

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
April 30, 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-25-057      To construct an Accessory building (Mutual detached Garage, 5.87 metres by 12.8 metres)

7508 - 73 Avenue NW  
Project No.: 498493327-005

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II     10:30 A.M.     SDAB-D-25-058      To construct two Accessory buildings (shed, 6.20 metres by 2.90 metres, and Sea Can, 5.96 metres by 2.4 metres)

18920 - 122 Avenue NW  
Project No.: 564081306-002

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III    1:30 P.M.    SDAB-D-25-059      To convert a Single Detached House into a Child Care Service for up to 59 children and to construct exterior and interior alterations (converting the attached garage into Floor Area)

8108 - 180 Street NW  
Project No.: 529843365-002

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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-25-057AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

## APPELLANT:

APPLICATION NO.: 498493327-005

APPLICATION TO: Construct an Accessory building (Mutual detached Garage, 5.87 metres by 12.8 metres)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved With Conditions

DECISION DATE: March 20, 2025

DATE OF APPEAL: April 2, 2025

## RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 7508 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 644KS Blk 7 Lot 38

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Southeast District Plan

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***Grounds for Appeal***

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

I am writing to formally appeal the approval of Development Permit #498493327-005, which grants a variance reducing the required separation

between a mutual detached garage and the principal building from 3.0 meters to 2.5 meters at 7508 – 73 Avenue NW. Although the overall redevelopment—converting a single detached house into a 4-dwelling row house with 4 secondary suites (8 units total)—has been classified as a “minor development,” I have serious concerns regarding the cumulative impacts this variance and redevelopment will have on adjacent properties and neighborhood amenity. The “minor development” designation indicates that the project complies with the City’s established zoning criteria and has been streamlined through the permitting process. However, this technical classification does not mitigate the significant impacts that arise when a low density property is replaced with a high-density development.

A very detailed submission that outlines all of the concerns of the Appellant is available on the file.

### ***General Matters***

#### **Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

#### **Grounds for Appeal**

##### **685(1) If a development authority**

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

...

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

**(3)** Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

### **Appeals**

**686(1)** A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

### **Hearing and Decision**

**687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

(a.1) must comply with any applicable land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

#### **General Provisions from the Zoning Bylaw 20001:**

Under section 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

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

a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

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

Under section 8.20, **Multi-unit Housing** means a building that contains:

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

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

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

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

Under section 8.10, **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.

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.

### ***Site and Building Regulations***

Section 2.10.4.5 states “The minimum distance between a rear detached Garage and a principal Dwelling, except for Backyard Housing, on the same Site is 3.0 m.”

**Development Planner's Determination**

**Separation - The distance between the detached garage and the principal building is 2.5m, instead of 3m. (Subsection 2.10.4.5)**

[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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Edmonton	Project Number: <b>498493327-005</b> Application Date: <b>FEB 15, 2024</b> Printed: <b>March 20, 2025 at 3:00 PM</b> Page: <b>1 of 3</b>				
<b>Accessory Building Permit</b>					
<p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.</p>					
<b>Applicant</b>  <b>Project Name:</b> Avonmore (7508-73 Ave)	<b>Property Address(es) and Legal Description(s)</b> 7508 - 73 AVENUE NW Plan 644KS Blk 7 Lot 38				
<b>Location(s) of Work</b> Suite: 7508 - 73 AVENUE NW Suite: 7510 - 73 AVENUE NW Suite: 7512 - 73 AVENUE NW Suite: 7514 - 73 AVENUE NW Suite: BSMT, 7508 - 73 AVENUE NW Suite: BSMT, 7510 - 73 AVENUE NW Suite: BSMT, 7512 - 73 AVENUE NW Suite: BSMT, 7514 - 73 AVENUE NW Entryway: 7508 - 73 AVENUE NW Entryway: 7510 - 73 AVENUE NW Entryway: 7512 - 73 AVENUE NW Entryway: 7514 - 73 AVENUE NW Building: 7508 - 73 AVENUE NW					
<b>Scope of Permit</b> To construct an Accessory building (Mutual detached Garage, 5.87m x 12.8m).					
<b>Details</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Development Category: Discretionary Development</td> <td style="width: 50%; padding: 2px;">Overlay:</td> </tr> <tr> <td style="padding: 2px;">Site Area (sq. m.): 719.74</td> <td style="padding: 2px;">Statuary Plan:</td> </tr> </table>		Development Category: Discretionary Development	Overlay:	Site Area (sq. m.): 719.74	Statuary Plan:
Development Category: Discretionary Development	Overlay:				
Site Area (sq. m.): 719.74	Statuary Plan:				
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Mar 20, 2025 <b>Development Authority:</b> LAI, ECHO					
<b>Subject to the Following Conditions</b> This Development Permit is NOT valid until the notification period expires as specified Section 7.190.  This Development Permit authorizes the construction of an Accessory building (Mutual detached Garage, 5.87m x 12.8m).  The development must be constructed in accordance with the approved drawings.  An Accessory building or structure must not exceed 4.3 m in Height (Subsection 5.10.8.1).  Eaves may project a maximum of 0.6 m into a required Setback (Subsection 5.90.1).  The minimum distance between the eave and a Lot line Abutting another Site must be 0.45 m (Subsection 5.90.1.1).					
<b>ADVISEMENTS:</b>					



