

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
October 2, 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-25-133 | To construct exterior alterations (Driveway extensions - 9.0m x 1.4m, 8.2m x 1.3m) 12343 - 58A Street NW Project No.: 592593867-002 |
| II | 10:30 A.M. | SDAB-D-25-134 | To construct an Accessory building (detached Garage, 7.6m x 7.3m) 11049 - 85 Avenue NW Project No.: 602429326-002 |

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-25-133AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 592593867-002

APPLICATION TO: To construct exterior alterations (Driveway extensions - 9.0m x 1.4m, 8.2m x 1.3m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 12, 2025

DATE OF APPEAL: September 2, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12343 - 58A Street NW

LEGAL DESCRIPTION: Plan 8821834 Blk 4 Lot 12

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: North Central District Plan

Grounds for Appeal

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

Living in a cul-d-sac, we have no additional street parking in front of our property, we have no access to the rear of the property because we back on to a city park with no alley-way. In the neighborhood from 50 street to 58A street, from 123 avenue to 124A avenue we counted eighty-six houses with

widened (wider than the garage) driveways extending down to the city sidewalk. Only twenty of these, including ours, do not have an alley-way.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

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

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

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the Zoning Bylaw 20001:

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

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

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.

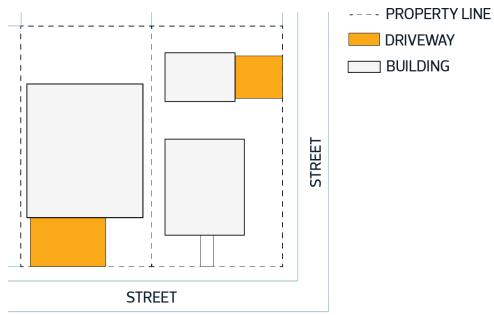
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

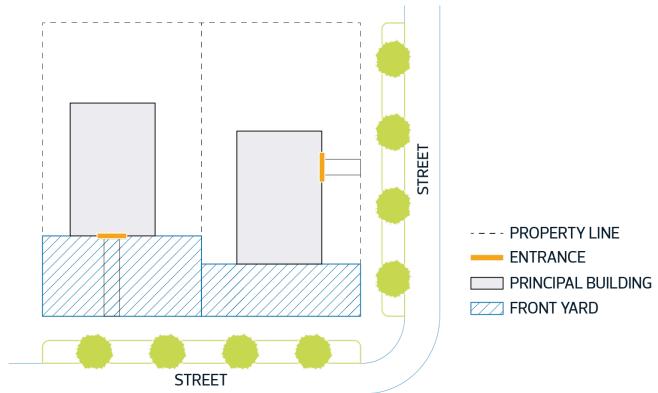
Under section 8.20, **Driveway** means:

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.



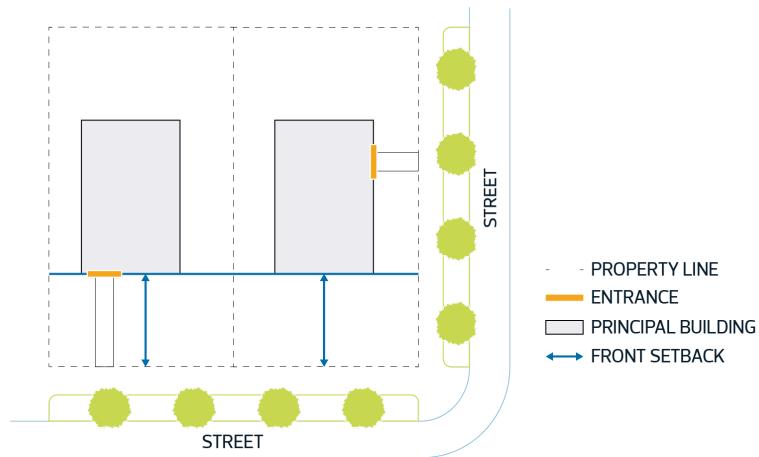
Under section 8.20, **Front Yard** means:

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.”

Section 2.20.1 states that the **Purpose of the RS - Small Scale Residential Zone** is:

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

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

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

Site Circulation

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

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

Driveways

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

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

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

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

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

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

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

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

2.1.5.1. a Front Yard;

2.1.5.2. a Flanking Side Yard; or

2.1.5.3 a Flanking Side Setback.

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

Development Planner's Determination

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

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

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the driveway shall have a maximum width of 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 9.0 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.

