

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.
September 3, 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-25-126

To construct a Residential Use building in the form of a 4 Dwelling Row House with 4 Secondary Suites (NOT to be used as a Lodging House)

13820 - 110A Avenue NW
Project No.: 598837234-002

TO BE RAISED

II 10:30 A.M. SDAB-D-25-127

To change the use of a Single Detached House to a Child Care Service (for up to 35 children)

13313 - 106A Avenue NW
Project No.: 580302559-002

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-25-126

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 598837234-002

APPLICATION TO: To construct a Residential Use building in the form of a 4 Dwelling Row House with 4 Secondary Suites (NOT to be used as a Lodging House)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: July 3, 2025

DATE OF APPEAL: August 7, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 13820 - 110A Avenue NW

LEGAL DESCRIPTION: Plan 3624HW Blk 10 Lot 23

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

<i>Grounds for Appeal</i>

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

The development permit is not displayed on the subject property at 13820-110 A Ave. denying affected properties from having proper Notice. The proposed development (8-plex), even before it is built, is materially interfering with the use, enjoyment and value of our Affected property at 13824-110A Ave. Further, the owner of 13820 - 110 A Ave has failed to consider our rights under the Encroachment Agreement registration: 062293325

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

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

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

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

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

Hearing and Decision

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

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the Zoning Bylaw 20001:

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

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

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

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

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

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

Under section 8.20, **Secondary Suite** means:

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

Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.20, **Dwelling** means:


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

Section 2.10.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

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

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: 598837234-002 Application Date: MAY 16, 2025 Printed: July 3, 2025 at 4:16 PM Page: 1 of 7			
		<h2>Minor Development Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.					
Applicant		Property Address(es) and Legal Description(s) 13820 - 110A AVENUE NW Plan 3624HW Blk 10 Lot 23			
		Specific Address(es) Suite: 1, 13820 - 110A AVENUE NW Suite: 2, 13820 - 110A AVENUE NW Suite: 3, 13820 - 110A AVENUE NW Suite: 4, 13820 - 110A AVENUE NW Suite: MNFL1, 13820 - 110A AVENUE NW Suite: MNFL2, 13820 - 110A AVENUE NW Suite: MNFL3, 13820 - 110A AVENUE NW Suite: MNFL4, 13820 - 110A AVENUE NW Entryway: 1, 13820 - 110A AVENUE NW Entryway: 2, 13820 - 110A AVENUE NW Entryway: 3, 13820 - 110A AVENUE NW Entryway: 4, 13820 - 110A AVENUE NW Building: 1, 13820 - 110A AVENUE NW			
Scope of Permit To construct a Residential Use building in the form of a 4 Dwelling Row House with 4 Secondary Suites (NOT to be used as a Lodging House).					
Details <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> 1. Titled Lot Zoning: R5 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping </td> <td style="vertical-align: top;"> 2. Number of Principal Dwelling Units To Construct: 4 4. Number of Secondary Suite Dwelling Units to Construct: 4 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Permitted Development </td> </tr> </table>				1. Titled Lot Zoning: R5 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 4 4. Number of Secondary Suite Dwelling Units to Construct: 4 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Permitted Development
1. Titled Lot Zoning: R5 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 4 4. Number of Secondary Suite Dwelling Units to Construct: 4 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Permitted Development				
Development Permit Decision Approved Issue Date: Jul 03, 2025 Development Authority: ZAZULA, NICKOLAS Subject to the Following Conditions: This Development Permit authorizes the construction of a Residential Use building in the form of a 4 Dwelling Row House with 4 Secondary Suites (NOT to be used as a Lodging House). The development must be constructed in accordance with the approved drawings. WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a Development Permit Notification Sign (Subsection 7.160.2.2). A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided (Subsection 5.60.3.2).					
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Pathway(s) connecting the main entrance of the Dwelling directly to an Abutting sidewalk or to a Driveway must be a minimum unobstructed width of 0.9 m (Subsection 5.80.2.1.1).

Screening must be provided for the waste collection area, to the satisfaction of the Development Planner (Subsection 5.120.4.1.5)

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; generally be directed downwards, except where directed towards the Site or architectural features located on the Site; be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways; and not interfere with the function of traffic control devices (Subsection 5.120.3).

Parking Spaces must be Hard Surfaced where vehicle access is provided from a Street or an Alley (Subsection 5.80.5.7).

The Secondary Suites must have a separate entrance from the principal Dwellings, either from a common indoor landing or directly from outside the building (Section 8.20).

