

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.

July 30, 2025

Hearing Room No. 3

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

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

I 9:00 A.M. SDAB-D-25-106

Change the Use from a Health Service to a Cannabis Retail Store, and construct interior alterations

100, 6655 - 178 Street NW
Project No.: 599956148-002

II 10:30 A.M. SDAB-D-25-107

Construct a Residential Use building in the form of a Single Detached House with a rear attached Garage, unenclosed front porch, front partially covered deck (10.4m x 7.5m), hot tub, fireplace, and Basement development (NOT to be used as an additional Dwelling)

8717 - Saskatchewan Drive NW
Project No.: 589768259-002

III 1:30 P.M. SDAB-D-25-108

Construct a Residential Use building in the form of a Single Detached House with rear attached Garage, unenclosed front porch, side covered deck, side uncovered deck(s), fireplace, and Basement development (NOT to be used as an additional Dwelling)

10264 - Connaught Drive NW
Project No.: 569161193-002

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

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 599956148-002

APPLICATION TO: Change the Use from a Health Service to a Cannabis Retail Store, and construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 30, 2025

DATE OF APPEAL: July 7, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 100, 6655 - 178 Street NW

LEGAL DESCRIPTION: Plan 8521170 Blk 10 Lot 5

ZONE: CG - General Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: West Edmonton District Plan

Grounds for Appeal

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

I am writing to formally appeal the refusal of Development Permit DP 599956148-002, which was submitted for a proposed development located at 116, 6655 178 Street NW, Plan 8521170 Blk 10 Lot 5.

The application was refused on the grounds that it does not meet the minimum required separation distance of 200 metres from a public library as per Section 6.30.1.2 of Edmonton Zoning Bylaw 20001. The proposed development is located 178 metres from the Lois Hole Edmonton Public Library branch, resulting in a deficiency of 22 metres.

While I understand the Development Officer was bound by the letter of the current zoning regulations, it is my respectful submission that there are planning merits and contextual justifications that support this development and warrant approval upon appeal. These include:

1. Integrated Site Functionality The development is situated on a large, integrated site that includes shared vehicular access and parking, functioning effectively as one consolidated property. This supports cohesive land use and mitigates any site-level impacts that may have prompted the original separation distance requirements.

2. Site Size and Zoning Compatibility The subject site exceeds 2 hectares in area and is zoned CG (Commercial General) and DC2 (Site Specific Development Control Provision), aligning with the intent and eligibility under Bylaw 20001 for separation distance exemptions in such contexts.

3. Bylaw Transition and Regulatory Inconsistency It appears that Zoning Bylaw 20001 may not have fully carried forward the intent of former Bylaw 12800, which explicitly provided exemptions from separation distances to libraries for large sites under Section 70(4)(c). In contrast, Section 6.30.5.2 of Bylaw 20001 exempts proximity restrictions for several land uses (e.g., schools, Provincial Health Care Facilities), but does not currently include public libraries. This discrepancy may reflect a transitional oversight rather than a policy shift, and we believe it is reasonable for the Board to interpret the regulations in light of their original planning intent and the site-specific context.

4. No Adverse Impact on the Library The Lois Hole EPL branch is physically separated from the proposed development by built infrastructure and roadways. The intended use is not expected to cause any conflict or disruption to the library's operations, nor compromise its function within the community. Based on these points, I respectfully request the Board consider approving the proposed development, recognizing both the planning intent behind the separation distance rule and the unique merits of this specific site.

Thank you for your time and consideration. I am prepared to provide further information, maps, or supporting documentation upon request and look forward to the opportunity to speak to this matter at the hearing.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the Zoning Bylaw 20001:

Under section 2.100.2.3, a **Cannabis Retail Store** is a **Permitted Use** in the **CG - General Commercial Zone**.

Under section 8.10, a **Cannabis Retail Store** means:

a development where a business sells Cannabis to be consumed off-Site as permitted by Provincial or Federal legislation. This may include sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under section 2.100.3.2 states “Cannabis Retail Stores must comply with Section 6.30.”

