

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
October 8, 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-25-138

To add a Dwelling to a Residential Use building
(Secondary Suite in the Basement of a Single
Detached House)

5745 - Kootook Way SW
Project No.: 612056065-002

II 10:30 A.M. SDAB-D-25-139

To construct exterior alterations (Driveway
extension, total width 5.08 m), existing without
permits

11207 - 99 Avenue NW
Project No.: 531719597-002

III 1:30 P.M. SDAB-D-25-140

To operate a Community Service from the entirety
of building 1, and to change the Use of building 2
to a Community Service, with a total operating
Floor Area for the Community Service Use
greater than 500m²

5104 - 129 Avenue NW
Project No.: 611211141-002

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-25-138AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 612056065-002

APPLICATION TO: Add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Single Detached House)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 27, 2025

DATE OF APPEAL: September 12, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 5745 - Kootook Way SW

LEGAL DESCRIPTION: Plan 2022262 Blk 11 Lot 10

ZONE: DC1 - Direct Development Control Provision (Charter Bylaw 19485 - Area A)

OVERLAY: N/A

STATUTORY PLAN(S): Keswick Neighbourhood Structure Plan
Windermere Area Redevelopment Plan

DISTRICT PLAN: Southwest District Plan

Grounds for Appeal

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

I am writing to respectfully appeal the refusal of my basement development application, which was denied on the basis of a 0.1m setback

deficiency. I kindly request reconsideration of this decision on the following grounds:

1. Established Precedent on the Street

Several neighbouring properties along Kootook Way SW have been granted approval despite having comparable or smaller setbacks than ours:

House No.	Setback	Status
5747	0.77m	Approved
5745	1.10m	Refused
5741	0.74m	Approved
5737	1.14m	Approved

Our setback of 1.10 metres is fully consistent with the character of the street, and in fact more generous than some properties that received approval.

2. Significant Property Value Impact

Refusal of the application creates an estimated property value loss of \$30,000-\$50,000, which represents the typical price difference between a home with a legal secondary basement suite versus an illegal one. Given that comparable approvals have already been granted nearby, this loss is both substantial and inequitable.

3. Concerns of Consistency and Fairness

The refusal of our application, despite approvals for similar or greater variances in the immediate area, raises concerns about consistent and equitable application of zoning regulations. Such inconsistencies may be perceived as selective enforcement, contrary to the City of Edmonton's commitment to fairness, transparency, and equal treatment of residents.

While I recognize the constraints of the Direct Control (DC) zoning, I respectfully submit that the minimal variance in question falls within the range that has previously been approved on this street. In light of the above factors, I ask that the Board exercise its discretion to approve the application with a variance.

Thank you for your time and consideration.

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.

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) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal 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.

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 Provision (Charter Bylaw 19485 (Area A) - ("DC1")

Under section 3, a **Secondary Suite** is a **Listed Use** in the **DC1**.

Section 1 states that the **General Purpose** of the **DC1** is:

To provide for single detached housing uses on shallow lots with reduced prominence of garages along the streetscape, efficiently utilizing undeveloped suburban land.

General Provisions from the Edmonton Zoning Bylaw 12800:

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, or Blatchford Lane Suites.

General Provisions from the Zoning Bylaw 20001:

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.

DC1 - Development Regulations

Section 4.i states Where an entrance door for a Secondary Suite is provided from the side of the building, the Side Setback shall be a minimum of 1.2 m on the side with the building, the Side Setback shall be a minimum of 1.2 m on the side with the Secondary Suite entrance door, and the following shall apply:

- i. Notwithstanding (i), the minimum side setback abutting a public roadway other than a Lane shall be 2.4m; and
- ii. the other Side Setback shall be a minimum 0.75 m.