A Hard Surfaced Pathway connecting the main entrance of the Secondary Suites directly to an Abutting sidewalk or to a Driveway is required, which must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).

The Secondary Suites must have less Floor Area than the principal Dwellings (Section 8.20).

The Secondary Suites must not be separated from the principal Dwellings by a condominium conversion or subdivision (Section 8.20).

Landscaping must be installed in accordance with the approved Landscape Plan, and Section 5.60 of Zoning Bylaw 20001, to the satisfaction of the Development Planner.

Any change to the approved Landscape Plan requires the approval of the Development Planner prior to the Landscaping being installed.

Landscaping must be installed within 12 months of receiving the Final Occupancy Permit. Landscaping must be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Planner.

The development must not be used as a Lodging House. A Lodging House means a building, or part of a building, containing 4 or more Sleeping Units that are rented out individually.

This Development Permit shall be revoked if the conditions of this permit are not met.

Transportation Conditions

1. Access is proposed to the alley and does not require a crossing permit. The area between the property line and the alley driving surface must be hard surfaced to the satisfaction of Subdivision and Development Coordination. This area within the alley road right-of-way must not exceed a slope of 8%.
2. The existing connector walk on the north side of 110A Avenue must be removed with restoration of the grassed boulevard to the property line within the road right-of-way, to the City of Edmonton Complete Streets Design and Construction Standards.
3. A Public Tree Permit will be required for any boulevard trees within 5 meters of the site; trees must be protected during construction as per the Public Tree Bylaw 18825. If tree damage occurs, all tree related costs will be covered by the proponent as per the Corporate Tree Management Policy (C456C). This includes compensation for tree value on full or partial tree loss as well as all operational and administrative fees. The owner/applicant must contact City Operations, Parks and Roads Services at citytrees@edmonton.ca to arrange any clearance pruning or root cutting prior to construction.

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4. Permanent objects including gate swings, concrete steps, railings, planters, etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property.

5. There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <https://utilitypartners.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

6. Any alley, sidewalk, and/or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner. The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction of the access.

7. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- a. the start/finish date of project;
- b. accommodation of pedestrians and vehicles during construction;
- c. confirmation of lay down area within legal road right of way if required;
- d. and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: https://www.edmonton.ca/business_economy/oscam-permit-request.aspx

EPCOR Conditions

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW (except for Building Permits for demolition, excavation, or shoring), an Infill Fire Protection Assessment (IFPA) conducted by Edmonton Fire Rescue, Fire Protection Engineer, must be completed.

1a. The proposed development must comply with any requirements identified in the IFPA.

1b. Should the IFPA determine that upgrades to the municipal fire protection infrastructure are required, the owner must enter into a Servicing Agreement with the City for construction of those improvements or alternatively the owner can contact EPCOR to explore the option of having EPCOR complete the work at the owner's expense. The Servicing Agreement with the City or EPCOR must be entered into prior to the release of drawings for Building Permit review.


2. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 19626 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.

Zoning Advisements

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

An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act, or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be

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<p>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.</p>	
<p>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.</p>	
<p>In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.</p>	
<p>City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage.</p>	
<p>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.</p>	
<p>The site must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to lot.grading@edmonton.ca for review and approval.</p>	
<p>For more information on Lot Grading requirements, plans and inspections refer to the website: https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading</p>	
<p>Please be advised that if the grading plan review results in changes to your approved drawings to incorporate a Low Impact Development (LID) grading design, it is the owner/applicant's responsibility to inform the Urban Planning and Economy department. This notification is necessary to determine whether a new development permit is required.</p>	
<p>Signs require separate Development Permit application(s).</p>	
<p>EPCOR Advisements</p>	
<p>1. The site is currently serviced by a 20 mm copper water service (N27592) located 89.2 m east of the east property line of the lane west of 138 Street off of 110A Avenue. If this service will not be used for the planned development, it must be abandoned back to the water main prior to any on-site excavation. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site including demolition, excavation or grading for direction on the correct process to follow to have the service isolated and meter removed.</p>	
<p>1a. The existing service is not of sufficient size for the proposed development. The owner/applicant must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water supply to the proposed development.</p>	
<p>2. EPCOR Water Services Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a professional to complete on-site water distribution design and to ensure the supply will meet plumbing code and supply requirements.</p>	
<p>3. A new water service may be constructed for this lot directly off EPCOR's 200 mm water main along 110A Avenue adjacent to the subject site.</p>	
<p>4. For information on water and/or sewer servicing requirements, please contact EPCOR Infill Water and Sewer Servicing (IWASS)</p>	
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at wass.drainage@epcor.com or at 780-496-5444. EPCOR Strongly encourages all applicants to contact IWASS early in development planning to learn about site specific minimum requirements for onsite water and/or sewer servicing.

