

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 16, 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-25-094	Mikitecture	Construct a 69 m ² addition to a mixed-use building connecting the Accessory building to the principal building and to amend the approved Landscape Plan 8820C - 92 Street NW Project No.: 591576227-002
<u>TO BE RAISED</u>				
II	10:30 A.M.	SDAB-D-25-089	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
<hr/>				
III	1:30 P.M.	SDAB-D-25-096	One Horizon Living	Add a Dwelling to an existing Residential Use building in the form of a 4 Dwelling Row House (Secondary Suite in the Basement of a 4 Dwellings Row House (unit C))(total of 8 Dwellings) 13012 - 120 Street NW Project No.: 596013482-006
<hr/>				

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-25-094AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: Mikitecture

APPLICATION NO.: 591576227-002

APPLICATION TO: Construct a 69 m² addition to a mixed-use building connecting the Accessory building to the principal building and to amend the approved Landscape Plan

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 11, 2025

DATE OF APPEAL: June 18, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8820C - 92 Street NW

LEGAL DESCRIPTION: Condo Common Area (Plan 1420756)

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 bakery cannot operate without direct access from the kitchen.

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 2.10.2.3, a **Food and Drink Service** is a Permitted Use in the RS - Small Scale Residential Zone.

Under section 8.10, a **Food and Drink Service** means:

a development where the primary purpose is to sell prepared food and drinks to the public for consumption on or off-Site. This Use does not include Grocery Stores.

Typical examples include: cafes, juice bars, and restaurants.

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.

Site Coverage

Section 2.10.4.1.7 states:

- 4.1. Development must comply with Table 4.1:

Table 4.1 Site and Building Regulations			
Subsection	Regulation	Value	Symbol
Site Coverage			
4.1.7	Maximum Site Coverage	45%	-

Under section 8.20, **Site Coverage** means:

the total horizontal area on a Site:

- a. covered by buildings and structures that are 1.8 m or more in Height above Grade; or
- b. covered by a Parkade that is 1.0 m or more in Height above Grade.

This definition includes cantilevers, but does not include steps, eaves, cornices, or other similar projections.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.60.3.2 states: A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided for:

- 3.2.1. all development within the RS and RSF Zones;
- 3.2.2. any Single Detached Housing, Duplex Housing, or Semi-detached Housing development; and**
- 3.2.3. any Row Housing, Multi-unit Housing or Cluster Housing development up to 8 Dwellings in a residential Zone with a maximum Height of 12.0 m or less.

Under section 8.20, **Soft Landscaping** means:

Landscape materials that allow water infiltration and absorption into the ground to reduce stormwater runoff and to be capable of supporting living plants, such as trees, shrubs, flowers, grass, or other perennial ground cover. This does not include materials that prevent water infiltration or materials such as artificial turf, decking, bricks, and pavers.

Under section 8.20, **Landscaping** means:

the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns, gardens, and ornamental plantings;
- b. decorative Hard Surfacing elements in the form of patios, Pathways, and paths consisting of materials such as bricks, pavers, shale, crushed rock, or other suitable materials, excluding monolithic concrete and asphalt; and
- c. architectural elements such as decorative Fencing, walls, and sculpture.

Landscaping does not include decorative Hard Surfacing used for, or contained within, Parking Areas, Driveways, or vehicle access areas.

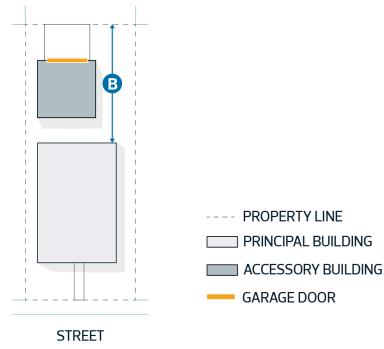
Rear Setback

Section 2.10.4.3 states:

- 4.3. Setbacks must comply with Table 4.3:

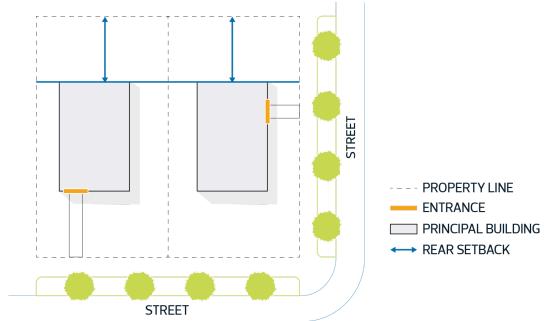
Table 4.3. Setback Regulations			
Subsection	Regulation	Value	Symbol
Rear Setback			
4.3.2.	Minimum Rear Setback	10.0 metres	B

Diagram for Subsection 4.3.2



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

the 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

- 1) **Site Coverage:** The proposed development has a 53% Site Coverage instead of the maximum 45% permitted (Subsection 2.10.4.1.7).
- 2) **Soft Landscaping:** The proposed development has a 21.7% Soft Landscape area instead of the minimum 30% required (Subsection 5.60.3.2.1).

