

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
December 4, 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-25-168

To erect a fence @ 1.8m in Height in the Front
Yard

10903 - 65A Street NW
Project No.: 628558965-002

II 10:30 A.M. SDAB-D-25-169

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

6392 - King Wynd SW
Project No.: 631798438-002

III 1:30 P.M. SDAB-D-25-178

To construct exterior alterations to a Single
Detached House (Driveway extensions, left 1.7 m
x 7.9 m, right 1.1 m x 7.9), existing without
permits

7935 - Erasmus Crescent NW
Project No.: 494579008-002

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-25-168

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 628558965-002

APPLICATION TO: Erect a fence at 1.8 metres in Height in the Front Yard

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 10, 2025

DATE OF APPEAL: November 10, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10903 - 65A Street NW

LEGAL DESCRIPTION: Plan 2442KS Blk 55 Lot 31

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:

A 1.8 m high fence in the front of the property (which is a corner lot) will significantly obstruct sight lines for the 109 Ave-65A Street intersection.

This is a park location, and many users (cyclists, roller bladders', roller skiers, skate boarders) use this intersection throughout the year. It is uncontrolled (no signage).

With a 1.8 M high (or any height) front yard fence, it will be inevitable that someone will run into a vehicle, not having seen the vehicle approaching the intersection (or an approaching vehicle not being able to see a cyclist/boarder/skier) on the road and running into them).

If the city allows this development permit, and an (inevitable) accident occurs as a result of it, I will be the first to stand witness that I filed this appeal.

<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:

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:

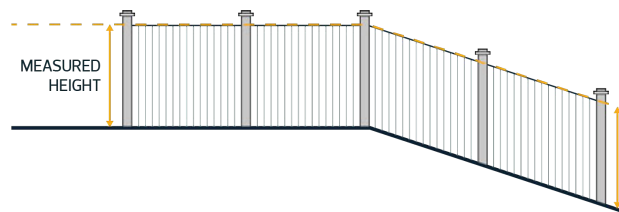
To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

<i>Fence Height</i>

Section 5.100.2.1 states:

The Height of a Fence is measured from the highest point along the portion of a Fence, excluding structural posts, to the finished ground surface directly beneath the Fence at that point.

Diagram for Subsection 2.1

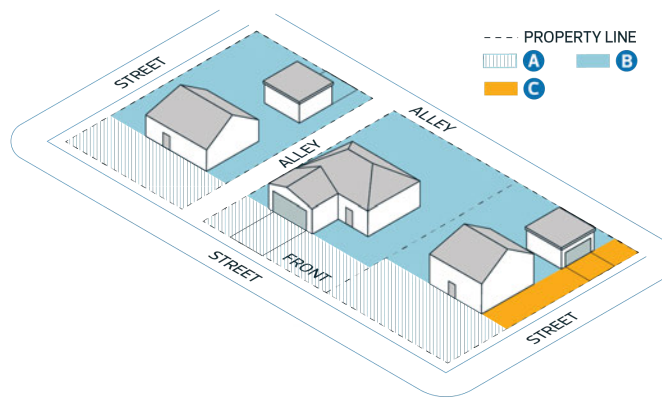


Section 5.100.2.2 states:

Maximum Fence Height must comply with Table 2.2:

Table 2.2 Fence Height Regulations

Subsection	Regulation	Value	Symbol
2.2.1.	Maximum Height in Front Yard	1.3 m	A
2.2.2.	Maximum Height in all other Yards	2.0 m	B



Section 5.100.2.3 states:

Despite Subsection 6.1.1 of Section 7.100, to provide additional screening from Nuisances from Abutting Sites or Streets, the Development Planner may vary the Height of a Fence, or a portion of a Fence, in compliance with the following:

2.3.1. Where the maximum Height of a Fence is 1.3 m, it may be varied up to a maximum Height of 2.0 m.

2.3.2. Where the maximum Height of a Fence is 2.0 m, it may be varied up to a maximum Height of 2.6 m.

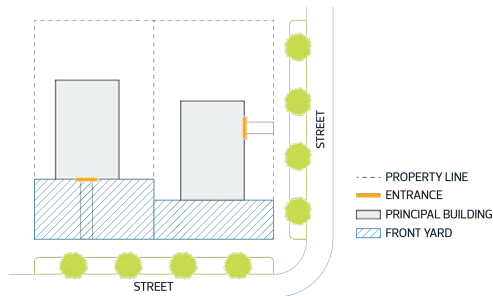
Under section 8.20, **Accessory** means “Accessory means a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

Under section 8.20, **Fence** means “Fence means a structure that is constructed at ground level and used to prevent or restrict passage, mark a boundary, or provide visual screening, noise reduction, or Landscaping. A Fence is not a Privacy Screen.”

