

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.

January 22, 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-25-004

To comply with an Order to complete one of the following options by November 20, 2024:

1. ACQUIRE a Development Permit for the Exterior Alteration (Hard Surfaced Driveway Extension) OR
2. REMOVE the exterior alteration (Hard Surfaced Driveway expansion) and revert the Landscaping back to the original approved state, and clear the site of demolition materials.

3408 - 19 Street NW
Project No.: 371664015-001

TO BE RAISED

II 9:45 A.M. SDAB-D-25-003

To construct exterior alterations to a Residential Use building (Driveway extension, 1.35m x 8.00m)

4104 - 5 Street NW
Project No.: 479111981-002

TO BE RAISED

III 10:15 A.M. SDAB-D-25-005

To construct exterior alterations (Driveway extension - 6.8m x 2.1m)

17234 - 65A Street NW
Project No.: 510154945-002

TO BE RAISED

IV 10:45 A.M. SDAB-D-25-006

To construct exterior alterations (Driveway extension 6.8m x 1.8m)

17318 - 65A Street NW
Project No.: 526130211-002

POSTPONED - MARCH, 2025

V 11:15 A.M. SDAB-D-25-007

To construct exterior alterations (Driveway extensions, right side: 2.66m x 12.50 m; left side: 1.16 m x 5.55m, and hardsurfacing in the rear yard)

17432 - 90 Street NW
Project No. 526992090-002

TO BE RAISED

VI 1:30 P.M. SDAB-D-25-008

To install (1) one Freestanding Sign limited to On-premises Advertising (ALLIANCE CENTRE CRYSTALLINA)

6604 - 178 Avenue NW
Project No.: 538171082-002

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-25-004

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT AUTHORITY

APPELLANT:

APPLICATION NO.: 371664015-001

ORDER TO: Complete one of the following options by November 20, 2024: 1. ACQUIRE a Development Permit for the Exterior Alteration (Hard Surfaced Driveway Extension) OR 2. REMOVE the exterior alteration (Hard Surfaced Driveway expansion) and revert the Landscaping back to the original approved state, and clear the site of demolition materials.

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: October 29, 2024

DATE OF APPEAL: November 21, 2024

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3408 - 19 Street NW

LEGAL DESCRIPTION: Plan 0928811 Blk 59 Lot 72

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN: The Meadows Area Structure Plan

DISTRICT PLAN: Southeast District Plan

Grounds for Appeal

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

I am requesting to stop this order. Back in 2021 we applied for development permit. Also had receipt for that. I request you to please review my case. I went to city office 3 times but couldnt got any solution. I was told to appeal. I was told to email which i did yesterday. After that i got reply about how to appeal which i am doing now. Back in early 2021 the person who did this job applied for permit on my behalf. As city office was operating online after pandemic period we did it online. I was not aware of anything how this thing works. The person who did construction told me that this is the process. But now after long time we got this notice and fine ticket. Please reviw my case and help me with ticket. I request you to issue me permit regarding this . Please advice me for the further steps. Thanks in anticipation. I have reciet of 176 dollars which i paid back in 2021 while applying for permit.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on November 27, 2024:

“That the appeal hearing be rescheduled to a date to be determined following the conclusion of the Canada Post strike.”

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

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

or

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

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

Hearing and Decision

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

...

(a.1) must comply with any applicable land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;

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

...

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

General Provisions from the Zoning Bylaw 20001:

Under section 2.20.2.2, 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.

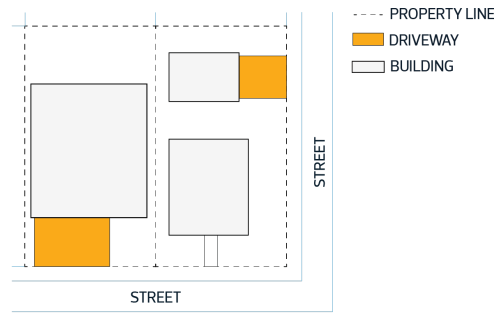
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.



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.

Section 7.110.1 states:

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

Section 7.200.2.2 states:

- 2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:
 - 2.2.1. construct a building or structure;
 - 2.2.2. make an addition or alteration to a building or structure;
 - 2.2.3. commence or undertake a Use or change of intensity of Use; or
 - 2.2.4. place a Sign on land, or on a building or structure.

Notice to Applicant/Appellant

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



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October 29, 2024

Our File: 371664015-001

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 3408 - 19 STREET NW in Edmonton, Alberta, legally described as Plan 0928811 Blk 59 Lot 72.

This Property was inspected by Development Compliance Officer Rafael Alfazema, on October 25, 2024. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

This property is zoned RSF (Small Scale Flex Residential Zone) in accordance with Section 2.20 of Edmonton Zoning Bylaw 20001. Our investigation revealed an Exterior Alteration (Hard Surface Driveway Extension) has been developed without a Development Permit.

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

Subsection 7.110.1 of Edmonton Zoning Bylaw 20001 states:

Approval Required for Development

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

Subsection 7.200.2.2 of Edmonton Zoning Bylaw 20001 states:



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2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an **offence** for any person to:

2.2.1. construct a building or structure;

2.2.2. make an addition or alteration to a building or structure;

2.2.3. commence or undertake a Use or change of intensity of Use; or

2.2.4. place a Sign on land, or on a building or structure.

Hard Surfaced means: ground that is covered with a durable, dust-free material constructed of permeable or Impermeable Material. Typical examples include concrete, asphalt, pavers, or similar material.

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.

Landscaping means: the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns, gardens, and ornamental plantings;
- b. decorative Hard Surfacing elements in the form of patios, Pathways, and paths consisting of materials such as bricks, pavers, shale, crushed rock, or other suitable materials, excluding monolithic concrete and asphalt; and
- c. architectural elements such as decorative Fencing, walls, and sculpture.

Landscaping does not include decorative Hard Surfacing used for, or contained within, Parking Areas, Driveways, or vehicle access areas.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete one of the following options **by November 20, 2024:**

1. **ACQUIRE** a Development Permit for the Exterior Alteration (Hard Surfaced Driveway Extension).

OR

2. **REMOVE** the exterior alteration (Hard Surfaced Driveway expansion) and revert the Landscaping back to the original approved state, and clear the site of demolition materials.



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CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected **after November 20, 2024** to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within **21 calendar days** to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, RSA 2000, c M-26, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

PERMIT APPLICATIONS:

You can make a permit application online at selfserve.edmonton.ca.

