

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.

August 20, 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-25-119

To change a Minor Industrial Use to Indoor Sales and Service and to construct interior alterations (four retail shops)

9149 - 34A Avenue NW
Project No.: 617018785-002

II 10:30 A.M. SDAB-D-25-120

To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Row House)

10627 - 149 Street NW
Project No.: 587031169-002

TO BE RAISED

III 1:30 P.M. SDAB-D-25-118

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

1. Acquire a Development Permit for the hard surfacing development (driveway extension on the south side of the property) before July 28, 2025.
- OR
2. Demolish and remove the hard surfacing development (driveway extension on the south side of the property) and clear the site of demolition materials before July 28, 2025.

10420 - 35 Avenue NW
Project No.: 470267291-002

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

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 617018785-002

APPLICATION TO: Change a Minor Industrial Use to Indoor Sales and Service and to construct interior alterations (four retail shops)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 17, 2025

DATE OF APPEAL: July 22, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9149 - 34A Avenue NW

LEGAL DESCRIPTION: Plan 7821552 Blk 10 Lot 5

ZONE: IM - Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Mill Woods and Meadows District Plan

Grounds for Appeal

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

1. Indoor sales and Service is a permitted use, but with the condition existing as of January 1, 2024

2. This property is surrounded by BE (business Employment) and CB (business commercial) zoning, both are commercial / business use and welcome Indoor sales and Service use.
3. There are many existing retail stores within 200 m radius of this property: Lakewood Chevrolet is to the south, Fashion House is to the north, there is a commercial shopping plaza (plaza 34) with many retail stores. (Fashion & fabric, jewellers, liquor store, health product, grocery...)
4. The existing building is poor maintenance and ugly. After the client change it to retail use and renovation, it will fit into the commercial neighbourhood much better, and improve the streetscape.
5. This property is near the major intersection of 34 Ave and 91 St. with convenient access, it has enough parking space for the retail use.
6. The neighbors welcome new business / retail stores to this empty space.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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 2.130.2.7, an **Indoor Sales and Service, limited to:**

2.7.1. Indoor Sales and Service existing as of January 1, 2024

is a **Permitted Use** in the **IM - Medium Industrial Zone**.

Under section 2.130.2.4, **Minor Industrial** is a **Permitted Use** in the **IM - Medium Industrial Zone**.

Under section 8.10, an **Indoor Sales and Service** means:

A development where a business offers sales and services such as retail, personal service, or commercial school activities inside a building.

Typical examples include: animal clinics, art studios, commercial schools, hair salons, indoor markets, pharmacies, retail stores, tailor shops, and tattoo parlours.

Under section 8.10, a **Minor Industrial** means:

a development used primarily for 1 or more of the following activities:

- processing raw materials;
- manufacturing, cleaning, servicing, repairing or testing materials, goods and equipment;
- handling, storing, or shipping equipment, goods, and materials;
- training, research and development laboratories; or
- distributing and selling materials, goods and equipment to institutions and industrial and commercial businesses.

Any resulting Nuisance is less impactful than those permitted under the Major Industrial Use.

Typical examples include: auto body repair and paint shops, Cannabis Production and Distribution, commercial recycling depots, contractor and construction services, equipment or vehicle repair and storage facilities, laboratories, landscaping centres, limo service, materials storage, research facilities, taxi service, truck yard, vehicle (truck, aircraft, mobile homes, etc.) and equipment sales and rentals, and warehouses.

Section 2.130.1 states that the **Purpose** of the **IM - Medium Industrial Zone** is:

To allow for light to medium industrial developments that may carry out a portion of their operation outdoors or require outdoor storage areas, with limited supporting commercial businesses. Any Nuisance conditions associated with such developments are minimal. This Zone is intended to be used as a transition Zone to buffer between light industrial and heavy industrial Zones and is generally located on the interior of industrial areas Abutting Collector and Local Roads and separated from non-industrial Zones.

<i>Use</i>

Development Planner’s Determination

1. Subsection 2.130.2.7 - Indoor Sales and Service Use is limited to Indoor Sales and Service existing as of January 1, 2024.

