054

To construct an Accessory building (rear detached
Garage, 14.6m x 9.8m)

9220 - 147 Street NW
Project No.: 528643980-002

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

ITEM I: 9:00 A.M.FILE: SDAB-D-25-053AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 540508852-002

APPLICATION TO: To construct exterior alterations to a Residential Use building (Driveway extension)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 14, 2025

DATE OF APPEAL: March 20, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15616 - 132 Street NW

LEGAL DESCRIPTION: Plan 8921995 Blk 5 Lot 3

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northwest District Plan

Grounds for Appeal

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

Appeal a refused permit

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:

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:

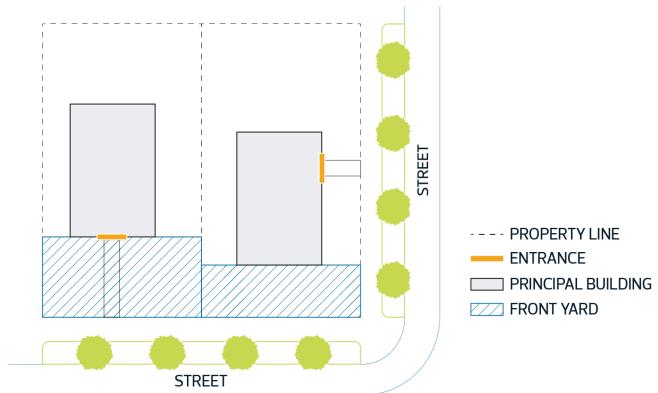
means an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



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

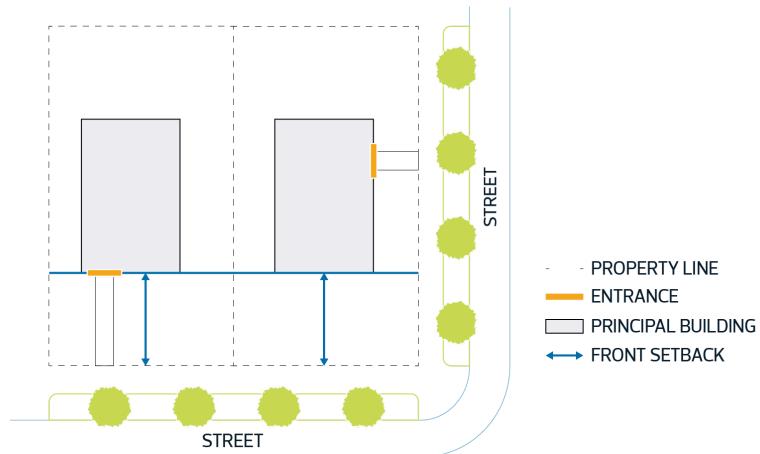
means the portion of a Site Abutting the Front Lot Line extending across

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 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.

Site Circulation and Parking Regulations for Small Scale Residential Development

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. Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Reference Section 5.80.2.1.3.)

The Driveway extensions lead to the front and side of the house not directly to a Garage or Parking Area.

2. Driveway - 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. (Reference Section 5.80.2.1.4.2.)

The width of the Driveway and Driveway extensions is 9.7 m instead of 6.1 m.

3. Parking - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Section 5.80.2.1.5.)

The Driveway extensions will create parking pads in the Front Yard of a house in a Residential Zone

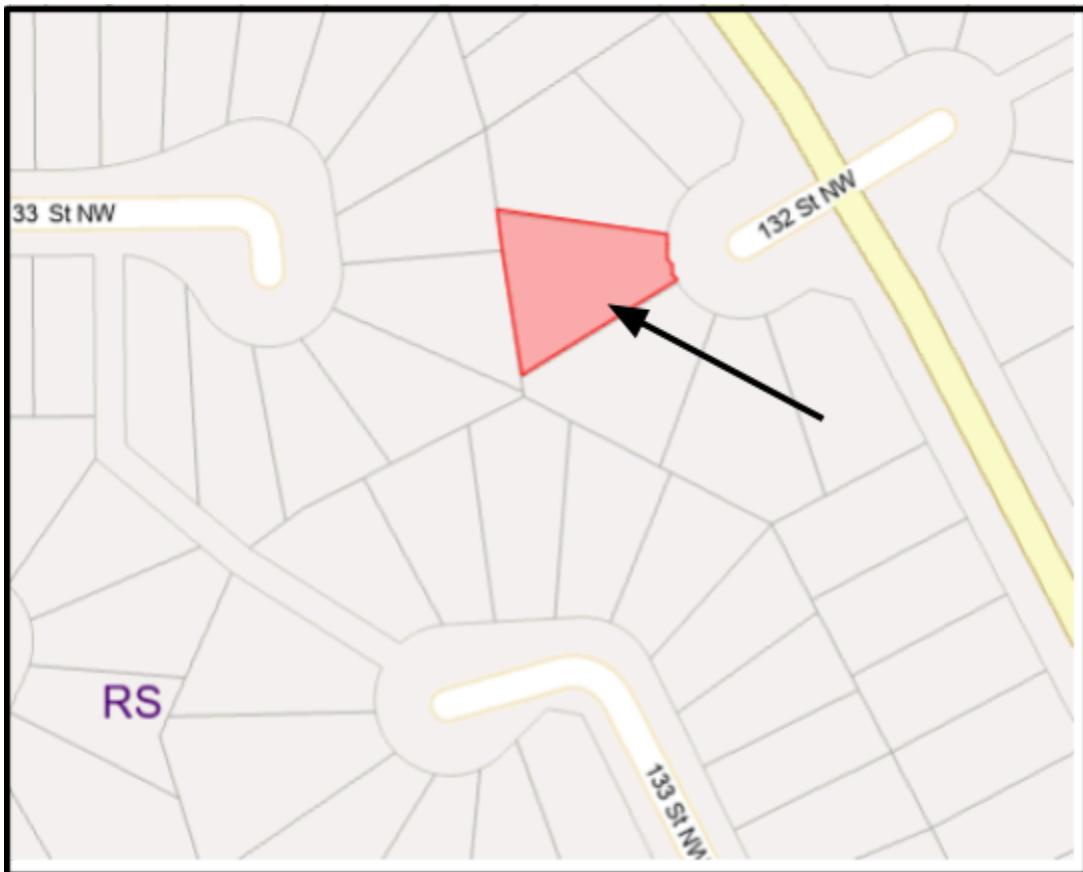
[unedited]

