

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.
December 3, 2025

Hearing Room No. 2
Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-25-165	To construct interior alterations (Basement development, NOT to be used as an additional Dwelling), exterior alterations (extend exterior wall thickness on South side for more insulation with a Larson truss assembly), and to install a fireplace or wood stove and to install an Interior Solid-Fuel-Burning Appliance (Pre-manufactured, Make: Napolion, Model: 1400)
			9151 - 81 Avenue NW Project No.: 560986458-002
<hr/>			
II	10:30 A.M.	SDAB-D-25-166	To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage)
			14930 - 94 Avenue NW Project No.: 626940808-002
<hr/>			
III	1:30 P.M.	SDAB-D-25-172	To construct an addition to a Residential Use building in the form of a Single Detached House (breezeway), excluding proposed rear garage
			10414 - 134 Street NW Project No.: 631104292-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-25-165

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 560986458-002

APPLICATION TO: To construct interior alterations (Basement development, NOT to be used as an additional Dwelling), exterior alterations (extend exterior wall thickness on South side for more insulation with a Larson truss assembly), and to install a fireplace or wood stove and to install an Interior Solid-Fuel-Burning Appliance (Pre-manufactured, Make: Napolion, Model: 1400)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 8, 2025

DATE OF APPEAL: November 6, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9151 - 81 Avenue NW

LEGAL DESCRIPTION: Plan 3737AI Blk 13 Lot 17

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Southeast District Plan

Grounds for Appeal

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

Installed wood stove without permit and has been operating for over two years. when in operation, my house gets filled with smoke.

<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.

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, **Single Detached Housing** means:

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

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.

Non-conforming building

Section 7.100.4.2 states “The Development Planner may approve a Development Permit application, with or without conditions, for an enlargement, alteration or addition to a non-conforming building by granting a variance in compliance with Subsections 5 and 6.”


Development Planner’s Determination


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

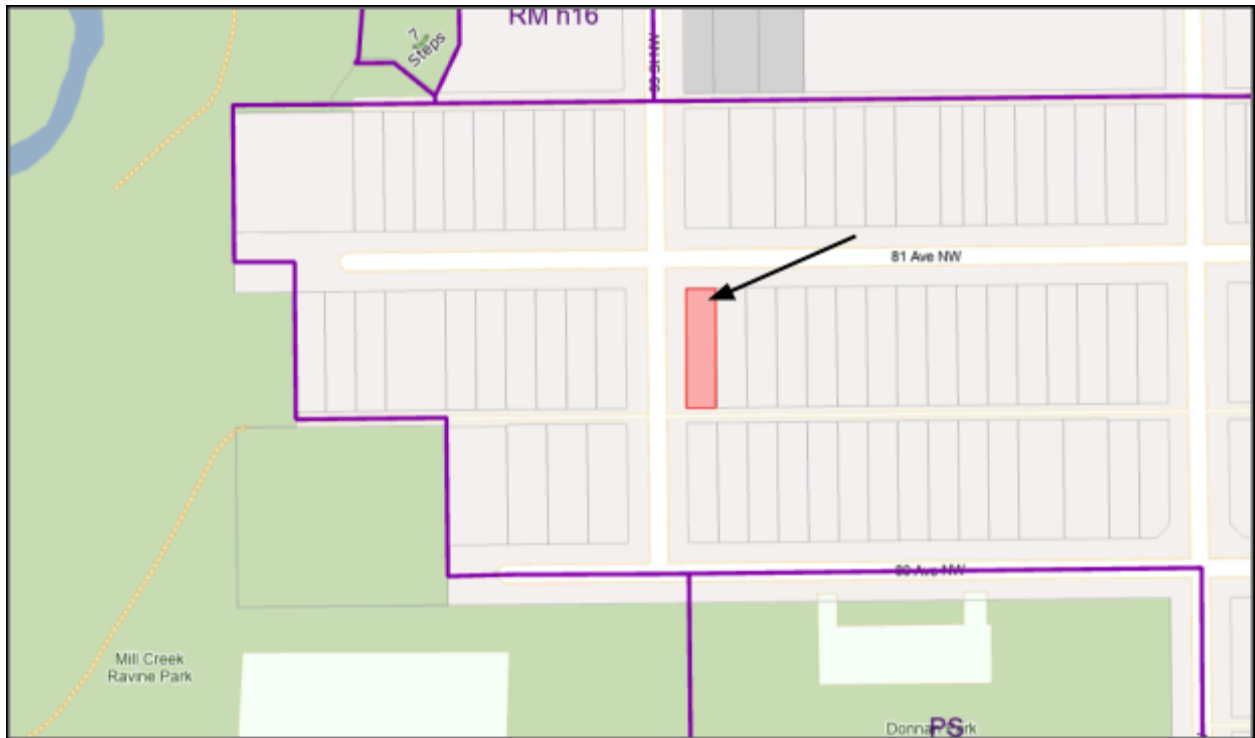
[unedited]