The applicant has indicated in their submission, that the proposed use of the building is for four retail shops. The Development Planner determines that this Use is Indoor Sales and Service in accordance to the definition:

Indoor Sales and Service means a development where a business

offers sales and services such as retail, personal service, or commercial school activities inside a building.

Typical examples include: animal clinics, art studios, commercial schools, hair salons, indoor markets, pharmacies, retail stores, tailor shops, and tattoo parlours.

The building is approved as a Minor Industrial Use. There is no record that the building has been approved for an Indoor Sales and Service, contrary to Subsection 2.130.2.7.

[unedited]

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: 617018785-002 Application Date: JUL 09, 2025 Printed: July 17, 2025 at 4:24 PM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 9149 - 34A AVENUE NW Plan 7821552 Blk 10 Lot 5	
	Specific Address(es) Suite: 9149 - 34A AVENUE NW Entryway: 9149 - 34A AVENUE NW Building: 9149 - 34A AVENUE NW	
Scope of Application To change a Minor Industrial Use to Indoor Sales and Service and to construct interior alterations (four retail shops).		
Details		
Development Category: Discretionary Development Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Site Area (sq. m.):	Gross Floor Area (sq. m.): New Sewer Service Required: Overlay: Statutory Plan:	
Development Application Decision Refused Issue Date: Jul 17, 2025 Development Authority: ZHANG, LAILAI		
Reason for Refusal 1. Subsection 2.130.2.7 - Indoor Sales and Service Use is limited to Indoor Sales and Service existing as of January 1, 2024. The applicant has indicated in their submission, that the proposed use of the building is for four retail shops. The Development Planner determines that this Use is Indoor Sales and Service in accordance to the definition: Indoor Sales and Service means a development where a business offers sales and services such as retail, personal service, or commercial school activities inside a building. Typical examples include: animal clinics, art studios, commercial schools, hair salons, indoor markets, pharmacies, retail stores, tailor shops, and tattoo parlours. The building is approved as a Minor Industrial Use. There is no record that the building has been approved for an Indoor Sales and Service, contrary to Subsection 2.130.2.7.		
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.		
Fees		
Major Dev. Application Fee	Fee Amount \$410.00	Amount Paid \$410.00
	Receipt #	Date Paid
THIS IS NOT A PERMIT		
PC1702023		



