

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

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

**April 2, 2025**

**Hearing Room No. 3**

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

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

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I      9:00 A.M.      SDAB-D-25-043

A. Farhat

To construct exterior alterations (Driveway extension) to a Residential Use building in the form of a Single Detached House, existing without permits

4132 - 89 Street NW

Project No.: 532775158-002

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II      10:00 A.M.      SDAB-D-25-044

N. Kamleh

To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a 4 Dwelling Row House (with 3 existing Secondary Suites)

10507 - 78 Street NW

Project No.: 550030001-002

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III      1:30 P.M.      SDAB-D-25-045

R. & K. Frost VS. T. Muity-Mehra

To convert a Residential building (Single Detached House) to a Child Care Service (up to 73 children)

1869 - Lakewood Road South NW

Project No.: 529186291-002

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

ITEM I: 9:00 A.M.FILE: SDAB-D-25-043AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: A. Farhat

APPLICATION NO.: 532775158-002

APPLICATION TO: To construct exterior alterations (Driveway extension) to a Residential Use building in the form of a Single Detached House, existing without permits

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

**DECISION DATE:** January 14, 2025

**DATE OF APPEAL:** March 10, 2025

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 4132 - 89 Street NW

LEGAL DESCRIPTION: Plan 3099TR Blk 30 Lot 47

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Millwoods and Meadows District Plan

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<b><i>Grounds for Appeal</i></b>
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The Appellant provided the following reasons for appealing the decision of the Development Authority:

To whom it may concern;

First I apology about the delay for many reasons :

my appeal supposed to be before February 4th and i didnt know about it , I am really sorry I didnt know about the appeal date.

I hired an engineer for this project and everything was sent to him after I knew the drive way extension was refused I thought that he is gonna received the email for the appeal. and by the time that I know about the email the due date was over. please help me out by understanding my situation and accept me this appeal.

As a family for 5 kids we lived in this house we did the drive way and costs us over 30000\$ and our neighbours also have driveways .

when we did the drive way we asked at Edmonton tour and no one told us that we need a permits. after we know about the permit we did file it to be legal and we follow the process for the permit application.

I have lots of debt and I cannot affords to pay to remove it.

Our kids enjoyed playing at the drive way during the summer plus our neighbours kids also come over and play with my kids.

the drive way give our house a nice view to our house.

and instead of parking our cars in the street we park it infront of our house. for example: on the christmas time when we enjoyed our companies and we do want to make the street full of cars because every one have visitors during the holidays, the drive way make it way comfortable without bothering no one or made the street full of cars.

our drive way give our house luxury view even our neighbours like it .

I hope you understand my situation and I appology again for the delay, and I hope you accept my appeal with the approve for the driveway extension with all my respect.

please help me and respond to me as soon as possible because i received a call from the city of edmonton today that they are coming in april 15 and if I dont won the appeal they are going to give me a ticket . please I cannot affoard it to remove .

thank you.

<b><i>General Matters</i></b>
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**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.

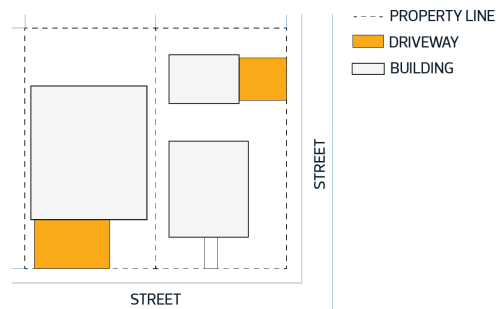
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

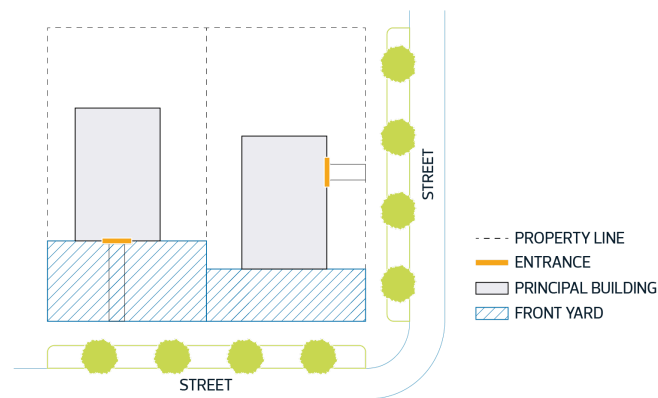
Under section 8.20, **Driveway** means:

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.



