

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.
December 10, 2025

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

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

TO BE RAISED

I	9:00 A.M.	SDAB-D-25-154	Josh Spurrell Professional Corporation To operate a Minor Industrial Use including construction of Accessory buildings, and outdoor storage of commercial vehicles, construction materials from a portion of a Rural Residential Lot (existing without permits) 9814 - 210 Street NW Project No.: 619851460-002
II	11:00 A.M.	SDAB-D-25-180	R. Kumar To construct exterior alterations (Driveway extension 4.57 m wide x 9.75 m long) 6911 - 164 Avenue NW Project No.: 625403735-002
III	1:30 P.M.	SDAB-D-25-179	Omega Finishing Solutions Inc. To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage) 9945 - 154 Street NW Project No.: 616608857-002

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-25-154

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: Josh Spurrell Professional Corporation

APPLICATION NO.: 619851460-002

APPLICATION TO: To operate a Minor Industrial Use including construction of Accessory buildings, and outdoor storage of commercial vehicles, construction materials from a portion of a Rural Residential Lot (existing without permits)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 8, 2025

DATE OF APPEAL: September 25, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9814 - 210 Street NW

LEGAL DESCRIPTION: Plan 5496HW Lot 28

ZONE: RR - Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Lewis Farms Area Structure Plan
Lewis Farms Business Employment Neighbourhood
Structure Plan

DISTRICT PLAN: West Henday District Plan

<i>Grounds for Appeal</i>

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

Grounds of Appeal:

1. The use is legal non-conforming such that it was legal non-conforming and did not require a development permit on the date it began use.
2. The Development Authority (the “DA”) should have dispensed the need for a permit due to the legal non-conforming use.

Introduction:

1. Josh Spurrell Professional Corporation (“JSPC”) is a professional corporation duly incorporated in the Province of Alberta. JSPC owns the Land subject to the permit application and is the appellant in this matter.
2. JSPC owns the lands municipally described as 9814-210 Street NW, Edmonton, Alberta, Canada. The land is also legally described as Plan 5496HW Lot 28 (the “Land”).
3. JSPC seeks to dispense the need for a permit for the legal non-conforming use subsisting on his owned lands. Background Facts:
4. The Land were previously part of Parkland County, prior to being annexed by the City of Edmonton.
5. The Land was subdivided in 1958.
6. The Land was annexed into Edmonton on January 1, 1982.
7. At the time, Parkland County did not have land use bylaws, and did not require permits for development and use.
8. The first recorded Land Use Bylaw enacted in Parkland County occurred on June 23, 2009.
9. The Land has been used for outdoor storage, transshipping of materials, goods, and equipment from the date of its subdivision.
10. The Land has continued its use since before its annexation, and before any land use bylaw required any development to be permitted.
11. The use does not require a permit, has never required a permit, and the use continues to be in use today without change.
12. JSPC’s permit application was refused on September 8, 2025, without further investigation regarding the use on the Land, and its legal non-conforming status. SDAB’s Jurisdiction
13. Pursuant to section 684(1) of the Act, the applicant of a development permit may appeal a refused development permit to the SDAB.
 - a. Pursuant to section 686(1) The development appeal is commenced by notice, containing reasons, within 21 days after the date on which the written decision is given.
 - b. The decision was given on September 8, 2025, the appeal period ends on September 29, 2025. This appeal was brought in time.
14. Pursuant to section 644 of the Act, legal non-conforming use includes uses that persist but do not need a permit at the time of commencement of the use.

15. Section 680 of the Act provides the SDAB the same powers of the Subdivision Authority to revoke the decision imposed by the DA, and to substitute a decision of the DA with one of its own. Remedies Sought:

16. We ask the SDAB to vary or revoke the decision of the Development Authority, and to substitute it for the SDAB's decision regarding the need for a permit regarding the legal, non-conforming use or providing a permit for the legal, non-conforming use.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on October 2, 2025:

"Due to the Canada Post strike, the appeal hearing is scheduled for a future date to be determined."

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:

A **Minor Industrial Use** is **NOT** a Permitted Use in the **RR- Rural Residential Zone (Section 2.60.2)**.

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.

Under section 8.10, **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.”

Section 2.60.1 states that the **Purpose** of the **RR- Rural Residential Zone** is “To allow for rural residential development while prohibiting further subdivision of rural residential lands.”

<i>Use</i>

Development Planner’s Determination

1) Use Not Listed: A Minor Industrial Use is neither a Permitted Use nor a Discretionary Use in the Rural Residential (RR) Zone (Section 2.60).