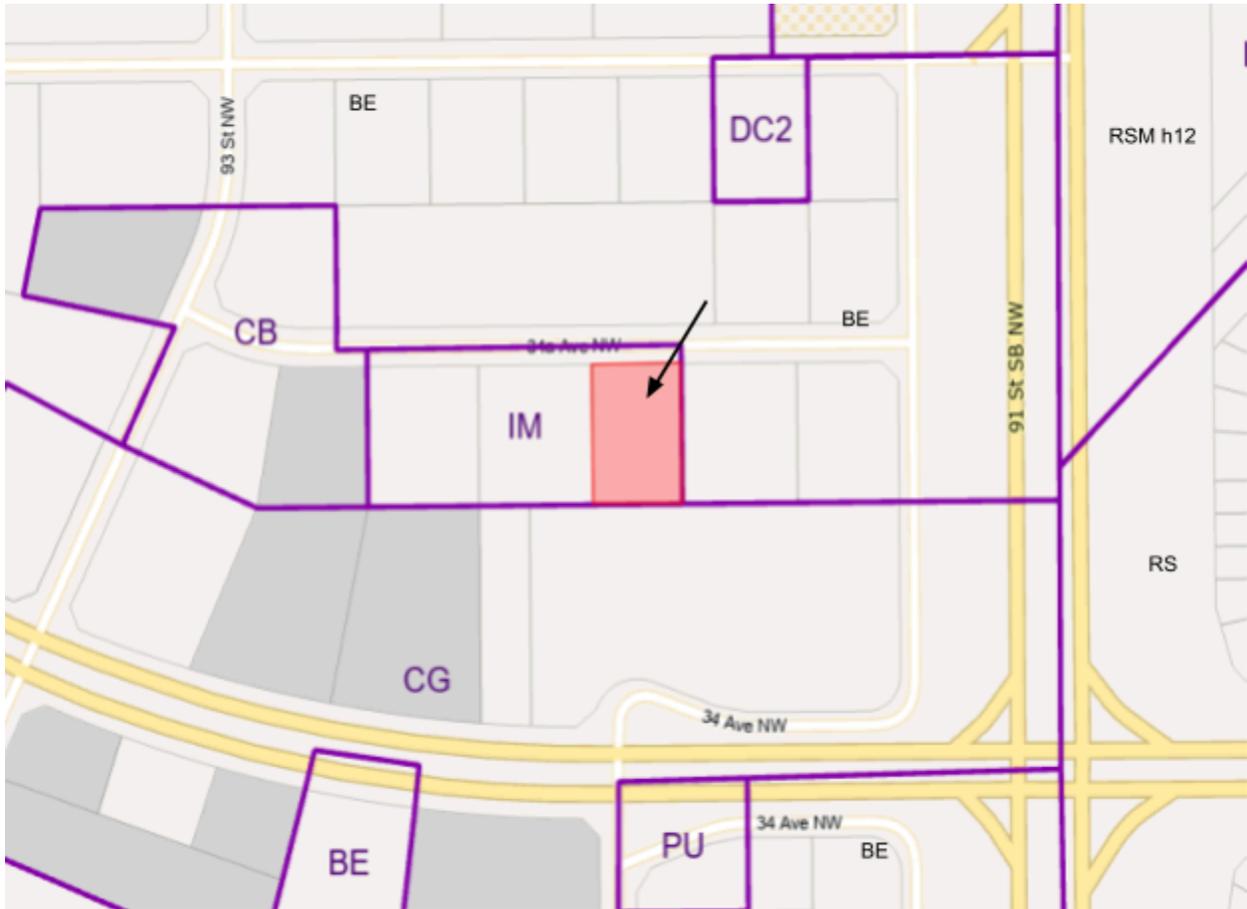
Application for Major Development Permit

Project Number: **617018785-002**
Application Date: JUL 09, 2025
Printed: July 17, 2025 at 4:24 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$410.00	\$410.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-25-119 ▲
N

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 587031169-002

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

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 16, 2025

DATE OF APPEAL: July 21, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10627 - 149 Street NW

LEGAL DESCRIPTION: Plan 5887HW Blk 7 Lot 24

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

Grounds for Appeal

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

I am writing to respectfully appeal the decision to deny the creation of a fourth legal suite in the basement of our approved fourplex. I kindly request the Subdivision and Development Appeal Board (SDAB) to reconsider this denial based on the compelling case outlined below.

This modest addition aligns with Edmonton's housing goals, maximizes existing resources, and delivers tangible benefits to the community all while adhering to the spirit of zoning regulations and infill policies.

1. Addressing Site Area and Unit Limitations with Reasonable Flexibility

The city requires 75 m² of land per unit, totaling 600 m² for 8 units. Our property measures 585.24 m², falling just 14.76 m² short a minor variance of less than 2.5% of the required area. This property has already been approved for a fourplex with three legal suites (7 dwellings total) and an 8th unit approved as a basement development. We are now seeking to formalize this 8th unit as a fourth legal suite, maintaining the total at 8 dwellings. This aligns with the site's proven capacity and the intent of zoning regulations, as evidenced by the existing approvals.

The basement unit is designed identically to the other three legal suites, requiring only minor adjustments (a furnace and small kitchen) to meet legal standards. Given this precedent and the negligible shortfall, I respectfully request the board exercise its discretion to approve this practical step, recognizing the overwhelming benefits of the proposal.

2. Maximizing Existing Space for Sustainable Development

The basement suite leverages an already-approved 8th unit within the fourplex, designed to mirror the other three legal suites. Converting it into a legal suite requires only the addition of a furnace and a small kitchen minor upgrade that transform underutilized space into a fully functional home. This approach exemplifies responsible land use by optimizing what is already built, avoiding sprawl, reducing environmental impact, and preserving greenfield areas elsewhere. By approving this suite, the board would champion sustainable development that seamlessly integrates with current infrastructure.