Note: The existing Site is legal non-conforming as it has 26.4% Soft Landscape area, which is also less than the minimum required. The existing development was approved under Zoning Bylaw 12800, which did not have a minimum required Soft Landscape area requirement.

Development Permit 545816285-002 authorized a change of Use of the Ground Floor and conversion of the basement and second floor each into 2 Dwellings, and was granted in accordance with Subsection 7.100.4.2.

- 3) **Rear Setback:** The proposed Rear Setback is 5.5 m instead of 10 m (Subsection 2.10.4.3.2).

Note: The existing Site complies with the minimum Setback requirement. The development proposes to attach the principal building to the existing Accessory building resulting in a single structure that does not comply (Subsection 5.10.4).

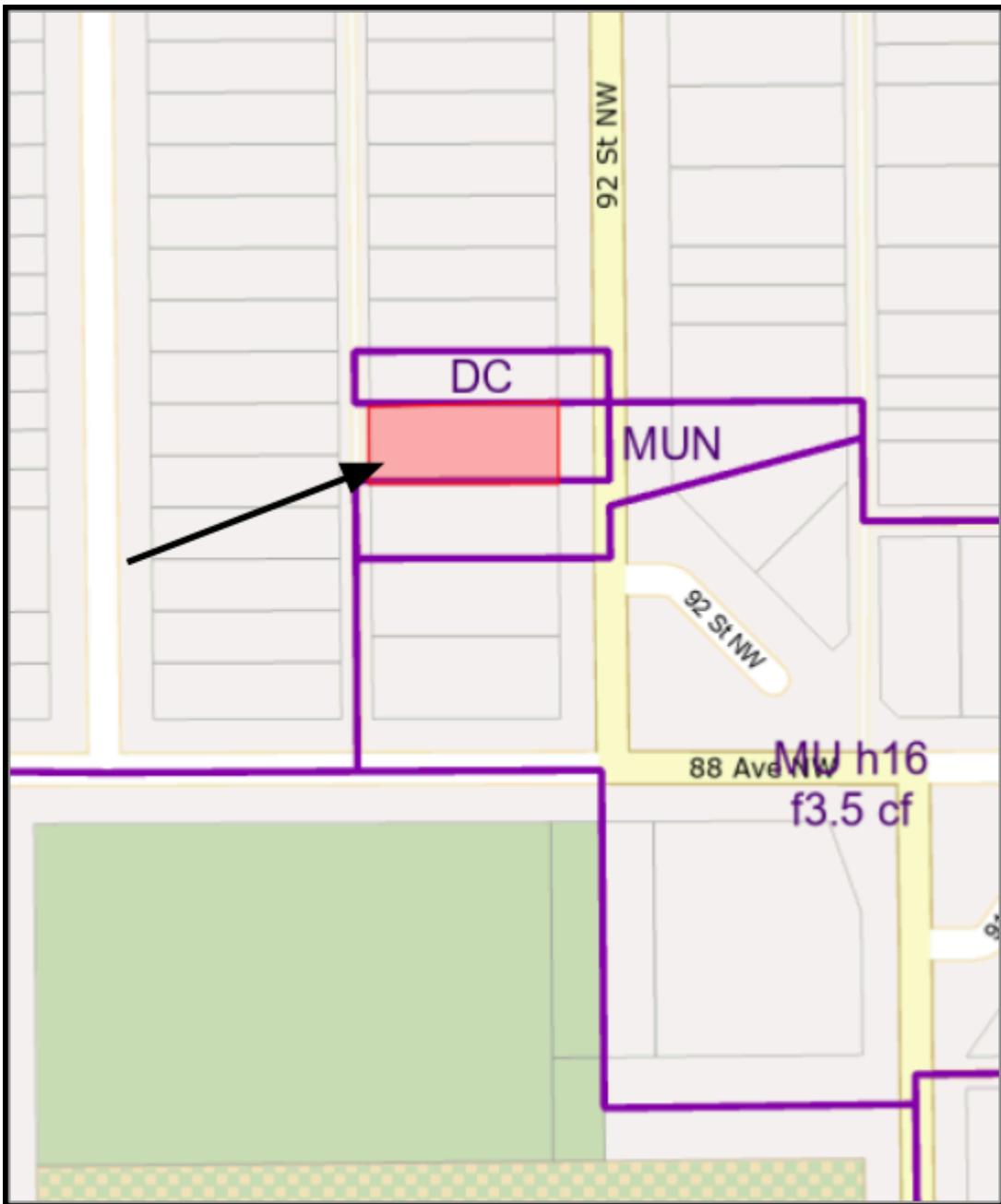
[unedited]

