

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Thursday, 9:00 A.M.**  
**July 3, 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-25-085	To construct exterior alterations to a Single Detached House (Driveway extension, 8.0m x 6.1m)
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7127 - 170 Avenue NW  
Project No.: 574057410-002

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II	10:30 A.M.	SDAB-D-25-086	To construct exterior alterations to a Single Detached House (Driveway extension, left side = 7.72m x 2.32m, right side = 7.72m x 1.35m)
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9512 - 144 Avenue NW  
Project No.: 575971720-002

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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-25-085AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

## APPELLANT:

APPLICATION NO.: 574057410-002

APPLICATION TO: To construct exterior alterations to a Single Detached House (Driveway extension, 8.0m x 6.1m).

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 15, 2025

DATE OF APPEAL: June 4, 2025

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 7127 - 170 Avenue NW

LEGAL DESCRIPTION: Plan 0725259 Blk 5 Lot 85

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Edmonton North Area Structure Plan  
Schonsee Neighbourhood Structure Plan

DISTRICT PLAN: Northeast District Plan

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***Grounds for Appeal***

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

I am disabled. In 1985 an Edmonton transit bus ran me over, and I have lived with this disability since the age of 12. I need the concrete for access to the side entrance of my home that was designed for a ramp. Please allow me the development permit.

<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.

**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.

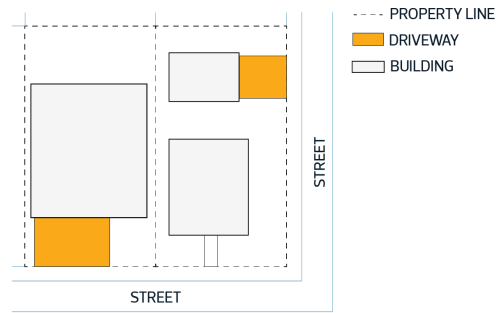
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

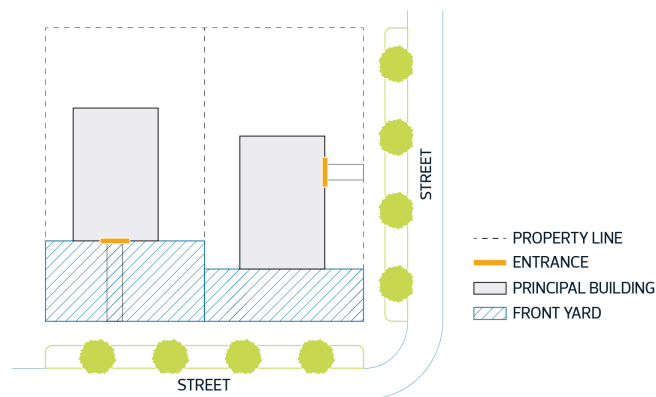
Under section 8.20, **Driveway** means:

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



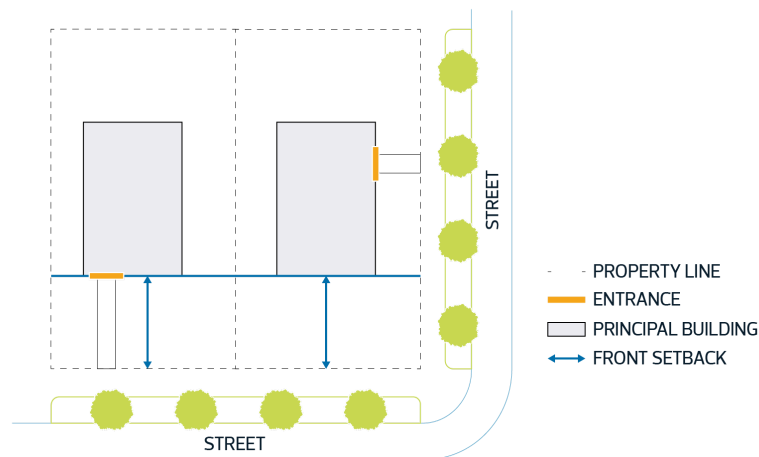
Under section 8.20, **Front Yard** means:

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



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

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



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

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

Section 2.20.1 states that the **Purpose** of the **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 Circulation and Parking Regulations for Small Scale Residential Development***

Section 5.80.2.1 states:

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

#### **Site Circulation**

- 2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal Dwellings directly to an Abutting sidewalk or to a Driveway, except that:



- 2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

### **Driveways**

- 2.1.2. Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.