Project Number: 498493327-005  
 Application Date: FEB 15, 2024  
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 Page: 2 of 3

## Accessory Building Permit

The Driveway must maintain a minimum clearance of 1.5 m from the service pedestal and all other surface utilities. The applicant or property owner is responsible for the location of all underground and above ground utilities and maintaining the required clearance as specified by the utility companies. Alberta One-Call, Shaw, and Telus should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with the relocation or removal of the service pedestal must be at the expense of the applicant or property owner.

Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw.

An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

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

All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see [https://www.edmonton.ca/residential\\_neighbourhoods/gardens\\_lawns\\_trees/public-tree-permit](https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit). All new installations, above and below ground, within 5m of a City tree require forestry consultation.

In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.

City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage.

The site must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to [lot\\_grading@edmonton.ca](mailto:lot_grading@edmonton.ca) for review and approval.

For more information on Lot Grading requirements, plans and inspections refer to the website:  
[https://www.edmonton.ca/residential\\_neighbourhoods/residential-lot-grading](https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading)

### TRANSPORTATION CONDITIONS:

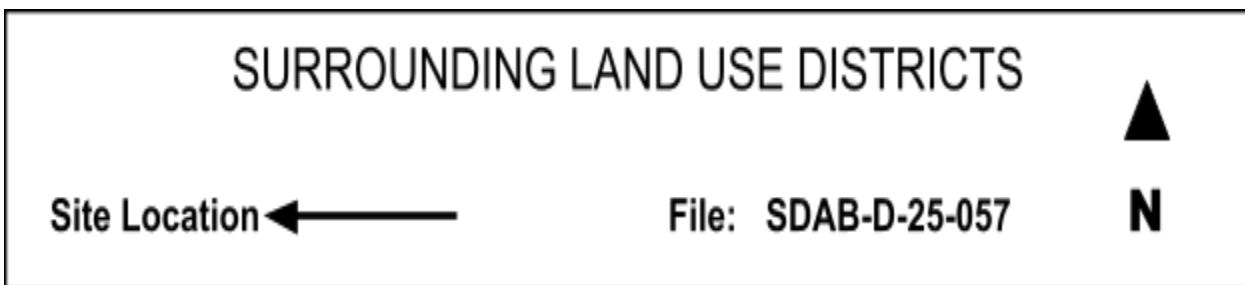
1. Access is proposed to the alley and does not require a crossing permit. The area between the west property line and the alley driving surface must be hard surfaced to the satisfaction of Subdivision and Development Coordination.

The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction.

2. There is an existing power pole with guy wires in the alley. It is noted that the applicant is in contact with EPCOR Power at [CES@Epcor.com](mailto:CES@Epcor.com) regarding relocating the guy wire that presently conflicts with the access to a garage door from the alley. All costs associated with relocation of the surface utility will be borne by the owner/applicant.