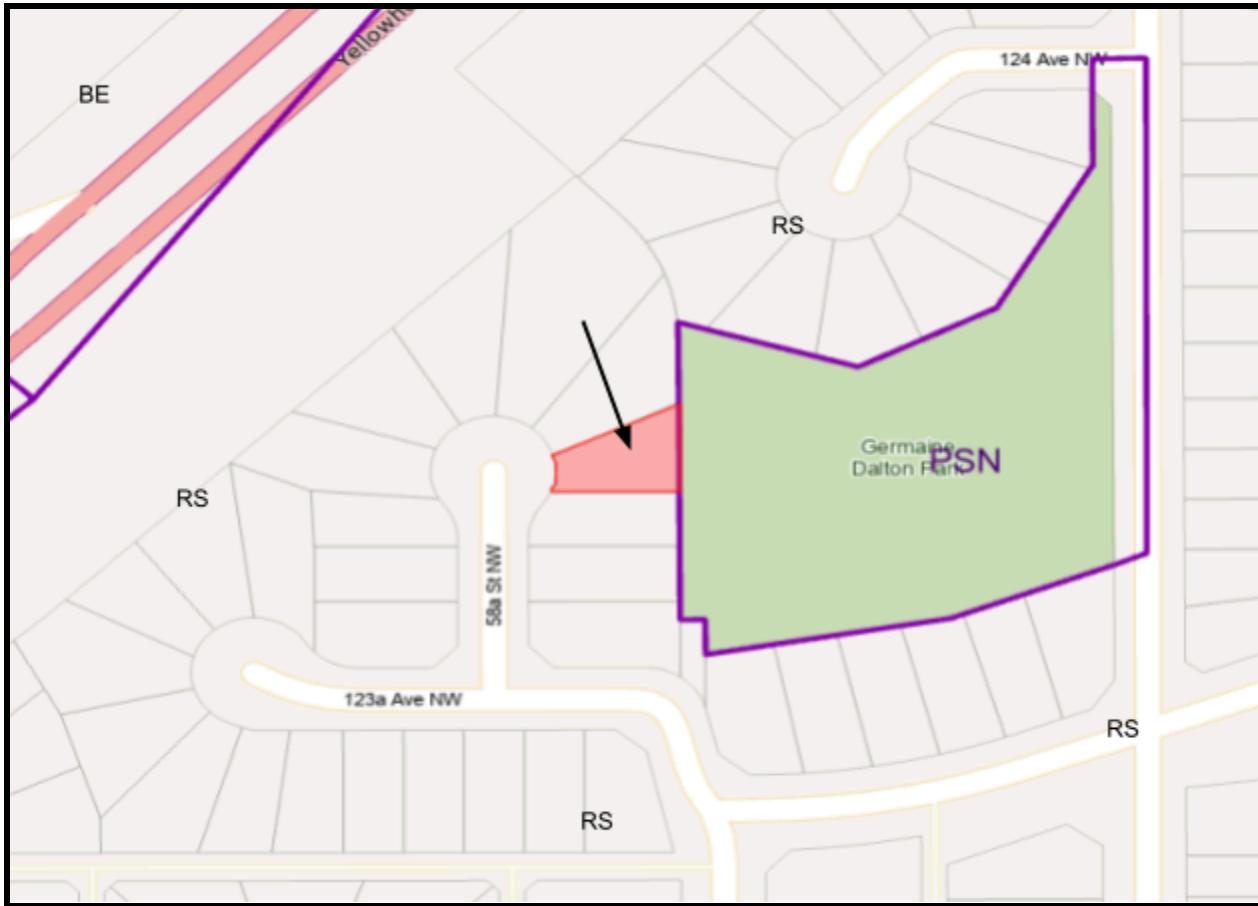
[unedited]

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.

