

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
February 26, 2025**

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3

I 9:00 A.M. SDAB-D-25-018

Construct exterior alterations to a Residential Use building (Driveway extension 0.9m x 7.0m and 1.4m x 7.0m), existing without permits

6335 - 174 Avenue NW
Project No.: 544911990-002

II 10:00 A.M. SDAB-D-25-019

Construct exterior alterations to a Residential Use building (Driveway extension)

4744 - 154 Avenue NW
Project No.: 538078288-002

III 11:00 A.M. SDAB-D-25-020

Construct exterior alterations (Driveway extension), existing without permits

15503 - 135 Street NW
Project No.: 540823671-002

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-25-018AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 544911990-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extension 0.9m x 7.0m and 1.4m x 7.0m), existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 24, 2025

DATE OF APPEAL: January 30, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 6335 - 174 Avenue NW

LEGAL DESCRIPTION: Plan 1822646 Blk 13 Lot 75

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S):
McConachie Neighbourhood Structure Plan
Pilot Sound Area Structure Plan

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

I am writing to appeal the decision to refuse our application for the driveway extension at 6335 - 174 Avenue NW, Edmonton, AB. The extension is essential for the functionality of our home and offers numerous benefits to our family without causing any disruption to our

neighbors or the public. We have a side entrance that provides access to our basement, where part of our family resides, and this extension would greatly enhance accessibility for everyone, particularly elderly family members, by making it easier and safer to access both the basement and the front door of our home.

In addition, the extended driveway provides a safe space for my children to play outdoors during good weather, giving them a secure and visible area to engage in outdoor activities. This extension does not interfere with the space or privacy of any of our neighbors. It also avoids creating any issues for the public, as it does not encroach on public pathways or streets.

Moreover, the added space is crucial for our household, as we often have parked our vehicles on the driveway, and the extension helps us have extra space for our cars when getting out. And still have space for the pedestrian from the driveway.

We understand the concerns regarding the dimensions and positioning of the driveway and are open to working with the city to find a solution that meets both the bylaw requirements and our family's needs. We respectfully request reconsideration of this decision, as the extension would greatly enhance the functionality of our property without negatively impacting the surrounding area.

Thank you for taking the time to review our appeal. We hope for a favorable outcome.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(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.”

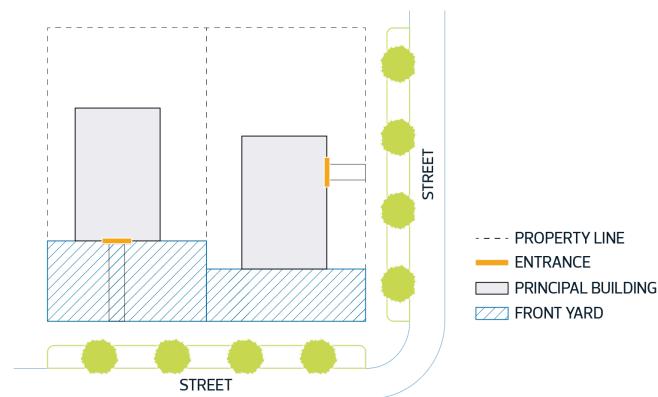
Under section 8.20, **Driveway** means:

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.



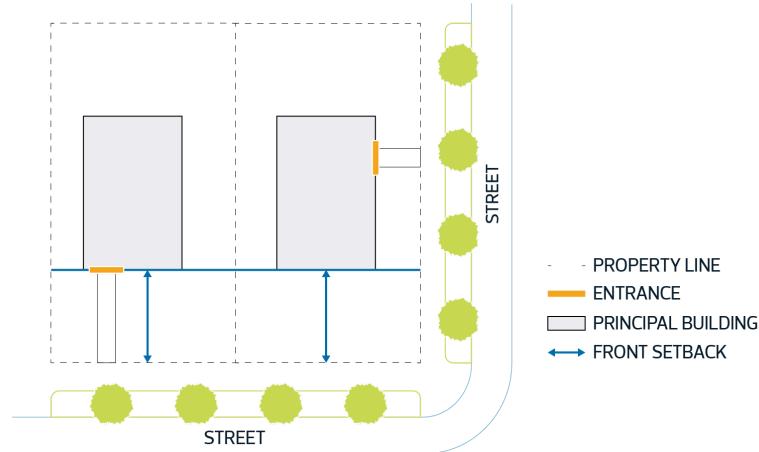
Under section 8.20, **Front Yard** means:

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:

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

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

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less. (Section 5.80.2.1.4.2)

Proposed: The driveway width is 8.97 m. The Garage width is 6.55 m.

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

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

[unedited]

Notice to Applicant/Appellant

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

Edmonton	Project Number: 544911990-002 Application Date: NOV 28, 2024 Printed: January 24, 2025 at 9:54 AM Page: 1 of 2												
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Driveway Extension Permit</h3>													
<p>This document is a Development Permit Decision for the development application described below.</p>													
Applicant	Property Address(es) and Legal Description(s) 6335 - 174 AVENUE NW Plan 1822646 Blk 13 Lot 75												
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension 0.9m x 7.0m and 1.4m x 7.0m), existing without permits.													
Details <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> Development Category: Site Area (sq. m.): 366.54 </td> <td style="width: 50%; padding: 5px;"> Overlay: Statutory Plan: </td> </tr> </table>		Development Category: Site Area (sq. m.): 366.54	Overlay: Statutory Plan:										
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Development Application Decision Refused													
Issue Date: Jan 24, 2025 Development Authority: SAHL, RAMANJYOT													
Reason for Refusal <p>1) The Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Section 5.80.2.1.3)</p> <p>Proposed: The driveway does not lead directly from the Street to the garage.</p> <p>2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less. (Section 5.80.2.1.4.2)</p> <p>Proposed: The driveway width is 8.97 m. The Garage width is 6.55 m.</p> <p>3) Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway. (Section 5.80.2.1.5.1)</p> <p>Proposed: The additional concrete provides vehicle parking space in the front yard.</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.													
Building Permit Decision No decision has yet been made.													
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;"></th> <th style="width: 25%; text-align: center;">Fee Amount</th> <th style="width: 25%; text-align: center;">Amount Paid</th> <th style="width: 25%; text-align: center;">Receipt #</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: center;">\$185.00</td> <td style="text-align: center;">\$185.00</td> <td style="text-align: center;">05663E001001149</td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;">Nov 28, 2024</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Development Application Fee	\$185.00	\$185.00	05663E001001149				Nov 28, 2024
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THIS IS NOT A PERMIT													

