

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
January 15, 2026

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-26-006 To construct an Accessory building (detached Garage, 9.6m x 7.2m)

8849 - 95 Street NW
Project No.: 633386261-002

II 10:30 A.M. SDAB-D-26-012 To construct an Accessory building (detached Garage, 8.5m x 11.0m) and to demolish an Accessory building (detached Garage)

14003 - 84 Avenue NW
Project No.: 623874296-002

III 1:30 P.M. SDAB-D-26-013 To construct exterior alterations to a Residential Use building in the form of a Single Detached House (Driveway extension, 2.4m x 8.0m), existing without permits

6419 - 173 Avenue NW
Project No.: 630118478-002

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-26-006

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 633386261-002

APPLICATION TO: To construct an Accessory building (detached Garage, 9.6m x 7.2m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 20, 2025

DATE OF APPEAL: December 4, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8849 - 95 Street NW

LEGAL DESCRIPTION: Plan 2874P Blk 1 Lot 10

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Southeast District Plan

Grounds for Appeal

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

The City of Edmonton refused the development permit because the garage is considered an ‘accessory building’ at this stage. Accessory buildings have a maximum height of 4.3 m, while the proposed height is 6.8 m,

creating a 2.5 m variance. This height fully complies with the garage suite bylaw, but because the suite interior will be completed in the future, the City was required to review this as an accessory dwelling rather than a future garage suite. The bylaw does not contemplate building the exterior now and completing the suite later, even when the final form meets all regulations. The goal of building the garage shell now is to avoid future waste, reduce disruption, and prepare the home for long term family needs. Our client's family is planning for future multigenerational use that could include housing university age children or extended family members to age in place. The design respects all RS zoning setbacks and follows the garage suite bylaw for massing, windows, and height. It has been created with careful attention to neighbourhood character and craftsman style detailing. There are no expected privacy or shadowing impacts beyond what would be allowed for a garage suite constructed at the same height.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on December 5, 2025:

“That the appeal hearing be scheduled on January 15, 2026.”

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, **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.”

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

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

| |
|----------------------|
| <i>Height</i> |
|----------------------|

Section 5.10.9 states:

Unless otherwise specified in this Bylaw, Accessory buildings or structures located in residential Zones must comply with Table 9:

| Subsection | Regulation | Value | Symbol |
|-------------------|-------------------|--------------|---------------|
| 9.1 | Maximum Height | 4.3 m | - |

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

Development Planner’s Determination

Height - Accessory buildings or structures located in residential Zones must not exceed 4.3m (Subsection 5.10.9.1).