Development Planner's Determination

- 1. Where an entrance door for a Secondary Suite is provided from the side of the building, the Side Setback shall be a minimum of 1.2 m on the side with the building, the Side Setback shall be a minimum of 1.2 m on the side with the Secondary Suite entrance door (DC1 19485 4.i).**

Proposed Side Setback: 1.1 m

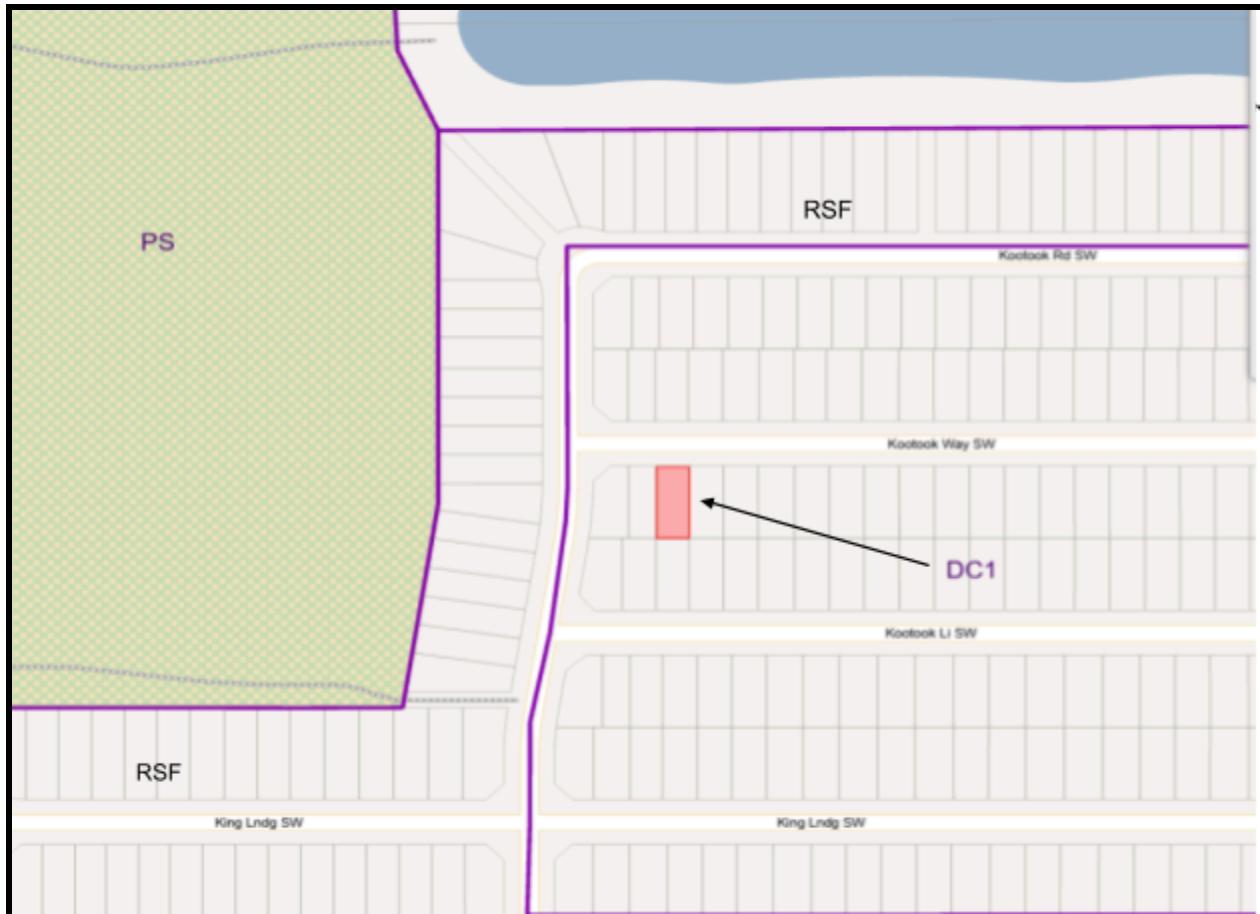
Deficient by: 0.1 m

[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: 612056065-002 Application Date: JUN 20, 2025 Printed: August 27, 2025 at 4:18 PM Page: 1 of 1																																				
<h2>Application for</h2> <h3>Secondary Suite 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) 5745 - KOOTOOK WAY SW Plan 2022262 Blk 11 Lot 10																																				
	Location(s) of Work Suite: BSMT, 5745 - KOOTOOK WAY SW Entryway: 5745 - KOOTOOK WAY SW Building: 5745 - KOOTOOK WAY SW																																				
Scope of Application To add a Dwelling to a Residential Use building (Secondary Suite in the Basement of a Single Detached House).																																					
Details <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Development Category:</td> <td style="width: 50%;">Overlay:</td> </tr> <tr> <td>Site Area (sq. m.): 302.38</td> <td>Statutory Plan:</td> </tr> </table>		Development Category:	Overlay:	Site Area (sq. m.): 302.38	Statutory Plan:																																
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Development Application Decision Refused Issue Date: Aug 27, 2025 Development Authority: FOLKMAN, JEREMY																																					
Reason for Refusal 1. Where an entrance door for a Secondary Suite is provided from the side of the building, the Side Setback shall be a minimum of 1.2 m on the side with the building, the Side Setback shall be a minimum of 1.2 m on the side with the Secondary Suite entrance door (DC1 19485 4.i). Proposed Side Setback: 1.1 m Deficient by: 0.1 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 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</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td