For more information related to obtaining a Development Permit, we suggest you consult a technical advisor at:

Email: developmentpermits@edmonton.ca

Phone: 780-442-5054

If you have any questions in regards to this matter, please contact the writer.

Regards,

Rafael Alfazema
Development Compliance Officer
780-446-1917
Rafael.Alfazema@edmonton.ca



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Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35; (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;
 - (h.1) the expenses and costs of carrying out an order under section 646;
- (i) any other amount that may be added to the tax roll under an enactment.



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(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

(a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

(b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.



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Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for appeal

685(1) If a development authority

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

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

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

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

(2.1) An appeal referred to in subsection (1) or (2) may be made

- (a) to the Land and Property Rights Tribunal
 - (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application
 - (A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
 - (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
 - (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or
 - (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,
 - or
 - (ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii), or
- (b) in all other cases, to the subdivision and development appeal board.

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



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

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

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

Appeals

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

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

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

or

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

or

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

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing



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(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or (b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

Subdivision and Development Appeal Board

File your appeal online at:

<https://sdab.edmonton.ca>

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by a decision of the Development Authority under the Zoning Bylaw and the Subdivision Authority under the Subdivision Authority Bylaw. The board is appointed by City Council and consists of citizens living in the city of Edmonton.

The SDAB normally meets every Wednesday and Thursday. If required, the Board may set additional dates for hearings.

Once you have met requirements and filed a proper appeal, this Board presides over your hearing.

The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

Agendas listing appeals and hearing times scheduled for that day are posted in the hearing waiting area. Hearings do not start before the time listed on the schedule.



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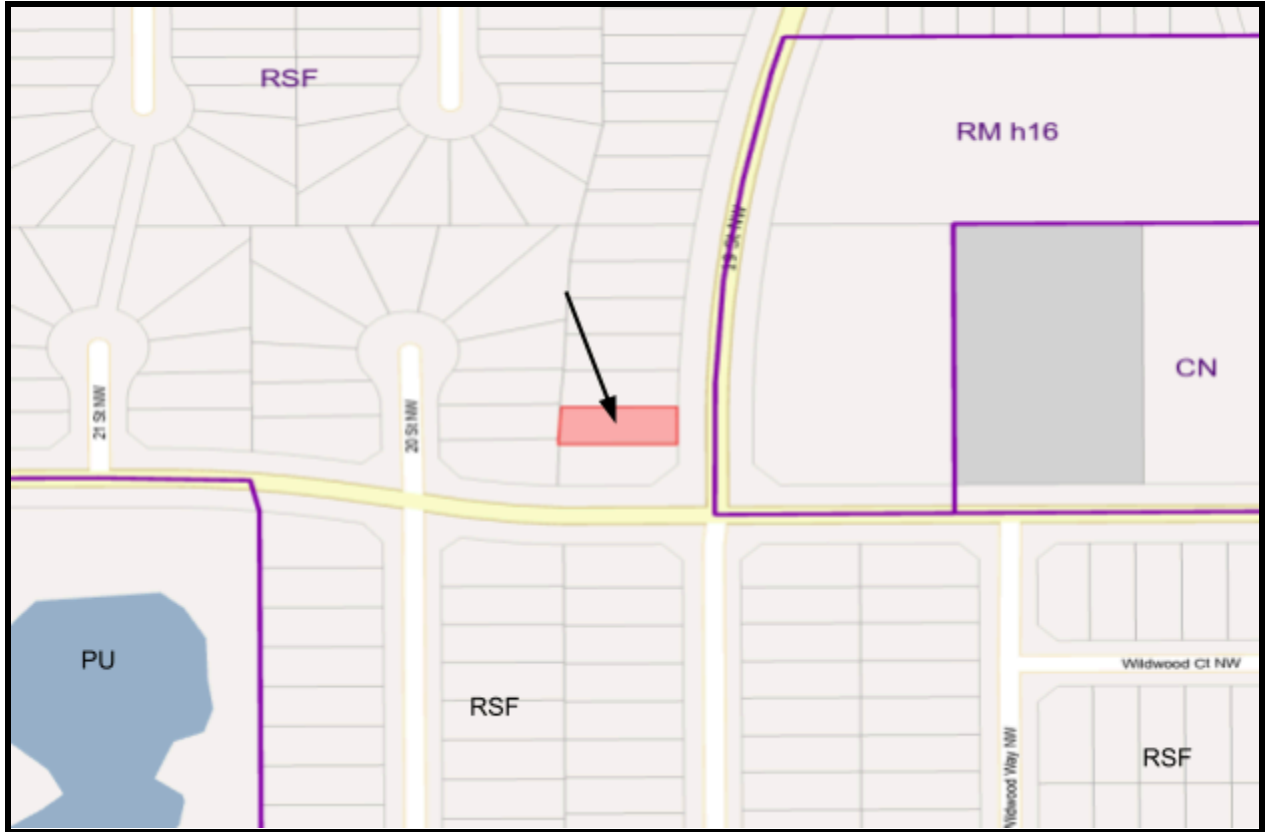
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For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079 Fax 780-577-3537 Email sdab@edmonton.ca



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-25-004 ▲
N

TO BE RAISED

ITEM II: 9:45 A.M.

FILE: SDAB-D-25-003

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 479111981-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extension, 1.35m x 8.00m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 14, 2024

DATE OF APPEAL: November 18, 2024

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4104 - 5 Street NW

LEGAL DESCRIPTION: Plan 1623032 Blk 6 Lot 141

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Maple Neighbourhood Structure Plan
The Meadows Area Structure Plan

DISTRICT PLAN: Mill Woods and Meadows District Plan

Grounds for Appeal

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

I have increased size of my driveway on the right which has resulted in it being wider than garage width - still within my property line though. please review as it does not encroach the neighbours.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on November 20, 2024:

“That the appeal hearing be rescheduled to a date to be determined following the conclusion of the Canada Post strike.”

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.