3. A Direct Response to Edmonton's Housing Crisis

Edmonton faces well-documented pressures on housing affordability and availability. Legalizing this fourth suite adds a safe, regulated, and affordable rental option to the market without the delays or costs of large-scale development. This modest step supports families, students, or individuals seeking accessible housing in a desirable neighborhood, fostering inclusivity and diversity. The board has an opportunity here to make a meaningful difference in addressing this urgent need.

4. Negligible Impact on City Services

The proposed suite imposes minimal burden on municipal resources. It requires only one additional garbage bin, and existing water, sewer, and utility systems already sized for the fourplex and 8th unit can seamlessly accommodate this addition. Traffic and parking demands remain unchanged, as the suite fits within the property's current footprint and zoning allowances. This low-impact solution delivers housing without straining city services, aligning perfectly with densification goals.

5. Preserving Neighborhood Character and Harmony

Unlike projects requiring exterior alterations or new structures, this suite is entirely internal. No changes to the building's facade, landscaping, or streetscape are needed, ensuring the neighborhood's aesthetic and character remain intact. Neighbors will experience no disruption, noise, or visual impact making this a harmonious addition that respects the community.

6. Supporting Edmonton's Vision for Infill and Smart Growth

This proposal embodies the city's strategic priorities for infill and densification, as outlined in Edmonton's Municipal Development Plan and Infill Roadmap. By increasing housing within existing neighborhoods, it reduces urban sprawl, supports walkable communities, and leverages current infrastructure all without the need for rezoning or variances beyond the minor site area consideration. Approving this suite would signal the board's commitment to these forwardthinking objectives.

7. Economic and Community Wins

This project delivers clear economic benefits: increased property value will boost municipal tax revenue, while the minor conversion work will support local trades and businesses. Beyond economics, it enhances the property's functionality, offering a safe and modern living space that strengthens the social fabric of the neighborhood. The board's approval would catalyze these positive outcomes with no downside.

Additional Information

Attached legal suite drawings demonstrate that the 8th unit fits seamlessly within the existing structure, mirroring the design of the other three legal suites. The layout meets all safety, building code, and habitability standards, requiring only a furnace and small kitchen to achieve legal status. This is not an overreach but a thoughtful completion of an approved design to meet a pressing community need.

Summary

Approving this fourth legal suite is a win-win: it formalizes an already-approved 8th unit— designed like the existing three legal suites into a safe, affordable home with just a furnace and small kitchen addition. It addresses Edmonton’s housing shortage, maximizes existing resources, and aligns with city goals all with minimal impact and no neighborhood disruption. With a fourplex, three legal suites, and an 8th unit already approved, adding this fourth legal suite is a logical, low-risk step forward. I urge the SDAB to view this as an opportunity to support sustainable growth and affordability, confidently granting approval with the knowledge that it benefits both the property and the broader community. Thank you for your time, attention, and commitment to fair decision-making. I am happy to provide further details or answer any questions to facilitate a positive outcome.

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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Appeals

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

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- (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)

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- (a.1) must comply with any applicable land use policies;
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- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

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

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,

- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

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, **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 8.20, **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.

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

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

<i>Site Area</i>

Section 2.10.4.1.1 states:

4.1. Development must comply with Table 4.1:

Table 4.1 Site and Building Regulations

Subsection	Regulation	Value	Symbol
4.1.1	Minimum Site area per Dwelling	75.0 m2	-

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.

Under section 8.20, **Site** means “an area of land consisting of 1 or more Abutting Lots.”

Development Planner’s Determination

1. Site Area - The minimum site area per dwelling is 75.0m2 (Subsection 2.10.4.1.1.)
Required: 600.0m2 (8 x 75.0m2)
Proposed: 585.2m2
Deficient by: 14.8m2

2. Non-conforming Building - This 4 Dwelling Row House no longer conforms to current zoning rules, which may have changed since it was originally constructed (Subsection 7.100.4.2).