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

Section 2.100.1 states that the **Purpose** of the **CG - General Commercial Zone** is:

To allow for a variety of commercial businesses that range from low impact commercial and office activities with limited opportunities for Residential Uses, to higher impact activities including larger shopping centres and malls in areas generally outside of the Nodes and Corridors, as directed by statutory plans.

Cannabis Retail Stores

Section 6.30 states the following with respect to **Cannabis Retail Stores**:

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

Table 1. Minimum Separation Distance

Subsection	From approved or existing:	200 m (from store to store)	200m (from Site to Site)	100 m (from Site to Site)
1.1.	Cannabis	x		

	Retail Stores			
1.2.	Libraries		x	
1.3.	Schools		x	
1.4.	Community recreation facilities			x
1.5.	Provincial Health Care Facilities			x
1.6.	Sites designated as School Reserves			x
1.7.	Sites designated as Municipal and School Reserves			x
	From Sites zoned:			
1.8.	PS, PSN, or A			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 Cannabis Retail Store to the closest point of another Cannabis Retail Store.

Diagram for Subsection 2



3. For the purposes of Subsection 1:
 - 3.1. the term "School" means a school as defined in subsection 1(1)(x)(i) to (iv) and (vi) of the Education Act;
 - 3.2. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as defined by the Municipal Government Act; and
 - 3.3. the term “Provincial Health Care Facility” means a provincial health care facility as defined in Subsection 105(1)(e) of the Gaming, Liquor and Cannabis Regulation.
4. The Development Planner may vary the minimum separation distance in Subsection 1.1 by up to 20.0 m. No other variance to Subsection 1 is permitted.
5. For Sites greater than 2.0 ha that are Zoned CG, CB, MU, or a Direct Control Zone, and do not contain a Library at the time a Development Permit application for a Cannabis Retail Store is submitted:
 - 5.1. Subsection 1.1 does not apply; and
 - 5.2. the distances specified in Section 105(3) of the Gaming, Liquor and Cannabis Regulation are expressly varied to 0 m.
6. Section 105(3) of the Gaming, Liquor and Cannabis Regulation is expressly varied by Subsections 1.3, 1.5, 1.6, 1.7, 2, and 5.2.

Development Planner's Determination

1. Subsection 6.30.1.2 - Must be located a minimum of 200m from Site to Site from a public Library.

Proposed: 178m


Required: 200m

Deficient: 22m

[unedited]

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: 599956148-002 Application Date: MAY 20, 2025 Printed: June 30, 2025 at 2:47 PM Page: 1 of 1		
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 100, 6655 - 178 STREET NW Plan 8521170 Blk 10 Lot 5			
	Specific Address(es) Suite: 116, 6655 - 178 STREET NW Entryway: 116, 6655 - 178 STREET NW Building: 108, 6655 - 178 STREET NW			
Scope of Application To change the Use from a Health Service to a Cannabis Retail Store, and construct interior alterations.				
Details				
Development Category: Lot Grading Needed?: N NumberOfMainFloorDwellings: Site Area (sq. m.):	Gross Floor Area (sq.m.): New Sewer Service Required: Overlay: Statutory Plan:			
Development Application Decision Refused Issue Date: Jun 30, 2025 Development Authority: CHOW, STEPHEN Reason for Refusal 1. Subsection 6.30.1.2 - Must be located a minimum of 200m from Site to Site from a public Library. Proposed: 178m Required: 200m Deficient: 22m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$410.00	\$410.00	03546G001001989	May 22, 2025
Total GST Amount:	\$0.00			
Totals for Permit:	\$410.00	\$410.00		
THIS IS NOT A PERMIT				
P0702003				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-106

▲
N

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 589768259-002

APPLICATION TO: Construct a Residential Use building in the form of a Single Detached House with a rear attached Garage, unenclosed front porch, front partially covered deck (10.4m x 7.5m), hot tub, fireplace, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 4, 2025

DATE OF APPEAL: July 7, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8717 - Saskatchewan Drive NW

LEGAL DESCRIPTION: Plan 2121574 Blk 10 Lot 5A

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Scona District Plan

Grounds for Appeal

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

The proposed development i) conforms with the uses prescribed in the applicable zone and ii) will not interfere with the amenities, use, enjoyment or value of neighbouring parcels of land, in accordance with Section 687(3) of the Municipal Government Act.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

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

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

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

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

(i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the Zoning Bylaw 20001:

Under section 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

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

Residential 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.