Maximum Height: 4.3m

Proposed Height: 6.8m

Deficient by: 2.5m

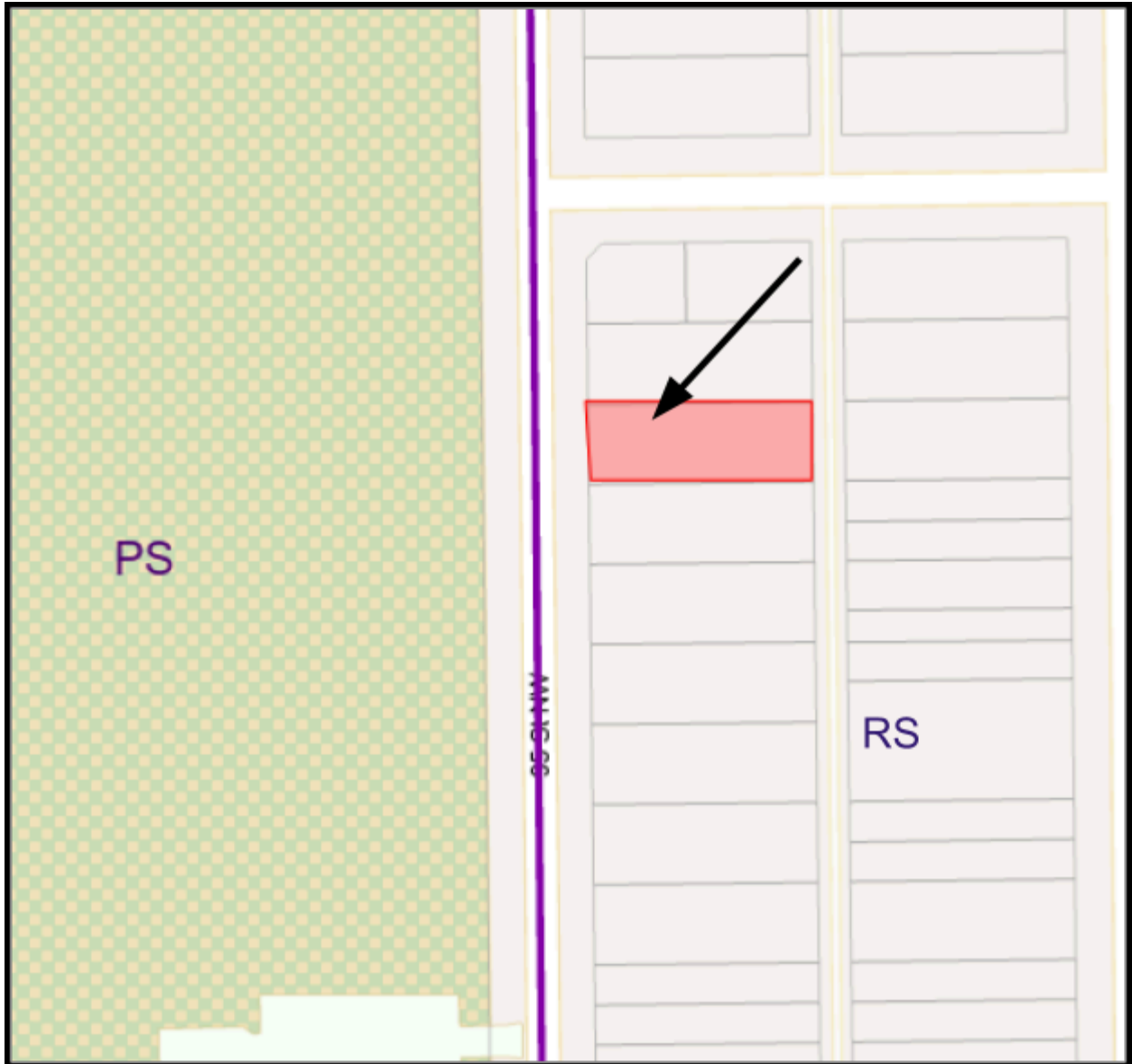
Note: The Development Planner cannot vary the maximum Height regulation.