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: 560986458-002 Application Date: MAR 19, 2025 Printed: October 8, 2025 at 2:49 PM Page: 1 of 2		
<h2 style="margin: 0;">Home Improvement Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.			
Applicant	Property Address(es) and Legal Description(s) 9151 - 81 AVENUE NW Plan 3737AI Blk 13 Lot 17 Location(s) of Work Suite: 9151 - 81 AVENUE NW Entryway: 9151 - 81 AVENUE NW Building: 9151 - 81 AVENUE NW		
Scope of Permit To construct interior alterations (Basement development, NOT to be used as an additional Dwelling), exterior alterations (extend exterior wall thickness on South side for more insulation with a Larson truss assembly), and to install a fireplace or wood stove and to install an Interior Solid-Fuel-Burning Appliance (Pre-manufactured, Make: Napolion, Model: 1400).			
Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Development Category: Discretionary Development Site Area (sq. m.): 404.71 </td> <td style="width: 50%; border: none;"> Overlay: Statutory Plan: </td> </tr> </table>		Development Category: Discretionary Development Site Area (sq. m.): 404.71	Overlay: Statutory Plan:
Development Category: Discretionary Development Site Area (sq. m.): 404.71	Overlay: Statutory Plan:		
Development Permit Decision Approved Issue Date: Oct 08, 2025 Development Authority: WINGET, MARK Subject to the Following Conditions: This Development Permit is NOT valid until the notification period expires as specified Section 7.190. This Development Permit authorizes the construction of interior alterations (Basement development, NOT to be used as an additional Dwelling), exterior alterations (extend exterior wall thickness on South side for more insulation with a Larson truss assembly), and to install a fireplace or wood stove and to install an Interior Solid-Fuel-Burning Appliance (Pre-manufactured, Make: Napolion, Model: 1400). The development must be constructed in accordance with the approved drawings. Immediately upon completion of the exterior alterations, the Site must be cleared of all debris. As far as reasonably practicable, the design and use of exterior finishing materials used must be similar to, or better than, the standard of surrounding development (Subsection 5.120.1.1.1). The proposed basement development(s) must NOT be used as an additional Dwelling. An additional Dwelling requires a new Development Permit application. 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 8.20). There may be an inspection in the future to ensure that an illegal suite has not been developed. This Development Permit will be revoked if the conditions of this permit are not met.			
PD702003			