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: 591576227-002 Application Date: APR 28, 2025 Printed: June 11, 2025 at 1:09 PM Page: 1 of 2	
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Major Development 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) 8820C - 92 STREET NW Condo Common Area (Plan 1420756)		
Scope of Application To construct a 69 m ² addition to a mixed-use building connecting the Accessory building to the principal building and to amend the approved Landscape Plan.	Specific Address(es) Suite: 1, 8820 - 92 STREET NW Suite: 2FL1, 8820 - 92 STREET NW Suite: 2FL2, 8820 - 92 STREET NW Suite: 8820G - 92 STREET NW Suite: BSMT1, 8820 - 92 STREET NW Suite: BSMT2, 8820 - 92 STREET NW Entryway: 1, 8820 - 92 STREET NW Entryway: 2, 8820 - 92 STREET NW Entryway: 8820G - 92 STREET NW Building: 1, 8820 - 92 STREET NW Building: 8820G - 92 STREET NW		
	Details		
	Development Category: Lot Grading Needed: Y Number of Main Floor Dwellings: Site Area (sq. m.):	Gross Floor Area (sq.m.): New Sewer Service Required: Overlay: Statutory Plan:	
	Development Application Decision Refused		
	Issue Date: Jun 11, 2025 Development Authority: BUCCINO, SAMANTHA		
	Reason for Refusal 1) Site Coverage: The proposed development has a 53% Site Coverage instead of the maximum 45% permitted (Subsection 2.10.4.1.7). 2) Soft Landscaping: The proposed development has a 21.7% Soft Landscape area instead of the minimum 30% required (Subsection 5.60.3.2.1). Note: The existing Site is legal non-conforming as it has 26.4% Soft Landscape area, which is also less than the minimum required. The existing development was approved under Zoning Bylaw 12800, which did not have a minimum required Soft Landscape area requirement. Development Permit 545816285-002 authorized a change of Use of the Ground Floor and conversion of the basement and second floor each into 2 Dwellings, and was granted in accordance with Subsection 7.100.4.2.		
	3) Rear Setback: The proposed Rear Setback is 5.5 m instead of 10 m (Subsection 2.10.4.3.2). Note: The existing Site complies with the minimum Setback requirement. The development proposes to attach the principal		
	THIS IS NOT A PERMIT		
	P0702063		

Edmonton	Project Number: 591576227-002 Application Date: APR 28, 2025 Printed: June 11, 2025 at 1:09 PM Page: 2 of 2																									
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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>Lot Grading Fee</td><td style="text-align: center;">\$10.00</td><td style="text-align: center;">\$10.00</td><td style="text-align: center;">088331001001262</td><td style="text-align: center;">May 26, 2025</td></tr><tr><td>Major Dev. Application Fee</td><td style="text-align: center;">\$1,195.00</td><td style="text-align: center;">\$1,195.00</td><td style="text-align: center;">09584536</td><td style="text-align: center;">May 12, 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;"><hr style="border: 0; border-top: 1px solid black; margin-bottom: 2px;"/> \$1,205.00</td><td style="text-align: center;"><hr style="border: 0; border-top: 1px solid black; margin-bottom: 2px;"/> \$1,205.00</td><td></td><td></td></tr></tbody></table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Lot Grading Fee	\$10.00	\$10.00	088331001001262	May 26, 2025	Major Dev. Application Fee	\$1,195.00	\$1,195.00	09584536	May 12, 2025	Total GST Amount:	\$0.00				Totals for Permit:	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 2px;"/> \$1,205.00	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 2px;"/> \$1,205.00		
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THIS IS NOT A PERMIT																										
P0702003																										



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-094

▲ N

TO BE RAISEDITEM II: 10:30 A.M.FILE: SDAB-D-25-089**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER**

APPELLANT: Sinova Developments Inc.

