

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
June 4, 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-25-078

To convert a Residential Use building into a Child Care Service for up to 34 children

17456 - 119 Street NW
Project No.: 543225271-002

II 1:30 P.M. SDAB-D-25-079

Cease the Minor Industrial Use by removing all shipping containers from the property

Please note: If you wish to keep 1-2 containers on the site for personal storage use, you may do so after acquiring an Accessory building Development Permit by June 30, 2025

2904 - 28 Avenue SW
Project No.: 577169199-001

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-25-078AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 543225271-002

APPLICATION TO: Convert a Residential Use building into a Child Care Service for up to 34 children

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: April 29, 2025

DATE OF APPEAL: May 7, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 17456 - 119 Street NW

LEGAL DESCRIPTION: Plan 0524230 Blk 96 Lot 36

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S):
Canossa Neighbourhood Structure Plan
Castle Downs Extension Area Structure Plan
Rapperswill Neighbourhood Structure Plan

DISTRICT PLAN: Northwest District Plan

<i>Grounds for Appeal</i>

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

Insufficient Parking and Increased Traffic Congestion:

The residential area already experiences limited on-street parking and is extremely congested.

The addition of a child care service would result in frequent vehicle traffic during peak hours for drop-offs and pick-ups, potentially leading to blocked driveways, unsafe maneuvering, and reduced access for emergency vehicles.

These problems already exist and regularly cause tension among the neighbors.

Its bad enough this particular neighbor is selling cars from their driveway, resulting in a constant stream of potential buyers at all hours, often attempting to park directly in front of my home. There are many days we cannot safely enter or exit our own driveway.

I implore you there is absolutely NO room for additional short-term parking even if it is just for five minutes to allow pickup and drop off!

Safety Risks for Children and Residents:

Increased vehicular traffic poses safety hazards to pedestrians, including children and many seniors who walk or bike through the neighborhood.

The addition of a business that invites significantly more daily vehicle traffic is inconsistent with the safety expectations of a residential zone.

Noise Disruption:

The expected noise from outdoor play areas, higher foot traffic, and multiple daily comings and goings will no doubt disrupt the residential environment, especially for nearby homeowners.

Incompatibility with Residential Zoning Character:

Introducing a child care business into this single-family residential area will erode the intended use and enjoyment of the neighborhood, potentially setting a precedent for further incompatible development. This particular home is less than 1600 square feet, yet the plan is to care for 34 children!!!!

From my understanding that number of children now classifies the property as a commercial daycare, and even with extensive renovations would still not meet child care guidelines. That number of children clearly exceeds what the space and neighborhood can support.

According to the Alberta Building Code (NBC-2023 Alberta Edition), the requirement is 3.0 square meters (32.3 sq ft) of indoor play space per child, the minimum usable indoor play space required for 34 children is 102 square meters (1,096 square feet), excluding washrooms, hallways, kitchens, and storage. This requires the home to be at least 1800 to 2200 square feet in usable child care space which this residence clearly does not provide. It is difficult to understand how this permit was approved given that the space requirements clearly do not align with the standards outlined in the Alberta Building Code.

Waste Management and Sanitation Concerns:

A facility of this scale will generate increased waste including diapers, food, and other refuse not typically managed by a residential property.

This raises concerns around odor, garbage storage, pest control, and waste collection.

Potential Negative Impact on Property Values:

The shift in neighborhood dynamics due to increased activity, noise, and parking congestion will most undoubtedly have a detrimental effect on property values. I also suspect there will be a negative impact on our property taxes, as the neighborhood is expected to help absorb the burden of this private business.

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 2.20.2.8, a **Child Care Service** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

Under section 8.10, a **Child Care Service** means:

Child Care Service means a development that provides temporary care and supervision of children. This Use includes facility-based early learning and child care programs. This Use does not include a Home Based Business operating as Home Based Child Care.

Typical examples include: daycares, out-of-school care, and preschools.

