

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Tuesday, 9:00 A.M.
June 30, 2026

VIRTUAL HEARINGS

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
VIRTUAL HEARINGS**

I 9:00 A.M. SDAB-D-26-153

Construct exterior alterations to a Residential Use building (Driveway extension, 5.2 m x 8.0 m), existing without permits

358 - GALBRAITH CLOSE NW
Project No.: 647157607-002

TO BE RAISED

II 10:00 A.M. SDAB-D-26-147

Install a water retention structure (swim spa) within the rear yard

705 - HOWATT DRIVE SW
Project No.: 654038607-002

III 11:00 A.M. SDAB-D-26-154

Construct 2 Accessory buildings (#1 workshop - 10.67 m x 30.44 m x 6.45 m in height, and #2 - workshop addition 8.00 m x 12.83 m x 6.2 m in height), existing without permits

2708 - 195 AVENUE NW
Project No.: 654707209-002

IV 1:30 P.M. SDAB-D-26-155

1. Cease the Commercial Use: Minor Indoor Entertainment located in the Detached Garage and Rear Yard. This will require you to complete the following steps:

a) Remove all related materials to the Minor Indoor Entertainment including but not limited to stages, musical equipment, sound and lighting equipment, arcade machines, wet bar, food, alcohol, refrigerators, cooking appliances, signage, tables and chairs.

b) Remove the portable toilets from the property.

AND

2. Revert the Garage area to vehicle parking to align with the approved Minor Development

Permit: To leave as built an Accessory building (detached Garage, 7.37 m x 8.62) issued on July 06, 2017.

AND

3. Schedule a follow up inspection by contacting the investigating Development Compliance Officer.

13420 - 66 STREET NW

Project No.: 656228276-001

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.: 647157607-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extension, 5.2 m x 8.0 m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 14, 2026

DATE OF APPEAL: June 8, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 358 - GALBRAITH CLOSE NW

LEGAL DESCRIPTION: Plan 9826140 Blk 8 Lot 19

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: West Henday District Plan

Grounds for Appeal

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

To Whom It May Concern,

I am writing to respectfully request approval for the existing driveway width at 358 Galbraith Close to remain as constructed.

This appeal is supported by more than twenty neighbouring households who have provided written letters in support of retaining the driveway in its current configuration. The overwhelming support from nearby residents demonstrates that the driveway has not created any concerns regarding neighbourhood character, safety, sightlines, or property enjoyment.

Galbraith Close faces a unique challenge with limited on-street parking availability. Many homes accommodate multiple drivers, visitors, service providers, and extended family members. The wider driveway helps alleviate parking congestion by allowing additional vehicles to be parked on private property rather than on the street. This directly benefits the neighbourhood by reducing competition for scarce curbside parking and improving overall traffic flow.

Since its installation, the driveway has been well maintained and has integrated seamlessly into the streetscape. It does not obstruct pedestrian access, impair visibility, or negatively impact adjacent properties. In fact, many neighbours have expressed appreciation for the practical solution it provides in an area where parking is often at a premium.

The purpose of development regulations is to ensure that changes to properties do not adversely affect surrounding residents or the character of the community. In this case, the evidence clearly demonstrates the opposite. The neighbouring property owners who are most directly affected have overwhelmingly expressed their support for the driveway remaining as is.

We respectfully submit that requiring modifications to the driveway would provide little or no public benefit while imposing a significant and unnecessary hardship on the property owner. Retaining the existing driveway would continue to serve the practical parking needs of the household and contribute positively to reducing parking pressures within the close.

Given the strong community support, the demonstrated parking constraints within the neighbourhood, and the absence of any measurable negative impact, we respectfully request that the variance be approved and that the existing driveway at 358 Galbraith Close be permitted to remain in its current form.

All supporting documentation has been attached to this email as well.

Thank you for your consideration of this appeal.