	Project Number: 560986458-002 Application Date: MAR 19, 2025 Printed: October 8, 2025 at 2:49 PM Page: 2 of 2																																			
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ADVISEMENTS:																																				
<p>Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw.</p> <p>An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).</p> <p>Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.</p> <p>A Building Permit may be required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.</p> <p>All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit. All new installations, above and below ground, within 5m of a City tree require forestry consultation.</p> <p>In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.</p> <p>Variances Non-conforming Building - This house no longer conforms to current zoning rules, which may have changed since it was originally constructed (Subsection 7.100.4.2).</p> <p>Rights of Appeal This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p> <p>Notice Period Begins: Oct 16, 2025 Ends: Nov 06, 2025</p>																																				
Building Permit Decision																																				
No decision has yet been made.																																				
Fees																																				
	<table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">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 style="text-align: right;">09487720</td> <td style="text-align: right;">Mar 19, 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 style="text-align: right;">09487720</td> <td style="text-align: right;">Mar 19, 2025</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$190.00</td> <td style="text-align: right;">\$190.00</td> <td style="text-align: right;">09487720</td> <td style="text-align: right;">Mar 19, 2025</td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: right;">\$47.50</td> <td style="text-align: right;">\$47.50</td> <td style="text-align: right;">09874349</td> <td style="text-align: right;">Sep 18, 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;">\$632.70</td> <td style="text-align: right; border-top: 1px solid black;">\$632.70</td> <td></td> <td></td> </tr> </tbody> </table>		Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$15.20	\$15.20	09487720	Mar 19, 2025	Building Permit Fee (Construction Value)	\$380.00	\$380.00	09487720	Mar 19, 2025	Development Application Fee	\$190.00	\$190.00	09487720	Mar 19, 2025	Variance Fee	\$47.50	\$47.50	09874349	Sep 18, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$632.70	\$632.70		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-25-165

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 626940808-002

APPLICATION TO: To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 6, 2025

DATE OF APPEAL: November 6, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14930 - 94 Avenue NW

LEGAL DESCRIPTION: Plan 5710AF Blk 68 Lot 11

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:

Hi there, We are requesting 49% site coverage which is 4% higher than the allowed site coverage. In the process of our permitting timelines of the primary building (4 plex) development/building permit the rs zoning by law had changed and it has affected my garden suite application/requirements. The 2nd issue is we are requesting 2M instead of

the 1.7M allowance for the distance of the distance from the backyard house to the flanking side property line along 94 ave (we have a corner lot so no neighboring property will be affected). The reason why we are asking for this to be approved is because we want a 4 car garage instead of a 3 car garage to eliminate the parking issues on the street that could arise from missing 1 garage (inside/covered) parking. I built the 4 plex with the garden suite across the street (9 units) and the garage/stall's has helped eliminate street parking making it more comfortable for the neighbor's and the tenants, thank you for your time!

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

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

Appeals

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

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

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

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

General Provisions from the Zoning Bylaw 20001:

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

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

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

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

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

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

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

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

a building that contains 3 or more principal Dwellings joined in whole or in part at the side, the rear, or the side and the rear, with none of the

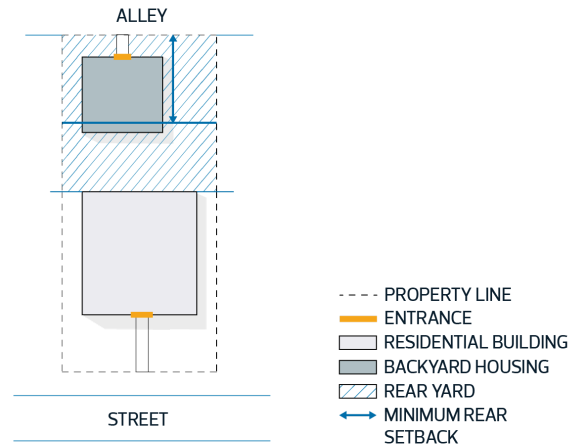
principal Dwellings being placed over another. Each principal Dwelling has separate, individual, and direct access to ground level.

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

a building containing 1 or more Dwellings, that is located wholly within the Rear Yard, and partially or wholly within the Rear Setback of the applicable Zone, of a Residential Site.



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.
Residents.

Site Coverage

Section 2.10.4.1.7 states:

4.1. Development must comply with Table 4.1:

Table 4.1 Site and Building Regulations			
Subsection	Regulation	Value	Symbol
Site Coverage			
4.1.7	Maximum Site Coverage	45%	-

Under section 8.20, **Site Coverage** means:

the total horizontal area on a Site:

- a. covered by buildings and structures that are 1.8 m or more in Height above Grade; or
- b. covered by a Parkade that is 1.0 m or more in Height above Grade.