Section 2.20.1 states that the **Purpose** of the **RSF - Small Scale Flex 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. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Passenger pick-up and drop-off spaces for Child Care Services

Section 5.80.6.10 states:

6.10. Passenger pick-up and drop-off spaces for Child Care Services must:

6.10.1. not be located more than 100 m from the entrance used by the Child Care Service;

6.10.2. contain signage indicating a maximum duration for parking of 30 minutes or less; and

6.10.3. comply with Table 6.10.3:

Table 6.10.3. Minimum Passenger Pick-up and Drop-off Spaces for Child Care Services

Subsection	Number of Children	Passenger Pick-up and Drop-off Spaces
6.10.3.1.	Less than or equal to 10	2
6.10.3.2.	Each additional 10	1

6.11. Despite Table 6.10.3, passenger pick-up and drop-off spaces for Child Care Services are not required:

6.11.1. within the boundary of Appendix I, or the boundaries of the Capital City Downtown Plan; or

6.11.2. where Child Care Services are on the same Site as a School.

6.12. Despite Table 6.10.3, an on-Street loading zone may satisfy a portion of the required passenger pick-up and drop-off spaces without a variance, subject to the approval of the Development Planner in consultation with the City department responsible for transportation planning.

Development Planner's Determination

Passenger pick-up and drop-off spaces: The development has 2 passenger pick-up and drop-off spaces instead of 4 (Subsection 5.80.6.10).

[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.

Edmonton	Project Number: 543225271-002 Application Date: NOV 24, 2024 Printed: April 29, 2025 at 8:49 AM Page: 1 of 6		
<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>			
Applicant	Property Address(es) and Legal Description(s) 17456 - 119 STREET NW Plan 0524230 Blk 96 Lot 36		
Scope of Permit To convert a Residential Use building into a Child Care Service for up to 34 children.			
Details <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;"> Development Category: Discretionary Development Lot Grading Needed?: N/A Number of Main Floor Dwellings: Site Area (sq. m.): </td> <td style="width: 50%; padding: 2px;"> Gross Floor Area (sq. m.): New Sewer Service Required: N Overlay: Strategic Plan: Canossa NSP Consolidation </td> </tr> </table>		Development Category: Discretionary Development Lot Grading Needed?: N/A Number of Main Floor Dwellings: Site Area (sq. m.):	Gross Floor Area (sq. m.): New Sewer Service Required: N Overlay: Strategic Plan: Canossa NSP Consolidation
Development Category: Discretionary Development Lot Grading Needed?: N/A Number of Main Floor Dwellings: Site Area (sq. m.):	Gross Floor Area (sq. m.): New Sewer Service Required: N Overlay: Strategic Plan: Canossa NSP Consolidation		
Development Permit Decision Approved Issue Date: Apr 29, 2025 Development Authority: ZHOU, ROWLEY			
Subject to the Following Conditions <ul style="list-style-type: none"> A) Zoning Conditions <ul style="list-style-type: none"> 1. This Development Permit is NOT valid until the notification period expires (Subsection 7.160.1.3 and Section 7.170). 2. This Development Permit authorizes the conversion of a Residential Use building into a Child Care Service for up to 34 children. 3. The development must be constructed in accordance with the approved plans. Any revisions to the approved plans require a separate Development Permit application. 4. 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). 5. Landscaping must be installed and maintained in accordance with Section 5.60. 6. 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 with a Landscape Buffer that has a minimum Height of 1.8 m (Subsection 5.60.4.7). 7. Pathways connecting the main building entrances to adjacent sidewalks must be a minimum width of 1.8 m (Subsection 5.80.3.1.2). 8. Provided parking spaces must include wheel stops to prevent vehicle overhang where adjacent to Streets, Pathways, sidewalks, required Landscaped areas, and other similar features, that must be a minimum 0.1 m in Height and located 0.6 m from the front of the parking space (Subsection 5.80.5.1.2). 9. 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 			



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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).

10. Bike parking must be provided in accordance with Subsection 5.80.8.
11. The development must promote a safe urban environment through the inclusion of design elements such as natural surveillance, clear sightlines and wayfinding, appropriately lit outdoor spaces in compliance with Subsection 3 of Section 5.120, avoidance of entrapment spots and blind corners, clearly defined Pathways and building access points (Subsection 5.110.1.1).
12. 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).
13. On-Site outdoor play spaces for Child Care Services at ground level must be Fenced on all sides and all gates must be self-latching (Subsection 6.40.3.3).
14. On-Site outdoor play spaces for Child Care Services above ground level must have secure perimeter railings or walls with a minimum Height of 1.8 m (Subsection 6.40.3.4).
15. Passenger pick-up and drop-off spaces for Child Care Services must not be located more than 100 m from the entrance used by the Child Care Service (Subsection 5.80.6.10.1).
16. Passenger pick-up and drop-off spaces for Child Care Services must contain signage indicating a maximum duration of 30 minutes or less (Subsection 5.80.6.10.2).
17. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner must pay a Development Permit Inspection Fee of \$550.00.
18. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the variance fee of \$100.00 must be paid.

