

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Thursday, 9:00 A.M.**

**July 17, 2025**

**Hearing Room No. 3**

**Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB**

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

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I     9:00 A.M.     SDAB-D-25-097

Change the Use from Warehouse Sales to a Major Alcohol Sales, and construct interior alterations

12016 - 107 Avenue NW  
Project No.: 596868819-002

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II    10:30 A.M.    SDAB-D-25-098

Change the use of an Indoor Sales and Service to a Health Service and Indoor Sales and Service (medical clinic and pharmacy), construct an addition (new vestibule) and exterior alterations (facade improvement)

10330 - 95 Street NW  
Project No.: 554312593-002

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**TO BE RAISED**

III   1:30 P.M.     SDAB-D-25-099

Erect a fence @ 1.7 (m) in Height in the Front Yard and 2.2 (m) in Height in the Rear Yard and left Side Yard

5208 - 94B Avenue NW  
Project No.: 597591650-002

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**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-25-097

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 596868819-002

APPLICATION TO: Change the Use from Warehouse Sales to a Major Alcohol Sales, and construct interior alterations

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 19, 2025

DATE OF APPEAL: June 19, 2025

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 12016 - 107 Avenue NW

LEGAL DESCRIPTION: Plan 9223242 Blk 20 Lot 1

ZONE: DC2.1070 - Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

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***Grounds for Appeal***

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

I respectfully submit this appeal to the Subdivision and Development Appeal Board (SDAB) regarding the refusal of the development permit for Canadas Finest Liquor, located at 12034 107 Avenue NW. While the refusal references non-compliance with Section 6.70 of the Edmonton

Zoning Bylaw, I submit that the proposal is consistent with the bylaws intent, and that precedent, planning rationale, and fairness justify approval.

1. Response to 6.70.1.1: 500m Separation from Liquor Stores

The cited separation deficiencies range from 11m to 83m. Section 6.70 is discretionary not absolute and the City has routinely approved similar or greater variances. For example, three stores operate at 23rd Ave & Rabbit Hill Road well within 500m of each other. Similarly, AV Liquor House operates within 500m of Connect Liquor and directly abuts a PS site. These approvals set precedent and foster a reasonable expectation of consistent, discretionary application.

2. Response to 6.70.1.3: 100m Distance from PS/PSN/A Zones

Though adjacent to a PSN-zoned site, Manchester Squares private security, lighting, and controlled access mitigate concerns around nuisance or conflict with sensitive uses. Comparable approvals exist across Edmonton:

Forest Heights Liquor (Capilano Ravine, A zone)

Local Liquor (Jackie Parker Park & Mill Woods Golf Course, PS)

Highlands Liquor (River Valley Highlands, A zone)

This reinforces the City's flexibility and lack of demonstrated harm in similar contexts.

3. Response to 6.70.3: Within Appendix I

The sites inclusion in Appendix I is noted, but so too are many of the precedent cases cited above. Approval in these instances demonstrates that inclusion in Appendix I does not preclude the use of discretion.

4. Response to 6.70.4: Site < 2.0 ha

While Manchester Square is 0.808 ha (below the exemption threshold), it was intentionally designed for boutique commercial uses. The project meets the spirit of the regulation by offering contextual fit, high-quality design, and internal site controls.

5. Compatibility with Surrounding Uses

Per Section 687(3)(d) of the Municipal Government Act, compatibility must consider use, scale, and impact not just distances. The site is zoned for commercial use, and the proposed business a curated store selling only Canadian-made alcohol complements rather than duplicates nearby offerings. It is not a high-volume discount outlet, but a boutique concept aligned with the districts character.

6. Support for Local Business and City Policy

Canada's Finest Liquor is Alberta's only all-Canadian liquor store, supporting local producers and offering educational tastings. It aligns with City goals to encourage entrepreneurship, support local manufacturing, and diversify economic activity in inner-city areas.

7. Administrative Fairness

Selective enforcement of Section 6.70 undermines public trust in planning. Where similar or more significant variances have been granted, applicants have a right to expect equitable treatment under similar conditions.

#### Conclusion

The shortfalls cited are modest and materially mitigated by context and site design. Numerous comparable or more substantial variances have been approved by the City. The project is compatible, consistent with policy, and supports broader municipal goals. I respectfully request that the SDAB overturn the refusal and approve the permit for Canadas Finest Liquor.

<b><i>General Matters</i></b>
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#### **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.

**685(4)** Despite subsections (1), (2), (2.1) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal may only be made to the subdivision and development appeal board and is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

<b><i>Zoning Bylaw 20001 - Part 7 - Administrative and Interpretative Clauses</i></b>
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**Section 7.10, *Repeal, Enactment and Transition Procedures*, states the following:**

1. Edmonton Zoning Bylaw 12800, as amended, is repealed.
2. The regulations of this Bylaw come into effect on January 1, 2024 (the "effective date").
3. The regulations of this Bylaw apply from the effective date onward:
  - 3.1 subject to the regulations for non-conforming Uses as outlined in the Municipal Government Act; and

- 3.2 despite the effect it might have on rights, vested or otherwise.
- 4. Regulations for zoning, land use, or development in any other Bylaw must not apply to any part of the city described in this Bylaw except as otherwise provided for in this Bylaw.
- 5. Development Permit applications must be evaluated under the regulations of this Bylaw as of the effective date, even if the application was received before this date.
- 6. Any Direct Control Zone regulations that were in effect immediately prior to the effective date of this Bylaw will continue to be in full force and effect and are hereby incorporated into Part 4 of this Bylaw.

**Section 7.20.4, *General Rules of Interpretation - Direct Control Zones and Existing Development Permits*, states the following:**

4.1. For the purpose of any Direct Control Zone passed on or before December 31, 2023:

4.1.1. the definitions of the listed Uses in the Direct Control Zone must be interpreted in compliance with either Land Use Bylaw 5996 as it appeared on June 13, 2001, or Zoning Bylaw 12800 as it appeared on December 31, 2023, whichever is applicable;

4.1.2. where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.1.3. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on December 31, 2023.

4.2. For the purpose of any Direct Control Zone passed on or after January 1, 2024:

4.2.1 where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.2.2. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on the date of decision for the Development Permit application.



4.3. Where there is a discrepancy between this Bylaw and any previous land use bylaw, the existing Direct Control Zone must not be interpreted to provide any additional rights than are otherwise contemplated in the Direct Control Zone.