style="text-align: center;">\$15.20</td> <td style="text-align: center;">\$15.20</td> <td style="text-align: center;">01270F001001246</td> <td style="text-align: center;">Jun 20, 2025</td> <td></td> </tr> <tr> <td>Building Permit Fee (Construction Value)</td> <td style="text-align: center;">\$380.00</td> <td style="text-align: center;">\$380.00</td> <td style="text-align: center;">01270F001001246</td> <td style="text-align: center;">Jun 20, 2025</td> <td></td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: center;">\$410.00</td> <td style="text-align: center;">\$410.00</td> <td style="text-align: center;">01270F001001246</td> <td style="text-align: center;">Jun 20, 2025</td> <td></td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: center;">\$0.00</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: center;"><hr/></td> <td style="text-align: center;">\$805.20</td> <td style="text-align: center;"><hr/></td> <td style="text-align: center;">\$805.20</td> <td></td> </tr> </tbody> </table>			Fee	Amount	Paid	Receipt #	Date	Safety Codes Fee	\$15.20	\$15.20	01270F001001246	Jun 20, 2025		Building Permit Fee (Construction Value)	\$380.00	\$380.00	01270F001001246	Jun 20, 2025		Development Application Fee	\$410.00	\$410.00	01270F001001246	Jun 20, 2025		Total GST Amount:	\$0.00					Totals for Permit:	<hr/>	\$805.20	<hr/>	\$805.20	
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-138



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ITEM II: 10:30 A.M.FILE: SDAB-D-25-139AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 531719597-002

APPLICATION TO: Construct exterior alterations (Driveway extension, total width 5.08 m), existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: RefusedDECISION DATE: **August 18, 2025**DATE OF APPEAL: **September 10, 2025**MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11207 - 99 Avenue NW

LEGAL DESCRIPTION: Plan NB Blk 12 Lot 81

ZONE: DC1 - Direct Development Control Provision - (Bylaw 11619 (DC1 - Area 2) (Oliver Area Redevelopment Plan)