B) Transportation Conditions:

- 1 - Access from the site to 119 Street exists. Any modification to the existing access requires the review and approval of Subdivision and Development Coordination. Parking is not permitted on the grassed area or the corner cut in the road right-of-way. All parking stalls perpendicular to the roadway must be a minimum length of 5.5 m.
- 2 - The waste location cannot interfere with the access to the site. Due to the confined nature of this site, wheeled bins and/or carts will be acceptable as long as the time restrictions for garbage removals are adhered to outside of operational hours. Waste removal operations must be conducted only on-street. Garbage trucks are not permitted to back into or out of the site.
- 3 - Permanent objects including concrete steps, ramps, retaining walls, 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.
- 4 - A Public Tree Permit will be required for any boulevard trees within 5 meters of the site; trees must be protected during construction as per the Public Tree Bylaw 18825. If tree damage occurs, all tree related costs will be covered by the proponent as per the Corporate Tree Management Policy (C456C). This includes compensation for tree value on full or partial tree loss as well as all operational and administrative fees. The owner/applicant must contact City Operations, Parks and Roads Services at citytrees@edmonton.ca to arrange any clearance pruning or root cutting prior to construction.
- 5 - There may be utilities within the 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://utilitysafety.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work



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beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.

6 - Any sidewalk 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.

7 - 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:

https://www.edmonton.ca/business_economy/oscam-permit-request.aspx

C) Landscaping Conditions

- Landscaping must be installed in accordance with the approved Landscape Plan, and Section 5.60 of Zoning Bylaw 20001, to the satisfaction of the Development Planner.
- Any change to the approved Landscape Plan requires the approval of the Development Planner prior to the Landscaping being installed.
- Landscaping must be installed within 12 months of receiving the Final Occupancy Permit. Landscaping must be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Planner.

Subject to the Following Advisements

A) Zoning Advisements:

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



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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 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 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.

B) Transportation Advisements:

1. Designated on-street drop off stalls are not supported with this Development Application.

C) Fire Rescue Services Conditions:

1. The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be accepted in writing by the fire department and the authority having jurisdiction. Edmonton Fire Rescue Services will review your plan at the initial construction site safety inspection upon commencement of construction.
 Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan

2. 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).

3. 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).

4. 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>

5. In reviewing the proposed development application, it is noted that the required minimum access width leading from the public thoroughfare to each independent entrance(s) is less than the minimum 0.9m of clear width.

6. The applicant is advised at the Development Permit review stage that the Building Permit can not be issued because of noncompliance with the 2019 National Building Code - Alberta Edition NBC (2019-AE) "Location of Access Routes - 3.2.5.5 & Fire Department Access to Building - 9.10.20.3" in conjunction with the "Small Building Access Policy B19-04". The Building Safety Codes Officer will require revisions to the plans or an accepted variance request to the development proposed in order to approve the Building Permit application.

References:

NBC (2019-AE) 3.2.5.5 Location of Access Routes

2) Access routes shall be provided to a building so that ...

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- b) for a building not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90 m, and
- c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45 m.
- 3) The unobstructed path of travel for the firefighter required by Sentence (2) from the vehicle to the building shall be measured from the vehicle to the fire department connection provided for the building, except that if no fire department connection is provided, the path of travel shall be measured to the principal entrance of the building.
- 4) If a portion of a building is completely cut off from the remainder of the building so that there is no access to the remainder of the building, the access routes required by Sentence (2) shall be located so that the unobstructed path of travel from the vehicle to one entrance of each portion of the building is not more than 45 m.

NBC (2019-AE) 9.10.20.3. Fire Department Access to Building

- 1) Access for fire department equipment shall be provided to each building by means of a street, private roadway or yard.
- 2) Where access to a building as required in Sentence (1) is provided by means of a roadway or yard, the design and location of such roadway or yard shall take into account connection with public thoroughfares, weight of firefighting equipment, width of roadway, radius of curves, overhead clearance, location of fire hydrants, location of fire department connections and vehicular parking.

