

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 18, 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-25-130

Construct exterior alterations to a Residential Use building (Driveway extensions, right side: 2.66m x 12.50 m; left side: 1.16 m x 5.55m, and hardsurfacing in the rear yard)

17432 - 90 Street NW
Project No.: 609811788-002

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-25-130AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 609811788-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extensions, right side: 2.66m x 12.50 m; left side: 1.16 m x 5.55m, and hardsurfacing in the rear yard)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 1, 2025

DATE OF APPEAL: August 20, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 17432 - 90 Street NW

LEGAL DESCRIPTION: Plan 0323346 Blk 1 Lot 48

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Edmonton North Area Structure Plan
Klarvatten Neighbourhood Structure Plan

DISTRICT PLAN: Northwest District Plan

<i>Grounds for Appeal</i>

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

Based on the last appeal, we were approved for the front driveway extension for all reasons outlined on the appeal decision. However, We weren't approved due to amount of concrete in the backyard. City inspector Brendan Bolstad suggested that we to remove a part of concrete in the backyard to meet the 30% soft landscaping guideline to get approval. I will bring the drawing to show the part of concrete to be removed.

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

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

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

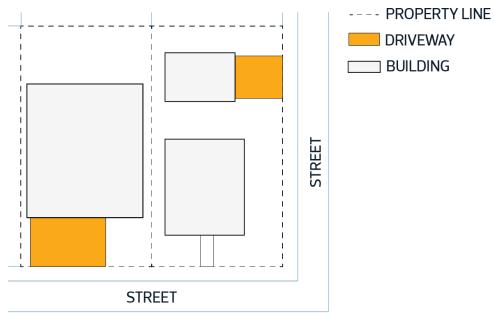
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

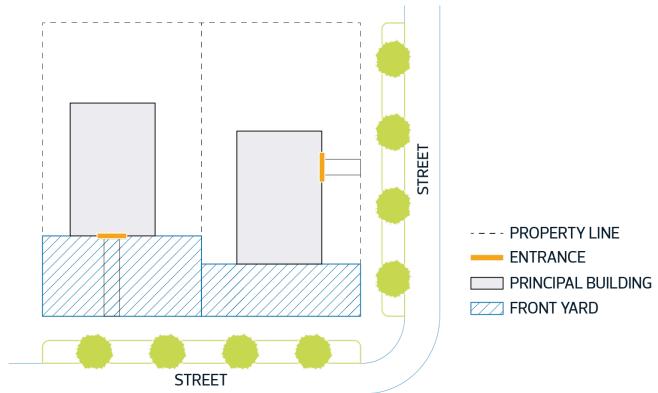
Under section 8.20, **Driveway** means:

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



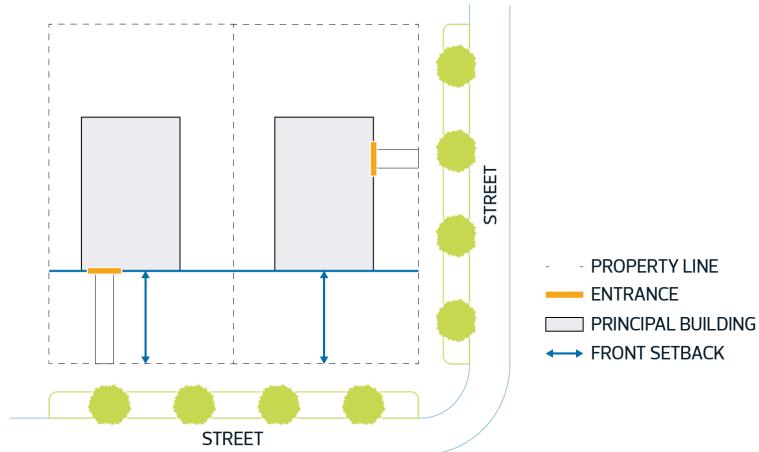
Under section 8.20, **Front Yard** means:

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



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

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



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

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

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

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

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

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

Site Circulation

2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal

Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

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

Driveways

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

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

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

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

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

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

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

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

2.1.5.1. a Front Yard;

- 2.1.5.2. a Flanking Side Yard; or
- 2.1.5.3 a Flanking Side Setback.