OVERLAY: N/A

STATUTORY PLAN: DC1 refers to Oliver Area Redevelopment Plan

DISTRICT PLAN: Central District Plan

Grounds for Appeal

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

Currently on the property, on site parking is via tandem parking for 2 small cars. However, 1 of the parking is used for storage due to lack of storage space on the property. The parking width is narrow due to the size of the existing property and the way the City has originally subdivided the

various lots including my lot and the adjacent lot, as a result, there are insufficient area and insufficient width for on site parking. Currently, the driveway's width and length will only allow for 1 small car to park. By extending the driveway's width with additional 4', an additional small car can be parked on the driveway or a larger car can be parked on the driveway. Currently, visitors and the house occupant's cars are parked on the street. Furthermore, I am the Owner of the house and a senior lady with health issues. It is unsafe for me to constantly moving in and out to move my car and if parked on the street, I have to walk a distance in order to get to the car or back to the house and even worse when I have to carry bags of groceries. Everyday I have to worry about finding a car spot on the street and this daily stress has been causing me further health issue. By widening the driveway 4', the additional width not only can provide sufficient width for a safer parking, larger vehicle parking and additional car park, but it also can reduce the parking load on the street and most importantly, would greatly help to reduce my stress and not to further causing more health issues. Hope you can understand my situation.

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).

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(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

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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)**

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(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;

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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,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
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- (ii) the proposed development conforms with the use prescribed for that land or building in 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) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal 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.

<i>Zoning Bylaw 20001 - Part 7 - Administrative and Interpretative Clauses</i>

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 Provision - (Bylaw 11619 (DC1 - Area 2 - Oliver ARP) ("DC1"):

Under section 15.3.3(xxii), **Single Detached Housing** is a **Listed Use** in the **DC1**.

Section 15.3.2 states that the **Rationale** of the **DC1** is:

To provide for an area that encourages the retention and reuse of existing older residential structures, where such structures are isolated on one or two lots between apartment buildings or nonresidential uses. The regulations of this area are intended to provide opportunity for conversion to low intensity commercial uses and to limit the Height of new residential development in order to maximize sunlight penetration and existing sight lines of the river valley.

General Provisions from the *Edmonton Zoning Bylaw 20001*:***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.**

Access to Sites

Section 5.80.1.1 states “ All vehicle access locations and curb crossings require the approval of the Development Planner in consultation with the City department responsible for transportation planning.”

Development Planner’s Determination

- 1) Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3.)**
Proposed: Driveway extensions do not lead to Garage.
- 2) Driveway Width - 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. (Subsection 5.80.2.1.4.2.1.)**
Proposed: Driveway width is 10.7 m instead of 8.8 m.
- 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: Driveway extension(s) are within the Front Yard

4) Subsection 5.80.1.1 - Not supported by Transportation Services.