7. Edmonton Fire Rescue Services Access Guidelines specify that the unobstructed travel path (measured from a fire department vehicle to the entry of the building/unit) must be a minimum 0.9m of clear width (gates must be non-locking) and no greater than 45m. in distance.

https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/B19-04_Small_Building_Access_Policy.pdf?cb=1632115800

8. The path must be of a hard surface such as a sidewalk that is accessible in all climate conditions. Soft surfaces such as grass or landscaped areas will not be considered.

9. Note that a restrictive covenant may be required to ensure the path remains clear of equipment, storage, or structures. Specific to this development, please ensure that this minimum access width is maintained from the road to the rear entry unit as well as the principal entrance facing the street.

10. Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction.

Reference: NFC(2019-AE) 5.6.3.6. Hydrant Access

- 1) Hydrants on construction, alteration, or demolition site shall
 - a) be clearly marked with a sign,
 - b) be accessible, and
 - c) have an unobstructed clearance of not less than 2 m at all times.

To meet the requirements of the National Fire Code — 2019 Alberta Edition, Sentence 5.6.1.2.(1), protection of adjacent properties during construction must be considered.

https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const

Reference: NFC(2019-AE) 5.6.1.2 Protection of Adjacent Building

- 1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations.

Reference: Protection of Adjacent Building- STANDATA - Joint fire/building code interpretation:

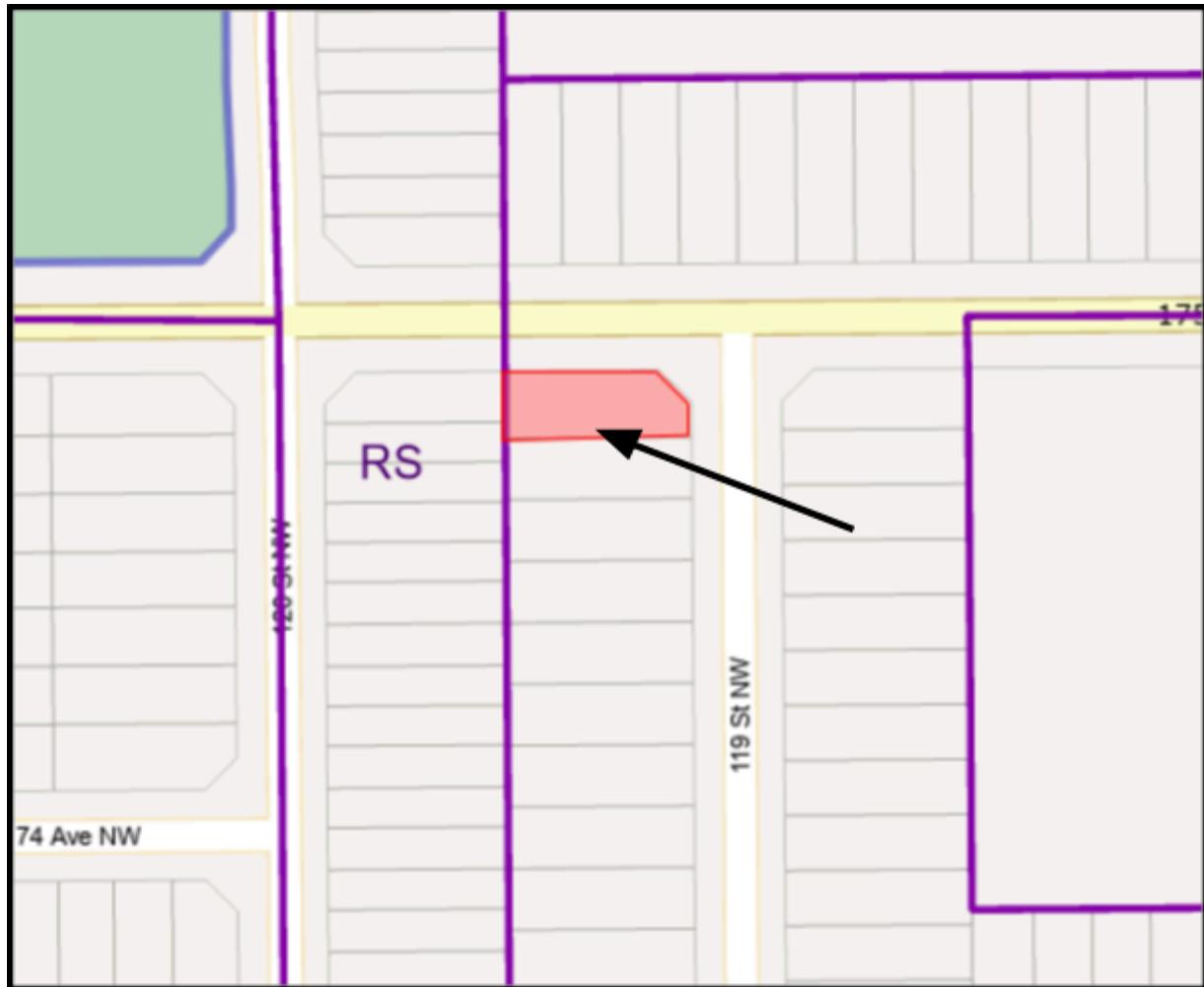
Protection of Adjacent Buildings During Construction and Demolition

