

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.

July 10, 2025

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-25-089
POSTPONED

Sinova Developments Inc.

To construct a Residential Use building in the form of a four Dwelling Row House with unenclosed side porches, develop four Secondary Suites in the Basements, and to demolish a Residential Use building (Single Detached House) and an Accessory building (detached Garage)

7803 - 77 Street NW
Project No.: 548751979-002

II 10:30 A.M. SDAB-D-25-090

Jakwin Holdings

To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Row House)

4115 - 117 Street NW
Project No.: 587541708-002

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-25-089

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: Sinova Developments Inc. **POSTPONED**

APPLICATION NO.: 548751979-002

APPLICATION TO: Construct a Residential Use building in the form of a four Dwelling Row House with unenclosed side porches, develop four Secondary Suites in the Basements, and to demolish a Residential Use building (Single Detached House) and an Accessory building (detached Garage)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 2, 2025

DATE OF APPEAL: June 13, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 7803 - 77 Street NW

LEGAL DESCRIPTION: Plan 5997AE Blk 59 Lots 1-2

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Southeast District Plan

<i>Grounds for Appeal</i>

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

The rationale for the appeal, and corresponding precedent, is as follows:

1) The Deficiency of Site Area (1.85 sm) is Negligible

- a. The Deficiency represents 0.25% of the Site Area, which is negligible.
- b. This negligible variance is consistent with the opinion of and precedent of SDAB-D-25- 044,[19], which states that “the requested variance is minimal (0.096 units or 6 square metres short), representing less than a 1% deviation.”

2) The Site Width Can Accommodate the Additional Dwelling Unit

- a. All four (4) of the upper Dwellings have a dedicated parking space off the alley.
- b. All garbage/ compost bins can for 8 units can be accommodated
- c. No additional variances are required.

3) Parking Availability

- a. On-street vehicle parking is unrestricted on both roadways adjacent to the Site (78 Avenue NW and 77 Street NW).
- b. Current and historical Google Streetview photos show no evidence of on-street parking being constrained

4) The Built Form Will Remain Consistent

- a. Under the development regulations applicable to the Site, the number of units within a building does not affect the built form, building size, or building location on the Site. The proposed development meets all required setbacks, maximum height, and maximum site coverage that apply regardless of unit count. The building massing would remain identical regardless of whether the building contains 7 or 8 Dwelling Units. Accordingly, there is no increase in impact of the development on neighbouring properties or the amenities of the neighbourhood. This is consistent with the precedent of SDAB-D-24- 075, [59], which states: “The development as proposed along with the Row Housing under construction complies with the Bylaw requirement for Total Site Coverage...” and, “...As such, the impact of the variance, if any, is internal to the subject Site and does not have an impact on neighbouring properties or the amenities of the neighbourhood.
- b. This is also consistent with the precedent of SDAB-D-24-073, [56], which state “The proposed (development) complies with all Bylaw

requirements except for the minimum Site Area requirement... As the physical structure ...satisfies requirements for Height and Setback regardless of the number of housing units it contains, it does not trigger the negative effects test in regard to privacy and sun shadowing of adjacent properties.”

c. Should development be restricted to 7 Dwelling Units within the same built form, one or more of the Dwelling Units could be expanded to include 3 or 4 bedrooms. This could generate the same number of residents and equivalent impact to a development with 8 Dwelling Units. This same consideration was reviewed by the Board in SDAB-D-25- 044,[20], which states that “adding the eighth unit would not necessarily increase the number of occupants [as] the unit configuration (four bedrooms vs. a three-bedroom and a one-bedroom) could accommodate different family sizes.”

5) Site Location

- a. The Site is located on the corner of a block. There are no density limits on corner sites.
- b. The site is within 800m of two separate LRT stations and 300m to bus stop with major bus routes along Whyte Avenue.
- c. This Site is well located for additional density and is supported by multi-modal transportation opportunities.

<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 2.10.2.2, 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, **Row Housing** means:

a building that contains 3 or more principal Dwellings joined in whole or in part at the side, the rear, or the side and the rear, with none of the principal Dwellings being placed over another. Each principal Dwelling has separate, individual, and direct access to ground level.