[unedited]

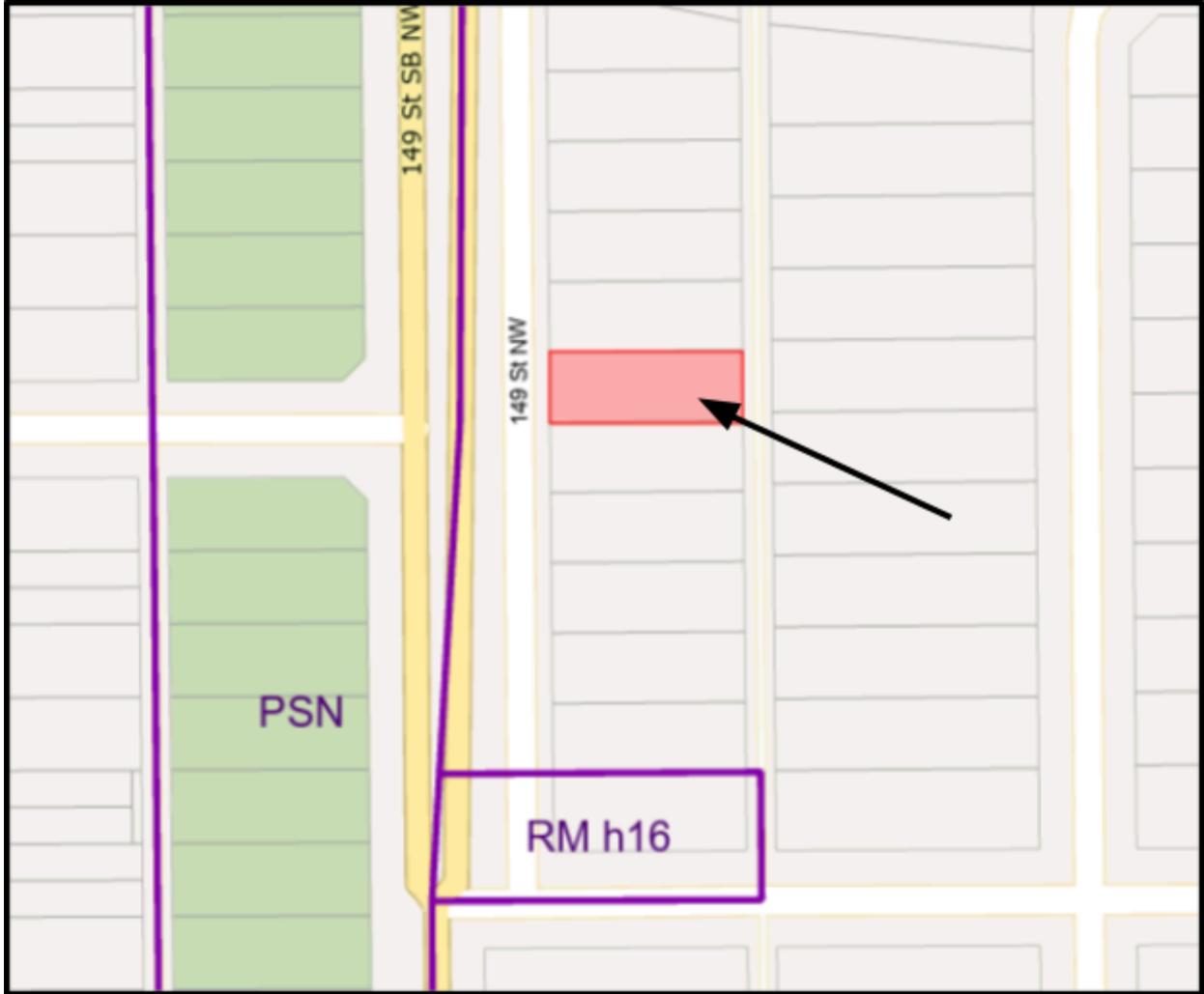
Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-25-014	To construct a Residential Use building in the form of a 4 Dwelling Row House with an unenclosed front porch, 3 Secondary Suites in the Basement and 1 Basement development.	January 20, 2025; WITHDRAWN.