3. 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://utilitysafety.ca/wheres-the-line/submit-a-locate-request/>)

Edmonton	Project Number: <b>498493327-005</b> Application Date: <b>FEB 15, 2024</b> Printed: <b>March 20, 2025 at 3:00 PM</b> Page: <b>3 of 3</b>																												
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<p>(1-800-242-3447) and Shaw Cable (1-866-344-7429; <a href="http://www.digshaw.ca">www.digshaw.ca</a>) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.</p> <p>4. Any alley, sidewalk, and/or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner. The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction of the access.</p> <p>5. 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:</p> <ul style="list-style-type: none"> <li>a. the start/finish date of the project;</li> <li>b. accommodation of pedestrians and vehicles during construction;</li> <li>c. confirmation of lay down area <u>within</u> legal road right of way if required;</li> <li>d. and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.</li> </ul> <p>It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:  <a href="http://www.edmonton.ca/business_economy/oscam-permit-request.aspx">http://www.edmonton.ca/business_economy/oscam-permit-request.aspx</a></p>																													
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<p><b>Rights of Appeal</b></p> <p>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.</p> <p><b>Notice Period Begins:</b> Mar 27, 2025      <b>Ends:</b> Apr 17, 2025</p>																													
<p><b>Building Permit Decision</b></p> <p>No decision has yet been made.</p>																													
<p><b>Fees</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;"></th> <th style="width: 25%; text-align: center;">Fee</th> <th style="width: 25%; text-align: center;">Amount</th> <th style="width: 25%; text-align: center;">Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: center;">\$4.00</td> <td style="text-align: center;">\$4.00</td> <td style="text-align: center;">096984001001276</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: center;">\$140.00</td> <td style="text-align: center;">\$140.00</td> <td style="text-align: center;">096984001001276</td> </tr> <tr> <td>Building Permit Fee (Accessory Building)</td> <td style="text-align: center;">\$115.00</td> <td style="text-align: center;">\$115.00</td> <td style="text-align: center;">096984001001276</td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: center;">\$35.00</td> <td style="text-align: center;">\$35.00</td> <td style="text-align: center;">072833001001950</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: center;">\$0.00</td> <td></td> <td></td> </tr> <tr> <td><b>Totals for Permit:</b></td> <td style="text-align: center;"><b>\$294.60</b></td> <td style="text-align: center;"><b>\$294.60</b></td> <td></td> </tr> </tbody> </table>			Fee	Amount	Paid	Safety Codes Fee	\$4.00	\$4.00	096984001001276	Development Application Fee	\$140.00	\$140.00	096984001001276	Building Permit Fee (Accessory Building)	\$115.00	\$115.00	096984001001276	Variance Fee	\$35.00	\$35.00	072833001001950	Total GST Amount:	\$0.00			<b>Totals for Permit:</b>	<b>\$294.60</b>	<b>\$294.60</b>	
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ITEM II: 10:30 A.M.FILE: SDAB-D-25-058AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 564081306-002

APPLICATION TO: Construct two Accessory buildings (shed, 6.20 metres by 2.90 metres, and Sea Can, 5.96 metres by 2.4 metres)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 20, 2025

DATE OF APPEAL: April 7, 2025

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 18920 - 122 Avenue NW

LEGAL DESCRIPTION: Plan 9723099 Blk 4 Lot 6

ZONE: DC2.369 - Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

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

I am writing to formally appeal the decision to refuse development permits for the Sea Can storage container and fabric shed located at the rear of my property. I appreciate the City's efforts to uphold bylaws and maintain neighborhood standards, and I respectfully ask that you consider the

context, evidence, and circumstances outlined below in support of my appeal.

### **1. Location, Visibility & Neighbour Impact**

The Sea Can and fabric shed are both placed at the very rear of our 1-acre property, approximately 150 feet away from our residence.

Eastern Neighbour: The Sea Can and fabric shed are 350 feet from our nearest eastern neighbour. The Sea Can is not visible from our Eastern neighbour due to being strategically shielded by surrounding trees, a fabric shed, 6ft fences, and almost 7ft hedges. please see photo #1, Photo A & B for reference.

Western Neighbour: The Sea Can and fabric shed are 250 feet from our nearest Western neighbour. The Sea Can is not visible from our Western neighbour due to being strategically shielded by surrounding trees, 6ft fences, as well as it is completely blocked from view by the Western Neighbour's garage. please see photo #1 for reference.