4a. For information and to apply for a new water service please go to www.epcor.com/ca/en/ab/edmonton/operations/service-connections.html.

5. For information on service abandonments contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444.

6. For information on metering and inquiries regarding meter settings please contact EPCOR's Water Meter Inspector at EWSinspections@epcor.com or 780-412-3850.

7. The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.

8. In reference to City of Edmonton Bylaw 19626 (EPCOR Water Services Bylaw), a private service line must not cross from one separately titled property to another separately titled property even if these properties are owned by the same owner. Refer to the City of Edmonton Design and Construction Standards, Volume 4, Water Service Requirements drawings WA-005-11a and WA005-11b for permitted water service configurations.

9. Hydrant spacing adjacent to the site is 204 m. Hydrant spacing does not meet the requirements based on Volume 4 of the City of Edmonton Design and Construction Standards. Edmonton Fire Rescue Services Engineering must be contacted to assess if Fire Protection of this site is adequate via Infill Fire Protection Assessment (IFPA).

10. In 2022 the Infill Fire Protection Program was initiated to fund water infrastructure upgrades required to meet municipal fire protection standards within core, mature and established neighbourhoods. The program will consider "missing middle" housing forms, mixed use and smaller scale commercial-only developments. EPCOR Water encourages interested applicants to go to the program website for more information and updates (www.epcor.com/ca/en/ab/edmonton/operations/service-connections/guides-checklists-forms/fire-protection-cost-share.html).

10a. Please note that being accepted for consideration in the program does not guarantee funding will be granted, as each application will be weighed against a set of criteria.

10b. An Infill Fire Protection Assessment (IFPA) is required to be considered for funding.

11. Development engineering drawings including landscaping and hardscaping must meet Volume 1 (Table of Minimum Offsets) and Volume 4 (April 2021) of the City of Edmonton Design and Construction Standards.


12. Dimensions must be provided as part of the engineering drawing submission package where a tree or shrub bed is installed within 5.0m of a valve, hydrant or curb cock, as per 1.6.1.3 of City of Edmonton Design and Construction Standards Volume 4 (April 2021).


13. The applicant/owner will be responsible for all costs related to any modifications or additions to the existing municipal water infrastructure required by this application.