[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: 633386261-002 Application Date: OCT 28, 2025 Printed: November 20, 2025 at 12:36 PM Page: 1 of 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|-----------------------------|--------------|-----------|-----------|------------------|--------|--------|-----------------|--------------|-----------------------------|----------|----------|-----------------|--------------|--|----------|----------|-----------------|--------------|-------------------|--------|--|--|--|--------------------|----------|----------|--|--|
| <h2 style="margin: 0;">Application for Accessory Building Permit</h2> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| This document is a Development Permit Decision for the development application described below. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Applicant | Property Address(es) and Legal Description(s) 8849 - 95 STREET NW Plan 2874P Blk 1 Lot 10 Location(s) of Work Suite: 8849 - 95 STREET NW Entryway: 8849 - 95 STREET NW Building: 8849 - 95 STREET NW | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Scope of Application To construct an Accessory building (detached Garage, 9.6m x 7.2m). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Development Category: Site Area (sq. m.): 650.16 </td> <td style="width: 50%; border: none;"> Overlay: Statutory Plan: </td> </tr> </table> | | Development Category: Site Area (sq. m.): 650.16 | Overlay: Statutory Plan: | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Development Category: Site Area (sq. m.): 650.16 | Overlay: Statutory Plan: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Development Application Decision Refused Issue Date: Nov 20, 2025 Development Authority: POTTER, CHRISTINA Reason for Refusal Height - Accessory buildings or structures located in residential Zones must not exceed 4.3m (Subsection 5.10.9.1). Maximum Height: 4.3m Proposed Height: 6.8m Deficient by: 2.5m Note: The Development Planner cannot vary the maximum Height regulation. 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: 10px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.80</td> <td style="text-align: right;">\$4.80</td> <td>028095001001710</td> <td>Oct 28, 2025</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$145.00</td> <td style="text-align: right;">\$145.00</td> <td>028095001001710</td> <td>Oct 28, 2025</td> </tr> <tr> <td>Building Permit Fee (Accessory Building)</td> <td style="text-align: right;">\$120.00</td> <td style="text-align: right;">\$120.00</td> <td>028095001001710</td> <td>Oct 28, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">\$269.80</td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">\$269.80</td> <td></td> <td></td> </tr> </tbody> </table> | | | Fee Amount | Amount Paid | Receipt # | Date Paid | Safety Codes Fee | \$4.80 | \$4.80 | 028095001001710 | Oct 28, 2025 | Development Application Fee | \$145.00 | \$145.00 | 028095001001710 | Oct 28, 2025 | Building Permit Fee (Accessory Building) | \$120.00 | \$120.00 | 028095001001710 | Oct 28, 2025 | Total GST Amount: | \$0.00 | | | | Totals for Permit: | \$269.80 | \$269.80 | | |
| | Fee Amount | Amount Paid | Receipt # | Date Paid | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Totals for Permit: | \$269.80 | \$269.80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| THIS IS NOT A PERMIT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P0702003 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-26-006 ▲
N

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 623874296-002

APPLICATION TO: To construct an Accessory building (detached Garage, 8.5m x 11.0m) and to demolish an Accessory building (detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 8, 2025

DATE OF APPEAL: December 19, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14003 - 84 Avenue NW

LEGAL DESCRIPTION: Plan 3209KS Blk 25 Lot 5

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Jasper Place District Plan

Grounds for Appeal

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

I am the contractor (Ronnex Garages) that applied for the permit. My client (homeowner) wishes to appeal the decision because:

1. Vehicle access off 84 Ave. Vehicle access from the alley would be difficult due to lack of space for turning radius especially in winter months. As well as the orientation of the garage would not be as aesthetically pleasing for this lot. Having access off 84 Ave would allow for proper snow removal and extra parking off the avenue if needed.

2. Maximum midpoint and maximum peak height. Client has designed this garage with function and aesthetics in mind. It is designed to have a hobby room above with no desire to be a suite in the future. It is meant for convenience and storage. Client would like a fair size hobby room with common ceiling height. This cannot be obtained within the present maximum heights.

3. Distance to house. This is a unique situation due to property at one time having a garage that went down under the house. This was remedied previously by filling in the old garage door opening with a standard wood wall. There is a back door as well below grade. We will solve this by pouring a concrete foundation wall for the garage 7' from the house. This will allow ample room to access the house from the back door as well as a small sitting area with a plumbed in existing drain for water removal. Garage will have metal siding and drywall interior for fire protection.

Driveway width. Majority of garages have the driveway matching the width of the garage.

Client would like to build a garage that is both functional and compliments the property.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

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

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

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

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

or

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

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

Hearing and Decision

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

...

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

- (a.2) subject to section 638, must comply with any applicable statutory plans;
 - (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
 - (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
 - ...
 - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the Zoning Bylaw 20001:

Under section 2.10.2.2, 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, **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.”

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.

Vehicle Access

Section 2.10.6.1 states “Vehicle access must be from an Alley where a Site Abuts an Alley.”