Northern Neighbour: Not affected. The rear of our property backs onto a commercial trucking facility, which further reduces any visual or aesthetic impact on residential neighbours.

### **2. Temporary Use and Future Plans**

We have attached renderings and architectural plans that outline our intention to begin construction on a permanent garage within the next 18 months, subject to building permit approval. The Sea Can is being used only temporarily for secure storage during this transitional period. See photo E for reference of SeaCan Contents. It has also been painted to match the home in an effort to maintain the appearance and quality of our property. Please see attached photo #3, Photo F & Photo G, as well as the Architectural plans for reference.

### **3. Neighborhood Consistency and Precedent**

When driving through our neighborhood, it is easy to see that most of our neighbors are using similar storage methods. I have attached a photo standing on my front Driveway showing 2 neighbors where a Quonset and a Seacan are visible. Please see photo H for reference. Based on a satellite review of our neighborhood (attached in this submission), over 50% of properties in the area have Sea Cans, fabric sheds, quonsets, or similar structures on-site. While we understand this does not guarantee approval, it does highlight a level of community precedent that we hope will be weighed when considering the reasonableness and fairness of this decision.

### **4. Rural Character of the Area**

Our area consists of 49 large 1-acre rural residential lots. We do not have sidewalks, city water, or street lighting, and our immediate environment and lifestyle differ significantly from that of a standard urban residential neighborhood. Applying urban bylaws without consideration for the rural context seems disproportionate, especially when over 26 neighboring properties (Over 50%) currently have similar structures. Please refer to satellite view of neighborhood attached.

### **5. Effort Toward Compliance and Maintenance**

We are conscientious homeowners who take pride in maintaining our property. We do not want an eyesore on our land, and have worked to conceal the temporary storage container in a way that is respectful of our surroundings. The only side that is in line of site are the doors, which have been painted to match our house, and we've concealed it by placing the fabric shed on the side blocking its visibility from our Eastern neighbours. The fabric shed is also kept in good condition and used responsibly. Please see attached photo #4 for reference.

### **In Conclusion:**

We respectfully request that the City reconsider this decision an approval for the Sea Can and fabric shed with an understanding of the context, pending our garage construction. Should our appeal be denied, we will feel compelled to submit formal complaints for all 26 non-compliant properties in our neighborhood in the interest of fairness and consistency.

### ***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).

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**(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.

**685(4)** Despite subsections (1), (2), (2.1) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) ...

(b) is made by a development authority, the appeal may only be made to the subdivision and development appeal board and is limited to whether the development authority followed the

directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

### **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;

...

### **Zoning Bylaw 20001 - Part 7 - Administrative and Interpretative Clauses**

**Section 7.10, Repeal, Enactment and Transition Procedures, states the following:**

1. Edmonton Zoning Bylaw 12800, as amended, is repealed.
2. The regulations of this Bylaw come into effect on January 1, 2024 (the "effective date").
3. The regulations of this Bylaw apply from the effective date onward:
  - 3.1 subject to the regulations for non-conforming Uses as outlined in the Municipal Government Act; and
  - 3.2 despite the effect it might have on rights, vested or otherwise.
4. Regulations for zoning, land use, or development in any other Bylaw must not apply to any part of the city described in this Bylaw except as otherwise provided for in this Bylaw.

5. Development Permit applications must be evaluated under the regulations of this Bylaw as of the effective date, even if the application was received before this date.
6. Any Direct Control Zone regulations that were in effect immediately prior to the effective date of this Bylaw will continue to be in full force and effect and are hereby incorporated into Part 4 of this Bylaw.

***Section 7.20.4, General Rules of Interpretation - Direct Control Zones and Existing Development Permits, states the following:***

4.1. For the purpose of any Direct Control Zone passed on or before December 31, 2023:

4.1.1. the definitions of the listed Uses in the Direct Control Zone must be interpreted in compliance with either Land Use Bylaw 5996 as it appeared on June 13, 2001, or Zoning Bylaw 12800 as it appeared on December 31, 2023, whichever is applicable;

4.1.2. where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.1.3. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on December 31, 2023.