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

Development Planner's Determination

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

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

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less. (Section 5.80.2.1.4.2)

Proposed: 8.13 m

Garage Width: 6.30 m

3) Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway. (Section 5.80.2.1.5.1)

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

[unedited]

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.60.3.2 states: A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided for:

- 3.2.1. all development within the RS and RSF Zones;**
- 3.2.2. any Single Detached Housing, Duplex Housing, or Semi-detached Housing development; and**
- 3.2.3. any Row Housing, Multi-unit Housing or Cluster Housing development up to 8 Dwellings in a residential Zone with a maximum Height of 12.0 m or less.**

Development Planner's Determination

4) A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided for all development within the RS and RSF Zones. (Section 5.60.3.2.1)

Proposed: Less than 30% of the site is Soft Landscaping.

[unedited]

Previous Subdivision and Development Appeal Board Decision

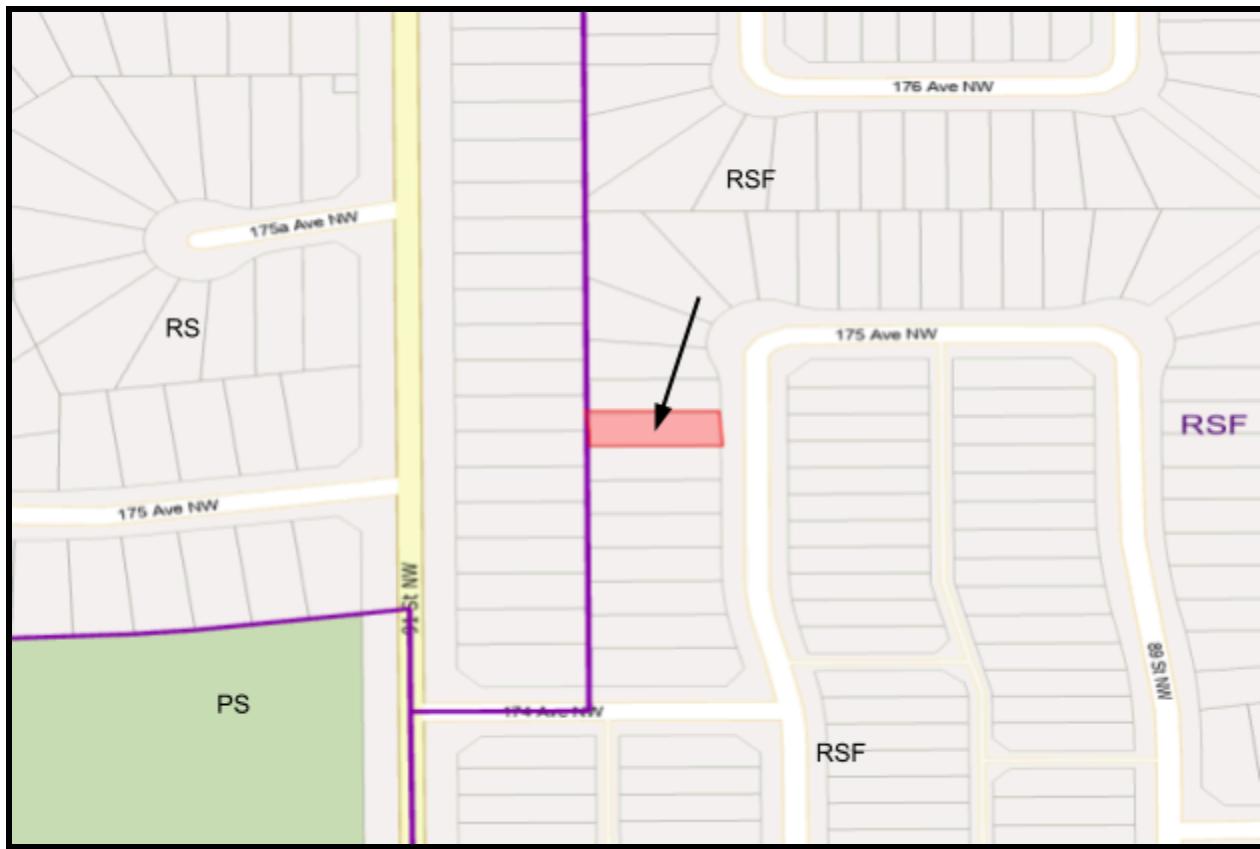
Application Number	Description	Decision
SDAB-D-25-007	To construct exterior alterations (Driveway extensions, right side: 2.66m x 12.50 m; left side: 1.16 m x 5.55m, and hardsurfacing in the rear yard).	March 25, 2025; The appeal is DENIED and the decision of the Development Authority is CONFIRMED . The development is REFUSED .