This definition includes cantilevers, but does not include steps, eaves, cornices, or other similar projections.

<i>Setback</i>

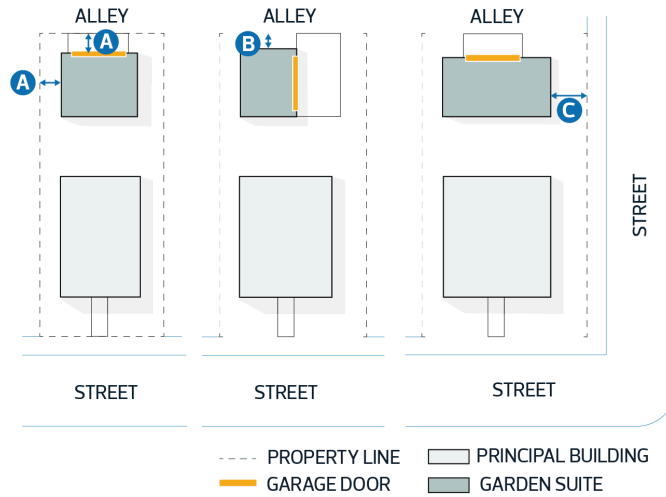
Section 6.10.1.9 states

1. Backyard Housing must comply with Table 1:

Table 1. Building Regulations

Setbacks

Subsection	Regulation	Value	Symbol
1.9	Minimum Flanking Side Setback is the same as the minimum Flanking Side Setback in the underlying Zone	-	C

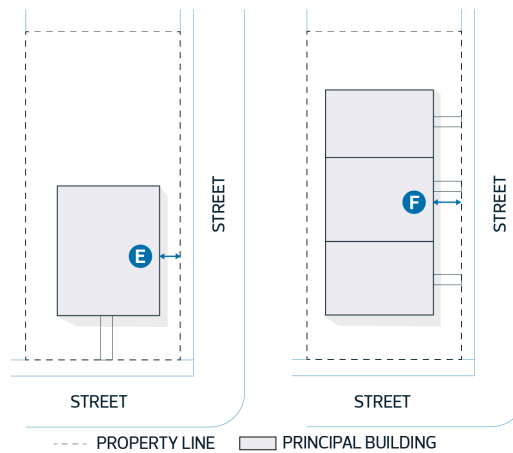


Section 2.10.4.3.6 states

4.3. Setbacks must comply with Table 4.3:

Table 4.3 Setback Regulations

Subsection	Regulation	Value	Symbol
4.3.6	Minimum Flanking Side Setback when a main entrance of a principal Dwelling faces a Flanking Side Lot Line	2.0 m	F



Under section 8.20, **Setback** means “Setback means the distance that a development, or a

specified portion of a development, must be from a Lot line. A Setback is not a Yard. A Setback only applies to development on or above ground level.”