4.2. For the purpose of any Direct Control Zone passed on or after January 1, 2024:

4.2.1 where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.2.2. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on the date of decision for the Development Permit application.

4.3. Where there is a discrepancy between this Bylaw and any previous land use bylaw, the existing Direct Control Zone must not be interpreted to provide any additional rights than are otherwise contemplated in the Direct Control Zone.

...

4.4. For the purpose of any Development Permit issued on or before December 31, 2023, the Use identified in the permit is interpreted to have the same Use definition as set out in the applicable previous land use bylaw on the date on which the Development Permit was issued.

...

4.6. For all Direct Control Zones created prior to August 24, 1998, that contain Single Detached Housing, Semi-detached Housing, Duplex Housing or Secondary Suite as a listed Use:

4.6.1. the maximum number of Single Detached Housing Dwellings per Lot is 1;

4.6.2. the maximum number of Semi-detached Housing or Duplex Housing Dwellings per Site is 2; and

4.6.3. the maximum number of Secondary Suites per principal Dwelling is 1, unless specifically noted otherwise in the Direct Control Zone.

**Section 7.40, *Application of General and Specific Development Regulations*, states the following:**

1. General Development Regulations

1.1 The General Development Regulations in Part 5 apply to all developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

2. Specific Development Regulations

2.1 The Specific Development Regulations in Part 6 apply to specific developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

**Section 7.80, *Application of Direct Control Zones*, states the following:**

5.1 Unless specifically excluded or modified by a regulation of a Direct Control Zone, all regulations in the Zoning Bylaw apply to development in a Direct Control Zone. Site plans and building elevations cannot exclude or modify regulations of the Zoning Bylaw.

***Section 7.100, Authority and Responsibility of the Development Planner, Variance to Regulations, states the following:***

4.3 A variance must not be granted for a Development Permit application within a Direct Control Zone except where the ability to grant a variance is specified:

4.3.1. within the Direct Control Zone;

4.3.2. within an applicable regulation of a previous land use bylaw where such regulation has been referred to in the Direct Control Zone; or

4.3.3. within an applicable regulation of this Bylaw.

4.4. In the case of a conflict between Subsection 4.3 and the applicable Direct Control Zone, the Development Planner must comply with the provisions of the applicable Direct Control Zone.

**General Provisions from the DC2.369 - Site Specific Development Control Provision (“DC2”):**

Under section DC2.369.3.a, **Single Detached Housing** is a **Listed Use** in the **DC2.369 - Site Specific Development Control Provision**.

Section DC2.369.4.h states “An Accessory Building or Structure shall be in accordance with Section 61.3 of the Land Use Bylaw.”

Section DC2.369.4.k states “Development in this District shall be evaluated with the respect to compliance with the General Development Regulations of Sections 50 to 79 inclusive of the Land Use Bylaw.”

Section DC2.369.1 states that the **General Purpose** of the **DC2** is:

To establish a Site Specific Development Control District to accommodate rural residential development on lots a minimum of 0.4 ha in size, without the full range of piped urban utility services.

The proposed District provides an interim solution to fulfil City Council's directive that Mooncrest Park be designated as a residential development, recognizing the current rural unserviced nature of the area and the long term likelihood of neighbourhood area structure plans being prepared for the Mooncrest Park Subdivision and adjacent areas, as proposed in the Kinokamau Plains Servicing Concept Design Brief.

**General Provisions from the Edmonton Land Use Bylaw 5996:**

Section 74 states the following with respect to **General Performance Standards for Non-industrial Development:**

In all non-industrial developments, the design, use of exterior finishing materials and construction shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, that materials will be used which ensure that the standard of the buildings will be similar to, or better than, the standard of surrounding development. The Development Officer may require that the appearance of walls exposed to public view from beyond the site be improved where, in his opinion, the appearance of such walls is inconsistent with the finishing standards of surrounding development.

**General Provisions from the Zoning Bylaw 20001:**

Section 5.120.1 states the following with respect to **Non-Industrial Development Standards:**

1.1. Non-Industrial development must comply with the following:

1.1.1. The design and use of exterior finishing materials must be to the satisfaction of the Development Planner who must ensure the proposed buildings, Signs, and structures use materials similar to, or better than, the standard of surrounding developments.

