

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:15 A.M.

May 7, 2026

VIRTUAL HEARINGS

City Hall, 1 Sir Winston Churchill Square NW, Edmonton,

AB

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
VIRTUAL HEARINGS**

I 9:15 A.M. SDAB-D-26-105 To construct exterior alterations to a Single Detached House (front parking pad, 6.1m x 4.3m)

13607 - 64 STREET NW
Project No.: 638204267-002

II 10:15 A.M. SDAB-D-26-106 To construct exterior alterations to a Residential Use building (Driveway extensions, left 1.6 m x 8.4 m, right 1.4 m x 8.0 m), existing without permits

10303 - 174 AVENUE NW
Project No.: 585461276-002

III 11:15 A.M. SDAB-D-26-107 To construct an Accessory building (detached Garage, 6.4m x 7.3m)

10559 - 45 STREET NW
Project No.: 647079069-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 638204267-002

APPLICATION TO: To construct exterior alterations to a Single Detached House (front parking pad, 6.1m x 4.3m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 26, 2026

DATE OF APPEAL: April 8, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13607 - 64 STREET NW

LEGAL DESCRIPTION: Plan 2676MC Blk 4 Lot 20

ZONE: RS - Small Scale Residential 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:

There are 4 other houses on my block and 129 within 1 mile of my home that have front drive parking pads. All of these have back alleys .I am 68 years old and have been handicapped for 20 years with serious foot and ankle issues. I plan to get built a motorized lift from the parking pad to the front door and a caregiver suite in the basement with a front private entrance. My van has been broken into 8 times and I want to have it in a

secured gated area. I have received 2 awards from the Edmonton Horticultural Soc. and I will ensure the landscaping is attractive. It is unjust and inequitable to decline my application when there are so many other homes in the neighbourhood with front drive parking pads.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

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

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

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

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

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the Zoning Bylaw 20001:

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

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

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

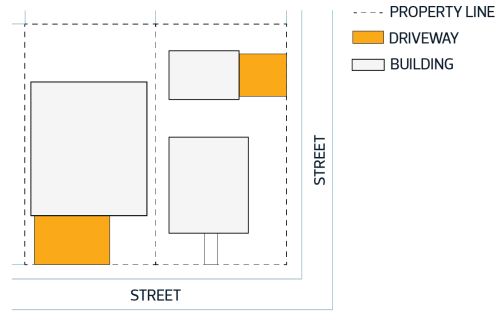
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

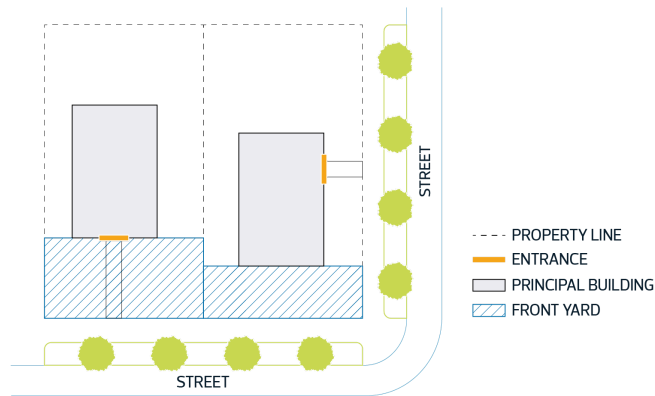
Under section 8.20, **Driveway** means:

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



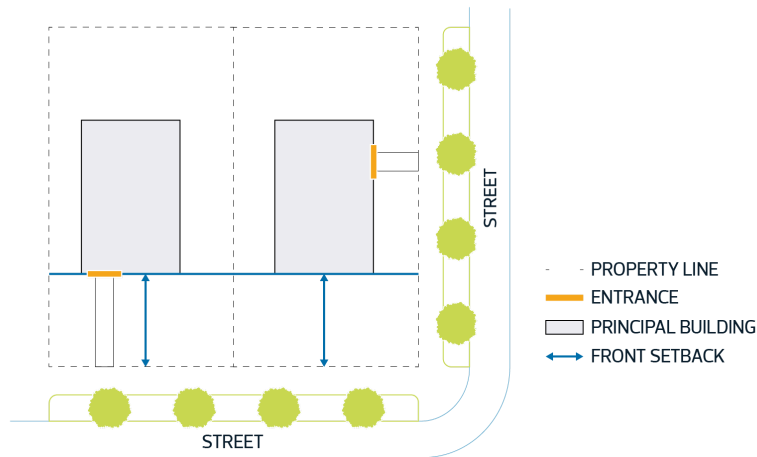
Under section 8.20, **Front Yard** means:

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



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

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



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

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

Section 2.10.1 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.