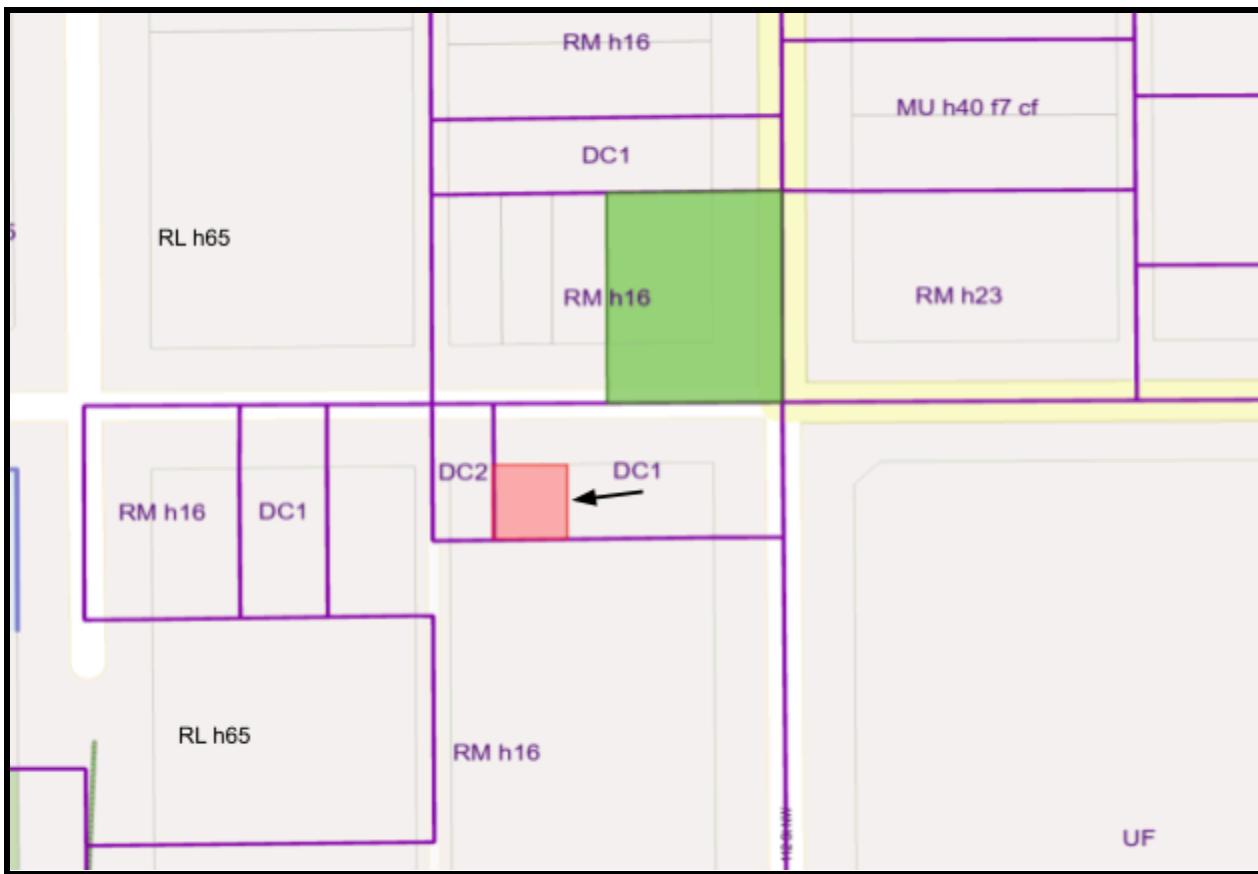
[unedited]

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: 531719597-002 Application Date: OCT 16, 2024 Printed: August 18, 2025 at 11:42 AM Page: 1 of 2				
<h2>Application for</h2> <h3>Driveway Extension Permit</h3>						
<p>This document is a Development Permit Decision for the development application described below.</p>						
Applicant Project Name: Driveway	Property Address(es) and Legal Description(s) 11207 - 99 AVENUE NW Plan NB Blk 12 Lot 81 Location(s) of Work Suite: 11207 - 99 AVENUE NW Entryway: 11207 - 99 AVENUE NW Building: 11207 - 99 AVENUE NW					
Scope of Application To construct exterior alterations (Driveway extension, total width 5.08 m), existing without permits.						
Details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Development Category:</td> <td style="width: 50%;">Overlay:</td> </tr> <tr> <td>Site Area (sq. m.): 190.35</td> <td>Statutory Plan:</td> </tr> </table>			Development Category:	Overlay:	Site Area (sq. m.): 190.35	Statutory Plan:
Development Category:	Overlay:					
Site Area (sq. m.): 190.35	Statutory Plan:					
Development Application Decision Refused						
Issue Date: Aug 18, 2025 Development Authority: HETHERINGTON, FIONA						
Reason for Refusal <p>1) Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.3.) Proposed: Driveway extensions do not lead to Garage.</p> <p>2) Driveway Width - 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. (Subsection 5.80.2.1.4.2.1.) Proposed: Driveway width is 10.7 m instead of 8.8 m.</p> <p>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: Driveway extension(s) are within the Front Yard</p> <p>4) Subsection 5.80.1.1 - Not supported by Transportation Services.</p>						
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						
THIS IS NOT A PERMIT						
P0702003						

Edmonton	Project Number: 531719597-002 Application Date: OCT 16, 2024 Printed: August 18, 2025 at 11:42 AM Page: 2 of 2																									
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P0702003																										



