

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
January 7, 2026

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

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

I	9:00 A.M.	SDAB-D-26-003	To operate a Home Based Business (AK WHEELS - Automotive Tire Install and Balancing). 3 client visits per day by appointment only. Operating in the detached garage. Hours of operation are from 3:30 PM to 6:30 PM, Monday to Friday.
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2383 - 30 Avenue NW
Project No.: 633826072-005

II	10:30 A.M.	SDAB-D-26-004	To change the use of an Indoor Sales and Service to a Cannabis Retail Store and construct interior alterations
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8208 - 106 Street NW
Project No.: 634308188-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-26-003

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 633826072-005

APPLICATION TO: Operate a Home Based Business (AK WHEELS - Automotive Tire Install and Balancing). 3 client visits per day by appointment only. Operating in the detached garage. Hours of operation are from 3:30 PM to 6:30 PM, Monday to Friday

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 4, 2025

DATE OF APPEAL: December 8, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2383 - 30 Avenue NW

LEGAL DESCRIPTION: Plan 0425569 Blk 24 Lot 1

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Mill Woods and Meadows District Plan

<i>Grounds for Appeal</i>

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

I acknowledge and respect the process that led to this decision, I must respectfully appeal this decision and seek approval to continue my home based business.

My operating plan to run my business effectively with strict measures within the detached garage. Important to point out that I'm not seeking approval for a full time operation of the business.

Business hours are casual and part time, as I am employed as Millwright full time at a company.

1- There will be no traffic congestion or parking issues in the neighborhood. I manage all the appointments, there is no walk in, clients call me or message to schedule a time. Which are from 3:30 latest to 6 30 pm. And I always have a 20 minute break in between the next client which avoids traffic and congestion. Maximum 3 clients.

2- My garage is isolated inside and has heating. Isolation minimises noise and when working Garage Door is always closed.

3-Equipment/Tools 2 Tire Balance and Install Machines are modern model digital machines which generate significantly less operational noise. (attached pictures). Isolated Air Compressor in the opposite corner of my garage facing the street(no houses), and the noise level 70 decibels.(pictures attached)

4- No commercial vehicle will be coming in for service.

5- No tires are stored on the property, I maintain my property neat and clean. No paint, no hazardous or foul odours coming from my garage.

6- I have AMVIC yearly, and Commercial Insurance yearly renewals.

During my 5 years of having the home based business from my detached. I have never received a complaint or had a visit from the bylaw department. Until nov 28th 2025. The nuisance complaints that were reported in the past, are from one neighbor next door who we have a mutual no contact order with until June 2026. I have had discussions with my other neighbours and have gained their support to operate out of my garage.

I'm seeking an approval from SDAB to overturn the original refusal decision, and approve the Home based Business Permit based on my operating plan that is listed above and support from my neighbours.(support Letter attached).

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

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

or

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

Hearing and Decision

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

...

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

...

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

and

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

General Provisions from the Zoning Bylaw 20001:

Under section 2.20.2.1, a **Home Based Business** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

Under section 8.10, a **Home Based Business** means:

Home Based Business means a development where a business is operated primarily inside a Dwelling or an Accessory building by a resident of that Dwelling. A Residential Use is the primary development on the Site and the business activity is secondary. This Use includes Home Based Child Care. This Use does not include activities similar to those offered as Bars, Body Rub Centres, Cannabis Retail Stores, Liquor Stores, or nightclubs.

Section 2.10.3.1, states “**Home Based Businesses** must comply with Section 6.60.”

A **Vehicle Support Service** is neither a Permitted Use nor a Discretionary Use in the **RSF - Small Scale Flex Residential Zone**.

Under section 8.10, a **Vehicle Support Service** means:

Vehicle Support Service means a development where the primary activity is vehicle servicing operations for the repair, maintenance, or fuelling of automobiles and other vehicles with a gross vehicle weight rating (GVWR) of less than 4,600 kg.

Typical examples include: fuel stations, car washes, and vehicle repair shops, such as transmission, muffler, tire, automotive glass, and upholstery shops. This Use does not include auto body repair and paint shops.

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.