[unedited]


<i>Previous Subdivision and Development Appeal Board Decisions</i>

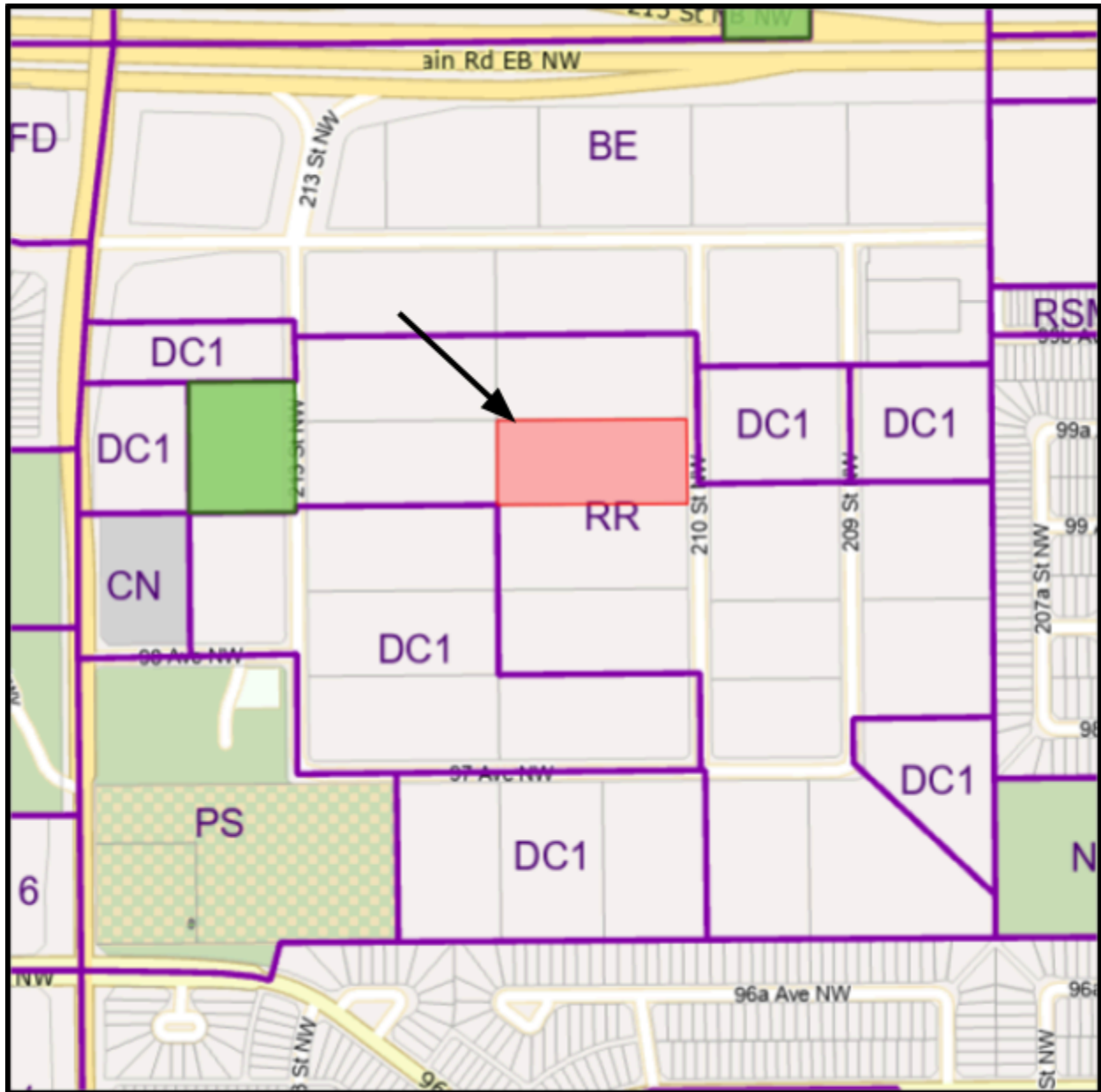
Application Number	Description	Decision
SDAB-D-25-032	<p>Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to:</p> <p>1. ACQUIRE a Development Permit for the eight accessory buildings (quonsets and sea cans over 10 m2 in area) by February 20, 2025.</p> <p>OR</p> <p>2. REMOVE the eight accessory buildings (quonsets and sea cans over 10 m2 in area) and all related materials from the site by February 20, 2025.</p>	<p>May 16, 2025; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The Stop Order is UPHELD with an AMENDMENT.</p>

