

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.

May 28, 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-25-072

Construct exterior alterations to a Residential Use building (Driveway extensions, 1.5m x 6.0m and 1.2m x 7.0m), existing without permits

17214 - 65A Street NW
Project No.: 516060623-002

II 10:00 A.M. SDAB-D-25-073

To construct an addition to a Residential Use building in the form of a Single Detached House (front vestibule extension, covered front entry, front attached Garage, and Driveway)

15301 - 82 Avenue NW
Project No.: 580639698-006

III 1:30 P.M. SDAB-D-25-074

WITHDRAWN

Construct an Accessory building (shed, 2.48m x 3.75m)

6115 - 8 Avenue SW
Project No.: 572910877-002

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-25-072

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 516060623-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extensions, 1.5m x 6.0m and 1.2m x 7.0m), existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 17, 2025

DATE OF APPEAL: May 5, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 17214 - 65A Street NW

LEGAL DESCRIPTION: Plan 1520589 Blk 13 Lot 15

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): McConachie Neighbourhood 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:

We are requesting and appealing for your kind review of the refusal of the City of Edmonton to approve our Drive way extension.

Firstly, we want to admit that we were not rightly guided by our builder when the extension was done. Coupled also with the fact that several buildings in the community also have their drive way extended.

Having stated the above, we plead that the board should kindly look into the following situation that apply to us.

We are a Support Home Operator (caring for people with disability who are regularly in use of wheel chair to access the House).

We also have a legal suite basement, which require additional entrance space for access.

Additionally, we have a large and growing adult family, with about seven service vehicles (Registered with the Province) that require parking space regularly. Street Parking space in our community is limited and challenging throughout the year, irrespective of the season.

We would appreciate if the board would help our family in looking at the above situation with kind consideration.

<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 2.20.2.2, 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.

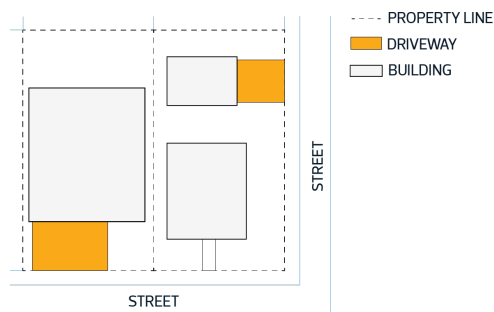
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

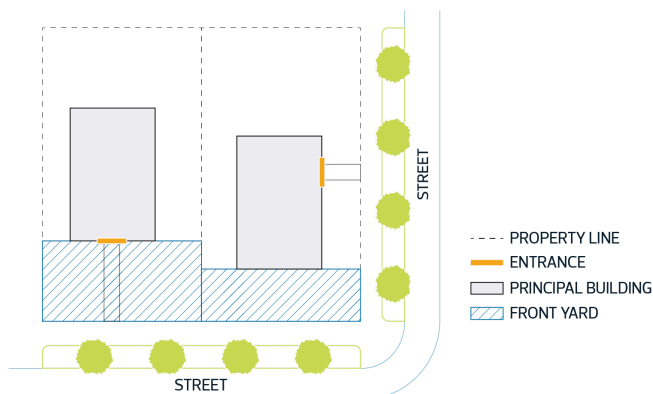
Under section 8.20, **Driveway** means:

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



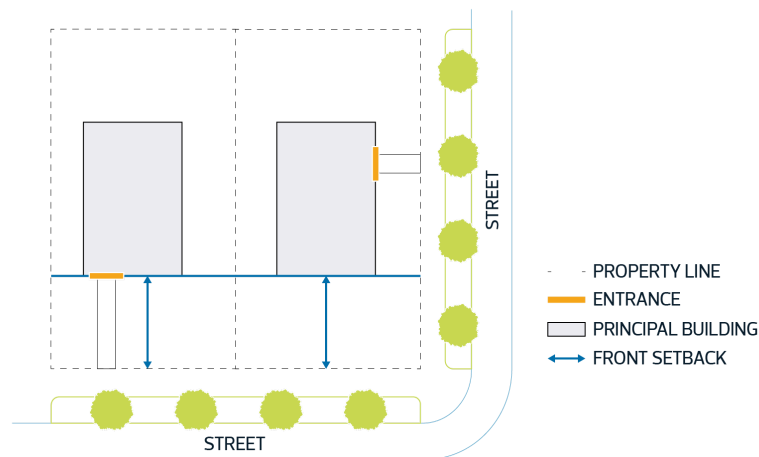
Under section 8.20, **Front Yard** means:

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:

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 “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.”