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:

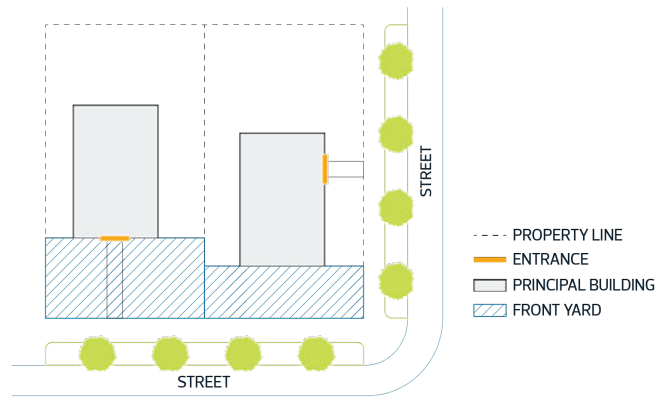
means an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



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

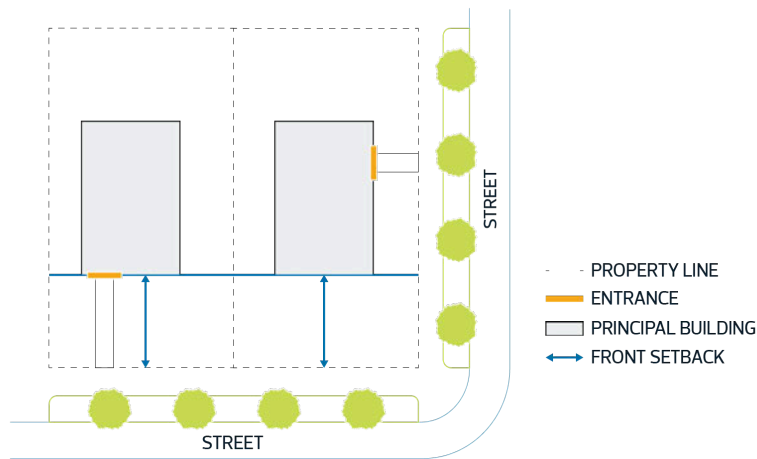
means the portion of a Site Abutting the Front Lot Line extending across

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: 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: 5.8 m

Proposed: 11.0 m
Exceeds by: 5.2 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: 647157607-002 Application Date: FEB 12, 2026 Printed: May 14, 2026 at 3:08 PM 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) 358 - GALBRAITH CLOSE NW Plan 9826140 Blk 8 Lot 19																					
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension, 5.2 m x 8.0 m), existing without permits.																						
Details																						
Development Category: Site Area (sq. m.): 756.77	Overlay: Statutory Plan:																					
Development Application Decision Refused Issue Date: May 14, 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: 5.8 m Proposed: 11.0 m Exceeds by: 5.2 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.																						
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$195.00</td> <td style="text-align: right;">\$195.00</td> <td>077631000008771</td> <td>Feb 12, 2026</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>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$195.00</td> <td style="text-align: right; border-top: 1px solid black;">\$195.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$195.00	\$195.00	077631000008771	Feb 12, 2026	Total GST Amount:	\$0.00				Totals for Permit:	\$195.00	\$195.00		
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THIS IS NOT A PERMIT																						
P0702003																						



Application for Driveway Extension Permit

Project Number: **647157607-002**
Application Date: FEB 12, 2026
Printed: May 14, 2026 at 3:08 PM
Page: 2 of 2

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-26-153

TO BE RAISED

ITEM II: 10:00 A.M.

FILE: SDAB-D-26-147

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 654038607-002

APPLICATION TO: Install a water retention structure (swim spa) within the rear yard.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 12, 2026

DATE OF APPEAL: May 29, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 705 - HOWATT DRIVE SW

LEGAL DESCRIPTION: Plan 1425761 Blk 9 Lot 15

ZONE: RSF - Small Scale Flex Residential Zone

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

STATUTORY PLAN(S): Hays Ridge Neighbourhood Area Structure Plan
North Saskatchewan River Valley Area Redevelopment Plan

DISTRICT PLAN: Southwest District Plan

Grounds for Appeal

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

In refusing the development application, the City of Edmonton Development Authority relied on: 1) Section 3.1 of the Zoning Bylaw and 2) an engineering memorandum prepared by the City's geotechnical engineer which declined to support the development.

The engineering memorandum inappropriately relied on the restrictive covenant, a private agreement outside the purview of the SDAB whose purpose in any event is to protect the top of bank from land movement. The proposed development would result in a very minimal chance of future land movement.

The engineering memorandum relied only on geotechnical reports that predate the building of the residence on the subject property and relate only to the restrictive covenant.

The engineering memorandum characterizes the hot tub as a permanent swimming pool. However, the hot tub is completely removable and would be placed on a pre-existing concrete pad/patio.

