

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Wednesday, 9:00 A.M.**  
**June 24, 2026**

**Virtual Hearings**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**Virtual Hearings**

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I	9:00 A.M.	SDAB-D-26-152	To construct exterior alterations to a Residential Use building (Driveway extensions, left 1.2 m x 8.0 m, right 1.2 m x 8.0 m), existing without permits  6424 - 174 AVENUE NW Project No.: 626270779-002
<hr/>			
II	10:00 A.M.	SDAB-D-26-146	To construct an Accessory building (pergola, 6.4m x 1.0m)  319 - KIRKPATRICK CRESCENT NW Project No.: 633128460-002
<hr/>			
III	1:30 P.M.	SDAB-D-26-148	To change the use from Personal Service Shop to a Cannabis Retail Store, and construct interior alterations  10130 - 105 STREET NW Project No.: 655468290-002
<hr/>			

**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-26-152

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 626270779-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extensions, left 1.2 m x 8.0 m, right 1.2 m x 8.0 m), existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 29, 2026

DATE OF APPEAL: June 1, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6424 - 174 AVENUE NW

LEGAL DESCRIPTION: Plan 1520589 Blk 13 Lot 42

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): McConachie Neighbourhood Structure Plan  
Pilot Sound Area Structure Plan

DISTRICT PLAN: Northeast District Plan

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***Grounds for Appeal***

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

I would like to appeal this refusal as other properties in the neighbourhood have been approved to develop a extension on their driveways like the development permit approval notice I have received for another house

which are using 24 inch by 24 inch tiles if even that can be permitted for use

***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.

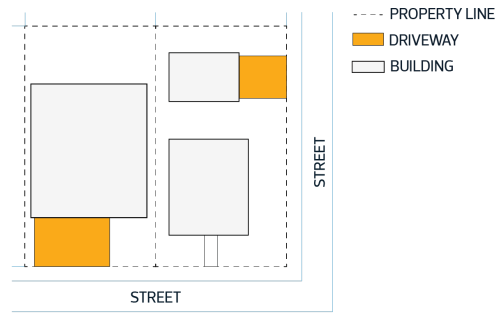
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

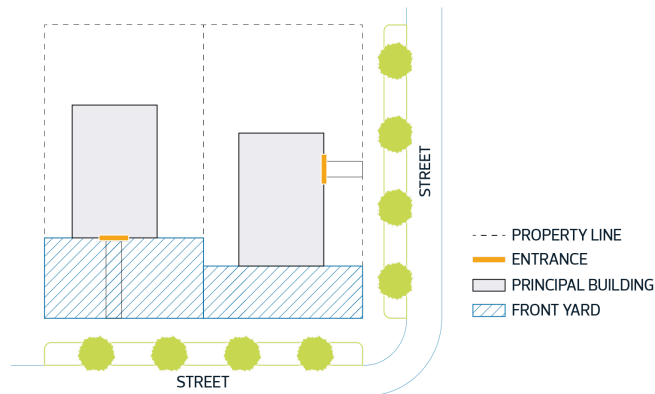
Under section 8.20, **Driveway** means:

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.



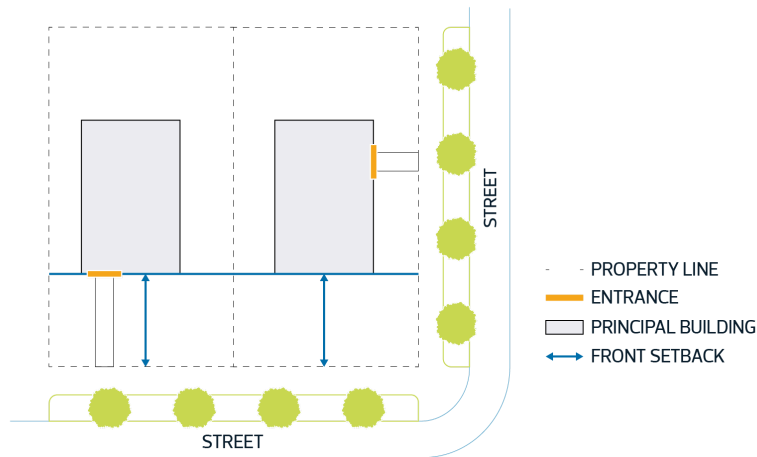
Under section 8.20, **Front Yard** means:

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:

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 “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.
- 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: The 2 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: 6.1 m**

**Proposed: 10.0 m**

**Exceeds by: 3.9 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]

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**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.