**Development Planner's Determination**

**Site Performance Standards: Non-Industrial development must comply with the following: The design and use of exterior finishing materials must be to the satisfaction of the Development Planner who must ensure the proposed buildings, Signs, and structures use materials similar to, or better than, the standard of surrounding developments. (Section 5.120.1.1)**

**Proposed: exterior materials of accessory buildings are not similar, or better than, the principal dwelling**

[unedited]

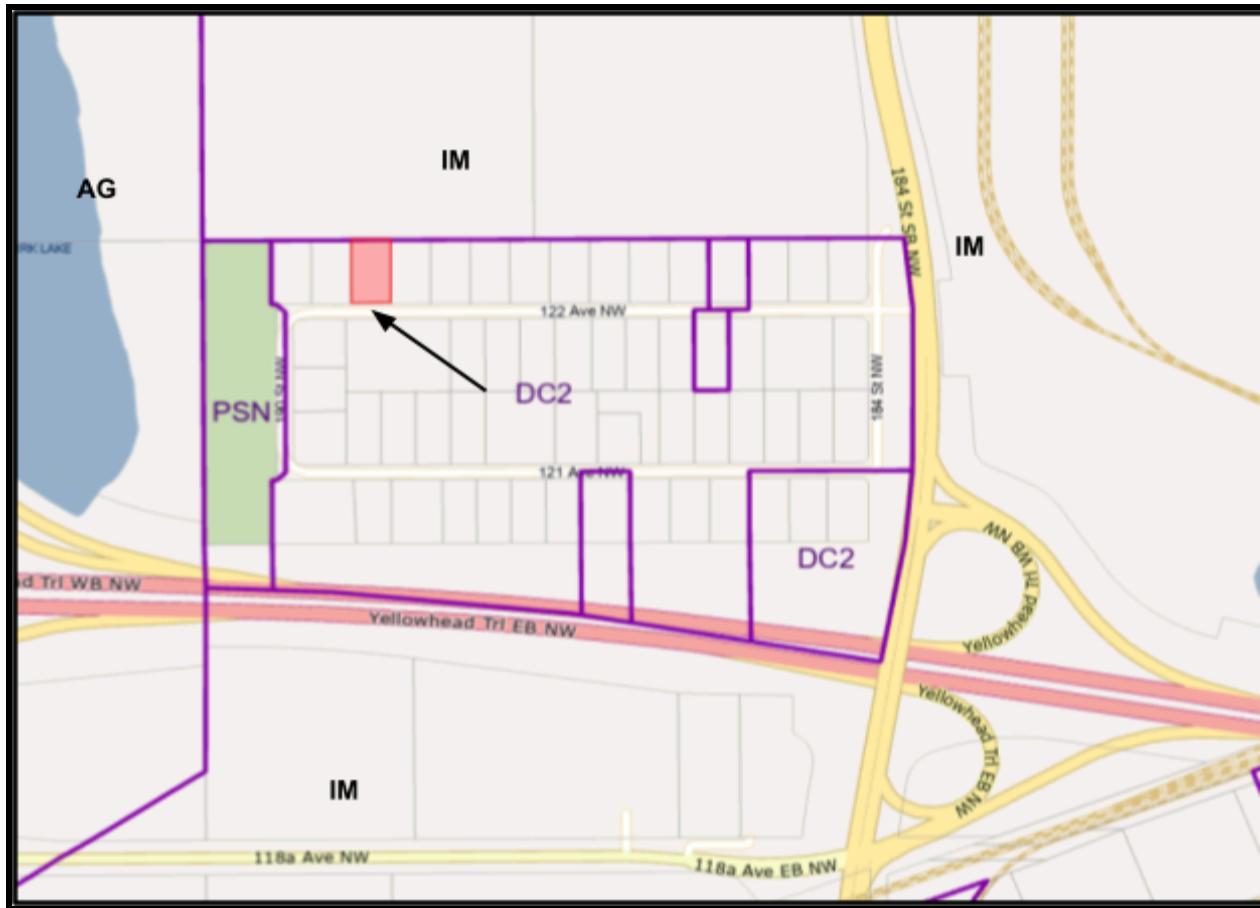
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**Notice to Applicant/Appellant**