<https://open.alberta.ca/dataset/aa64d44e-6f21-474b-a86f-47bf24e40665/resource/26e961d0-b865-4cd8-b455-85b6eee2c246/download/ma-standata-joint-interpretation-19-fci-005-19-bci-016.pdf>

Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route.

Reference: NBC(2019-AE) 3.2.4.8 Annunciator and Zone Indication

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Major Development Permit																																					
1) The Fire Alarm Announcer Panel shall be installed in close proximity to a building entrance that faces a street or an access route for fire department vehicles.																																					
Variances Passenger pick-up and drop-off spaces: The development has 2 passenger pick-up and drop-off spaces instead of 4 (Subsection 5.80.6.10).																																					
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 06, 2025 Ends: May 27, 2025																																					
Fees <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Fee</th> <th style="text-align: center;">Amount</th> <th style="text-align: center;">Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: center;">\$400.00</td> <td style="text-align: center;">\$400.00</td> <td style="text-align: center;">003653001001612</td> <td></td> <td style="text-align: center;">Dec 03, 2024</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: center;">\$550.00</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: center;">\$100.00</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: center;">\$0.00</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit: (\$650.00 outstanding)</td> <td style="text-align: center;">\$1,050.00</td> <td></td> <td style="text-align: center;">\$400.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee	Amount	Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$400.00	\$400.00	003653001001612		Dec 03, 2024	Development Permit Inspection Fee	\$550.00					Variance Fee	\$100.00					Total GST Amount:	\$0.00					Totals for Permit: (\$650.00 outstanding)	\$1,050.00		\$400.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-078



N

ITEM II: 1:30 P.M.FILE: SDAB-D-25-079

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE
OFFICER

APPELLANT:

APPLICATION NO.: 577169199-001

ORDER TO:

Cease the Minor Industrial Use by removing all shipping containers from the property. Please note: If you wish to keep 1-2 containers on the site for personal storage use, you may do so after acquiring an Accessory building Development Permit by June 30, 2025

DECISION OF THE

DEVELOPMENT AUTHORITY:: Order Issued

DECISION DATE: April 16, 2025

DATE OF APPEAL: May 7, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2904 - 28 Avenue SW

LEGAL DESCRIPTION: Plan 7721898 Lot 9A

ZONE: AG - Agriculture Zone

OVERLAY: N/A

STATUTORY PLAN: Decoteau Area Structure Plan

DISTRICT PLAN: Ellerslie District Plan

<i>Grounds for Appeal</i>

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

The Order alleges that I have commenced a “Minor Industrial Use” by storing shipping containers on agricultural land without a development permit. The City concluded that this use contravenes:

- **Section 7.110.1** - undertaking development without a Development Permit
- **Sections 7.200.2.1 and 2.700.2.2** - contravening the Zoning Bylaw and commencing a Use without valid permit.
- Section 683 of the MGA - prohibiting development without a permit.

It directs me to remove all shipping containers by June 30, 2025, with the exception of keeping 1-2 containers for personal storage if a Development Permit is obtained.

Grounds for Appeal

A. No “Minor Industrial Use” exists

The Order's core allegation is incorrect in law and fact. The term “Minor Industrial Use”, as defined in the Bylaw, refers to:

“Processing raw materials; manufacturing, cleaning, servicing, repairing or testing materials, goods and equipment; handling, storing, or shipping equipment, goods, and materials for sale; or research and development for industrial or institutional purposes.”

B. Agricultural Zoning Supports Accessory Storage

Under **Section 2.230 AG Zone**, agricultural parcels typically include:

- Personal and accessory storage buildings;
- Agricultural tools, trailers, and out buildings;
- Seasonal and utility-use vehicles.

Shipping containers used for personal purposes are comparable to rural accessory buildings and should be permitted.