Development Planner’s Determination

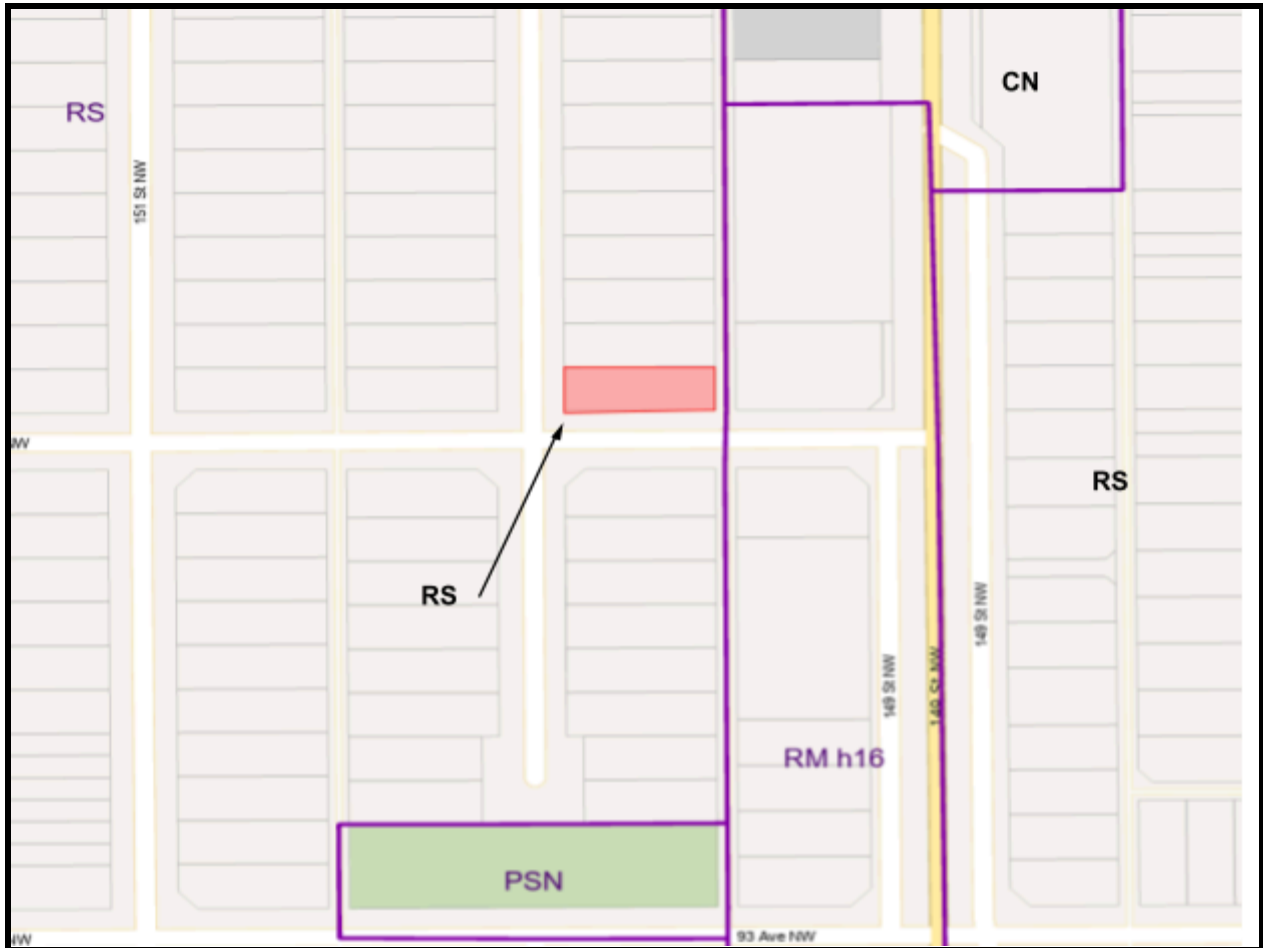
- 1. Site Coverage: The proposed Backyard House results in a site coverage of 49%, instead of 45% (Subsection 2.10.4.1.7).**
- 2. Reduced Flanking Side Setback : The distance from the Backyard House to the flanking side property line along 94th Avenue is 1.7m, instead of 2.0m (Subsection 2.10.4.3.6).**