The hot tub would be more than 16 metres from the property line, and will be maintained/inspected regularly so that any issues may be mitigated quickly. The development satisfies s 687(3)(d) of the MGA and is unlikely to have an adverse impact on the River Valley and Ravine System.

We understand that we will have the opportunity to upload/email more fulsome appeal documents once the initial appeal is filed.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on June 4, 2026:

“That the appeal hearing be scheduled for June 30, July 2 or July 3, 2026.”

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.”

Under section 8.20, **Water Retention Structure** means:

a structure designed to retain a large volume of water, a minimum of 0.378 cubic metres.

Typical examples include swimming pools, skating rinks, ornamental ponds, hot tubs, whirlpools, and spas.

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.

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

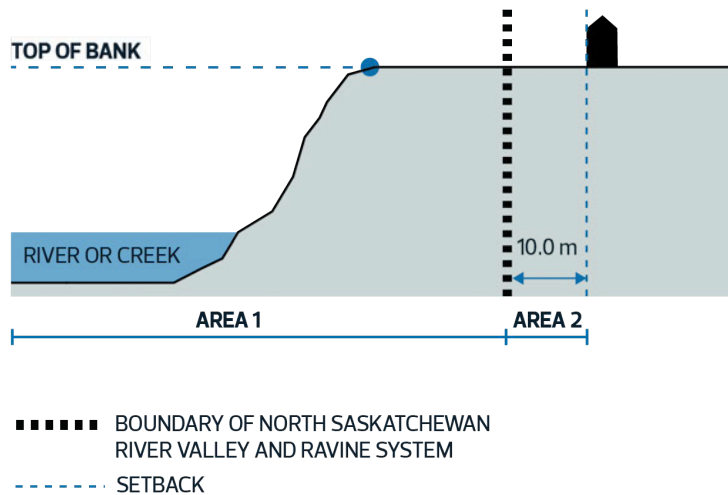
To provide a development Setback from the North Saskatchewan River Valley and Ravine System and mitigate the risks associated with top-of-bank landslides, erosions, and other environmental hazards.

RVO - North Saskatchewan River Valley and Ravine System Protection Overlay Development Regulations

Section 2.260.3.1 states:

No development is allowed within Area 2, as shown in Appendix I of this Overlay, unless supported by a geotechnical study, in consultation with the City department responsible for geotechnical engineering as specified in Subsection 3.2 or 3.4.

Diagram for Subsection 3.1



Development Planner’s Determination


1. No development is allowed within Area 2 of the North Saskatchewan River Valley Overlay, unless supported by a geotechnical study, in consultation with the City department responsible for geotechnical engineering as specified in Subsection 3.2 or 3.4. (Subsection 2.260.3.1.)