Under section 8.20, **Surface Parking Lot** means “an unenclosed area wholly at ground level that includes 1 or more Parking Areas and 1 or more Drive Aisles.”

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:

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) The Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Section 5.80.2.1.3)

Proposed: The driveway extensions do not lead directly from the Street to the garage.

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. (Section 5.80.2.1.4.2.1)

Proposed: The driveway width is 9.7 m. The Garage width is 7.0 m.

3) Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway. (Section 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: 516060623-002 Application Date: JUN 13, 2024 Printed: April 17, 2025 at 12:56 PM Page: 1 of 2					
		Application for Driveway Extension Permit					
This document is a Development Permit Decision for the development application described below.							
Applicant Project Name: ABIODUN FEKOYA		Property Address(es) and Legal Description(s) 17214 - 65A STREET NW Plan 1520589 Blk 13 Lot 15 Location(s) of Work Suite: 17214 - 65A STREET NW Entryway: 17214 - 65A STREET NW Building: 17214 - 65A STREET NW					
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extensions, 1.5m x 6.0m and 1.2m x 7.0m), existing without permits.							
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Site Area (sq. m.): 356.38 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Site Area (sq. m.): 356.38	Overlay: Statutory Plan:		
Development Category: Site Area (sq. m.): 356.38	Overlay: Statutory Plan:						
Development Application Decision Refused Issue Date: Apr 17, 2025 Development Authority: SAHL, RAMANJYOT Reason for Refusal 1) The Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Section 5.80.2.1.3) Proposed: The driveway extensions do not lead directly from the Street to the garage. 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. (Section 5.80.2.1.4.2.1) Proposed: The driveway width is 9.7 m. The Garage width is 7.0 m. 3) Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway. (Section 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="0" style="width: 100%;"> <tr> <td style="width: 25%; text-align: center;">Fee Amount</td> <td style="width: 25%; text-align: center;">Amount Paid</td> <td style="width: 25%; text-align: center;">Receipt #</td> <td style="width: 25%; text-align: center;">Date Paid</td> </tr> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid
Fee Amount	Amount Paid	Receipt #	Date Paid				
THIS IS NOT A PERMIT							