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-139



N

ITEM III: 1:30 P.M.FILE: SDAB-D-25-140AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 611211141-002

APPLICATION TO: Operate a Community Service from the entirety of building 1, and to change the Use of building 2 to a Community Service, with a total operating Floor Area for the Community Service Use greater than 500m²DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: September 4, 2025

DATE OF APPEAL: September 10, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 5104 - 129 Avenue NW

LEGAL DESCRIPTION: Plan 8267ET Blk Z Lots 11-12, Plan 2521220 Blk 10 Lot 13

ZONE: BE - Business Employment Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

In regards to rezoning for the purpose Community service floor area greater than 500msq.

This location has been used as a specific purpose facility for the last 3 years without proper zoning.

The facility has had gatherings weekly of people larger than originally zoned for business industrial and has stressed the community for parking and has created considerable traffic safety concerns while not adhering to proper rezoning conditions.

The facility has been used and will be continued to be used as a place of worship without adequate parking for the attending patrons unless the city makes a change or stops the on going current activities we will have continued accidents or maybe even fatalities.

Unlike other places of worship example Champion city church or Celebration church, who has maintained adequate parking for the intended purpose of the facility and not to create traffic safety issues or disruptions to other business in the adjacent area because of the lack of parking for their said intended purpose of operation adhering to zoning conditions for gatherings of people larger then 100, 5104-129 ave has not conformed to any conditions resulting in accidents and area business disruptions for patron parking.

I would like for the city to put a restriction for operation in this location until proper safety measures are put in place for parking and inside capacity in the event of fire or evacuation. The facility in question 5104-129 ave NW is not a safe place for the purpose of worship for congregations of over 50 people.

I strongly appeal the approval of rezoning and suggest a full stop to all ongoing activities until proper parking and evacuation measures are put into place.

Thank you for allowing us local business establishments a platform to hear our concerns.

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 2.120.2.19, a **Community Service** is a **Permitted Use** in the **BE - Business Employment Zone**.

Under section 8.10, a **Community Service** means:

a development used for institutional, cultural, recreational, religious, spiritual, social, arts, and educational activities that provide a service to the public and may involve people gathering at peak times and creating intermittent impacts such as noise and traffic. This Use does not include Child Care Services, Libraries, or Schools.

Typical examples include: community halls, community league buildings, community recreation centres, Religious Assemblies, Seasonal Shelters, and Year-round Shelters.

Section 2.120.1 states that the **Purpose of the BE - Business Employment Zone** is:

To allow for light industrial and a variety of small commercial businesses with a higher standard of design that carry out their operations in a manner where no Nuisance is created or apparent outside an enclosed building. This Zone is intended to be compatible with any Abutting non-industrial Zone, while also serving as a transition Zone to buffer medium and heavy industrial Zones. This Zone is generally located on the periphery of industrial areas, Abutting Arterial and Collector Roads, or along mass transit routes.

Floor Area

Section 2.120.3.12 states the following with respect to **Community Services**:

3.12.1 The maximum Floor Area is 500 m² per individual establishment.

Under section 8.20, **Floor Area** means:

the area of a building or structure, contained within the outside surface of the exterior and Basement walls. Where a wall contains windows, the glazing line of windows may be used.

Development Planner's Determination

1) Community Services Floor Area: The Community Services is greater than 500 m² (Reference Subsection 2.120.3.12.1)