Under section 8.20, **Height** means “a vertical distance between 2 points. Where described as a Modifier in a regulation, this is represented as the letter “h” and a number on the Zoning Map.”

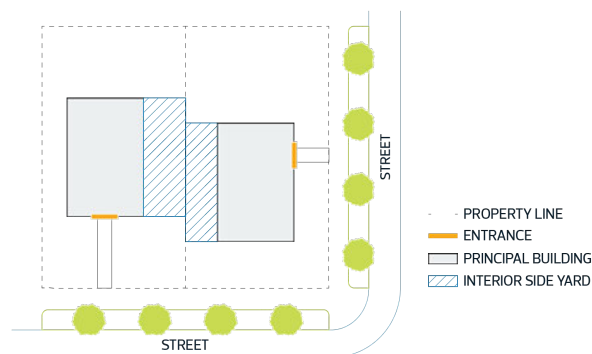
Under section 8.20, **Front Yard** means:

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.



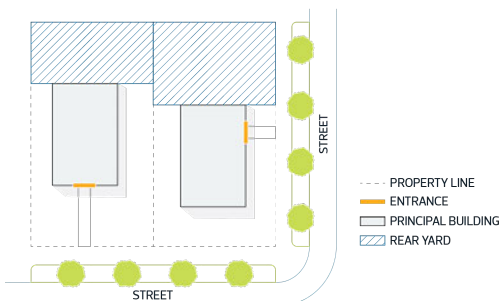
Under section 8.20, **Interior Side Yard** means:

the portion of a Site Abutting an Interior Side Lot Line, extending between the Front Yard and the Rear Yard, and located between the Interior Side Lot Line and the nearest wall of the principal building, not including projections.



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

the portion of a Site Abutting the Rear Lot Line, extending across the full width of the Site, and located between the Rear Lot Line and the nearest wall of the principal building, not including projections or Backyard Housing.




Development Planner's Determination


Fence Height - The fence along 109 Avenue NW is 1.8 m high, instead of 1.3 m (Subsection 5.100.2.3.1.).

[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: 628558965-002 Application Date: SEP 08, 2025 Printed: October 10, 2025 at 12:29 PM Page: 1 of 2			
		<h2>Overheight Fence 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 Project Name:		Property Address(es) and Legal Description(s) 10903 - 65A STREET NW Plan 2442KS Blk 55 Lot 31			
		Location(s) of Work Suite: 10903 - 65A STREET NW Entryway: 10903 - 65A STREET NW Building: 10903 - 65A STREET NW			
Scope of Permit To erect a fence @ 1.8m in Height in the Front Yard .					
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Discretionary Development Site Area (sq. m.): 817.4 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Discretionary Development Site Area (sq. m.): 817.4	Overlay: Statutory Plan:
Development Category: Discretionary Development Site Area (sq. m.): 817.4	Overlay: Statutory Plan:				
Development Permit Decision Approved Issue Date: Oct 10, 2025 Development Authority: OLTHUIZEN, JORDYN					
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 a fence @ 1.8m in Height in the Front Yard . The development must be constructed in accordance with the approved drawings. The fence must be installed entirely on the subject property. The fence must not impede any sightlines for vehicular or pedestrian traffic. Immediately upon completion of the addition, 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). Fences that contain, or are constructed of, hazardous materials such as barbed wire, are not permitted (Subsection 5.120.1.1.5). General Advisements Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw. An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).					
P0702003					

