

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 9, 2025**

**Hearing Room No. 2
Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB**

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2

I 9:00 A.M. SDAB-D-25-091

To construct exterior alterations to a Single Detached House (Driveway extension - 1.2m x 8.3m)

4843 - Kinney Road SW
Project No.: 577606369-002

II 10:00 A.M. SDAB-D-25-092

To construct an Accessory building (detached Garage, 16.76m x 25.6m)

635 - 75 Street SW
Project No.: 581961780-002

III 1:30 P.M. SDAB-D-25-093

To construct a Residential Use building in the form of a Single Detached House with front attached Garage, unenclosed front porch, fireplace, and balconies (9.19m x 1.98m and 8.03m x 6.55m)

665 - Fraser Vista NW
Project No.: 586704853-002

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

ITEM I: 9:00 A.M.FILE: SDAB-D-25-091AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 577606369-002

APPLICATION TO: To construct exterior alterations to a Single Detached House (Driveway extension - 1.2m x 8.3m).

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 3, 2025

DATE OF APPEAL: June 16, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 4843 - Kinney Road

LEGAL DESCRIPTION: Plan 2220355 Blk 1 Lot 38

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Keswick Neighbourhood Structure Plan
Windermere Area Structure Plan

DISTRICT PLAN: Southwest District Plan

Grounds for Appeal

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

There is no fire hydrant or access blocked, it does not interfere with the sidewalk, and it does not create any issue with our neighborhood or neighbors. We still have plenty of space on the right side of the property

for landscaping, and the left side is fully ready for landscaping. After this appeal, we are hoping to move forward with completing the landscaping properly.

We respectfully ask the board to consider this appeal based on the real medical and safety needs of my mother. We are prepared to provide photos or supporting documents if needed, and we are committed to following all regulations going forward. I am appealing the decision of the Development Authority regarding the concrete work done at our home after we moved in.

When we moved into this house, we did the concrete to accommodate my mother and support her mobility and safety during the following winter. My mother has had serious health issues, including back surgery in Afghanistan and chest surgery in Canada. She cannot walk long distances without pain, and slippery or icy surfaces create a serious risk for her. Winter conditions like snow, ice, or even wet ground make it extremely difficult and unsafe for her to walk outside.

The concrete allows us to park the vehicle near the front door, so my mother can safely and comfortably enter and exit the house without having to walk far or over hazardous surfaces. This has made a major difference in protecting her health and helping her maintain her independence.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a

development authority may appeal the decision in accordance with subsection (2.1).

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

Appeals

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

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

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

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

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

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

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

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the Zoning Bylaw 20001:

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

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

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

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

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

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

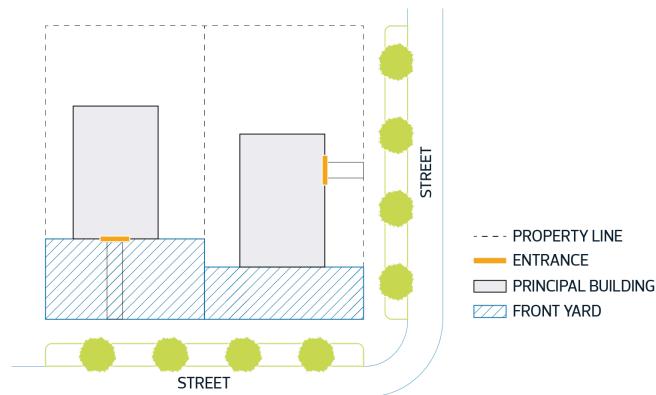
Under section 8.20, **Driveway** means:

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



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

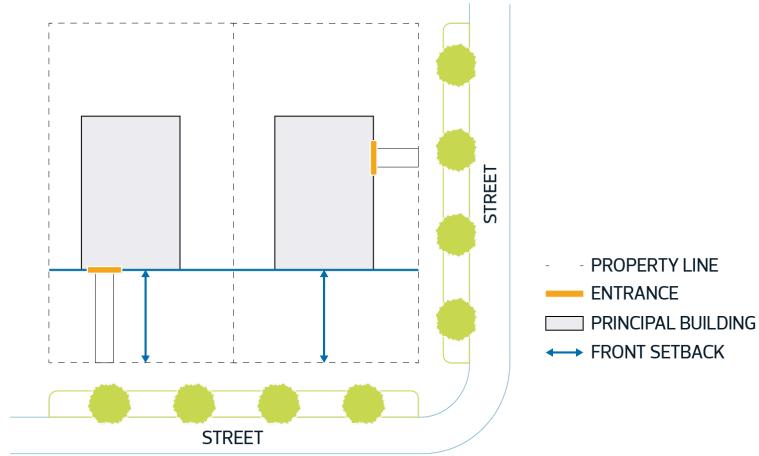
means the portion of a Site Abutting the Front Lot Line extending across the full width of the Site, between the Front Lot Line and the nearest wall of the principal building, not including projections.



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

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

Front Yard.”



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

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

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

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

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

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

Site Circulation

- 2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal Dwellings directly to an Abutting sidewalk or to a Driveway, except that:
 - 2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

Driveways

- 2.1.2 Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.
- 2.1.3 **A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.**
- 2.1.4 A Driveway provided from a Street must comply with the following:
 - 2.1.4.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:
 - 2.1.4.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m.
 - 2.1.4.2 Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:
 - 2.1.4.2.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less.

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

- 2.1.5.1. a Front Yard;**
- 2.1.5.2. a Flanking Side Yard; or**
- 2.1.5.3 a Flanking Side Setback.**

2.1.6. For Zero Lot Line Development, a Parking Area must not encroach on the easement area.

Development Planner's Determination

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

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

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

(Subsection 5.80.2.1.5.1)

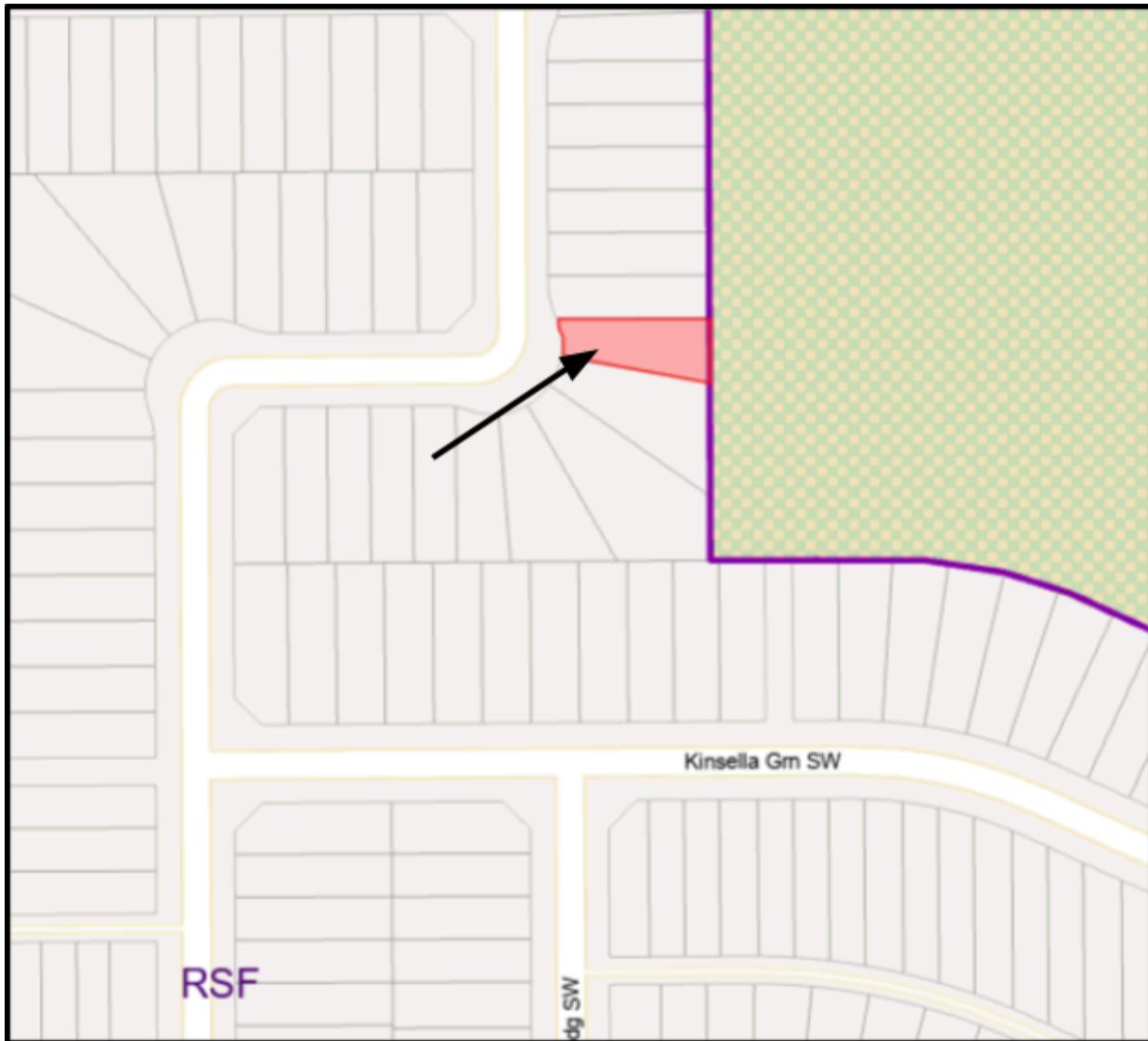
Proposed: The additional concrete provides vehicle parking space in the front yard.