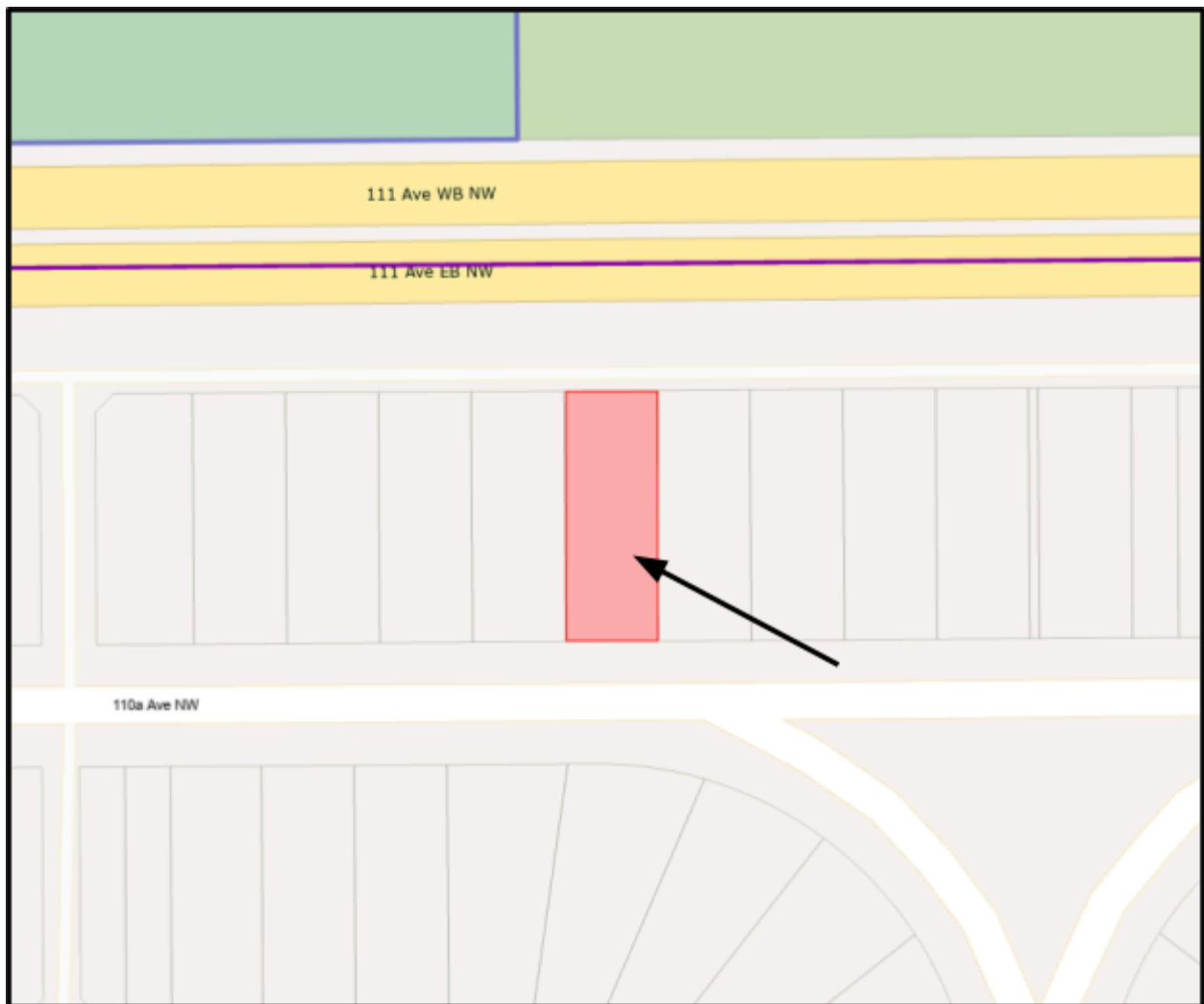
14. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

15. The advisements and conditions provided in this response are firm and cannot be altered.

Should you require any additional information, please contact Sarah Chileen at schileen@epcor.com.

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<p>Fire Rescue Services Advisements Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following conditions for your implementation and information.</p> <p>A fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site. Edmonton Fire Rescue Services will review your plan at the initial site visit upon commencement of construction. Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan</p> <p>Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).</p> <p>A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).</p> <p>You can locate a copy of the FSP guide for your reference here: https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771</p> <p>Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction. Reference: NFC(2023-AE) 5.6.3.6. Hydrant Access</p> <ol style="list-style-type: none"> 1) Hydrants on construction, alteration, or demolition site shall <ol style="list-style-type: none"> a) be clearly marked with a sign, b) be accessible, and c) have an unobstructed clearance of not less than 2 m at all times. <p>NBC (2023-AE) 9.10.20.3. Fire Department Access to Building</p> <ol style="list-style-type: none"> 1) Access for fire department equipment shall be provided to each building by means of a street, private roadway or yard. 2) Where access to a building as required in Sentence (1) is provided by means of a roadway or yard, the design and location of such roadway or yard shall take into account connection with public thoroughfares, weight of firefighting equipment, width of roadway, radius of curves, overhead clearance, location of fire hydrants, location of fire department connections and vehicular parking. <p>Edmonton Fire Rescue Services Access Guidelines specify that the unobstructed travel path (measured from a fire department vehicle to the entry of the building/unit) must be a minimum 0.9m of clear width (gates must be non-locking) and no greater than 45m in distance. https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/B19-04_Small_Building_Access_Policy.pdf?cb=1632115800</p> <p>The path must be of a hard surface such as a sidewalk that is accessible in all climate conditions. Soft surfaces such as grass or landscaped areas will not be considered.</p> <p>During Construction To meet the requirements of the National Fire Code — 2023 Alberta Edition, Sentence 5.6.1.2.(1), protection of adjacent properties during construction must be considered. https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const Reference: NFC(2023-AE) 5.6.1.2 Protection of Adjacent Building</p> <ol style="list-style-type: none"> 1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations. <p>Waste Services Advisements Adding any number of additional dwellings beyond what is indicated in this letter may result in changes to your waste collection. Waste Services reserves the right to adjust the collection method, location, or frequency to ensure safe and efficient service.</p>	
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<h2 style="margin: 0;">Minor Development Permit</h2>																															
<p>Additional information about waste service at your proposed development:</p> <p>Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.</p> <p>To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:</p> <ul style="list-style-type: none"> - Access to containers and removal of obstructions. - Container set out, and - The responsibility for wear and tear or damages. <p>The green cart equivalency program and an exemption to reduce the spacing required to 0.5 m between carts while maintaining 1.0 m spacing between carts and any other objects such as vehicles, fences, power poles, etc. has been approved for this proposed development with 8 dwellings, allowing it to receive Curbside Collection. The City will provide a total of 12 carts: 8 x 240 L for garbage and 4 x 240 L for food scraps.</p> <p>Please note:</p> <ul style="list-style-type: none"> - Residents would be required to share their food scraps carts. - Residents will be required to set out garbage and food scraps carts on collection day as per the set-out instructions. - Residents would use blue bags for recycling. - A minimum of 7.5 m unobstructed overhead space is required above the collection area to allow proper servicing of the containers. <p>If the locations of the transformer and switching cubicles do not exactly match the approved drawings, Waste Services must be advised and reserves the right to make changes to the approved plan to ensure waste can still be collected safely and efficiently.</p> <p>For developments with rear lanes, waste will only be collected from the rear lane for all dwellings in the development. It is the responsibility of the owner to ensure all residents have access to the rear lane for waste set out.</p> <p>If you require any further clarifications, please contact us.</p> <p>Rights of Appeal</p> <p>This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p>																															
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PC0702003																															