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.

2.1.2 For Multi-unit Housing, Row Housing and Cluster Housing a Pathway with a minimum unobstructed width of 0.9 m must connect main entrances of Dwellings to shared waste collection areas and Parking Areas, where provided.

Driveways

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

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

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

2.1.5.1 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:

2.1.5.1.1 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.

2.1.5.2. 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:

2.1.5.2.1. 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.

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

2.1.6.1. a Front Yard;

2.1.6.2. a Flanking Side Yard; or

2.1.6.3 a Flanking Side Setback.

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

Parking, Loading, and Access

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

General Landscaping Regulations

Section 5.60 states:

2.2 All open space, including Yards, Setback areas, and Common Amenity Areas must be Landscaped with trees, shrubs, flowers, grass, or other perennial ground cover, except where the open space is:

2.2.1. designated for Pathways or parking and vehicle circulation;

2.2.2. designated for Hard Surfacing and architectural features for the purpose of on-Site Amenity Areas; or

2.2.3. substituted with other forms of permeable ground cover, including washed rock, shale, mulch, or other similar treatments,

to the satisfaction of the Development Planner.

Development Planner’s Determination

1. Vehicle access must be from an Alley where a Site Abuts an Alley (Subsection 2.10.6.1).

Proposed access is from the street.

2. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area (Subsection 5.80.2.1.4).

Proposed driveway does not lead to a garage or parking area.

3. Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Subsection 5.80.2.1.6).

Proposed parking space is located in the front yard.


4. All open space, including Yards, Setback areas, and Common Amenity Areas must be Landscaped with trees, shrubs, flowers, grass, or other perennial ground cover, except where the open space is designated for Pathways or parking and vehicle circulation; designated for Hard Surfacing and architectural features for the purpose of on-Site Amenity Areas; or substituted with other forms of permeable ground cover, including washed rock, shale, mulch, or other similar treatments, to the satisfaction of the Development Planner (Subsection 5.60.2.2).

Proposed driveway will remove landscaping in the front yard.

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	<p>Project Number: 638204267-002 Application Date: FEB 12, 2026 Printed: March 26, 2026 at 1:36 PM Page: 1 of 2</p> <h2 style="margin: 0;">Application for Driveway Extension Permit</h2>										
<p>This document is a Development Permit Decision for the development application described below.</p>											
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 13607 - 64 STREET NW Plan 2676MC Blk 4 Lot 20</p> <p>Location(s) of Work Suite: 13607 - 64 STREET NW Entryway: 13607 - 64 STREET NW Building: 13607 - 64 STREET NW</p>										
<p>Scope of Application To construct exterior alterations to a Single Detached House (front parking pad, 6.1m x 4.3m).</p>											
<p>Details</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Discretionary Development Site Area (sq. m.): 590.72 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Discretionary Development Site Area (sq. m.): 590.72	Overlay: Statutory Plan:						
Development Category: Discretionary Development Site Area (sq. m.): 590.72	Overlay: Statutory Plan:										
<p>Development Application Decision Refused</p> <p>Issue Date: Mar 26, 2026 Development Authority: HERRICK-BRUYER, STACY</p> <p>Reason for Refusal</p> <ol style="list-style-type: none"> 1. Vehicle access must be from an Alley where a Site Abuts an Alley (Subsection 2.10.6.1). Proposed access is from the street. 2. A Driveway must lead directly from the Street or Alley to the Garage or Parking Area (Subsection 5.80.2.1.4). Proposed driveway does not lead to a garage or parking area. 3. Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Subsection 5.80.2.1.6). Proposed parking space is located in the front yard. 4. All open space, including Yards, Setback areas, and Common Amenity Areas must be Landscaped with trees, shrubs, flowers, grass, or other perennial ground cover, except where the open space is designated for Pathways or parking and vehicle circulation; designated for Hard Surfacing and architectural features for the purpose of on-Site Amenity Areas; or substituted with other forms of permeable ground cover, including washed rock, shale, mulch, or other similar treatments, to the satisfaction of the Development Planner (Subsection 5.60.2.2). Proposed driveway will remove landscaping in the front yard. <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.</p>											
<p>Building Permit Decision No decision has yet been made.</p>											
<p>Fees</p> <table border="0" style="width: 100%;"> <thead> <tr> <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 colspan="4" style="text-align: center;">THIS IS NOT A PERMIT</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	THIS IS NOT A PERMIT			
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<p>P0702003</p>											