| Edmonton | Project Number: 592593867-002 Application Date: APR 30, 2025 Printed: August 12, 2025 at 11:43 AM Page: 1 of 2 | | | | | |
|---|--|------|-----------|-----------|-----------|-----------|
| Application for Driveway Extension Permit | | | | | | |
| <p>This document is a Development Permit Decision for the development application described below.</p> | | | | | | |
| Applicant | Property Address(es) and Legal Description(s) 12343 - 58A STREET NW Plan 8821834 Blk 4 Lot 12 | | | | | |
| Location(s) of Work | Suite: 12343 - 58A STREET NW Entryway: 12343 - 58A STREET NW Building: 12343 - 58A STREET NW | | | | | |
| Scope of Application To construct exterior alterations (Driveway extensions - 9.0m x 1.4m, 8.2m x 1.3m). | | | | | | |
| Details | | | | | | |
| Development Category: Site Area (sq. m.): 516.2 | Overlay: Statuary Plan: | | | | | |
| Development Application Decision Refused | | | | | | |
| Issue Date: Aug 12, 2025 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 9.0 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 style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 25%;">Fee</th> <th style="text-align: left; width: 25%;">Amount</th> <th style="text-align: left; width: 25%;">Paid</th> <th style="text-align: left; width: 25%;">Receipt #</th> <th style="text-align: left; width: 25%;">Date Paid</th> </tr> </thead> </table> | | Fee | Amount | Paid | Receipt # | Date Paid |
| Fee | Amount | Paid | Receipt # | Date Paid | | |
| THIS IS NOT A PERMIT | | | | | | |
| <small>P0702003</small> | | | | | | |

| Edmonton | Project Number: 592593867-002 Application Date: APR 30, 2025 Printed: August 12, 2025 at 11:43 AM Page: 2 of 2 | | | | | | | | | | | | | | | | | | | | |
|---|--|--------------------|-------------------|--------------------|------------------|------------------|-----------------------------|----------|----------|-----------------|--------------|-------------------|--------|--|--|--|--------------------|-----------------|-----------------|--|--|
| Application for Driveway Extension Permit | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="text-align: left; padding: 5px;">Fees</th><th style="text-align: center; padding: 5px;">Fee Amount</th><th style="text-align: center; padding: 5px;">Amount Paid</th><th style="text-align: center; padding: 5px;">Receipt #</th><th style="text-align: center; padding: 5px;">Date Paid</th></tr></thead><tbody><tr><td style="padding: 5px;">Development Application Fee</td><td style="text-align: center; padding: 5px;">\$190.00</td><td style="text-align: center; padding: 5px;">\$190.00</td><td style="text-align: center; padding: 5px;">02046J001001165</td><td style="text-align: center; padding: 5px;">Apr 30, 2025</td></tr><tr><td style="padding: 5px;">Total GST Amount:</td><td style="text-align: center; padding: 5px;">\$0.00</td><td></td><td></td><td></td></tr><tr><td style="padding: 5px;">Totals for Permit:</td><td style="text-align: center; padding: 5px;"><u>\$190.00</u></td><td style="text-align: center; padding: 5px;"><u>\$190.00</u></td><td></td><td></td></tr></tbody></table> | | Fees | Fee Amount | Amount Paid | Receipt # | Date Paid | Development Application Fee | \$190.00 | \$190.00 | 02046J001001165 | Apr 30, 2025 | Total GST Amount: | \$0.00 | | | | Totals for Permit: | <u>\$190.00</u> | <u>\$190.00</u> | | |
| Fees | Fee Amount | Amount Paid | Receipt # | Date Paid | | | | | | | | | | | | | | | | | |
| Development Application Fee | \$190.00 | \$190.00 | 02046J001001165 | Apr 30, 2025 | | | | | | | | | | | | | | | | | |
| Total GST Amount: | \$0.00 | | | | | | | | | | | | | | | | | | | | |
| Totals for Permit: | <u>\$190.00</u> | <u>\$190.00</u> | | | | | | | | | | | | | | | | | | | |
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| P0702003 | | | | | | | | | | | | | | | | | | | | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-133



N

ITEM II: 10:30 A.M.FILE: SDAB-D-25-134AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 602429326-002

APPLICATION TO: To construct an Accessory building (detached Garage,
7.6m x 7.3m)DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 28, 2025

DATE OF APPEAL: September 2, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11049 - 85 Avenue NW

LEGAL DESCRIPTION: Plan I23A Blk 161 Lot 18

ZONE: DC1 - Direct Development Control Provision (Bylaw
6220) (Garneau Special Character Residential Area DC1)

OVERLAY: N/A

STATUTORY PLAN: DC1 refers to Garneau Area Redevelopment Plan

DISTRICT PLAN: Scona District Plan

Grounds for Appeal

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

I am appealing the refusal of variances for site coverage and accessory building height. The proposed detached garage is modest, functional, and compatible with the neighborhood. The requested relaxations are minor, supported by practical needs, and aligned with the City's objectives for

livable, resilient residential development. The second floor will be used as a small, non-customer-facing office for the company that owns the principal dwelling (no separate tenancy, no retail, no public visits, and no additional on-site employees), ensuring negligible traffic or parking impacts.

Grounds for Appeal

1. Site Coverage

Regulation: Maximum 40%.

