

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
August 14, 2025**

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3

I 9:00 A.M. SDAB-D-25-115

Construct exterior alterations to a Residential Use building (Driveway extension, 1.83m x 6.71m)

14815 - 14 Street NW
Project No.: 526602476-002

II 10:00 A.M. SDAB-D-25-116

Add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Single Detached House)

11331 - 103 Street NW
Project No.: 600453766-002

TO BE RAISED

III 11:00 A.M. SDAB-D-25-117

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to:

1. DEVELOP the Apartment House building (To construct an Apartment House building (35 Dwellings) with an underground parkade, and to demolish 3 Single Detached Houses and 2 Detached Garages) in accordance with the approved Development Permit No. 149826913-001.OR
2. ACQUIRE a Development Permit for the Exterior Alterations (To move the garbage storage location and garbage storage fence enclosure to the westerly unusable parking stall next to the parkade access) that reflects the current development on the site before May 20, 2025.

8510C - 90 Street NW
Project No.: 362290284-003

NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.FILE: SDAB-D-25-115AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 526602476-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extension, 1.83m x 6.71m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 9, 2025

DATE OF APPEAL: July 15, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 14815 - 14 Street NW

LEGAL DESCRIPTION: Plan 0520236 Blk 109 Lot 37

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

I am writing to formally appeal the decision denying my request for a permit to retain the existing driveway extension at my property, located at 14815 14th Street NW. While I understand the City's interest in upholding

development standards, I respectfully ask for reconsideration based on the following key factors:

Accessibility and Family Care Needs

My wife works for McMan Youth and Community Services, and we have two adults with disabilities living in our home full-time. One of them is blind. Both individuals attend day programs in the community and rely on daily transportation provided by the DATS (Disabled Adult Transit Service) bus. The driveway extension allows the DATS bus to pull directly into our driveway, providing a safe and low-stress pick-up and drop-off environment.

Without this small extension, the bus would be forced to park on the street, requiring the individuals to navigate a longer path including a curved section of the driveway which presents significant challenges, especially for someone with vision loss. This added difficulty could compromise both their physical safety and emotional well-being during an already sensitive part of their daily routine.

The Extension Was Constructed by Previous Owners

The driveway extension was installed by the prior homeowners before I purchased the property. At the time of sale, I was given no indication either from the sellers or in the property documents that the extension was non-compliant or lacked the appropriate permits.

No Fault of the Current Owner

As the current homeowner, I had no role in constructing the extension. I purchased the property in good faith, assuming all improvements were legally permitted. It would be unfair to hold me responsible for alterations I neither planned nor executed.

No Negative Impact on the Neighborhood

To date, the extension has not caused any safety, drainage, or aesthetic concerns. It is modest in size, visually consistent with the neighborhood, and provides safe and practical access for vehicles without encroaching on public space or disrupting the streetscape.

Hardship Caused by Required Removal

Removing the extension would impose an unreasonable financial and logistical burden on me. As a new homeowner, facing the costs of demolition for a structure I did not create places an undue strain on my household.

Consistency and Fairness within the Neighborhood

My driveway extension is the smallest in our cul-de-sac. More than half of my neighbors have significantly expanded or modified their driveways, some even replacing their entire front yards with concrete. Requiring me to remove this minor addition while allowing others to retain much larger, more impactful modifications would be inconsistent and inequitable.

In light of the above, I respectfully ask that the City grant an exemption or retroactive approval to permit the existing driveway extension. I am committed to working collaboratively with the City to resolve this matter fairly and in the best interest of all parties involved.

Thank you for your time and thoughtful consideration.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

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

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

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

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the Zoning Bylaw 20001:

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

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

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

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

Under section 8.20, **Single Detached Housing** means “a building that contains 1 principal Dwelling and has direct access to ground level.”