- 2.1.3. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.**

- 2.1.4 A Driveway provided from a Street must comply with the following:**

- 2.1.4.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:

- 2.1.4.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m.

- 2.1.4.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:**

- 2.1.4.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less.

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

- 2.1.5.1. a Front Yard;**

- 2.1.5.2. a Flanking Side Yard; or

## 2.1.5.3 a Flanking Side Setback.

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

**Development Planner's Determination**

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

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

**2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 11.1m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2)**

**Proposed: The driveway is 12.5 m wide.**

**3) Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard. (Subsection 5.80.2.1.5.1)**

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

[unedited]

<b><i>Previous Subdivision and Development Appeal Board Decisions</i></b>
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Application Number	Description	Decision
SDAB-D-10-021	To leave as Built a Single Detached House with Attached Garage	March 5, 2010; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency of 0.32 metres in the minimum Front Yard requirement, the deficiency of 0.02 metres in the minimum Rear Yard requirement and the deficiency of 0.03 metres in the minimum total Side Yard requirement, that being 20 percent of the Site Width, be


		permitted
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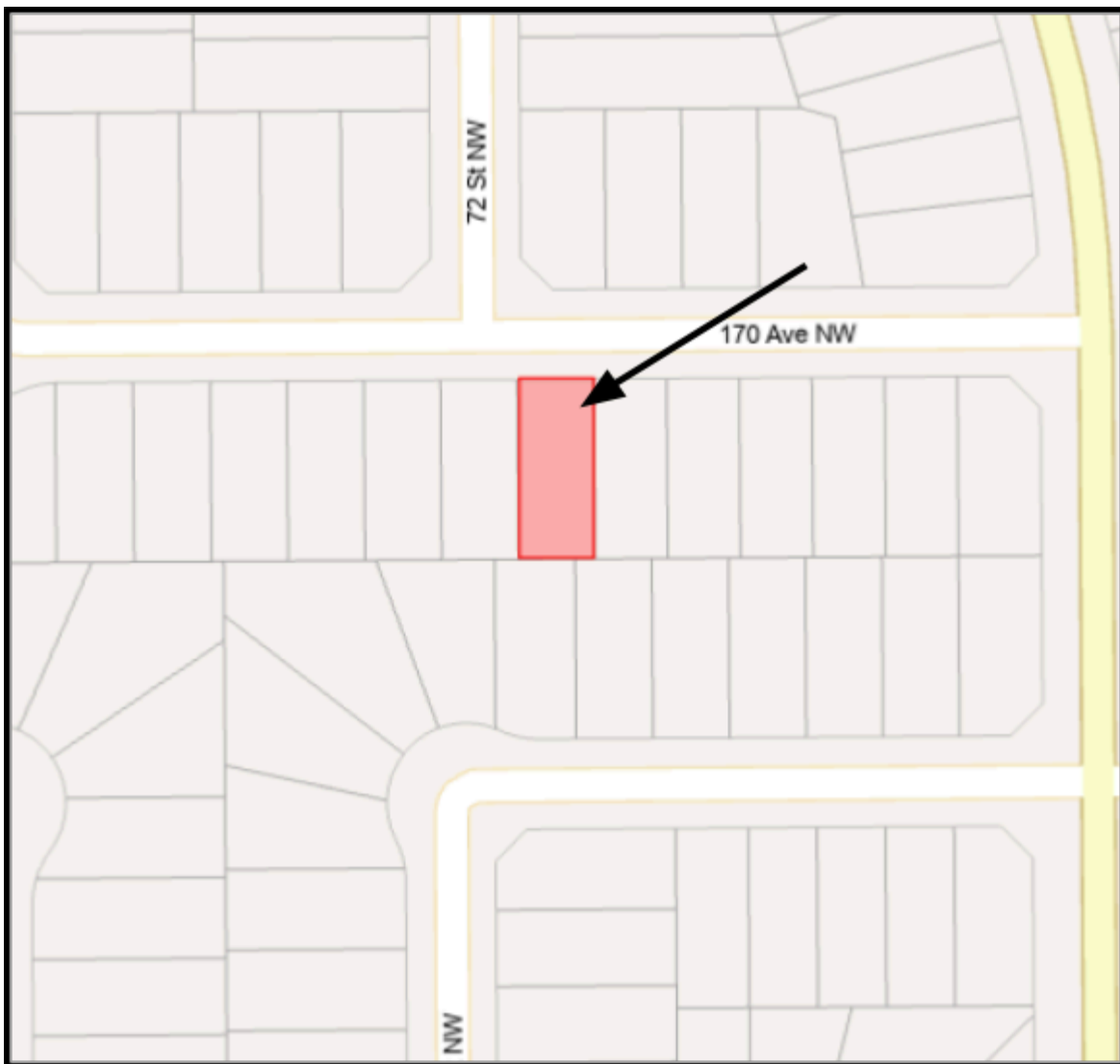
Notice to Applicant/Appellant