Development Planner’s Determination

1. Vehicular Access - Vehicle access must be from an Alley where a Site Abuts an Alley (Subsection 2.10.6.1).

Proposed: The vehicular access is off of 84 Avenue.

[unedited]

Height

Section 5.10.9 states:

Unless otherwise specified in this Bylaw, Accessory buildings or structures located in residential Zones must comply with Table 9:

| Subsection | Regulation | Value | Symbol |
|------------|----------------|-------|--------|
| 9.1 | Maximum Height | 4.3 m | - |

Section 5.70.1.7 states “The top of a roof is permitted to extend a maximum of 1.7 m above the maximum Height permitted in the applicable Zone.”

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

Development Planner’s Determination

2. Maximum Midpoint Height - The maximum midpoint Height is 4.3m (Subsection 5.10.9.1).

Proposed: 6.6m

Exceeds by: 2.3m

3. Maximum Peak Height - The maximum midpoint Height is 6.0m (Subsection 5.10.9.1 and 5.70.1.7).

Proposed: 6.9m

Exceeds by: 0.9m

[unedited]

Distance to House

Section 2.10.4.5 states “The minimum distance between a rear detached Garage and a principal Dwelling, except for Backyard Housing, on the same Site is 3.0 m.”

Development Planner’s Determination

4. Distance to House - The minimum distance between a rear detached Garage and a principal Dwelling on the same Site is 3.0m (Subsection 2.10.4.5)

Proposed: 2.2m

Deficient by: 0.8m

[unedited]

Driveway Width

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:

Driveways

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

2.1.5.2. 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, [...]

Development Planner's Determination

5. Driveway Width - The maximum width of a driveway is the number of spaces multiplied by 3.7m (Subsection 5.80.2.1.5.2)

Required: 7.4m (2 x 3.7m)


Proposed: 8.5m

Exceeds by: 1.1m

[unedited]

Notice to Applicant/Appellant

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

| | | | |
|--|---|---|-----------------------------|
|  | Project Number: 623874296-002 Application Date: AUG 01, 2025 Printed: December 8, 2025 at 12:44 PM Page: 1 of 2 | | |
| <h2 style="margin: 0;">Application for Home Improvement Permit</h2> | | | |
| This document is a Development Permit Decision for the development application described below. | | | |
| Applicant Project Name: Tchir Garage | Property Address(es) and Legal Description(s) 14003 - 84 AVENUE NW Plan 3209KS Blk 25 Lot 5 Location(s) of Work Suite: 14003 - 84 AVENUE NW Entryway: 14003 - 84 AVENUE NW Building: 14003 - 84 AVENUE NW | | |
| Scope of Application To construct an Accessory building (detached Garage, 8.5m x 11.0m) and to demolish an Accessory building (detached Garage). | | | |
| Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Site Area (sq. m.): 641.61 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table> | | Development Category: Site Area (sq. m.): 641.61 | Overlay: Statutory Plan: |
| Development Category: Site Area (sq. m.): 641.61 | Overlay: Statutory Plan: | | |
| Development Application Decision Refused Issue Date: Dec 08, 2025 Development Authority: ZHOU, ROWLEY Reason for Refusal <ol style="list-style-type: none"> 1. Vehicular Access - Vehicle access must be from an Alley where a Site Abuts an Alley (Subsection 2.10.6.1). Proposed: The vehicular access is off of 84 Avenue. 2. Maximum Midpoint Height - The maximum midpoint Height is 4.3m (Subsection 5.10.9.1). Proposed: 6.6m Exceeds by: 2.3m 3. Maximum Peak Height - The maximum midpoint Height is 6.0m (Subsection 5.10.9.1 and 5.70.1.7). Proposed: 6.9m Exceeds by: 0.9m 4. Distance to House - The minimum distance between a rear detached Garage and a principal Dwelling on the same Site is 3.0m (Subsection 2.10.4.5) Proposed: 2.2m Deficient by: 0.8m 5. Driveway Width - The maximum width of a driveway is the number of spaces multiplied by 3.7m (Subsection 5.80.2.1.5.2) Required: 7.4m (2 x 3.7m) Proposed: 8.5m Exceeds by: 1.1m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act. | | | |
| THIS IS NOT A PERMIT | | | |