[unedited]

Notice to Applicant/Appellant

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

		Project Number: 577606369-002 Application Date: MAR 25, 2025 Printed: June 3, 2025 at 2:07 PM Page: 1 of 1																					
<h2>Application for</h2> <h3>Driveway Extension Permit</h3>																							
<p>This document is a Development Permit Decision for the development application described below.</p>																							
Applicant 		Property Address(es) and Legal Description(s) 4843 - KINNEY ROAD SW Plan 2220355 Blk 1 Lot 38																					
Project Name: Driveway Extension																							
Scope of Application To construct exterior alterations to a Single Detached House (Driveway extension - 1.2m x 8.3m).																							
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Development Category: Site Area (sq. m.): 362.01</td> <td style="width: 50%;">Overlay: Statutory Plan:</td> </tr> </table>				Development Category: Site Area (sq. m.): 362.01	Overlay: Statutory Plan:																		
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Development Application Decision Refused																							
Issue Date: Jun 03, 2025		Development Authority:																					
Reason for Refusal 1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3) Proposed: The driveway does not lead directly from the roadway to the garage.																							
2) Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard. (Subsection 5.80.2.1.5.1) Proposed: The additional concrete provides vehicle parking space in the front yard.																							
Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																							
Building Permit Decision No decision has yet been made.																							
Fees <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: center;">\$190.00</td> <td style="text-align: center;">\$190.00</td> <td style="text-align: center;">07274ED001001174</td> <td style="text-align: center;">Mar 25, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: center;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: center;">\$190.00</td> <td style="text-align: center;">\$190.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$190.00	\$190.00	07274ED001001174	Mar 25, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$190.00	\$190.00		
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THIS IS NOT A PERMIT PG702003																							



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-091



N

ITEM II: 10:00 A.M.FILE: SDAB-D-25-092AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 581961780-002

APPLICATION TO: To construct an Accessory building (detached Garage,
16.76m x 25.6m)DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 29, 2025

DATE OF APPEAL: June 13, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 635 - 75 Street SW

LEGAL DESCRIPTION: Plan 9321197 Blk 1 Lot 3

ZONE: RR - Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Ellerslie Neighbourhood Structure Plan

DISTRICT PLAN: Ellerslie District Plan

<i>Grounds for Appeal</i>

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

I'm writing to formally appeal the decision regarding our development permit application for an accessory building on our property at 635-75 Street SW, located within the Rural Residential (RR) zone.