4.4. For the purpose of any Development Permit issued on or before December 31, 2023, the Use identified in the permit is interpreted to have the same Use definition as set out in the applicable previous land use bylaw on the date on which the Development Permit was issued.

...

4.6. For all Direct Control Zones created prior to August 24, 1998, that contain Single Detached Housing, Semi-detached Housing, Duplex Housing or Secondary Suite as a listed Use:

4.6.1. the maximum number of Single Detached Housing Dwellings per Lot is 1;

4.6.2. the maximum number of Semi-detached Housing or Duplex Housing Dwellings per Site is 2; and

4.6.3. the maximum number of Secondary Suites per principal Dwelling is 1, unless specifically noted otherwise in the Direct Control Zone.

**Section 7.40, *Application of General and Specific Development Regulations*, states the following:**

1. General Development Regulations

1.1 The General Development Regulations in Part 5 apply to all developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

2. Specific Development Regulations

2.1 The Specific Development Regulations in Part 6 apply to specific developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

**Section 7.80, *Application of Direct Control Zones*, states the following:**

5.1 Unless specifically excluded or modified by a regulation of a Direct Control Zone, all regulations in the Zoning Bylaw apply to development in a Direct Control

Zone. Site plans and building elevations cannot exclude or modify regulations of the Zoning Bylaw.

**Section 7.100, *Authority and Responsibility of the Development Planner, Variance to Regulations*, states the following:**

4.3 A variance must not be granted for a Development Permit application within a Direct Control Zone except where the ability to grant a variance is specified:

4.3.1. within the Direct Control Zone;

4.3.2. within an applicable regulation of a previous land use bylaw where such regulation has been referred to in the Direct Control Zone; or

4.3.3. within an applicable regulation of this Bylaw.

4.4. In the case of a conflict between Subsection 4.3 and the applicable Direct Control Zone, the Development Planner must comply with the provisions of the applicable Direct Control Zone.

**General Provisions from the DC2.1070 - Site Specific Development Control Provision (Charter Bylaw 18918) - ("DC2")**

Under section DC2.1070.3.20, a **Major Alcohol Sales** is a **Listed Use** in the **DC2**.

Section DC2.1070.1 states that the **General Purpose** of the **DC2** is:

To allow for a mixed commercial and industrial area where no nuisance is created or apparent outside an enclosed building.

**General Provisions from the Edmonton Zoning Bylaw 12800:**

Section 3.2(1)(l) states "a Major Alcohol Sales is deemed to be Liquor Stores."

Under Section 7.4(30), **Liquor Store** means:

development used for the retail sale of any and all types of alcoholic beverages to the public for off-site consumption. This Use may include retail sales of related products such as soft drinks and snack foods.

**General Provisions from the Zoning Bylaw 20001:**

Under section 8.10, **Liquor Store** means:

a development where the primary purpose is to sell alcoholic drinks and other related products for off-Site consumption.

***Section 6.70 of the Zoning Bylaw 20001 - Liquor Stores***

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

**Table 1. Minimum Separation Distance**

Subsection	From approved or existing:	500 m (store to store)	100 m ( <u>Site</u> to <u>Site</u> )
1.1.	<u>Liquor Stores</u>	x	
1.2.	<u>Schools</u> , limited to primary and secondary		x
	From <u>Sites</u> <u>Zoned</u> :		
1.3.	<u>PS</u> , <u>PSN</u> , or <u>A</u>		x

2. For the purposes of Subsection 1, when measuring separation distances:
  - 2.1 from Site to Site, the distance is measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and not Zone boundaries; and
  - 2.2 from store to store, the distance is measured from the closest point of the Liquor Store to the closest point of another Liquor Store.

**Diagram for Subsection 2**



3. Despite Subsection 1.1, the minimum separation distance required between Liquor Stores does not apply to Sites located outside of the boundary shown in Appendix I, if:

3.1 at least 1 Liquor Store is located on a Site greater than or equal to 2.5 ha that is Zoned CG, CB, MU, or Direct Control; and

3.2 the Liquor Stores are located on separate Sites.

4. No variance to Subsection 1 is permitted, except that, at the discretion of the Development Planner, the minimum separation distance to another Liquor Store may be varied to accommodate the temporary relocation of an approved Liquor Store within 500 m of its original location, where:

4.1 the temporary location is not within 500 m of any other Liquor Store with a valid Development Permit;

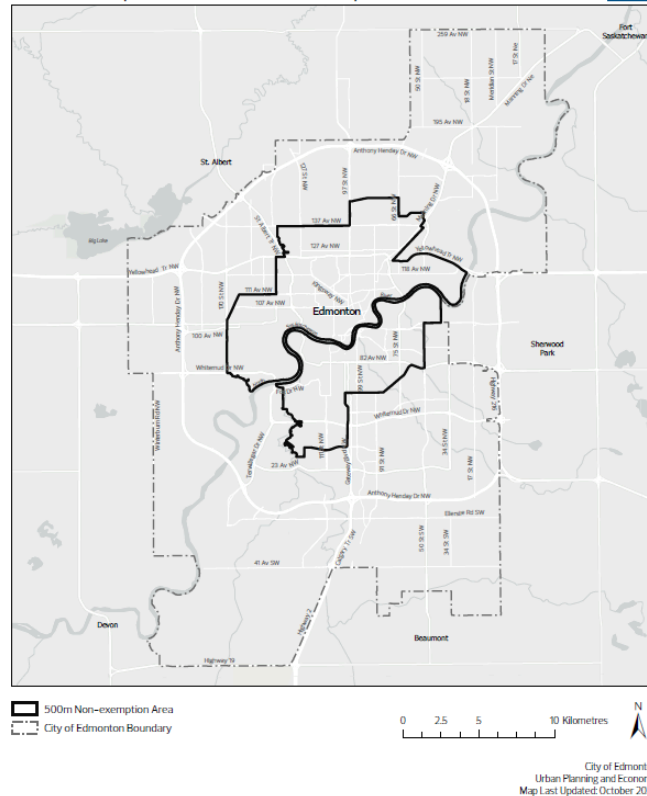
4.2 the Floor Area of the temporary location is not more than 50.0 m<sup>2</sup> larger than the total Floor Area of the original Liquor Store;

4.3 the Development Permit is issued for a duration of 5 years or less; and

4.4 the Development Permit expires upon the relocation of the existing approved Liquor Store back to its original location.