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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		Project Number: <b>564081306-002</b> Application Date: FEB 04, 2025 Printed: March 20, 2025 at 10:12 AM Page: 1 of 1																									
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Permit</h3>																											
<p>This document is a Development Permit Decision for the development application described below.</p>																											
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 18920 - 122 AVENUE NW Plan 9723099 Blk 4 Lot 6																										
<b>Project Name:</b> Sea Can and Fabric Shed Permit																											
<b>Scope of Application</b> To construct two Accessory buildings (shed, 6.20m x 2.90m, and sea can, 5.96m x 2.4m).																											
<b>Details</b>																											
Development Category: Site Area (sq. m.): 4045.49	Overlay: Statutory Plan:																										
<b>Development Application Decision</b> Refused																											
<b>Issue Date:</b> Mar 20, 2025 <b>Development Authority:</b> SAHL, RAMANJYOT																											
<b>Reason for Refusal</b> Site Performance Standards: Non-Industrial development must comply with the following: The design and use of exterior finishing materials must be to the satisfaction of the Development Planner who must ensure the proposed buildings, Signs, and structures use materials similar to, or better than, the standard of surrounding developments. (Section 5.120.1.1)  Proposed: exterior materials of accessory buildings are not similar, or better than, the principal dwelling																											
<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 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>Safety Codes Fee</td> <td style="text-align: center;">\$4.80</td> <td style="text-align: center;">\$4.80</td> <td style="text-align: center;">03781G001001838</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: center;">\$145.00</td> <td style="text-align: center;">\$145.00</td> <td style="text-align: center;">03781G001001838</td> </tr> <tr> <td>Building Permit Fee (Accessory Building)</td> <td style="text-align: center;">\$120.00</td> <td style="text-align: center;">\$120.00</td> <td style="text-align: center;">03781G001001838</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: center;">\$0.00</td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: center;"><u>\$169.00</u></td> <td style="text-align: center;"><u>\$169.00</u></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Safety Codes Fee	\$4.80	\$4.80	03781G001001838	Development Application Fee	\$145.00	\$145.00	03781G001001838	Building Permit Fee (Accessory Building)	\$120.00	\$120.00	03781G001001838	Total GST Amount:	\$0.00			Totals for Permit:	<u>\$169.00</u>	<u>\$169.00</u>	
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<b>THIS IS NOT A PERMIT</b>																											



## SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-058



ITEM III: 1:30 P.M.FILE: SDAB-D-25-059AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 529843365-002

APPLICATION TO: Convert a Single Detached House into a Child Care Service for up to 59 children and to construct exterior and interior alterations (converting the attached garage into Floor Area)

DECISION OF THE

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 26, 2025

DATE OF APPEAL: April 4, 2025

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 8108 - 180 Street NW

LEGAL DESCRIPTION: Plan 1158TR Blk 8 Lot 2

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: West Edmonton District Plan

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***Grounds for Appeal***

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

We strongly believed that our project is possible without causing harm to the community of Aldergrove. It will be an asset and great help to the families in the neighbourhood who needs childcare services for the family

knowing they are supporting us with our propose project. The refusal letter states that the parking requirements was not meet. But we submitted a variance for street parking for pick up and drop off only. It will be a smooth and safe because parent will be dropping off their children on staggard basis depending on the parent time scheduled drop off. We also have a spacious lot which we can also propose for 4 additional parking spaces requirements. At the same time we can be creative in maintaining the landscaping within our property.

### ***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 2.10.2.8, 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**

**Drop off and Pick up Parking Spaces - The application requires 6 drop off and pick up Parking Spaces (Subsection 5.80.6.10.3)  
Proposes 2 Parking Spaces  
Deficient by 4 Parking Spaces**

[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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		Project Number: <b>529843365-002</b> Application Date: SEP 12, 2024 Printed: March 26, 2025 at 10:40 AM Page: 1 of 1																														
<b>Application for Major Development Permit</b>																																
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<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 8108 - 180 STREET NW Plan 1158TR Blk 8 Lot 2																															
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