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: 609811788-002 Application Date: JUN 14, 2025 Printed: August 1, 2025 at 3:49 PM Page: 1 of 2
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Driveway Extension 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) 17432 - 90 STREET NW Plan 0323346 Blk 1 Lot 48
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extensions, right side: 2.66m x 12.50 m; left side: 1.16 m x 5.55m, and hardsurfacing in the rear yard).	
Details	
Development Category: Site Area (sq. m.): 392.53	Overlay: Statutory Plan:
Development Application Decision Refused	
Issue Date: Aug 01, 2025 Development Authority:	
Reason for Refusal 1) The Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Section 5.80.2.1.3) Proposed: The driveway does not lead directly from the Street to the garage. 2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less. (Section 5.80.2.1.4.2) Proposed: 8.13 m Garage Width: 6.30 m 3) Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway. (Section 5.80.2.1.5.1) Proposed: The additional concrete provides vehicle parking space in the front yard. 4) A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided for all development within the RS and RSF Zones. (Section 5.60.3.2.1) Proposed: Less than 30% of the site is Soft Landscaping.	
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.	
THIS IS NOT A PERMIT	
<small>P0702003</small>	

Edmonton	Project Number: 609811788-002 Application Date: JUN 14, 2025 Printed: August 1, 2025 at 3:49 PM Page: 2 of 2																								
Application for Driveway Extension Permit																									
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="text-align: left; padding: 5px;">Fees</th><th style="text-align: left; padding: 5px;">Fee</th><th style="text-align: left; padding: 5px;">Amount</th><th style="text-align: left; padding: 5px;">Amount Paid</th><th style="text-align: left; padding: 5px;">Receipt #</th><th style="text-align: left; padding: 5px;">Date Paid</th></tr></thead><tbody><tr><td style="padding: 5px;">Development Application Fee</td><td style="text-align: right; padding: 5px;">\$190.00</td><td style="text-align: right; padding: 5px;">\$190.00</td><td style="text-align: right; padding: 5px;">\$190.00</td><td style="text-align: right; padding: 5px;">06891E001001022</td><td style="text-align: right; padding: 5px;">Jun 14, 2025</td></tr><tr><td style="padding: 5px;">Total GST Amount:</td><td style="text-align: right; padding: 5px;">\$0.00</td><td></td><td></td><td></td><td></td></tr><tr><td style="padding: 5px;">Totals for Permit:</td><td style="text-align: right; padding: 5px;">\$190.00</td><td></td><td style="text-align: right; padding: 5px;">\$190.00</td><td></td><td></td></tr></tbody></table>		Fees	Fee	Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$190.00	\$190.00	\$190.00	06891E001001022	Jun 14, 2025	Total GST Amount:	\$0.00					Totals for Permit:	\$190.00		\$190.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-130



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