We originally submitted a request to build a large accessory shop (roughly, 75' × 55', 30' tall) to suit the needs of the property and its rural function. Since receiving preliminary feedback, we've significantly reduced the scale of the building in both footprint and height. The updated proposal is for a 54' × 35' structure with 14' wall height and a vaulted ceiling that peaks below 7.5 meters. The building is intended for non-commercial use—personal storage, maintenance, and workshop space. It's not a dwelling, not for business operations, and it fits squarely within the character and expectations of rural estate living.

Our lot is over 8,000 square meters, and even with the proposed structure, total site coverage remains well under 10%. We're respecting all required setbacks, distance from the principal dwelling, and all fire separation regulations. The structure will be built with barn-style finishes to visually integrate with the setting.

We understand the city has adopted new zoning rules that may restrict accessory buildings more tightly than in the past. However, we believe the scale of our revised proposal is entirely reasonable for the size of the parcel and the rural context. Without this building, we lose the practical utility that most rural property owners expect—storage for trailers, equipment, tools, and vehicles.

We're asking the board to consider the full context of the application:

- The revised size is nearly half the area of the original submission
- The proposed building is low-impact and visually compatible with the surrounding area
- Site coverage is well below any threshold that would crowd the parcel
- The use is consistent with RR zoning intent: rural living, not urban intensification

We'd appreciate the opportunity to proceed with this build under the revised design and welcome any questions you may have. Supporting documentation, updated drawings, and a site layout are available and can be provided ahead of the hearing

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 2.60.2.2 **Residential**, limited to:

- 2.2.1. Backyard Housing

- 2.2.2. Secondary Suite
- 2.2.3. Single Detached Housing
- 2.2.4. Supportive Housing

is a **Permitted Use** in the **RR - Rural 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 2.60.1 states that the **Purpose of the Rural Residential Zone** is:

To allow for rural residential development while prohibiting further subdivision of rural residential lands.