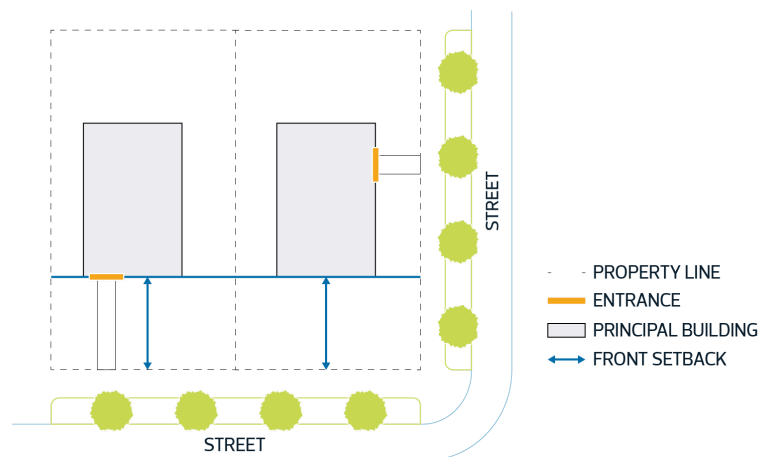
Under section 8.20, **Front Yard** means:

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.

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

<p><b><i>General Landscaping Regulations</i></b></p>
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Section 5.60.2.2. states “All open space, including Yards, Setback areas, and Common Amenity Areas must be Landscaped with trees, shrubs, flowers, grass, or other perennial ground cover, [...]”

**Development Planner’s Determination**

**1. Driveway - The driveway shall lead directly from the roadway to the Garage or Parking Area (Subsection 5.80.2.1.3)**

**Proposed: The extension of the Driveway does not lead to Garage or Parking Area.**

**2. Parking - Parking Area or Parking space shall not be located within the Front Yard in a Residential Zone. (Subsection 5.80.2.1.5.1)**

**Proposed: The parking pad creates parking spaces in the Front Yard in a Residential Zone.**

**3. All open space including the Yards, Setback areas and Common Amenity Areas must be landscaped with trees, shrubs, flowers, grass,**

**or other perennial ground cover. (Subsection 5.60.2.2)**  
**Proposed: The Front Yard is hard surfaced.**


[unedited]