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: 540508852-002 Application Date: NOV 14, 2024 Printed: March 14, 2025 at 1:28 PM Page: 1 of 2													
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Driveway Extension Permit</h3>															
<p>This document is a Development Permit Decision for the development application described below.</p>															
Applicant	Property Address(es) and Legal Description(s) 15616 - 132 STREET NW Plan 8921995 Blk 5 Lot 3														
Location(s) of Work Suite: 15616 - 132 STREET NW Entryway: 15616 - 132 STREET NW Building: 15616 - 132 STREET NW															
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension).															
Details <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> Development Category: Site Area (sq. m.): 711.51 </td> <td style="width: 50%; padding: 5px;"> Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Site Area (sq. m.): 711.51	Overlay: Statutory Plan:										
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Development Application Decision Refused															
Issue Date: Mar 14, 2025 Development Authority: FOLKMAN, JEREMY															
Reason for Refusal <p>1. Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Reference Section 5.80.2.1.3.) The Driveway extensions lead to the front and side of the house not directly to a Garage or Parking Area.</p> <p>2. Driveway - 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. (Reference Section 5.80.2.1.4.2.) The width of the Driveway and Driveway extensions is 9.7 m instead of 6.1 m.</p> <p>3. Parking - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Section 5.80.2.1.5.) The Driveway extensions will create parking pads in the Front Yard of a house in a Residential Zone.</p>															
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 style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;"></th> <th style="width: 25%; text-align: center;">Fee Amount</th> <th style="width: 25%; text-align: center;">Amount Paid</th> <th style="width: 25%; text-align: center;">Receipt #</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: center;">\$185.00</td> <td style="text-align: center;">\$185.00</td> <td style="text-align: center;">04062G001001248</td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;">Date Paid Nov 14, 2024</td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Development Application Fee	\$185.00	\$185.00	04062G001001248				Date Paid Nov 14, 2024
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THIS IS NOT A PERMIT															

Edmonton	Project Number: 540508852-002 Application Date: NOV 14, 2024 Printed: March 14, 2025 at 1:28 PM Page: 2 of 2															
Application for Driveway Extension Permit																
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-053



N

ITEM II: 10:30 A.M.FILE: SDAB-D-25-054AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 528643980-002

APPLICATION TO: To construct an Accessory building (rear detached Garage, 14.6m x 9.8m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 21, 2025

DATE OF APPEAL: March 21, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9220 - 147 Street NW

LEGAL DESCRIPTION: Plan 6054HW Blk 10 Lot 60

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

Grounds for Appeal

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

My current garage application has been declined due to the roof height exceeding 4.3M at midpoint. Proposed midpoint is 6.1. This space is for a arts and craft space for my wife and daughter. I chose not to apply for a garage suite permit as i am not interested in putting in bedrooms and plumbing for washrooms, nor am i interested in renting out this space. It is for personal family use only. I already have signed letters from my

neighbours indicating they have no issue with the proposed building. It should be noted that my current design is lower than the allowable height of a garage suite.

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;

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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.”

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.”

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.

Height

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

Accessory Height -- The maximum allowed height for an accessory building is 4.3m to the midpoint of the roof. (Section 5.10.9.1)

Proposed: 6.1m

Deficiency: 1.8m

[unedited]

Measuring Height and Grade

Section 5.70.1.7 states “The top of a roof is permitted to extend a maximum of 1.7 m above the maximum Height permitted in the applicable Zone.”