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>574057410-002</b> Application Date: MAR 07, 2025 Printed: May 15, 2025 at 9:40 AM Page: 1 of 2	
<h2>Application for Driveway Extension Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>		<b>Property Address(es) and Legal Description(s)</b> 7127 - 170 AVENUE NW Plan 0725259 Blk 5 Lot 85	
<b>Scope of Application</b> To construct exterior alterations to a Single Detached House (Driveway extension, 8.0m x 6.1m).			
<b>Details</b>			
Development Category: Site Area (sq. m.): 491.97		Overlay: Statutory Plan:	
<b>Development Application Decision</b> Refused <b>Issue Date:</b> May 15, 2025 <b>Development Authority:</b> <b>Reason for Refusal</b> 1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3) Proposed: The driveway does not lead directly from the roadway to the garage.  2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 11.1m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2) Proposed: The driveway is 12.5 m wide.  3) Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard. (Subsection 5.80.2.1.5.1) Proposed: The additional concrete provides vehicle parking space in the front yard.  <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.			
<b>Building Permit Decision</b> No decision has yet been made.			
<b>Fees</b>			
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>
			<b>Date Paid</b>
<b>THIS IS NOT A PERMIT</b>			
P0702003			

	<b>Application for Driveway Extension Permit</b>				<b>Project Number: 574057410-002</b> Application Date: MAR 07, 2025 Printed: May 15, 2025 at 9:40 AM Page: 2 of 2
<b>Fees</b>					
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>	
Development Application Fee	\$190.00	\$190.00	00482E001001555	Mar 07, 2025	
Total GST Amount:	\$0.00				
Totals for Permit:	<u>\$190.00</u>	<u>\$190.00</u>			
<b>THIS IS NOT A PERMIT</b>					
P0702003					



## SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-085



**N**

ITEM II: 10:30 A.M.FILE: SDAB-D-25-086AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 575971720-002

APPLICATION TO: To construct exterior alterations to a Single Detached House (Driveway extension, left side = 7.72m x 2.32m, right side = 7.72m x 1.35m).

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 28, 2025

DATE OF APPEAL: June 5, 2025

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 9512 - 144 Avenue NW

LEGAL DESCRIPTION: Plan 2547RS Blk 22 Lot 14

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northwest 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:

The registered owner's mother is a frequent visitor and suffers from mobility issues and the walkways were too narrow for access prior to the expansion. We have provided doctor's notes confirming such mobility issues.

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

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**(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).

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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



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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
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### **Hearing and Decision**

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

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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

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

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

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:

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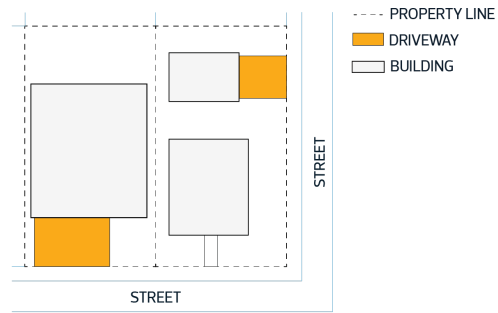
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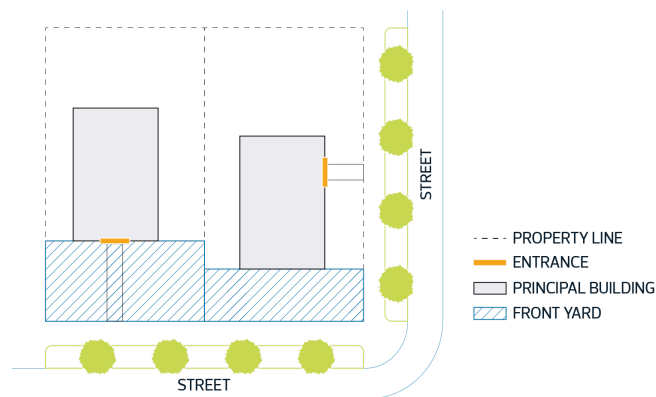
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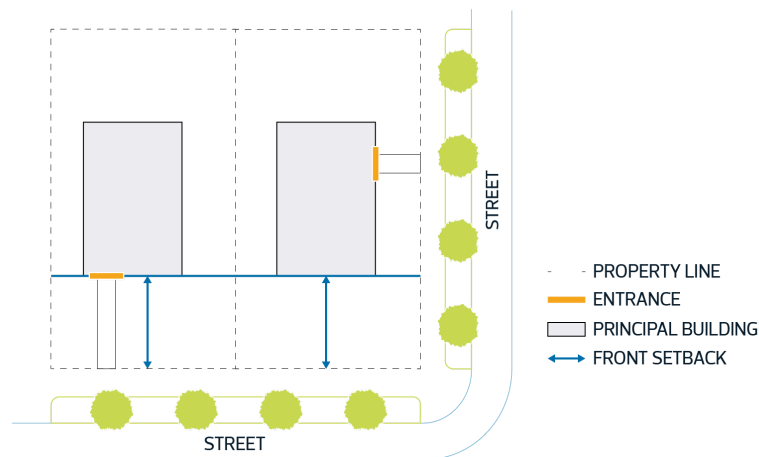
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means the distance that a development or a specified portion of a development, must be from a Front Lot Line. A Front Setback is not a Front Yard.”