C. Vehicles and Trailers are Personally Owned

All vehicles and trailers stored on-site are **personally** owned and **non-commercial**. Their storage is consistent with rural residential life and does not constitute a commercial or industrial operation.

D. Longstanding, Peaceful Use

I have resided on this property since 1988. I have maintained it lawfully, with no history of complaints, and relied in good faith on verbal advice from City staff in 2016-2017 that personal storage in containers was acceptable on AG zoned land.

E. Disproportionate Impact and Alternative Relief

The Order, if upheld, would force me to remove personal property accumulated over decades. I request that the Board allow;

- Retention of all containers as Accessory Buildings;
- Storage of personally owned vehicles and trailers;
- Retroactive application for a Development Permit if needed.

F. Human and Compassionate Grounds

I am a lifelong Edmonton resident, not a developer, I have lived on this land since 1988. My containers store household goods, tools, and personal effects. I assist vulnerable community members by storing donated items for the elderly and sick. This is not a business. It is compassion, community, and survival.

Requiring me to remove these containers would place me under financial hardship, displace irreplaceable belongings, and punish decades of responsible stewardship. I respectfully ask that the SDAB exercise its discretion with understanding.

Relief Requested

I respectfully request that the Subdivision and Development Appeal Board:

- Rescind or vary the Stop ORder issued April 16, 2025;
- Permit the continued retention of all existing shipping containers for personal use;
- Permit the storage of personally owned vehicles and trailers;
- Allow a retroactive Development Permit for any structures as needed.

General Matters**Appeal Information:**

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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.

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*:

A **Minor Industrial Use** is NOT a Permitted Use in the **AG - Agriculture Zone (Section 2.230.2)**.

Under section 8.10, a **Minor Industrial** means:

a development used primarily for 1 or more of the following activities:

- processing raw materials;
- manufacturing, cleaning, servicing, repairing or testing materials, goods and equipment;
- handling, storing, or shipping equipment, goods, and materials;
- training, research and development laboratories; or
- distributing and selling materials, goods and equipment to institutions and industrial and commercial businesses.

Any resulting Nuisance is less impactful than those permitted under the Major Industrial Use.

Typical examples include: auto body repair and paint shops, Cannabis Production and Distribution, commercial recycling depots, contractor and construction services, equipment or vehicle repair and storage facilities, laboratories, landscaping centres, limo service, materials storage, research facilities, taxi service, truck yard, vehicle (truck, aircraft, mobile homes, etc.) and equipment sales and rentals, and warehouses.

Under section 8.10, **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.”

Section 2.230.1 states that the **Purpose of the AG - Agriculture Zone** is “To conserve agricultural land and allow activities that support the Agriculture Use. Subdivision of agricultural Lots is not permitted unless it occurs in accordance with applicable statutory plans and the regulations of this Zone.”

7.110 Approvals Required and Development Categories

Section 7.110.1 states:

1. Approval Required for Development
 - 1.1. No person may:
 - 1.1.1. undertake, or cause or allow to be undertaken, a development; or
 - 1.1.2. carry on, or cause or allow to be carried on, a development,

without a Development Permit issued under this Section.

7.200 Inspections, Enforcement and Penalties

Section 7.200.2.2 states:

2. General Offences
 - 2.1. It is an offence for any person to:
 - 2.1.1. contravene; or

2.1.2. cause, allow or permit a contravention of, any provisions of this Bylaw.

2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:

- 2.2.1. construct a building or structure;
- 2.2.2. make an addition or alteration to a building or structure;
- 2.2.3. commence or undertake a Use or change of intensity of Use; or
- 2.2.4. place a Sign on land, or on a building or structure.

Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision
SDAB-D-11-089	Operate a Greenhouse, Plant Nursery and Market Garden	<p>May 13, 2011; that the appeal be DENIED and the decision of the Development Authority CONFIRMED with the following additional conditions:</p> <p>The Board imposes the following additional conditions:</p> <ol style="list-style-type: none"> 1. The Respondent shall submit a revised site plan showing the two acre growing area with dimensions, the location of the composting area with dimensions, all buildings that will be specifically associated with the proposed Use and the location of the proposed parking area on or before May 26, 2011; 2. The growing area shall not exceed two acres in