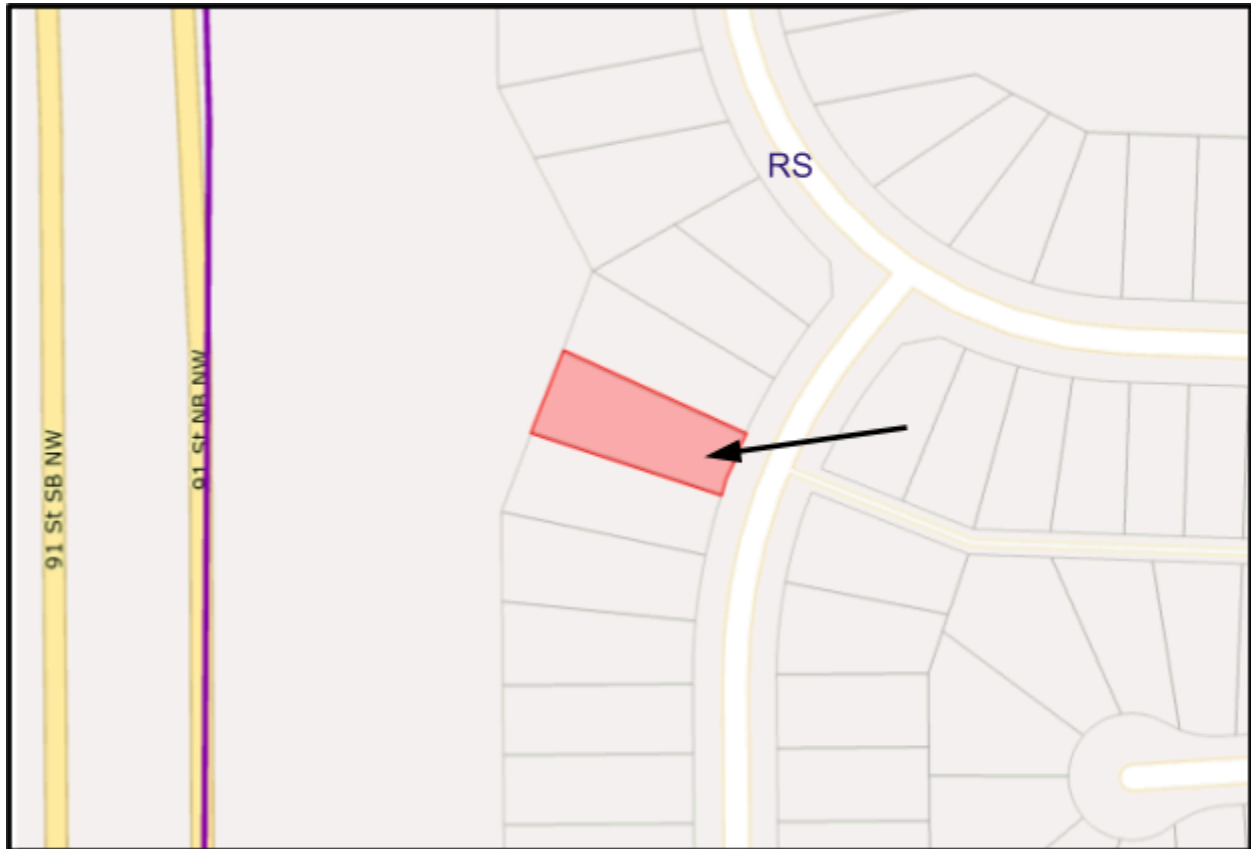
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Notice to Applicant/Appellant

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

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		<b>Project Number: 532775158-002</b> Application Date: OCT 02, 2024 Printed: January 14, 2025 at 8:50 AM Page: 1 of 2																					
		<b>Application for Driveway Extension Permit</b>																					
This document is a Development Permit Decision for the development application described below.																							
<b>Applicant</b>		<b>Property Address(es) and Legal Description(s)</b>																					
		4132 - 89 STREET NW Plan 3099TR Blk 30 Lot 47																					
		<b>Location(s) of Work</b>																					
		Suite: 4132 - 89 STREET NW																					
		Entryway: 4132 - 89 STREET NW																					
		Building: 4132 - 89 STREET NW																					
<b>Scope of Application</b> To construct exterior alterations (Driveway extension) to a Residential Use building in the form of a Single Detached House, existing without permits.																							
<b>Details</b>																							
Development Category: Site Area (sq. m.): 857.91		Overlay: Statutory Plan:																					
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Jan 14, 2025 <b>Development Authority:</b> LAI, ECHO  <b>Reason for Refusal</b> 1. Driveway - The driveway shall lead directly from the roadway to the Garage or Parking Area (Subsection 5.80.2.1.3) Proposed: The extension of the Driveway does not lead to Garage or Parking Area.  2. Parking - Parking Area or Parking space shall not be located within the Front Yard in a Residential Zone. (Subsection 5.80.2.1.5.1) Proposed: The parking pad creates parking spaces in the Front Yard in a Residential Zone.  3. All open space including the Yards, Setback areas and Common Amenity Areas must be landscaped with trees, shrubs, flowers, grass, or other perennial ground cover. (Subsection 5.60.2.2) Proposed: The Front Yard is hard surfaced.  <b>Rights of Appeal</b> 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.																							
<b>Building Permit Decision</b> No decision has yet been made.																							
<b>Fees</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Fee Amount</th> <th>Amount Paid</th> <th>Receipt #</th> <th>Date Paid</th> </tr> </thead> <tbody> <tr> <td>Existing Without Permit Dev</td> <td>\$185.00</td> <td>\$185.00</td> <td>09425G001001742</td> <td>Oct 07, 2024</td> </tr> <tr> <td>Application Penalty Fee</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Development Application Fee</td> <td>\$185.00</td> <td>\$185.00</td> <td>09218035</td> <td>Oct 02, 2024</td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Existing Without Permit Dev	\$185.00	\$185.00	09425G001001742	Oct 07, 2024	Application Penalty Fee					Development Application Fee	\$185.00	\$185.00	09218035	Oct 02, 2024
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<b>THIS IS NOT A PERMIT</b>																							



