

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
January 9, 2025**

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

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**TO BE RAISED**

I        9:00 A.M.        SDAB-D-25-001        Convert the main floor of a Single Detached House and the Garage to a Child Care Service for up to 42 children with 1 Dwelling in the basement, and to construct exterior alterations.

9650 - 153 Street NW  
Project No.: 519078608-002

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**TO BE RAISED**

II       1:30 P.M.       SDAB-D-25-002       Construct a Residential Use building in the form of a multi-unit Backyard House (2 Dwellings with Garage) with a partially covered deck.

13100 - Sherbrooke Avenue NW  
Project No.: 534799636-002

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**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-25-001

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 519078608-002

APPLICATION TO: Convert the main floor of a Single Detached House and the Garage to a Child Care Service for up to 42 children with 1 Dwelling in the basement, and to construct exterior alterations

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 30, 2024

DATE OF APPEAL: November 19, 2024

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 9650 - 153 Street NW

LEGAL DESCRIPTION: Plan 5229AD Blk 26 Lot 1

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

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***Grounds for Appeal***

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

i wish to appeal for the Point 8 mentioned in the Development permit, 1.5 meter monolithic sidewalk in city's proper (Point 8)

The existing tree with in owner property line(Point9). 1.5 meter monolithic sidewalk in city's property, as per the Development permit complete cost for removal and constructing new sidewalk, as per the permit its also mentioned there is a security deposit required of \$49,400.00 to cover 100% of construction costs and 30 % for Engineering Drawing approval., I wish to know what are my options, one option I see that in various cases 50 percent cost is considered ([https://www.edmonton.ca/transportation/on\\_your\\_streets/sidewalk-reconstruction](https://www.edmonton.ca/transportation/on_your_streets/sidewalk-reconstruction)

Cost shared 50-50 between the City at large and property owners)

The existing tree within the 97 Avenue road right-of-way must be removed with the construction of the required 1.5 m monolithic Sidewalk.

This tree is required to be removed, I wiish to know if I can remove the tree by myself using license, Alberta Arborists and have it inspected by city, in the permit it is asked for \$2,700.00 to remove the tree, this tree is with in the owner property line and not in the city property

### ***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 2.10.2.8, a **Child Care Service** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

Under section 8.10, a **Child Care Service** means:

Child Care Service means a development that provides temporary care and supervision of children. This Use includes facility-based early learning and child care programs. This Use does not include a Home Based Business operating as Home Based Child Care.

Typical examples include: daycares, out-of-school care, and preschools.

Section 2.10.1 states that the **Purpose of the RS - Small Scale Residential Zone** is:

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

***Passenger pick-up and drop-off spaces for Child Care Services***

Section 5.80.6.10 states:

6.10. Passenger pick-up and drop-off spaces for Child Care Services must:

6.10.1. not be located more than 100 m from the entrance used by the Child Care Service;

6.10.2. contain signage indicating a maximum duration for parking of 30 minutes or less; and

6.10.3. comply with Table 6.10.3:

**Table 6.10.3. Minimum Passenger Pick-up and Drop-off Spaces for Child Care Services**

Subsection	Number of Children	Passenger Pick-up and Drop-off Spaces
<b>6.10.3.1.</b>	Less than or equal to 10	2
<b>6.10.3.2.</b>	Each additional 10	1

6.11. Despite Table 6.10.3, passenger pick-up and drop-off spaces for Child Care Services are not required:

6.11.1. within the boundary of Appendix I, or the boundaries of the Capital City Downtown Plan; or

6.11.2. where Child Care Services are on the same Site as a School.

6.12. Despite Table 6.10.3, an on-Street loading zone may satisfy a portion of the required passenger pick-up and drop-off spaces without a

variance, subject to the approval of the Development Planner in consultation with the City department responsible for transportation planning.