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	<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>			Project Number: <b>626270779-002</b> Application Date: AUG 19, 2025 Printed: May 29, 2026 at 11:38 AM Page: 1 of 2										
This document is a Development Permit Decision for the development application described below.														
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 6424 - 174 AVENUE NW Plan 1520589 Blk 13 Lot 42													
<b>Scope of Application</b> To construct exterior alterations to a Residential Use building (Driveway extensions, left 1.2 m x 8.0 m, right 1.2 m x 8.0 m), existing without permits.														
<b>Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Development Category:                      Site Area (sq. m.): 372.66                 </td> <td style="width: 50%; border: none;">                     Overlay:                      Statutory Plan:                 </td> </tr> </table>					Development Category: Site Area (sq. m.): 372.66	Overlay: Statutory Plan:								
Development Category: Site Area (sq. m.): 372.66	Overlay: Statutory Plan:													
<b>Development Application Decision</b> Refused <b>Issue Date:</b> May 29, 2026 <b>Development Authority:</b> FOLKMAN, JEREMY <b>Reason for Refusal</b> 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: The 2 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: 6.1 m Proposed: 10.0 m Exceeds by: 3.9 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.  <b>Rights of Appeal</b> 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.														
<b>Building Permit Decision</b> No decision has yet been made.														
<b>Fees</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$190.00</td> <td style="text-align: right;">\$190.00</td> <td style="text-align: right;">07118N001001212</td> <td style="text-align: right;">Aug 19, 2025</td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$190.00	\$190.00	07118N001001212	Aug 19, 2025
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Development Application Fee	\$190.00	\$190.00	07118N001001212	Aug 19, 2025										
<b>THIS IS NOT A PERMIT</b>														
P0702003														



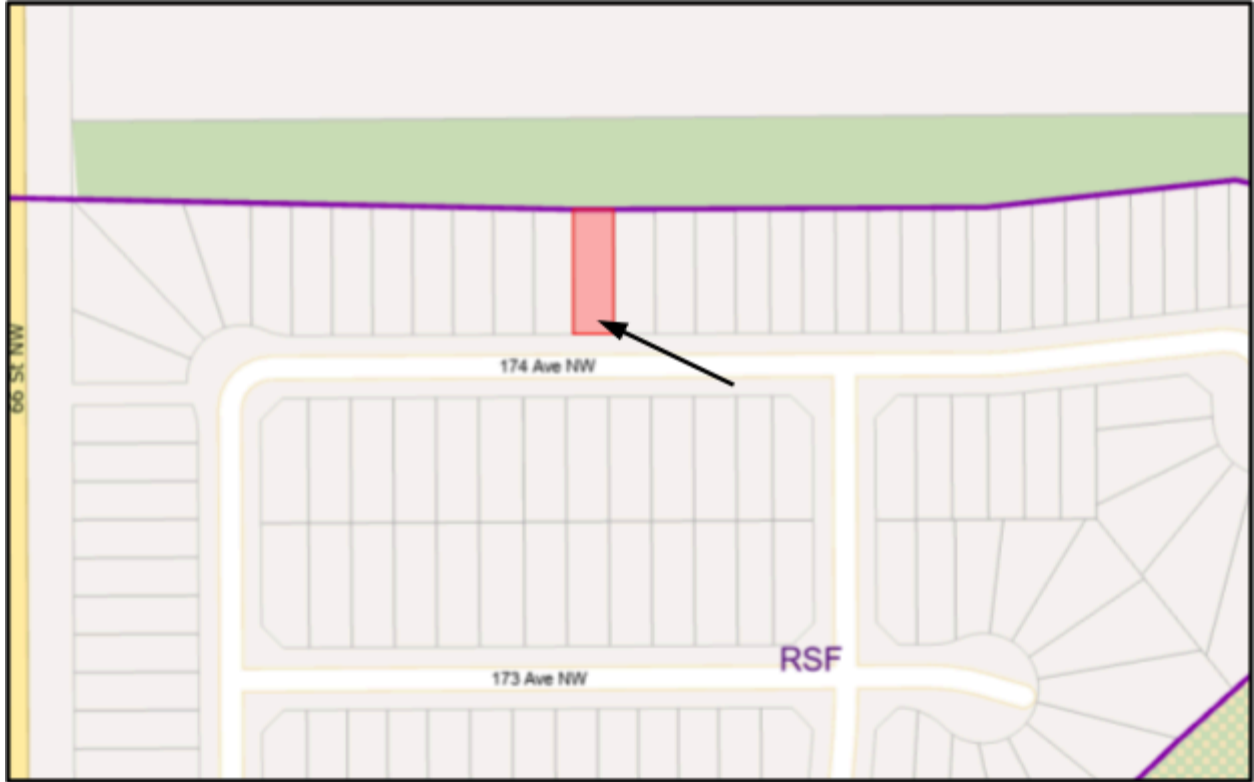
Project Number: **626270779-002**  
Application Date: AUG 19, 2025  
Printed: May 29, 2026 at 11:38 AM  
Page: 2 of 2