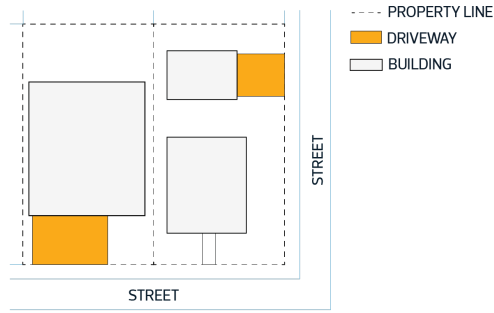
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

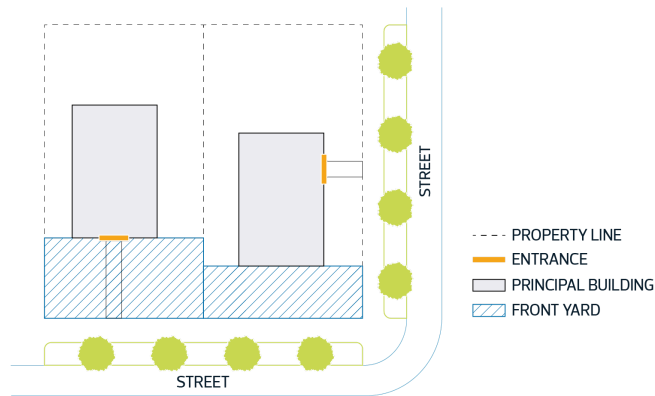
Under section 8.20, **Driveway** means:

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.



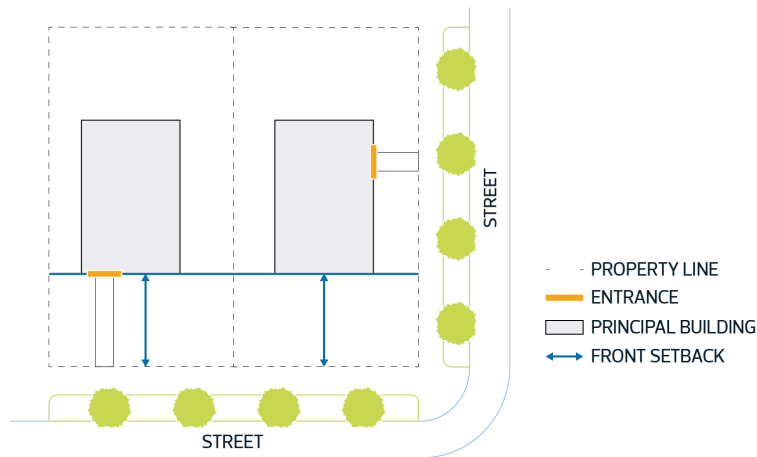
Under section 8.20, **Front Yard** means:

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 7.4 m. The Garage width is 6.1 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.

	Project Number: 479111981-002 Application Date: AUG 13, 2023 Printed: November 14, 2024 at 7:59 AM Page: 1 of 2										
<h2 style="margin: 0;">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) 4104 - 5 STREET NW Plan 1623032 Blk 6 Lot 141										
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension, 1.35m x 8.00m)											
Details											
Development Category: Site Area (sq. m.): 378.62	Overlay: Statutory Plan:										
Development Application Decision Refused Issue Date: Nov 14, 2024 Development Authority: SAHL, RAMANJYOT Reason for Refusal 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 7.4 m. The Garage width is 6.1 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. Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.											
Building Permit Decision No decision has yet been made.											
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 15%;">Receipt #</th> <th style="width: 15%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$180.00</td> <td style="text-align: right;">\$180.00</td> <td>44816901548F001</td> <td style="text-align: right;">Aug 13, 2023</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$180.00	\$180.00	44816901548F001	Aug 13, 2023
	Fee Amount	Amount Paid	Receipt #	Date Paid							
Development Application Fee	\$180.00	\$180.00	44816901548F001	Aug 13, 2023							
THIS IS NOT A PERMIT											



Project Number: **479111981-002**
Application Date: AUG 13, 2023
Printed: November 14, 2024 at 7:59 AM
Page: 2 of 2

Application for Driveway Extension Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$180.00</u>	<u>\$180.00</u>		

THIS IS NOT A PERMIT

TO BE RAISED

ITEM III: 10:15 A.M.

FILE: SDAB-D-25-005

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 510154945-002

APPLICATION TO: Construct exterior alterations (Driveway extension - 6.8m x 2.1m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 14, 2024

DATE OF APPEAL: December 2, 2024

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17234 - 65A Street NW

LEGAL DESCRIPTION: Plan 1520589 Blk 13 Lot 20

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): McConachie Neighborhood 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 appealing because when i bought this house it was brand new house and i was first time home buyer. Builder insured me that everything was built according to city guidelines and even showed me all house plan

passed by city with this driveway built. Its been seven years i am living at this address. I told city development officials also that i didnt built this driveway it was already built when i bought this house and he ensured me that i will get permit because i was already built and now they refused it and told me to appeal there decision. I appeal in front of you to please consider my request to keep my driveway.I can provide photos also when i bought this house the driveway was already built like that and now i try to connect builder they are not answering my calls anymore. Please i hope you understand and help me get this permit.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on December 2, 2024:

“That the appeal hearing be rescheduled to a date to be determined following the conclusion of the Canada Post strike.”

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

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- (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.

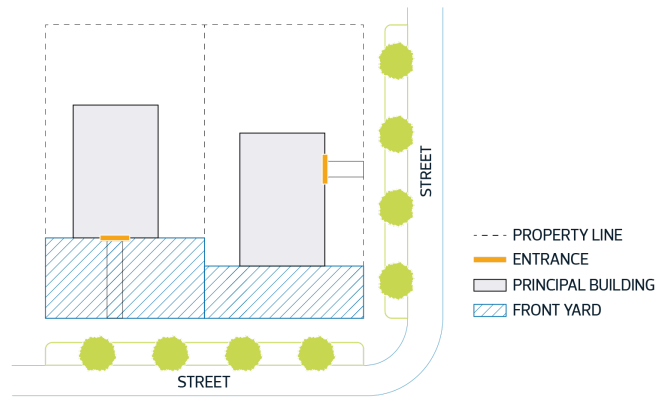
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Under section 8.20, **Accessory** means “a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

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

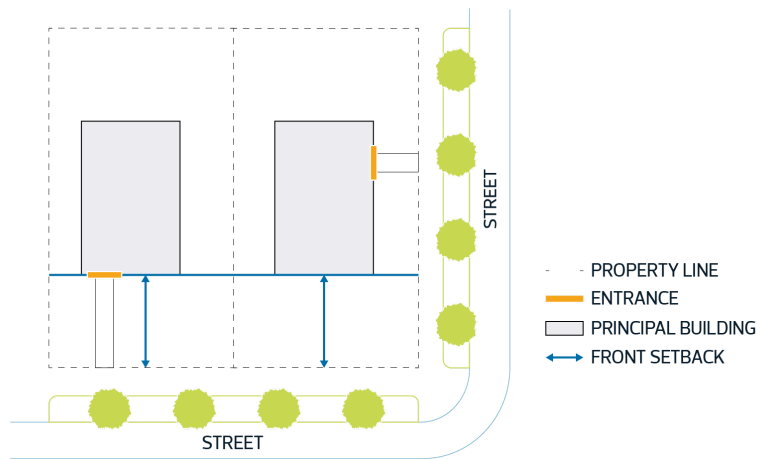
means the portion of a Site Abutting the Front Lot Line extending across

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

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

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4 m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2)

Proposed: The driveway is 7.9 m wide.