RS - Small Scale Residential Zone - General Regulations

Section 2.10.6.2 states “Rear attached Garages are not permitted.”

Development Planner’s Determination

1. Parking, Loading, and Access - Rear attached Garages are not permitted (subsection 2.10.6.2)

Proposed: The application proposed a rear attached garage.

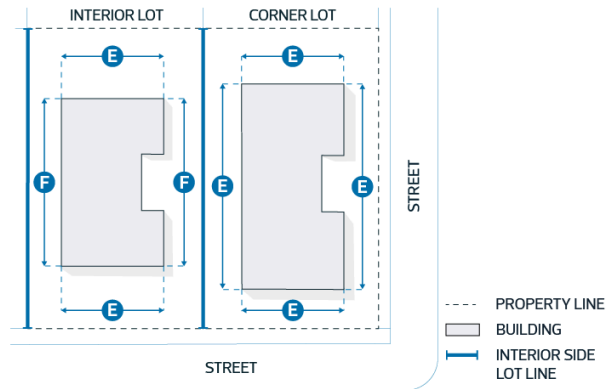
[unedited]

RS - Small Scale Residential Zone - Site and Building Regulations

Section 2.10.4.1.8 states:

4.1. Development must comply with Table 4.1:

Table 4.1. Site and Building Regulations			
Subsection	Regulation	Value	Symbol
Building Length			
4.1.8	Maximum building	30.0 metres	E



Development Planner’s Determination

2. Site and Building Regulations - Maximum length of any building: 30.0m (subsection 2.10.4.1.8)

Required: 30.0m


Proposed: 35.1m

Deficient by: 5.1m

[unedited]

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 589768259-002 Application Date: APR 23, 2025 Printed: July 4, 2025 at 9:00 AM Page: 1 of 2															
This document is a Development Permit Decision for the development application described below.																	
Applicant	Property Address(es) and Legal Description(s) 8717 - SASKATCHEWAN DRIVE NW Plan 2121574 Blk 10 Lot 5A																
Scope of Application To construct a Residential Use building in the form of a Single Detached House with a rear attached Garage, unenclosed front porch, front partially covered deck (10.4m x 7.5m), hot tub, fireplace, and Basement development (NOT to be used as an additional Dwelling).																	
Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> 1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping </td> <td style="width: 50%; border: none; vertical-align: top;"> 2. Number of Principal Dwelling Units To Construct: 1 4. Number of Secondary Suite Dwelling Units to Construct: 6. Backyard Housing or Secondary Suite Included?: No 8. Development Category / Class of Permit: Discretionary Development </td> </tr> </table>			1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 1 4. Number of Secondary Suite Dwelling Units to Construct: 6. Backyard Housing or Secondary Suite Included?: No 8. Development Category / Class of Permit: Discretionary Development													
1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 1 4. Number of Secondary Suite Dwelling Units to Construct: 6. Backyard Housing or Secondary Suite Included?: No 8. Development Category / Class of Permit: Discretionary Development																
Development Application Decision Refused Issue Date: Jul 04, 2025 Development Authority: ZAZULA, NICKOLAS Reason for Refusal The refusal is issued for the following reasons: 1. Parking, Loading, and Access - Rear attached Garages are not permitted (subsection 2.10.6.2) Proposed: The application proposed a rear attached garage. 2. Site and Building Regulations - Maximum length of any building: 30.0m (subsection 2.10.4.1.8) Required: 30.0m Proposed: 35.1m Deficient by: 5.1m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																	
Fees <table style="width: 100%; border: none; margin-top: 10px;"> <thead> <tr> <th style="text-align: left; font-weight: normal;">Fee</th> <th style="text-align: right; font-weight: normal;">Fee Amount</th> <th style="text-align: right; font-weight: normal;">Amount Paid</th> <th style="text-align: left; font-weight: normal;">Receipt #</th> <th style="text-align: left; font-weight: normal;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$615.00</td> <td style="text-align: right;">\$615.00</td> <td>04154G001001768</td> <td>Apr 23, 2025</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$160.00</td> <td style="text-align: right;">\$160.00</td> <td>04154G001001768</td> <td>Apr 23, 2025</td> </tr> </tbody> </table>			Fee	Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$615.00	\$615.00	04154G001001768	Apr 23, 2025	Lot Grading Fee	\$160.00	\$160.00	04154G001001768	Apr 23, 2025
Fee	Fee Amount	Amount Paid	Receipt #	Date Paid													
Dev. Application Fee	\$615.00	\$615.00	04154G001001768	Apr 23, 2025													
Lot Grading Fee	\$160.00	\$160.00	04154G001001768	Apr 23, 2025													
THIS IS NOT A PERMIT																	
P0702003																	