TO BE RAISED

ITEM II: 10:30 A.M.

FILE: SDAB-D-25-127

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 580302559-002

APPLICATION TO: To change the use of a Single Detached House to a Child Care Service (for up to 35 children)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: July 14, 2025

DATE OF APPEAL: July 24, 2025

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 13313 - 106A Avenue NW

LEGAL DESCRIPTION: Plan 4677HW Blk 61A Lot 3

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

<i>Grounds for Appeal</i>

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

#1 it is a smaller residential property not made for up to 35 kids

- #2 it is on a cul-de-sac that already has limited parking
- #3 the lane across from property is not paved (BTW the only one in glenora and yet we pay the same taxes) and will be a mud hole with people driving it to get to daycare
- #4 the school is already a nightmare for driving and parking for people (added signage etc has not helped
- #5 the city has approved a 10 unit complex at the other end of the block and also across from school which again is going to add to the traffic

Come on this makes no sense and is very unsafe for the people and the kids

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on July 28, 2025:

“That the appeal be scheduled for August 27 or 28, 2025.”

The Subdivision and Development Appeal Board made and passed the following motion on July 30, 2025:

“That the appeal be scheduled for September 3 or 4, 2025.”

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

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

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

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

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

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

General Provisions from the Zoning Bylaw 20001:

Under section 2.10.2.8, a **Child Care Service** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

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

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

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

Section 2.10.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit

Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

RS - Small Scale Residential Zone - General Regulations

Section 2.10.6.1. states “Vehicle access must be from an Alley where a Site Abuts an Alley.”

Development Planner’s Determination

1) Vehicular Access - the existing access to 106A Avenue is proposed to remain, instead of restricting vehicular access to this Site via the Abutting Alley (Subsection 2.10.6.1).

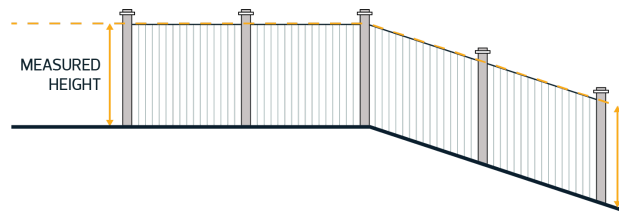
[unedited]

Fence Height

Section 5.100.2.1 states:

The Height of a Fence is measured from the highest point along the portion of a Fence, excluding structural posts, to the finished ground surface directly beneath the Fence at that point.