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: 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.

	<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>			Project Number: 510154945-002 Application Date: JUN 26, 2024 Printed: November 14, 2024 at 10:06 AM Page: 1 of 2									
This document is a Development Permit Decision for the development application described below.													
Applicant	Property Address(es) and Legal Description(s) 17234 - 65A STREET NW Plan 1520589 Blk 13 Lot 20												
Scope of Application To construct exterior alterations (Driveway extension - 6.8m x 2.1m).													
Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Development Category: Site Area (sq. m.): 353.6 </td> <td style="width: 50%; border: none;"> Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Site Area (sq. m.): 353.6	Overlay: Statutory Plan:								
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Building Permit Decision No decision has yet been made.													
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THIS IS NOT A PERMIT													



Application for Driveway Extension Permit

Project Number: **510154945-002**
Application Date: JUN 26, 2024
Printed: November 14, 2024 at 10:06 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$185.00</u>	<u>\$185.00</u>		

THIS IS NOT A PERMIT

TO BE RAISED

ITEM IV: 10:45 A.M.

FILE: SDAB-D-25-006

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 526130211-002

APPLICATION TO: Construct exterior alterations (Driveway extension 6.8m x 1.8m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 14, 2024

DATE OF APPEAL: December 4, 2024

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17318 - 65A Street NW

LEGAL DESCRIPTION: Plan 1520589 Blk 13 Lot 26

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): McConachie Neighborhood 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:

Ii was first time home buyer and i bought this house as is with driveway and i didnt do any kind of construction on my driveway. This was built by builder and he

ensured me that house was built according to city by law. Please consider my appeal and look into the matter.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on December 5, 2024:

“That the appeal hearing be rescheduled to a date to be determined following the conclusion of the Canada Post strike.”

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

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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.

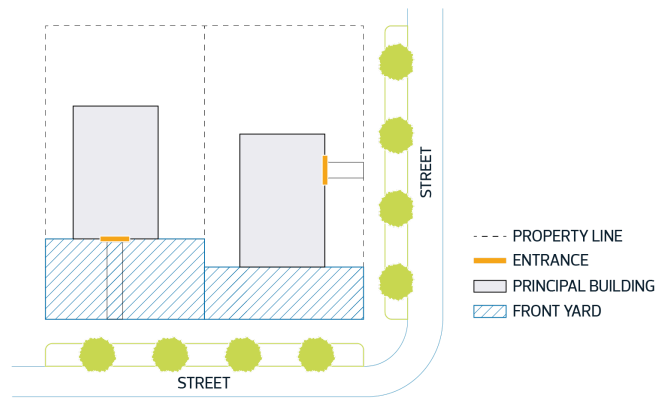
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

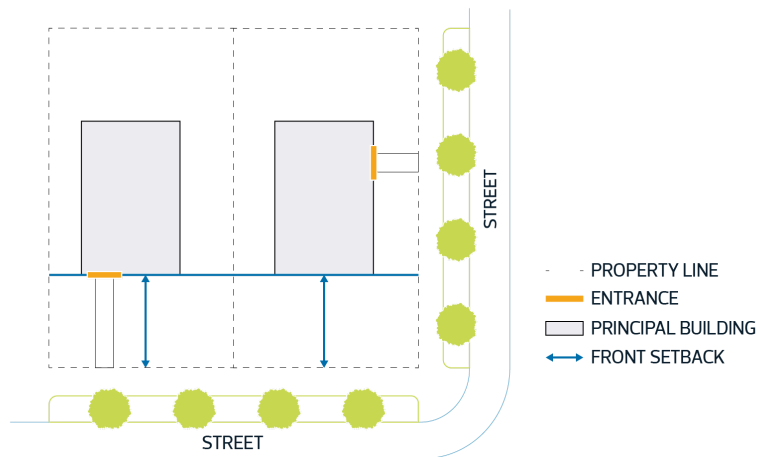
Under section 8.20, **Front Yard** means:

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

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

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4 m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2)

Proposed: The driveway is 7.9 m wide.


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: 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.

	Application for Driveway Extension Permit			Project Number: 526130211-002 Application Date: AUG 13, 2024 Printed: November 14, 2024 at 10:29 AM Page: 1 of 2									
This document is a Development Permit Decision for the development application described below.													
Applicant	Property Address(es) and Legal Description(s) 17318 - 65A STREET NW Plan 1520589 Blk 13 Lot 26												
Scope of Application To construct exterior alterations (Driveway extension 6.8m x 1.8m).													
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Site Area (sq. m.): 353.55 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Site Area (sq. m.): 353.55	Overlay: Statutory Plan:								
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Development Application Decision Refused Issue Date: Nov 14, 2024 Development Authority: WINGET, MARK Reason for Refusal 1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3) Proposed: The driveway does not lead directly from the roadway to the garage. 2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4 m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2) Proposed: The driveway is 7.9 m wide. 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: The additional concrete provides vehicle parking space in 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="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</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;">057531001001530</td> <td style="text-align: center;">Aug 13, 2024</td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$185.00	\$185.00	057531001001530	Aug 13, 2024
	Fee Amount	Amount Paid	Receipt #	Date Paid									
Development Application Fee	\$185.00	\$185.00	057531001001530	Aug 13, 2024									
THIS IS NOT A PERMIT													