## Appendix I

Appendix I: Liquor Stores  
Non-exemption Area to 500m Separation Distance



### Development Planner's Determination

**1) Subsection 6.70.1.1: The minimum separation distance between the proposed Major Alcohol Sales use and approved or existing liquor stores is 500m (from store to store).**

**There are 4 approved or existing liquor stores within 500m of the proposed liquor store, including:**

**103447411-001; 12405 107 Ave NW (My Liquor Store)**

**Proposed separation distance: 417m**

**Deficient by 83m**

**151095030-001; 10505 123 Street NW (City Cellars)**

**Proposed separation distance: 418m**

**Deficient by 82m**

**379711853-002; 10838 124 Street NW (Westmount Liquor Hub)**

**Proposed separation distance: 442m**

**Deficient by 58m**

**303461903-001; 11904 104 Ave NW (Wine and Beyond)**

**Proposed separation distance: 489m  
Deficient by 11m**

**2) Subsection 6.70.1.3: The minimum separation distance between the proposed Major Alcohol Sales use and from sites zoned PS, PSN or A is 100m (from site to site).**

**There is a site zoned PSN 0m from the site with the proposed Major Alcohol Sales use:**

**Proposed separation distance: 100m  
Deficient by 100m**

**3) Subsection 6.70.3: The minimum separation distance required between Liquor Stores does not apply to Sites located outside of the boundary shown in Appendix I.**

**The proposed site is within the Appendix I.**

**4) Subsection 6.70.4: The minimum separation distance required between a Liquor Store and the PS, PSN, or A Zones, does not apply where the Liquor Store is located on a Site that is greater than 2.0 ha in size and zoned either MU, CG, or Direct Control.**

**The proposed site is less than 2.0ha (it is 0.808ha, deficient by 1.192ha).**


[unedited]


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Notice to Applicant/Appellant

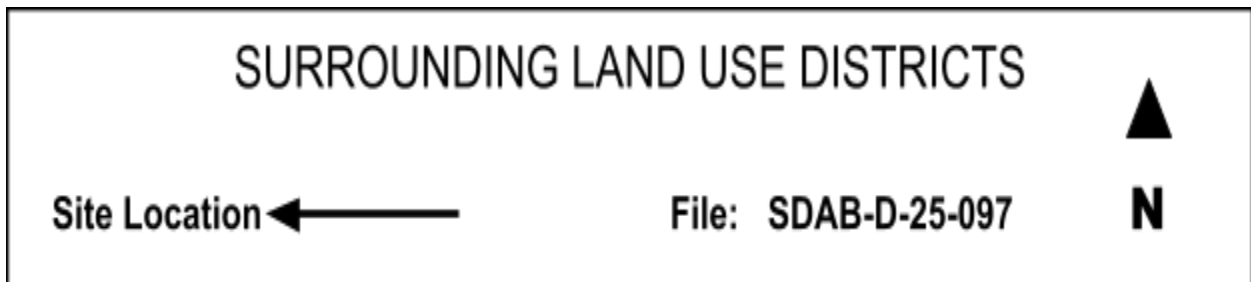
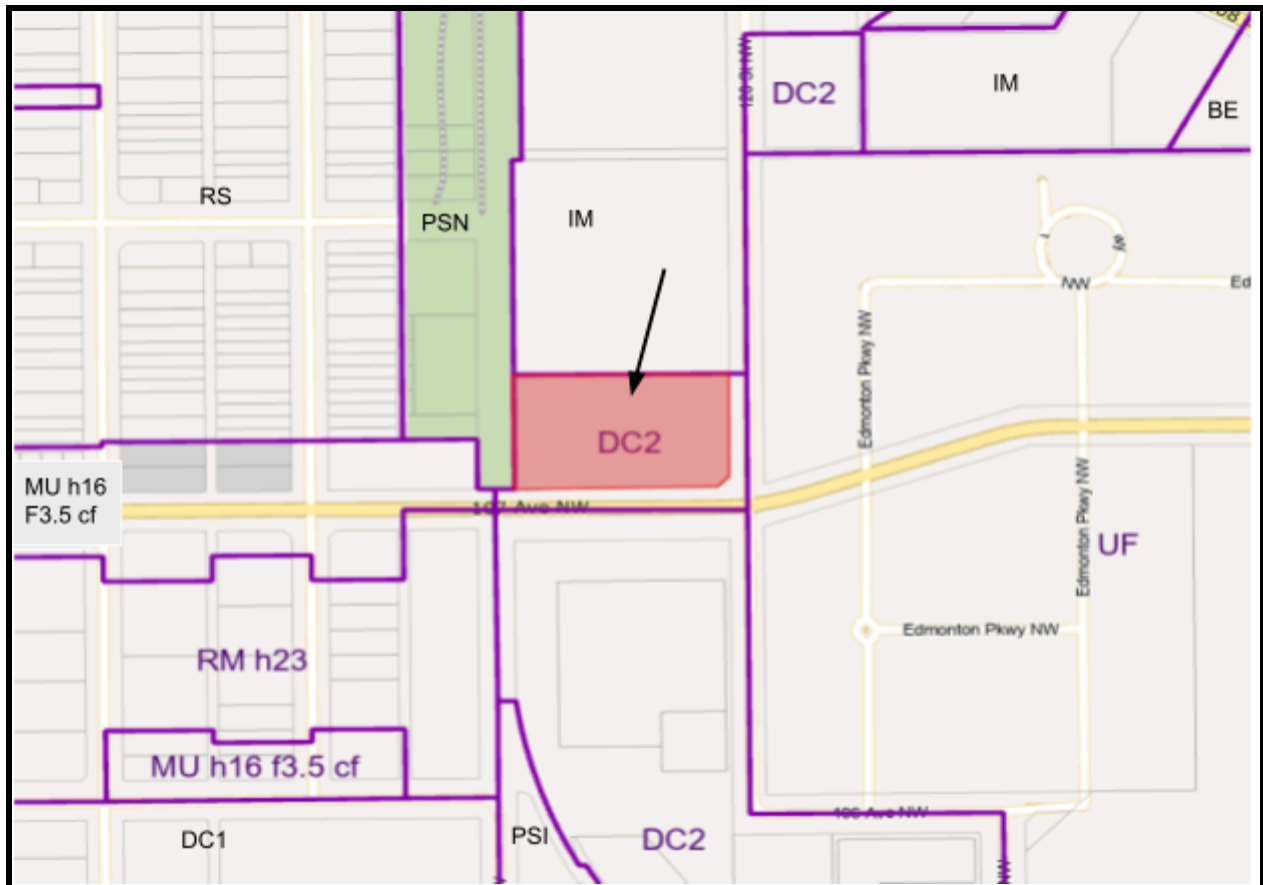
Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