[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: 611211141-002 Application Date: JUN 18, 2025 Printed: September 4, 2025 at 1:52 PM Page: 1 of 3	
<h2>Major Development Permit</h2>		
<p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.</p>		
Applicant	Property Address(es) and Legal Description(s) 5104 - 129 AVENUE NW Plan 8267ET Blk Z Lots 11-12 5104 - 129 AVENUE NW Plan 2521220 Blk 10 Lot 13	
Scope of Permit To operate a Community Service from the entirety of building 1, and to change the Use of building 2 to a Community Service, with a total operating Floor Area for the Community Service Use greater than 500m ² .	Specific Address(es) Suite: 5104 - 129 AVENUE NW Entryway: 5104 - 129 AVENUE NW Building: 5104 - 129 AVENUE NW	
Details	Development Category: Discretionary Development Lot Grading Needed: N Number of Main Floor Dwellings: Site Area (sq. m.):	Gross Floor Area (sq. m.): New Sewer Service Required: Overlay: Statutory Plan:
Development Permit Decision Approved Issue Date: Sep 04, 2025 Development Authority: BUCCINO, SAMANTHA		
Subject to the Following Conditions: <ol style="list-style-type: none"> 1) This Development Permit authorizes the operation Community Service from the entirety of building 1, and to change the Use of building 2 to a Community Service, with a total operating Floor Area greater than 500m² (1319 m²). 2) The development must be constructed in accordance with the approved plans. Any revisions to the approved plans, and exterior alterations to the building or site, including expansion of parking to the north portion of the property requires a separate Development Permit application. 3) The Development Permit is not valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled (Subsection 7.190.2.1.1). 4) This Development Permit is NOT valid until the notification period expires (Subsection 7.160.1.3 and Section 7.170). 5) All mechanical equipment, except for Solar Collectors, must be concealed by screening in a manner compatible with the architectural character of the building or by incorporating it within the building (Subsection 5.120.1.1.2). 6) Outdoor lighting must be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance. It must also generally be directed downwards, except where directed towards the Site or architectural features located on the Site. Outdoor lighting must be designed to provide an appropriately -lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways, and must not interfere with the function of traffic control devices (Subsection 5.120.3). 7) All mechanical and electrical equipment, transformers, ducts, cooling towers, materials handling equipment or other similar 		
<small>PC702003</small>		



Project Number: 611211141-002
 Application Date: JUN 18, 2025
 Printed: September 4, 2025 at 1:52 PM
 Page: 2 of 3

Major Development Permit

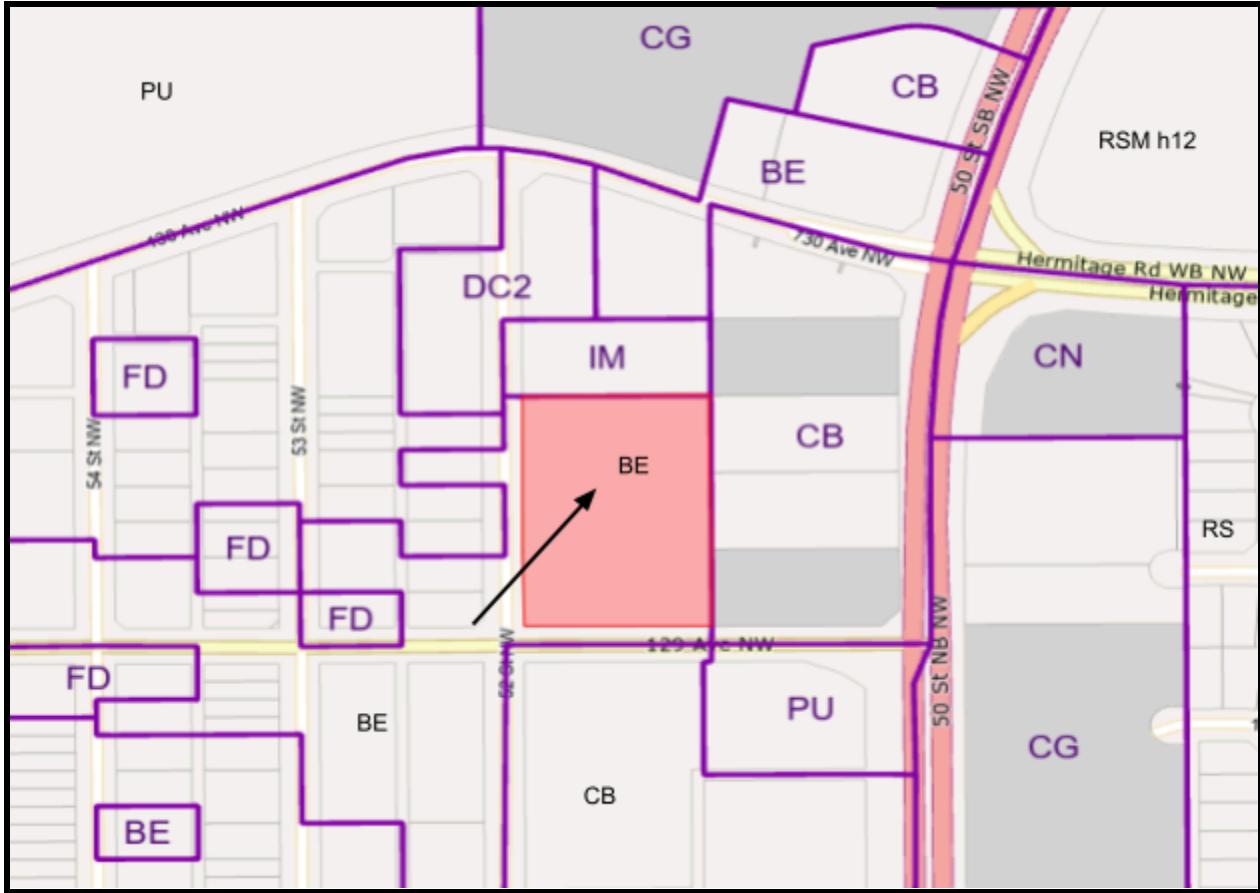
exposed projections must be screened from view from Abutting Streets and Sites in non-industrial Zones (Subsection 2.120.5.2).