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-25-043

▲  
**N**

ITEM II: 10:00 A.M.FILE: SDAB-D-25-044AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: N. Kamleh

APPLICATION NO.: 550030001-002

APPLICATION TO: To add a Dwelling to a Residential Use building  
(Secondary Suite in the Basement of a 4 Dwelling Row  
House (with 3 existing Secondary Suites)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 28, 2025

DATE OF APPEAL: March 6, 2025

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 10507 - 78 Street NW

LEGAL DESCRIPTION: Plan 4466HW Blk 16 Lot 2

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Southeast District Plan

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<b><i>Grounds for Appeal</i></b>
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The Appellant provided the following reasons for appealing the decision of the Development Authority:

I am writing to formally request a variance concerning the maximum site area requirement for the property located at 10507-78 st (CITY FILE # 550030001-002). As per the current zoning regulations, the maximum site area requirement for the property is 600 square meters and we currently

have permits for 7 dwellings, 4 principal and 3 secondary suite units ( $595.34/75=7.94$ ). However, the existing conditions of the site, including the topography, neighboring properties, and other relevant factors, make it challenging to comply with this requirement while still achieving the intended use of the property. Our proposed development or use of the property will ensure minimal disruption to the surrounding environment, and we are committed to ensuring that the design adheres to all other zoning and building codes to preserve the character and integrity of the area. In consideration of these factors, I kindly request the relaxation of the maximum number of dwellings allowed. This variance would allow us to proceed with the development without negatively affecting the surrounding neighborhood or the objectives of the zoning regulations. We believe that granting this variance will not only support the intended development but will also be in line with the broader goals of encouraging efficient land use and supporting responsible growth in the area. There are several of these 4 plex models around the city with the same issue and have been granted Variances. One specific instance is TS Moderns 4 plex in the community of Ritchie (7424-95St). If you require any further information, please do not hesitate to contact me. Thanks

<b><i>General Matters</i></b>
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**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 8.10, **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 8.10, **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.

<b><i>Dwelling / Site Area</i></b>
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Section 2.10.3. states:

3.2. Residential

3.2.1. The maximum number of Dwellings on an Interior Site is 8.

Section 2.10.4. states:

4.1. Development must comply with Table 4.1:

<b>Table 4.1 Site and Building Regulations</b>			
<b>Subsection</b>	<b>Regulation</b>	<b>Value</b>	<b>Symbol</b>
<b>Site Dimensions</b>			
<b>4.1.1</b>	Minimum Site area per Dwelling	75.0 m2	-

**Development Planner's Determination**

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

**Required: 600m2 (for 8 dwellings).Proposed: 594.57m2**

**Deficient by: 5.43m2**


[unedited]