Edmonton

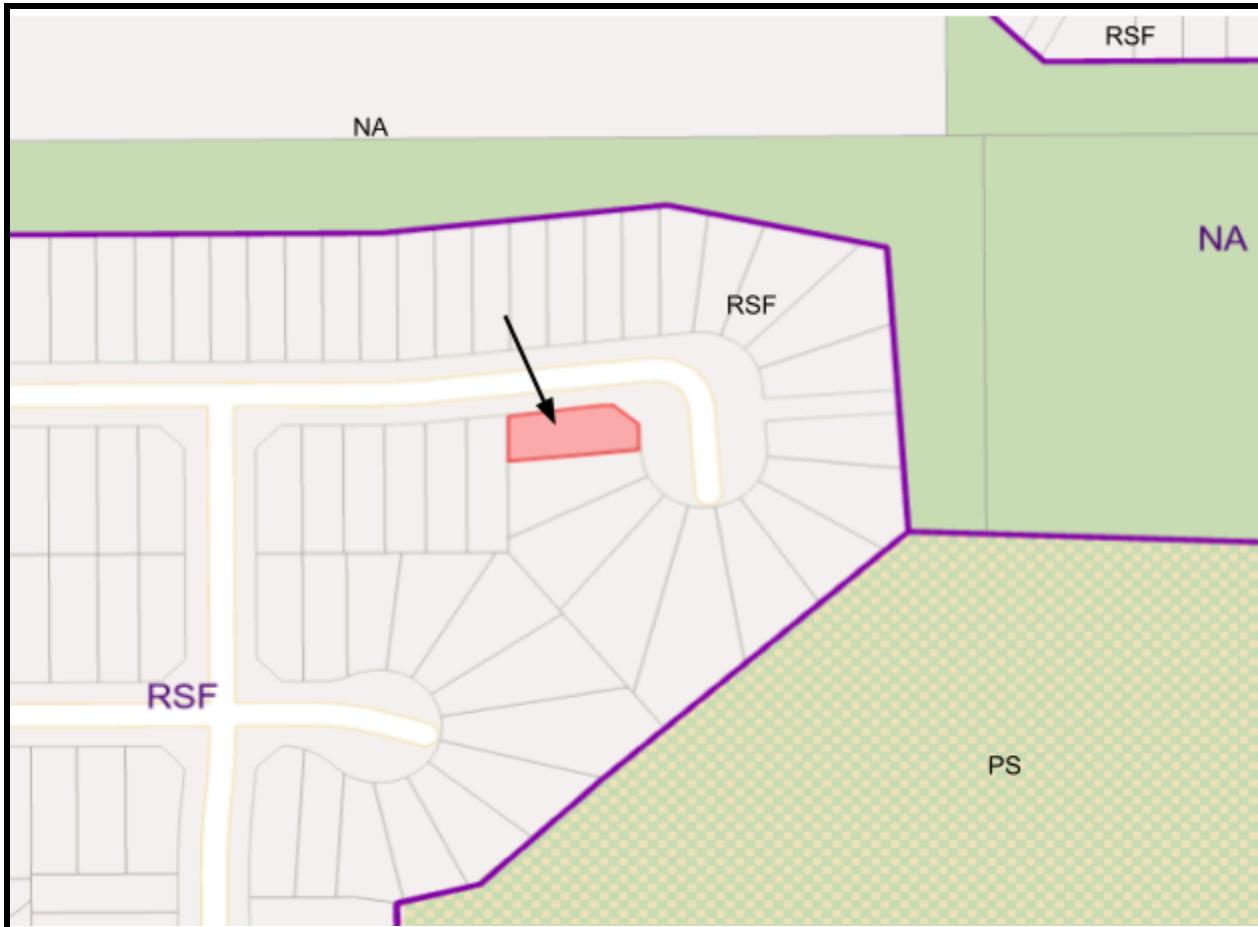
Application for Driveway Extension Permit

Project Number: **544911990-002**
Application Date: NOV 28, 2024
Printed: January 24, 2025 at 9:54 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid
Total GST Amount:	\$0.00	
Totals for Permit:	\$185.00	\$185.00

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-018



N

ITEM II: 10:00 A.M.FILE: SDAB-D-25-019AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 538078288-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extension)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 10, 2025

DATE OF APPEAL: January 31, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 4744 - 154 Avenue NW

LEGAL DESCRIPTION: Plan 0523043 Blk 20 Lot 22

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

Hello. My name is Harsimar Grewal, my parents Kulwinder and Daljit are the former owners of this property. I am helping them with this permit process. Around 2014 they saw a local advertisement for driveway extensions/patios. They had their driveway widened to the dimensions presented in the application, however they were not aware that there was a legal process in place before you are allowed to do anything like that. And

unfortunately the contractors who poured the concrete did not educate my parents regarding that either. Granted they are responsible for their own research. Fast forward to 2024 they were in the process of selling the property due to financial reasons and received a letter from the city indicating a permit is required. There is some clause in the sale regarding the driveway permit and part of their sale value is withheld by the lawyer and only will get released when the permit is granted/denied. If denied they are responsible for the removal and replacement of that area of concrete. We applied for a permit early in December and earlier this month it was denied. We are writing to appeal this decision hopefully. It has been financially straining for them and the extensions on the driveway itself has not caused any issues to the neighborhoods or drainage. Please email me at gharsimar@gmail.com for any additional information. Thankyou