		<p>size and shall be directly related to the Greenhouse, Plant Nursery and Market Garden Use;</p> <p>3. Business related visits, which include customer visits and deliveries of water and/or any other supplies to the site, shall not exceed five per day;</p> <p>4. A separate development application is required if the intensity of the Use (Greenhouse, Plant Nursery and Market Garden) changes, which includes the size of the growing area or the use of any accessory building not identified on the revised site plan as being associated with the use, or, if applicable, renovation of any of the accessory buildings on site for the approved use.</p> <p>The Development Authority's decision contained the following conditions:</p> <ol style="list-style-type: none"> 1. This Development Permit is not a Business Licence. A separate application must be made for a Business Licence; 2. Signs require separate Development Applications.
SDAB-D-01-137	Park a commercial vehicle on a residential site (Dump Truck)	<p>Jun 13, 2001; that the appeal be ALLOWED and the development GRANTED subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The Appellant may park one truck on this property as

		<p>long as he resides on the property.</p> <p>2. The Gross Vehicle Weight shall not exceed 8500 kilograms.</p> <p>3. The parking of this vehicle constitutes a part of a Minor Home Occupation, File No. 868452-001, which was approved on November 18, 1999.</p>
SDAB-D-99-123	Park a commercial vehicle on a residential site (single dump truck)	<p>May 6, 1999; that the appeal be ALLOWED and the DEVELOPMENT GRANTED subject to the following conditions:</p> <p>1. This permit shall be for the duration of two years.</p> <p>2. Only one 8500 kilogram G.V.W. truck.</p>

***SEE POSSE FOR PREVIOUS SDAB DECISIONS**

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.



City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance & Inquiries Unit

10111 - 104 Ave NW
Edmonton, AB T5J 0J4
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April 16, 2025

Our File: 577169199-001

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir/Madam:

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 2904 - 28 AVENUE SW in Edmonton, Alberta, legally described as Plan 7721898 Lot 9A.

This Property was inspected by Development Compliance Officer Brendan Bolstad on April 10, 2025. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

This property is zoned AG (Agriculture Zone) in accordance with Section 2.230 of Edmonton Zoning Bylaw 20001. Our investigation revealed that a **Minor Industrial Use** (shipping container storage) has been developed without a Development Permit. Minor Industrial Uses are not allowed in the AG zone. It is not possible to acquire a Development Permit for this type of activity in the AG zone.

Commencing a Use, or causing or allowing a Use to be carried on without a Development Permit is contrary to Subsections 7.110.1, 7.200.2.1 & 7.200.2.2 of Edmonton Zoning Bylaw 20001, and Section 683 of the Municipal Government Act.

Subsection 7.110.1 of Edmonton Zoning Bylaw 20001 states: **Approval Required for Development**

1.1. No person may:

- 1.1.1. undertake, or cause or allow to be undertaken, a development; or
- 1.1.2. carry on, or cause or allow to be carried on, a development,
without a Development Permit issued under this Section.



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Subsection 7.200.2.1 of Edmonton Zoning Bylaw 20001 states:

2.1 It is an offence for any person to:

- 2.1.1. contravene; or
- 2.1.2. cause, allow or permit a contravention of,
any provisions of this Bylaw.

Subsection 7.200.2.2 of Edmonton Zoning Bylaw 20001 states:

2.2. If a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:

- 2.2.1. construct a building or structure;
- 2.2.2. make an addition or alteration to a building or structure;
- 2.2.3. commence or undertake a Use or change of intensity of Use; or**
- 2.2.4. place a Sign on land, or on a building or structure.

Minor Industrial Use means:

Minor Industrial means a development used primarily for 1 or more of the following activities:

- processing raw materials;
- manufacturing, cleaning, servicing, repairing or testing materials, goods and equipment;
- **handling, storing, or shipping equipment, goods, and materials;**
- training, research and development laboratories; or
- distributing and selling materials, goods and equipment to institutions and industrial and commercial businesses.

Any resulting Nuisance is less impactful than those permitted under the Major Industrial Use.

Typical examples include: auto body repair and paint shops, Cannabis Production and Distribution, commercial recycling depots, contractor and construction services, equipment or vehicle repair and storage facilities, laboratories, landscaping centres, limo service, **materials storage**, research facilities, taxi service, truck yard, vehicle (truck, aircraft, mobile homes, etc.) and equipment sales and rentals, and warehouses.



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ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following actions by **June 30, 2025**:

- Cease the Minor Industrial Use by removing all shipping containers from the property.