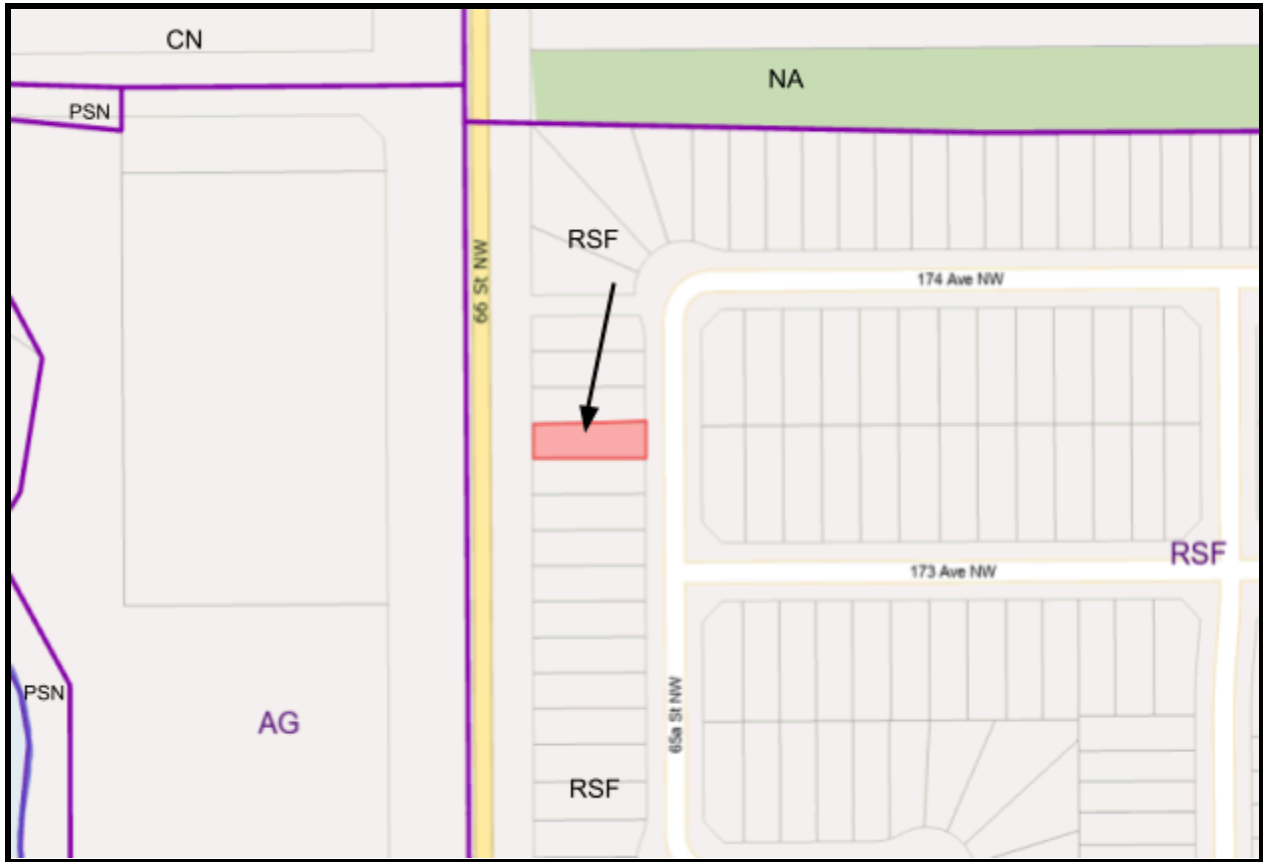
Project Number: **526130211-002**
Application Date: AUG 13, 2024
Printed: November 14, 2024 at 10:29 AM
Page: 2 of 2

Application for Driveway Extension Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date 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-25-006

▲
N

POSTPONED - MARCH, 2025

ITEM V: 11:15 A.M.

FILE: SDAB-D-25-007

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 526992090-002

APPLICATION TO: Construct exterior alterations (Driveway extensions, right side: 2.66m x 12.50 m; left side: 1.16 m x 5.55m, and hardsurfacing in the rear yard)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 30, 2024

DATE OF APPEAL: November 20, 2024

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17432 - 90 Street NW

LEGAL DESCRIPTION: Plan 0323346 Blk 1 Lot 48

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Klarvatten Neighbourhood Structure Plan

DISTRICT PLAN: Northwest District Plan

Grounds for Appeal

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

While I understand the importance of the City's bylaws regulating driveway dimensions, I kindly request that you take into account our current circumstances, as outlined below:

The extension of our driveway was undertaken to address specific practical needs, including:

1. Improved Accessibility:

The additional driveway space accommodates multiple household vehicles, significantly reducing on-street parking congestion and ensuring safer access to our property. It also allows us to comply with seasonal parking bans and road clearing requirements by keeping all vehicles off the street.

2. Enhanced Safety:

With all vehicles parked on our property, visibility for drivers and pedestrians is improved, reducing the risk of accidents. Additionally, this minimizes the need for family members to walk to vehicles parked on the street, which has previously resulted in injuries.

I primarily work from home, meaning my car often remains stationary on the driveway for several days, further justifying the need for adequate space.

To support this appeal, I shared our situation with several neighbours, who expressed their understanding and signed a letter to indicate their support. Their signatures demonstrate that the extended driveway has not negatively affected the community. On the contrary, it has helped reduce street parking congestion by allowing us to rely less on public road space for vehicle parking. This, in turn, ensures that street parking remains available for neighbouring houses that rely on it.

We are also open to making adjustments to align with city and environmental considerations. For instance, we are willing to reduce the amount of concrete in the backyard to increase permeable surface areas, ensuring that a minimum soft landscaped area equal to 30% of the total lot area is accomplished. However, we kindly request alternative landscaping solutions to grass, as my father's environmental allergies make grass unsuitable.

Thank you for taking time to consider our appeal. Please find attached several documents containing signatures from our neighbours in support of this request.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on November 20, 2024:

“That the appeal hearing be rescheduled to a date to be determined following the conclusion of the Canada Post strike.”

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.