<b><i>Conditions Attached to Development Permits</i></b>
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1. The Development Planner may only impose conditions on the approval of a Permitted Development if the ability to do so is specified in this Bylaw. Nothing in this Section prevents a Development Planner from identifying on the Development Permit the Sections of this Bylaw with which the development must comply.
2. If an applicant applies for a Development Permit for a structure or a Use that is identified in this Bylaw as, or intended to be, temporary, the Development Planner may impose conditions limiting the duration of the validity of the Development Permit. The Development Planner may exercise this ability to add conditions to Permitted Uses and Discretionary Uses.
3. The Development Planner may, with respect to a Discretionary Development, or a development in a Direct Control Zone, impose such conditions as they consider appropriate, having regard for the Municipal Development Plan, applicable Statutory Plans, and the regulations of this Bylaw.
4. The Development Planner may, as a condition of issuing a Development Permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicle and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the applicant.
5. The Development Planner may, as a condition of issuing a Development Permit, require that an applicant enter into an agreement to do all or any of the following:
  - 5.1. to construct, or pay for the construction of, a public roadway required to give access to the development;
  - 5.2. to construct, or pay for the construction of:
    - 5.2.1. a pedestrian walkway system to serve the development; or
    - 5.2.2. pedestrian walkways that connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves, or are proposed to serve, an adjacent development, or both;

- 5.3. to specify the location and number of vehicle and pedestrian access points to Sites from public roadways;
- 5.4. to install, or pay for the installation of, utilities that are necessary to serve the development;
- 5.5. to construct, or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities; or
- 5.6. to protect, repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping, and tree planting that may be damaged or destroyed, or otherwise harmed by development or building operations upon the Site.
- 6. The Development Planner may, as a condition of issuing a Development Permit, require that an applicant enter into an agreement in a form satisfactory to the City, to pay an off-site levy or redevelopment levy, or both, imposed by a bylaw in compliance with the Municipal Government Act.
- 7. If an applicant applies for a Development Permit for a structure that encroaches on City owned property, the Development Planner may impose conditions requiring the applicant to mitigate the impact of the encroachment, including compensation, indemnities, insurance, and a duty to remove the encroaching structure when notified by the City.
  - 7.1. If the Development Planner does not impose conditions on an encroaching structure, this must not be interpreted as granting the applicant a right to encroach and the applicant may require a separate encroachment agreement.
- 8. The Development Planner may require an agreement entered into as specified in Subsections 4 and 5 to be registered on the current title for the Site at the Alberta Land Titles Office.
- 9. The Development Planner may, as a condition of issuing a Development Permit, require that an applicant post a minimum of 1 Development Permit notification Sign on-Site in compliance with Subsection 2 of Section 7.160.

<b><i>Previous Subdivision and Development Appeal Board Decision</i></b>
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<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-16-177	To convert a Single Detached House to a Child Care Service Use (49 Children) and to construct	August 11, 2016; The appeal is denied and the decision of the Development Authority is confirmed. The development

	interior and exterior alterations (convert attached garage to usable floor space and construct an outdoor landing 1.0 metres by 1.0 metres @ 1.47 metres in height with ramp)	is refused.
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Notice to Applicant/Appellant