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

Grounds for Appeal

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 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.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on June 30, 2025:

“That the appeal hearing be scheduled for July 16, 2025.”

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

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- (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,

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- (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;

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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 2.10.2.2, 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
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4.1.1	Minimum Site area per Dwelling	75.0 m2	-
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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

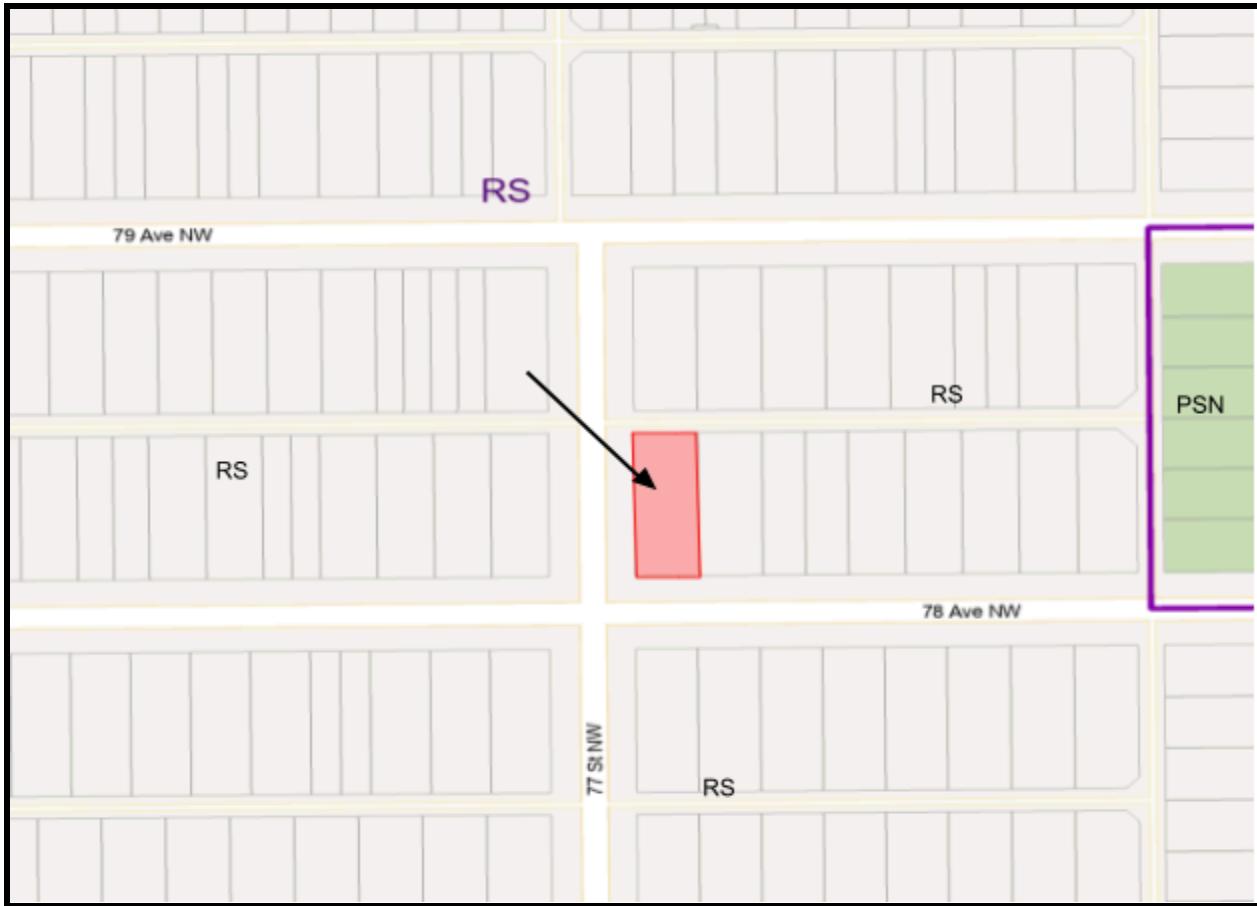
[unedited]

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.