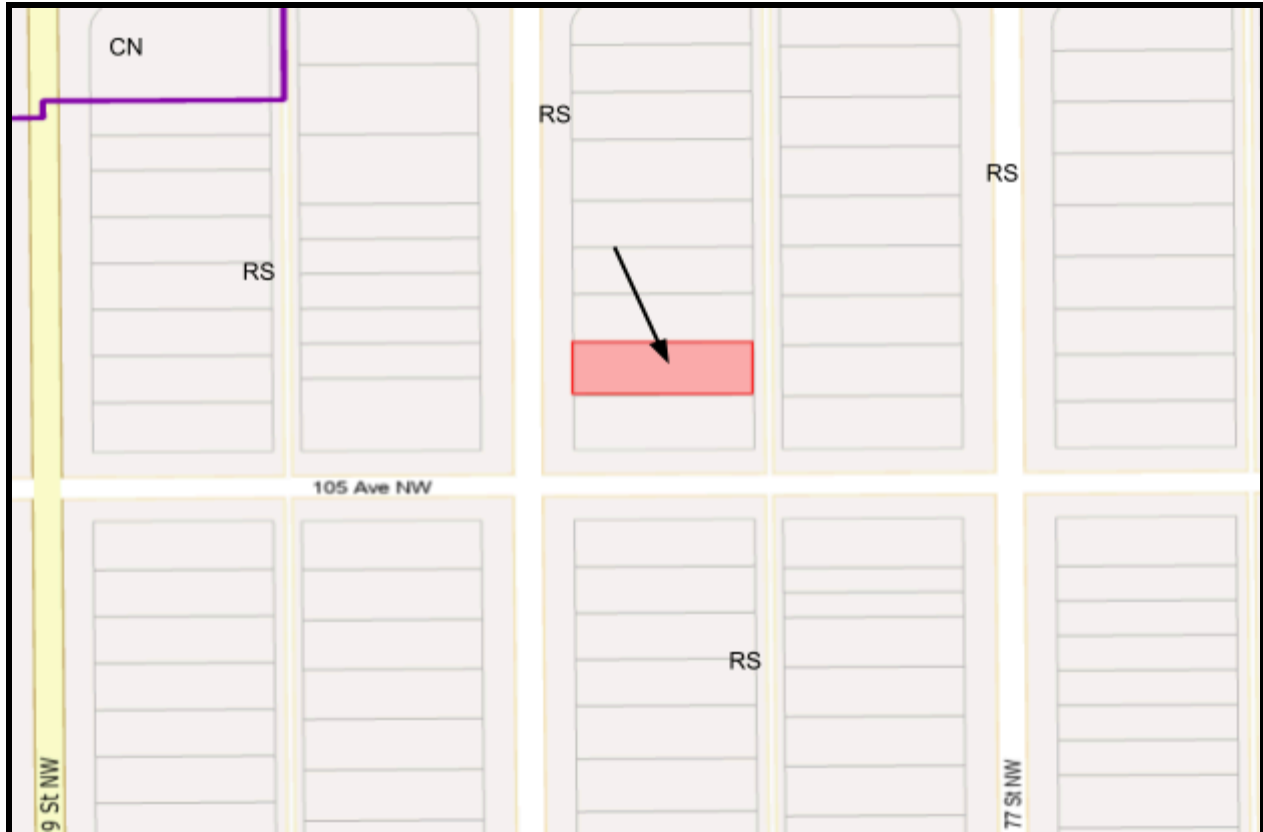
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**Notice to Applicant/Appellant**