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

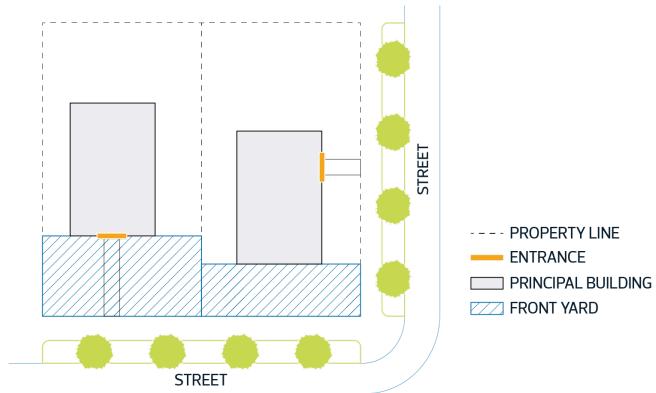
Under section 8.20, **Driveway** means:

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.



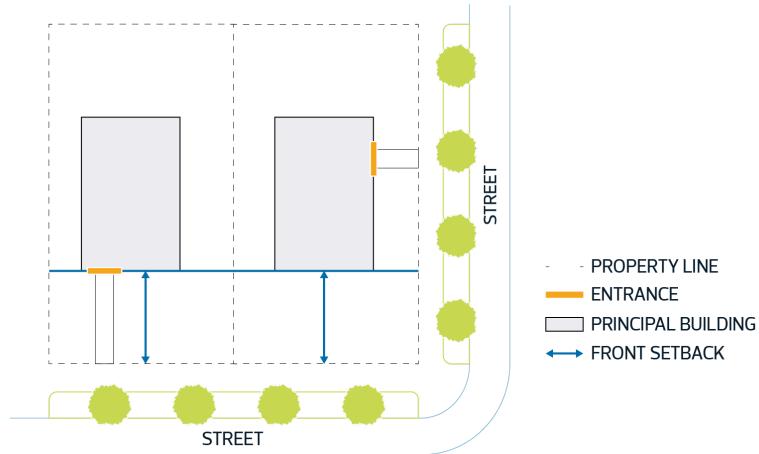
Under section 8.20, **Front Yard** means:

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:

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

Under section 8.20, **Pathway** means “a Hard Surfaced path of travel that is located on private property that cannot be used for motor vehicles.”

Section 2.20.1 states that the **Purpose of the RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

Single Detached Housing, Duplex Housing, Semi-detached Housing, Backyard Housing, and Row Housing, and Multi-unit Housing with 8 Dwellings or less must comply with the following:

Site Circulation

2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

Driveways

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

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

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

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

2.1.4.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m.

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

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

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

2.1.5.1. a Front Yard;

2.1.5.2. a Flanking Side Yard; or

2.1.5.3 a Flanking Side Setback.

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

Development Planner's Determination

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

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

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. (Section 5.80.2.1.4.2)

Proposed: 8.13 m

Garage Width: 6.30 m

3) Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway. (Section 5.80.2.1.5.1)