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

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Edmonton	Project Number: <b>519078608-002</b> Application Date: JUL 10, 2024 Printed: October 30, 2024 at 10:52 AM Page: 1 of 6								
<h2>Major Development Permit</h2>									
<p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.</p>									
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 9650 - 153 STREET NW Plan 5229AD Blk 26 Lot 1								
	<b>Specific Address(es)</b> Suite: 9650 - 153 STREET NW Entryway: 9650 - 153 STREET NW Building: 9650 - 153 STREET NW								
<b>Scope of Permit</b> To convert the main floor of a Single Detached House and the Garage to a Child Care Service for up to 42 children with 1 Dwelling in the basement, and to construct exterior alterations.									
<b>Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Development Category: Permitted Development</td> <td style="width: 50%;">Gross Floor Area (sq.m.):</td> </tr> <tr> <td>Lot Grading Needed?: Y</td> <td>New Sewer Service Required:</td> </tr> <tr> <td>NumberOfMainFloorDwellings:</td> <td>Overlay:</td> </tr> <tr> <td>Site Area (sq. m.):</td> <td>Statutory Plan:</td> </tr> </table>		Development Category: Permitted Development	Gross Floor Area (sq.m.):	Lot Grading Needed?: Y	New Sewer Service Required:	NumberOfMainFloorDwellings:	Overlay:	Site Area (sq. m.):	Statutory Plan:
Development Category: Permitted Development	Gross Floor Area (sq.m.):								
Lot Grading Needed?: Y	New Sewer Service Required:								
NumberOfMainFloorDwellings:	Overlay:								
Site Area (sq. m.):	Statutory Plan:								
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Oct 30, 2024 <b>Development Authority:</b> BUCCINO, SAMANTHA									
<b>Subject to the Following Conditions</b> Zoning Conditions: 1. This Development Permit authorizes the conversion the main floor of a Single Detached House and the Garage to a Child Care Service for up to 42 children with 1 Dwelling in the basement. 2. The development must be constructed in accordance with the approved plans. Any revisions to the approved plans require a separate Development Permit application. 3. The Development Permit is not valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled (Subsection 7.190.2.1.1). 4. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner must pay a Development Permit Inspection Fee of \$550.00. 5. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner must pay a Lot Grading Fee of \$480.00. 6. The on-Site outdoor play spaces for Child Care Services must be Fenced on all sides and all gates must be self-latching (Subsection 6.40.3.3). 7. Passenger pick-up and drop-off spaces for Child Care Services must not be located more than 100 m from the entrance used by the Child Care Service (Subsection 5.80.6.10.1). 8. Passenger pick-up and drop-off spaces for Child Care Services must contain signage indicating a maximum duration of 30 minutes or less (Subsection 5.80.6.10.2).									



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## Major Development Permit

7. Bike parking must be provided in accordance with Subsection 5.80.8.

Transportation Conditions:

8. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into an Agreement with the City for the following improvements:

Construction of a 1.5 m concrete monolithic sidewalk along the south side of 97 Avenue adjacent to the site for an approximate length of 47 m, with tie-ins to the existing boulevard sidewalk on 153 Street and the alley crossing, and with the removal of the existing curb & gutter and a portion of the existing driveway along 97 Avenue; and  
 Payment for the removal of 1 boulevard tree on the southside of 97 Avenue.

Please email [development.coordination@edmonton.ca](mailto:development.coordination@edmonton.ca) to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to Esther Anderson (780-944-7773) of the Development Servicing Agreements Unit.

This Agreement will require a deposit to act as security on this Agreement. The City requires a Security Deposit in the amount of \$49,400.00 to cover 100% of construction costs and 30 % for Engineering Drawing approval. However, based on the City's "GUIDELINES FOR ESTABLISHING SECURITY IN SERVICING AGREEMENT" the amount may be adjusted based upon the owner's previous development history with the City.

Engineering Drawings are required for the Agreement. The owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the City of Edmonton.

The applicant must contact Trevor Singbeil of Development Inspections at 780-496-7019 to arrange for a pre-construction meeting, 72 hours prior to removal or construction within City road right-of-way.

9. The existing tree within the 97 Avenue road right-of-way must be removed with the construction of the required 1.5 m monolithic sidewalk.

The proponent must pay for the tree value as compensation for the loss of canopy and the proponent must provide proof that neighbouring residents have been informed of the tree removal request.

All costs associated with the removal of the tree shall be covered by the Proponent as per the Corporate Tree Management Policy (C456C). The estimated cost for removal as per Corporate Tree Management Policy C456C is \$2,700.00 which includes removal costs, asset value and administrative fees. Hydrovacing fees are not included in this estimate however Forestry is required to daylight any utilities within 1m of any ground disturbance at the expense of the project.

Forestry will schedule and carry out all required tree work involved with this project. Please contact 311 to be connected with Urban Forestry to arrange a meeting. This meeting must be scheduled a minimum 4 weeks in advance of the construction start date or use of the lay-down area. All trees must be protected until removal plans are approved and being actively coordinated by the project with Urban Forestry.

10. Access from the site to 97 Avenue exists. Any modification to the existing access requires the review and approval of Subdivision and Development Coordination.

11. Access is proposed to the alley and does not require a crossing permit. The area between the west property line and the alley driving surface must be hard surfaced to the satisfaction of Subdivision and Development Coordination.

12. There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <https://utilitysafety.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.

13. Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of



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Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

14. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- a. the start/finish date of project;
- b. accommodation of pedestrians and vehicles during construction;
- c. confirmation of lay down area within legal road right of way if required;
- d. and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

[https://www.edmonton.ca/business\\_economy/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/oscam-permit-request.aspx)

### Subject to the Following Advisements

Zoning Advisements:

- Unless otherwise stated, all above references to "section numbers" or "subsection numbers" refer to the authority under the Zoning Bylaw.
- The City of Edmonton does not collect waste from non-Residential (Child Care Services) developments. The Child Care Service provider or property owner is responsible for managing their waste collections through the private commercial waste collection agencies. The business operator or property owner is advised to ensure that they have adequate waste disposal services to serve the development.
- The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).
- Any proposed change from the original issued Development Permit is subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.
- A Building Permit may be required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.
- All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see [https://www.edmonton.ca/residential\\_neighbourhoods/gardens\\_lawns\\_trees/public-tree-permit](https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit). All new installations, above and below ground, within 5m of a City tree require forestry consultation.
- In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.
- City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage. A site mechanical plan stamped by a professional engineer showing water and sewer services, stormwater management calculations and the proposed lot grading design must be submitted to



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EPCOR Infill Water and Sewer Servicing for review. Following EPCOR's review, the grading plan is forwarded to Development Services for final review and approval. New plan submissions can be made via EPCOR's Builder and Developer web portal in My Account. Visit [epcor.com/newconnection](http://epcor.com/newconnection) and click 'ONLINE APPLICATION' for instructions on the plan submission process. The lot must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for review and approval.

10. Signs require separate Development Permit application(s).

11. The City of Edmonton does not collect waste from non-Residential (Child Care Services) developments. The Child Care Service provider or property owner is responsible for managing their waste collections through the private commercial waste collection agencies. The business operator or property owner is advised to ensure that they have adequate waste disposal services to serve the development.

### Waste Management Advisements:

12. Waste Services has reviewed the proposed site plan "A2" dated July 8, 2024 and has no concerns to identify during this review.

This review is based on Waste Services' current standards and practices and expires with the expiry of the Development Permit.

Additional information about waste service at your proposed development:

Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.

To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:

Access to containers and removal of obstructions.

Container set out, and

The responsibility for wear and tear or damages.

This property with 1 unit would receive Curbside Collection. The City will provide each unit with two carts, for a total of 2 carts; one for garbage and one for food scraps. Residents would use blue bags for recycling.

Commercial units must have their own waste containers, separate storage area, and must be serviced by a private waste collection company.

For developments with rear lanes, waste will only be collected from the rear lane for all units in the development. It is the responsibility of the applicant or owner to ensure residents have access to the rear lane for waste set out.

### Fire Rescue Services Advisements:

13. Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advisements for your implementation and information.

The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be accepted in writing by the fire department and the authority having jurisdiction. Edmonton Fire Rescue Services will review your plan at the initial construction site safety inspection upon commencement of construction.

Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan

Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).

A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).



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You can locate a copy of the FSP guide for your reference here:  
<https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771>

Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction.

Reference: NFC(2023-AE) 5.6.3.6. Hydrant Access

- 1) Hydrants on construction, alteration, or demolition site shall
  - a) be clearly marked with a sign,
  - b) be accessible, and
  - c) have an unobstructed clearance of not less than 2 m at all times.

Edmonton Fire Rescue Services Access Guidelines specify that the unobstructed travel path (measured from a fire department vehicle to the entry of the building/unit) must be a minimum 0.9m of clear width (gates must be non-locking) and no greater than 45m. in distance.

[https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/B19-04\\_Small\\_Building\\_Access\\_Policy.pdf?cb=1632115800](https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/B19-04_Small_Building_Access_Policy.pdf?cb=1632115800)

The path must be of a hard surface such as a sidewalk that is accessible in all climate conditions. Soft surfaces such as grass or landscaped areas will not be considered.

Ensure that the travel distance (not radius) from the principal entrance to the nearest fire hydrant does not exceed 90 meters (non-sprinklered building).