Please note: If you wish to keep 1-2 containers on the site for personal storage use, you may do so after acquiring an Accessory building Development Permit.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after **June 30, 2025** to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within **21 calendar days** to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, RSA 2000, c M-26, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer.

Regards,

Brendan Bolstad
Development Compliance Officer
780-405-6284
brendan.bolstad@edmonton.ca



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Development Services Branch
Development Approvals & Inspections Section
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Site photograph:





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Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35; (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;
- (h.1) the expenses and costs of carrying out an order under section 646;
- (i) any other amount that may be added to the tax roll under an enactment.

(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

- (a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and
- (b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,



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the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and



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development appeal board or to the Land and Property Rights Tribunal.

(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).

(2.1) An appeal referred to in subsection (1) or (2) may be made

(a) to the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii), or

(b) in all other cases, to the subdivision and development appeal board.

(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).

(4) Despite subsections (1), (2) 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 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.

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



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

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.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board 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.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,
(b) to the development authority whose order, decision or development permit is the subject of the appeal, and
(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or (b)
the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.



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Subdivision and Development Appeal Board

File your appeal online at:

<https://sdab.edmonton.ca>

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by a decision of the Development Authority under the Zoning Bylaw and the Subdivision Authority under the Subdivision Authority Bylaw. The board is appointed by City Council and consists of citizens living in the city of Edmonton.

The SDAB normally meets every Wednesday and Thursday. If required, the Board may set additional dates for hearings.

Once you have met requirements and filed a proper appeal, this Board presides over your hearing.

The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

Agendas listing appeals and hearing times scheduled for that day are posted in the hearing waiting area. Hearings do not start before the time listed on the schedule.

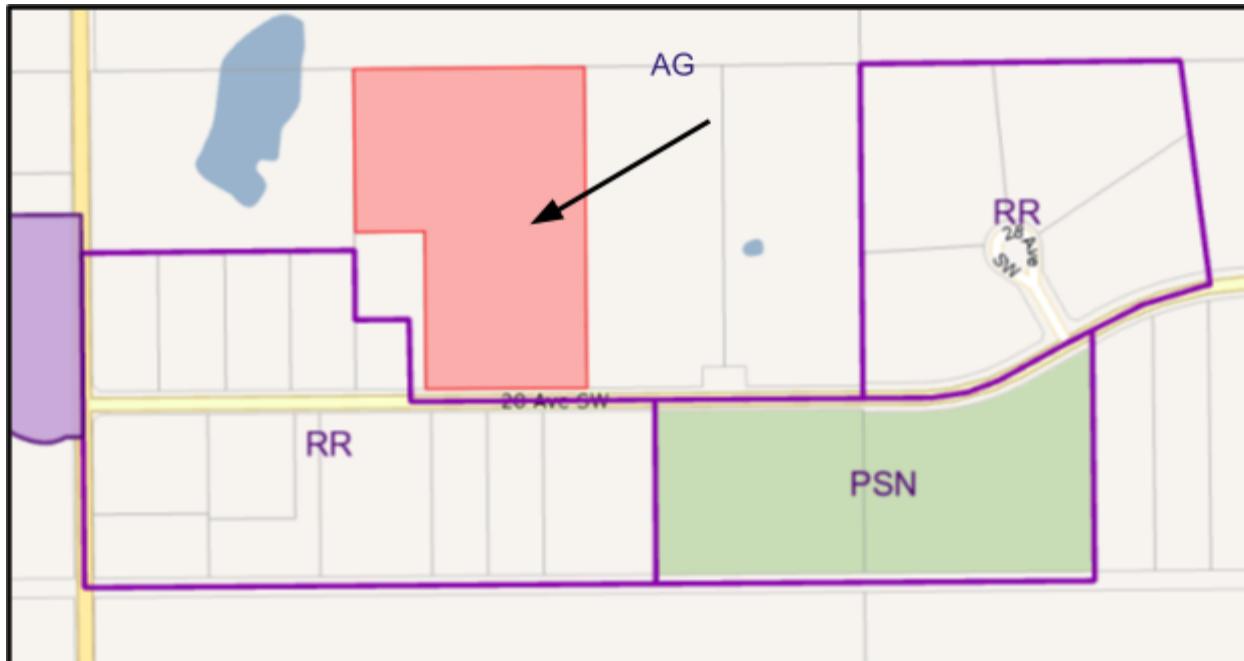
For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079

Fax 780-577-3537

Email sdab@edmonton.ca



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-079



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