Application for Driveway Extension Permit

Project Number: **638204267-002**
Application Date: FEB 12, 2026
Printed: March 26, 2026 at 1:36 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$190.00	\$190.00	02036Z000008847	Feb 12, 2026
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$190.00</u>	<u>\$190.00</u>		

THIS IS NOT A PERMIT

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 585461276-002

APPLICATION TO: To construct exterior alterations to a Residential Use building (Driveway extensions, left 1.6 m x 8.4 m, right 1.4 m x 8.0 m), existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 20, 2026

DATE OF APPEAL: April 9, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10303 - 174 AVENUE NW

LEGAL DESCRIPTION: Plan 8922401 Blk 67 Lot 39

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northwest District Plan

Grounds for Appeal

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

Matured neighbour hood- no objection from my neighbours- shortage of parking space, large numbers of my neighbours have extended drive ways and I am the only one who got the violation notice,

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;

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

and

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

General Provisions from the Zoning Bylaw 20001:

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

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

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

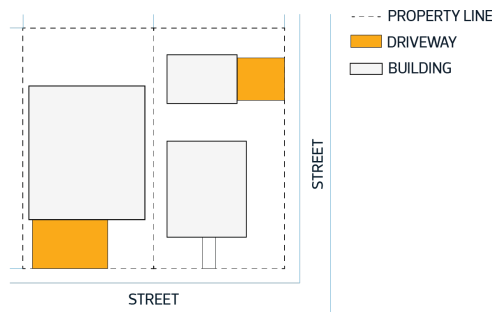
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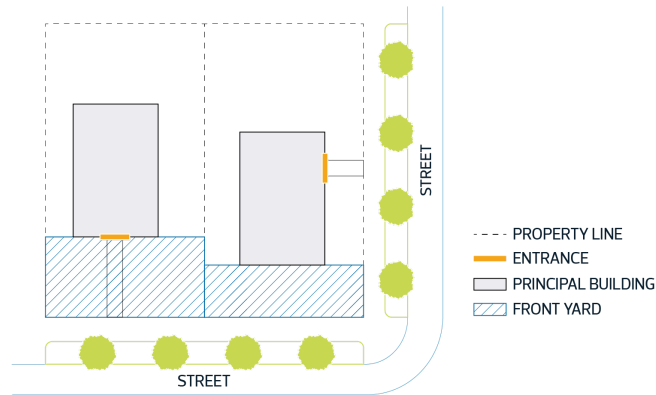
Under section 8.20, **Driveway** means:

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.



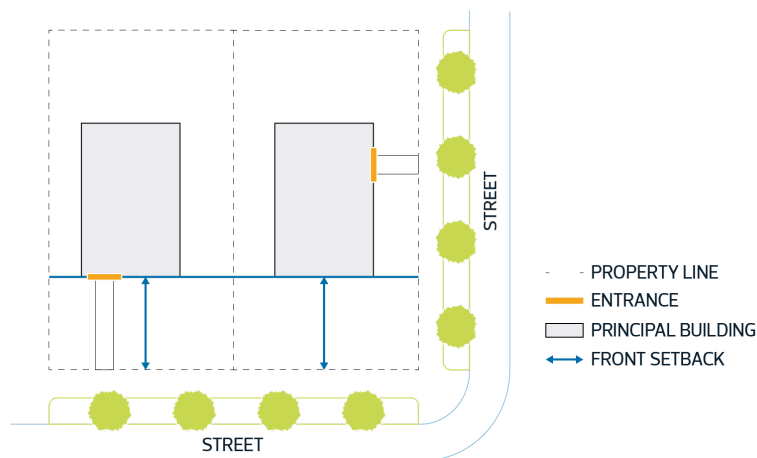
Under section 8.20, **Front Yard** means:

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 2.10.1 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.