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	-

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

**An Accessory Building or Structure shall not exceed 4.3m.
(Reference Section 5.10.9.1)**

Proposed Height: 6.5m

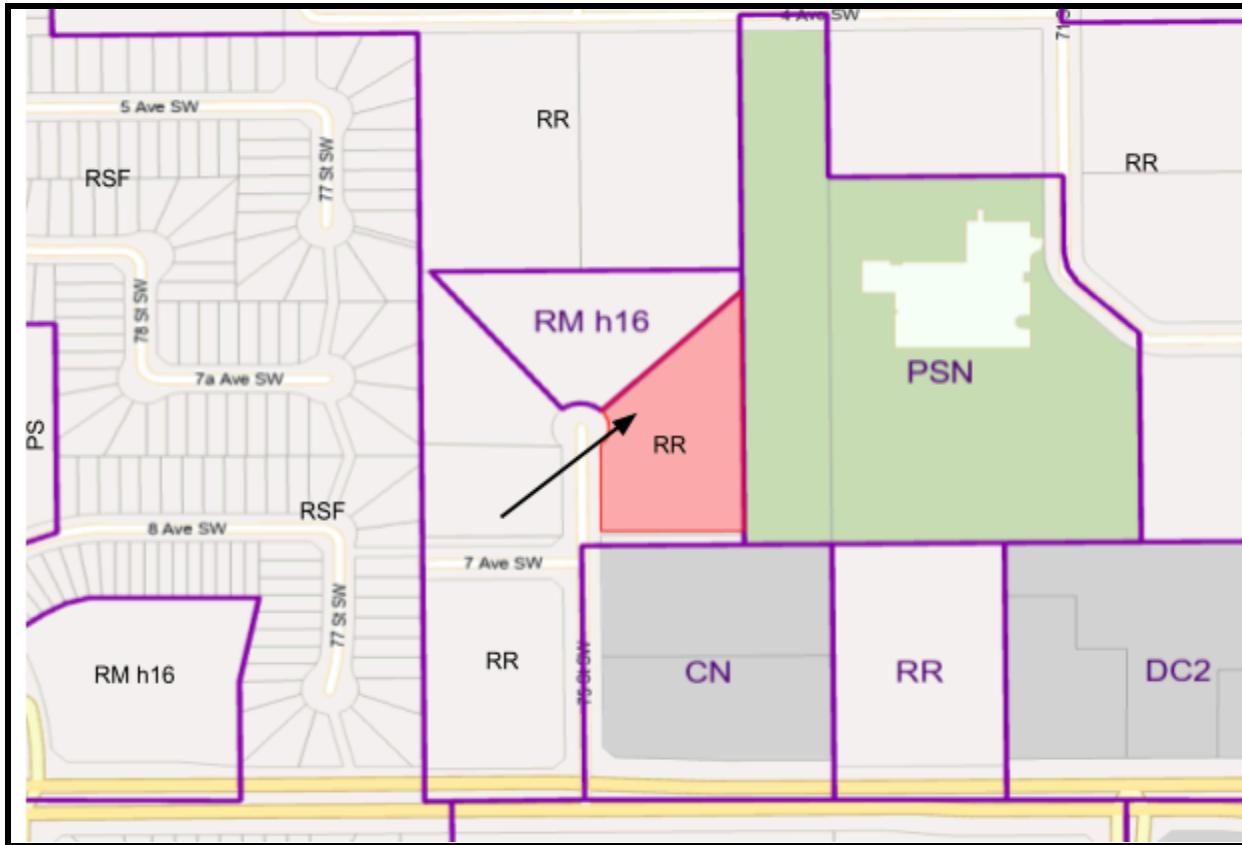
Exceeds by: 2.2m

[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: 581961780-002 Application Date: APR 30, 2025 Printed: May 29, 2025 at 11:07 AM Page: 1 of 1																																	
<h2>Application for</h2> <h3>Accessory Building Permit</h3>																																		
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Applicant	Property Address(es) and Legal Description(s) 635 - 75 STREET SW Plan 9321197 Blk 1 Lot 3																																	
Project Name: Payne Detached Garage																																		
Scope of Application To construct an Accessory building (detached Garage, 16.76m x 25.6m).																																		
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Issue Date: May 29, 2025 Development Authority:																																		
Reason for Refusal An Accessory Building or Structure shall not exceed 4.3m. (Reference Section 5.10.9.1) Proposed Height: 6.5m Exceeds by: 2.2m																																		
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P0702003																																		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-092



N

ITEM III: 1:30 P.M.FILE: SDAB-D-25-093AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 586704853-002

APPLICATION TO: To construct a Residential Use building in the form of a Single Detached House with front attached Garage, unenclosed front porch, fireplace, and balconies (9.19m x 1.98m and 8.03m x 6.55m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 11, 2025

DATE OF APPEAL: June 11, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 665 - Fraser Vista NW

LEGAL DESCRIPTION: Plan 1920214 Blk 113 Lot 36

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

We would like to bring to your attention a specific circumstance regarding the rear setback requirement for this property. This house was pre-sold

based on building plans that adhere to the previous City of Edmonton Zoning Bylaws, which stipulated a rear setback of 6 meters. We understand that the current zoning bylaws may have different setback requirements. However, we respectfully request that our application be considered under the provisions of the older bylaws for the following crucial reasons: The property sale was finalized based on construction plans specifying a 6-meter rear setback. Changing these plans now to meet potentially updated setback requirements would cause significant financial strain and delays, directly affecting the pre-sale agreement. We have observed that several existing homes in the immediate vicinity of 665 Fraser Vista NW were also constructed under the previous zoning bylaws and benefit from the 6-meter rear setback. Approving of our application under the same provisions would ensure consistency and maintain the established character of the neighborhood.