Application for Home Improvement Permit

Project Number: **623874296-002**
Application Date: AUG 01, 2025
Printed: December 8, 2025 at 12:44 PM
Page: 2 of 2

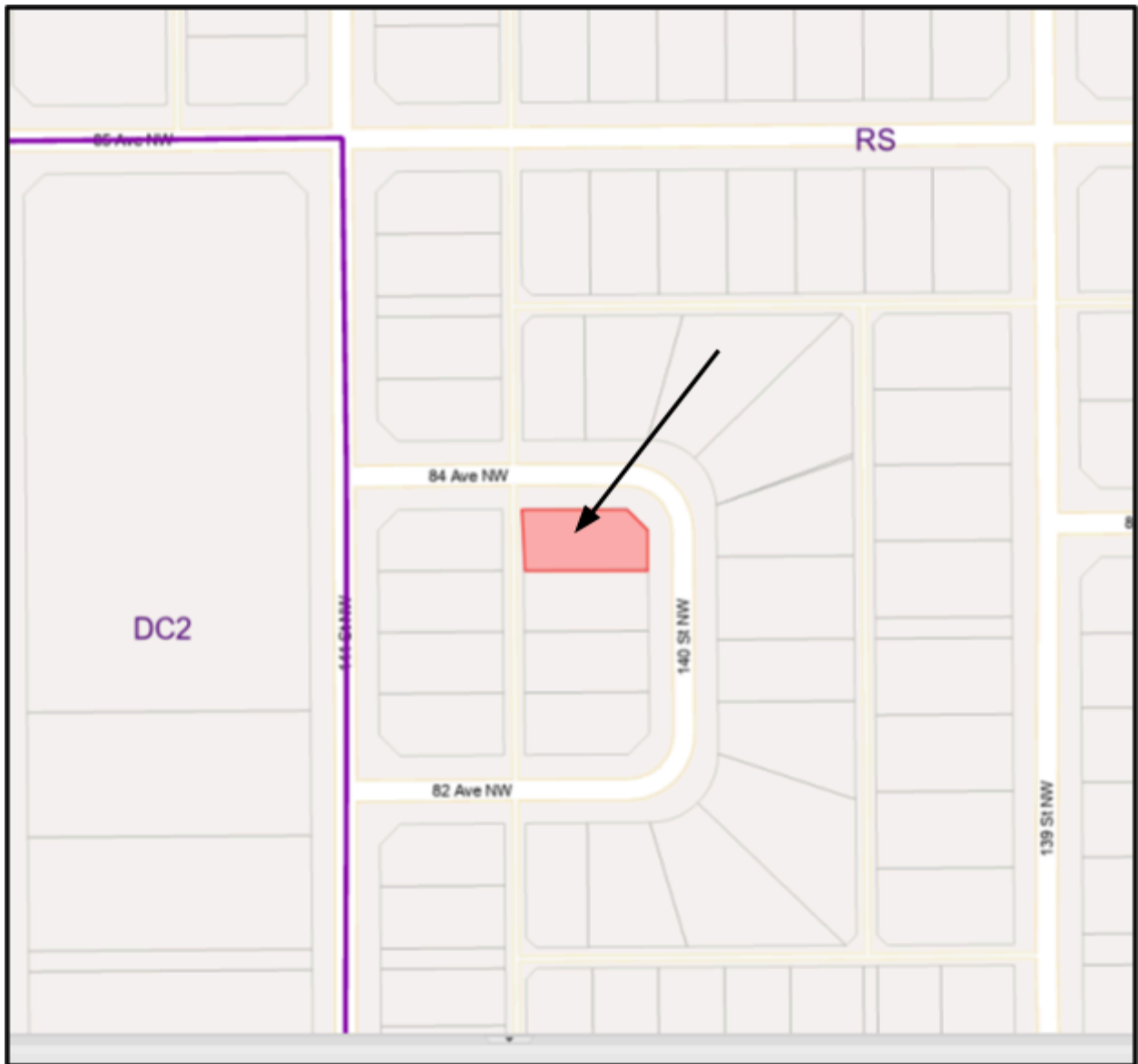
Building Permit Decision

No decision has yet been made.

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|--|-------------------|--------------------|------------------|------------------|
| Safety Codes Fee | \$9.60 | \$9.60 | 06042G001001477 | Aug 01, 2025 |
| Development Application Fee | \$145.00 | \$145.00 | 06042G001001477 | Aug 01, 2025 |
| Building Permit Fee (Accessory Building) | \$120.00 | \$120.00 | 06042G001001477 | Aug 01, 2025 |
| Building Permit Fee (Demolition) | \$120.00 | \$120.00 | 06042G001001477 | Aug 01, 2025 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | <u>\$394.60</u> | <u>\$394.60</u> | | |

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-26-012 ▲
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-26-013

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 630118478-002

APPLICATION TO: To construct exterior alterations to a Residential Use building in the form of a Single Detached House (Driveway extension, 2.4m x 8.0m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 2, 2025

DATE OF APPEAL: December 21, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6419 - 173 Avenue NW

LEGAL DESCRIPTION: Plan 1520589 Blk 14 Lot 33