Diagram for Subsection 2.1



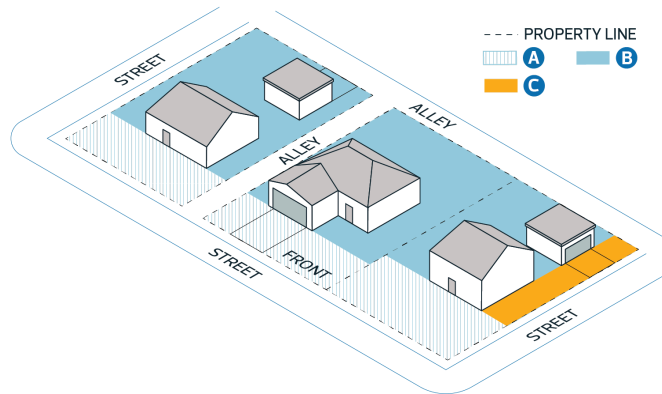
Section 5.100.2.2 states:

Maximum Fence Height must comply with Table 2.2:

Table 2.2 Fence Height Regulations

Subsection	Regulation	Value	Symbol
------------	------------	-------	--------

2.2.1.	Maximum Height in Front Yard	1.3 m	A
2.2.2.	Maximum Height in all other Yards	2.0 m	B



Section 5.100.2.3 states:

Despite Subsection 6.1.1 of Section 7.100, to provide additional screening from Nuisances from Abutting Sites or Streets, the Development Planner may vary the Height of a Fence, or a portion of a Fence, in compliance with the following:

- 2.3.1. Where the maximum Height of a Fence is 1.3 m, it may be varied up to a maximum Height of 2.0 m.
- 2.3.2. Where the maximum Height of a Fence is 2.0 m, it may be varied up to a maximum Height of 2.6 m.

Under section 8.20, **Accessory** means “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.”

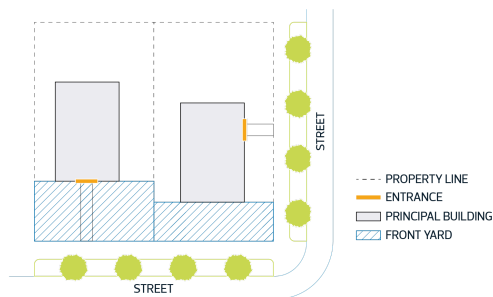
Under section 8.20, **Fence** means “Fence means a structure that is constructed at ground level and used to prevent or restrict passage, mark a boundary, or provide visual screening, noise reduction, or Landscaping. A Fence is not a Privacy Screen.”

Under section 8.20, **Height** means “a vertical distance between 2 points. Where described as a Modifier in a regulation, this is represented as the letter “h” and a number on the Zoning Map.”

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

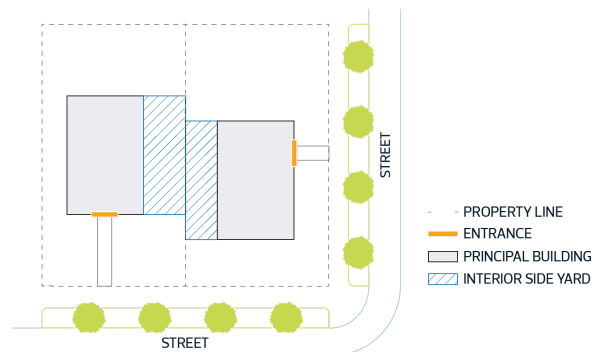
the portion of a Site Abutting the Front Lot Line extending across the full

width of the Site, between the Front Lot Line and the nearest wall of the principal building, not including projections.



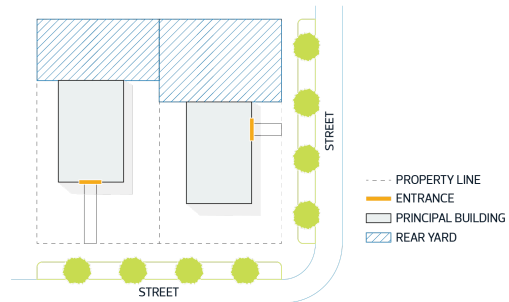
Under section 8.20, **Interior Side Yard** means:

the portion of a Site Abutting an Interior Side Lot Line, extending between the Front Yard and the Rear Yard, and located between the Interior Side Lot Line and the nearest wall of the principal building, not including projections.



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

the portion of a Site Abutting the Rear Lot Line, extending across the full width of the Site, and located between the Rear Lot Line and the nearest wall of the principal building, not including projections or Backyard Housing.




Development Planner's Determination

2) Fence Height - the Height of the fence within the Front Yard abutting 133 Street is 1.8m high instead of a maximum of 1.3m (Subsection 5.100.2.2.1).

[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.