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

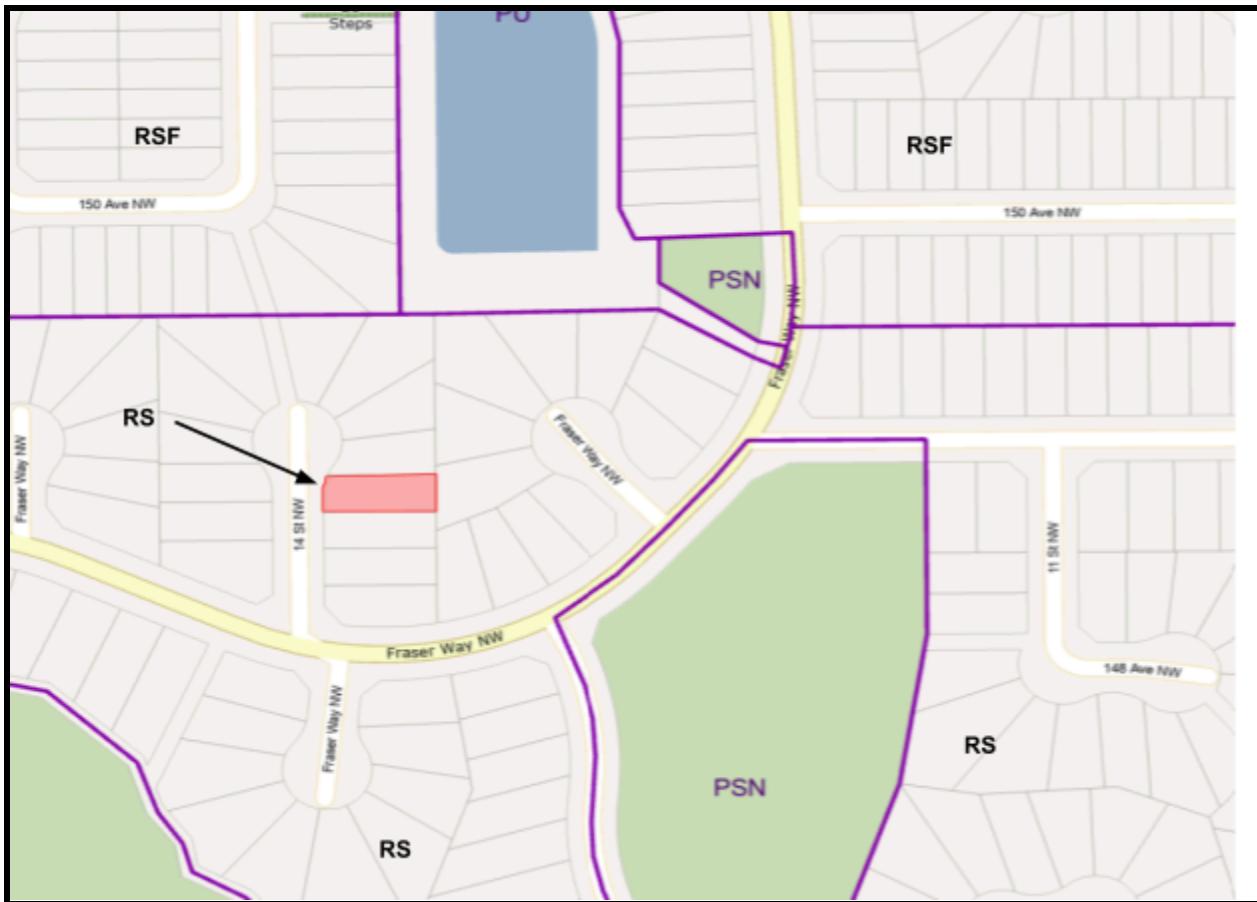
[unedited]

Notice to Applicant/Appellant

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

		Project Number: 526602476-002 Application Date: AUG 18, 2024 Printed: July 9, 2025 at 2:20 PM Page: 1 of 2					
<h2>Application for</h2> <h3>Driveway Extension Permit</h3>							
<p>This document is a Development Permit Decision for the development application described below.</p>							
Applicant		Property Address(es) and Legal Description(s) 14815 - 14 STREET NW Plan 0520236 Blk 109 Lot 37					
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension, 1.83m x 6.71m).							
Details <table border="0"> <tr> <td>Development Category:</td> <td>Overlay:</td> </tr> <tr> <td>Site Area (sq. m.): 513.42</td> <td>Statutory Plan:</td> </tr> </table>				Development Category:	Overlay:	Site Area (sq. m.): 513.42	Statutory Plan:
Development Category:	Overlay:						
Site Area (sq. m.): 513.42	Statutory Plan:						
Development Application Decision Refused Issue Date: Jul 09, 2025 Development Authority:							
Reason for Refusal 1) The Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Section 5.80.2.1.3) Proposed: The driveway does not lead directly from the Street to the garage. 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. (Section 5.80.2.1.4.2) Proposed: 8.13 m Garage Width: 6.30 m 3) Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway. (Section 5.80.2.1.5.1) Proposed: The additional concrete provides vehicle parking space in the front yard.							
Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.							
Building Permit Decision No decision has yet been made.							
Fees <table border="0"> <thead> <tr> <th>Fee Amount</th> <th>Amount Paid</th> <th>Receipt #</th> <th>Date Paid</th> </tr> </thead> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid
Fee Amount	Amount Paid	Receipt #	Date Paid				
THIS IS NOT A PERMIT							
<small>P0703003</small>							

Edmonton	Project Number: 526602476-002 Application Date: AUG 18, 2024 Printed: July 9, 2025 at 2:20 PM Page: 2 of 2																				
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THIS IS NOT A PERMIT																					
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-115



N

ITEM II: 10:00 A.M.FILE: SDAB-D-25-116AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 600453766-002