Application for Minor Development Permit

Project Number: **589768259-002**
Application Date: APR 23, 2025
Printed: July 4, 2025 at 9:00 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$775.00</u>	<u>\$775.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-25-107

ITEM III: 1:30 P.M.

FILE: SDAB-D-25-108

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 569161193-002

APPLICATION TO: Construct a Residential Use building in the form of a Single Detached House with rear attached Garage, unenclosed front porch, side covered deck, side uncovered deck(s), fireplace, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 20, 2025

DATE OF APPEAL: July 7, 2025

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10264 - Connaught Drive NW

LEGAL DESCRIPTION: Plan 240NY Blk 120 Lot 20

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

Grounds for Appeal

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

The proposed development i) conforms with the uses prescribed in the applicable zone and ii) will not interfere with the amenities, use, enjoyment or value of neighbouring parcels of land, in accordance with Section 687(3) of the Municipal Government Act.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

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

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

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

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

(i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the Zoning Bylaw 20001:

Under section 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

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

Residential 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:

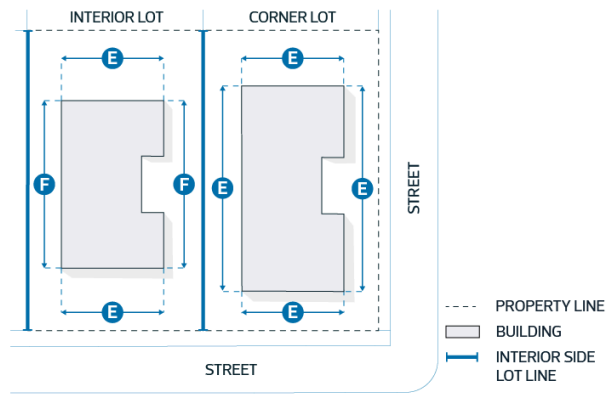
To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

RS - Small Scale Residential Zone - Site and Building Regulations

Section 2.10.4.1.8 states:

- 4.1. Development must comply with Table 4.1:

Table 4.1. Site and Building Regulations			
Subsection	Regulation	Value	Symbol
Building Length			
4.1.8	Maximum building	30.0 metres	E



Development Planner’s Determination

The maximum length of any building must be 30.0 m. (Reference Section 2.10.4.1.8)

Proposed: 32.36m

Exceeded the Length by: 2.36m

[unedited]

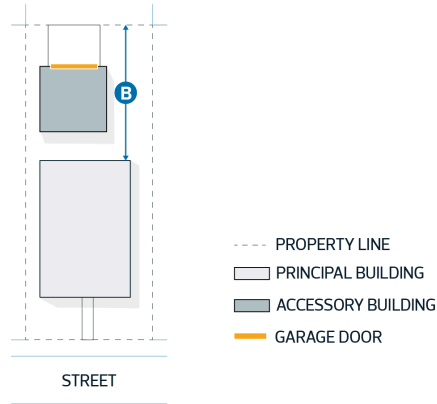
Setbacks

Section 2.10.4.3 states Setbacks must comply with Table 4.3:

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

	Setback		
--	----------------	--	--

Diagram for Subsection 4.3.2.