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.
- 2.1.2 For Multi-unit Housing, Row Housing and Cluster Housing a Pathway with a minimum unobstructed width of 0.9 m must connect main entrances of Dwellings to shared waste collection areas and Parking Areas, where provided.

Driveways

- 2.1.3. Where vehicle access is permitted from a Street, a maximum of 1 Driveway with Street access is permitted for each ground-oriented principal Dwelling.
- 2.1.4. **A Driveway must lead directly from the Street or Alley to the Garage or Parking Area.**
- 2.1.5 **A Driveway provided from a Street must comply with the following:**
 - 2.1.5.1 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:

2.1.5.1.1 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.

2.1.5.2. 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:

2.1.5.2.1. 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.

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

2.1.6.1. a Front Yard;

2.1.6.2. a Flanking Side Yard; or

2.1.6.3 a Flanking Side Setback.

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

Development Planner's Determination

**1. Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.4.)
Proposed: Driveway extensions do not lead to the Garage.**

**2. Driveway Width - The maximum Driveway width is equal to the width of the Garage. (Subsection 5.80.2.1.5.2.)
Maximum width: 6.2 m
Proposed: 9.2 m
Exceeds by: 3.0 m**


3. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Subsection 5.80.2.1.6.1).

Proposed: Driveway extensions are located within the Front Yard.

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>	Project Number: 585461276-002 Application Date: APR 10, 2025 Printed: March 20, 2026 at 9:02 AM Page: 1 of 2																				
This document is a Development Permit Decision for the development application described below.																						
Applicant	Property Address(es) and Legal Description(s) 10303 - 174 AVENUE NW Plan 8922401 Blk: 67 Lot 39																					
	Location(s) of Work Suite: 10303 - 174 AVENUE NW Entryway: 10303 - 174 AVENUE NW Building: 10303 - 174 AVENUE NW																					
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extensions, left 1.6 m x 8.4 m, right 1.4 m x 8.0 m), existing without permits.																						
Details																						
Development Category: Site Area (sq. m.): 638.94	Overlay: Statutory Plan:																					
Development Application Decision Refused Issue Date: Mar 20, 2026 Development Authority: FOLKMAN, JEREMY Reason for Refusal <ol style="list-style-type: none"> 1. Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.4.) Proposed: Driveway extensions do not lead to the Garage. 2. Driveway Width - The maximum Driveway width is equal to the width of the Garage. (Subsection 5.80.2.1.5.2.) Maximum width: 6.2 m Proposed: 9.2 m Exceeds by: 3.0 m 3. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Subsection 5.80.2.1.6.1.). Proposed: Driveway extensions are located within the Front Yard. Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																						
Building Permit Decision No decision has yet been made.																						
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P0702003																						



Project Number: **585461276-002**
Application Date: APR 10, 2025
Printed: March 20, 2026 at 9:02 AM
Page: 2 of 2

Application for Driveway Extension Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$380.00	\$380.00		

THIS IS NOT A PERMIT

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 647079069-002

APPLICATION TO: To construct an Accessory building (detached Garage, 6.4m x 7.3m).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 25, 2026

DATE OF APPEAL: April 8, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10559 - 45 STREET NW

LEGAL DESCRIPTION: Plan 3878KS Blk 75 Lot 37

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

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:

Client wishes to appeal the decision because the application was declined based on a technicality that the existing garage is attached with a covered hallway therefore classify as a principle dwelling and the separation is 3m to accessory buildings. With this ruling it my client will need to reduce the size of the garage to the point of not worth it. The garage will be too narrow to be a comfortable useable space. By relaxing the 3m to 1.2m

(acceptable for accessory building separation) the garage becomes usable and shares the existing driveway

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

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

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

or

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

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

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the Zoning Bylaw 20001:

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

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

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 2 principal Dwellings that share, in whole or in part, a common vertical party wall. Each Dwelling has individual, separate and direct access to ground level. This does not include Duplex Housing.

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, **Garage** means “an Accessory building, or part of a principal building, designed and used primarily to store vehicles and includes carports. A Garage does not contain a Drive Aisle.”

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.

Minimum Separation Distance

Section 2.10.4.5 states “The minimum distance between a rear detached Garage and a principal Dwelling, except for Backyard Housing, on the same Site is 3.0 m.”