APPLICATION TO: Add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Single Detached House)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 8, 2025

DATE OF APPEAL: July 17, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11331 - 103 Street NW

LEGAL DESCRIPTION: Plan 2320380 Blk 2 Lot 336B

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: North Central District Plan

<i>Grounds for Appeal</i>

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

We are providing .9m wide hard surface leading from street to suite entrance on the south side of house where 1.2 m distance is maintained along the whole property line and house. Total length of side walk is less than 45 m. (small building access policy B19-04)

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, **Single Detached Housing** means:

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

Under section 8.20, **Secondary Suite** means:

a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

Section 2.10.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

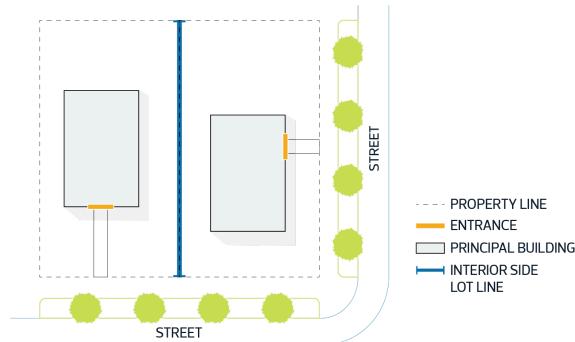
Project into Setbacks

Section 5.90.9 states the following with respect to **Cantilevers and other similar features**:

9. Despite Subsection 8.1, on Interior Sites, a minimum distance of 1.2 m must be maintained from one Interior Side Lot Line to the outside wall of projections from the first Storey where:

9.1. a main entrance to another Dwelling on the Lot is provided further from the Street than the projection;

Under section 8.10, **Interior Side Lot Line** means “ the Lot line other than a Front Lot Line, Flanking Side Lot Line or Rear Lot Line.”



Development Planner's Determination

1) On an Interior Site where a main entrance to another Dwelling on the Lot is provided further from the Street than the projection, a minimum distance of 1.2 m must be maintained from one Interior Side Lot Line to the outside wall of projections from the first Storey (Subsection 5.90.9.1).

The proposed distance from the ground floor cantilever projection to the property line shared with 11333 - 103 Street NW (North side lot