<i>Section 6.60 of the Zoning Bylaw 20001 - Home Based Businesses</i>
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Section 6.60 provides the following with respect to **Home Based Business**:

1. Home Based Businesses may occupy a total maximum Floor Area of 60.0 m² of Accessory buildings on the Site.
2. Any external appearance of a Home Based Business must be visually consistent with the principal Dwelling or Accessory building in which it operates, using techniques such as applying similar colours, materials, or architectural features.
3. The maximum number of non-resident employees or business partners working on-site at any one time is 2.
4. A maximum of 1 enclosed storage trailer occupying a maximum area of 5.5 m x 2.6 m is permitted to be stored outdoors for a Home Based Business.
 - 4.1. The trailer must not be stored in the Front Yard, except on a Driveway.
5. Commercial Vehicles operated by a Home Based Business are only permitted to park on Site in compliance with Subsection 5 of Section 5.120.
6. Industrial vehicles, equipment, and materials, and commercial equipment and materials are not permitted to be stored outdoors on a Site that contains a Home Based Business.
7. Outdoor speakers and amplification systems are not permitted for a Home Based Business.
8. Outdoor business activity is not permitted for a Home Based Business, except for Home Based Child Care.
9. Dangerous Goods in type or quantity that are not typically used for residential purposes are not permitted to be used or stored as part of a Home Based Business.
10. A Home Based Business must not create a Nuisance.
11. Signs for Home Based Businesses are limited to Fascia Signs and must comply with Section 6.90.

12. The Development Planner may impose conditions establishing the following on a Development Permit to mitigate potential Nuisances:

12.1. any necessary mitigation measures described in Subsection 2 of Section 5.120;

12.2. the hours of operation of a Home Based Business; and

12.3. the number of people that may visit a Home Based Business concurrently.

Under section 8.10, a **Nuisance** means:

The external impact caused by an activity that is reasonably likely to interfere with the use and enjoyment of an individual's property, due to:

- a. the frequency, time of day and day of the week the activity occurs;
- b. the proximity of the activity to neighbouring properties;
- c. the nature and use of the surrounding area; or
- d. the effects of the activity on the surrounding area.

Typical examples include emission of noise, smoke, dust, vapour, odour, heat, light, fumes, or unsightly or unsafe conditions, or use of toxic or hazardous materials.

Development Planner's Determination


Use - The proposed Use is determined as a Vehicle Support Service Use which is neither a Permitted Use nor Discretionary Use in the Small Scale Flex Residential (RSF) Zone (Subsection 2.20.2).

Nuisance - The ongoing Development Compliance complaints confirm that the operation of the business creates nuisances (noise and odours) in the neighbourhood (Subsection 6.60.10).