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

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

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

I bought this house in 2016 from the builder and the development was done before and i was not aware of it. I want to keep the extension of driveway because i had basketball stand on it and all the kids from neighborhood come there to play. Street is busy so it is for the safety of kids. I hope you can understand and give me approval for this extension.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

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

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

or

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

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

Hearing and Decision

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

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

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

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

General Provisions from the Zoning Bylaw 20001:

Under section 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

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

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

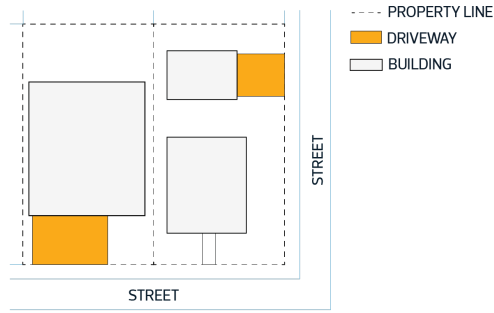
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

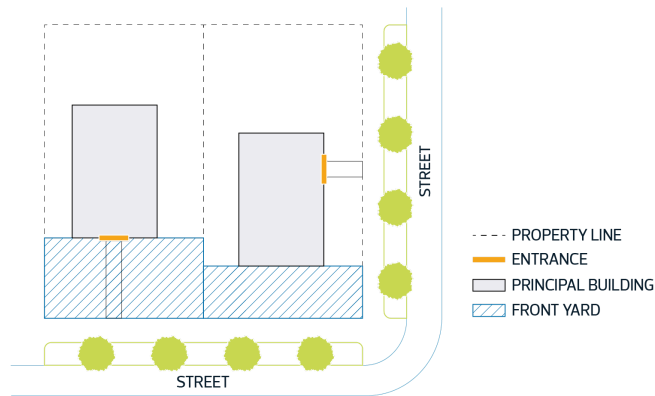
Under section 8.20, **Driveway** means:

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



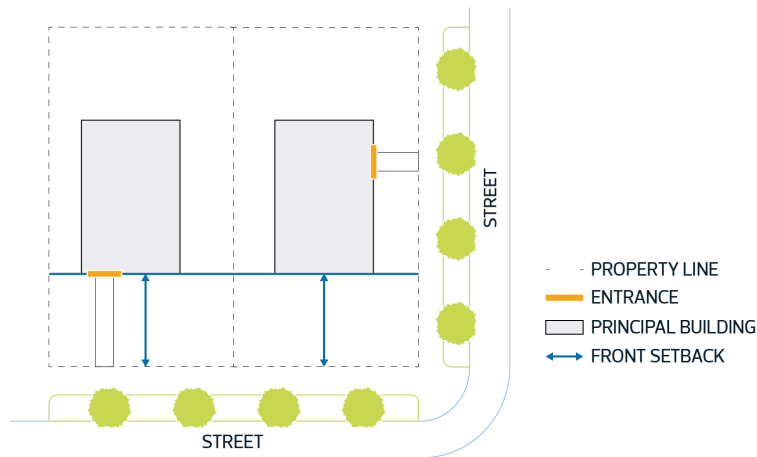
Under section 8.20, **Front Yard** means:

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



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

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



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

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

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

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

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

Site Circulation

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

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

- 2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.
- 2.1.2 For Multi-unit Housing, Row Housing and Cluster Housing a Pathway with a minimum unobstructed width of 0.9 m must connect main entrances of Dwellings to shared waste collection areas and Parking Areas, where provided.

Driveways

- 2.1.3. Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.
- 2.1.4. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.**
- 2.1.5 A Driveway provided from a Street must comply with the following:
 - 2.1.5.1 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:
 - 2.1.5.1.1 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.
 - 2.1.5.2. 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:**
 - 2.1.5.2.1. 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.

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

2.1.6.1. a Front Yard;

2.1.6.2. a Flanking Side Yard; or

2.1.6.3 a Flanking Side Setback.

2.1.7. 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. (Section 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 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 is 8.5 m wide.
Garage Width: 6.1 m**


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

|  | <h2 style="margin: 0;">Application for Driveway Extension Permit</h2> | | | Project Number: 630118478-002 Application Date: SEP 19, 2025 Printed: December 2, 2025 at 3:56 PM 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) 6419 - 173 AVENUE NW Plan 1520589 Blk 14 Lot 33 | | | | | | |
| Scope of Application To construct exterior alterations to a Residential Use building in the form of a Single Detached House (Driveway extension, 2.4m x 8.0m), existing without permits. | | | | | | | |
| Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Development Category: Site Area (sq. m.): 383.89 </td> <td style="width: 50%; border: none;"> Overlay: Statutory Plan: </td> </tr> </table> | | | | Development Category: Site Area (sq. m.): 383.89 | Overlay: Statutory Plan: | | |
| Development Category: Site Area (sq. m.): 383.89 | Overlay: Statutory Plan: | | | | | | |
| Development Application Decision Refused Issue Date: Dec 02, 2025 Development Authority: SAHL, RAMANJYOT Reason for Refusal 1) A 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 roadway 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 is 8.5 m wide. Garage Width: 6.1 m 3) Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (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: none;"> <thead> <tr> <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> </table> | | | | Fee Amount | Amount Paid | Receipt # | Date Paid |
| Fee Amount | Amount Paid | Receipt # | Date Paid | | | | |
| THIS IS NOT A PERMIT | | | | | | | |
| P0702003 | | | | | | | |



