

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
March 6, 2025

Hearing Room No. 3
Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB

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

TO BE RAISED

I 9:00 A.M. SDAB-D-25-005

To construct exterior alterations (Driveway
extension - 6.8m x 2.1m)

17234 - 65A Street NW
Project No.: 510154945-002

TO BE RAISED

II 10:00 A.M. SDAB-D-25-006

To construct exterior alterations (Driveway
extension 6.8m x 1.8m)

17318 - 65A Street NW
Project No.: 526130211-002

III 11:00 A.M. SDAB-D-25-024

To construct an Accessory building (mutual
detached Garage, 12.60m x 5.79m)

10920 - 130 Street NW
Project No.: 541108585-002

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-25-005

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 510154945-002

APPLICATION TO: Construct exterior alterations (Driveway extension - 6.8m x 2.1m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 14, 2024

DATE OF APPEAL: December 2, 2024

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 17234 - 65A Street NW

LEGAL DESCRIPTION: Plan 1520589 Blk 13 Lot 20

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): McConachie Neighborhood Structure Plan
Pilot Sound Area Structure Plan

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

I am appealing because when i bought this house it was brand new house and i was first time home buyer. Builder insured me that everything was built according to city guidelines and even showed me all house plan

passed by city with this driveway built. Its been seven years i am living at this address. I told city development officials also that i didnt built this driveway it was already built when i bought this house and he ensured me that i will get permit because i was already built and now they refused it and told me to appeal there decision. I appeal in front of you to please consider my request to keep my driveway.I can provide photos also when i bought this house the driveway was already built like that and now i try to connect builder they are not answering my calls anymore. Please i hope you understand and help me get this permit.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on December 2, 2024:

“That the appeal hearing be rescheduled to a date to be determined following the conclusion of the Canada Post strike.”

The SDAB made the following decision on January 22, 2025:

“That SDAB-D-25-005 be postponed to March 6, 2025.”

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

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

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

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

and

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

General Provisions from the Zoning Bylaw 20001:

Under section 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

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

Means a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

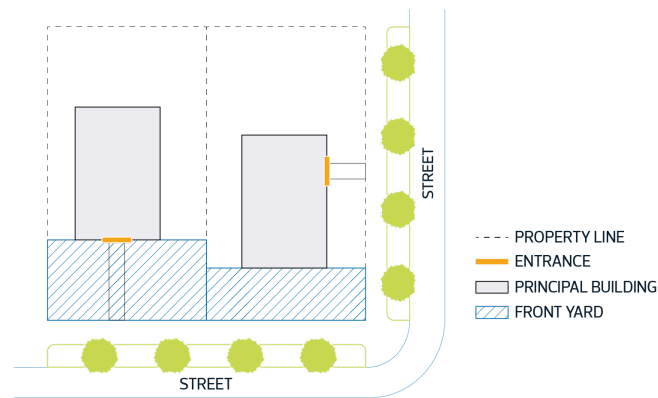
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

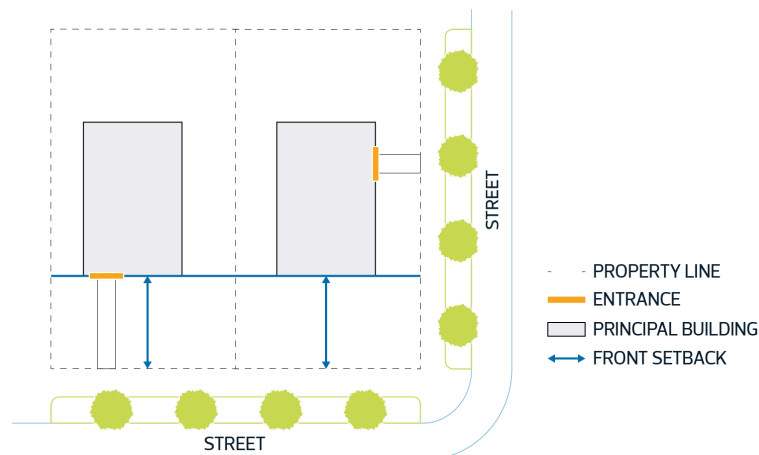
Under section 8.20, **Front Yard** means:

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



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

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



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

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

Section 2.20.1 states that the **Purpose** of the **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.