SDAB-D-25-031	<p>Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to:</p> <p>1. ACQUIRE a Development Permit for the Minor Industrial Use (commercial vehicles, commercial equipment, vehicle storage, pipe, siding, fencing, vehicle parts, wood, cardboard, additions, and other commercial materials by February 20, 2025.</p> <p>OR</p> <p>2. CEASE the Minor Industrial Use by removing all the commercial vehicles, commercial equipment, vehicle storage, pipe, siding, fencing, vehicle parts, wood, cardboard, additions, and other commercial materials from the site by February 20, 2025.</p>	<p>May 16, 2025; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The Stop Order is UPHeld with an AMENDMENT.</p>
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Notice to Applicant/Appellant

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

		Application for Major Development Permit		Project Number: 619851460-002 Application Date: JUL 18, 2025 Printed: September 8, 2025 at 10:02 AM 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) 9814 - 210 STREET NW Plan 5496HW Lot 28			
		Specific Address(es) Suite: 9814 - 210 STREET NW Entryway: 9814 - 210 STREET NW Building: 9814 - 210 STREET NW			
Scope of Application To operate a Minor Industrial Use including construction of Accessory buildings, and outdoor storage of commercial vehicles, construction materials from a portion of a Rural Residential Lot (existing without permits).					
Details					
Development Category: 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: Sep 08, 2025 Development Authority: BUCCINO, SAMANTHA Reason for Refusal 1) Use Not Listed: A Minor Industrial Use is neither a Permitted Use nor a Discretionary Use in the Rural Residential (RR) Zone (Section 2.60). 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					
	Fee Amount	Amount Paid	Receipt #	Date Paid	
Major Dev. Application Fee	\$1,195.00	\$1,195.00			
Total GST Amount:	\$0.00				
Totals for Permit:	\$1,195.00	\$1,195.00			
THIS IS NOT A PERMIT					
P0702003					



ITEM II: 11:00 A.M.FILE: SDAB-D-25-180AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: R. Kumar

APPLICATION NO.: 625403735-002

APPLICATION TO: To construct exterior alterations (Driveway extension 4.57 m wide x 9.75 m long).

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 4, 2025

DATE OF APPEAL: November 23, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 6911 - 164 Avenue NW

LEGAL DESCRIPTION: Plan 0420590 Blk 126 Lot 68

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northeast District Plan

<i>Grounds for Appeal</i>

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

My client would like to appeal for reason being their need for a bigger parking space for their growing family. The plan was to extend the driveway to accommodate at least 2 more cars and the remaining front yard will be landscaped. The client would also like to reduce parked cars along

the city road way. And looking at this cul-de-sac there are not a lot of space for road parking.

<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).

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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

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 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or

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

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the Zoning Bylaw 20001:

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

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

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

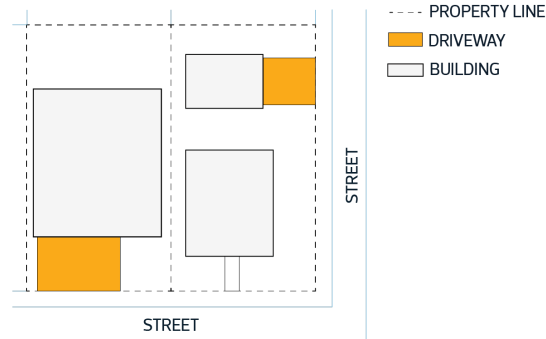
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

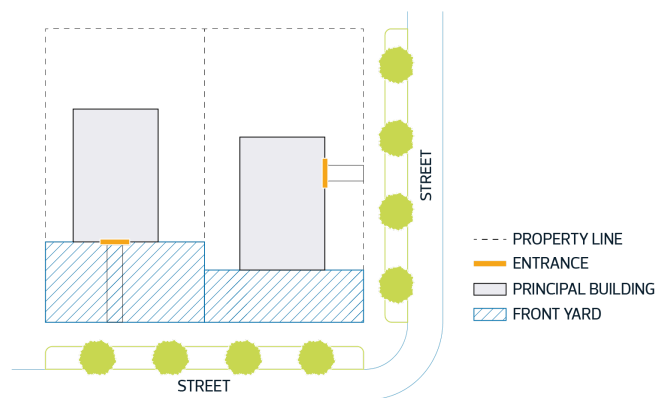
Under section 8.20, **Driveway** means:

an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



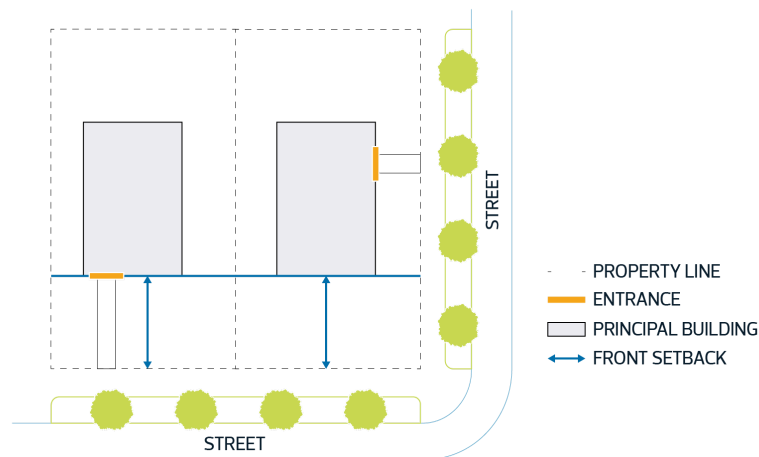
Under section 8.20, **Front Yard** means:

the portion of a Site Abutting the Front Lot Line extending across the full width of the Site, between the Front Lot Line and the nearest wall of the principal building, not including projections.



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

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



Under section 8.20, **Parking Area** means “an area that is used for vehicle parking. A Parking Area has 1 or more parking spaces and includes a parking pad, but does not include Street parking, a vehicle access, a Driveway, or a Drive Aisle.”

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

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

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

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

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

Site Circulation

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

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

Driveways

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

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

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

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

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

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

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

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

- 2.1.5.1. a Front Yard;**

- 2.1.5.2. a Flanking Side Yard; or

2.1.5.3 a Flanking Side Setback.

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

Development Planner's Determination

1. 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 extension does 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: 10.7 m

Exceeds by: 4.6 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 extension is located within the Front Yard.

[unedited]