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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(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,

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

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Hearing and Decision

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

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(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;
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 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
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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:

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

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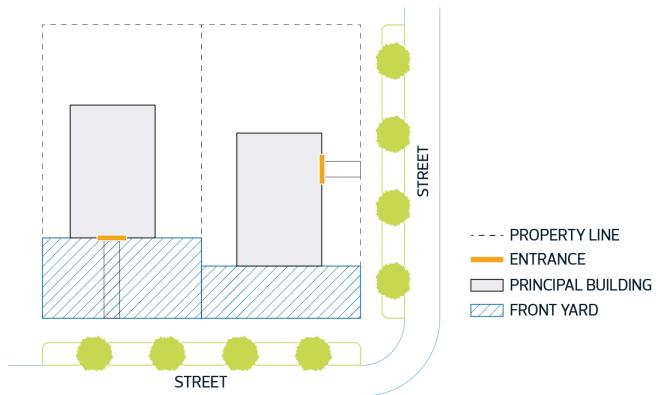
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means an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



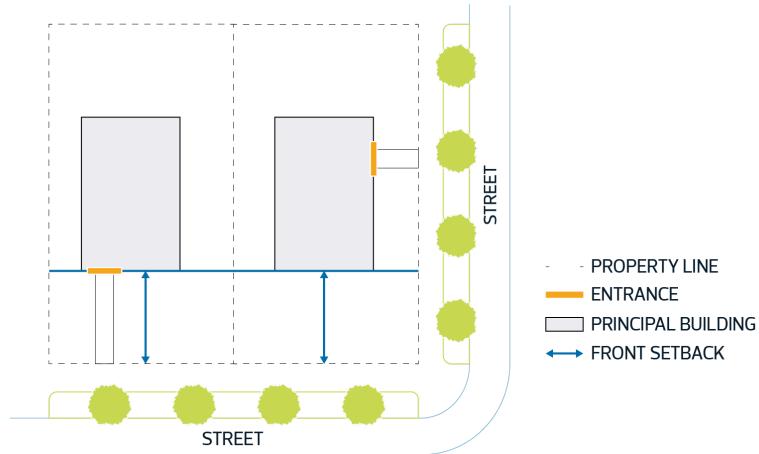
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Under section 8.20, **Front Setback** means:

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 “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.”

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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 Garage.

2) Driveway Width - 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. (Subsection 5.80.2.1.4.2.1.)

Proposed: Driveway width is 8.3 m instead of 5.8 m.

3) 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(s) are within the Front Yard