Proposed: 41.62%.

Variance Requested: 1.62% increase.

Justification:

The increase is minimal and does not create excessive massing or reduce open space.

Adequate amenity area, setbacks, and drainage compliance are maintained.

The garage footprint is proportionate to the dwelling and lot, ensuring functional design.

Secure off-street parking reduces street congestion in a dense university-area neighborhood with limited parking.

2. Accessory Building Height

Regulation: Maximum 3.7 m (12 ft).

Proposed: 4.27 m (14 ft).

Variance Requested: 0.57 m (1.87 ft).

Justification:

The added height is needed for a pitched roof consistent with the principal dwelling and mature neighborhood character.

Interior clearance improves safety and functionality for storage/workspace and allows future energy-efficiency measures (e.g., solar panels or a vehicle lift).

The design avoids shadowing, overlooking, or privacy impacts on neighbouring properties.

The rear lane location and mature trees provide natural buffering and reduce visual impact.

Neighborhood and Public Interest

Promotes off-street parking, easing congestion and improving safety.

Enhances neighborhood character through pitched-roof design in keeping with surrounding homes.

Variances are modest and consistent with nearby accessory structures of similar size.

The development preserves livability while meeting practical needs in a high-density area.

Supports City goals for compatible infill, sustainability, and long-term adaptability.

In resume, the requested variances are modest, reasonable, and in the public interest. The proposed garage balances architectural continuity, functionality, and neighborhood compatibility while addressing parking and sustainability needs.

I respectfully request that the SDAB overturn the Development Authority's refusal and approve the proposed variances.

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.

685(4) Despite subsections (1), (2), (2.1) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal may only be made to the subdivision and development appeal board and 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.

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;

...

Zoning Bylaw 20001 - Part 7 - Administrative and Interpretative Clauses

Section 7.10, Repeal, Enactment and Transition Procedures, states the following:

1. Edmonton Zoning Bylaw 12800, as amended, is repealed.
2. The regulations of this Bylaw come into effect on January 1, 2024 (the "effective date").
3. The regulations of this Bylaw apply from the effective date onward:
 - 3.1 subject to the regulations for non-conforming Uses as outlined in the Municipal Government Act; and
 - 3.2 despite the effect it might have on rights, vested or otherwise.
4. Regulations for zoning, land use, or development in any other Bylaw must not apply to any part of the city described in this Bylaw except as otherwise provided for in this Bylaw.
5. Development Permit applications must be evaluated under the regulations of this Bylaw as of the effective date, even if the application was received before this date.
6. Any Direct Control Zone regulations that were in effect immediately prior to the effective date of this Bylaw will continue to be in full force and effect and are hereby incorporated into Part 4 of this Bylaw.

Section 7.20.4, General Rules of Interpretation - Direct Control Zones and Existing Development Permits, states the following:

- 4.1. For the purpose of any Direct Control Zone passed on or before December 31, 2023:
 - 4.1.1. the definitions of the listed Uses in the Direct Control Zone must be interpreted in compliance with either Land Use Bylaw 5996 as it

appeared on June 13, 2001, or Zoning Bylaw 12800 as it appeared on December 31, 2023, whichever is applicable;

4.1.2. where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.1.3. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on December 31, 2023.

4.2. For the purpose of any Direct Control Zone passed on or after January 1, 2024:

4.2.1 where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.2.2. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on the date of decision for the Development Permit application.

4.3. Where there is a discrepancy between this Bylaw and any previous land use bylaw, the existing Direct Control Zone must not be interpreted to provide any additional rights than are otherwise contemplated in the Direct Control Zone.

4.4. For the purpose of any Development Permit issued on or before December 31, 2023, the Use identified in the permit is interpreted to have the same Use definition as set out in the applicable previous land use bylaw on the date on which the Development Permit was issued.

...

4.6. For all Direct Control Zones created prior to August 24, 1998, that contain Single Detached Housing, Semi-detached Housing, Duplex Housing or Secondary Suite as a listed Use:

4.6.1. the maximum number of Single Detached Housing Dwellings per Lot is 1;

4.6.2. the maximum number of Semi-detached Housing or Duplex Housing Dwellings per Site is 2; and

4.6.3. the maximum number of Secondary Suites per principal Dwelling is 1, unless specifically noted otherwise in the Direct Control Zone.