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	<div> <div>Project Number: <b>596868819-002</b></div> <div>Application Date: MAY 12, 2025</div> <div>Printed: June 19, 2025 at 3:30 PM</div> <div>Page: 1 of 2</div> </div>			
<h2>Application for Major Development Permit</h2>				
<p>This document is a Development Permit Decision for the development application described below.</p>				
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 12016 - 107 AVENUE NW Plan 9223242 Blk 20 Lot 1  <b>Specific Address(es)</b> Suite: 12034 - 107 AVENUE NW Entryway: 12034 - 107 AVENUE NW Building: 10718 - 120 STREET NW			
<b>Scope of Application</b> To change the Use from Warehouse Sales to a Major Alcohol Sales, and construct interior alterations.				
<b>Details</b>  <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">           Development Category:            Lot Grading Needed?: N            NumberOfMainFloorDwellings:            Site Area (sq. m.): 8081.19         </td> <td style="width: 50%;">           Gross Floor Area (sq.m.):            New Sewer Service Required: N            Overlay:            Statutory Plan:         </td> </tr> </table>			Development Category: Lot Grading Needed?: N NumberOfMainFloorDwellings: Site Area (sq. m.): 8081.19	Gross Floor Area (sq.m.): New Sewer Service Required: N Overlay: Statutory Plan:
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<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Jun 19, 2025 <b>Development Authority:</b> PIORKOWSKI, THERESA  <b>Reason for Refusal</b> 1) Subsection 6.70.1.1: The minimum separation distance between the proposed Major Alcohol Sales use and approved or existing liquor stores is 500m (from store to store).  There are 4 approved or existing liquor stores within 500m of the proposed liquor store, including:  103447411-001; 12405 107 Ave NW (My Liquor Store) Proposed separation distance: 417m Deficient by 83m  151095030-001; 10505 123 Street NW (City Cellars) Proposed separation distance: 418m Deficient by 82m  379711853-002; 10838 124 Street NW (Westmount Liquor Hub) Proposed separation distance: 442m Deficient by 58m  303461903-001; 11904 104 Ave NW (Wine and Beyond) Proposed separation distance: 489m Deficient by 11m  2) Subsection 6.70.1.3: The minimum separation distance between the proposed Major Alcohol Sales use and from sites zoned PS, PSN or A is 100m (from site to site).  There is a site zoned PSN 0m from the site with the proposed Major Alcohol Sales use:				
<b>THIS IS NOT A PERMIT</b>				

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: <b>596868819-002</b> Application Date: MAY 12, 2025 Printed: June 19, 2025 at 3:30 PM Page: 2 of 2																				
<p>Proposed separation distance: 100m Deficient by 100m</p> <p>3) Subsection 6.70.3: The minimum separation distance required between Liquor Stores does not apply to Sites located outside of the boundary shown in Appendix 1.</p> <p>The proposed site is within the Appendix 1.</p> <p>4) Subsection 6.70.4: The minimum separation distance required between a Liquor Store and the PS, PSN, or A Zones, does not apply where the Liquor Store is located on a Site that is greater than 2.0 ha in size and zoned either MU, CG, or Direct Control.</p> <p>The proposed site is less than 2.0ha (it is 0.808ha, deficient by 1.192ha).</p> <p><b>Rights of Appeal</b>          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.</p>																						
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Fees</th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">\$410.00</td> <td style="text-align: right;">180525001001986</td> <td style="text-align: right;">May 22, 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;">\$410.00</td> <td style="text-align: right; border-top: 1px solid black;">\$410.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fees	Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$410.00	\$410.00	180525001001986	May 22, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$410.00	\$410.00		
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P0702003																						





ITEM II: 10:30 A.M.

FILE: SDAB-D-25-098

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 554312593-002

APPLICATION TO: Change the use of an Indoor Sales and Service to a Health Service and Indoor Sales and Service (medical clinic and pharmacy), construct an addition (new vestibule) and exterior alterations (facade improvement)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 22, 2025

DATE OF APPEAL: June 17, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 10330 - 95 Street NW

LEGAL DESCRIPTION: Plan ND Blk 9 Lots 6-8

ZONE: RM - Medium Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: The Quarters Downtown Area Redevelopment Plan

DISTRICT PLAN: Central District Plan

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<i><b>Grounds for Appeal</b></i>
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The Appellant provided the following reasons for appealing the decision of the Development Authority:

I reside in the area of the proposed development of a Medical Clinic/Pharmacy on 10330 95thst Edmonton, Alberta. I have made contact with the SDAB and with Sm a nth a Buccino who have directed me to your department. We have only recently been informed of this permit for development as of June 7, 2025. I have contacted other persons and businesses, and they say that have not received any information regarding this matter. Our major concerns are that we already have four pharmacies in a few blocks' radius. Most of these businesses could not sustain a Medical Clinic/Pharmacy as an additive to this area. A development of this nature would more than likely cause closure and loss of livelihood to these similar corporations and the persons employed within. The other matter would be the management of such a clinic. If you were to oversee an existing clinic on 96st call Radius Medical Clinic you would recognize the problems that evolve in street people being attracted to such a service. I am a patient of that clinic and when I attend my appointments there, I must weave my way through persons actively and openly using illicit drugs with abandon. The Doctors that purchased the said property of 10330 95st also purchased 10324, 10322 10320 and 10318 95st. Please find attached photographs of how they have been managing the properties since mid-February 2025. I have been steadily working to improve this area of the city for more than nineteen years and just this year we have noticed an improvement in crime and the lack of interest of the street people to peruse this area. This has been done collectively with the local businesses and residents. Putting a clinic of this magnitude would be problematic and unsafe for the vulnerable residents in the rooming houses, private dwellings and the clients of Edmonton Persons in Need Shelter Society. It has become apparent to all of us in this area that we must sustain our needs on our own. We ask that this Tribunal take this statement in careful consideration. Our neighborhood depends on it. Please also find attached a photograph of Radius Medical Clinic on 96st and of a foodbank service between 10330 and 10324 95st to truly appreciate this document.

<b><i>General Matters</i></b>
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**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,
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### **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.

#### **Non-conforming use and non-conforming buildings**

**643(1)** If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

**(2)** A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more,

any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

**General Provisions from the Zoning Bylaw 20001:**

Under section 2.40.2.5, a **Health Service** is a **Permitted Use** in the **Medium Scale Residential Zone**.