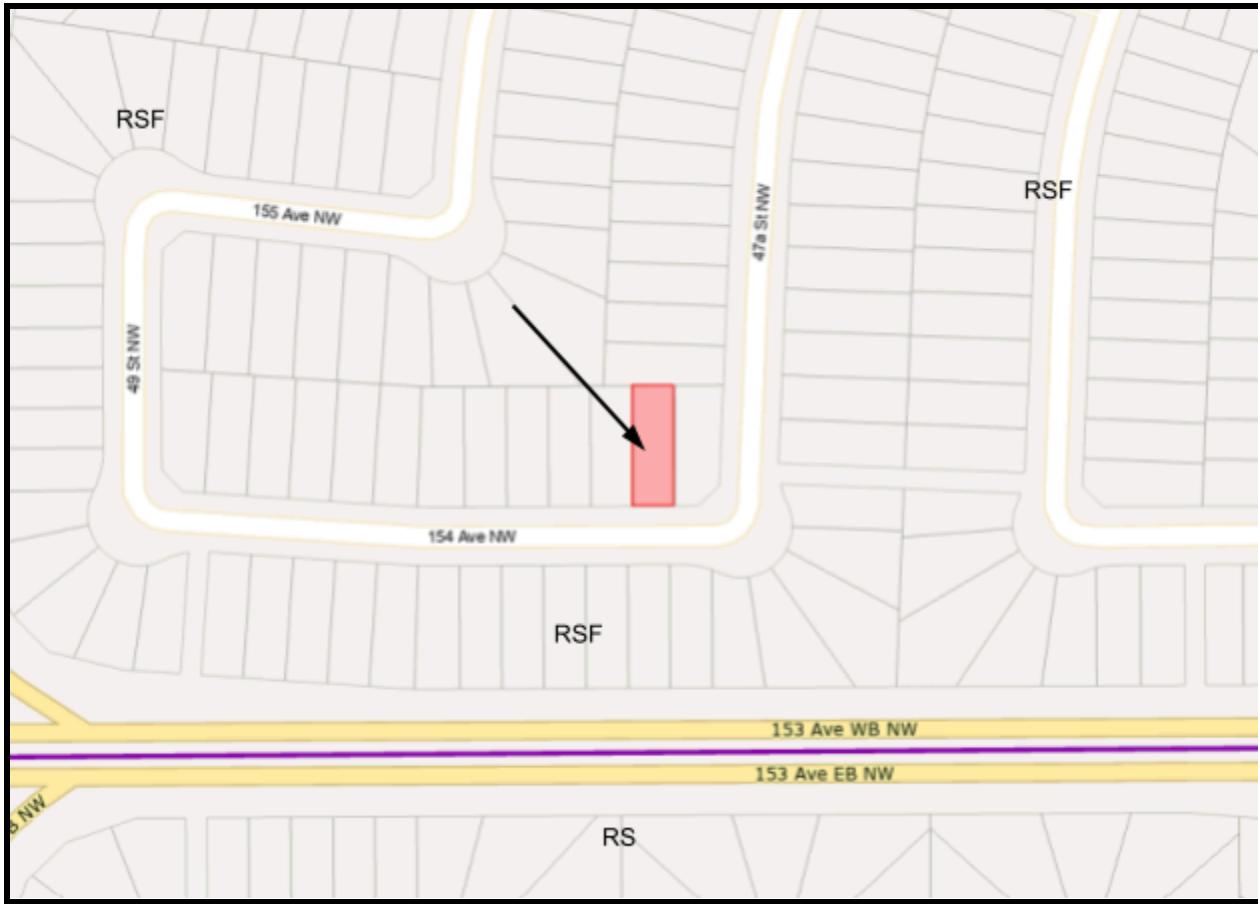
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Notice to Applicant/Appellant

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.

Edmonton	Project Number: 538078288-002 Application Date: NOV 03, 2024 Printed: January 10, 2025 at 10:24 AM Page: 1 of 2			
Application for Driveway Extension Permit				
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 4744 - 154 AVENUE NW Plan 0523043 Blk 20 Lot 22			
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension).				
Details				
Development Category: Site Area (sq. m.): 428.89	Overlay: Statuary Plan:			
Development Application Decision Refused				
Issue Date: Jan 10, 2025 Development Authority: HETHERINGTON, FIONA				
Reason for Refusal 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 Garage. 2) Driveway Width - 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. (Subsection 5.80.2.1.4.2.1.) Proposed: Driveway width is 8.3 m instead of 5.8 m. 3) 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(s) are 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				
Development Application Fee	Fee Amount \$185.00	Amount Paid \$185.00	Receipt # 223772001001364	Date Paid Nov 03, 2024
THIS IS NOT A PERMIT				