		Project Number: 548751979-002 Application Date: DEC 11, 2024 Printed: June 2, 2025 at 9:37 AM Page: 1 of 2								
<h2>Application for Minor Development Permit</h2>										
<p>This document is a Development Permit Decision for the development application described below.</p>										
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"> <tr> <td>1. Titled Lot Zoning: RS</td> <td>2. Number of Principal Dwelling Units 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: RS	2. Number of Principal Dwelling Units 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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7. Neighbourhood Classification: Redeveloping	8. Development Category / Class of Permit:									
Development Application Decision Refused										
Issue Date: Jun 02, 2025 Development Authority: ANGELES, JOSELITO										
Reason for Refusal <p>Minimum Site area per Dwelling is 75.0 m². (Reference Section 2.10.4.1.1) Required Site Area for proposed 8 Dwellings: 600m² Proposed/Existing Site Area: 598.15m² Deficient by: 1.85m²</p>										
THIS IS NOT A PERMIT										
<small>P0702003</small>										

	Project Number: 548751979-002 Application Date: DEC 11, 2024 Printed: June 2, 2025 at 9:37 AM Page: 2 of 2																														
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P0702003																															



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-089



N

ITEM III: 1:30 P.M.FILE: SDAB-D-25-096AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: One Horizon Living

APPLICATION NO.: 596013482-006

APPLICATION TO: Add a Dwelling to an existing Residential Use building in the form of a 4 Dwelling Row House (Secondary Suite in the Basement of a 4 Dwellings Row House (unit C))(total of 8 Dwellings)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 17, 2025

DATE OF APPEAL: June 17, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 13012 - 120 Street NW

LEGAL DESCRIPTION: Plan 8661T Blk 4 Lot 4

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northwest District Plan

<i>Grounds for Appeal</i>

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

Dear Board Members,

I am writing to respectfully appeal the recent decision to deny the permit application for a legal secondary basement suite in the property referenced in the noted application. I urge the Board to reconsider this decision, as the proposed suite aligns with the City of Edmonton's goals for housing diversity, affordability, and efficient land use, and would do so without adverse impact on the neighborhood.

Minimal Structural Changes and No Negative Impact

The proposed suite requires only internal adjustments and the addition of a separate entrance between the main floor and secondary suite to convert a the current basement into a legal secondary suite. The overall structure of the home remains unchanged. No exterior additions, bulk increases, or major alterations are necessary. Furthermore, this modification maintains the design intent of the current development and preserves the neighborhood's character.

Parking Availability and Site Context

One of the key concerns often associated with secondary suites is parking congestion. In this case, that concern is not applicable. The subject property fronts a public park, meaning there are no residences directly across the street, and as a result, street parking is consistently available and underutilized. Furthermore, being promoted as subsidised housing, we will target individuals who use public transportation and otherwise have a small vehicle footprint. Additionally, the lot has a width of 50 feet, which provides ample physical space and flexibility for site functionality and vehicle accommodation.

Contribution to Affordable and Diverse Housing Options

The current property, a townhome, is being rented in its entirety at \$2,800 per month. By permitting a legal basement suite, we would be able to offer the lower-level unit at \$1,150/monthmaking it a cost-effective rental option for individuals or couples who may not otherwise have access to housing in this area. An added benefit would be reducing the main floor rent drastically to allow more cost effective rental options in the area. This adjustment promotes affordability without requiring new infrastructure or additional land use.

Support for City Goals and Strategic Plans

This appeal is not simply about rental income or unit count; it supports the broader planning principles the City of Edmonton has consistently advocated for. The legalization of a secondary suite on this property aligns with the City's vision to encourage diverse housing types and create complete communities. Infill development and adaptable housing options such as legal suites help address the affordability crisis while making efficient use of existing infrastructure and residential zoning.

Zero Disruption to the Surrounding Community

The addition of a legal suite would have no discernible negative impact on the surrounding neighborhood. The design, traffic, and visual appearance of the home would remain unchanged. There is no foreseeable increase in noise, congestion, or other nuisances. On the contrary, the creation of a legal suite provides a safer, code-compliant living option within a high-demand area, potentially alleviating pressure on less-regulated or illegal rentals.

Conclusion

In light of the above pointsminimal structural change, ample parking availability, alignment with housing affordability goals, and no negative community impactI kindly request that the Board overturn the initial refusal and allow the addition of a legal basement suite in the referenced permit application.

This appeal is made in good faith and with the intention of contributing positively to Edmontons urban growth, livability, and housing diversity. I welcome the opportunity to provide any additional information or documentation that may assist in your review.

Thank you for your time and consideration.

R. Nasserdeen.

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, **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.