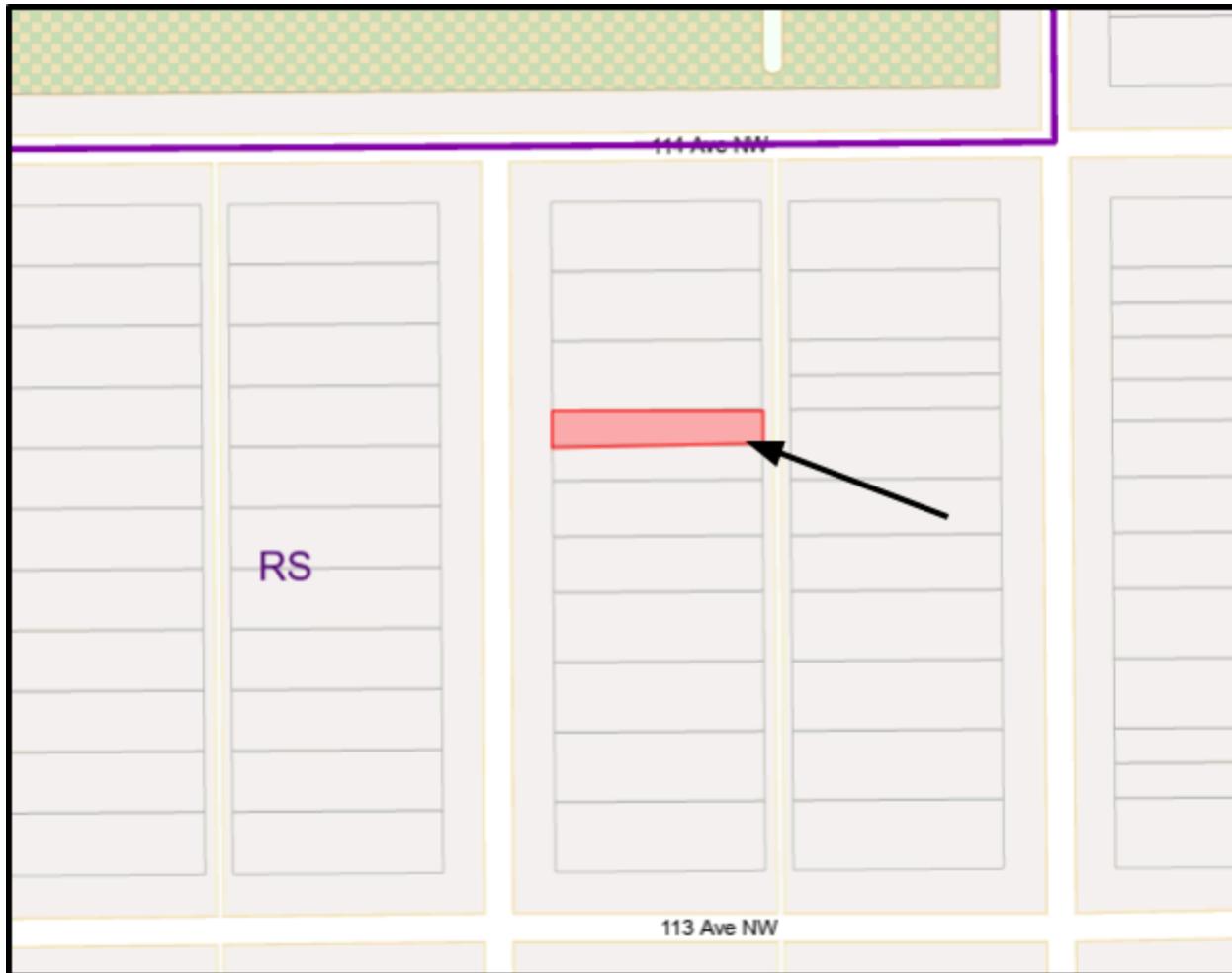
line) is 0.7 m, instead of 1.2 m.

[unedited]

Notice to Applicant/Appellant

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

	Project Number: 600453766-002 Application Date: MAY 21, 2025 Printed: July 8, 2025 at 2:14 PM Page: 1 of 1																																					
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<p>This document is a Development Permit Decision for the development application described below.</p>																																						
Applicant	Property Address(es) and Legal Description(s) 11331 - 103 STREET NW Plan 2320380 Blk 2 Lot 336B																																					
Location(s) of Work Suite: BSMT, 11331 - 103 STREET NW Entryway: 11331 - 103 STREET NW Building: 11331 - 103 STREET NW																																						
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Details <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> Development Category: Discretionary Development Site Area (sq. m.): 348.33 </td> <td style="width: 50%; padding: 5px;"> Overlay: Stationary Plan: </td> </tr> </table>				Development Category: Discretionary Development Site Area (sq. m.): 348.33	Overlay: Stationary Plan:																																	
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Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																																						
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TO BE RAISEDITEM III: 11:00 A.M.FILE: SDAB-D-25-117**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT AUTHORITY****APPELLANT:**

APPLICATION NO.: 362290284-003

ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to:

1. DEVELOP the Apartment House building (To construct an Apartment House building (35 Dwellings) with an underground parkade, and to demolish 3 Single Detached Houses and 2 Detached Garages) in accordance with the approved Development Permit No. 149826913-001. OR
2. ACQUIRE a Development Permit for the Exterior Alterations (To move the garbage storage location and garbage storage fence enclosure to the westerly unusable parking stall next to the parkade access) that reflects the current development on the site before May 20, 2025.

**DECISION OF THE
DEVELOPMENT AUTHORITY:** Order Issued**ORDER ISSUED:** **April 1, 2025****DATE OF APPEAL:** **July 14, 2025**MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8510C - 90 Street NW

LEGAL DESCRIPTION: Condo Common Area (Plan 1820579)

ZONE: DC2.761 - Site Specific Development Control Provision
(Bylaw 15367)

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN:

Southeast District Plan

Grounds for Appeal

NOTE: The Appellant provided a detailed written submission that outlines the reasons for appealing the decision of the Development Compliance Officer, a copy of which is on file.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on July 17, 2025:

“That the appeal hearing be scheduled on August 13 or 14, 2025.”