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Secondary Suite Permit</h2>	Project Number: 587031169-002 Application Date: APR 15, 2025 Printed: July 16, 2025 at 3:11 PM Page: 1 of 1																														
This document is a Development Permit Decision for the development application described below.																																
Applicant Project Name: Fourplex with Four Legal Suites	Property Address(es) and Legal Description(s) 10627 - 149 STREET NW Plan 5887HW Blk 7 Lot 24 Location(s) of Work Suite: BSMT4, 10627 - 149 STREET NW Entryway: 4, 10627 - 149 STREET NW Building: 1, 10627 - 149 STREET NW																															
Scope of Application To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Row House).																																
Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Development Category: Discretionary Development Site Area (sq. m): 585.24 </td> <td style="width: 50%; border: none;"> Overlay: Statutory Plan: </td> </tr> </table>			Development Category: Discretionary Development Site Area (sq. m): 585.24	Overlay: Statutory Plan:																												
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Development Application Decision Refused Issue Date: Jul 16, 2025 Development Authority: Reason for Refusal 1. Site Area - The minimum site area per dwelling is 75.0m ² (Subsection 2.10.4.1.1.) Required: 600.0m ² (8 x 75.0m ²) Proposed: 585.2m ² Deficient by: 14.8m ² 2. Non-conforming Building - This 4 Dwelling Row House no longer conforms to current zoning rules, which may have changed since it was originally constructed (Subsection 7.100.4.2). Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																																
Building Permit Decision No decision has yet been made.																																
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$15.20</td> <td style="text-align: right;">\$15.20</td> <td>207773001001780</td> <td>Apr 15, 2025</td> </tr> <tr> <td>Building Permit Fee (Construction Value)</td> <td style="text-align: right;">\$380.00</td> <td style="text-align: right;">\$380.00</td> <td>207773001001780</td> <td>Apr 15, 2025</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">\$410.00</td> <td>207773001001780</td> <td>Apr 15, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$805.20</td> <td style="text-align: right; border-top: 1px solid black;">\$805.20</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$15.20	\$15.20	207773001001780	Apr 15, 2025	Building Permit Fee (Construction Value)	\$380.00	\$380.00	207773001001780	Apr 15, 2025	Development Application Fee	\$410.00	\$410.00	207773001001780	Apr 15, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$805.20	\$805.20		
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SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-25-120 ▲
N

TO BE RAISED

ITEM III: 1:30 P.M.

FILE: SDAB-D-25-118

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 470267291-002

ORDER: Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to:
1. Acquire a Development Permit for the hard surfacing development (driveway extension on the south side of the property) before July 28, 2025. OR
2. Demolish and remove the hard surfacing development (driveway extension on the south side of the property) and clear the site of demolition materials before July 28, 2025.

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

ORDER DATE: June 27, 2025

DATE OF APPEAL: July 18, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10420 - 35 Avenue NW

LEGAL DESCRIPTION: Plan 4823RS Blk 18 Lot 21

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Whitemud District Plan

Grounds for Appeal

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

I am appealing the Stop Order regarding the hard surfacing development at 10420 - 35 Avenue NW.

First, the surface already existed when I purchased the property. I was not informed by the seller, realtor, or property documents that it had been developed without a permit. I use the area exclusively for residential parking and was not aware that a Development Permit was required.

Second, the Order does not clearly indicate which surface is in violation. There are no photos, site diagrams, or detailed descriptions that explain which area must be removed or how to bring it into compliance. This has made it difficult to understand the exact scope of the issue and how to proceed properly.

Third, I am fully committed to resolving the matter and intend to apply for a Development Permit if necessary. However, the deadline of July 28, 2025 does not allow enough time to prepare plans, consult with a planning advisor, and submit a proper application.

I respectfully request that the Board vary the Order to clarify the area of concern and extend the compliance deadline so I may resolve the issue in good faith.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on July 23, 2025:

“That the appeal hearing be scheduled on August 20 or 21, 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 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.”