Under section 8.20, **Secondary Suite** means:

a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

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>Minimum Site area per Dwelling</i>
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Section 2.10.4.1.1 states:

4.1. Development must comply with Table 4.1:

Table 4.1 Site and Building Regulations

Subsection	Regulation	Value	Symbol
4.1.1	Minimum Site area per Dwelling	75.0 m2	-

Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

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

Development Planner’s Determination

Minimum Site area per Dwelling is 75.0 m2. (Reference Section 2.10.4.1.1)

Required Site Area for proposed 8 Dwellings: 600sm


Proposed/Existing Site Area: 598.15sm


Deficient by: 1.85sm

[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>Application for Minor Development Permit</h2>		Project Number: 548751979-002 Application Date: DEC 11, 2024 Printed: June 2, 2025 at 9:37 AM Page: 1 of 2								
This document is a Development Permit Decision for the development application described below.											
Applicant	Property Address(es) and Legal Description(s) 7803 - 77 STREET NW Plan 5997AE Blk 59 Lots 1-2										
	Specific Address(es) Suite: 7803 - 77 STREET NW Suite: 7805 - 77 STREET NW Suite: 7807 - 77 STREET NW Suite: 7809 - 77 STREET NW Suite: BSMT, 7803 - 77 STREET NW Suite: BSMT, 7805 - 77 STREET NW Suite: BSMT, 7807 - 77 STREET NW Suite: BSMT, 7809 - 77 STREET NW Entryway: 7803 - 77 STREET NW Entryway: 7805 - 77 STREET NW Entryway: 7807 - 77 STREET NW Entryway: 7809 - 77 STREET NW Building: 7803 - 77 STREET NW										
Scope of Application To construct a Residential Use building in the form of a 4 Dwelling Row House with unenclosed side porches, develop 4 Secondary Suites in the Basements, and to demolish a Residential Use building (Single Detached House) and an Accessory building (detached Garage).											
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">1. Titled Lot Zoning: R5</td> <td style="width: 50%;">2. Number of Principal Dwelling Unit To Construct: 4</td> </tr> <tr> <td>3. Overlay:</td> <td>4. Number of Secondary Suite Dwelling Units to Construct: 4</td> </tr> <tr> <td>5. Statutory Plan:</td> <td>6. Backyard Housing or Secondary Suite Included?: Yes</td> </tr> <tr> <td>7. Neighbourhood Classification: Redeveloping</td> <td>8. Development Category / Class of Permit:</td> </tr> </table>				1. Titled Lot Zoning: R5	2. Number of Principal Dwelling Unit To Construct: 4	3. Overlay:	4. Number of Secondary Suite Dwelling Units to Construct: 4	5. Statutory Plan:	6. Backyard Housing or Secondary Suite Included?: Yes	7. Neighbourhood Classification: Redeveloping	8. Development Category / Class of Permit:
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Development Application Decision Refused Issue Date: Jun 02, 2025 Development Authority: ANGELES, JOSELITO Reason for Refusal Minimum Site area per Dwelling is 75.0 m2. (Reference Section 2.10.4.1.1) Required Site Area for proposed 8 Dwellings: 600sm Proposed/Existing Site Area: 598.15sm Deficient by: 1.85sm											
THIS IS NOT A PERMIT											