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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 DC2.761 - Site Specific Development Control Provision (“DC2”)

Under DC2.761.3.a, **Apartment Housing** is a **Listed Use** in the **DC2**.

Section DC2.761.1 states that the **General Purpose** of the **DC2** is:

To establish a Site Specific Development Control Provision to accommodate a medium density apartment building that includes family-oriented ground floor units and applies architectural and urban design principles to create an attractive residential development that is compatible with its surroundings.

7.150 - Conditions Attached to Development Permits

Section 7.150 provides regulations with respect to Conditions attached to Development Permits.

7.200 Inspections, Enforcement and Penalties

2.1. It is an offence for any person to:

2.1.1. contravene; or

2.1.2. cause, allow or permit a contravention of, any provisions of this Bylaw.

- 2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:
 - 2.2.1. construct a building or structure;
 - 2.2.2. make an addition or alteration to a building or structure;
 - 2.2.3. commence or undertake a Use or change of intensity of Use; or
 - 2.2.4. place a Sign on land, or on a building or structure.
 - 2.3. It is an offence for any person to undertake development in contravention of a Development Permit, including any conditions of approval.
-

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.



City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance & Inquiries Unit

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April 1, 2025

Our File: 362290284-003

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 8510-90 Street, NW in Edmonton, Alberta, legally described as Condo Common Area (Plan 1820579).

This Property was inspected by Development Compliance Officer Nicole Swain, on March 18, 2025. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

This property is zoned Site Specific Development Control Provision in accordance with Section DC2.761 of Edmonton Zoning Bylaw 20001. Our investigation revealed an Apartment House building has not been developed in accordance with Development Permit No. 149826913-001 (To construct an Apartment House building (35 Dwellings) with an underground parkade, and to demolish 3 Single Detached Houses and 2 Detached Garages) issued on August 4, 2016.

Specifically, the garbage storage location and fence enclosure have not been constructed according to the approved plans. This is in contravention of Section 7.150 of Edmonton Zoning Bylaw 20001.

Subsection 7.200.2.3 of Edmonton Zoning Bylaw 20001 states:

2.3 It is an offence for any person to undertake development in contravention of a Development Permit, including any conditions of approval.



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ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to:

1. DEVELOP the Apartment House building (To construct an Apartment House building (35 Dwellings) with an underground parkade, and to demolish 3 Single Detached Houses and 2 Detached Garages) in accordance with the approved Development Permit No. 149826913-001.

OR

2. ACQUIRE a Development Permit for the Exterior Alterations (To move the garbage storage location and garbage storage fence enclosure to the westerly unusable parking stall next to the parkade access) that reflects the current development on the site before **May 20, 2025**.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after **May 20, 2025** to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within **21 calendar days** to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, RSA 2000, c M-26, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

PERMIT APPLICATIONS:



City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance & Inquiries Unit

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You can make a permit application online at selfserve.edmonton.ca.

For more information related to obtaining a Development Permit, we suggest you consult a technical advisor at:

Email: developmentpermits@edmonton.ca
Phone: 780-442-5054

Under section 542(1) of the Municipal Government Act, you are notified that a Bylaw Enforcement Officer from the City of Edmonton will be entering the land on **Wednesday, May 21, 2025 between 8:00-3:00 pm** to determine compliance with this notice. The follow up inspection will be cancelled should you comply with this notice prior to the above mentioned date.

Please call me if you have any questions.

Regards,

A handwritten signature in blue ink that appears to read 'Nicole Swain'.

Nicole Swain
Development Compliance Officer
780-222-1288
nicole.swain@edmonton.ca



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Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35; (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;
- (h.1) the expenses and costs of carrying out an order under section 646;
- (i) any other amount that may be added to the tax roll under an enactment.



(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

- (a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and
- (b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.



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Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

(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).

(2.1) An appeal referred to in subsection (1) or (2) may be made

- (a) to the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii), or

- (b) in all other cases, to the subdivision and development appeal board.

(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).



- (4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district
- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
 - (b) is made by a development authority, the appeal 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.