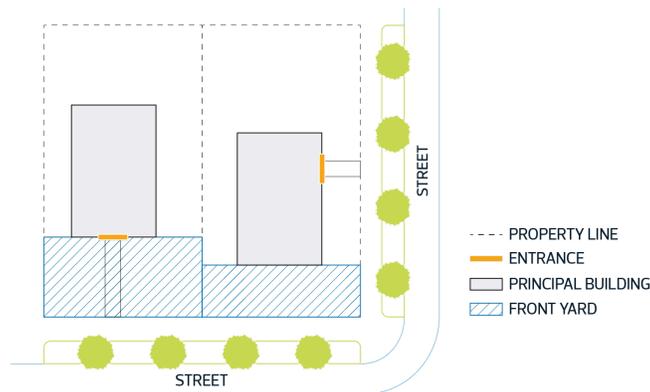
Under section 8.20, **Driveway** means:

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.



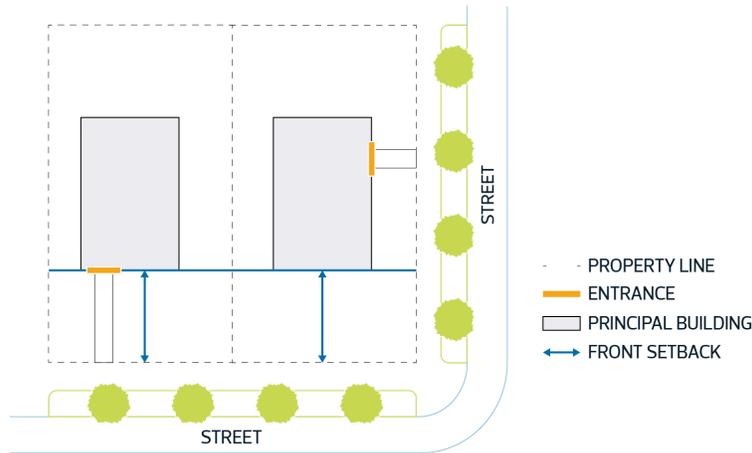
Under section 8.20, **Front Yard** means:

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.

7.110 Approval Required for Development

1.1. No person may:

1.1.1. undertake, or cause or allow to be undertaken, a development; or

1.1.2. carry on, or cause or allow to be carried on, a development, without a Development Permit issued under this Section.

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.



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Development Approvals & Inspections Section
Development Compliance & Inquiries Unit

10111 - 104 Ave NW
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June 27 , 2025

Our File: 470267291-002

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 10420 35 Avenue NW in Edmonton, Alberta, legally described as Plan 4823RS Blk 18 Lot 21.

This Property was inspected by Development Compliance Officer Marko Skendzic on June 24, 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 RS (Small Scale Residential Zone) in accordance with Section 2.10 of Edmonton Zoning Bylaw 20001. Our investigation revealed a hard surfacing development (driveway extension on the south side of the property) has been developed without a Development Permit.

The City of Edmonton has not issued a Development Permit to develop a hard surfacing development which is contrary to Subsection 7.110.1 of the Edmonton Zoning Bylaw 20001, and Section 683 of the Municipal Government Act.

Subsection 7.110.1 of Edmonton Zoning Bylaw 20001 states:

Approval Required for Development

1.1. No person may: 1.1.1. undertake, or cause or allow to be undertaken, a development; or
1.1.2. carry on, or cause or allow to be carried on, a development, without a Development Permit issued under this Section.

Subsection 7.200.2.2 of Edmonton Zoning Bylaw 20001 states:

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;



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- 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.

ORDER:

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

1. Acquire a Development Permit for the hard surfacing development (driveway extension on the south side of the property) before July 28, 2025.

OR

2. Demolish and remove the hard surfacing development (driveway extension on the south side of the property) and clear the site of demolition materials before July 28, 2025.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after July 28, 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.



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PERMIT APPLICATIONS:

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

If you have any questions in regards to this matter, please contact the writer at 780-496-3970.

Regards,

Marko Skendzic
Development Compliance Officer
780-496-3970
marko.skendzic@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,



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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.