Reference: NBC(2019-AE) 3.2.5.5. Location of Access Routes

- 2) Access routes shall be provided to a building so that
  - b) for a building not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90m, and
  - c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45m.

Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route.

Reference: NBC(2019-AE) 3.2.4.8 Annunciator and Zone Indication

- 1) The Fire Alarm Annunciator Panel shall be installed in close proximity to a building entrance that faces a street or an access route for fire department vehicles.

Kind regards,  
 Karen Faryna  
 FSCO Group B, Level II

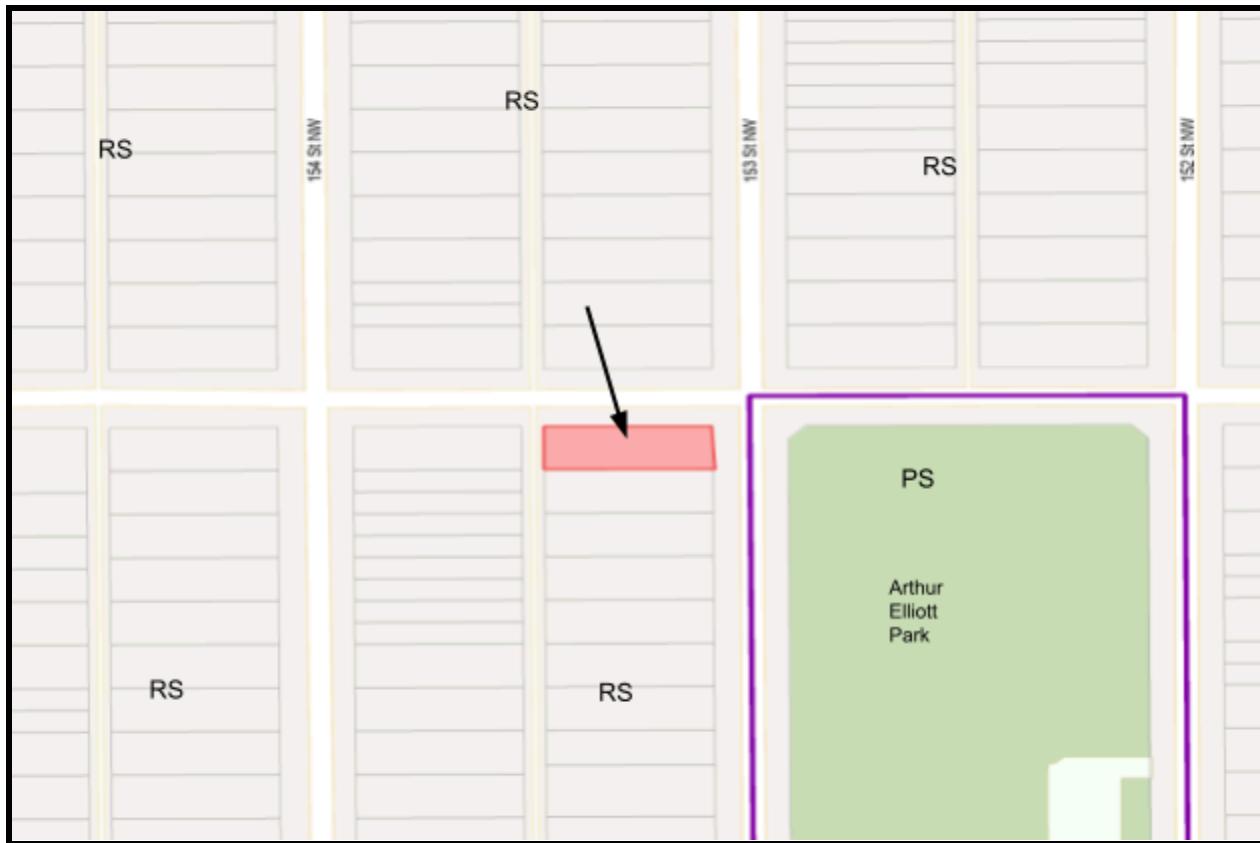
Please send ALL FRS DP review inquiries to [cmsfpts@edmonton.ca](mailto:cmsfpts@edmonton.ca)