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

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		<b>Project Number: 550030001-002</b> Application Date: DEC 16, 2024 Printed: February 28, 2025 at 4:24 PM Page: 1 of 1																																				
<h2>Application for Secondary Suite Permit</h2>																																						
This document is a Development Permit Decision for the development application described below.																																						
<b>Applicant</b>  <b>Project Name:</b> 10507-78ST FOREST HEIGHTS #1		<b>Property Address(es) and Legal Description(s)</b> 10507 - 78 STREET NW Plan 4466HW Blk 16 Lot 2																																				
		<b>Location(s) of Work</b> Suite: BSMT4, 10507 - 78 STREET NW Entryway: 4, 10507 - 78 STREET NW Building: 1, 10507 - 78 STREET NW																																				
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<b>Development Application Decision</b> Refused <b>Issue Date:</b> Feb 28, 2025 <b>Development Authority:</b> ZENG, KATHY  <b>Reason for Refusal</b> Site Area - Minimum Site area per Dwelling 75.0m <sup>2</sup> (Section 2.10.3.2.1) Required: 600m <sup>2</sup> (for 8 dwellings) Proposed: 594.57m <sup>2</sup> Deficient by: 5.43m <sup>2</sup>  <b>Rights of Appeal</b> 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.																																						
<b>Building Permit Decision</b> No decision has yet been made.																																						
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**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←

**File: SDAB-D-25-044**

▲  
**N**

ITEM III: 1:30 P.M.FILE: SDAB-D-25-045AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: R. & K. Frost

APPLICATION NO.: 529186291-002

APPLICATION TO: To convert a Residential building (Single Detached House) to a Child Care Service (up to 73 children)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: March 4, 2025

DATE OF APPEAL: March 6, 2025

RESPONDENT: T. Muitty-Mehra

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 1869 - Lakewood Road South NW

LEGAL DESCRIPTION: Plan 7723072 Blk 32 Lot 42

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Millwoods and Meadows District Plan

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<i><b>Grounds for Appeal</b></i>
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The Appellant provided the following reasons for appealing the decision of the Development Authority:

The following are some of the reasons why we want to stop the development of a daycare next door to our residential property.

#1. We have had no communications with the owner(s) of this proposed development.

#2 Excessive noise that will come with 73 children and their parents.

#3 Parking: this property has inadequate parking for the 8 stalls required for drop off and pick up. This site only has 2 existing parking sites. There is NO street parking available during school drop off and pick up. We have lived here for 45 years and have witnessed the congestion during school hours and events. This congestion could cause issues for access of emergency vehicles to the neighbourhood.

#4 Lot size: this property is extremely small for the development of a new children's play area to accommodate 73 children or part thereof.

#5 Our pets: the ongoing activity, noise, and possible teasing will cause great stress for ourselves as we will lose the quiet enjoyment of our backyard.

#6 Play area and equipment. We have no idea what play apparatuses might be installed in their side yard. We will have to deal with whatever gets thrown in our yard. Our yard is locked and secured because we have pets. Therefore we will have to deal with workers coming to the door asking to return items.

#7 Enjoyment of our backyard. We are retired and enjoy peace and quiet of our backyard. With the daycare next door that will no longer be possible. That is why commercial and residential properties don't mix.

<b><i>General Matters</i></b>
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**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 2.10.2.8, a **Child Care Service** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

Under section 8.10, a **Child Care Service** means:

Child Care Service means a development that provides temporary care and supervision of children. This Use includes facility-based early learning and child care programs. This Use does not include a Home Based Business operating as Home Based Child Care.

Typical examples include: daycares, out-of-school care, and preschools.

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.

***Passenger pick-up and drop-off spaces for Child Care Services***

Section 5.80.6.10 states:

6.10. Passenger pick-up and drop-off spaces for Child Care Services must:

6.10.1. not be located more than 100 m from the entrance used by the Child Care Service;

6.10.2. contain signage indicating a maximum duration for parking of 30 minutes or less; and

6.10.3. comply with Table 6.10.3:

<b>Table 6.10.3. Minimum Passenger Pick-up and Drop-off Spaces for Child Care Services</b>		
<b>Subsection</b>	<b>Number of Children</b>	<b>Passenger Pick-up and Drop-off Spaces</b>
<b>6.10.3.1.</b>	Less than or equal to 10	2
<b>6.10.3.2.</b>	Each additional 10	1

6.11. Despite Table 6.10.3, passenger pick-up and drop-off spaces for Child Care Services are not required:

6.11.1. within the boundary of Appendix I, or the boundaries of the Capital City Downtown Plan; or

6.11.2. where Child Care Services are on the same Site as a School.