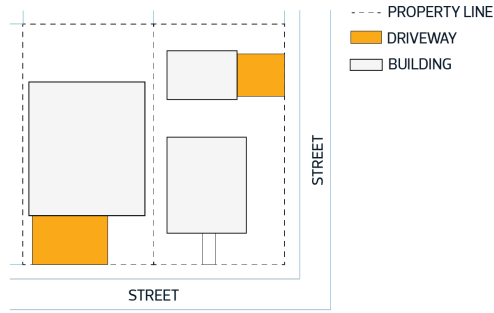
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

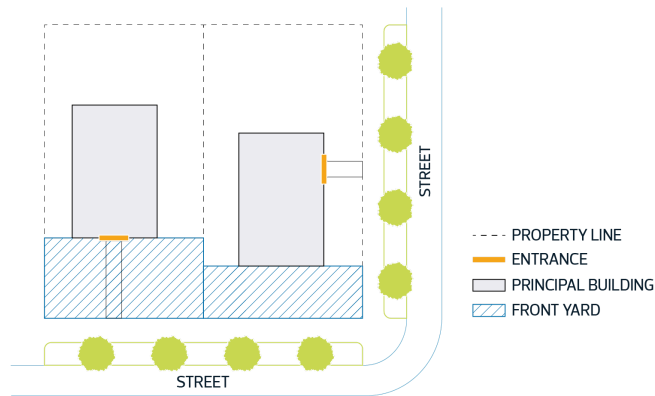
Under section 8.20, **Driveway** means:

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.



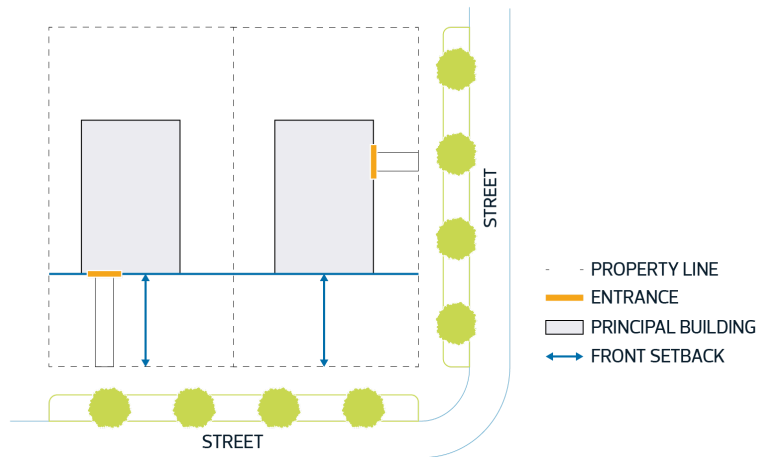
Under section 8.20, **Front Yard** means:

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. 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 directly to the 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 10.0 m instead of 6.6 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

[unedited]

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.60.3.2 states: A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided for:

- 3.2.1. all development within the RS and RSF Zones;**
- 3.2.2. any Single Detached Housing, Duplex Housing, or Semi-detached Housing development; and**
- 3.2.3. any Row Housing, Multi-unit Housing or Cluster Housing development up to 8 Dwellings in a residential Zone with a maximum Height of 12.0 m or less.**

Development Planner’s Determination

4. A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided. (Subsection 5.60.3.2).

Proposed Soft Landscaping is 15% (58.5 m2) instead of 30%

[unedited]

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>	Project Number: 526992090-002 Application Date: AUG 20, 2024 Printed: October 30, 2024 at 11:12 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 17432 - 90 STREET NW Plan 0323346 Blk 1 Lot 48	
Scope of Application To construct exterior alterations (Driveway extensions, right side: 2.66m x 12.50 m; left side: 1.16 m x 5.55m, and hardsurfacing in the rear yard).		
Details		
Development Category: Site Area (sq. m.): 392.53	Overlay: Statutory Plan:	
Development Application Decision Refused Issue Date: Oct 30, 2024 Development Authority: HETHERINGTON, FIONA 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 extensions do not lead directly to the 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 10.0 m instead of 6.6 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 4. A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided. (Subsection 5.60.3.2). Proposed Soft Landscaping is 15% (58.5 m²) instead of 30% 		
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		
THIS IS NOT A PERMIT		



Project Number: **526992090-002**
Application Date: AUG 20, 2024
Printed: October 30, 2024 at 11:12 AM
Page: 2 of 2

Application for Driveway Extension Permit

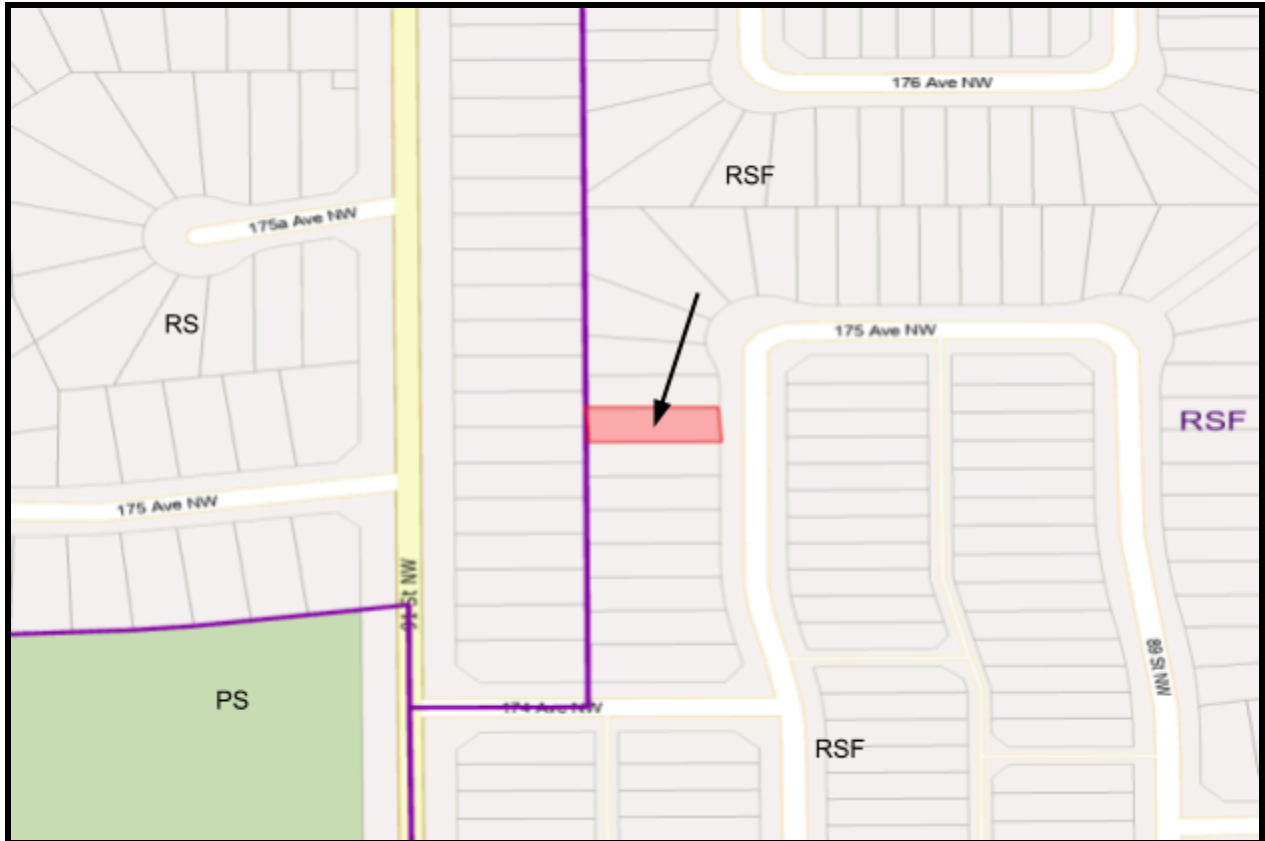
Planning Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$185.00	\$185.00	07075E001001469	Aug 20, 2024
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-25-007