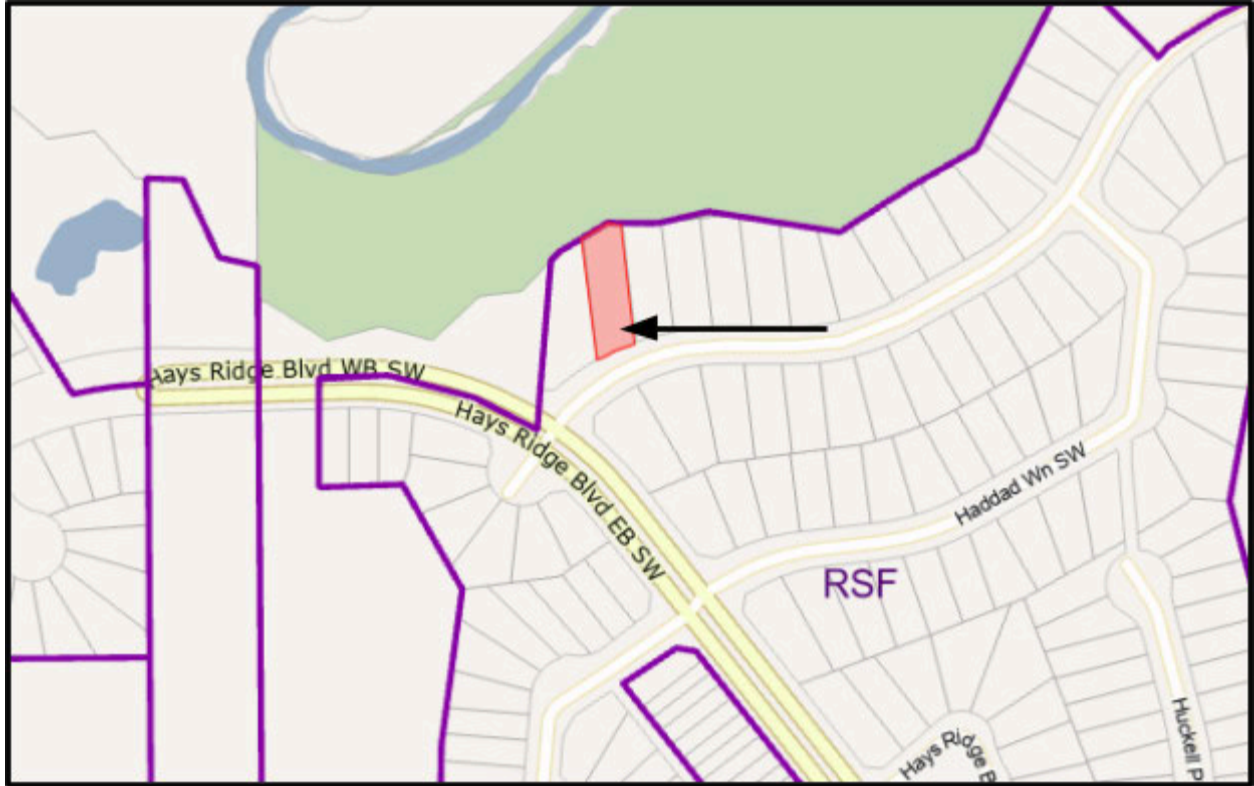
City of Edmonton Engineering Services (geotechnical engineering) does not support this development (water retention structure; swim spa).

[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 Swimming Pool and Hot Tub Permit</h2>	Project Number: 654038607-002 Application Date: APR 12, 2026 Printed: May 12, 2026 at 9:32 AM Page: 1 of 1																														
This document is a Development Permit Decision for the development application described below.																																
Applicant	Property Address(es) and Legal Description(s) 705 - HOWATT DRIVE SW Plan 1425761 Blk 9 Lot 15																															
Scope of Application To install a water retention structure (swim spa) within the rear yard.																																
Details																																
Development Category: Discretionary Development Site Area (sq. m.): 1018.91	Overlay: EVO - River Valley and Ravine System Protection Overlay Statutory Plan: Heys Ridge NASP Consolidation																															
Development Application Decision Refused Issue Date: May 12, 2026 Development Authority: BENNETT, ELIZABETH Reason for Refusal 1. No development is allowed within Area 2 of the North Saskatchewan River Valley Overlay, unless supported by a geotechnical study, in consultation with the City department responsible for geotechnical engineering as specified in Subsection 3.2 or 3.4. (Subsection 2.260.3.1.) City of Edmonton Engineering Services (geotechnical engineering) does not support this development (water retention structure; swim spa). 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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THIS IS NOT A PERMIT																																
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-147

▲
N

ITEM III: 11:00 A.M.

FILE: SDAB-D-26-154

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 654707209-002

APPLICATION TO: Construct 2 Accessory buildings (#1 workshop - 10.67 m x 30.44 m x 6.45 m in height, and #2 - workshop addition 8.00 m x 12.83 m x 6.2 m in height), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 27, 2026

DATE OF APPEAL: June 3, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2708 - 195 AVENUE NW

LEGAL DESCRIPTION: Plan 0023607 Lot 2

ZONE: EETR - Edmonton Energy & Technology Park Industrial Reserve Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Horse Hill District Plan

Grounds for Appeal

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

1. Maximum Height - Accessory building #1 is 6.5 m instead of 4.3 m. (Section 5.10.9.1.) Exceeds by 2.2 m.

2. Maximum Height - Accessory building #2 is 6.2 m instead of 4.3 m. (Section 5.10.9.1.) Exceeds by 1.9 m.
3. Roof Peak Height - Accessory building #1 is 7.3 instead of 6.0 m. (Section 5.70.1.7.) Exceeds by 1.3 m.
4. Roof Peak Height - Accessory building #2 is 7.1 instead of 6.0 m. (Section 5.70.1.7.) Exceeds by 1.1 m. There is a building existing with the similar height at the time of purchase.