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.
- (1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if
 - (a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or
 - (b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board 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.
- (2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing



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(a) to the appellant;

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or (b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



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Subdivision and Development Appeal Board

File your appeal online at:

<https://sdab.edmonton.ca>

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by a decision of the Development Authority under the Zoning Bylaw and the Subdivision Authority under the Subdivision Authority Bylaw. The board is appointed by City Council and consists of citizens living in the city of Edmonton.

The SDAB normally meets every Wednesday and Thursday. If required, the Board may set additional dates for hearings.

Once you have met requirements and filed a proper appeal, this Board presides over your hearing.

The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

Agendas listing appeals and hearing times scheduled for that day are posted in the hearing waiting area. Hearings do not start before the time listed on the schedule.

For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079



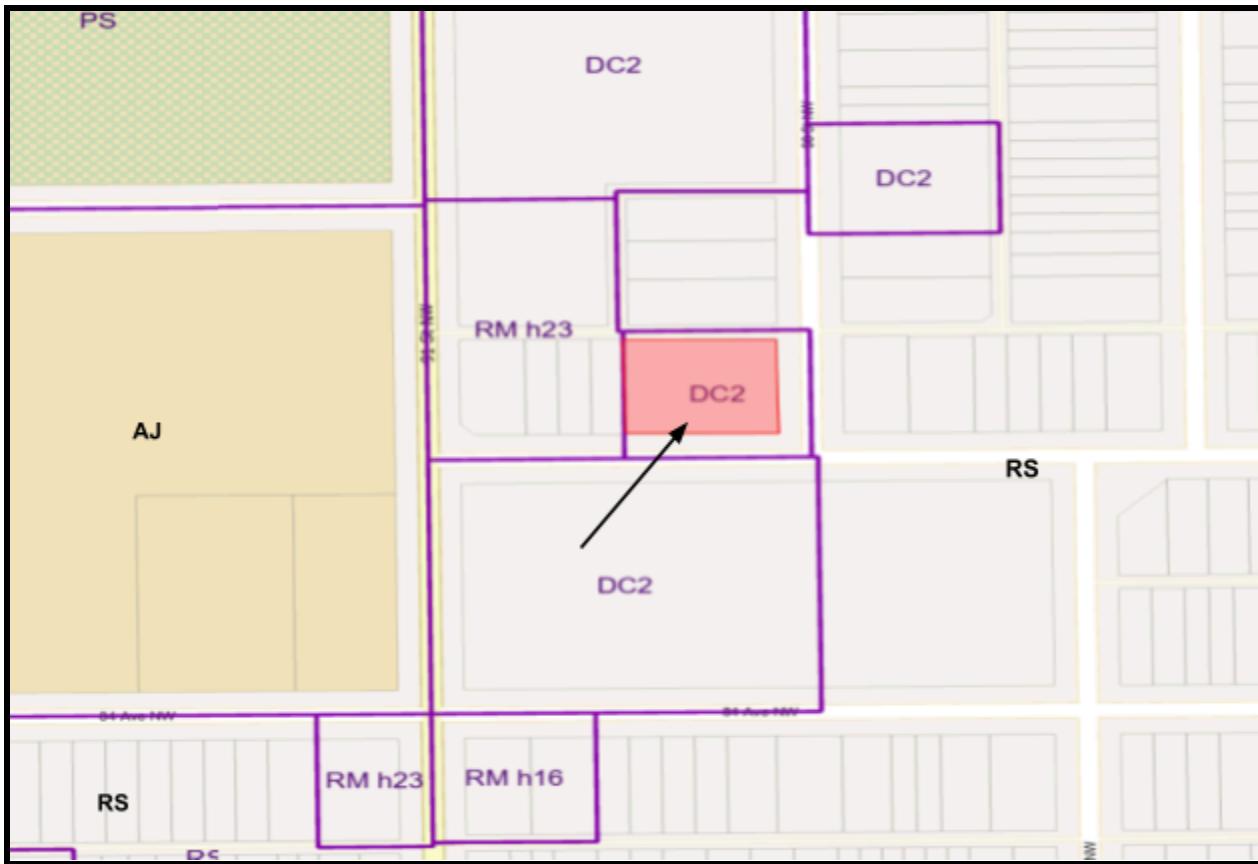
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Fax 780-577-3537

Email sdab@edmonton.ca



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-117



N