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Section 2.20.1 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 Circulation and Parking Regulations for Small Scale Residential Development***

Section 5.80.2.1 states:

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- 2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

- 2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

#### **Driveways**

- 2.1.2. Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.

- 2.1.3. **A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.**

- 2.1.4 **A Driveway provided from a Street must comply with the following:**

- 2.1.4.1 **Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:**

- 2.1.4.1.1 **Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m.**

- 2.1.4.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:

- 2.1.4.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less.

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

- 2.1.5.1. **a Front Yard;**

- 2.1.5.2. **a Flanking Side Yard; or**

## 2.1.5.3 a Flanking Side Setback.

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

**Development Planner's Determination**

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

**Proposed: Driveway extensions do not lead to the Garage.**

**2. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m. (Reference Section 5.80.2.1.4.1.1.)**

**Proposed: 8.2m**

**3. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Section 5.80.2.1.5.1)**

**Proposed: Driveway extensions are located within the Front Yard**

[unedited]

<b><i>Previous Subdivision and Development Appeal Board Decision</i></b>
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Application Number	Description	Decision
SDAB-D-24-115	To Construct exterior alterations to a Single Detached House (Driveway extension, left side = 7.72m x 2.32m, right side = 7.72m x 1.35m))	September 18, 2024; Appeal withdrawn