<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:

Section 3.55.2.2, states the following with respect to **Permitted Uses**::

2.2. Residential, limited to:

2.2.1. Single Detached Housing, limited to those existing as of January 1, 2024.

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, **Height** means “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.”

Section 3.55.1 states that the **Purpose** of the **EETR - Edmonton Energy and Technology Park Industrial Reserve Zone** is:

To allow for the continuation of existing residential properties that do not prejudice future Use when the lands are required for Industrial Use as defined in the Edmonton Energy and Technology Park Area Structure Plan.

Section 5.10 Accessory Uses, Buildings and Structures

Section 5.10.9 states:

Unless otherwise specified in this Bylaw, Accessory buildings or structures located in residential Zones must comply with Table 9:

Table 9 Accessory Building or Structures Regulations

Subsection	Regulation	Value	Symbol
9.1.	Maximum Height	4.3 m	-

Section 5.70 Accessory Uses, Buildings and Structures - Height Exemptions

Section 5.70.1.7 states “The top of a roof is permitted to extend a maximum of 1.7 m above the maximum Height permitted in the applicable Zone.”

Development Planner’s Determination

- 1. Maximum Height - Accessory building #1 is 6.5 m instead of 4.3 m. (Section 5.10.9.1.)
Exceeds by 2.2 m.**
- 2. Maximum Height - Accessory building #2 is 6.2 m instead of 4.3 m. (Section 5.10.9.1.)
Exceeds by 1.9 m.**
- 3. Roof Peak Height - Accessory building #1 is 7.3 instead of 6.0 m. (Section 5.70.1.7.)
Exceeds by 1.3 m.**

**4. Roof Peak Height - Accessory building #2 is 7.1 instead of 6.0 m.
 (Section 5.70.1.7.)
 Exceeds by 1.1 m.**


[unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-02-186	Construct a single detached house with attached garage, fireplace and front veranda and to construct an accessory building (12.19 metres by 21.33 metres shop)	Aug 9, 2002; that the appeal be GRANTED and the DEVELOPMENT ALLOWED and the deficiency in minimum site area of 29.78 hectares be permitted