## Application for Driveway Extension Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$190.00</u>	<u>\$190.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-26-152

▲  
**N**

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 633128460-002

APPLICATION TO: Construct an Accessory building (pergola, 6.4m x 1.0m).

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 26, 2026

DATE OF APPEAL: May 27, 2026

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 319 - KIRKPATRICK CRESCENT NW

LEGAL DESCRIPTION: Plan 8121673 Blk 36 Lot 155

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Mill Woods and Meadows District Plan

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***Grounds for Appeal***

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

Greetings, In 2017 I purchase a house at 319 Kirkpatrick crescent Nw. Edmonton. the neighbourhood houses has a unique fencing style but most houses are not fenced and if it is its not all the way through and neighbours shared a fence. At that time I didnt thought much about it until new neighbour moved in and decided to fence their side of the house which is my entrance door. I didnt though much about it as it is their property like it is my property on the other side to my left (not fence)Until, winter time.

Snow piles up in front of the door to my calf and it is almost impossible to shovel as there's no room for maneuver or sway the shovel except push the heavy snow straight all the way to the back which is even more snow. So last year in 2025 I decided to build a side roof which the builder told me we do not need a permit as it is not attached and supported by the house. I told the builder not to build the post touching the neighbour's fence or property line which he followed. If I only knew that things will change and it will be difficult to live in this house during winter it would have been different. This side roof will eventually be removed when the time comes I will move as it does not allow a furniture to pass just like it's impossible to shovel the snow due to the limited space. I am appealing for a little consideration just like the consideration I give to my left side neighbour. Bec, I believe that's how it should be. I would really appreciate and be thankful to the authority for granting my appeal and reconsider, I am always and will always be a law-abiding citizen either way. Thank you!

<b><i>General Matters</i></b>
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**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:

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.”

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.

***RSF - RSF - Small Scale Flex Residential Zone - Setback Regulations***

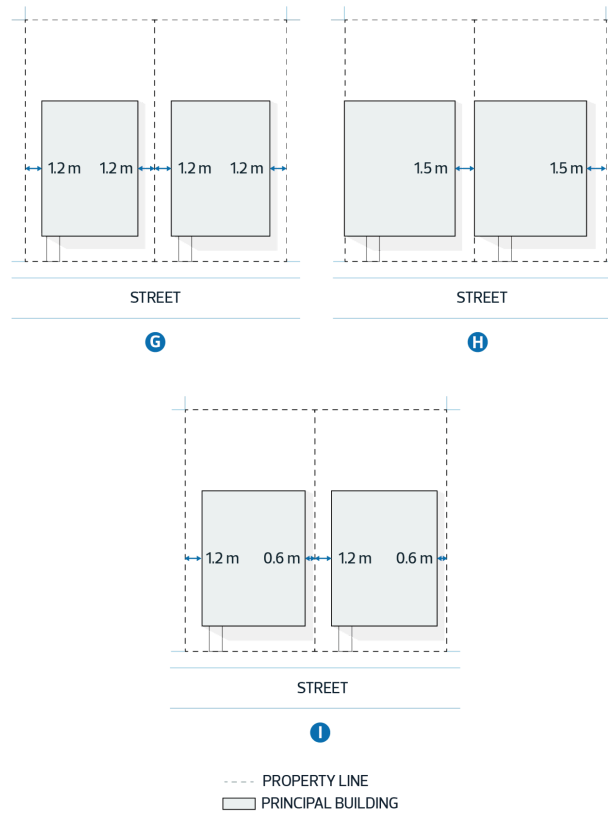
Section 2.20.4.2 states the following with respect to **Setbacks**:

4.2. Setbacks must comply with Table 4.2:

**Table 4.2 Setback Regulations**

Subsection	Regulation	Value	Symbol
<b>Interior Side Setback</b>			
<b>4.2.6.</b>	Minimum Interior Side Setback	1.2 m	<b>G</b>

**Diagram for Subsections 4.2.6, 4.2.7, and 4.2.8**



Under section 8.20, **Interior Side Setback** means “the distance that a development or a specified portion of a development must be from an Interior Side Lot Line. An Interior Side Setback is not an Interior Side Yard.”

**Development Planner’s Determination**

**1. Interior Side Setback - The minimum Interior Side Setback in the RSF zone is 1.2m (Subsection 2.20.4.2.6).**

**Proposed: The proposed Interior Side Setback is 0.05m.**


[unedited]

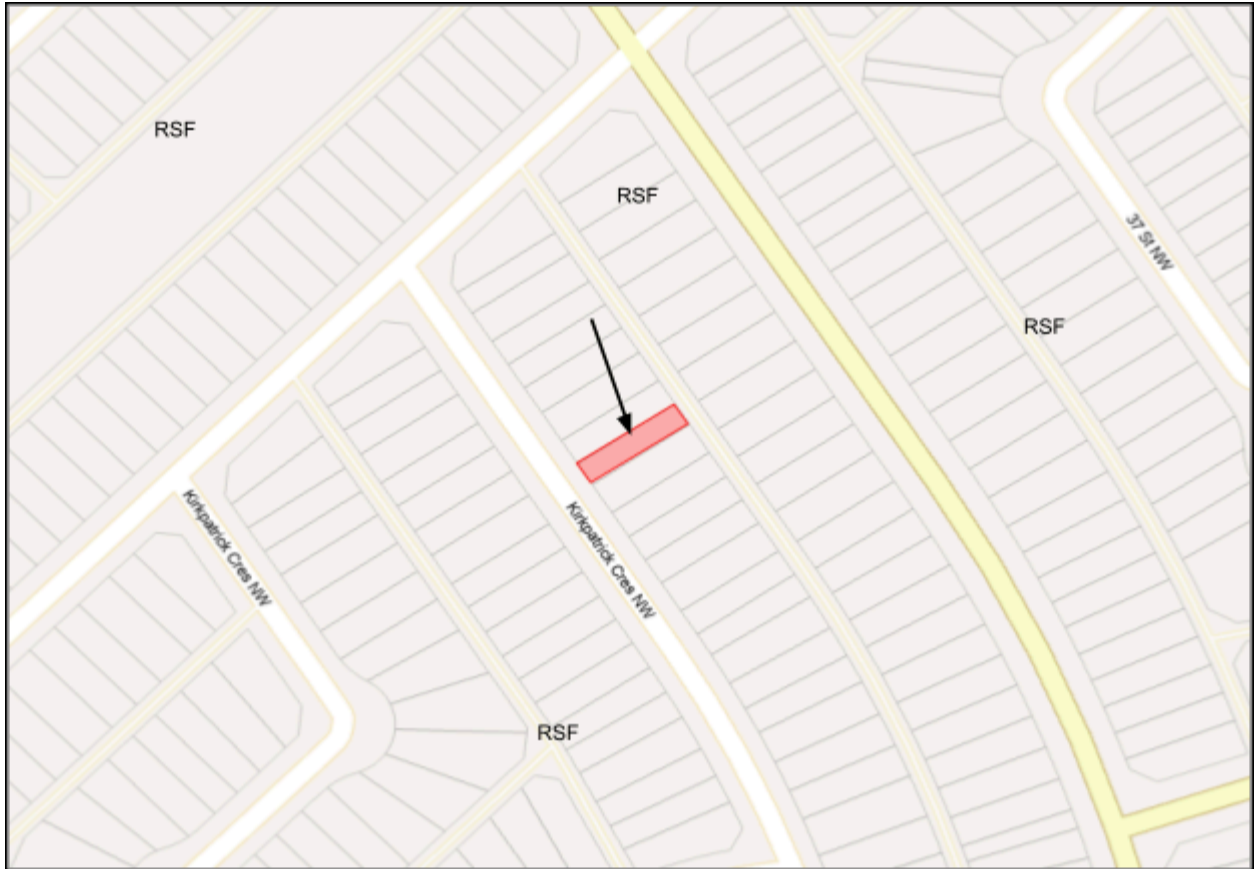
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**Notice to Applicant/Appellant**