▲
N

TO BE RAISED

ITEM VI: 1:30 P.M.

FILE: SDAB-D-25-008

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 538171082-002

APPLICATION TO: To install one (1) Freestanding Sign limited to On-premises Advertising (ALLIANCE CENTRE CRYSTALLINA)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 2, 2024

DATE OF APPEAL: December 3, 2024

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6604 - 178 Avenue NW

LEGAL DESCRIPTION: Plan 2120695 Blk 1 Lot 178

ZONE: CN - Neighbourhood Commercial Zone

OVERLAY: N/A

STATUTORY PLAN(S): Crystallina Nera East Neighbourhood Structure Plan
Edmonton North 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:

We are requesting a variance in height from the 6m allowed to 7.9m. Three signs were proposed for this location and built to suit and approved in 2021. One of the locations was removed as it was required to be relocated to the South elevation of the property. It is only now that we have made an application and have been informed, we need to conform to the new current bylaw. This sign is already constructed and would be a huge financial hardship on the owner to replace the sign. This also affects to consistency and look of the signage when one sign looks different from the others.

This also holds true for the sign area. Currently the bylaw reads we are only allowed 20m². What we have proposed is 26m². This is also consistent with the current signage on site.

We ask that you consider these factors in determining your decision.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on December 4, 2024:

“That the appeal hearing be rescheduled to a date to be determined following the conclusion of the Canada Post strike.”

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 2.90.2.28, a **Freestanding Sign** is a **Permitted Use** in the **CN - Neighbourhood Commercial Zone**.

Section 2.90.3.20 states:

Fascia Signs, Freestanding Signs, Portable Signs, and Projecting Signs are limited to On-premises Advertising, except that:

3.20.1 Off-premises Advertising is permitted where existing as of January 1, 2024.

Section 2.90.3.22 states "**Signs** must comply with **Section 6.90**."

Under section 8.10, a **Freestanding Sign** means:

a Ground Sign that does not contain Digital Copy.

Typical examples include: pylon signs, monument signs, billboards, posters, and neighbourhood identification signs.

Under section 8.20, **Sign** means:

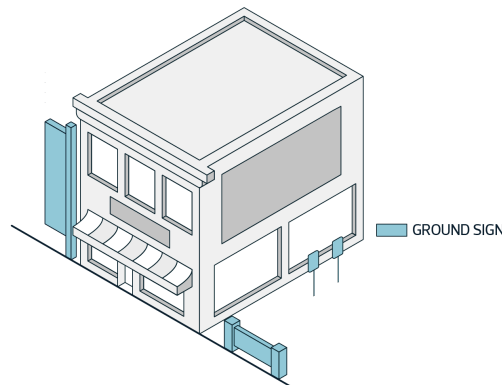
Any visual medium, including its structure and other component parts, illuminated or not illuminated, that is used to identify or provide information, or to advertise a product, service, place, activity, person, institution, or business. A Sign does not include Flags, interior window displays of merchandise, or Signs painted on or attached to a motor vehicle located on a Street or Alley.

Typical examples include: Freestanding Signs, Fascia Signs, Portable Signs, Projecting Signs, Banner Signs, placards, Murals, Mural Signs, and those attached to or painted on a vehicle or trailer that is parked on a property and being used for advertising purposes.

Under section 8.20, **On-Premises Advertising** means “Copy that relates only to a business, activity or organization that has a Development Permit to operate on the Site where the Sign is located.”

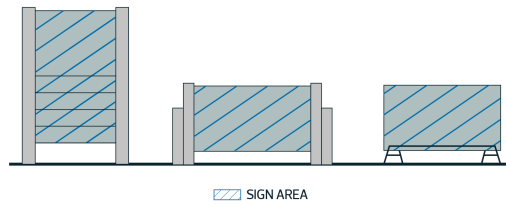
Under section 8.20, a **Ground Sign** means:

a Sign supported independently of a building.



Under section 8.20, **Sign Area** means:

The entire area of the Sign on which Copy is intended to be placed. In the case of a double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy must be used in calculating the total Sign Area.



Section 6.90.1 states that the **Purpose** for the **Specific Development Regulations for Signs** is:

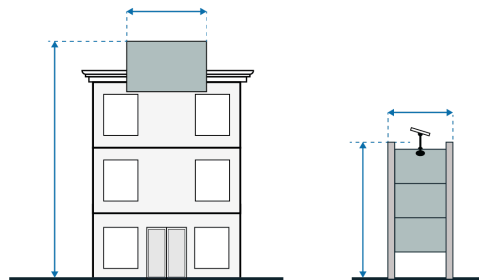
To balance the need for signage and visual expression with safety and excellence in urban design, provide opportunities for the identification of businesses, organizations and buildings, enable opportunities for advertising to support the local economy, and to prevent excessive Sign proliferation to ensure that effectiveness of informational and identification signage is not undermined.

Section 6.90.3.20 states:

The Height of a Sign must be measured from the finished ground surface directly under the Sign to the highest point of the Sign, except:

3.20.1. photovoltaic cells, Solar collectors and their accessory equipment installed on a Sign to provide electrical power solely to the Sign Area are excluded from the maximum Sign Height.

Diagram for Subsection 3.20 .