Project Number: **516060623-002**

Application Date: JUN 13, 2024

Printed: April 17, 2025 at 12:56 PM

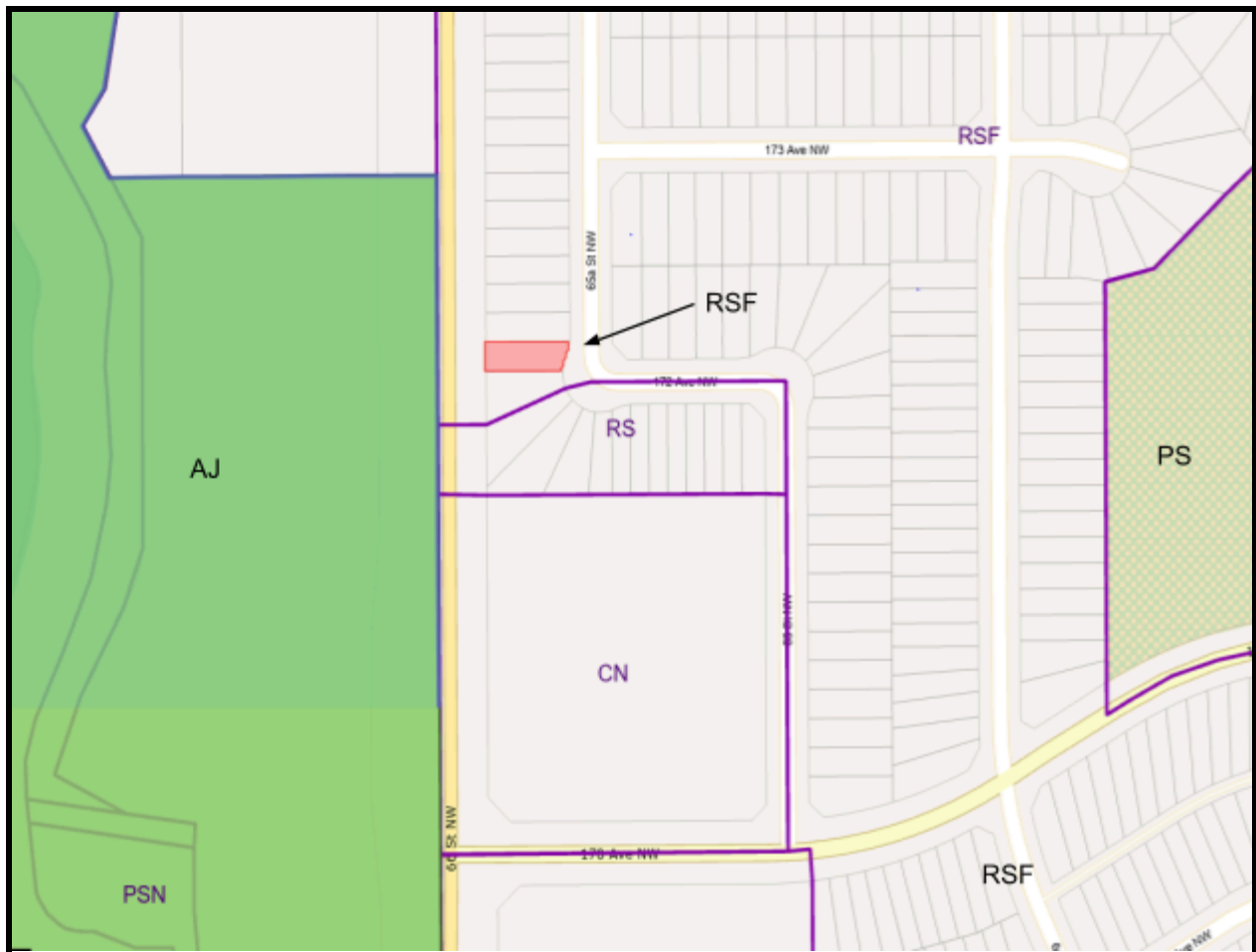
Page: 2 of 2

Application for

Driveway Extension Permit

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Permit Dev	\$185.00	\$185.00	03467E001001520	Jun 18, 2024
Application Penalty Fee				
Development Application Fee	\$185.00	\$185.00	07371E001001534	Jun 13, 2024
Total GST Amount:	\$0.00			
Totals for Permit:	\$370.00	\$370.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-072

N ▲

ITEM II: 10:00 A.M.

FILE: SDAB-D-25-073

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 580639698-006

APPLICATION TO: Construct an addition to a Residential Use building in the form of a Single Detached House (front vestibule extension, covered front entry, front attached Garage, and Driveway)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 25, 2025

DATE OF APPEAL: May 1, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15301 - 82 Avenue NW

LEGAL DESCRIPTION: Plan 4839KS Blk 9 Lot 16

ZONE: RS - Small Scale Residential Zone

OVERLAY: North Saskatchewan River Valley and Ravine System
Protection Overlay

STATUTORY PLAN: North Saskatchewan River Valley Area Redevelopment
Plan

DISTRICT PLAN: Jasper Place District Plan

<i>Grounds for Appeal</i>

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

The requested variance is for the best of community and homeowner. Please see the uploaded documents showing the reasons for the variance and the approval of all surrounding neighbours.

<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, **Single Detached Housing** means:

a building that contains 1 principal Dwelling and has direct access to ground level.