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.

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	<h2 style="margin: 0;">Application for Accessory Building Permit</h2>	Project Number: <b>633128460-002</b> Application Date: OCT 17, 2025 Printed: May 26, 2026 at 9:43 AM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
<b>Applicant</b>  <b>Project Name:</b> side walk shed	<b>Property Address(es) and Legal Description(s)</b> 319 - KIRKPATRICK CRESCENT NW Plan S121673 Blk 36 Lot 155  <b>Location(s) of Work</b> Suite: 319 - KIRKPATRICK CRESCENT NW Entryway: 319 - KIRKPATRICK CRESCENT NW Building: 319 - KIRKPATRICK CRESCENT NW																					
<b>Scope of Application</b> To construct an Accessory building (pergola, 6.4m x 1.0m).																						
<b>Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Development Category: Discretionary Development                      Site Area (sq. m.): 254.56                 </td> <td style="width: 50%; border: none;">                     Overlay:                      Statutory Plan:                 </td> </tr> </table>			Development Category: Discretionary Development Site Area (sq. m.): 254.56	Overlay: Statutory Plan:																		
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<b>Development Application Decision</b> Refused <b>Issue Date:</b> May 26, 2026 <b>Development Authority:</b> OLTHUIZEN, JORDYN  <b>Reason for Refusal</b> 1. Interior Side Setback - The minimum Interior Side Setback in the RSF zone is 1.2m (Subsection 2.20.4.2.6). Proposed: The proposed Interior Side Setback is 0.05m.  <b>Rights of Appeal</b> 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.																						
<b>Building Permit Decision</b> No decision has yet been made.																						
<b>Fees</b> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: left;">Receipt #</th> <th style="width: 10%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$145.00</td> <td style="text-align: right;">\$145.00</td> <td>07235I001001987</td> <td>Oct 17, 2025</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Totals for Permit:</b></td> <td style="text-align: right; border-top: 1px solid black;">\$145.00</td> <td style="text-align: right; border-top: 1px solid black;">\$145.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$145.00	\$145.00	07235I001001987	Oct 17, 2025	Total GST Amount:	\$0.00				<b>Totals for Permit:</b>	\$145.00	\$145.00		
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Total GST Amount:	\$0.00																					
<b>Totals for Permit:</b>	\$145.00	\$145.00																				
THIS IS NOT A PERMIT																						
P0702003																						



**SURROUNDING LAND USE DISTRICTS**

Site Location ←      File: SDAB-D-26-146      ▲  
N

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 655468290-002

APPLICATION TO: Change the use from Personal Service Shop to a Cannabis Retail Store, and construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 27, 2026

DATE OF APPEAL: May 27, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10130 - 105 STREET NW

LEGAL DESCRIPTION: Plan B2 Blk 5 Lots 191-192

ZONE: UW - Urban Warehouse Zone

OVERLAY: N/A

STATUTORY PLAN: Capital City Downtown Plan

DISTRICT PLAN: Central District Plan

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***Grounds for Appeal***

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

The applicant respectfully requests reconsideration and approval of the proposed variances relating to separation distances from both PS/PSN zoned lands and existing approved Cannabis Retail Store locations.