	Project Number: 628558965-002 Application Date: SEP 08, 2025 Printed: October 10, 2025 at 12:29 PM Page: 2 of 2																				
<h2 style="margin: 0;">Overheight Fence Permit</h2>																					
<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>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.</p> <p>For more information on Lot Grading requirements, plans and inspections refer to the website: https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading</p> <p>Variances Fence Height - The fence along 109 Avenue NW is 1.8 m high, instead of 1.3 m (Subsection 5.100.2.3.1.).</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>Building Permit Decision No decision has yet been made.</p>																					
<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left; font-weight: normal;">Fees</th> <th style="text-align: right; font-weight: normal;">Fee Amount</th> <th style="text-align: right; font-weight: normal;">Amount Paid</th> <th style="text-align: right; font-weight: normal;">Receipt #</th> <th style="text-align: right; font-weight: normal;">Date Paid</th> </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;">09914J001001022</td> <td style="text-align: right;">Sep 08, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$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;">\$190.00</td> <td style="text-align: right; border-top: 1px solid black;">\$190.00</td> <td></td> <td></td> </tr> </table>		Fees	Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$190.00	\$190.00	09914J001001022	Sep 08, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$190.00	\$190.00		
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P0702003																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-168

▲
N

ITEM II: 10:30 A.M.FILE: SDAB-D-25-169AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 631798438-002

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

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 5, 2025

DATE OF APPEAL: November 6, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 6392 - King Wynd SW

LEGAL DESCRIPTION: Plan 2222362 Blk 5 Lot 74

ZONE: DC1 - Direct Development Control Provision (Charter 19485 (Area A))

OVERLAY: N/A

STATUTORY PLAN(S): Keswick Neighbourhood Structure Plan
Windermere Area Structure Plan

DISTRICT PLAN: Southwest District Plan

Grounds for Appeal

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

As per the regulation DC1 194854.j, where an entrance door for a Secondary Suite is provided from the rear of the building, at least one side setback must be a minimum of 1.2 m. In our case, the proposed side

setback is 1.1 m, which is deficient by 0.1 m. We would like to kindly request that this variance be reviewed for approval, as the deficiency is minimal and may not impact access, safety, or drainage. Please let me know if any additional information or documentation is required to support this request.

<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.

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

(a) 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 may only be made to the subdivision and development appeal board and is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

<p><i>Zoning Bylaw 20001 - Part 7 - Administrative and Interpretative Clauses</i></p>
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Section 7.10, *Repeal, Enactment and Transition Procedures*, states the following:

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

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

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

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

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

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

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

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

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

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

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

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

...

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

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

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

4.6.3. the maximum number of Secondary Suites per principal Dwelling is 1,

unless specifically noted otherwise in the Direct Control Zone.

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

1. General Development Regulations

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

2. Specific Development Regulations

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

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

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

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

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

4.3.1. within the Direct Control Zone;

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

4.3.3. within an applicable regulation of this Bylaw.

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

General Provisions from the DC1 - Direct Development Control Provision (Charter 19485 (Area A)) (“DC1”)

Under section 3.d, **Single Detached Housing** is a **Listed Use** in the **DC1**.

Under section 3.f, a **Secondary Suite** is a **Listed Use** in the **DC1**.

Section 1 states that the **General Purpose** of the **DC1** is:

To provide for single detached housing uses on shallow lots with reduced prominence of garages along the streetscape, efficiently utilizing undeveloped suburban land.

Section 4 of the **DC1** states the following with regard to **Development Regulations**:

...

j. Where an entrance door for a Secondary Suite is provided from the rear of the building, at least one Side Setback shall be a minimum of 1.2 m, and the following shall apply:

i. Notwithstanding (j), the minimum Side Setback Abutting a public roadway other than a Lane shall be 2.4 m; and

ii. the other Side Setback shall a minimum of 0.75 m.

...

General Provisions from the *Edmonton Zoning Bylaw 12800*:

Under Section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, or Blatchford Lane Suites.

Under section 6.1, **Side Setback** means “the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.”

Development Planner’s Determination

1. Where an entrance door for a Secondary Suite is provided from the rear of the building, at least one Side Setback shall be a minimum of 1.2m (DC1 194854.j).