<i>Site Circulation and Parking Regulations for Small Scale Residential Development</i>
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Section 5.80.2.1 states:

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

Site Circulation

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

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

Driveways

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

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

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

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

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

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

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

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

2.1.5.1. a Front Yard;

2.1.5.2. a Flanking Side Yard; or

2.1.5.3 a Flanking Side Setback.

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

Development Planner's Determination

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

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

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4 m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2)

Proposed: The driveway is 7.9 m wide.

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


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

[unedited]

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.

	<div>Project Number: 510154945-002</div> <div>Application Date: JUN 26, 2024</div> <div>Printed: November 14, 2024 at 10:06 AM</div> <div>Page: 1 of 2</div>													
<h2>Application for Driveway Extension Permit</h2>														
This document is a Development Permit Decision for the development application described below.														
Applicant		Property Address(es) and Legal Description(s) 17234 - 65A STREET NW Plan 1520589 Blk 13 Lot 20												
Scope of Application To construct exterior alterations (Driveway extension - 6.8m x 2.1m).														
Details <table border="1" data-bbox="235 741 1385 804"><tr><td data-bbox="235 741 808 804">Development Category: Site Area (sq. m.): 353.6</td><td data-bbox="813 741 1385 804">Overlay: Statutory Plan:</td></tr></table>					Development Category: Site Area (sq. m.): 353.6	Overlay: Statutory Plan:								
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Development Application Decision Refused Issue Date: Nov 14, 2024 Development Authority: WINGET, MARK Reason for Refusal 1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3) Proposed: The driveway does not lead directly from the roadway to the garage. 2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4 m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2) Proposed: The driveway is 7.9 m wide. 3) Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard. (Subsection 5.80.2.1.5.1) Proposed: The additional concrete provides vehicle parking space in the front yard. 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.														
Building Permit Decision No decision has yet been made.														
Fees <table border="1" data-bbox="235 1556 1385 1650"><thead><tr><th></th><th>Fee Amount</th><th>Amount Paid</th><th>Receipt #</th><th>Date Paid</th></tr></thead><tbody><tr><td>Development Application Fee</td><td>\$185.00</td><td>\$185.00</td><td>06502001001708</td><td>Jun 26, 2024</td></tr></tbody></table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$185.00	\$185.00	06502001001708	Jun 26, 2024
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Development Application Fee	\$185.00	\$185.00	06502001001708	Jun 26, 2024										
THIS IS NOT A PERMIT														