The subject site is located within a highly urbanized and commercially developed downtown area of Edmonton where strict application of

separation distance requirements creates significant practical limitations on available commercial locations. The surrounding area consists primarily of all kinds of mixed commercial, residential, hospitality, entertainment, and pedestrian-oriented uses consistent with the intended character of the downtown core.

With respect to the proximity to PS and PSN zoned lands, the nearby parks identified Beaver Hill House Park, Micheal Phair Park, and O-daymin Park function primarily as urban public open spaces integrated into the downtown environment, rather than dedicated youth-focused recreational facilities, hence are every small parks with Zero play zones. The proposed Cannabis Retail Store will operate entirely within a professionally managed indoor commercial premises and will comply with all provincial and municipal regulations governing cannabis retail operations.

The business will maintain strict age-verification procedures, security monitoring, controlled product access, and compliance with all advertising and responsible retailing requirements established by the Alberta Gaming, Liquor and Cannabis Commission (AGLC). The operation is not anticipated to create adverse impacts relating to noise, loitering, parking, or public safety beyond those associated with a standard retail commercial use in the downtown core.

Further, regarding the cited separation distance deficiency from the approved Cannabis Retail Store location at 10129-104 Street, the applicant understands that the referenced cannabis retail operation has Not been operating for approximately two years and No longer appears to function as an active cannabis retail business. As such, the intent of the separation distance regulation, namely to prevent over concentration of actively operating cannabis retail stores within a localized area, is not materially impacted in this case. It is purely technical based on City's database and this existing permit is set to expire soon.

The proposed location would contribute positively to the area through activation of vacant or underutilized commercial space, increased pedestrian activity, employment opportunities, and continued investment into Edmontons downtown commercial corridor.

Given the unique urban context of the downtown area, the inactive status of the referenced cannabis retail location, and the highly regulated nature of cannabis retail operations in Alberta, the requested variances can be granted without negatively affecting surrounding properties or the public interest.

The applicant respectfully requests approval of the proposed variances.

***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 3.24.2.5, a **Cannabis Retail Store** is a **Permitted Use** in the **UW - Urban Warehouse Zone**.

Under section 8.10, a **Cannabis Retail Store** means:

a development where a business sells Cannabis to be consumed off-Site as permitted by Provincial or Federal legislation. This may include sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under section 3.24.4.5 states “Cannabis Retail Stores must comply with Section 6.30.”

Under section 8.20, **Site** means “an area of land consisting of 1 or more Abutting Lots.”

Section 3.24.1 states that the **Purpose** of the **UW - Urban Warehouse Zone** is:

To allow for a unique mixed use business commercial, educational and residential neighbourhood, accommodating a diversity of Uses, including Residential, Commercial, institutional, light manufacturing and assembly in a safe, walkable, human-scaled built environment that builds on the existing land use pattern and respects the architectural characteristics and functions of the area.

<b><i>Cannabis Retail Stores</i></b>
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Section 6.30 states the following with respect to **Cannabis Retail Stores**:

1. **At the time a Development Permit application is submitted, a Cannabis Retail Store must be located to provide minimum separation distances in compliance with Table 1:**

**Table 1. Minimum Separation Distance**

Subsection	From approved or existing:	200 m (from store to store)	200m (from Site to Site)	100 m (from Site to Site)
1.1.	Cannabis	x		

	<b>Retail Stores</b>			
1.2.	Libraries		x	
1.3.	Schools		x	
1.4.	Community recreation facilities			x
1.5.	Provincial Health Care Facilities			x
1.6.	Sites designated as School Reserves			x
1.7.	Sites designated as Municipal and School Reserves			x
	From Sites zoned:			
<b>1.8.</b>	<b>PS, PSN, or A</b>			<b>x</b>

2. For the purposes of Subsection 1, when measuring separation distances:

2.1. from Site to Site, the distance is measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and not Zone boundaries; and

2.2. from store to store, the distance is measured from the closest point of the Cannabis Retail Store to the closest point of another Cannabis Retail Store.