Under section 8.10, a **Health Service** means:

A development that provides physical or mental health services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature.

Typical activities include: medical and dental offices, health clinics and counseling services.

Under section 2.40.2.6, an **Indoor Sales and Service** is a **Permitted Use** in the **Medium Scale Residential Zone**.

Under section 8.10, an **Indoor Sales and Service** means:

A development where a business offers sales and services such as retail, personal service, or commercial school activities inside a building.

Typical examples include: animal clinics, art studios, commercial schools, hair salons, indoor markets, pharmacies, retail stores, tailor shops, and tattoo parlours.

Section 2.40.1 states that the **Purpose** of the **RM - Medium Scale Residential Zone** is:

To allow for multi-unit Residential development that ranges from approximately 4 to 8 Storeys and may be arranged in a variety of configurations. Single Detached Housing, Semi-detached Housing, and Duplex Housing are not intended in this Zone unless they form part of a larger multi-unit Residential development. Limited opportunities for community and commercial development are permitted to provide services to local residents.

#### ***Additional Regulations for Specific Uses***

Section 2.40.3.4 states Food and Drink Services, Health Services, Indoor Sales and Services, Minor Indoor Entertainment and Offices

3.4.1. Developments must only be located on the Ground Floor of residential buildings.

3.4.2. The maximum Floor Area is 300 m<sup>2</sup> per individual establishment.

#### **Development Planner's Determination**

**1) The Health Service and Indoor Sales and Service Uses are in a standalone building instead of in a residential building.**

**2) The Floor Area for the Health Service and Indoor Sales and Service use is 536 m<sup>2</sup> instead of a maximum 300 m<sup>2</sup>.**

[unedited]

#### ***Non-conforming building***

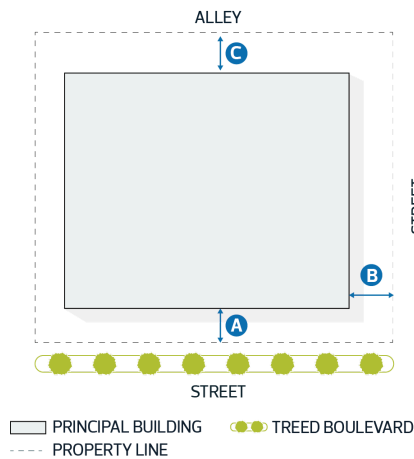
Section 7.100.4.2 states “The Development Planner may approve a Development Permit application, with or without conditions, for an enlargement, alteration or addition to a non-conforming building by granting a variance in compliance with Subsections 5 and 6.”

Section 2.40.4.4.5 states:

4.4. Development must comply with Table 4.4:

Table 4.4. Building Regulations			
Subsection	Regulation	Value	Symbol
Site Coverage			
4.4.5.	Minimum Setback	3.0 m	C

Diagram for Subsections 4.4.2, 4.4.3, and 4.4.5



Section 2.40.5.2.1 states To promote pedestrian interaction and safety, Ground Floor non-Residential Facades must comply with the following:

5.2.1. Where a Facade faces a Street, a minimum of 50% of the Facade area between 1.0 m and 2.0 m above ground level must be windows.

#### Development Planner's Determination

3) The building no longer conforms to current zoning regulations, which may have changed since it was originally constructed, and is therefore considered a non-conforming building (Subsection



**7.100.4.2). The existing building does not comply with the following regulations:**

**3.a) The building 1.5 m from the Alley instead of 3.0 m (Subsection 2.40.4.4.5),**

**3.b) The existing Facades facing the Street do not have a minimum of 50% of the Facade area between 1.0 m and 2.0 m above ground level as windows (Subsection 2.40.5.2.1).**


[unedited]

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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.

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	Project Number: <b>554312593-002</b> Application Date: JAN 02, 2025 Printed: June 11, 2025 at 2:15 PM Page: 1 of 4		
<h2>Major Development Permit</h2>			
<p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.</p>			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10330 - 95 STREET NW Plan ND Blk 9 Lots 6-8		
	<b>Specific Address(es)</b> Suite: 2FL, 10330 - 95 STREET NW Entryway: 10330 - 95 STREET NW Building: 10330 - 95 STREET NW		
<b>Scope of Permit</b> To change the use of an Indoor Sales and Service to a Health Service and Indoor Sales and Service (medical clinic and pharmacy), construct an addition (new vestibule) and exterior alterations (facade improvement).			
<b>Details</b> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">           Development Category: Discretionary Development            Lot Grading Needed?: Y            NumberOfMainFloorDwellings:            Site Area (sq. m.):         </td> <td style="width: 50%;">           Gross Floor Area (sq. m.):            New Sewer Service Required:            Overlay:            Statutory Plan:         </td> </tr> </table>		Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: Site Area (sq. m.):	Gross Floor Area (sq. m.): New Sewer Service Required: Overlay: Statutory Plan:
Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: Site Area (sq. m.):	Gross Floor Area (sq. m.): New Sewer Service Required: Overlay: Statutory Plan:		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> May 22, 2025 <b>Development Authority:</b> BUCCINO, SAMANTHA <b>Subject to the Following Conditions</b> <ol style="list-style-type: none"> <li>1) This Development Permit authorizes the change of Use of an Indoor Sales and Service to a Health Service and Indoor Sales and Service (medical clinic and pharmacy), construction of a new vestibule, and exterior alterations including facade and Site improvements.</li> <li>2) The development must be constructed in accordance with the approved plans. Any revisions to the approved plans require a separate Development Permit application.</li> <li>3) The Development Permit is not valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled (Subsection 7.190.2.1.1).</li> <li>4) This Development Permit is NOT valid until the notification period expires (Subsection 7.160.1.3 and Section 7.170).</li> <li>5) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into an Agreement with the City for the following improvements:             <ol style="list-style-type: none"> <li>a) Narrowing of the existing site commercial crossing access to 95 Street, located approximately 0.5 m from the south property line, with removal of the north portion of the existing access to reduce the width of the access to an approximately 3.7 m wide one-way inbound (westbound) only access, construction of a new north access flare, construction of monowalk, and restoration of the boulevard; and,</li> <li>b) The removal of the existing concrete within the 95 Street boulevard and restoration of the boulevard for an approximate area of 24m<sup>2</sup>.</li> </ol> </li> </ol> <p>Please email <a href="mailto:development.coordination@edmonton.ca">development.coordination@edmonton.ca</a> to initiate the required Agreement. Following this, any further questions</p>			
P0702003			



Project Number: **554312593-002**  
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## Major Development Permit

regarding this Agreement may be directed to Esther Anderson (780-944-7773) of the Development Servicing Agreements Unit.