### Rights of Appeal

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

<b>Fees</b>				
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Lot Grading Fee	\$480.00			
Major Dev. Application Fee	\$400.00	\$400.00	09050014	Jul 22, 2024
Development Permit Inspection Fee	\$550.00			

Edmonton	Project Number: <b>519078608-002</b> Application Date: JUL 10, 2024 Printed: October 30, 2024 at 10:52 AM Page: 6 of 6																				
<b>Major Development Permit</b>																					
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**TO BE RAISED**ITEM II: 1:30 P.M.FILE: SDAB-D-25-002**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER**

APPELLANT:

APPLICATION NO.: 534799636-002

APPLICATION TO: Construct a Residential Use building in the form of a multi-unit Backyard House (2 Dwellings with Garage) with a partially covered deck

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 21, 2024

DATE OF APPEAL: November 24, 2024

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 13100 - Sherbrooke Avenue NW

LEGAL DESCRIPTION: Plan 5430HW Blk 14 Lot 42

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

***Grounds for Appeal***

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

1. Compliance with Zoning and City Regulations Alignment with City's Vision: Our development project aligns with Edmonton's vision for increased density, diversified housing options, and sustainable urban growth.

Bylaw Compliance: We have made over 20 iterations to our drawings to ensure they meet the City of Edmonton's bylaws and address all stipulations and feedback provided by the City. With 10 units permissible under zoning bylaws, and a waste removal plan in compliance with regulations, our development fully aligns with city standards.

2. Supporting the City's Long-Term Housing Strategy Contributing to Diverse Housing Solutions: The development project supports the City of Edmonton's larger goals of addressing the housing crisis by providing diverse and affordable housing options in mature neighborhoods.

Affordability and Regeneration: Our development helps regenerate a mature neighborhood, while contributing to housing affordability, directly supporting the City's objectives to tackle the housing crisis.

Aligning with City Plans: This project is fully aligned with Edmonton's long-term goals for increasing housing density, providing affordable housing, and fostering sustainable urban growth.

3. Cooperative Efforts with the City Proactive Collaboration: Throughout the process, we've maintained open communication with the City of Edmonton and have been highly cooperative. We've made over 20 different iterations to our design to meet the City's bylaws and incorporate feedback, ensuring all concerns are addressed.

Flexibility in Design: Our willingness to adapt and adjust our plans highlights our commitment to meeting the City's requirements while creating a positive development for the neighborhood.

4. Enhancing Neighborhood Aesthetics Architectural Design: The development project's design complements the neighborhood's architectural style, using high-quality materials and modern design elements, while landscaping improvements enhance the overall aesthetic.

Cohesive Integration: The development project is seamlessly integrated with the primary residence, maintaining visual harmony within the neighborhood.

5. Increasing Housing Options Additional Housing Supply: Our development project offers an affordable housing option that addresses the growing demand for housing, whether for family members or renters.

Infill Development: We are utilizing our existing property to contribute to sustainable urban development, supporting the City of Edmonton's vision of densifying mature neighborhoods rather than expanding into undeveloped areas.

6. Contributing to Property Value Improving Property Value: The development project increases the property's value, which benefits us as homeowners and boosts property tax revenues for the City of Edmonton.

Neighborhood Investment: Our investment enhances both our property and the neighborhoods appeal, reflecting our commitment to long-term neighborhood growth and development.

7. Minimizing Impact Preserving Privacy: We've ensured our design preserves the privacy of our neighbors through thoughtful window placement, landscaping, and fencing.

Traffic and Parking Considerations: The development project is fully compliant with Edmonton's bylaws, which no longer require parking, and the design includes sufficient on-site parking to prevent traffic or parking issues.

8. Positive Community Impact Supporting Multigenerational Living: The development project allows for multigenerational living, enabling family members to live nearby while maintaining independence.

Rental Income Benefits: The project offers the potential for rental income, which helps make homeownership more affordable while contributing to the local economy by increasing housing supply.

### ***General Matters***

#### **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:

#### **Grounds for Appeal**

**685(1)** If a development authority

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

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

...

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

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

### **Appeals**

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

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

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

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

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

or

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

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

### **Hearing and Decision**

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

...