Proposed Side Setback: 1.1m

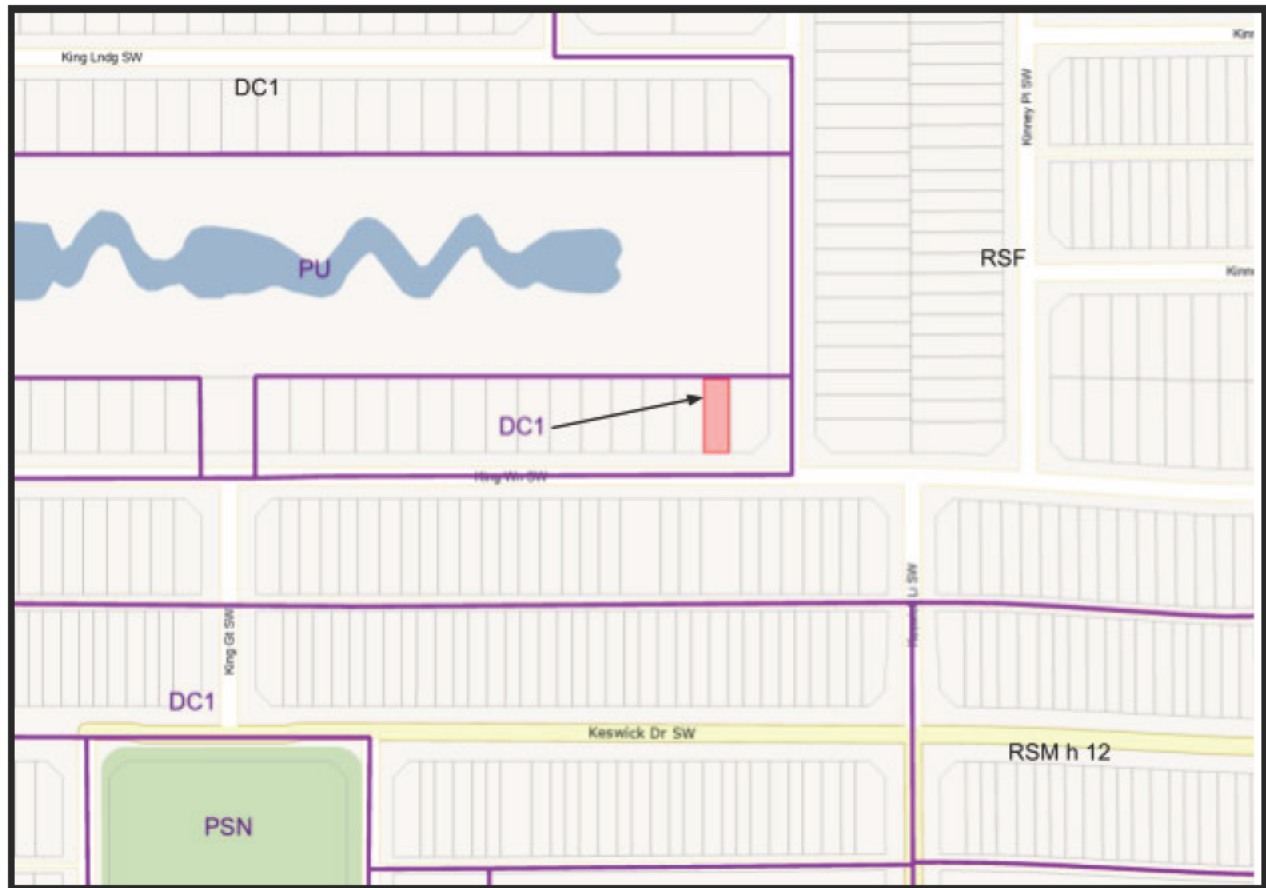
Deficient by: 0.1m

[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: 631798438-002 Application Date: OCT 03, 2025 Printed: November 5, 2025 at 3:13 PM Page: 1 of 1																															
<h2>Application for Secondary Suite Permit</h2>																																	
This document is a Development Permit Decision for the development application described below.																																	
Applicant		Property Address(es) and Legal Description(s) 6392 - KING WYND SW Plan 2222362 Blk 5 Lot 74																															
		Location(s) of Work Suite: BSMT, 6392 - KING WYND SW Entryway: 6392 - KING WYND SW Building: 6392 - KING WYND SW																															
Scope of Application To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Single Detached House).																																	
Details																																	
Development Category: Site Area (sq. m.): 252.95		Overlay: Statutory Plan:																															
Development Application Decision Refused Issue Date: Nov 05, 2025 Development Authority: TESSERA, HERAN Reason for Refusal 1. Where an entrance door for a Secondary Suite is provided from the rear of the building, at least one Side Setback shall be a minimum of 1.2m (DC1 194854.j). Proposed Side Setback: 1.1m Deficient by: 0.1m 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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P0702003																																	



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-169

N ▲

ITEM III: 1:30 P.M.FILE: SDAB-D-25-178AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 494579008-002