Under section 8.20, **Garage** means:

an Accessory building, or part of a principal building, designed and used primarily to store vehicles and includes carports. A Garage does not contain a Drive Aisle.

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.

Section 2.260.1 states that the **Purpose** of the **RVO - North Saskatchewan River Valley and Ravine System Protection Overlay** is:

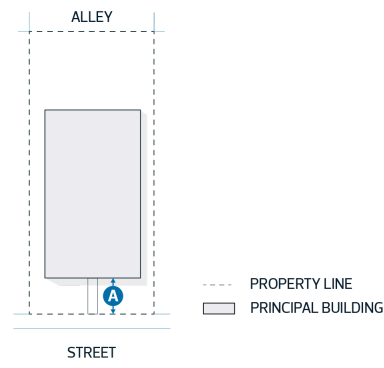
To provide a development Setback from the North Saskatchewan River Valley and Ravine System and mitigate the risks associated with top-of-bank landslides, erosions, and other environmental hazards.

Setbacks

Section 2.10.4.3 states Setbacks must comply with Table 4.3:

Table 4.3. Setback Regulations			
Subsection	Regulation	Value	Symbol
Front Setbacks			
4.3.1.	Minimum Front Setback	4.5 m	A

Diagram for Subsection 4.3.1.



Under section 8.20, **Setback** means:

the distance that a development, or a specified portion of a development, must be from a Lot line. A Setback is not a Yard. A Setback only applies to development on or above ground level.

Development Planner's Determination

1. The minimum front setback is 4.5 m (Subsection 2.10.4.3.1).

Proposed 2.7 m

Deficient by: 1.8 m

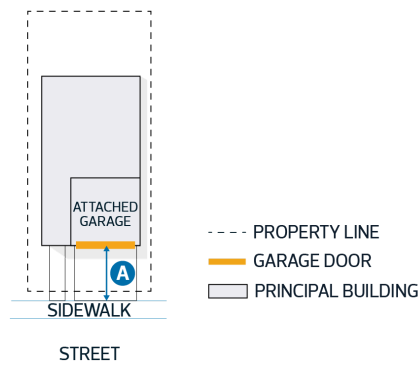
[unedited]

Driveways

Section 2.10.4.4 states Setbacks must comply with Table 4.3:

Table 4.4. Driveway Length Regulations			
Subsection	Regulation	Value	Symbol
Front Setbacks			
4.4.1.	Minimum Driveway length between a Garage door and the back of an existing or approved sidewalk at the time of the Development Permit application	6.0 m	A

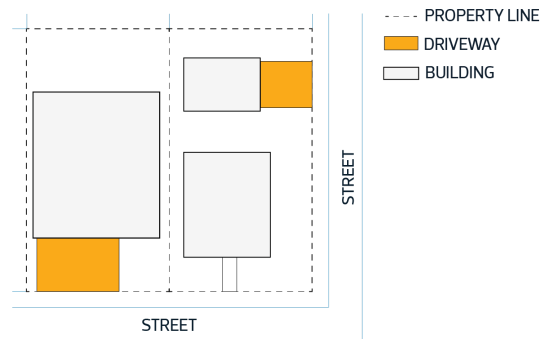
Diagram for Subsection 4.4.1.

Under section 8.20, **Accessory** means:

a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.

Under section 8.20, **Driveway** means:

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



Under section 8.20, **Parking Area** 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.

Development Planner's Determination

2. The minimum driveway length between a garage door and the back of an existing sidewalk is 6.0 m (Subsection 2.10.4.4.1).

Proposed 5.6 m

Deficient by: 0.4 m

[unedited]

Projection into Setbacks

Section 5.90.1 states the following with respect to **Eaves and similar features**:

Eaves, shade projections, chimneys, sills, and other similar architectural features may project a maximum of 0.6 m into a required Setback, [...]

Development Planner's Determination

3. Eaves, shade projections, chimneys, sills, and other similar architectural features may project a maximum of 0.6 m into a required setback. (Subsection 5.90.1.).