Section 6.90, Freestanding Signs, states:

5.12. The maximum Sign Area for Freestanding Signs is 20.0 m².

5.13. The maximum Height for Freestanding Signs is 6.0 m.

Section 2.90.1 states that the **Purpose** of the **CN - Neighbourhood Commercial Zone** is:

To allow for small scale activity centres to support Local Nodes, as directed by statutory plans, that become community focal points for commercial businesses, services, social gathering and limited Residential Uses that are integrated with the neighbourhood. These activity centres can accommodate both vehicle-oriented and pedestrian oriented developments.

Development Planner's Determination

- 1) **Part 6, Subsection 6.90.5.13: The maximum Height for Freestanding Signs is 6.0 m.**

Proposed: 7.9m

Exceeds by: 1.9m

- 2) **Part 6, Subsection 6.90.5.12: The maximum Sign Area for Freestanding Signs is 20.0 m².**


Proposed: 25.7m²

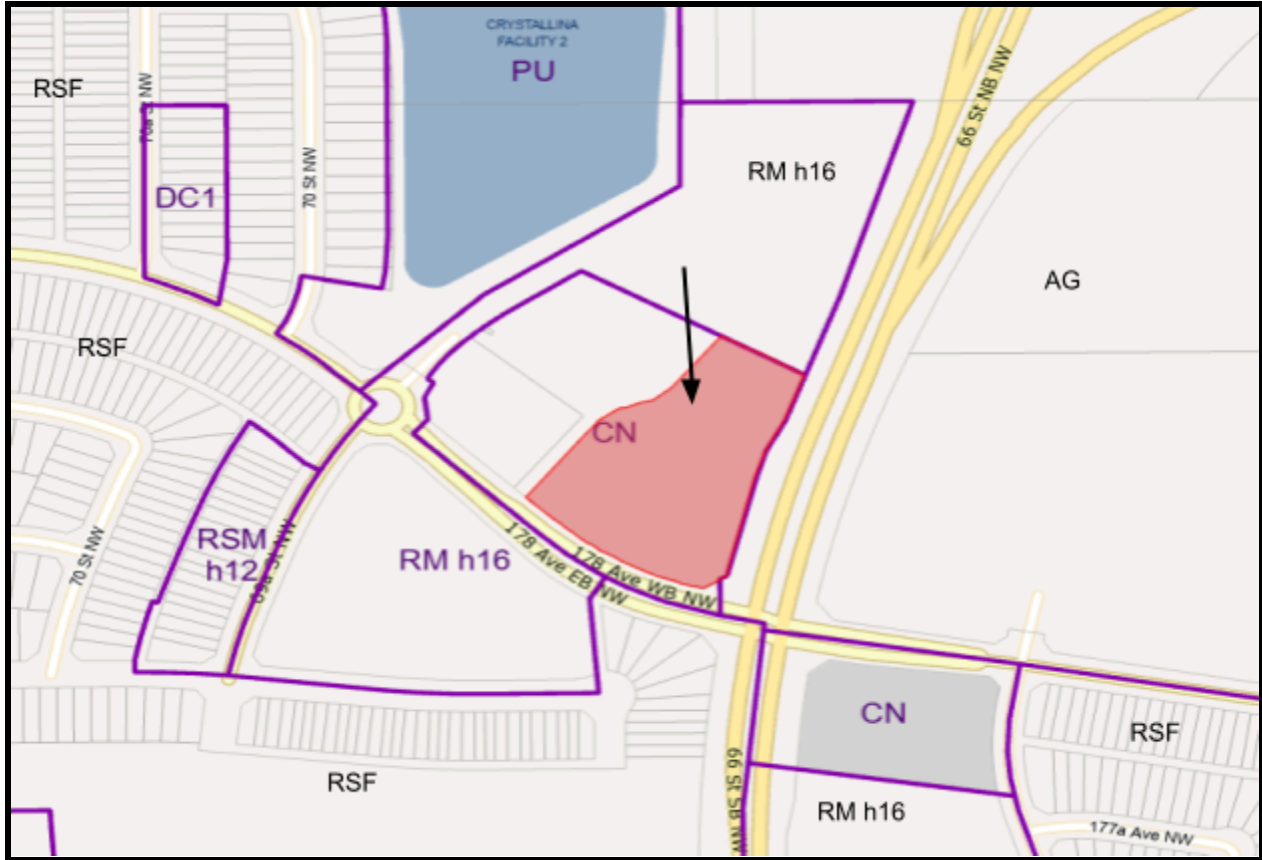
Exceeds by: 5.7m²

[unedited]

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Sign Permit</h2>	Project Number: 538171082-002 Application Date: NOV 04, 2024 Printed: December 2, 2024 at 10:38 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) 6604 - 178 AVENUE NW Plan 2120695 Blk 1 Lot 178 Location(s) of Work Suite: 6604 - 178 AVENUE NW Entryway: 6604 - 178 AVENUE NW Building: 6604 - 178 AVENUE NW																					
Scope of Application To install (1) Freestanding Sign limited to On-premises Advertising (ALLIANCE CENTRE CRYSTALLINA)																						
Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> ASA Sticker No./Name of Engineer: Development Category: Discretionary Development </td> <td style="width: 50%; border: none;"> Construction Value: 24000 Expiry Date: </td> </tr> </table>			ASA Sticker No./Name of Engineer: Development Category: Discretionary Development	Construction Value: 24000 Expiry Date:																		
ASA Sticker No./Name of Engineer: Development Category: Discretionary Development	Construction Value: 24000 Expiry Date:																					
Development Application Decision Refused Issue Date: Dec 02, 2024 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Part 6, Subsection 6.90.5.13: The maximum Height for Freestanding Signs is 6.0 m. Proposed: 7.9m Exceeds by: 1.9m 2) Part 6, Subsection 6.90.5.12: The maximum Sign Area for Freestanding Signs is 20.0 m2. Proposed: 25.7m2 Exceeds by: 5.7m2 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 style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></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: left; font-weight: normal;">Receipt #</th> <th style="text-align: left; font-weight: normal;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Development Application Fee</td> <td style="text-align: right;">\$400.00</td> <td style="text-align: right;">\$400.00</td> <td>06554J001001807</td> <td>Nov 04, 2024</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;">\$400.00</td> <td style="text-align: right; border-top: 1px solid black;">\$400.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Development Application Fee	\$400.00	\$400.00	06554J001001807	Nov 04, 2024	Total GST Amount:	\$0.00				Totals for Permit:	\$400.00	\$400.00		
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THIS IS NOT A PERMIT																						



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-008

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