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, **Garage** means:

an Accessory building, or part of a principal building, designed and used primarily to store vehicles and includes carports. A Garage does not contain a Drive Aisle.

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

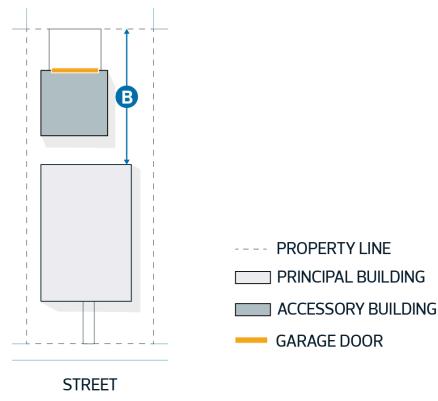
To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Setbacks

Section 2.10.4.3 states Setbacks must comply with Table 4.3:

Table 4.3. Setback Regulations			
Subsection	Regulation	Value	Symbol
Front Setbacks			
4.3.2.	Minimum Rear Setback	10.0 m	B

Diagram for Subsection 4.3.2.



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

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

Development Planner's Determination

The minimum Rear Yard shall be 10.0m. (Reference Section 2.10.4.3.2)

Proposed: 4.8m

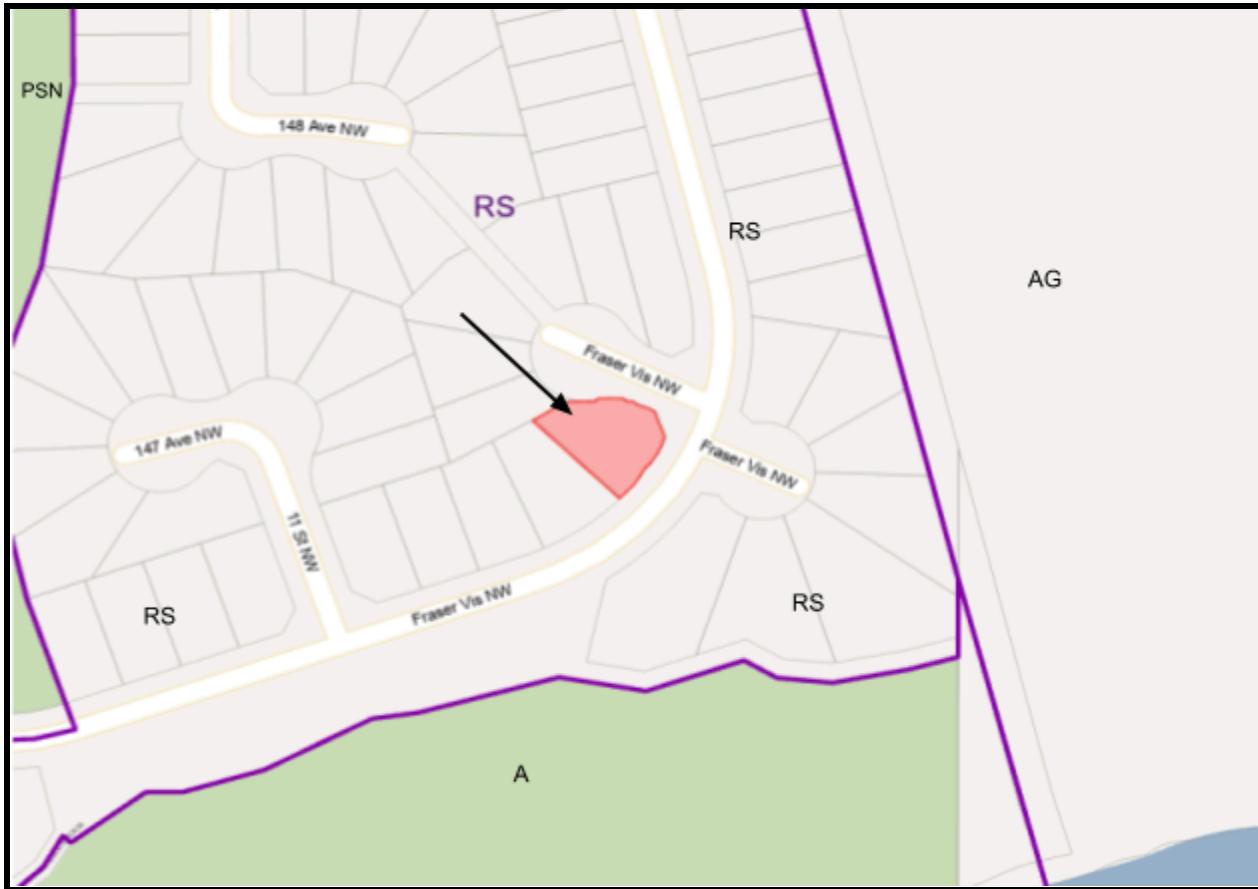
Deficient by: 5.2m

[unedited]

Notice to Applicant/Appellant

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

 Application for Minor Development Permit		Project Number: 586704853-002 Application Date: APR 14, 2025 Printed: June 11, 2025 at 8:20 AM Page: 1 of 1																									
This document is a Development Permit Decision for the development application described below.																											
Applicant	Property Address(es) and Legal Description(s) 665 - FRASER VISTA NW Plan 1920214 Blk 113 Lot 36																										
Scope of Application To construct a Residential Use building in the form of a Single Detached House with front attached Garage, unenclosed front porch, fireplace, and balconies (9.19m x 1.98m and 8.03m x 6.55m).																											