Also:

Engineering Drawings are not required for the Agreement. However, construction must meet the City of Edmonton Complete Street Design and Construction Standards.

This Agreement will require a deposit to act as security on this Agreement. The City requires a Security Deposit in the amount of \$13,000.00 to cover 100% of construction costs. However, based on the City's "GUIDELINES FOR ESTABLISHING SECURITY IN SERVICING AGREEMENT" the amount may be adjusted based upon the owner's previous development history with the City.

The applicant must contact Trevor Singbeil of Development Inspections at 780-496-7019 72 hours prior to removal or construction within City road right-of-way.

Zoning Conditions:

6) A maximum of 10% of the Facade area windows facing a Street may be covered by non-transparent material. The remainder must be clear, non-reflective and free from obstruction (Subsection 2.40.5.2.2).

7) Waste collection areas, open storage areas, and outdoor service areas, including loading, unloading, or vehicle service areas, must be screened from view from Abutting Streets (Subsection 5.60.4.7 and Subsection 5.60.5.4).

8) Pathways connecting the main building entrances to adjacent sidewalks must be a minimum width of 1.8 m (Subsection 5.80.3.1.2).

9) All mechanical equipment, except for Solar Collectors, must be concealed by screening in a manner compatible with the architectural character of the building or by incorporating it within the building (Subsection 5.120.1.1.2).

10) Outdoor lighting must be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance. It must also generally be directed downwards, except where directed towards the Site or architectural features located on the Site. Outdoor lighting must be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways, and must not interfere with the function of traffic control devices (Subsection 5.120.3).

Transportation Conditions:

11) One-way signage must be installed on private property at the one-way inbound access from 95 Street and at the west end of the one-way drive aisle near the alley. The signage is to be installed at the cost of the owner/applicant.

12) Permanent objects including concrete steps, ramps, railings, fencing, planters, etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property.

13) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <https://utilitiesafety.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant. (To be included in all responses where there may be work within road right-of-way.)

14) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

the start/finish date of project;  
 accommodation of pedestrians and vehicles during construction;  
 confirmation of lay down area within legal road right of way if required;  
 and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.  
 It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:



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## Major Development Permit

[https://www.edmonton.ca/business\\_economy/oscarn-permit-request.aspx](https://www.edmonton.ca/business_economy/oscarn-permit-request.aspx)  
 (Do not apply if road is not FAC'd)

15) Any alley, sidewalk, and/or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner. The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction of the access.

### Subject to the Following Advisements

#### Zoning Advisements:

1) Unless otherwise stated, all above references to "section numbers" or "subsection numbers" refer to the authority under the Zoning Bylaw.

2) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

3) An issued Development Permit means that the proposed development has been reviewed against the provisions of the Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

4) Any proposed change from the original issued Development Permit is subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

5) A Building Permit may be required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

6) All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see [https://www.edmonton.ca/residential\\_neighbourhoods/gardens\\_lawns\\_trees/public-tree-permit](https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit). All new installations, above and below ground, within 5m of a City tree require forestry consultation.

7) In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.

8) City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage. A site mechanical plan stamped by a professional engineer showing water and sewer services, stormwater management calculations and the proposed lot grading design must be submitted to EPCOR Infill Water and Sewer Servicing for review. Following EPCOR's review, the grading plan is forwarded to Development Services for final review and approval. New plan submissions can be made via EPCOR's Builder and Developer web portal in My Account. Visit [epcor.com/newconnection](http://epcor.com/newconnection) and click 'ONLINE APPLICATION' for instructions on the plan submission process. The lot must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for review and approval.

9) Signs require separate Development Permit application(s).

10) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.



Project Number: **554312593-002**  
 Application Date: JAN 02, 2025  
 Printed: June 11, 2025 at 2:15 PM  
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## Major Development Permit

### Fire Rescue Services Advisements:

11) Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal, however, we have the following advice for your implementation and information:

The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be provided to the fire department as the authority having jurisdiction. Edmonton Fire Rescue Services may review your plan prior to a site visit and/or at the initial construction site safety inspection upon commencement of construction.

Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan

Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).

A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).

You can locate a copy of the FSP guide for your reference here:

<https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771>

Please send ALL FRS DP review inquiries to [cmsfpts@edmonton.ca](mailto:cmsfpts@edmonton.ca)

### Variances

- 1) The Health Service and Indoor Sales and Service Uses are in a standalone building instead of in a residential building.
- 2) The Floor Area for the Health Service and Indoor Sales and Service use is 536 m2 instead of a maximum 300 m2.
- 3) The building no longer conforms to current zoning regulations, which may have changed since it was originally constructed, and is therefore considered a non-conforming building (Subsection 7.100.4.2). The existing building does not comply with the following regulations:
  - 3.a) The building 1.5 m from the Alley instead of 3.0 m (Subsection 2.40.4.4.5),
  - 3.b) The existing Facades facing the Street do not have a minimum of 50% of the Facade area between 1.0 m and 2.0 m above ground level as windows (Subsection 2.40.5.2.1).