Project Number: **510154945-002**

Application Date: JUN 26, 2024

Printed: November 14, 2024 at 10:06 AM

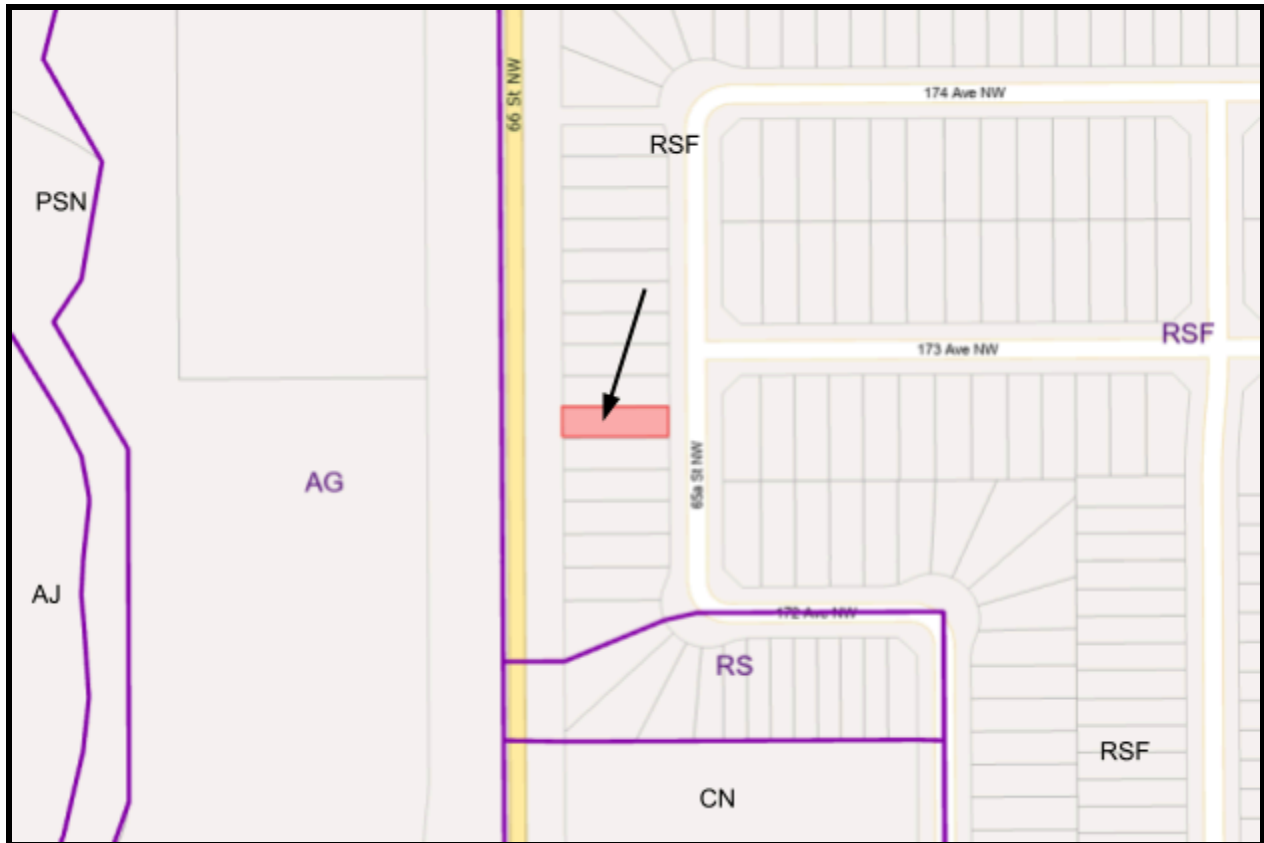
Page: 2 of 2

Application for

Driveway Extension Permit

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$185.00	\$185.00		

THIS IS NOT A PERMIT



TO BE RAISED

ITEM II: 10:00 A.M.

FILE: SDAB-D-25-006

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 526130211-002

APPLICATION TO: Construct exterior alterations (Driveway extension 6.8m x 1.8m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 14, 2024

DATE OF APPEAL: December 4, 2024

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 17318 - 65A Street NW

LEGAL DESCRIPTION: Plan 1520589 Blk 13 Lot 26

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): McConachie Neighborhood Structure Plan
Pilot Sound Area Structure Plan

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

Ii was first time home buyer and i bought this house as is with driveway and i didnt do any kind of construction on my driveway. This was built by

builder and he ensured me that house was built according to city by law.
Please consider my appeal and look into the matter.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on December 5, 2024:

“That the appeal hearing be rescheduled to a date to be determined following the conclusion of the Canada Post strike.”

The SDAB made the following decision on January 22, 2025:

“That SDAB-D-25-006 be postponed to March 6, 2025.”

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
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the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

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

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

Appeals

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

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 - (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)

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

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- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
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 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the Zoning Bylaw 20001:

Under section 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

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

Means a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

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

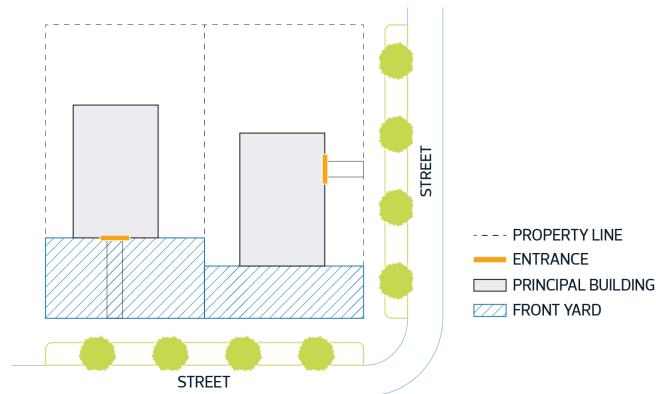
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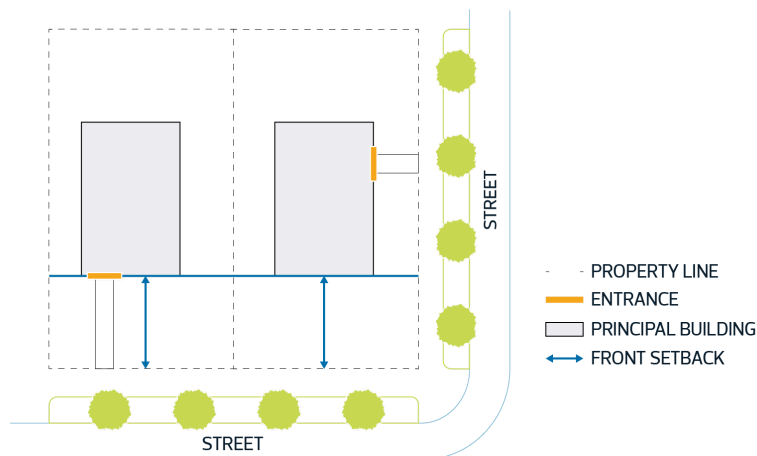
means the portion of a Site Abutting the Front Lot Line extending across the full width of the Site, between the Front Lot Line and the nearest wall

of the principal building, not including projections.



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

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



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

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

Section 2.20.1 states that the **Purpose** of the **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.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

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

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

Driveways

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

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

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

- 2.1.4.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the

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

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

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

2.1.5.1. a Front Yard;

2.1.5.2. a Flanking Side Yard; or

2.1.5.3 a Flanking Side Setback.

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

Development Planner's Determination

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

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

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4 m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2)

Proposed: The driveway is 7.9 m wide.


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


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

[unedited]

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: 526130211-002 Application Date: AUG 13, 2024 Printed: November 14, 2024 at 10:29 AM Page: 1 of 2	
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This document is a Development Permit Decision for the development application described below.			
Applicant		Property Address(es) and Legal Description(s) 17318 - 65A STREET NW Plan 1520589 Blk 13 Lot 26	
Scope of Application To construct exterior alterations (Driveway extension 6.8m x 1.8m).			
Details			
Development Category: Site Area (sq. m.): 353.55		Overlay: Statutory Plan:	
Development Application Decision Refused Issue Date: Nov 14, 2024 Development Authority: WINGET, MARK Reason for Refusal 1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3) Proposed: The driveway does not lead directly from the roadway to the garage. 2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 7.4 m, or the width of the Garage or Parking Area, whichever is less. (Subsection 5.80.2.1.4.2) Proposed: The driveway is 7.9 m wide. 3) Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard. (Subsection 5.80.2.1.5.1) Proposed: The additional concrete provides vehicle parking space in the front yard. 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.			
Building Permit Decision No decision has yet been made.			
Fees			
	Fee Amount	Amount Paid	Receipt #
Development Application Fee	\$185.00	\$185.00	057531001001530
			Date Paid Aug 13, 2024
THIS IS NOT A PERMIT			