[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 Development Permit</h2>	Project Number: 626940808-002 Application Date: AUG 25, 2025 Printed: November 6, 2025 at 2:54 PM Page: 1 of 1																														
This document is a Development Permit Decision for the development application described below.																																
Applicant	Property Address(es) and Legal Description(s) 14930 - 94 AVENUE NW Plan 5710AF Blk 68 Lot 11																															
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Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> 1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping </td> <td style="width: 50%; border: none; vertical-align: top;"> 2. Number of Principal Dwelling Units To Construct: 0 4. Number of Secondary Suite Dwelling Units to Construct: 1 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Discretionary Development </td> </tr> </table>			1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 0 4. Number of Secondary Suite Dwelling Units to Construct: 1 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Discretionary Development																												
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Development Application Decision Refused Issue Date: Nov 06, 2025 Development Authority: ZAZULA, NICKOLAS Reason for Refusal 1. Site Coverage: The proposed Backyard House results in a site coverage of 49%, instead of 45% (Subsection 2.10.4.1.7). 2. Reduced Flanking Side Setback : The distance from the Backyard House to the flanking side property line along 94th Avenue is 1.7m, instead of 2.0m (Subsection 2.10.4.3.6). 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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PG702003																																



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-166

▲
N

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 631104292-002

APPLICATION TO: To construct an addition to a Residential Use building in the form of a Single Detached House (breezeway), excluding proposed rear garage

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 22, 2025

DATE OF APPEAL(S): November 13, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10414 - 134 Street NW

LEGAL DESCRIPTION: Plan 3875P Blk 77 Lot 4

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

Grounds for Appeal

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

This single-family residence is already completely out of proportion with most of the surrounding neighborhood, (photographs will be exhibited at the Hearing), and the proposed breezeway will just add to an already overwhelming massing effect, extending up to, and including, our lot.

At this stage we have not been provided with the reasons for the Decision to allow the variances, which hampers our ability to effectively Appeal. However, we are not aware of any valid planning principles which would permit this major alteration to the originally approved plans. Neither convenience, nor enhanced resale profit potential, seem appropriate planning principles.

This breezeway addition variation turns what was originally an approved detachedgarage, single-family residence, in conformity to the Bylaw, into an otherwise nonconforming extended attached-garage residence. None of this achieves greater density, or affordability. Quite the opposite.

As a result, despite the new, already expansive, allowed length of residences in this Zone, this breezeway variation:

1. requires a massive increase of about 30% to the permitted length of the residence. and
2. reduces the rear setback to about 25% of the allowed setback of the originally permitted single-family residence

Council must have had a reason for requiring detached garages in this Zone. What good reason did the Development Officer have for ignoring this requirement?

<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 2.10.2.2, 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.

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>Building Length</i>

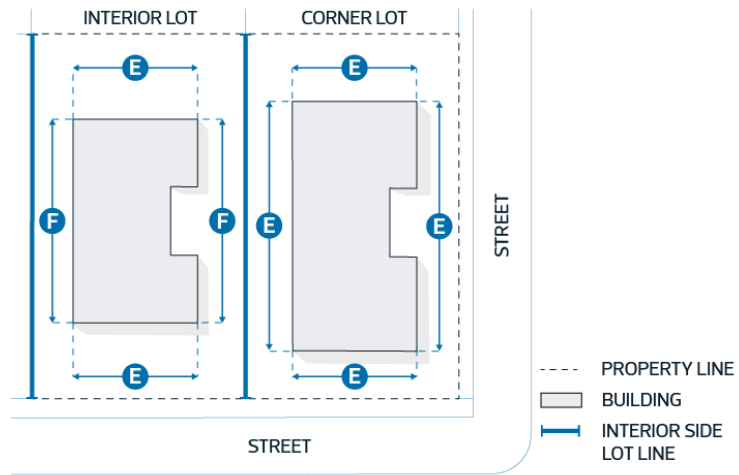
Section 2.10.4.1 states:

4.1. Development must comply with Table 4.1:

Table 4.1 Site and Building Regulations

Subsection	Regulation	Value	Symbol
Building Length			
4.1.8.	Maximum building	30 m	E
Unless the following applies:			
4.1.9.	Maximum building length along an Interior Side Lot Line on an Interior Lot	50% of Site Depth or 25.0 m, whichever is less	F

Diagram for Subsections 4.1.8 and 4.1.9



Development Planner’s Determination

Building Length - The length of the building is 33.7 m instead of 22.8 m (Subsection 2.10.4.1.9.)