### Rights of Appeal

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

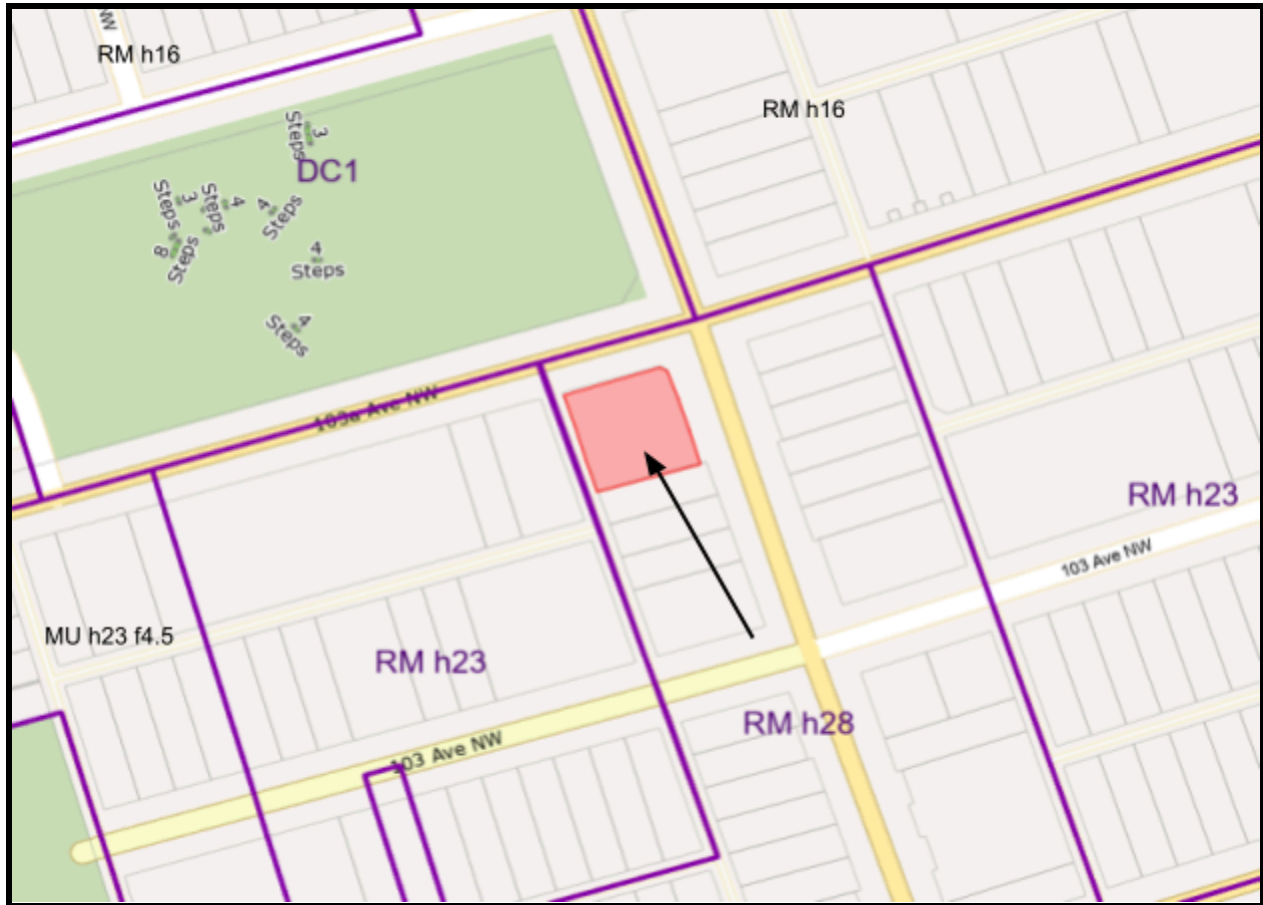
**Notice Period Begins:** May 29, 2025

**Ends:** Jun 19, 2025

### Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$490.00	\$490.00	09396745	Jan 29, 2025
Major Dev. Application Fee	\$1,195.00	\$1,195.00	09396745	Jan 29, 2025
Development Permit Inspection Fee	\$560.00	\$560.00	09396745	Jan 29, 2025
Variance Fee	\$298.75	\$298.75	603570001001951	Apr 07, 2025
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,543.75	\$2,543.75		





**TO BE RAISED**

**ITEM III: 1:30 P.M.**

**FILE: SDAB-D-25-099**

**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER**

APPELLANT:

APPLICATION NO.: 597591650-002

APPLICATION TO: Erect a fence @ 1.7 (m) in Height in the Front Yard and  
2.2 (m) in Height in the Rear Yard and left Side Yard

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 4, 2025

DATE OF APPEAL: June 10, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 5208 - 94B Avenue NW

LEGAL DESCRIPTION: Plan 6258KS Blk 6 Lot 28

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:

Have fence up already and just being harassed. Don't want my view blocked in front as no other houses are blocked.

<b><i>General Matters</i></b>
-------------------------------

**Appeal Information:**

**The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on June 18, 2025:**

**“That the appeal hearing be postponed to July 17, 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

- (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:

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.”

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

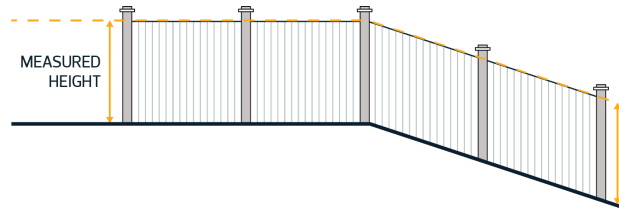
To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

<b><i>Fence Height</i></b>
----------------------------

Section 5.100.2.1 states:

The Height of a Fence is measured from the highest point along the portion of a Fence, excluding structural posts, to the finished ground surface directly beneath the Fence at that point.

**Diagram for Subsection 2.1**

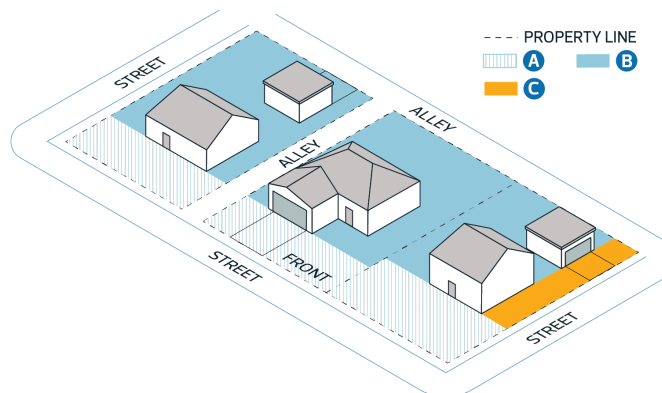


Section 5.100.2.2 states:

**Maximum Fence Height must comply with Table 2.2:**

**Table 2.2 Fence Height Regulations**

Subsection	Regulation	Value	Symbol
2.2.1.	Maximum Height in Front Yard	1.3 m	A
2.2.2.	Maximum Height in all other Yards	2.0 m	B



Section 5.100.2.3 states:

Despite Subsection 6.1.1 of Section 7.100, to provide additional screening from Nuisances from Abutting Sites or Streets, the Development Planner may vary the Height of a Fence, or a portion of a Fence, in compliance with the following:

- 2.3.1. Where the maximum Height of a Fence is 1.3 m, it may be varied up to a maximum Height of 2.0 m.
- 2.3.2. Where the maximum Height of a Fence is 2.0 m, it may be varied up to a maximum Height of 2.6 m.