Project Number: **548751979-002**

Application Date: DEC 11, 2024

Printed: June 2, 2025 at 9:37 AM

Page: 2 of 2

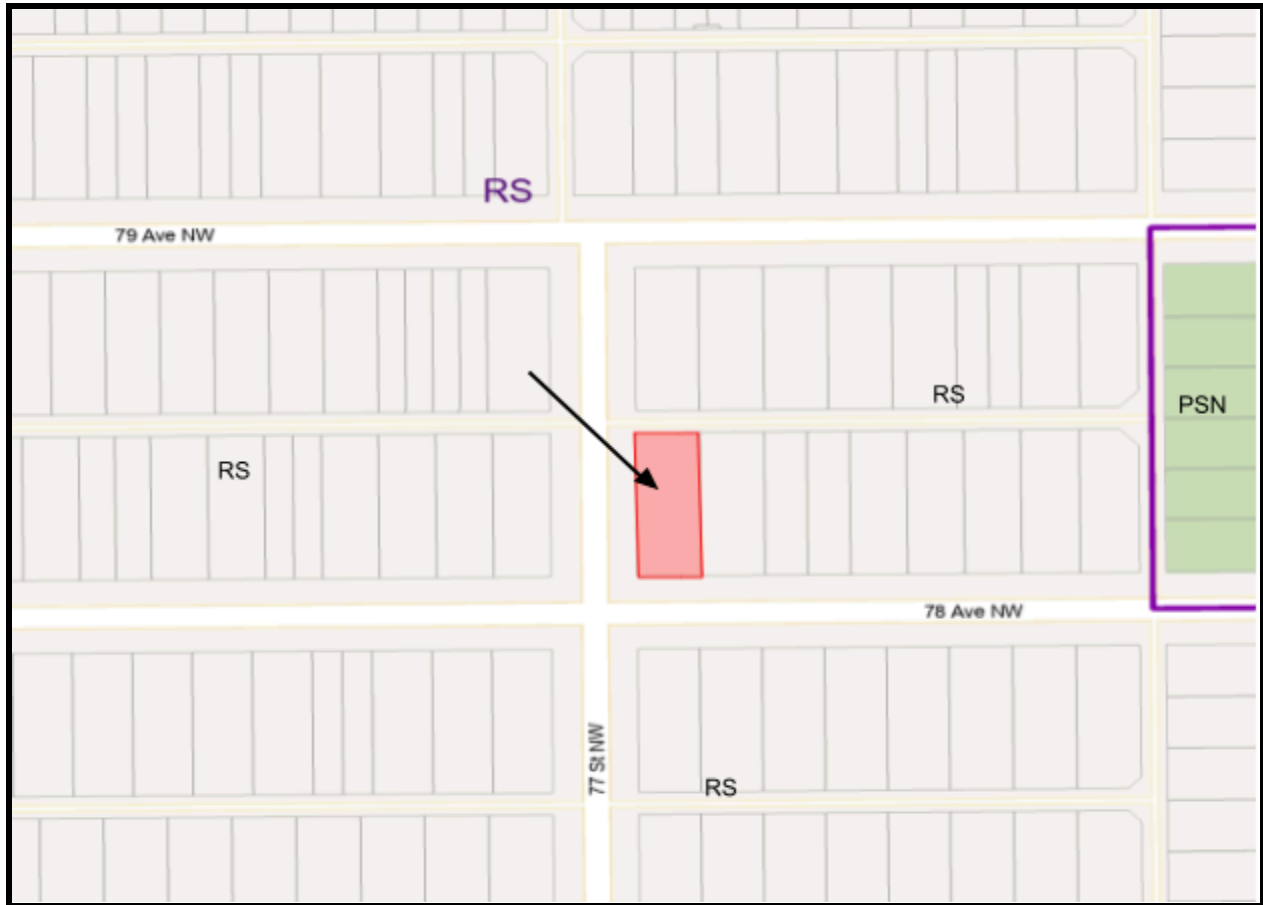
Application for Minor Development Permit

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	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$1,000.00	\$1,000.00	02548G001001574	Jan 09, 2025
Lot Grading Fee	\$480.00	\$480.00	02548G001001574	Jan 09, 2025
Development Permit Inspection Fee	\$550.00	\$550.00	02548G001001574	Jan 09, 2025
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,030.00	\$2,030.00		

THIS IS NOT A PERMIT

P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-25-089** **N** ▲

ITEM II: 10:30 A.M.

FILE: SDAB-D-25-090

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:	Jakwin Holdings
APPLICATION NO.:	587541708-002
APPLICATION TO:	Add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Row House)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	June 12, 2025
DATE OF APPEAL:	June 13, 2025
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	4115 - 117 Street NW
LEGAL DESCRIPTION:	Plan 1210NY Blk 41 Lot 24
ZONE:	RS - Small Scale Residential Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A
DISTRICT PLAN:	Whitemud District Plan

<i>Grounds for Appeal</i>

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

I am writing to formally appeal the decision to deny our request to add a second basement suite at 4115 117 st Edmonton.