Proposed eave projection into front setback 3.1 m.

Exceeds by 2.5 m.


[unedited]


Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-24-127	To construct an addition and interior alterations to a Residential Use building in the form of a Single Detached House (front vestibule extension, covered walkway, and front attached Garage).	October 18, 2024; WITHDRAWN.

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 Addition Permit			Project Number: 580639698-006 Application Date: APR 09, 2025 Printed: April 25, 2025 at 4:10 PM Page: 1 of 2														
		This document is a Development Permit Decision for the development application described below.																	
Applicant Project Name: Theobald Garage		Property Address(es) and Legal Description(s) 15301 - S2 AVENUE NW Plan 4839KS Blk 9 Lot 16 Location(s) of Work Entryway: 15301 - S2 AVENUE NW Building: 15301 - S2 AVENUE NW																	
Scope of Application To construct an addition to a Residential Use building in the form of a Single Detached House (front vestibule extension, covered front entry, front attached Garage, and Driveway).																			
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Discretionary Development Site Area (sq. m.): 667.73 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table>					Development Category: Discretionary Development Site Area (sq. m.): 667.73	Overlay: Statutory Plan:													
Development Category: Discretionary Development Site Area (sq. m.): 667.73	Overlay: Statutory Plan:																		
Development Application Decision Refused Issue Date: Apr 25, 2025 Development Authority: FOLKMAN, JEREMY Reason for Refusal <ol style="list-style-type: none"> The minimum front setback is 4.5 m (Subsection 2.10.4.3.1). Proposed 2.7 m Deficient by: 1.8 m The minimum driveway length between a garage door and the back of an existing sidewalk is 6.0 m (Subsection 2.10.4.4.1). Proposed 5.6 m Deficient by: 0.4 m Eaves, shade projections, chimneys, sills, and other similar architectural features may project a maximum of 0.6 m into a required setback. (Subsection 5.90.1.). Proposed eave projection into front setback 3.1 m. Exceeds by 2.5 m. 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 Not Applicable as per Jayson Saraza																			
Fees <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: right;">\$102.50</td> <td style="text-align: right;">\$102.50</td> <td style="text-align: right;">08034G001001100</td> <td style="text-align: right;">Apr 23, 2025</td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$0.00				Variance Fee	\$102.50	\$102.50	08034G001001100	Apr 23, 2025
	Fee Amount	Amount Paid	Receipt #	Date Paid															
Development Application Fee	\$0.00																		
Variance Fee	\$102.50	\$102.50	08034G001001100	Apr 23, 2025															
THIS IS NOT A PERMIT																			

	<div>Project Number: 580639698-006</div> <div>Application Date: APR 09, 2025</div> <div>Printed: April 25, 2025 at 4:10 PM</div> <div>Page: 2 of 2</div>			
<h2>Application for Addition Permit</h2>				
Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$102.50	\$102.50		
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-073



WITHDRAWN

ITEM III: 1:30 P.M.

FILE: SDAB-D-25-074

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 572910877-002

APPLICATION TO: Construct an Accessory building (shed, 2.48m x 3.75m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: April 11, 2025

DATE OF APPEAL: May 5, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 6115 - 8 Avenue SW

LEGAL DESCRIPTION: Plan 0626087 Blk 11 Lot 2B

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Charlesworth Neighbourhood Structure Plan
Southeast Area Structure Plan

DISTRICT PLAN: Ellerslie District Plan

Grounds for Appeal

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

1. Last summer I filed a complaint (City file # 5196122-001) about a large gazebo that was on this neighbour's property very close to the property

line. I was not advised of the outcome of the complaint except that it would be investigated. Gazebo was subsequently dismantled.

2. I have concerns about the City approving a structure only 0.2 meters from the property line when the bylaw states such structures should be minimum 0.6 metres away.

3. If the City is approving an open structure like a large gazebo 0.2 metre from the property line in violation of the bylaw requirement of 0.6 metre, it poses privacy concerns for me and my family as it would be close to my living room window. I think we have a right to our privacy.