Notice to Applicant/Appellant

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

		Project Number: 625403735-002 Application Date: AUG 18, 2025 Printed: November 4, 2025 at 1:53 PM Page: 1 of 2																					
<h2>Application for Driveway Extension Permit</h2>																							
This document is a Development Permit Decision for the development application described below.																							
Applicant		Property Address(es) and Legal Description(s) 6911 - 164 AVENUE NW Plan 0420590 Blk 126 Lot 68																					
Scope of Application To construct exterior alterations (Driveway extension 4.57 m wide x 9.75 m long).																							
Details																							
Development Category: Site Area (sq. m.): 492.31		Overlay: Statutory Plan:																					
Development Application Decision Refused Issue Date: Nov 04, 2025 Development Authority: FOLKMAN, JEREMY																							
Reason for Refusal <ol style="list-style-type: none"> 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 extension does 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: 10.7 m Exceeds by: 4.6 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 extension is located within the Front Yard. 																							
Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																							
Building Permit Decision No decision has yet been made.																							
Fees <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></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>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;">086498001001773</td> <td style="text-align: right;">Aug 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;">\$190.00</td> <td style="text-align: right;">\$190.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$190.00	\$190.00	086498001001773	Aug 18, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$190.00	\$190.00		
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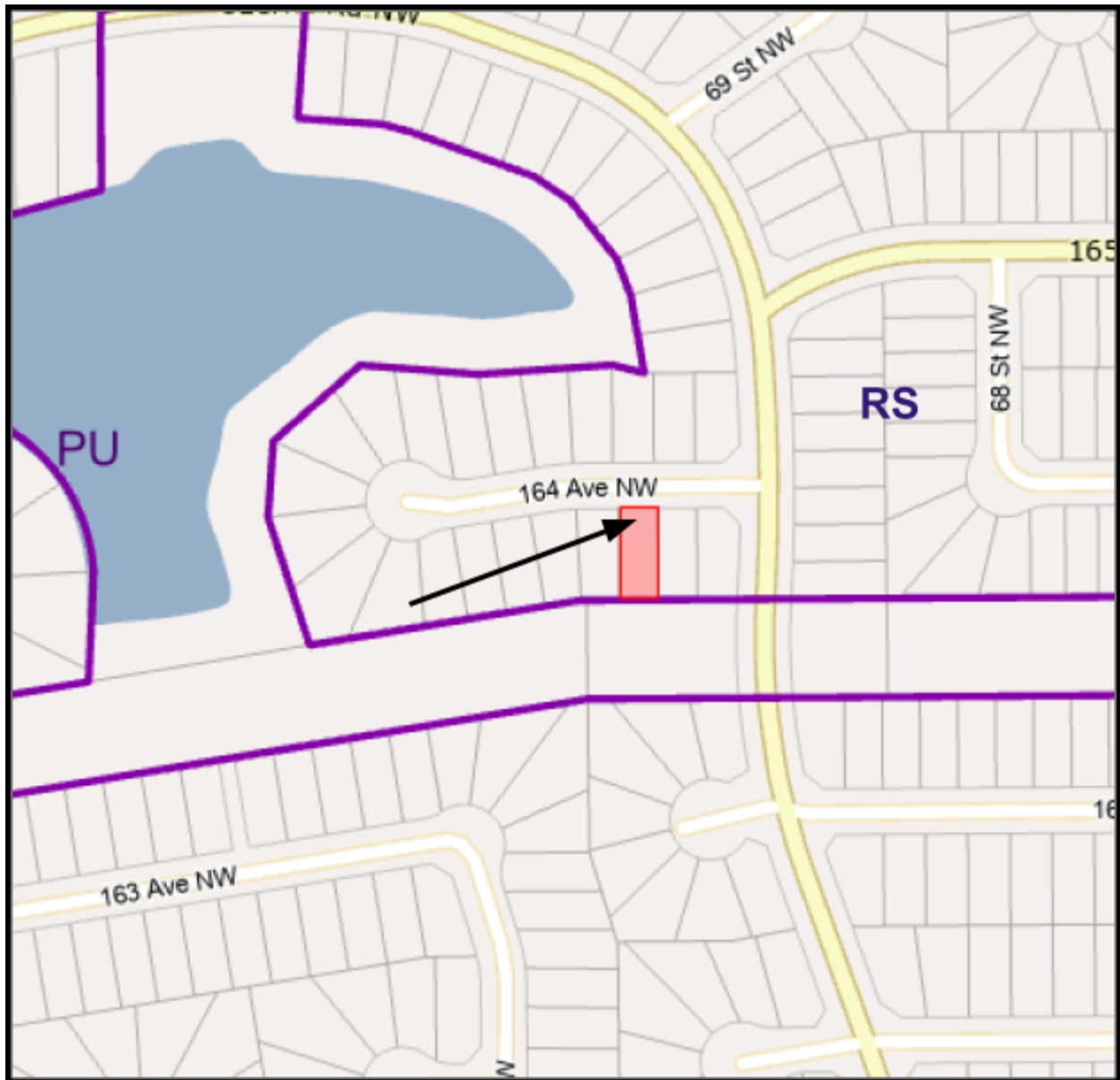


Application for Driveway Extension Permit

Project Number: **625403735-002**
Application Date: AUG 18, 2025
Printed: November 4, 2025 at 1:53 PM
Page: 2 of 2

THIS IS NOT A PERMIT

P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-180

▲
N

ITEM III: 1:30 P.M.FILE: SDAB-D-25-179AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: Omega Finishing Solutions Inc.

APPLICATION NO.: 616608857-002

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 19, 2025

DATE OF APPEAL: November 19, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9945 - 154 Street NW

LEGAL DESCRIPTION: Plan 235HW Blk 23 Lot 19

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

<i>Grounds for Appeal</i>

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

Hi team, The allowable site coverage for this site is 45% and we are proposing/requesting 49% (exceeding the site coverage by 4%) to accommodate a 1 bedroom garden suite which will be the 8th unit on this site. 1 of the main 4 plex unit's will NOT be a legal suite it will be constructed as part of the upper units. Although we are at the end of the

block (corner with a alley beside it) we are not considered a corner lot, we are requesting this variance to allow for a garden suite, thank you!

<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, **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.

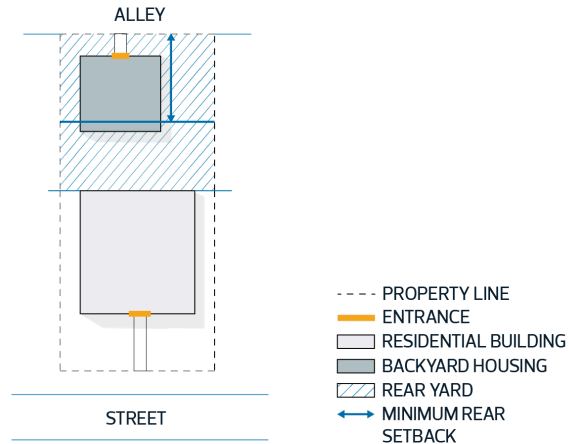
Under section 8.20, **Dwelling** means:

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.