6.12. Despite Table 6.10.3, an on-Street loading zone may satisfy a portion of the required passenger pick-up and drop-off spaces without a variance, subject to the approval of the Development Planner in

consultation with the City department responsible for transportation planning.

**Development Planner's Determination**

**1) Pick-up and Drop-off Spaces - the Site has 3 onsite drop-off and pick up spaces instead of 8 (Subsection 5.80.6.10.3).**


[unedited]

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**Notice to Applicant/Appellant**

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

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		<b>Project Number: 529186291-002</b> Application Date: SEP 06, 2024 Printed: March 4, 2025 at 10:46 AM Page: 1 of 4	
		<h2>Major Development Permit</h2>	
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.			
<b>Applicant</b>		<b>Property Address(es) and Legal Description(s)</b> 1869 - LAKEWOOD ROAD SOUTH NW Plan 7723072 Blk 32 Lot 42	
		<b>Specific Address(es)</b> Entryway: 1869 - LAKEWOOD ROAD SOUTH NW Building: 1869 - LAKEWOOD ROAD SOUTH NW	
<b>Scope of Permit</b> To convert a Residential building (Single Detached House) to a Child Care Service (up to 73 children).			
<b>Details</b>			
Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: Site Area (sq. m.):		Gross Floor Area (sq.m.): New Sewer Service Required: Overlay: Statutory Plan:	
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Mar 04, 2025 <b>Development Authority:</b> BACON, KIRK			
<b>Subject to the Following Conditions</b>			
1) This Development Permit is NOT valid until the notification period expires as specified Section 7.190. 2) This Development Permit authorizes the conversion of the existing Single Detached House to a Child Care Service (for up to 73 children). The development shall be constructed in accordance with the stamped and approved drawings. 3) Any increase in the number of children in the Child Care Service shall require separate development approval. 4) On-Site outdoor play spaces for Child Care Services at ground level must be Fenced on all sides and all gates must be self-latching (Subsection 6.40.3.3). 5) Passenger pick-up and drop-off spaces for Child Care Services must contain signage indicating a maximum duration of 30 minutes or less (Subsection 5.80.6.10.2). 6) Pathways connecting the main building entrances to adjacent sidewalks must be a minimum width of 1.8m (Subsection 5.80.3.1.2). 7) Bike parking must be provided in accordance with Subsection 5.80.8. 8) The maximum Height of the fence around the proposed outdoor play space is 2.0m (Subsection 5.100.2.2.2).			
Transportation: 9) Site access to 81 Street exists. No driveway widening is permitted within the road right-of-way. The widening of the driveway by 0.6m within private property to a total width of 7.8m to accommodate 3 on-site drop off stalls is acceptable to Subdivision Planning (Transportation).			

## Major Development Permit

10) Onsite sidewalks must be developed as accessible and hard-surfaced and must connect the building entrances to the public sidewalk, parking and waste collection areas to meet Section 5.80 of Zoning Bylaw 20001.

11) The proposed location of the waste enclosure is acceptable. However, all waste removal operations must be conducted on-street as no backing up into or out of the site will be permitted across the public sidewalk. Waste enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way.

12) Permanent objects including concrete steps, railings, planter boxes, fencing and gate swings 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 and only grass is permitted to be planted within the boulevard.

13) Any sidewalk 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.

### Landscaping:

14) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner must pay a Development Permit Inspection Fee of \$550.00 (this can be paid by phone with a credit card - 780-442-5054).

15) Landscaping must be installed in accordance with the approved Landscape Plan, and Section 5.60 of Zoning Bylaw 20001, to the satisfaction of the Development Planner.