We understand that the application was denied due to the property being 9.6m short of the minimum required floor area. While we recognize the importance of adhering to municipal guidelines, we respectfully ask that the City consider the minor nature of this shortfall in the context of the broader housing crisis we are all working to address.

Adding this suite would provide an urgently needed housing unit in a time where affordable options are in short supply. The property is well-suited for this use: transit accessibility is excellent, and there are no parking constraints or neighbourhood objections.

We firmly believe the City should take a flexible, solutions-oriented approach that supports property owners who are trying to be part of the solution. Working together, we can help alleviate the pressure on our housing system without compromising the character or livability of our neighbourhoods.

We are fully committed to complying with all other bylaw and safety requirements, and are willing to work with the City to address any reasonable concerns.

Thank you for your time and consideration of this appeal. We hope to work collaboratively toward a positive resolution.

<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
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- (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
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 - (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*:

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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.
residents.

<i>Site Area</i>

Section 2.10.4.1.1 states:

4.1. Development must comply with Table 4.1:

Table 4.1 Site and Building Regulations

Subsection	Regulation	Value	Symbol
4.1.1	Minimum Site area per Dwelling	75.0 m2	-

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a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible

undercarriage, must be on a foundation, and connected to utilities.

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

Development Planner’s Determination

1. Site Area - Minimum Site area per Dwelling: 75.0m² (Subsection 2.10.4.1.1)

Required: 600.0m² (8 x 75.0m²)


Proposed: 590.4m²

Deficient by: 9.6m²

[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="text-align: center;">Application for Secondary Suite Permit</h2>		Project Number: 587541708-002 Application Date: APR 17, 2025 Printed: June 12, 2025 at 11:08 AM Page: 1 of 1																															
This document is a Development Permit Decision for the development application described below.																																			
Applicant Project Name: Royal Gardens Basement Secondary Suite		Property Address(es) and Legal Description(s) 4115 - 117 STREET NW Plan 1210NY Blk 41 Lot 24																																	
		Location(s) of Work Suite: BSMT1, 4115 - 117 STREET NW Entryway: 1, 4115 - 117 STREET NW Building: 1, 4115 - 117 STREET NW																																	
Scope of Application To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Row House).																																			
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Discretionary Development Site Area (sq. m.): 590.51 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table>						Development Category: Discretionary Development Site Area (sq. m.): 590.51	Overlay: Statutory Plan:																												
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Development Application Decision Refused Issue Date: Jun 12, 2025 Development Authority: Reason for Refusal 1. Site Area - Minimum Site area per Dwelling: 75.0m ² (Subsection 2.10.4.1.1) Required: 600.0m ² (8 x 75.0m ²) Proposed: 590.4m ² Deficient by: 9.6m ² 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: 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>Safety Codes Fee</td> <td style="text-align: right;">\$82.20</td> <td style="text-align: right;">\$82.20</td> <td style="text-align: right;">09531215</td> <td style="text-align: right;">Apr 24, 2025</td> </tr> <tr> <td>Building Permit Fee (Construction Value)</td> <td style="text-align: right;">\$2,055.00</td> <td style="text-align: right;">\$2,055.00</td> <td style="text-align: right;">09531215</td> <td style="text-align: right;">Apr 24, 2025</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">09531215</td> <td style="text-align: right;">Apr 24, 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; border-top: 1px solid black;">\$3,547.20</td> <td style="text-align: right; border-top: 1px solid black;">\$3,547.20</td> <td></td> <td></td> </tr> </tbody> </table>							Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$82.20	\$82.20	09531215	Apr 24, 2025	Building Permit Fee (Construction Value)	\$2,055.00	\$2,055.00	09531215	Apr 24, 2025	Development Application Fee	\$410.00	\$410.00	09531215	Apr 24, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$3,547.20	\$3,547.20		
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