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 Home Improvement Permit</h2>	Project Number: 654707209-002 Application Date: APR 16, 2026 Printed: May 27, 2026 at 3:10 PM 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) 2708 - 195 AVENUE NW Plan 0023607 Lot 2																					
Scope of Application To construct 2 Accessory buildings (#1 workshop - 10.67 m x 30.44 m x 6.45 m in height, and #2 - workshop addition 8.00 m x 12.83 m x 6.2 m in height), existing without permits.																						
Details																						
Development Category: Discretionary Development Site Area (sq. m.): 22171.13	Overlay: Statutory Plan:																					
Development Application Decision Refused Issue Date: May 27, 2026 Development Authority: FOLKMAN, JEREMY Reason for Refusal <ol style="list-style-type: none"> 1. Maximum Height - Accessory building #1 is 6.5 m instead of 4.3 m. (Section 5.10.9.1) Exceeds by 2.2 m. 2. Maximum Height - Accessory building #2 is 6.2 m instead of 4.3 m. (Section 5.10.9.1) Exceeds by 1.9 m. 3. Roof Peak Height - Accessory building #1 is 7.3 instead of 6.0 m. (Section 5.70.1.7.) Exceeds by 1.3 m. 4. Roof Peak Height - Accessory building #2 is 7.1 instead of 6.0 m. (Section 5.70.1.7.) Exceeds by 1.1 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.																						
Building Permit Decision No decision has yet been made.																						
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THIS IS NOT A PERMIT																						
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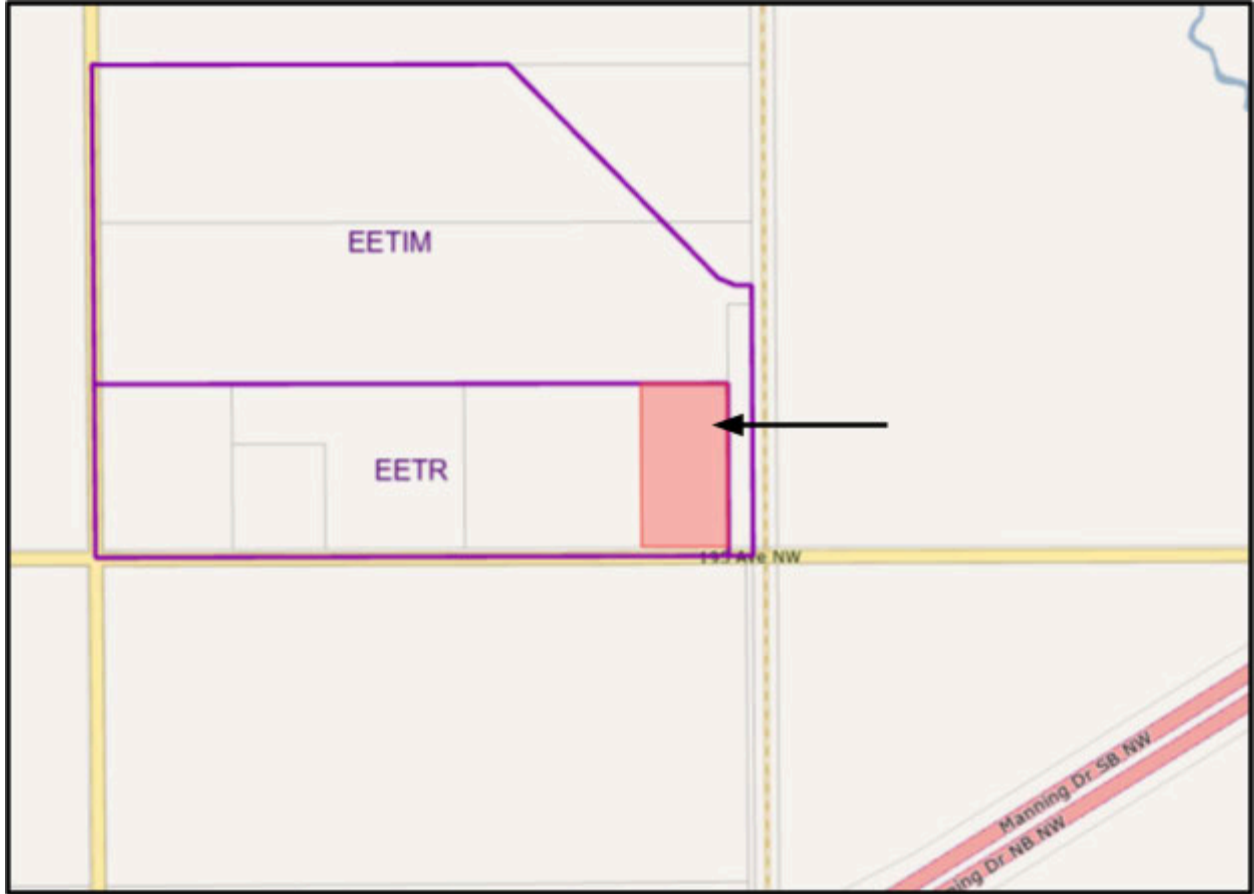
Application for Home Improvement Permit

Project Number: **654707209-002**
Application Date: APR 16, 2026
Printed: May 27, 2026 at 3:10 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$394.60	\$394.60		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-26-154

ITEM IV: 1:30 P.M.

FILE: SDAB-D-26-155

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:

APPLICATION NO.: 656228276-001

ORDER TO: Comply with the following by June 21 2026:

1. Cease the Commercial Use: Minor Indoor Entertainment located in the Detached Garage and Rear Yard. This will require you to complete the following steps:
 - a) Remove all related materials to the Minor Indoor Entertainment including but not limited to stages, musical equipment, sound and lighting equipment, arcade machines, wet bar, food, alcohol, refrigerators, cooking appliances, signage, tables and chairs.
 - b) Remove the portable toilets from the property.

AND

2. Revert the Garage area to vehicle parking to align with the approved Minor Development Permit: To leave as built an Accessory building (detached Garage, 7.37 m x 8.62) issued on July 06, 2017.