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

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

Development Planner’s Determination

The minimum Rear Setback must be 10.0 m. (Reference Section 2.10.4.3.2)

Proposed: 4.75m

Deficient by: 5.25m

[unedited]

RS - Small Scale Residential Zone - General Regulations

Section 2.10.6.2 states “Rear attached Garages are not permitted.”

Development Planner’s Determination


Rear attached Garages are not permitted. (Reference Section 2.10.6.2)

Proposed: Rear garage attached to the house.

[unedited]

Notice to Applicant/Appellant

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

	Project Number: 569161193-002 Application Date: FEB 20, 2025 Printed: June 20, 2025 at 3:54 PM Page: 1 of 2															
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																
This document is a Development Permit Decision for the development application described below.																
Applicant	Property Address(es) and Legal Description(s) 10264 - CONNAUGHT DRIVE NW Plan 240NY Blk 120 Lot 20															
Scope of Application To construct a Residential Use building in the form of a Single Detached House with rear attached Garage, unenclosed front porch, side covered deck, side uncovered deck(s), fireplace, and Basement development (NOT to be used as an additional Dwelling).																
Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> 1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping </td> <td style="width: 50%; border: none; vertical-align: top;"> 2. Number of Principal Dwelling Units To Construct: 1 4. Number of Secondary Suite Dwelling Units to Construct: 6. Backyard Housing or Secondary Suite Included?: No 8. Development Category / Class of Permit: </td> </tr> </table>		1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 1 4. Number of Secondary Suite Dwelling Units to Construct: 6. Backyard Housing or Secondary Suite Included?: No 8. Development Category / Class of Permit:													
1. Titled Lot Zoning: RS 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 1 4. Number of Secondary Suite Dwelling Units to Construct: 6. Backyard Housing or Secondary Suite Included?: No 8. Development Category / Class of Permit:															
Development Application Decision Refused Issue Date: Jun 20, 2025 Development Authority: ANGELES, JOSELITO Reason for Refusal The maximum length of any building must be 30.0 m. (Reference Section 2.10.4.1.8) Proposed: 32.36m Exceeded the Length by: 2.36m The minimum Rear Setback must be 10.0 m. (Reference Section 2.10.4.3.2) Proposed: 4.75m Deficient by: 5.25m Rear attached Garages are not permitted. (Reference Section 2.10.6.2) Proposed: Rear garage attached to the house. Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																
Fees <table style="width: 100%; border: none; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$615.00</td> <td style="text-align: right;">\$615.00</td> <td>038854001001362</td> <td style="text-align: right;">Feb 25, 2025</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$160.00</td> <td style="text-align: right;">\$160.00</td> <td>038854001001362</td> <td style="text-align: right;">Feb 25, 2025</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$615.00	\$615.00	038854001001362	Feb 25, 2025	Lot Grading Fee	\$160.00	\$160.00	038854001001362	Feb 25, 2025
	Fee Amount	Amount Paid	Receipt #	Date Paid												
Dev. Application Fee	\$615.00	\$615.00	038854001001362	Feb 25, 2025												
Lot Grading Fee	\$160.00	\$160.00	038854001001362	Feb 25, 2025												
THIS IS NOT A PERMIT																
P0702003																



Project Number: **569161193-002**
Application Date: FEB 20, 2025
Printed: June 20, 2025 at 3:54 PM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$775.00</u>	<u>\$775.00</u>		

THIS IS NOT A PERMIT