Minimum Site area per Dwelling

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 m ²	-

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

Subsection 2.10.4.1.1 - Minimum Site Area per Dwelling is 75.0 m²

Required Site Area for 8 Dwellings: 600.0 m²

Proposed Site Area for 8 Dwellings: 579.9 m²

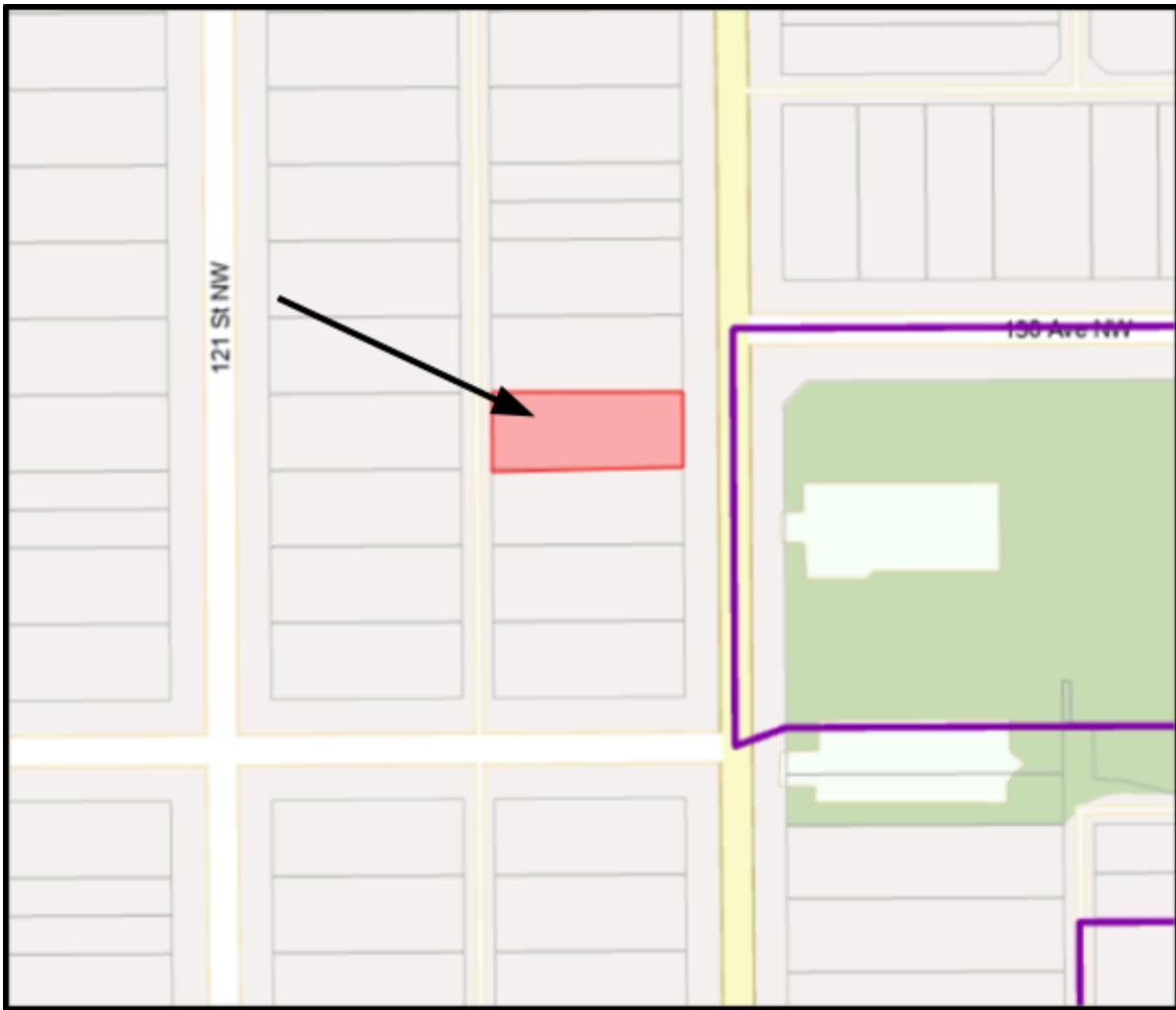
Deficient by 20.1 m²

[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: 596013482-006 Application Date: MAY 12, 2025 Printed: June 17, 2025 at 3:43 PM Page: 1 of 1																															
Application for Secondary Suite Permit																																	
<p>This document is a Development Permit Decision for the development application described below.</p>																																	
Applicant		Property Address(es) and Legal Description(s) 13012 - 120 STREET NW Plan 8661T Blk 4 Lot 4																															
Location(s) of Work		Suite: BSMT3, 13012 - 120 STREET NW Entryway: 3, 13012 - 120 STREET NW Building: 1, 13012 - 120 STREET NW																															
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-096



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