APPLICATION TO: Construct exterior alterations to a Single Detached House
(Driveway extensions, left 1.7 m x 7.9 m, right 1.1 m x 7.9), existing without permitsDECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 12, 2025

DATE OF APPEAL: November 18, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 7935 - Erasmus Crescent NW

LEGAL DESCRIPTION: Plan 1424943 Blk 1 Lot 95

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Edgemont Neighbourhood Area Structure Plan

DISTRICT PLAN: West Henday District Plan

Grounds for Appeal

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

The area in question isnt part of my driveway it's a sidewalk with a decorative finish, positioned next to the driveway, with the concrete placed and finished separately. We needed more access and mobility when getting in and out of vehicles parked on the driveway, as the old setup made this

difficult. After my wifes car accident, it became even more important to find an efficient way to use the space we have, and the changes have made a huge improvement both cosmetically and functionally. Simple tasks like moving garbage bins to the street or ensuring access for services and deliveries are now easier. The old space was extremely limited for vehicle access. Letters from my most affected neighbors confirm that the changes havent negatively impacted them in fact, theyre happy with the result. We had productive discussions before starting the project, and since completion, the parking space in front of both my neighbors home and mine has been used exactly as intended without impeding parking. With only two vehicles in our household and this being our forever home, weve invested heavily in it, and a better solution can be found without removing any concrete.

<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 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex 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.”

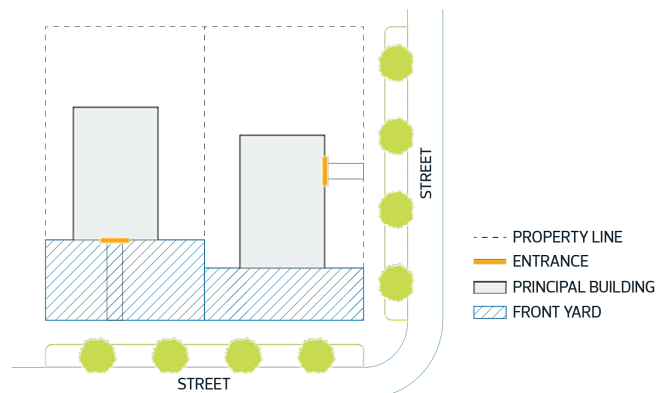
Under section 8.20, **Driveway** means:

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.



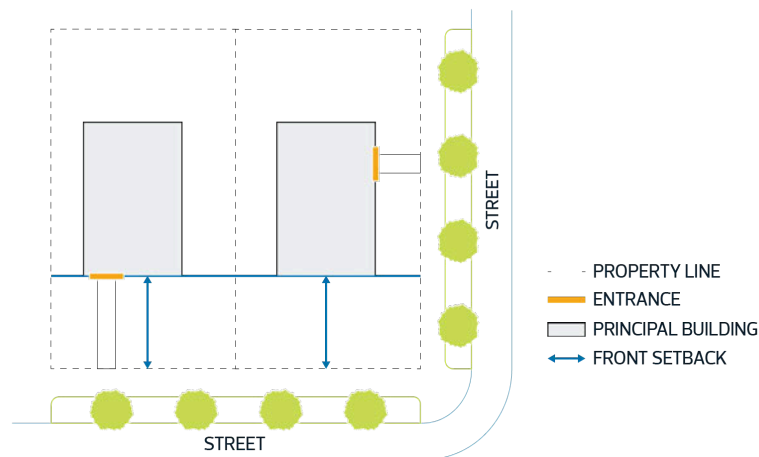
Under section 8.20, **Front Yard** means:

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 **RSF - Small Scale Flex 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. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

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

Site Circulation

- 2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal

Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

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

Driveways

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

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

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

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

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

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

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

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

2.1.5.1. a Front Yard;

2.1.5.2. a Flanking Side Yard; or

2.1.5.3 a Flanking Side Setback.

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

Development Planner's Determination

1. Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3.)

Proposed: Driveway extensions do not lead to the Garage.

2. Driveway Width - The maximum Driveway width is equal to the width of the Garage. (Subsection 5.80.2.1.4.2.)

Maximum width: 6.1 m

Proposed: 8.9 m

Exceeds by: 2.8 m


3. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Subsection 5.80.2.1.5.1.).


Proposed: Driveway extensions are located within the Front Yard.