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: May 19, 2026

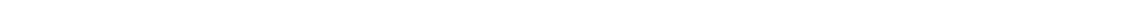
DATE OF APPEAL: June 5, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13420 - 66 STREET NW

LEGAL DESCRIPTION: Plan 6338MC Blk 1 Lot 31

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:

Regarding MGA Order File#: 656228276-001 Development Compliance Officer: Cory Unreiner The Development Authority has erred in fact and law by misclassifying a private, residential accessory recreational space as an unpermitted commercial "Minor Indoor Entertainment" use under Zoning Bylaw 20001. The Appellant requests that the Subdivision and Development Appeal Board (SDAB) overturn the Municipal Government Act (MGA) Section 645 Order based on the following grounds:

Incorrect Use Classification: The detached garage is utilized exclusively for private, non-commercial domestic recreation, private family social gatherings, and youth band practice for our friends and family. It does not function as a commercial facility, as defined under the "Minor Indoor Entertainment" land use.

Domestic Accessory Storage: The physical presence of commercial-grade items (such as a pretzel warmer, a fridge, and a mobile bar structure) constitutes the storage of personal household effects for personal enjoyment. These items are defunct assets from a permanently closed restaurant previously owned in another municipality. They do not support an active commercial enterprise, inventory system, or business operations on this property.

No Commercial Indicators: There are zero commercial transactions, paid public bookings, commercial delivery logistics, advertising, or hired employees associated with the property. Admitting friends, extended family, and children for potlucks and music practice falls strictly within standard, protected residential accessory activities.

Overreach of Enforcement Order: Demanding the complete removal of personal belongings from a compliant residential accessory structure based on the aesthetic quality or scale of a resident's private hobbies represents an unjustified overreach of the Municipal Government Act with no viable proof present.

General Matters

Appeal Information:

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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:

A **Minor Indoor Entertainment Use** is **not** a Permitted Use in the **RS - Small Scale Residential Zone**.

Under section 8.10, **Minor Indoor Entertainment** means:

a development where indoor facilities are used for entertainment or active recreation. This activity is typically a local or district attraction, is likely to have minimal off-Site impacts, and may create minimal Nuisance.

Typical examples include: arcades, bingo halls, board game cafes, bowling alleys, climbing facilities, fitness facilities, gyms, gymnastic facilities, indoor playgrounds, trampoline parks.

Under section 8.20, **Nuisance** means:

the external impact caused by an activity that is reasonably likely to interfere with the use and enjoyment of an individual's property, due to:

- a. the frequency, time of day and day of the week the activity occurs;
- b. the proximity of the activity to neighbouring properties;
- c. the nature and use of the surrounding area; or
- d. the effects of the activity on the surrounding area.

Typical examples include emission of noise, smoke, dust, vapour, odour, heat, light, fumes, or unsightly or unsafe conditions, or use of toxic or hazardous materials.

Under section 8.20, a **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.

7.110 Approvals Required and Development

Section 7.110.1 states:

- 1.1. No person may:

- 1.1.1. undertake, or cause or allow to be undertaken, a development; or
- 1.1.2. carry on, or cause or allow to be carried on, a development, without a Development Permit issued under this Section.

<i>7.200 Inspections, Enforcement and Penalties</i>
--

- 2.1. It is an offence for any person to:
 - 2.1.1. contravene; or
 - 2.1.2. cause, permit or undertake a contravention of; or any provisions of this Bylaw.
 - 2.1.3. continue a contravention, regardless of whether the person initially caused, or permitted the contravention of, any provisions of this Bylaw.
- 2.2. Without restricting the generality of Subsection 2.1, if a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:
 - 2.2.1. construct or allow a building or structure;
 - 2.2.2. make or allow an addition or alteration to a building or structure;
 - 2.2.3. commence or allow a Use or change of intensity of Use; or
 - 2.2.4. place or allow the placement of a Sign on land, or on a building or structure.

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.



10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance



May 19, 2026

Our File: 656228276-001

MUNICIPAL GOVERNMENT ACT ORDER

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 13420 - 66 Street NW in Edmonton, Alberta, legally described as Plan 6338MC Blk 1 Lot 31.

This Property was inspected by Development Compliance Officer Cory Unreiner, on May 13, 2026. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

This property is zoned RS (Small Scale Residential Zone) in accordance with Section 2.10 of Edmonton Zoning Bylaw 20001. **Our investigation revealed a Commercial Use: Minor Indoor Entertainment located in the Detached Garage and Rear Yard of the property has been developed without a Development Permit.**

The City of Edmonton has not issued a Development Permit to develop a Commercial Use: Minor Indoor Entertainment which is contrary to Subsection 7.110.1 of Edmonton Zoning Bylaw 20001, and Section 683 of the Municipal Government Act.