Project Number: **526130211-002**

Application Date: **AUG 13, 2024**

Printed: **November 14, 2024 at 10:29 AM**

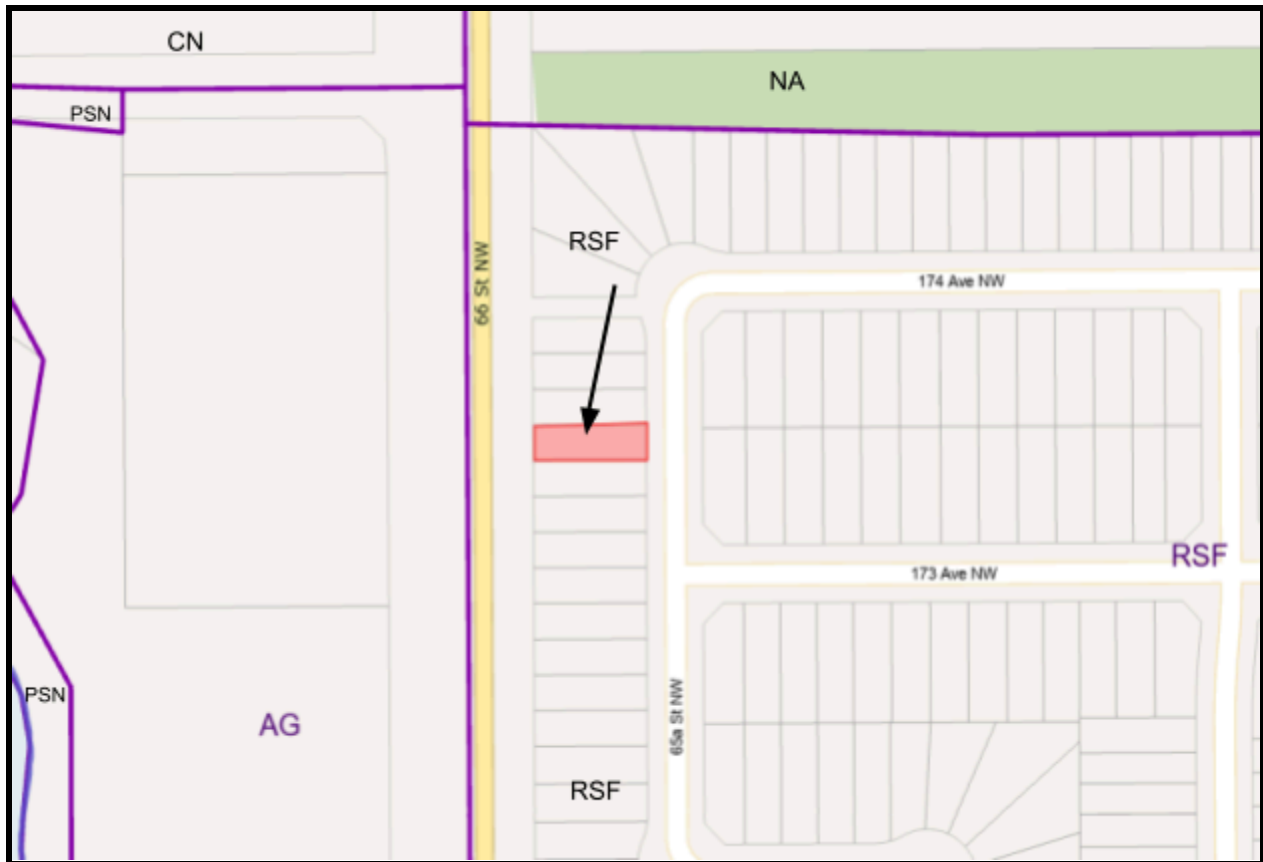
Page: **2 of 2**

Application for

Driveway Extension Permit

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$185.00	\$185.00		

THIS IS NOT A PERMIT



ITEM III: 11:00 A.M.FILE: SDAB-D-25-024AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 541108585-002

APPLICATION TO: To construct an Accessory building (mutual detached Garage, 12.60m x 5.79m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 4, 2025

DATE OF APPEAL: February 4, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10920 - 130 Street NW

LEGAL DESCRIPTION: Plan RN24A Blk 1 Lot 4

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:

We are writing to request a variance to allow for the construction of a 4-car garage at 10920-130 Str.

During the initial design phase, there was uncertainty about the feasibility of a 4-car garage. Based on feedback from the City of Edmonton Waste Services, our original design included a 3-car garage to ensure compliance

with waste bin requirements, as we were informed that a 4-car garage would not be approved.

Over the subsequent months, we collaborated with Waste Services to determine the optimal garage and waste bin configurations. At that time, Waste Services instructed us that only a 3-car garage would be permitted. However, later in the process, we were informed of an alternative design that would allow for a 4-car garage while still providing ample space for garbage bins. This design includes larger waste bins and a fenced enclosure for proper waste storage.