Development Planner's Determination

Height to top of roof -- The maximum height to the top of the roof is 6.0m. (Subsection 5.70.1.7)

Proposed: 8.4m

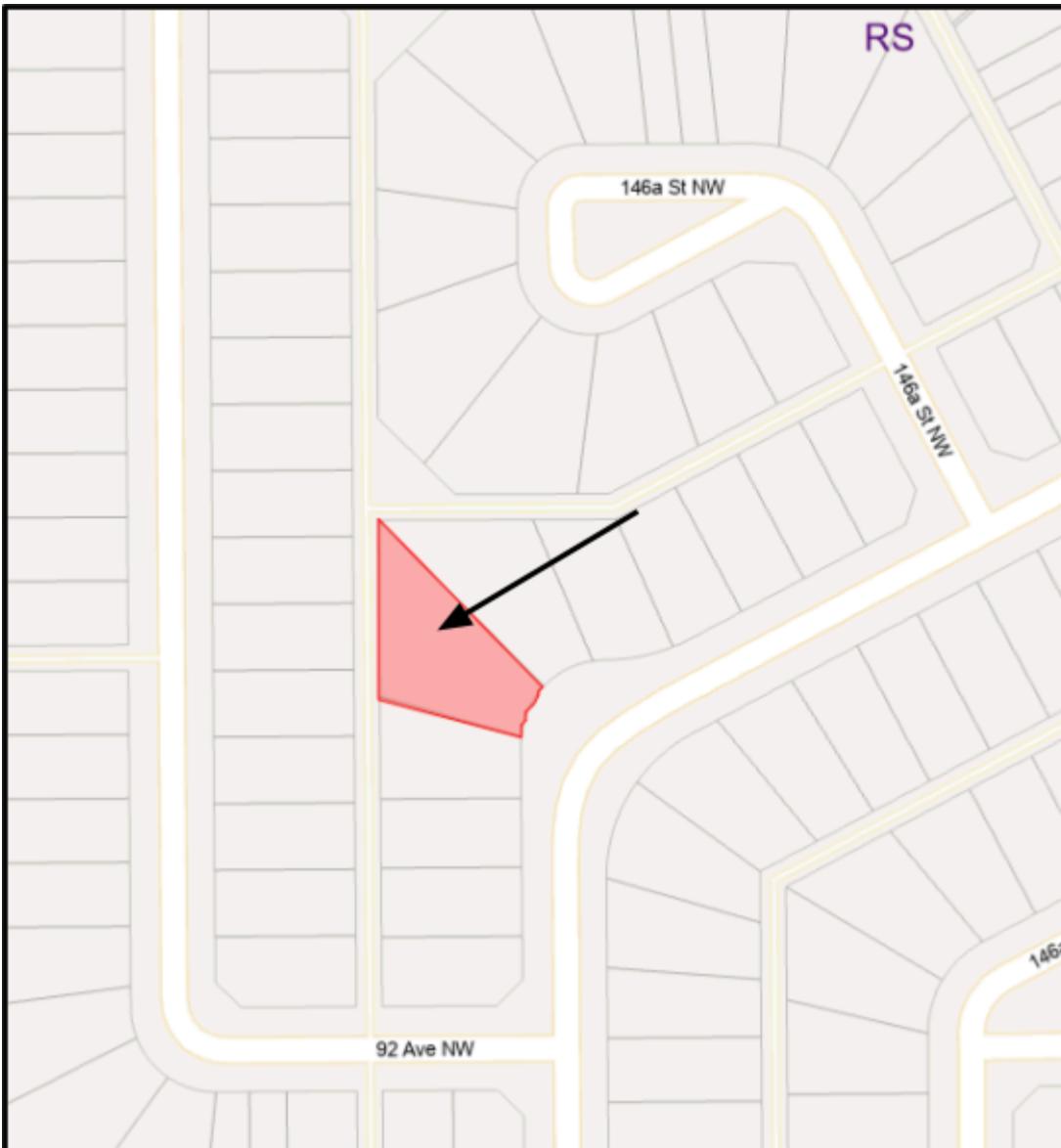
Deficiency: 2.4m

[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: 528643980-002 Application Date: NOV 12, 2024 Printed: March 21, 2025 at 11:52 AM Page: 1 of 1																														
Application for Accessory Building Permit																															
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Applicant	Property Address(es) and Legal Description(s) 9220 - 147 STREET NW Plan 6054HW Blk 10 Lot 60																														
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Scope of Application To construct an Accessory building (rear detached Garage, 14.6m x 9.8m).																															
Details																															
Development Category: Discretionary Development Site Area (sq. m): 1038.99	Overlay: Statutory Plan:																														
Development Application Decision Refused																															
Issue Date: Mar 21, 2025	Development Authority: SELTZ, AARON																														
Reason for Refusal Accessory Height -- The maximum allowed height for an accessory building is 4.3m to the midpoint of the roof. (Section 5.10.9.1) Proposed: 6.1m Deficiency: 1.8m Height to top of roof -- The maximum height to the top of the roof is 6.0m. (Subsection 5.70.1.7) Proposed: 8.4m Deficiency: 2.4m																															
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.																															
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-054



N