Section 7.40, *Application of General and Specific Development Regulations*, states the following:

1. General Development Regulations

1.1 The General Development Regulations in Part 5 apply to all developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

2. Specific Development Regulations

2.1 The Specific Development Regulations in Part 6 apply to specific developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

Section 7.80, *Application of Direct Control Zones*, states the following:

5.1 Unless specifically excluded or modified by a regulation of a Direct Control Zone, all regulations in the Zoning Bylaw apply to development in a Direct Control Zone. Site plans and building elevations cannot exclude or modify regulations of the Zoning Bylaw.

Section 7.100, *Authority and Responsibility of the Development Planner, Variance to Regulations*, states the following:

4.3 A variance must not be granted for a Development Permit application within a Direct Control Zone except where the ability to grant a variance is specified:

4.3.1. within the Direct Control Zone;

4.3.2. within an applicable regulation of a previous land use bylaw where such regulation has been referred to in the Direct Control Zone; or

4.3.3. within an applicable regulation of this Bylaw.

4.4. In the case of a conflict between Subsection 4.3 and the applicable Direct Control Zone, the Development Planner must comply with the provisions of the applicable Direct Control Zone.

General Provisions from the DC1 - Direct Development Control Zone (Garneau Special Character Residential Area (DC1 (Bylaw 6220)) ("DC1")

Under section 3(1), **Single detached Housing** is a **Listed Use** in the DC1

Section 4 states the following with respect to **Development Criteria**:

The following development criteria shall apply to developments within this District pursuant to Section 710.4 of the Land Use Bylaw.

- 1) The General Regulations and Special Land Use Provisions of the Land Use Bylaw.**
- 2) The development regulations of the RF3 (Low Density Redevelopment) District, provided that the Development Officer may relax these regulations for individual applications, where such relaxations would assist in the achievement of the development criteria in Clauses 3, 4 and 5 below.**
- 3) New developments or additions to existing buildings shall be compatible with the scale, massing and siting of adjacent buildings along the same street frontage.**
- 4) The rehabilitation and renovation of existing buildings shall retain the original details of rooflines, doors and windows, trim, exterior finishing materials and similar architectural features to the greatest extent practical.**
- 5) The design and appearance of new developments shall incorporate building details and finishing materials which are common to the domestic architecture of the turn of the century and early 1920's detached housing in the area.**
- 6) Existing trees and vegetation shall be retained wherever possible and where removal for new construction is required, mature trees shall be planted to maintain the appearance of the streetscape.**

Section 2 states that the **Rationale** of the **DC1** is:

The Garneau Plan in Policy 1.1 identifies the subject area as a "Special Character Residential Area" contributing to the city as a whole a precinct of older detached housing having interesting architectural detailing and variety in built form. This District is intended to encourage the retention and rehabilitation of existing structures while allowing for infill redevelopment. The regulations associated with this District are intended to ensure that all rehabilitation and redevelopment activities are sensitive

to the existing character of both the built form and its relationship to existing streetscapes.

General Provisions from the *Edmonton Land Use Bylaw 5996*:

Section 140.4(5) states:

the maximum total site coverage shall not exceed 40%, with a maximum of 28% for a principal building and a maximum of 12% for accessory buildings. Where a garage is attached to or designed as an integral part of a Dwelling, the maximum for the principal building is 40%;

Section 61.3 states the following with respect to **Accessory Buildings in Residential Districts:**

In a Residential District:

2) an Accessory Building or Structure shall not exceed 3.7 m (12.0 ft.) nor one storey in Height, except as provided in Sections 61.4 and 61.5;

Development Planner's Determination

1. Site Coverage - The maximum total site coverage shall not exceed 40%, with a maximum of 28% for a principal building and a maximum of 12% for accessory buildings (Bylaw 5996, Subsection 140.4.5.). **Ends with a period and remove period in the bracket**

Maximum: 40%

Proposed: 42%

Exceeds by 2%

2. Midpoint Height - An accessory building or structure shall not exceed 3.7m (12.0 ft.) nor one storey in height (Bylaw 5996, Subsection 61.3.3.). **Ends with a period and remove period in the bracket**

Maximum: 3.7m

Proposed: 4.3m

Exceeds by 0.6m

[unedited]

Previous Subdivision and Development Appeal Board Decision

| Application Number | Description | Decision |
|--------------------|-----------------------------|-------------------|
| SDAB-D-23-158 | To construct a Boarding and | October 27, 2023; |

| | | |
|--|---|---|
| | Lodging House with a maximum of 6 residents and 6 Sleeping Units. | Development Permit Application Cancelled. |
|--|---|---|