- 8) A maximum of 10% of Ground Floor windows facing a Street or Surface Parking Lot may be covered by non-transparent material. The remainder must be clear, untinted and free from obstruction (Subsection 2.120.5.3.2).
- 9) Landscaping must be arranged to ensure clear sightlines into Ground Floor storefronts that are visible from a Street (Subsection 2.120.5.3.3).
- 10) Surface Parking Lots, and loading, waste collection, storage, service, and display areas must not be located within a Setback (Subsection 2.120.5.4).
- 11) Loading, waste collection, storage, and service areas must not be located between a building and a Street and must be screened from view from Abutting Streets and Abutting Sites in non-industrial Zones using methods such as Landscaping, Fencing, or other similar measures (Subsection 2.120.5.8).

Subject to the Following Advisements

1. Unless otherwise stated, all above references to "section numbers" or "subsection numbers" refer to the authority under the Zoning Bylaw.
2. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
3. An issued Development Permit means that the proposed development has been reviewed against the provisions of the Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).
4. Any proposed change from the original issued Development Permit is subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.
5. 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.
6. All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit. All new installations, above and below ground, within 5m of a City tree require forestry consultation.
7. In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.
8. City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage. A site mechanical plan stamped by a professional engineer showing water and sewer services, stormwater management calculations and the proposed lot grading design must be submitted to EPCOR Infill Water and Sewer Servicing for review. Following EPCOR's review, the grading plan is forwarded to Development Services for final review and approval. New plan submissions can be made via EPCOR's Builder and Developer web portal in My Account. Visit epcor.com/newconnection and click 'ONLINE APPLICATION' for instructions on the plan submission process. The lot must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading

Edmonton	Project Number: 611211141-002 Application Date: JUN 18, 2025 Printed: September 4, 2025 at 1:52 PM Page: 3 of 3																														
<h2>Major Development Permit</h2>																															
<p>plan must be submitted to lot.grading@edmonton.ca for review and approval.</p> <p>9. Signs require separate Development Permit application(s).</p> <p>10. This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.</p>																															
<p>Variances</p> <p>1) Community Services Floor Area: The Community Services is greater than 500 m² (Reference Subsection 2.120.3.12.1)</p>																															
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-140



N