		Project Number: 580302559-002 Application Date: MAR 26, 2025 Printed: July 14, 2025 at 9:09 AM Page: 1 of 4	
		<h2>Major Development Permit</h2>	
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.			
Applicant		Property Address(es) and Legal Description(s) 13313 - 106A AVENUE NW Plan 4677HW Blk 61A Lot 3	
		Specific Address(es) Suite: 13313 - 106A AVENUE NW Entryway: 13313 - 106A AVENUE NW Building: 13313 - 106A AVENUE NW	
Scope of Permit To change the use of a Single Detached House to a Child Care Service (for up to 35 children).			
Details			
Development Category: Discretionary Development Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Site Area (sq. m.):		Gross Floor Area (sq.m.): New Sewer Service Required: Overlay: Statutory Plan:	
Development Permit Decision Approved Issue Date: Jul 14, 2025 Development Authority: BACON, KIRK			
Subject to the Following Conditions			
1) This Development Permit is NOT valid until the notification period expires as specified Section 7.190. 2) This Development Permit authorizes the conversion of the existing Single Detached House to a Child Care Service (for up to 35 children). The development shall be constructed in accordance with the stamped and approved drawings. 3) Any increase in the number of children in the Child Care Service shall require separate development approval. 4) On-Site outdoor play spaces for Child Care Services at ground level must be Fenced on all sides and all gates must be self-latching (Subsection 6.40.3.3). 5) Passenger pick-up and drop-off spaces for Child Care Services must contain signage indicating a maximum duration of 30 minutes or less (Subsection 5.80.6.10.2). 6) Pathways connecting the main building entrances to adjacent sidewalks must be a minimum width of 1.8m (Subsection 5.80.3.1.2). 7) Bike parking must be provided in accordance with Subsection 5.80.8. 8) Existing landscaping (trees and shrubs) onsite should be preserved and protected unless removal is demonstrated to be necessary or desirable to accommodate a proposed development (Subsection 5.60.7.1). Transportation: 9) Access from the site to 106A Avenue exists. Any modification to the existing access requires the review and approval of Subdivision Planning.			
P0702003			



Project Number: **580302559-002**
 Application Date: MAR 26, 2025
 Printed: July 14, 2025 at 9:09 AM
 Page: 2 of 4

Major Development Permit

10) Access is proposed to the alley and does not require a crossing permit. The area between the property line and the alley driving surface must be hard surfaced to the satisfaction of Subdivision and Development Coordination. This area within the alley road right-of-way must not exceed a slope of 8%.

11) Permanent objects including concrete steps, railings, planter boxes, fencing and gate swings etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property and only grass is permitted to be planted within the boulevard.

12) Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

Subject to the Following Advisements

- 1) Signs require separate Development Applications.
- 2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 3) An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).
- 4) The City of Edmonton does not collect waste from non-Residential (Child Care Services) developments. The Child Care Service provider or property owner is responsible for managing their waste collections through the private commercial waste collection agencies. The business operator or property owner is advised to ensure that they have adequate waste disposal services to serve the development.

Transportation:

5) There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <https://utilitypartners.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.

6) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- the start/finish date of project;
 - accommodation of pedestrians and vehicles during construction;
 - confirmation of lay down area within legal road right of way if required;
 - and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.
- It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

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

Fire Rescue Services:

Major Development Permit

7) Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advisements for your implementation and information.

The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be accepted in writing by the fire department and the authority having jurisdiction. Edmonton Fire Rescue Services will review your plan at the initial construction site safety inspection upon commencement of construction.

Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan

Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO).

The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).

A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).

You can locate a copy of the FSP guide for your reference here:

<https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771>

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

Reference: NFC(2023-AE) 5.6.3.6. Hydrant Access

1) Hydrants on construction, alteration, or demolition site shall

a) be clearly marked with a sign,

b) be accessible, and

c) have an unobstructed clearance of not less than 2 m at all times.

9) Ensure that an all-weather access road is constructed prior to construction.

Reference: NFC(2023-AE) 5.6.1.4. Access for Firefighting

4) Access routes for fire department vehicles shall be provided and maintained to construction and demolition sites.

10) Ensure that emergency access route/fire lane signage is posted as per the NFC(2023-AE) 2.5.1.5 (2)

Reference: 2.5.1.5. Maintenance of Fire Department Access

2) Vehicles shall not be parked to obstruct access by fire department vehicles and signs shall be posted prohibiting such parking.

11) Please send ALL FRS DP review inquiries to cmsfpts@edmonton.ca

Variances

1) Vehicular Access - the existing access to 106A Avenue is proposed to remain, instead of restricting vehicular access to this Site via the Abutting Alley (Subsection 2.10.6.1).