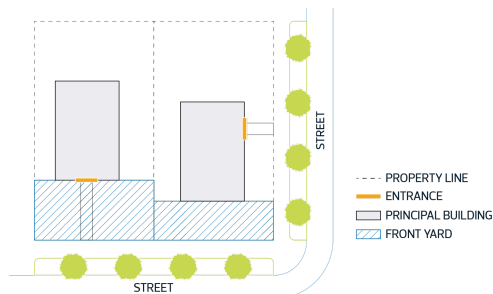
Under section 8.20, **Accessory** means “Accessory means a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

Under section 8.20, **Fence** means “Fence means a structure that is constructed at ground level and used to prevent or restrict passage, mark a boundary, or provide visual screening, noise reduction, or Landscaping. A Fence is not a Privacy Screen.”

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.”

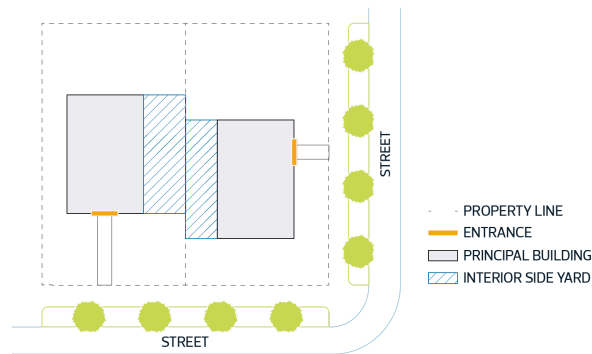
Under section 8.20, **Front Yard** means:

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.



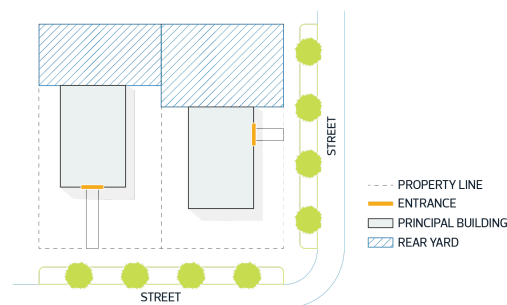
Under section 8.20, **Interior Side Yard** means:

the portion of a Site Abutting an Interior Side Lot Line, extending between the Front Yard and the Rear Yard, and located between the Interior Side Lot Line and the nearest wall of the principal building, not including projections.



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

the portion of a Site Abutting the Rear Lot Line, extending across the full width of the Site, and located between the Rear Lot Line and the nearest wall of the principal building, not including projections or Backyard Housing.



### **Development Planner's Determination**

**Fence Height - The fence in the Front Yard along the left Side Property Line is 1.7 m high, instead of 1.3 m (Subsection 5.100.2.2.1).**

**Fence Height - The fence along left Side Yard and Rear Yard is 2.2 m high, instead of 2.0 m (Subsection 5.100.2.2.2).**


[unedited]


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### **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.

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		Project Number: <b>597591650-002</b> Application Date: MAY 13, 2025 Printed: June 4, 2025 at 3:11 PM Page: 1 of 2	
		<h2>Overheight Fence Permit</h2>	
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.			
<b>Applicant</b>  <b>Project Name:</b> Over Hight Fence Project		<b>Property Address(es) and Legal Description(s)</b> 5208 - 94B AVENUE NW Plan 6258KS Blk 6 Lot 28	
		<b>Location(s) of Work</b> Suite: 5208 - 94B AVENUE NW Entryway: 5208 - 94B AVENUE NW Building: 5208 - 94B AVENUE NW	
<b>Scope of Permit</b> To erect a fence @ 1.7 (m) in Height in the Front Yard and 2.2 (m) in Height in the Rear Yard and left Side Yard.			
<b>Details</b>			
Development Category: Discretionary Development Site Area (sq. m.): 511.02		Overlay: Statutory Plan:	
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Jun 04, 2025 <b>Development Authority:</b>			
<b>Subject to the Following Conditions</b> This Development Permit is NOT valid until the notification period expires as specified Section 7.190.  This Development Permit authorizes the construction of a fence @ 1.7 m in Height in the Front Yard and 2.2 m in Height in the Rear Yard and left Side Yard.  The development must be constructed in accordance with the approved drawings.  The fence must be installed entirely on the subject property.  The fence must not impede any sightlines for vehicular or pedestrian traffic.  Immediately upon completion of the addition, the Site must be cleared of all debris.  As far as reasonably practicable, the design and use of exterior finishing materials used must be similar to, or better than, the standard of surrounding development (Subsection 5.120.1.1.1).  Fences that contain, or are constructed of, hazardous materials such as barbed wire, are not permitted (Subsection 5.120.1.1.5).			
<b>General Advisements</b>  Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw.  An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).			
P0762003			

	Project Number: <b>597591650-002</b> Application Date: <b>MAY 13, 2025</b> Printed: <b>June 4, 2025 at 3:11 PM</b> Page: <b>2 of 2</b>			
	<h2>Overheight Fence Permit</h2>			
<p>Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.</p>				
<p>A Building Permit may be required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.</p>				
<p>All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see <a href="https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit">https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit</a>. All new installations, above and below ground, within 5m of a City tree require forestry consultation.</p>				
<p>In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.</p>				
<p>City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage.</p>				
<p>The site must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to <a href="mailto:lot.grading@edmonton.ca">lot.grading@edmonton.ca</a> for review and approval.</p>				
<p>For more information on Lot Grading requirements, plans and inspections refer to the website: <a href="https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading">https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading</a></p>				
<p><b>Variances</b></p>				
<p>Fence Height - The fence in the Front Yard along the left Side Property Line is 1.7 m high, instead of 1.3 m (Subsection 5.100.2.2.1).</p>				
<p>Fence Height - The fence along left Side Yard and Rear Yard is 2.2 m high, instead of 2.0 m (Subsection 5.100.2.2.2).</p>				
<p><b>Rights of Appeal</b></p>				
<p>This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p>				
<p><b>Notice Period Begins:</b> Jun 10, 2025      <b>Ends:</b> Jul 01, 2025</p>				
<p><b>Building Permit Decision</b></p>				
<p>No decision has yet been made.</p>				
<p><b>Fees</b></p>				
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Development Application Fee	\$190.00	\$190.00	04878Z001001385	May 13, 2025
Total GST Amount:	\$0.00			
Totals for Permit:	\$190.00	\$190.00		
<p>P07/02003</p>				



**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←

**File: SDAB-D-25-099**

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**N**