[unedited]

Parking, Loading, and Access

Section 2.10.6.2 states “Rear attached Garages are not permitted.”

Development Planner’s Determination

Attached Garage - The rear garage is allowed to be attached, instead of detached (Subsection 2.10.6.2.).

[unedited]

Rear Setback

Section 2.10.4.3 states

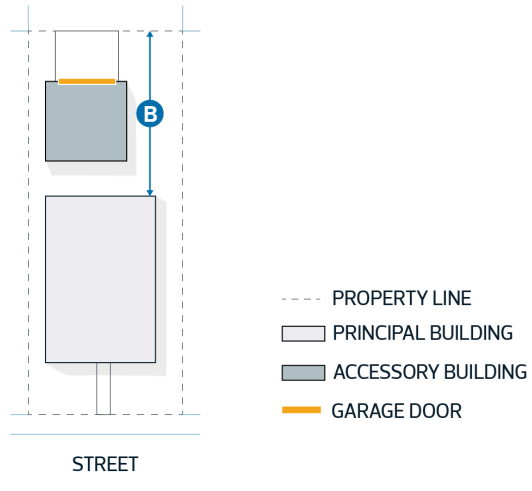
4.3. Setbacks must comply with Table 4.3:

Table 4.3 Setback Regulations

Subsection	Regulation	Value	Symbol
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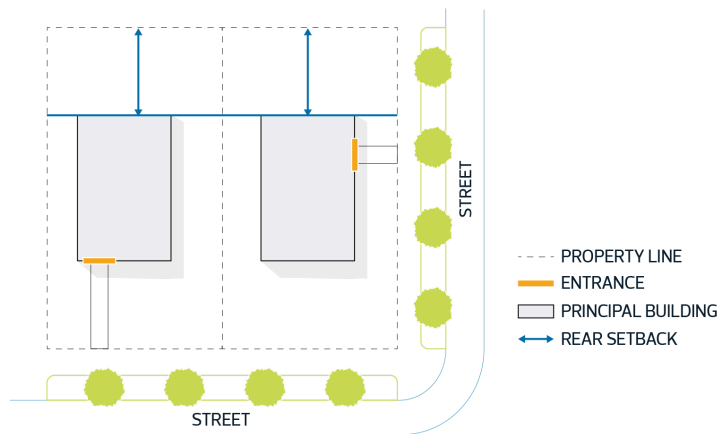
Rear Setback			
4.3.2	Minimum Rear Setback	10.0 m	B

Diagram for Subsections 4.3.2



Under section 8.20, **Rear Setback** means:

the distance that a development, or a specified portion of a development, must be from a Rear Lot Line. A Rear Setback is not a Rear Yard.



Development Planner's Determination

Reduced Rear Setback - The distance from the house to the rear property line (abutting the alley) is 2.4 m, instead of 10.0 m (Subsection 2.10.4.3.2.).

[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: **631104292-002**
 Application Date: SEP 30, 2025
 Printed: October 22, 2025 at 1:42 PM
 Page: 2 of 2

Addition Permit

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

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

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

City of Edmonton Drainage Bylaw 18093 requires the site to maintain surface grades and elevations adjacent to buildings in such a way that water drains away from buildings, is contained on the subject site, and directed towards a City right-of-way.

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

Variations

Building Length - The length of the building is 33.7 m instead of 22.8 m (Subsection 2.10.4.1.9.)

Attached Garage - The rear garage is allowed to be attached, instead of detached (Subsection 2.10.6.2.).

Reduced Rear Setback - The distance from the house to the rear property line (abutting the alley) is 2.4 m, instead of 10.0 m (Subsection 2.10.4.3.2.).