Since our original intent was to provide a 4-car garage to accommodate tenant needs and reduce the number of vehicles parked on the street, we are requesting a variance to allow this design. The 4-car garage is the preferred solution, as it meets tenant preferences while still maintaining sufficient space for waste management.

We believe this design achieves a balance between tenant satisfaction and compliance with waste service requirements. We appreciate your consideration of this request and are happy to provide any additional information or work collaboratively to address any concerns.

Thank you for your time and support.

<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:

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, **Multi-unit Housing** means a building that contains:

- a. 1 or more Dwellings combined with at least 1 Use other than Residential or Home Based Business; or
- b. any number of Dwellings that do not conform to any other definition in the Zoning Bylaw.

Typical examples include stacked row housing, apartments, and housing in a mixed-use building.

Under section 8.20, **Row Housing** means:

a building that contains 3 or more principal Dwellings joined in whole or in part at the side, the rear, or the side and the rear, with none of the principal Dwellings being placed over another. Each principal Dwelling has separate, individual, and direct access to ground level.

Under section 8.10, **Secondary Suite** means:

a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.10, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

Under section 8.20, **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 2.10.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

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

<i>Site Coverage</i>

Section 2.10.4.1.7 states:

4.1. Development must comply with Table 4.1:

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

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

the total horizontal area on a Site:

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

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

Development Planner's Determination

Site Coverage - The buildings cover 48% of the site, instead of 45% (Subsection 2.10.4.1.7)

[unedited]

<i>Site Circulation and Parking Regulations for Small Scale Residential Development</i>
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Section 5.60.3.2 states: A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided for:

- 3.2.1. all development within the RS and RSF Zones;
- 3.2.2. any Single Detached Housing, Duplex Housing, or Semi-detached Housing development; and

3.2.3. any Row Housing, Multi-unit Housing or Cluster Housing development up to 8 Dwellings in a residential Zone with a maximum Height of 12.0 m or less.

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

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

Under section 8.20, **Landscaping** means:

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

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

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


Development Planner's Determination


Landscaping - The site has 29% of soft landscaping, instead of 30% (Subsection 5.60.3.2)

[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.

		Application for Accessory Building Permit		Project Number: 541108585-002 Application Date: NOV 18, 2024 Printed: February 4, 2025 at 9:38 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) 10920 - 130 STREET NW Plan RN24A Blk 1 Lot 4		
		Location(s) of Work Suite: 1, 10920 - 130 STREET NW Suite: 2, 10920 - 130 STREET NW Suite: 3, 10920 - 130 STREET NW Suite: 4, 10920 - 130 STREET NW Entryway: 1, 10920 - 130 STREET NW Entryway: 2, 10920 - 130 STREET NW Entryway: 3, 10920 - 130 STREET NW Entryway: 4, 10920 - 130 STREET NW Building: 1, 10920 - 130 STREET NW		
Scope of Application To construct an Accessory building (manual detached Garage, 12.60m x 5.79m).				
Details				
Development Category: Discretionary Development Site Area (sq. m.): 650.13		Overlay: Statutory Plan:		
Development Application Decision Refused Issue Date: Feb 04, 2025 Development Authority: SELTZ, AARON Reason for Refusal Site Coverage - The buildings cover 48% of the site, instead of 45% (Subsection 2.10.4.1.7) Landscaping - The site has 29% of soft landscaping, instead of 30% (Subsection 5.60.3.2) 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.				
Building Permit Decision No decision has yet been made.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.00	\$4.00	058913001001799	Nov 18, 2024
Development Application Fee	\$140.00	\$140.00	058913001001799	Nov 18, 2024
Building Permit Fee (Accessory Building)	\$115.00	\$115.00	058913001001799	Nov 18, 2024
THIS IS NOT A PERMIT				



Project Number: **541108585-002**

Application Date: NOV 18, 2024

Printed: February 4, 2025 at 9:38 AM

Page: 2 of 2

Application for

Accessory Building Permit

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$259.60	\$259.60		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-024



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