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



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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,



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(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

(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



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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.

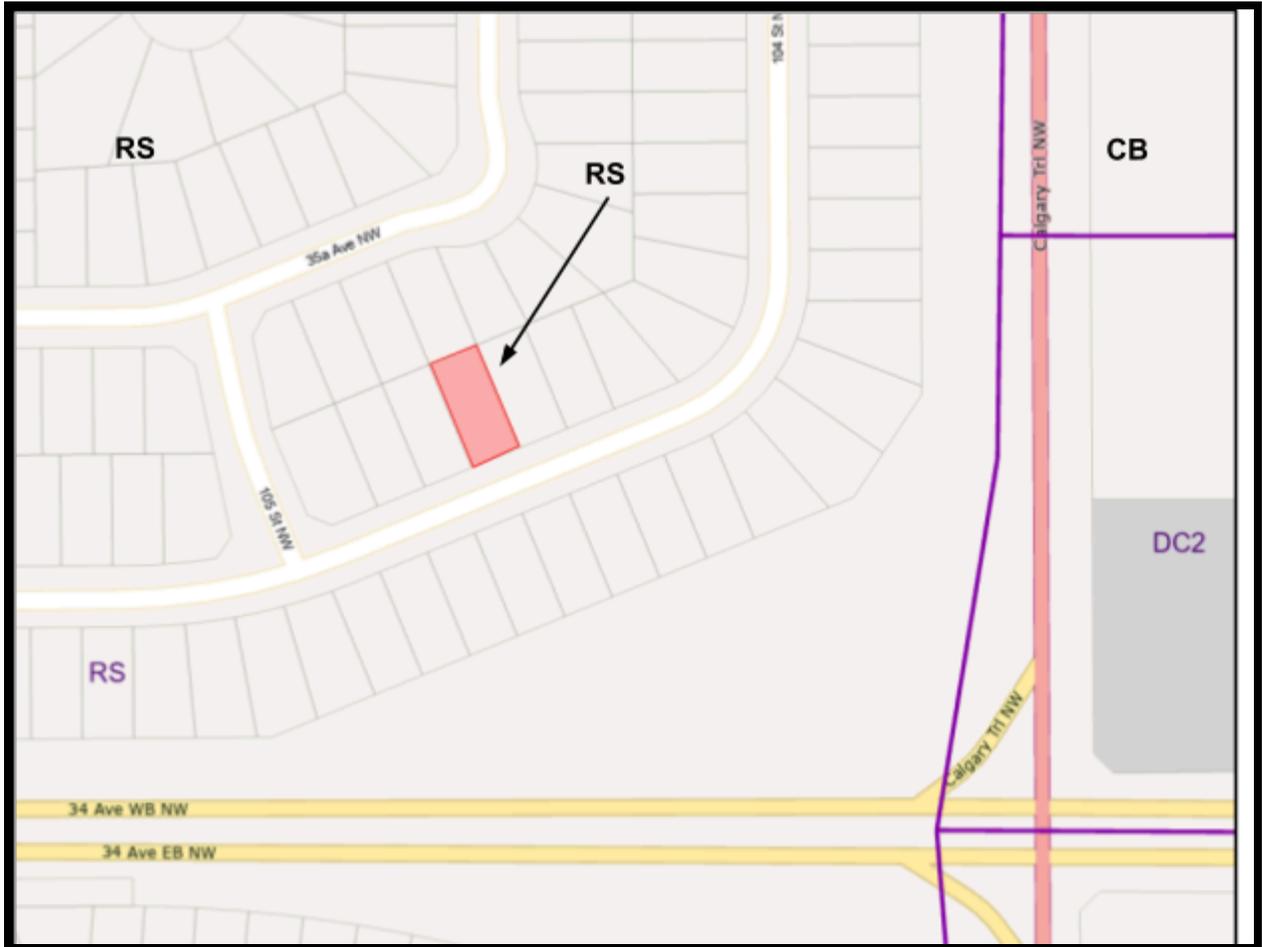
For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079

Fax 780-577-3537

Email sdab@edmonton.ca



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-25-118