[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: 633826072-005 Application Date: NOV 25, 2025 Printed: December 4, 2025 at 8:56 AM Page: 1 of 2																					
<h2 style="margin: 0;">Application for</h2> <h2 style="margin: 0;">Home Based Business Development Permit</h2>																							
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Development Application Decision Refused Issue Date: Dec 04, 2025 Development Authority: OBERT, WILLIAM Reason for Refusal Use - The proposed Use is determined as a Vehicle Support Service Use which is neither a Permitted Use nor Discretionary Use in the Small Scale Flex Residential (RSF) Zone (Subsection 2.20.2). Nuisance - The ongoing Development Compliance complaints confirm that the operation of the business creates nuisances (noise and odours) in the neighbourhood (Subsection 6.60.10). Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																							
Fees <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">10019270</td> <td style="text-align: right;">Nov 26, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">\$410.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$410.00	\$410.00	10019270	Nov 26, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$410.00	\$410.00		
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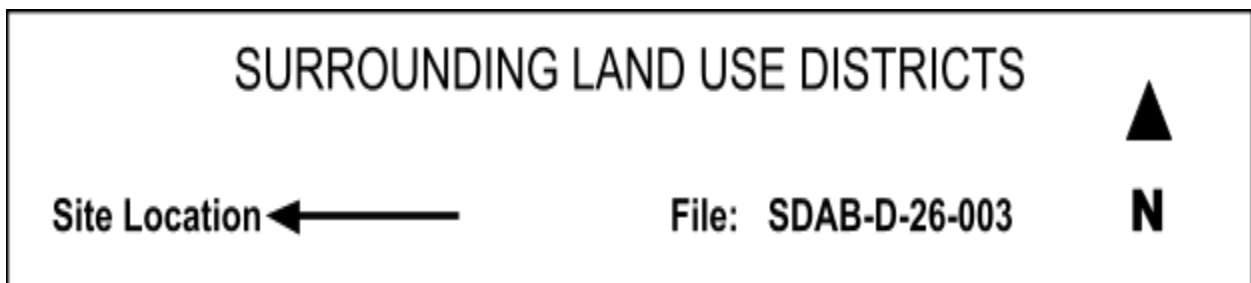
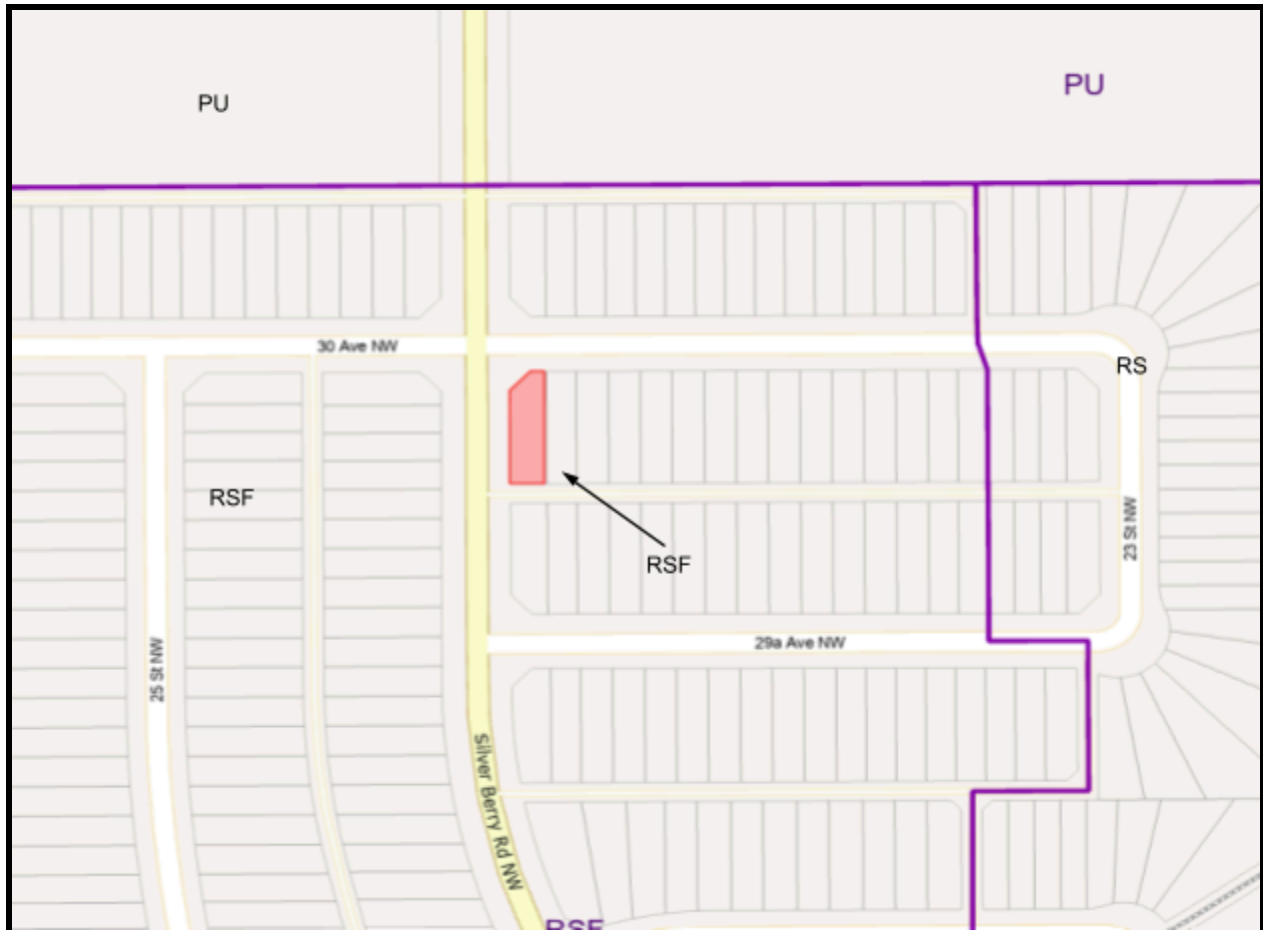