Rights of Appeal

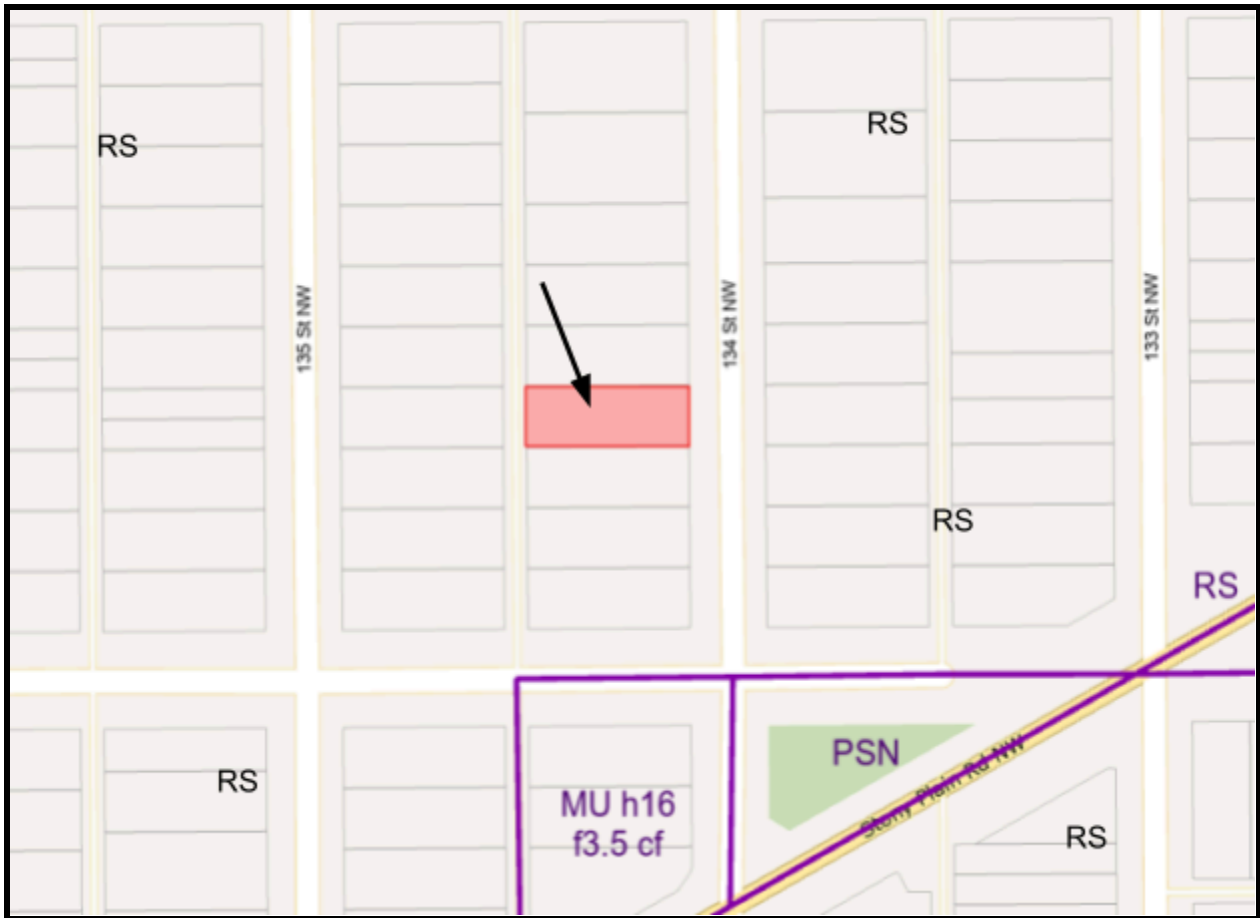
This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$42.20	\$42.20	024175001001361	Sep 30, 2025
Building Permit Fee (Construction Value)	\$1,055.00	\$1,055.00	024175001001361	Sep 30, 2025
Development Application Fee	\$410.00	\$410.00	024175001001361	Sep 30, 2025
Variance Fee	\$102.50			
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,609.70	\$1,507.20		
(\$102.50 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-25-172 ▲
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