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

...

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

and

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

#### **General Provisions from the Zoning Bylaw 20001:**

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

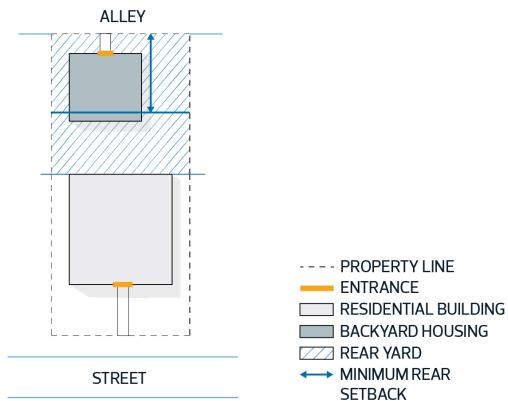
Under section 8.10, a **Residential Use** means:

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

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

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

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



Under section 8.20, **Single Detached Housing** means:

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

Section 2.10.1 states that the **Purpose of the RS - Small Scale Residential Zone** is:

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

### ***Backyard Housing***

**Section 6.10.1 states Backyard Housing must comply with Table 1:**

<b>Table 1. Building Regulations</b>			
Subsection	Regulation	Value	Symbol
<b>Height</b>			
1.1	Maximum Height	6.8 m	-
<b>Building Length</b>			
1.6	<b>Maximum total length of any second Storey building wall containing Backyard Housing</b>	<b>15.0 m</b>	-

#### Development Planner's Determination

1. Height - The maximum Height for a Backyard House is 6.8m (Section 6.10.1.1).

**Proposed: 7.0m**

**Exceeds by: 0.2m**

2. Building length - the maximum length of any second storey building wall for a wall containing Backyard housing is 15.0m (6.10.1.6)

**Proposed: 18.0m**

**Exceeds by: 3m**

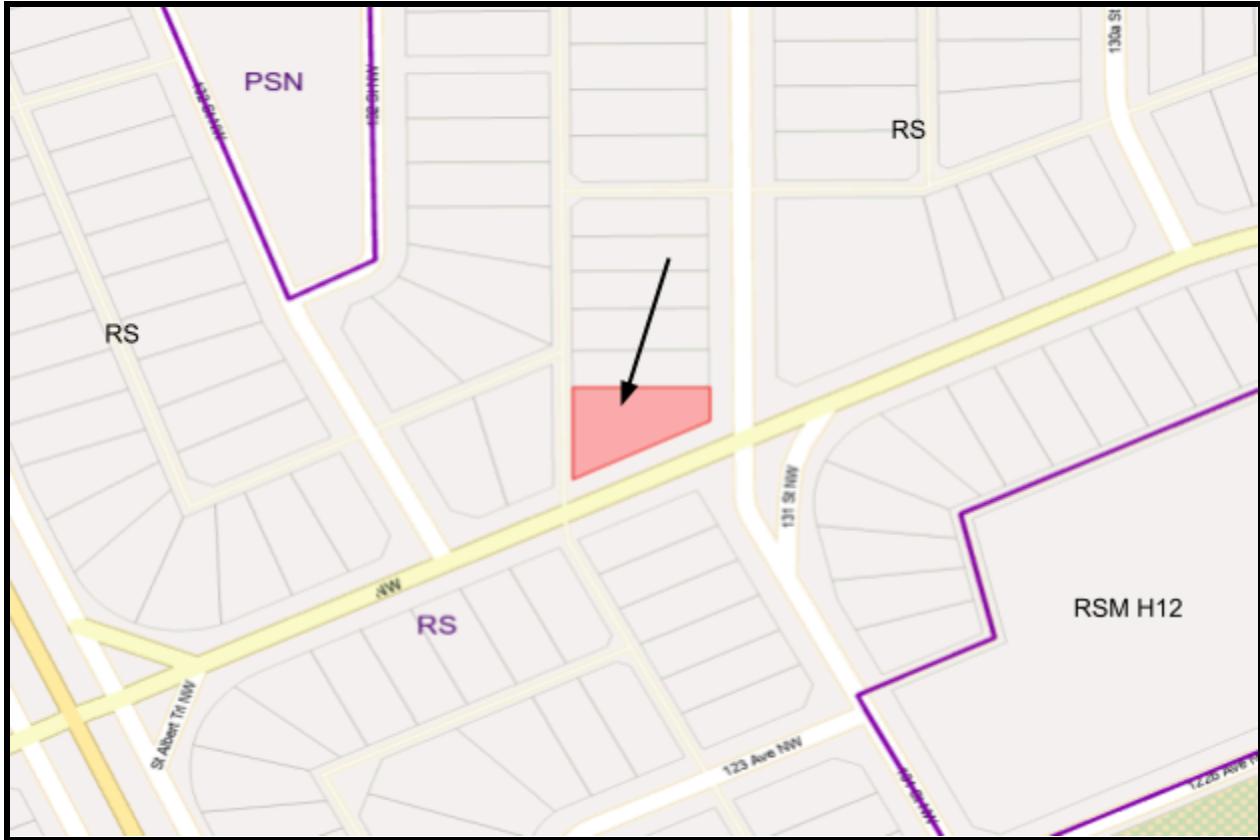
[unedited]