Details <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: 1</td> </tr> <tr> <td>3. Overlay:</td> <td>4. Number of Secondary Suite Dwelling Units to Construct:</td> </tr> <tr> <td>5. Statutory Plan:</td> <td>6. Backyard Housing or Secondary Suite Included?: No</td> </tr> <tr> <td>7. Neighbourhood Classification: Developing</td> <td>7. Development Category / Class of Permit: Permitted Development</td> </tr> </table>			1. Titled Lot Zoning: RS	2. Number of Principal Dwelling Units To Construct: 1	3. Overlay:	4. Number of Secondary Suite Dwelling Units to Construct:	5. Statutory Plan:	6. Backyard Housing or Secondary Suite Included?: No	7. Neighbourhood Classification: Developing	7. Development Category / Class of Permit: Permitted Development																	
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Development Application Decision Refused Issue Date: Jun 11, 2025 Development Authority: SAHL, RAMANJYOT																											
Reason for Refusal The minimum Rear Yard shall be 10.0m. (Reference Section 2.10.4.3.2) Proposed: 4.8m Deficient by: 5.2m																											
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="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: center;">\$815.00</td> <td style="text-align: center;">\$815.00</td> <td style="text-align: center;">087781001001610</td> <td style="text-align: center;">Apr 14, 2025</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: center;">\$160.00</td> <td style="text-align: center;">\$160.00</td> <td style="text-align: center;">087781001001610</td> <td style="text-align: center;">Apr 14, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: center;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total for Permit:</td> <td style="text-align: center;"><u>\$775.00</u></td> <td style="text-align: center;"><u>\$775.00</u></td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$815.00	\$815.00	087781001001610	Apr 14, 2025	Lot Grading Fee	\$160.00	\$160.00	087781001001610	Apr 14, 2025	Total GST Amount:	\$0.00				Total for Permit:	<u>\$775.00</u>	<u>\$775.00</u>		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-093



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