

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 24, 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-25-132 To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage, front balcony, and rear unenclosed steps)

10211 - 70 Street NW
Project No.: 600455200-002

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-25-132AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 600455200-002

APPLICATION TO: construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage, front balcony, and rear unenclosed steps)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 27, 2025

DATE OF APPEAL: August 27, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10211 - 70 Street NW

LEGAL DESCRIPTION: Plan 1692KS Blk 2 Lot 25

ZONE: RS - Small Scale Residential Zone

OVERLAY: RVO - North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: N/A

DISTRICT PLAN: Southeast District Plan

Grounds for Appeal

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

I am writing to formally request a minor variance to the zoning by-law 20001, part 6.10, subsection 1.1, related to maximum building height at Plan 1692KS, Block 2, Lot 25.

The proposed development requires a variance to permit a building height of 6.89 metres measured to the top of slab, and 7.20 metres measured to the average grade at the rear property line, whereas the current zoning by-law allows a maximum height of 6.80 metres, which exceeds the current maximum by 0.4 metres.

The variance is being requested to accommodate necessary design elements, match neighbourhood character, and support a standard garage with nine-foot ceilings.

The location of the building in relation to the lot also has very minimal impact on the neighbouring lots, especially in regard to shading. The location of the subject lot also has no neighbouring buildings across from the lane, which drastically reduces the impact of the massing on neighbouring parcels and the surrounding area of the lot.

The difference in height from the maximum height outlined in the bylaw is also minimal, and with a very low roof pitch, the roof only comes up 0.28 metres from the midpoint of the highest roof plane. The highest roof plane is also only on less than half of the overall building width, which greatly lessens the impact on the surrounding area. We believe this request meets the intent of the zoning by-law and adheres to the principles of good planning.

Specifically, the proposed height is necessary to ensure architectural consistency, allow for mechanical infrastructure, provide functional space for the garage and standard height of most trucks and SUV's under the garage door opener. The increase in height will not result in any negative impact on adjacent properties, such as overshadowing, loss of privacy, or views. In fact, I have spoken to the neighbours on both sides of our property, and have included them on the progress and design elements of our project. Both neighbours have agreed that the design will fit into the neighbourhood and be non invasive in regards to the height. Also the property will not be looking into any backyards, as it faces a park and ravine.

We respectfully submit this application with the belief that it satisfies the four tests of a minor variance :

1. The variance is minor in nature;
2. It is desirable for the appropriate development or use of the land;
3. It maintains the general intent and purpose of the zoning by-law;
4. It maintains the general intent and purpose of the official plan.

<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**.

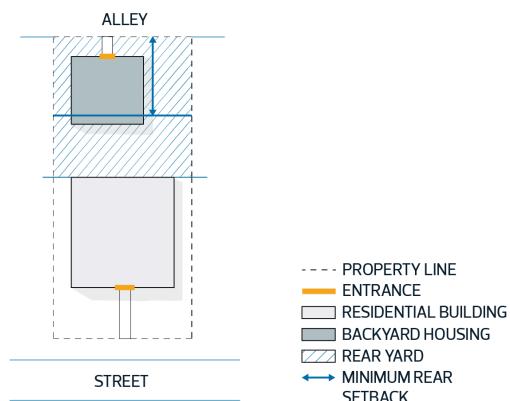
Under section 8.10, a **Residential Use** means:

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, **Backyard Housing** means:

a building containing 1 or more Dwellings, that is located wholly within the Rear Yard, and partially or wholly within the Rear Setback of the applicable Zone, of a Residential Site.



Under section 8.20, **Single Detached Housing** means:

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

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

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

commercial development are permitted to provide services to local residents.

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

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

Backyard Housing

Section 6.10.1 states **Backyard Housing** must comply with Table 1:

Table 1. Building Regulations			
Subsection	Regulation	Value	Symbol
Height			
1.1	Maximum Height	6.8 m	-

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.

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.