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: 602429326-002 Application Date: JUN 06, 2025 Printed: August 28, 2025 at 11:43 AM Page: 1 of 2 | | | | | | | | | | | | | | | | | | |
|---|--|---|--------------------------|-----------|--------------|-----------|-----------|------------------|--------|--------|-----------------|--|--------------|-----------------------------|----------|----------|-----------------|--|--------------|
| <h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Permit</h3> | | | | | | | | | | | | | | | | | | | |
| <p>This document is a Development Permit Decision for the development application described below.</p> | | | | | | | | | | | | | | | | | | | |
| Applicant | Property Address(es) and Legal Description(s) 11049 - 85 AVENUE NW Plan I23A Blk 161 Lot 18 | | | | | | | | | | | | | | | | | | |
| Location(s) of Work Suite: 11049 - 85 AVENUE NW Entryway: 11049 - 85 AVENUE NW Building: 11049 - 85 AVENUE NW | | | | | | | | | | | | | | | | | | | |
| Scope of Application To construct an Accessory building (detached Garage, 7.6m x 7.3m). | | | | | | | | | | | | | | | | | | | |
| Details <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> Development Category: Site Area (sq. m.): 405.17 </td> <td style="width: 50%; padding: 5px;"> Overlay: Zoning Plan: </td> </tr> </table> | | Development Category: Site Area (sq. m.): 405.17 | Overlay: Zoning Plan: | | | | | | | | | | | | | | | | |
| Development Category: Site Area (sq. m.): 405.17 | Overlay: Zoning Plan: | | | | | | | | | | | | | | | | | | |
| Development Application Decision Refused | | | | | | | | | | | | | | | | | | | |
| Issue Date: Aug 28, 2025 Development Authority: OLTHUIZEN, JORDYN | | | | | | | | | | | | | | | | | | | |
| Reason for Refusal <ol style="list-style-type: none"> 1. Site Coverage - The maximum total site coverage shall not exceed 40%, with a maximum of 28% for a principal building and a maximum of 12% for accessory buildings (Bylaw 5996, Subsection 140.4.5.). **Ends with a period and remove period in the bracket** Maximum: 40% Proposed: 42% Exceeds by 2% 2. Midpoint Height - An accessory building or structure shall not exceed 3.7m (12.0 ft.) nor one storey in height (Bylaw 5996, Subsection 61.3.3.). **Ends with a period and remove period in the bracket** Maximum: 3.7m Proposed: 4.3m Exceeds by 0.6m | | | | | | | | | | | | | | | | | | | |
| 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 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>Safety Codes Fee</td> <td style="text-align: center;">\$4.80</td> <td style="text-align: center;">\$4.80</td> <td style="text-align: center;">000338001001354</td> <td style="text-align: center;"></td> <td style="text-align: center;">Jun 06, 2025</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: center;">\$145.00</td> <td style="text-align: center;">\$145.00</td> <td style="text-align: center;">000338001001354</td> <td style="text-align: center;"></td> <td style="text-align: center;">Jun 06, 2025</td> </tr> </tbody> </table> | | | Fee | Amount | Paid | Receipt # | Date Paid | Safety Codes Fee | \$4.80 | \$4.80 | 000338001001354 | | Jun 06, 2025 | Development Application Fee | \$145.00 | \$145.00 | 000338001001354 | | Jun 06, 2025 |
| | Fee | Amount | Paid | Receipt # | Date Paid | | | | | | | | | | | | | | |
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| Development Application Fee | \$145.00 | \$145.00 | 000338001001354 | | Jun 06, 2025 | | | | | | | | | | | | | | |
| THIS IS NOT A PERMIT | | | | | | | | | | | | | | | | | | | |
| <small>P0702003</small> | | | | | | | | | | | | | | | | | | | |

| Edmonton | Project Number: 602429326-002 Application Date: JUN 06, 2025 Printed: August 28, 2025 at 11:43 AM Page: 2 of 2 | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--------------------|------------------|------------------|-------------|-------------------|--------------------|------------------|------------------|--|----------|----------|-----------------|--------------|-------------------|--------|--|--|--|--------------------|-----------------|-----------------|--|--|
| Application for Accessory Building Permit | | | | | | | | | | | | | | | | | | | | | | | | |
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| Fees | Fee Amount | Amount Paid | Receipt # | Date Paid | | | | | | | | | | | | | | | | | | | | |
| Building Permit Fee (Accessory Building) | \$120.00 | \$120.00 | 000338001001354 | Jun 06, 2025 | | | | | | | | | | | | | | | | | | | | |
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