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

the total horizontal area on a Site:

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

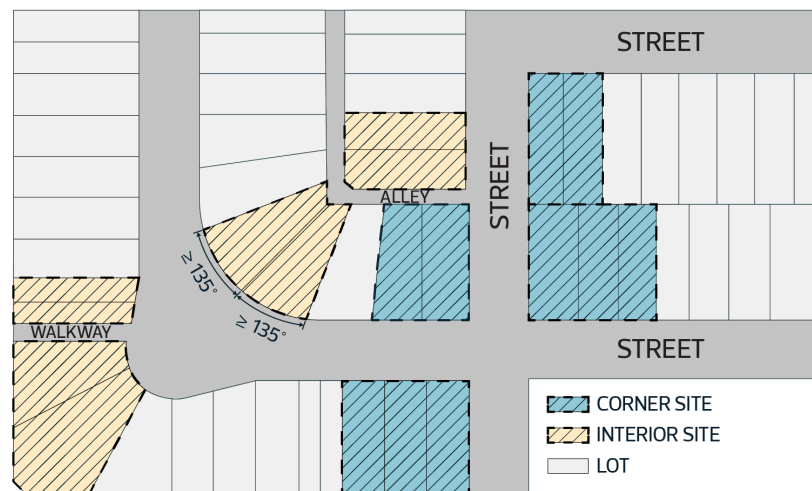
This definition includes cantilevers, but does not include steps, eaves, cornices, or other similar projections.

Dwellings

Section 2.10.3.2.1 states “The maximum number of Dwellings on an Interior Site is 8.”

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

a Site other than a Corner Site.



Development Planner's Determination

- Total Site Coverage - The maximum Site Coverage is 45% (Subsection 2.10.4.1.6).**

Proposed: 49%
Exceeds by: 4%

2. Number of Dwellings - The maximum number of Dwellings on an Interior Site is 8 (Subsection 2.10.3.2.1).


Proposed: 9 Dwellings in total (1 Dwelling Row House with 4 Secondary Suites and 1 Dwelling Backyard House)

Exceeds by: 1 Dwelling

[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.

	<div style="text-align: right;"> Project Number: 616608857-002 Application Date: JUL 07, 2025 Printed: November 19, 2025 at 2:20 PM Page: 1 of 2 </div> <div style="text-align: center; margin-top: 10px;"> <h2>Application for Development Permit</h2> </div>																																	
This document is a Development Permit Decision for the development application described below.																																		
Applicant	Property Address(es) and Legal Description(s) 9945 - 154 STREET NW Plan 235HW Blk 23 Lot 19																																	
	Specific Address(es) Suite: 9945G - 154 STREET NW Entryway: 9945G - 154 STREET NW Building: 9945G - 154 STREET NW																																	
Scope of Application To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage).																																		
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> 1. Titled Lot Zoning: R5 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping </td> <td style="width: 50%; 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: R5 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 19, 2025 Development Authority: CHAN, MANDY Reason for Refusal <p>1. Total Site Coverage - The maximum Site Coverage is 45% (Subsection 2.10.4.1.6). Proposed: 49% Exceeds by: 4%</p> <p>2. Number of Dwellings - The maximum number of Dwellings on an Interior Site is 8 (Subsection 2.10.3.2.1). Proposed: 9 Dwellings in total (1 Dwelling Row House with 4 Secondary Suites and 1 Dwelling Backyard House) Exceeds by: 1 Dwelling</p> 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 <table border="0" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th></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>Dev. Application Fee</td> <td style="text-align: right;">\$815.00</td> <td style="text-align: right;">\$815.00</td> <td>217109001001798</td> <td>Jul 08, 2025</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$160.00</td> <td style="text-align: right;">\$160.00</td> <td>217109001001798</td> <td>Jul 08, 2025</td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: right;">\$153.75</td> <td style="text-align: right;">\$153.75</td> <td>035391001001003</td> <td>Oct 17, 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;">\$928.75</td> <td style="text-align: right; border-top: 1px solid black;">\$928.75</td> <td></td> <td></td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$815.00	\$815.00	217109001001798	Jul 08, 2025	Lot Grading Fee	\$160.00	\$160.00	217109001001798	Jul 08, 2025	Variance Fee	\$153.75	\$153.75	035391001001003	Oct 17, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$928.75	\$928.75		
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