Development Planner's Determination

1. Midpoint Height - The maximum Height is 6.8 m (Subsection 1.1 of Section 6.10).

Maximum: 6.8 m

Proposed: 7.2 m

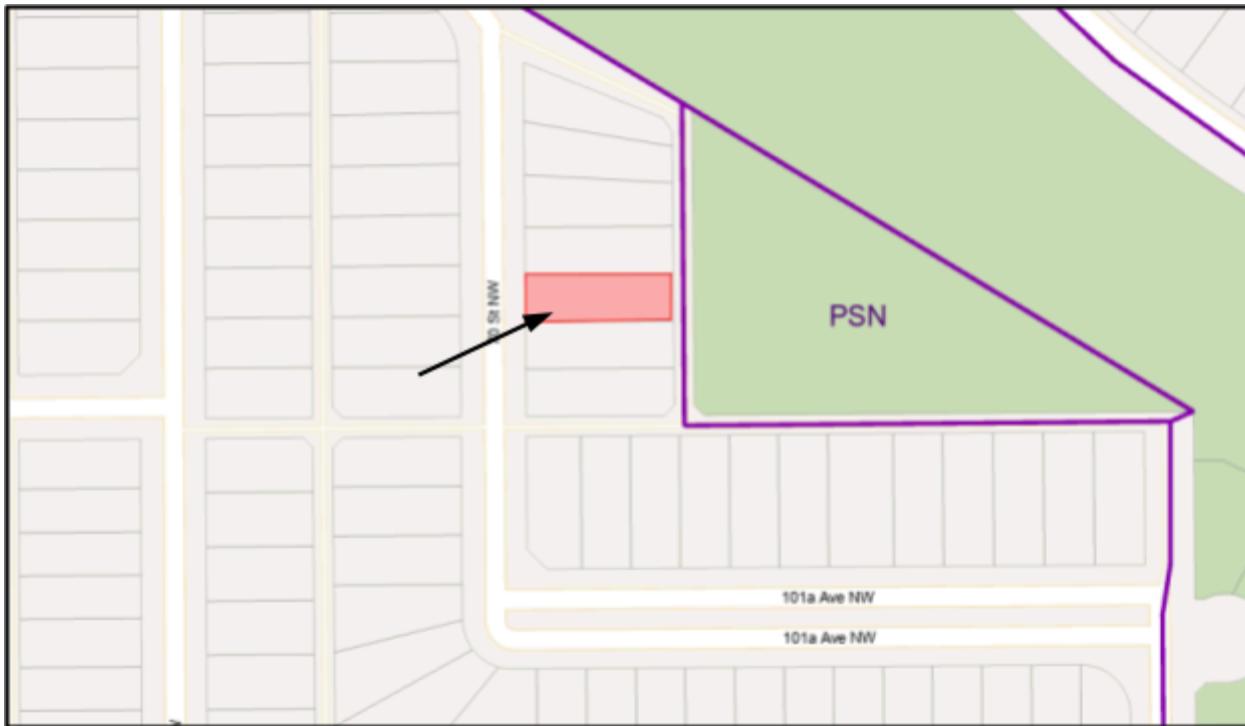
Exceeds by: 0.4 m

[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: 600455200-002 Application Date: MAY 21, 2025 Printed: August 27, 2025 at 11:30 AM Page: 1 of 1																														
<h2>Application for</h2> <h3>Minor Development 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) 10211 - 70 STREET NW Plan 1692KS Blk 2 Lot 25																														
	Specific Address(es) Suite: 10211G - 70 STREET NW Entryway: 10211G - 70 STREET NW Building: 10211G - 70 STREET NW																														
Scope of Application To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage, front balcony, and rear unenclosed steps).																															
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">1. Titled Lot Zoning: RS</td> <td style="width: 50%;">2. Number of Principal Dwelling Units To Construct: 0</td> </tr> <tr> <td>3. Overlay: RVO - River Valley and Ravine System Protection Overlay</td> <td>4. Number of Secondary Suite Dwelling Units to Construct: 1</td> </tr> <tr> <td>5. Statutory Plan:</td> <td>6. Backyard Housing or Secondary Suite Included?: Yes</td> </tr> <tr> <td>7. Neighbourhood Classification: Redeveloping</td> <td>8. Development Category / Class of Permit: Discretionary Development</td> </tr> </table>		1. Titled Lot Zoning: RS	2. Number of Principal Dwelling Units To Construct: 0	3. Overlay: RVO - River Valley and Ravine System Protection Overlay	4. Number of Secondary Suite Dwelling Units to Construct: 1	5. Statutory Plan:	6. Backyard Housing or Secondary Suite Included?: Yes	7. Neighbourhood Classification: Redeveloping	8. Development Category / Class of Permit: Discretionary Development																						
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Development Application Decision Refused Issue Date: Aug 27, 2025 Development Authority: FAN, JESSICA																															
Reason for Refusal 1. Midpoint Height - The maximum Height is 6.8 m (Subsection 1.1 of Section 6.10). Maximum: 6.8 m Proposed: 7.2 m Exceeds by: 0.4 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.																															
Fees <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: center;">\$615.00</td> <td style="text-align: center;">\$615.00</td> <td style="text-align: center;">098841001001644</td> <td style="text-align: center;">Jun 04, 2025</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: center;">\$160.00</td> <td style="text-align: center;">\$160.00</td> <td style="text-align: center;">098841001001644</td> <td style="text-align: center;">Jun 04, 2025</td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: center;">\$153.75</td> <td style="text-align: center;">\$153.75</td> <td style="text-align: center;">077631001001022</td> <td style="text-align: center;">Jul 31, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: center;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: center;"><hr/>\$928.75</td> <td style="text-align: center;"><hr/>\$928.75</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$615.00	\$615.00	098841001001644	Jun 04, 2025	Lot Grading Fee	\$160.00	\$160.00	098841001001644	Jun 04, 2025	Variance Fee	\$153.75	\$153.75	077631001001022	Jul 31, 2025	Total GST Amount:	\$0.00				Totals for Permit:	<hr/> \$928.75	<hr/> \$928.75		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-132

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