Development Planner’s Determination

1. Minimum Separation Distance - The minimum distance between a rear detached Garage and a principal Dwelling, except for Backyard Housing, on the same Site is 3.0 m. (Subsection 2.10.4.5.)


Proposed: 1.2m

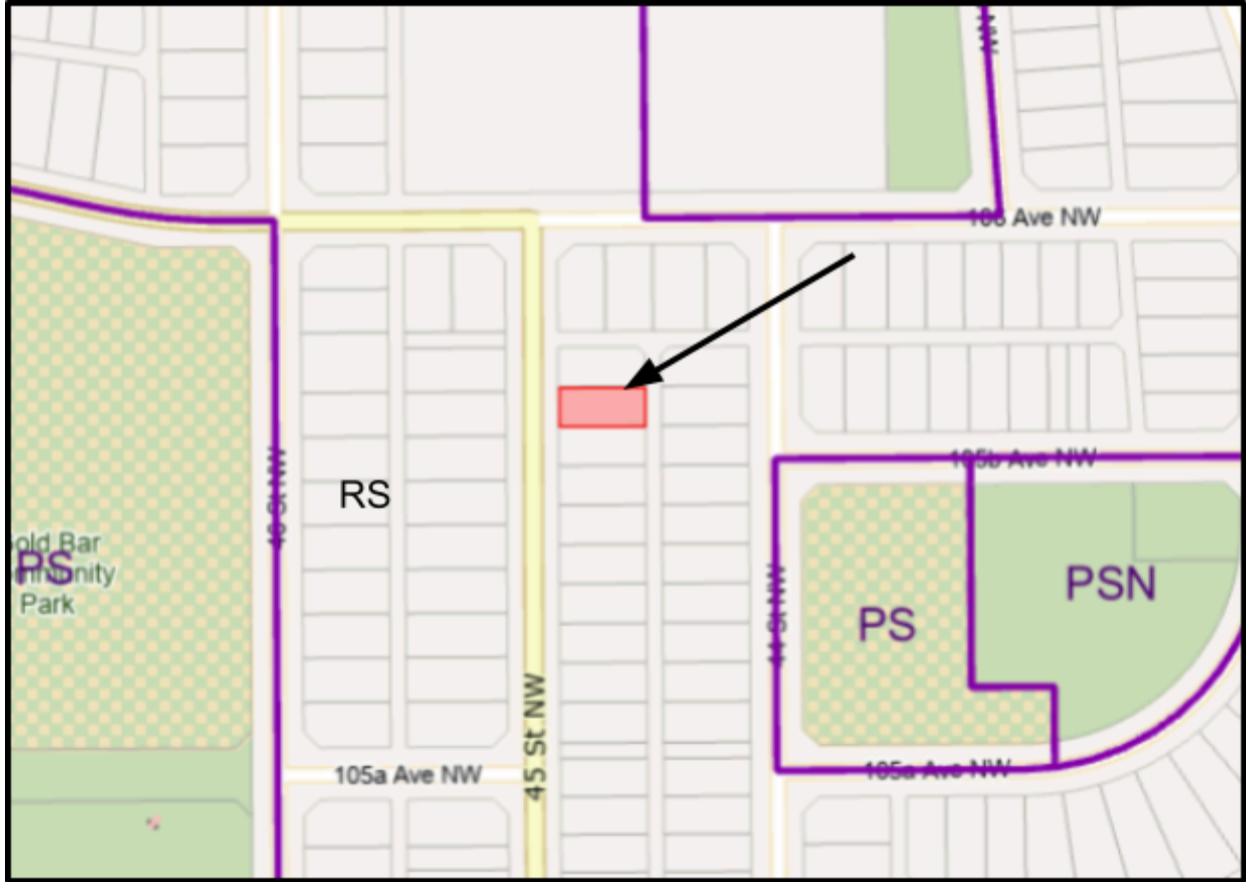
Deficient by: 1.8m

[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.

	<h2 style="margin: 0;">Application for Accessory Building Permit</h2>	Project Number: 647079069-002 Application Date: FEB 12, 2026 Printed: March 25, 2026 at 11:47 AM Page: 1 of 1																														
This document is a Development Permit Decision for the development application described below.																																
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SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-26-107