2) Fence Height - the Height of the fence within the Front Yard abutting 133 Street is 1.8m high instead of a maximum of 1.3m (Subsection 5.100.2.2.1).

Rights of Appeal

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

Notice Period Begins: Jul 22, 2025

Ends: Aug 12, 2025

Fees

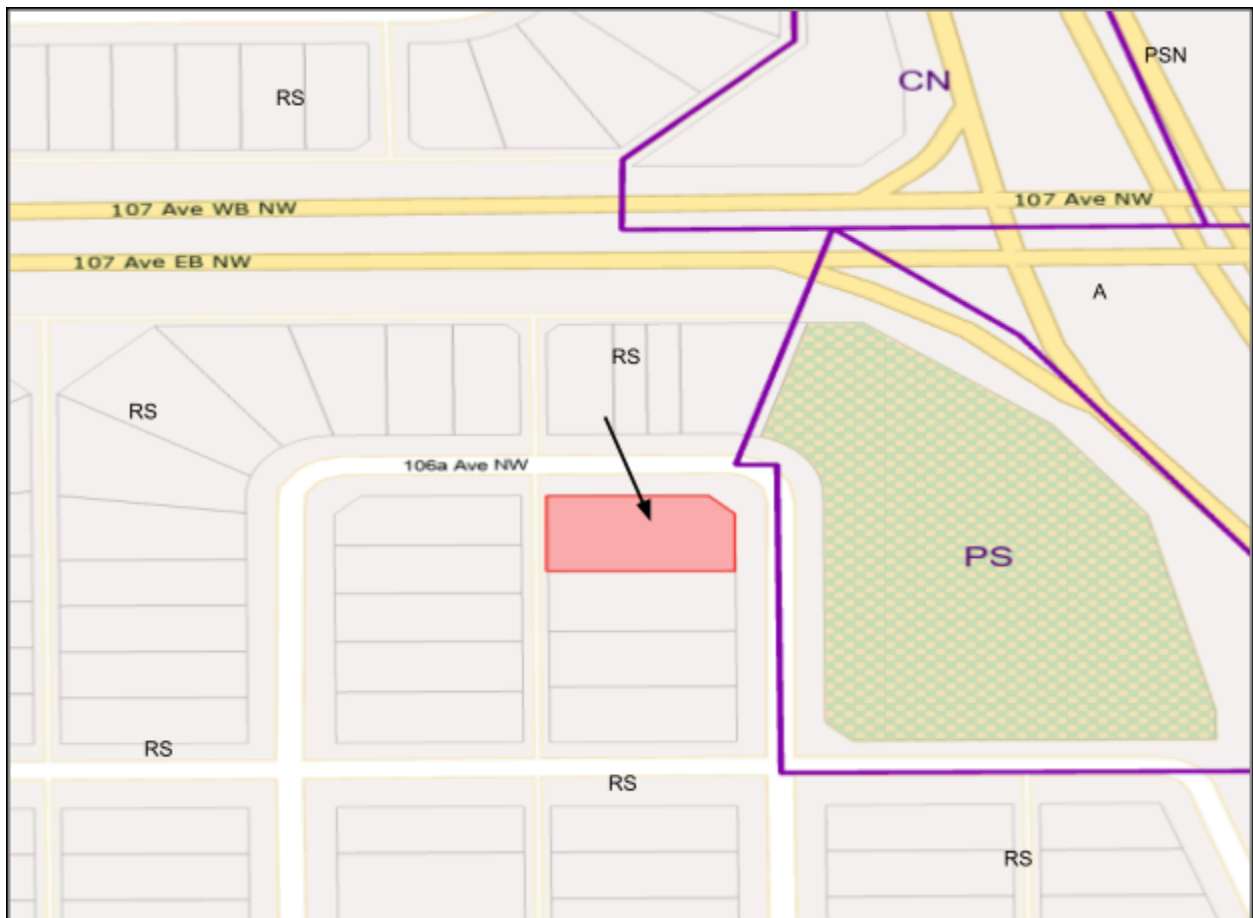
	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$410.00	\$410.00	019337001001934	Apr 17, 2025
Variance Fee	\$102.50	\$102.50	089333001001076	Jul 09, 2025
Total GST Amount:	\$0.00			
Totals for Permit:	\$512.50	\$512.50		



Project Number: **580302559-002**
Application Date: MAR 26, 2025
Printed: July 14, 2025 at 9:09 AM
Page: 4 of 4

Major Development Permit

P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-127

▲
N