Edmonton	Project Number: 538078288-002 Application Date: NOV 03, 2024 Printed: January 10, 2025 at 10:24 AM Page: 2 of 2																		
Application for Driveway Extension Permit																			
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="text-align: left; padding: 5px;">Fees</th><th style="text-align: center; padding: 5px;">Fee Amount</th><th style="text-align: center; padding: 5px;">Amount Paid</th><th style="text-align: center; padding: 5px;">Receipt #</th><th style="text-align: center; padding: 5px;">Date Paid</th></tr></thead><tbody><tr><td style="padding: 5px;">Total GST Amount:</td><td style="text-align: center; padding: 5px;">\$0.00</td><td style="text-align: center; padding: 5px;"></td><td style="text-align: center; padding: 5px;"></td><td style="text-align: center; padding: 5px;"></td></tr><tr><td style="padding: 5px;">Totals for Permit:</td><td style="text-align: center; padding: 5px;">\$185.00</td><td style="text-align: center; padding: 5px;">\$185.00</td><td style="text-align: center; padding: 5px;"></td><td style="text-align: center; padding: 5px;"></td></tr></tbody></table>					Fees	Fee Amount	Amount Paid	Receipt #	Date Paid	Total GST Amount:	\$0.00				Totals for Permit:	\$185.00	\$185.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-019

▲
N

ITEM III: 11:00 A.M.FILE: SDAB-D-25-020AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 540823671-002

APPLICATION TO: Construct exterior alterations (Driveway extension),
existing without permitsDECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 13, 2025

DATE OF APPEAL: February 3, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15503 - 135 Street NW

LEGAL DESCRIPTION: Plan 0124373 Blk 51 Lot 12

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Carlton Neighbourhood Structure Plan
Palisades Area Structure Plan

DISTRICT PLAN: Northwest District Plan

Grounds for Appeal

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

The reasons provided for refusal are as follows, with responses in italics:

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

lead to the front and side of the house not directly to a Garage or Parking Area.

The city of Edmonton website defines a parking area as: 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.

By this definition, the driveway extensions create a parking area, and therefore we do not believe this clause applies appropriately in this case.

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. (Reference Section 5.80.2.1.4.2.) The width of the Driveway and Driveway extensions is 10.0 m instead of the garage width of 6.4 m.

While this clause would have certainly applied prior to the parking pad being installed, at this point in time it could be argued that the parking area should have this space considered as an additional side by side parking space. While this would still exceed the width of the garage, the fact that refusal of a permit would require work and costs to remediate the issue, granting the permit would be a less onerous and costly solution to an issue created by previous owners that are no longer involved.

3. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Section 5.80.2.1.5.) The Driveway extensions create the ability for Vehicle parking spaces in the Front Yard of a house in a Residential Zone.

We would argue that the existing presence of this parking pad means that at this time this area is not considered the front yard area, but is rather an existing parking area, and therefore this clause would not apply. Indeed, it would only be an issue due to the absence of a valid permit, which means accepting the permit application is in itself a resolution of the issue in this clause.

In light of the arguments we have submitted, we respectfully ask that the City of Edmonton reconsider the application and provide a permit for the work that was done prior to the current owners purchasing the property. While this sort of retroactive permit approval may not be common, it would provide a resolution to the issue that is of the least cost and inconvenience to all parties.

Appeal Information:

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

Grounds for Appeal**685(1) If a development authority**

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

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

...

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

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

Appeals

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

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

or

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

Hearing and Decision

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

...

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

...

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

and

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

General Provisions from the Zoning Bylaw 20001:

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

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

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

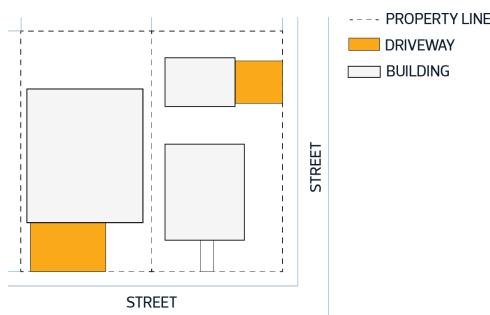
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

Under section 8.20, **Driveway** means:

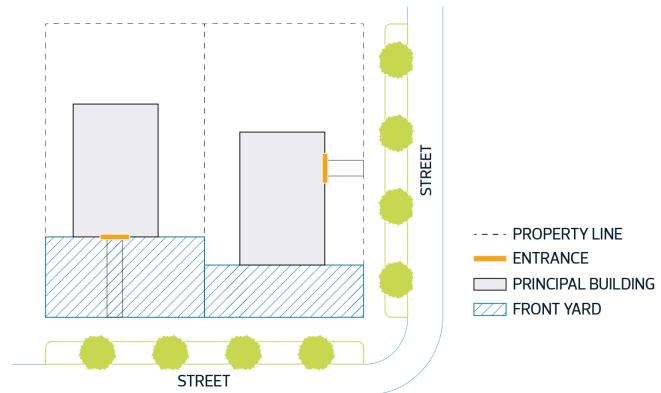
means an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



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

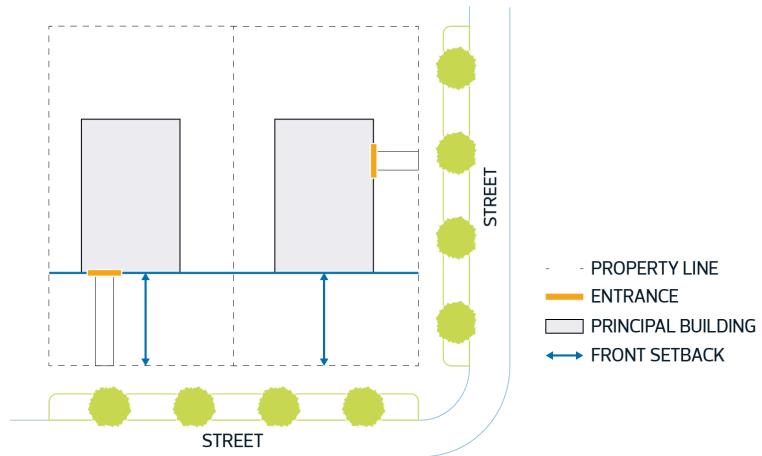
means the portion of a Site Abutting the Front Lot Line extending across the full width of the Site, between the Front Lot Line and the nearest wall

of the principal building, not including projections.



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

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 “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. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Reference Section 5.80.2.1.3.)

The Driveway extensions lead to the front and side of the house not directly to a Garage or Parking Area.

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. (Reference Section 5.80.2.1.4.2.)

The width of the Driveway and Driveway extensions is 10.0 m instead of the Garage width of 6.4 m.

3. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Section 5.80.2.1.5.)