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

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

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, **Semi-detached Housing** means:

a building that contains 2 principal Dwellings that share, in whole or in part, a common vertical party wall. Each Dwelling has individual, separate and direct access to ground level. This does not include Duplex Housing.



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 2.20.1 states that the **Purpose** of the **RSF - Small Scale Flex Residential Zone** is:

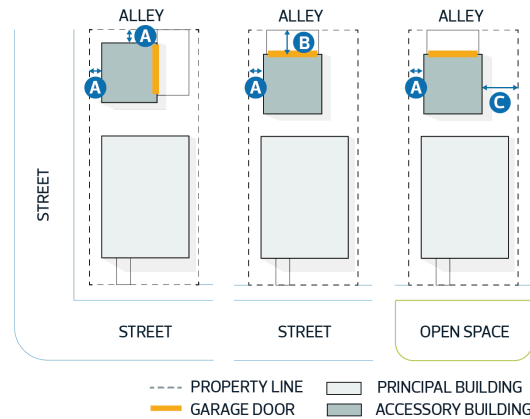
To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Accessory Uses, Buildings and Structures

Section 5.10.9.3 states:

Unless otherwise specified in this Bylaw, Accessory buildings or structures located in residential Zones must comply with Table 9:

Table 9. Accessory Building or Structure Regulations			
Subsection	Regulation	Value	Symbol
Setbacks			
9.3	Minimum Setback	0.6 m	A



Under section 8.20, **Setback** means:

the distance that a development, or a specified portion of a development, must be from a Lot line. A Setback is not a Yard. A Setback only applies to development on or above ground level.


Development Planner's Determination


Accessory Building Setback - The shed is 0.2 m from the side property line instead of 0.6 m. (Section 5.10.9.3)

[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: 572910877-002 Application Date: MAR 18, 2025 Printed: April 11, 2025 at 3:39 PM Page: 1 of 2			
		<h2>Accessory Building Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.					
Applicant Project Name: P124492		Property Address(es) and Legal Description(s) 6115 - 8 AVENUE SW Plan 0626087 Blk 11 Lot 2B Location(s) of Work Suite: 6115 - 8 AVENUE SW Entryway: 6115 - 8 AVENUE SW Building: 6115 - 8 AVENUE SW			
Scope of Permit To construct an Accessory building (shed, 2.48m x 3.75m).					
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Discretionary Development Site Area (sq. m): 276.81 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Discretionary Development Site Area (sq. m): 276.81	Overlay: Statutory Plan:
Development Category: Discretionary Development Site Area (sq. m): 276.81	Overlay: Statutory Plan:				
Development Permit Decision Approved Issue Date: Apr 11, 2025 Development Authority: SAHL, RAMANJYOT Subject to the Following Conditions This Development Permit authorizes the construction of an Accessory building (shed, 2.48m x 3.75m). The development must be constructed in accordance with the approved drawings. An Accessory building or structure must not exceed 4.3 m in Height (Subsection 5.10.8.1). Eaves may project a maximum of 0.6 m into a required Setback (Subsection 5.90.1). The minimum distance between the eave and a Lot line Abutting another Site must be 0.45 m (Subsection 5.90.1.1). General Advisements Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw. An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1). Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request. 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					

	Project Number: 572910877-002 Application Date: MAR 18, 2025 Printed: April 11, 2025 at 3:39 PM Page: 2 of 2																																			
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<p>Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit. All new installations, above and below ground, within 5m of a City tree require forestry consultation.</p> <p>In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.</p> <p>City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage.</p> <p>The site must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to lot.grading@edmonton.ca for review and approval.</p> <p>For more information on Lot Grading requirements, plans and inspections refer to the website: https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading</p> <p>Variances Accessory Building Setback - The shed is 0.2 m from the side property line instead of 0.6 m. (Section 5.10.9.3)</p> <p>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.</p> <p>Notice Period Begins: Apr 17, 2025 Ends: May 08, 2025</p>																																				
<p>Building Permit Decision No decision has yet been made.</p>																																				
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