Application for Home Based Business Development Permit

Project Number: **633826072-005**
Application Date: NOV 25, 2025
Printed: December 4, 2025 at 8:56 AM
Page: 2 of 2

THIS IS NOT A PERMIT

P0702003



ITEM II: 10:30 A.M.

FILE: SDAB-D-26-004

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 634308188-002

APPLICATION TO: Change the use of an Indoor Sales and Service to a Cannabis Retail Store and construct interior alterations

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 11, 2025

DATE OF APPEAL: December 11, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8208 - 106 Street NW

LEGAL DESCRIPTION: Plan I Blk 65 Lots 1-12

ZONE: MU - Mixed Use Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Scona District Plan

Grounds for Appeal

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

After reviewing the refusal, I believe we have strong grounds to move forward with an appeal to the SDAB.

Although the City calculated the distance as 112 m from Old Scona Academic, several key factors support reconsideration:

The actual distance from the store entrance to the school is significantly farther than the 112 m cited.

It appears the City measured from the far edge of the entire building property rather than from the proposed unit itself. This does not reflect the real, practical separation. The true operational distance provides a much larger buffer and should be reassessed.

Old Scona is a closed-campus, academically focused high school, not an elementary or junior high where younger students regularly gather off-site. The nature of the school and its older student population substantially reduces any potential exposure or interaction.

The proposed location is within a fully commercial corridor with various age-restricted and adult-oriented businesses already operating safely. Adding a cannabis store does not materially alter the areas character or create new risks.

There is no direct line of sight or pedestrian flow from the school to the proposed store.

Natural walking patterns, street layout, and other physical barriers create a practical separation much greater than the numeric distance suggests. As per google maps, its 650m of distance if someone had to walk to the store from school which in itself is a lot to consider.

Our store will operate above and beyond all regulatory requirements as our other stores do, including strict ID procedures, controlled entry, discreet signage, and no visibility to youth. This eliminates any practical risk to the school community.

The SDAB has the authority to vary the 200 m requirement when the intent of the bylaw, protecting youth, is still clearly met. In this case, both the physical environment and our operational standards satisfy that intent.

This business will contribute positively to the community, including increased local economic activity, job opportunities, and additional municipal tax revenue.

On top of that, the community benefits from having access to a locally owned, non-corporate retail option. Independent stores offer diverse product selections, personalized service, and community engagement that large corporate chains do not provide. This strengthens local competition and better serves neighbourhood residents.

Given all these factors, I believe an appeal is fully justified and has a realistic chance of success. I'm prepared to move forward if you agree.

<i>General Matters</i>

Appeal Information:

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

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

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

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

...

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

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

Appeals

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

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

that period under section 684, within 21 days after the date the period or extension expires,

or

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

Hearing and Decision

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

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- (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;

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- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (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 2.80.2.5, a **Cannabis Retail Store** is a **Permitted Use** in the **MU - Mixed Use Zone**.

Under section 8.10, a **Cannabis Retail Store** means:

a development where a business sells Cannabis to be consumed off-Site as permitted by Provincial or Federal legislation. This may include sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under section 2.80.3.7 states “Cannabis Retail Stores must comply with Section 6.30.”

Under section 8.20, **Site** means “an area of land consisting of 1 or more Abutting Lots.”

Section 2.80.1 states that the **Purpose** of the **MU - Mixed Use Zone** is:

To allow for varying scales of mixed use development that enables the growth and development anticipated in the Nodes and Corridors as directed by Statutory Plans. This Zone allows for a range of Uses and supports housing, recreation, commerce, and employment opportunities. Site and building design in this Zone promotes development that enhances the public realm and publicly accessible amenities to create vibrant, walkable destinations at a scale inviting to pedestrians.