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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>575971720-002</b> Application Date: MAR. 13, 2025 Printed: May 28, 2025 at 2:36 PM Page: 1 of 2																					
<h2>Application for Driveway Extension Permit</h2>																							
This document is a Development Permit Decision for the development application described below.																							
<b>Applicant</b> 		<b>Property Address(es) and Legal Description(s)</b> 9512 - 144 AVENUE NW Plan 2547RS Blk 22 Lot 14  <b>Location(s) of Work</b> Suite: 9512 - 144 AVENUE NW Entryway: 9512 - 144 AVENUE NW Building: 9512 - 144 AVENUE NW																					
<b>Scope of Application</b> To construct exterior alterations to a Single Detached House (Driveway extension, left side = 7.72m x 2.32m, right side = 7.72m x 1.35m))																							
<b>Details</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Discretionary Development  Site Area (sq. m.): 619.47 </td> <td style="width: 50%;"> Overlay:  Statutory Plan: </td> </tr> </table>				Development Category: Discretionary Development Site Area (sq. m.): 619.47	Overlay: Statutory Plan:																		
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<b>Development Application Decision</b> Refused  <b>Issue Date:</b> May 28, 2025 <b>Development Authority:</b>  <b>Reason for Refusal</b> 1. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Reference Section 5.80.2.1.3.) Proposed: Driveway extensions do not lead to the Garage.  2. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m. (Reference Section 5.80.2.1.4.1.1.) Proposed: 8.2m  3. Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Section 5.80.2.1.5.1) Proposed: Driveway extensions are located within the Front Yard  <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.																							
<b>Building Permit Decision</b> No decision has yet been made.																							
<b>Fees</b> <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$190.00</td> <td style="text-align: right;">\$190.00</td> <td style="text-align: right;">01081J001001129</td> <td style="text-align: right;">Mar 13, 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;">\$190.00</td> <td style="text-align: right;">\$190.00</td> <td></td> <td></td> </tr> </tbody> </table>					Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$190.00	\$190.00	01081J001001129	Mar 13, 2025	Total GST Amount:	\$0.00				Totals for Permit:	\$190.00	\$190.00		
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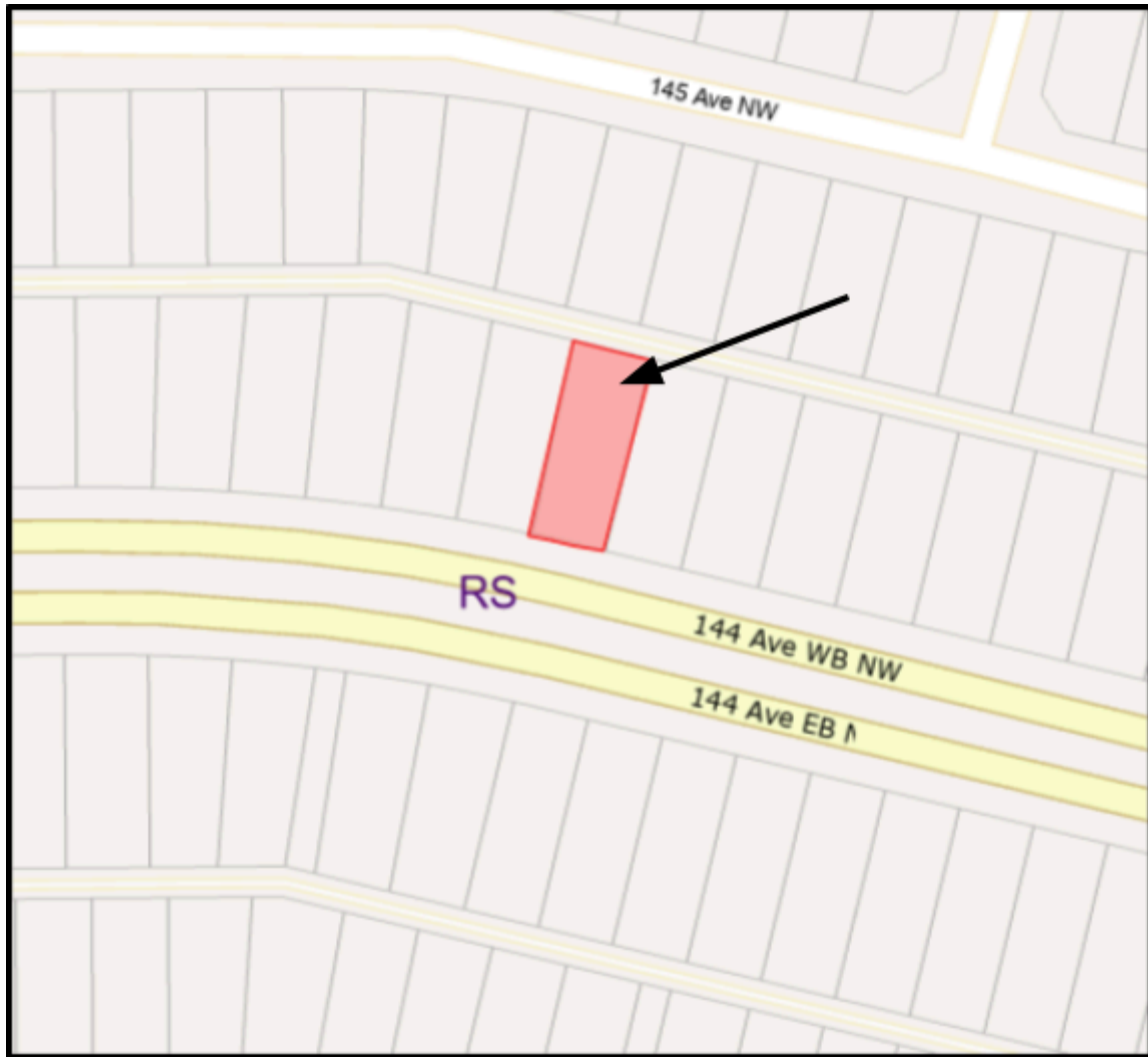


## Application for Driveway Extension Permit

Project Number: **575971720-002**  
Application Date: MAR 13, 2025  
Printed: May 28, 2025 at 2:36 PM  
Page: 2 of 2

**THIS IS NOT A PERMIT**





## SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-086



**N**