[unedited]

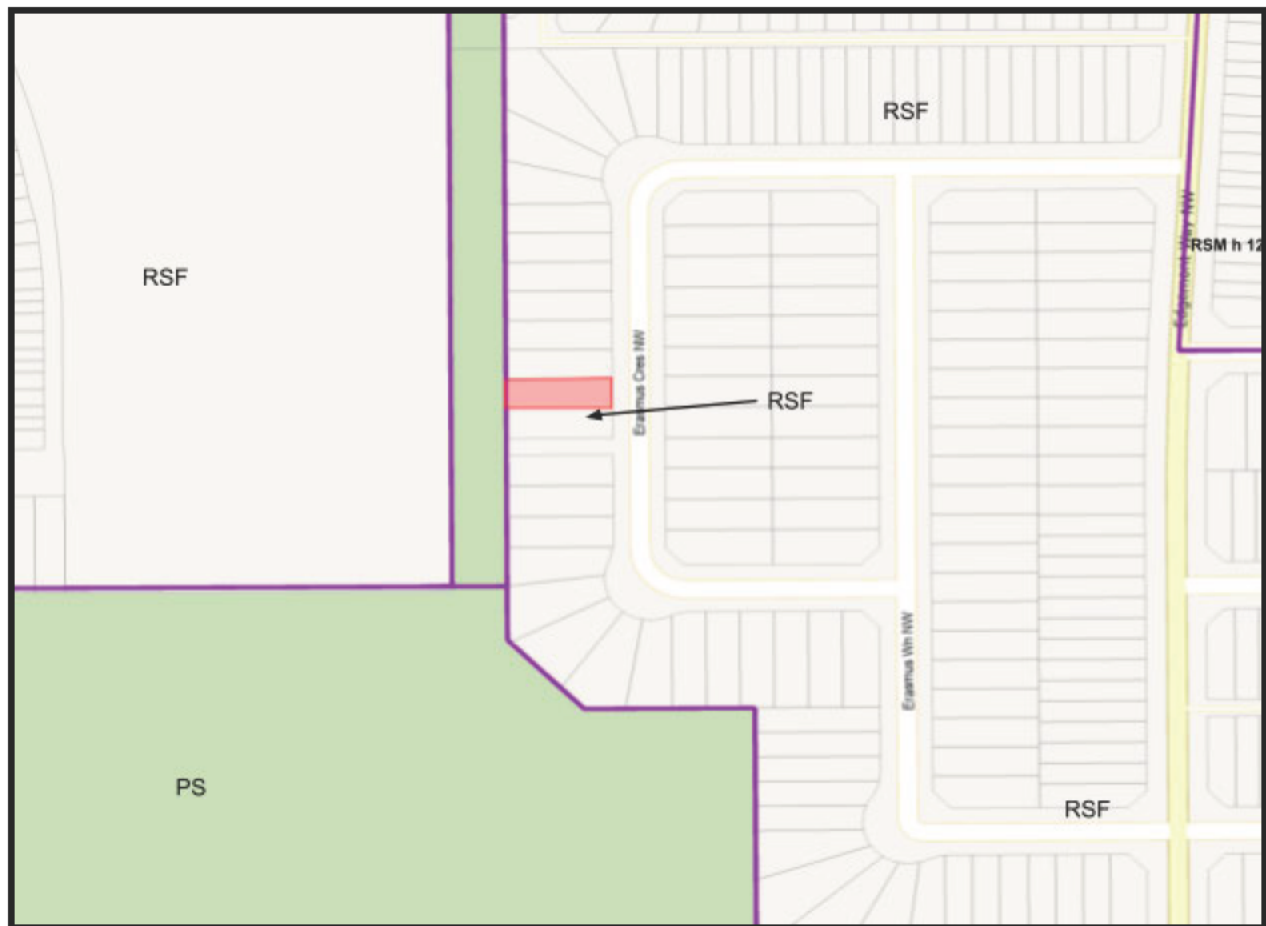
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		Project Number: 494579008-002 Application Date: DEC 18, 2023 Printed: November 12, 2025 at 3:48 PM Page: 1 of 2											
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This document is a Development Permit Decision for the development application described below.													
Applicant 1		Property Address(es) and Legal Description(s) 7935 - ERASMUS CRESCENT NW Plan 1424943 Blk 1 Lot 95											
Scope of Application To construct exterior alterations to a Single Detached House (Driveway extensions, left 1.7 m x 7.9 m, right 1.1 m x 7.9), existing without permits.													
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P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-178

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