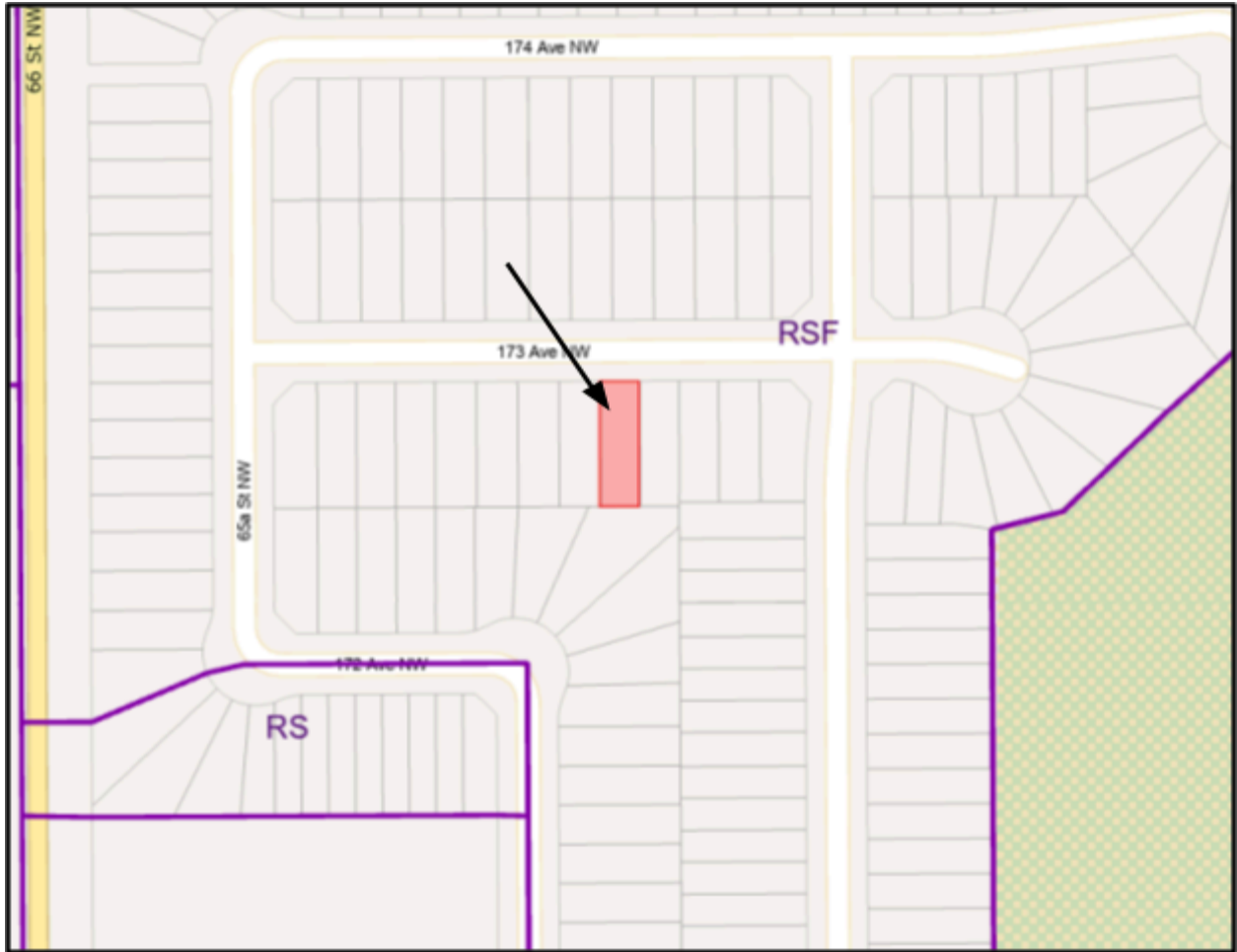
Application for Driveway Extension Permit

Project Number: **630118478-002**
Application Date: SEP 19, 2025
Printed: December 2, 2025 at 3:56 PM
Page: 2 of 2

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|--|-------------------|--------------------|------------------|------------------|
| Existing Without Permit Dev Application Penalty Fee | \$190.00 | \$190.00 | 02510Z001001382 | Oct 21, 2025 |
| Development Application Fee | \$190.00 | \$190.00 | 09452Z001001411 | Sep 19, 2025 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | <u>\$380.00</u> | <u>\$380.00</u> | | |

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-013

▲
N