#### 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: <b>534799636-002</b> Application Date: OCT 11, 2024 Printed: November 21, 2024 at 9:42 AM Page: 1 of 2																
<b>Application for</b> <b>Minor Development Permit</b>																		
<p>This document is a Development Permit Decision for the development application described below.</p>																		
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 13100 - SHERBROOKE AVENUE NW Plan 5430HW Blk 14 Lot 42																	
	<b>Specific Address(es)</b> Suite: G1, 13100 - SHERBROOKE AVENUE NW Suite: G2, 13100 - SHERBROOKE AVENUE NW Entryway: G1, 13100 - SHERBROOKE AVENUE NW Entryway: G2, 13100 - SHERBROOKE AVENUE NW Building: G1, 13100 - SHERBROOKE AVENUE NW																	
<b>Scope of Application</b> To construct a Residential Use building in the form of a multi-unit Backyard House (2 Dwellings with Garage) with a partially covered deck.																		
<b>Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">1. Titled Lot Zoning: RS</td> <td style="width: 50%;">2. Number of Principal Dwelling Units To Construct: 0</td> </tr> <tr> <td>3. Overlay:</td> <td>4. Number of Secondary Suite Dwelling Units to Construct: 2</td> </tr> <tr> <td>5. Statutory Plan:</td> <td>6. Backyard Housing or Secondary Suite Included?: Yes</td> </tr> <tr> <td>7. Neighbourhood Classification: Redeveloping</td> <td>8. Development Category / Class of Permit: Discretionary Development</td> </tr> </table>				1. Titled Lot Zoning: RS	2. Number of Principal Dwelling Units To Construct: 0	3. Overlay:	4. Number of Secondary Suite Dwelling Units to Construct: 2	5. Statutory Plan:	6. Backyard Housing or Secondary Suite Included?: Yes	7. Neighbourhood Classification: Redeveloping	8. Development Category / Class of Permit: Discretionary Development							
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<b>Development Application Decision</b> Refused <b>Issue Date:</b> Nov 21, 2024 <b>Development Authority:</b> BAUER, KERRY																		
<b>Reason for Refusal</b> <ol style="list-style-type: none"> <li>1. Height - The maximum Height for a Backyard House is 6.8m (Section 6.10.1.1).  Proposed: 7.0m  Exceeds by: 0.2m</li> <li>2. Building length - the maximum length of any second storey building wall for a wall containing Backyard housing is 15.0m (6.10.1.6)  Proposed: 18.0m  Exceeds by: 3m</li> </ol>																		
<b>Rights of Appeal</b> The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26. Section 683 through 689 of the Municipal Government Act.																		
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	<p>Project Number: <b>534799636-002</b> Application Date: OCT 11, 2024 Printed: November 21, 2024 at 9:42 AM Page: 2 of 2</p> <p><b>Application for Minor Development Permit</b></p>			
<b>Fees</b>	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	\$910.00	\$910.00		
<b>THIS IS NOT A PERMIT</b>				



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-002

▲  
N