**Diagram for Subsection 2**



3. For the purposes of Subsection 1:
  - 3.1. the term "School" means a school as defined in subsection 1(1)(x)(i) to (iv) and (vi) of the Education Act;
  - 3.2. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as defined by the Municipal Government Act; and
  - 3.3. the term “Provincial Health Care Facility” means a provincial health care facility as defined in Subsection 105(1)(e) of the Gaming, Liquor and Cannabis Regulation.
4. **The Development Planner may vary the minimum separation distance in Subsection 1.1 by up to 20.0 m. No other variance to Subsection 1 is permitted.**
5. For Sites greater than 2.0 ha that are Zoned CG, CB, MU, or a Direct Control Zone, and do not contain a Library at the time a Development Permit application for a Cannabis Retail Store is submitted:
  - 5.1. Subsection 1.1 does not apply; and
  - 5.2. the distances specified in Section 105(3) of the Gaming, Liquor and Cannabis Regulation are expressly varied to 0 m.
6. Section 105(3) of the Gaming, Liquor and Cannabis Regulation is expressly varied by Subsections 1.3, 1.5, 1.6, 1.7, 2, and 5.2.

**Development Planner’s Determination**

**1) Cannabis Retail Stores shall be located at least 100m from sites zoned PS or PSN (Ref.: S. 6.30.1.8):**

**Required separation distance: 100m**

**Proposed separation distance: 24m from Beaver Hill House Park, 76m from Micheal Phair Park, 76m from O-day’min Park.**

**Deficient by: 124m-176m**

**2) Cannabis Retail Stores shall be located at least 200m from approved Cannabis Retail Stores locations (Ref.: S. 6.30.1.1):**

**Required separation distance: 200m**

**Proposed separation distance: 146m from an approved Cannabis Retail Store location at 10129-104 Street.**

**Deficient by: 54m.**

**Under S. 6.30.4 of the Zoning Bylaw, the Development Planner is not permitted to grant the variances necessary to allow the proposed development.**

[unedited]

***Previous Subdivision and Development Appeal Board Decision***


<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-21-113	To change the Use from a General Retail Store to a Liquor Store and construct interior alterations.	August 4, 2021; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority. The development is subject to CONDITIONS and ADVISEMENTS.

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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.

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	<h2 style="margin: 0;">Application for Development Permit</h2>	Project Number: <b>655468290-002</b> Application Date: APR 22, 2026 Printed: May 27, 2026 at 12:54 PM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10130 - 105 STREET NW Plan B2 Blk 5 Lots 191-192	
	<b>Specific Address(es)</b> Suite: 10134 - 105 STREET NW Entryway: 10134 - 105 STREET NW Building: 10130 - 105 STREET NW	
<b>Scope of Application</b> To change the use from Personal Service Shop to a Cannabis Retail Store, and construct interior alterations.		
<b>Details</b>		
Development Category: Permitted Development Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Site Area (sq. m.):	Gross Floor Area (sq.m.): New Sewer Service Required: Overlay: Statutory Plan:	
<b>Development Application Decision</b> Refused <b>Issue Date:</b> May 27, 2026 <b>Development Authority:</b> WELCH, IMAI  <b>Reason for Refusal</b> 1) Cannabis Retail Stores shall be located at least 100m from sites zoned PS or PSN (Ref.: S. 6.30.1.8):  Required separation distance: 100m Proposed separation distance: 24m from Beaver Hill House Park, 76m from Micheal Phair Park, 76m from O-day'min Park. Deficient by: 124m-176m  2) Cannabis Retail Stores shall be located at least 200m from approved Cannabis Retail Stores locations (Ref.: S. 6.30.1.1):  Required separation distance: 200m Proposed separation distance: 146m from an approved Cannabis Retail Store location at 10129-104 Street. Deficient by: 54m.  Under S. 6.30.4 of the Zoning Bylaw, the Development Planner is not permitted to grant the variances necessary to allow the proposed development.  <b>Rights of Appeal</b> 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.		
<b>Fees</b>		
Major Dev. Application Fee	<b>Fee Amount</b> \$415.00	<b>Amount Paid</b> \$415.00
	<b>Receipt #</b> 03824G000002883	<b>Date Paid</b> May 04, 2026
THIS IS NOT A PERMIT		
P0702003		



# Application for Development Permit

Project Number: **655468290-002**  
Application Date: APR 22, 2026  
Printed: May 27, 2026 at 12:54 PM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	\$415.00	\$415.00		

**THIS IS NOT A PERMIT**