16) Any change to an approved Landscape Plan requires the approval of the Development Planner prior to the Landscaping being installed.

17) Landscaping must be installed within 12 months of receiving the Final Occupancy Permit. Landscaping must be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Planner.

18) A Landscape Security must be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Planner. The initial Landscape Inspection must be requested within 14 days of the Landscape installation being completed ([www.edmonton.ca/landscapeinspectionrequest](http://www.edmonton.ca/landscapeinspectionrequest)).

19) Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Planner must be collected. The Landscape Security must be retained for a period of 24 months from the date of the initial Landscape Inspection.

20) Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection must, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Planner.

### Subject to the Following Advisements

1) Signs require separate Development Applications.

2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

3) 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 or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

## Major Development Permit

4) The City of Edmonton does not collect waste from non-Residential (Child Care Services) developments. The Child Care Service provider or property owner is responsible for managing their waste collections through the private commercial waste collection agencies. The business operator or property owner is advised to ensure that they have adequate waste disposal services to serve the development.

### Transportation:

5) Designated on-street drop off stalls are not supported with this development application.

6) 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://utilitypartners.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://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 removal shall be at the expense of the owner/applicant.

7) 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:

- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right of way if required;
- 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 online at:

[https://www.edmonton.ca/business\\_economy/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/oscam-permit-request.aspx)

### Fire Rescue Services:

8) The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be accepted in writing by the fire department and the authority having jurisdiction. Edmonton Fire Rescue Services will review your plan at the initial construction site safety inspection upon commencement of construction.

Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan

Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).

A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).

You can locate a copy of the FSP guide for your reference here:

<https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771>

9) Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction.

Reference: NFC(2023-AE) 5.6.3.6. Hydrant Access


1) Hydrants on construction, alteration, or demolition site shall

- a) be clearly marked with a sign,
- b) be accessible, and
- c) have an unobstructed clearance of not less than 2 m at all times.

10) Ensure that the travel distance (not radius) from the principal entrance to the nearest fire hydrant does not exceed 90 meters (non-sprinklered building).

Reference: NBC(2019-AE) 3.2.5.5. Location of Access Routes

2) Access routes shall be provided to a building so that

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<p>b) for a building not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90m, and</p> <p>c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45m.</p> <p>11) Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route.          Reference: NBC(2019-AE) 3.2.4.8 Annunciator and Zone Indication          1) The Fire Alarm Annunciator Panel shall be installed in close proximity to a building entrance that faces a street or an access route for fire department vehicles.</p> <p>12) Edmonton Fire Rescue Services Access Guidelines specify that the unobstructed travel path (measured from a fire department vehicle to the entry of the building/unit) must be a minimum 0.9m of clear width (gates must be non-locking) and no greater than 45m. in distance.  <a href="https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/B19-04_Small_Building_Access_Policy.pdf?cb=1632115800">https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/B19-04_Small_Building_Access_Policy.pdf?cb=1632115800</a>          The path must be of a hard surface such as a sidewalk that is accessible in all climate conditions. Soft surfaces such as grass or landscaped areas will not be considered.</p> <p>13) Please send ALL FRS DP review inquiries to <a href="mailto:cmsfpts@edmonton.ca">cmsfpts@edmonton.ca</a></p> <p>Waste Management:          14) The City of Edmonton does not collect waste from non-Residential (Child Care Services) developments. The Child Care Service provider or property owner is responsible for managing their waste collections through the private commercial waste collection agencies. The business operator or property owner is advised to ensure that they have adequate waste disposal services to serve the development.</p> <p><b>Variances</b>          1) Pick-up and Drop-off Spaces - the Site has 3 onsite drop-off and pick up spaces instead of 8 (Subsection 5.80.6.10.3).</p> <p><b>Rights of Appeal</b>          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.  <b>Notice Period Begins:</b> Mar 11, 2025      <b>Ends:</b> Apr 01, 2025</p>																																				
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