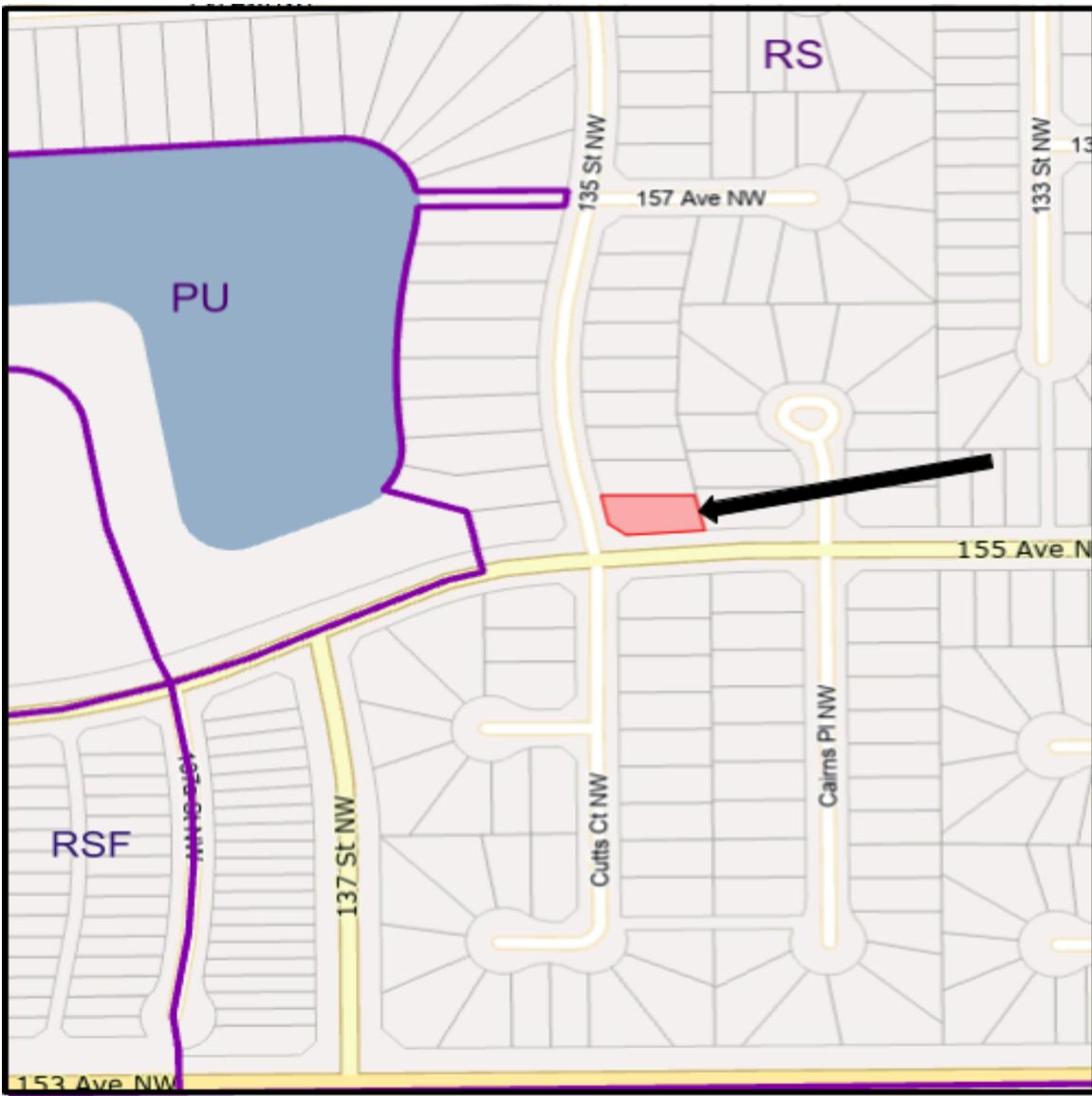
The Driveway extensions create the ability for Vehicle parking spaces in the Front Yard of a house in a Residential Zone.

[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: 540823671-002 Application Date: NOV 20, 2024 Printed: January 13, 2025 at 10:34 AM Page: 1 of 1																						
<h2>Application for</h2> <h3>Driveway Extension Permit</h3>																								
<p>This document is a Development Permit Decision for the development application described below.</p>																								
Applicant		Property Address(es) and Legal Description(s) 15503 - 135 STREET NW Plan 0124373 Blk 51 Lot 12																						
Scope of Application To construct exterior alterations (Driveway extension), existing without permits.																								
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Development Category:</td> <td style="width: 50%;">Overlay:</td> </tr> <tr> <td>Site Area (sq. m.): 624.14</td> <td>Statutory Plan:</td> </tr> </table>				Development Category:	Overlay:	Site Area (sq. m.): 624.14	Statutory Plan:																	
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Reason for Refusal <ol style="list-style-type: none"> 1. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Reference Section 5.80.2.1.3.) The Driveway extensions lead to the front and side of the house not directly to a Garage or Parking Area. 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. (Reference Section 5.80.2.1.4.2.) The width of the Driveway and Driveway extensions is 10.0 m instead of the Garage width of 6.4 m. 3. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Section 5.80.2.1.5.) The Driveway extensions create the ability for Vehicle parking spaces in the Front Yard of a house in a Residential Zone. 																								
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.																								
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-020



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