Cannabis Retail Stores

Section 6.30 states the following with respect to **Cannabis Retail Stores**:

1. At the time a Development Permit application is submitted, a Cannabis Retail Store must be located to provide minimum separation distances in compliance with Table 1:

Table 1. Minimum Separation Distance

Subsection	From	200 m (from	200m (from	100 m (from
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	approved or existing:	store to store)	Site to Site)	Site to Site
1.1.	Cannabis Retail Stores	x		
1.2.	Libraries		x	
1.3.	Schools		x	
1.4.	Community recreation facilities			x
1.5.	Provincial Health Care Facilities			x
1.6.	Sites designated as School Reserves			x
1.7.	Sites designated as Municipal and School Reserves			x
	From Sites zoned:			
1.8.	PS, PSN, or A			x

2. For the purposes of Subsection 1, when measuring separation distances:

- 2.1. from Site to Site, the distance is measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and not Zone boundaries; and
- 2.2. from store to store, the distance is measured from the closest point of the Cannabis Retail Store to the closest point of another Cannabis Retail Store.

Diagram for Subsection 2



3. For the purposes of Subsection 1:
 - 3.1. the term "School" means a school as defined in subsection 1(1)(x)(i) to (iv) and (vi) of the Education Act;
 - 3.2. the term "community recreation facilities" means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as defined by the Municipal Government Act; and
 - 3.3. the term "Provincial Health Care Facility" means a provincial health care facility as defined in Subsection 105(1)(e) of the Gaming, Liquor and Cannabis Regulation.
4. The Development Planner may vary the minimum separation distance in Subsection 1.1 by up to 20.0 m. No other variance to Subsection 1 is permitted.
5. For Sites greater than 2.0 ha that are Zoned CG, CB, MU, or a Direct Control Zone, and do not contain a Library at the time a Development Permit application for a Cannabis Retail Store is submitted:
 - 5.1. Subsection 1.1 does not apply; and
 - 5.2. the distances specified in Section 105(3) of the Gaming, Liquor and Cannabis Regulation are expressly varied to 0 m.
6. **Section 105(3) of the Gaming, Liquor and Cannabis Regulation is expressly varied by Subsections 1.3, 1.5, 1.6, 1.7, 2, and 5.2.**

Development Planner's Determination

1. Subsection 6.30.1.3. At the time a Development Permit application is submitted, a Cannabis Retail Store must be located to provide minimum separation distance of 200 m from a School.

Old Scona Academic Public School Required: 200 m

Proposed: 112 m

Deficient: 88 m

[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: 634308188-002 Application Date: OCT 24, 2025 Printed: December 11, 2025 at 3:53 PM Page: 1 of 1																					
<h2>Application for Development Permit</h2>																							
This document is a Development Permit Decision for the development application described below.																							
Applicant 		Property Address(es) and Legal Description(s) 8208 - 106 STREET NW Plan 1 Blk 65 Lots 1-12 <hr/> Specific Address(es) Suite: 10640 - 82 AVENUE NW Entryway: 10640 - 82 AVENUE NW Building: 10604 - 82 AVENUE NW																					
Scope of Application To change the use of an Indoor Sales and Service to a Cannabis Retail Store and construct interior alterations.																							
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Development Category: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Site Area (sq. m.):	Gross Floor Area (sq.m.): New Sewer Service Required: Overlay: Statutory Plan:																						
Development Application Decision Refused Issue Date: Dec 11, 2025 Development Authority: CHOW, STEPHEN Reason for Refusal 1. Subsection 6.30.1.3. At the time a Development Permit application is submitted, a Cannabis Retail Store must be located to provide minimum separation distance of 200 m from a School. Old Scona Academic Public School Required: 200 m Proposed: 112 m Deficient: 88 m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																							
Fees <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">E80626001001569</td> <td style="text-align: right;">Nov 07, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">\$410.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$410.00	\$410.00	E80626001001569	Nov 07, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$410.00	\$410.00		
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