Subsection 7.110.1 of Edmonton Zoning Bylaw 20001 states:

Approval Required for Development

1.1. No person may: 1.1.1. undertake, or cause or allow to be undertaken, a development; or 1.1.2. carry on, or cause or allow to be carried on, a development, without a Development Permit issued under this Section.

Section 7.200 of Edmonton Zoning Bylaw 20001 states:

General Offences

2.1. It is an **offence** for any person to:



City of Edmonton
 Development Services Branch
 Development Approvals & Inspections Section
 Development Compliance & Inquiries Unit

10111 - 104 Ave NW
 Edmonton, AB T5J 0J4
 Canada
edmonton.ca/developmentcompliance



- 2.1.1. contravene; or
- 2.1.2. cause, permit or undertake a contravention of; or
- 2.1.3. continue a contravention, regardless of whether the person initially caused, or permitted the contravention of, any provisions of this Bylaw.

2.2. Without restricting the generality of Subsection 2.1, if a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an **offence** for any person to:

- 2.2.1. construct or allow a building or structure;
- 2.2.2. make or allow an addition or alteration to a building or structure;
- 2.2.3. **commence or allow a Use or change of intensity of Use;** or
- 2.2.4. place or allow the placement of a Sign on land, or on a building or structure.

Minor Indoor Entertainment means a development where indoor facilities are used for entertainment or active recreation. This activity is typically a local or district attraction, is likely to have minimal off-Site impacts, and may create minimal **Nuisance**.

Typical examples include: arcades, bingo halls, board game cafes, bowling alleys, climbing facilities, fitness facilities, gyms, gymnastic facilities, indoor playgrounds, trampoline parks.

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.

****A Commercial Use: Minor Indoor Entertainment is NOT PERMITTED in an RS Zone****

ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following **by June 21 2026:**

1. Cease the Commercial Use: Minor Indoor Entertainment located in the Detached Garage and Rear Yard. This will require you to complete the following steps:
 - a) Remove all related materials to the Minor Indoor Entertainment including but not limited to stages, musical equipment, sound and lighting equipment, arcade machines, wet bar, food, alcohol, refrigerators, cooking appliances, signage, tables and chairs.
 - b) Remove the portable toilets from the property.

AND



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2. Revert the Garage area to vehicle parking to align with the approved Minor Development Permit: To leave as built an Accessory building (detached Garage, 7.37 m x 8.62) issued on July 06, 2017.

AND

3. Schedule a follow up inspection by contacting the investigating Development Compliance Officer by phone at 780-868-8812 or email cory.unreiner@edmonton.ca.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected **after June 21, 2026** to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. Section 646 authorizes the City to register a caveat under the Land Titles Act.

Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing within **21 calendar days** to the Subdivision and Development Appeal Board. Visit the website at <https://sdab.edmonton.ca> or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, RSA 2000, c M-26, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-868-8812.

Regards,

Cory Unreiner



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Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

- (a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;
- (b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;
- (c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;
- (d), (e) repealed 1999 c11 s35; (f) costs associated with tax recovery proceedings related to the parcel;
- (g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;
- (g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;
- (h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;
 - (h.1) the expenses and costs of carrying out an order under section 646;
 - (i) any other amount that may be added to the tax roll under an enactment.

(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

- (a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and
- (b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.



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Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

Grounds for appeal

685(1) If a development authority



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- (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).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

(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).

(2.1) An appeal referred to in subsection (1) or (2) may be made

- (a) to the Land and Property Rights Tribunal

- (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

- (A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
 - (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

- (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

- (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

- (ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii), or

- (b) in all other cases, to the subdivision and development appeal board.

(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).

(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or

- (b) is made by a development authority, the appeal is limited to whether the development authority



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followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

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.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board 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.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and



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(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or (b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

Subdivision and Development Appeal Board

File your appeal online at:

<https://sdab.edmonton.ca>

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by a decision of the Development Authority under the Zoning Bylaw and the Subdivision Authority under the Subdivision Authority Bylaw. The board is appointed by City Council and consists of citizens living in the city of Edmonton.

The SDAB normally meets every Wednesday and Thursday. If required, the Board may set additional dates for hearings.

Once you have met requirements and filed a proper appeal, this Board presides over your hearing.

The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

Agendas listing appeals and hearing times scheduled for that day are posted in the hearing waiting area. Hearings do not start before the time listed on the schedule.



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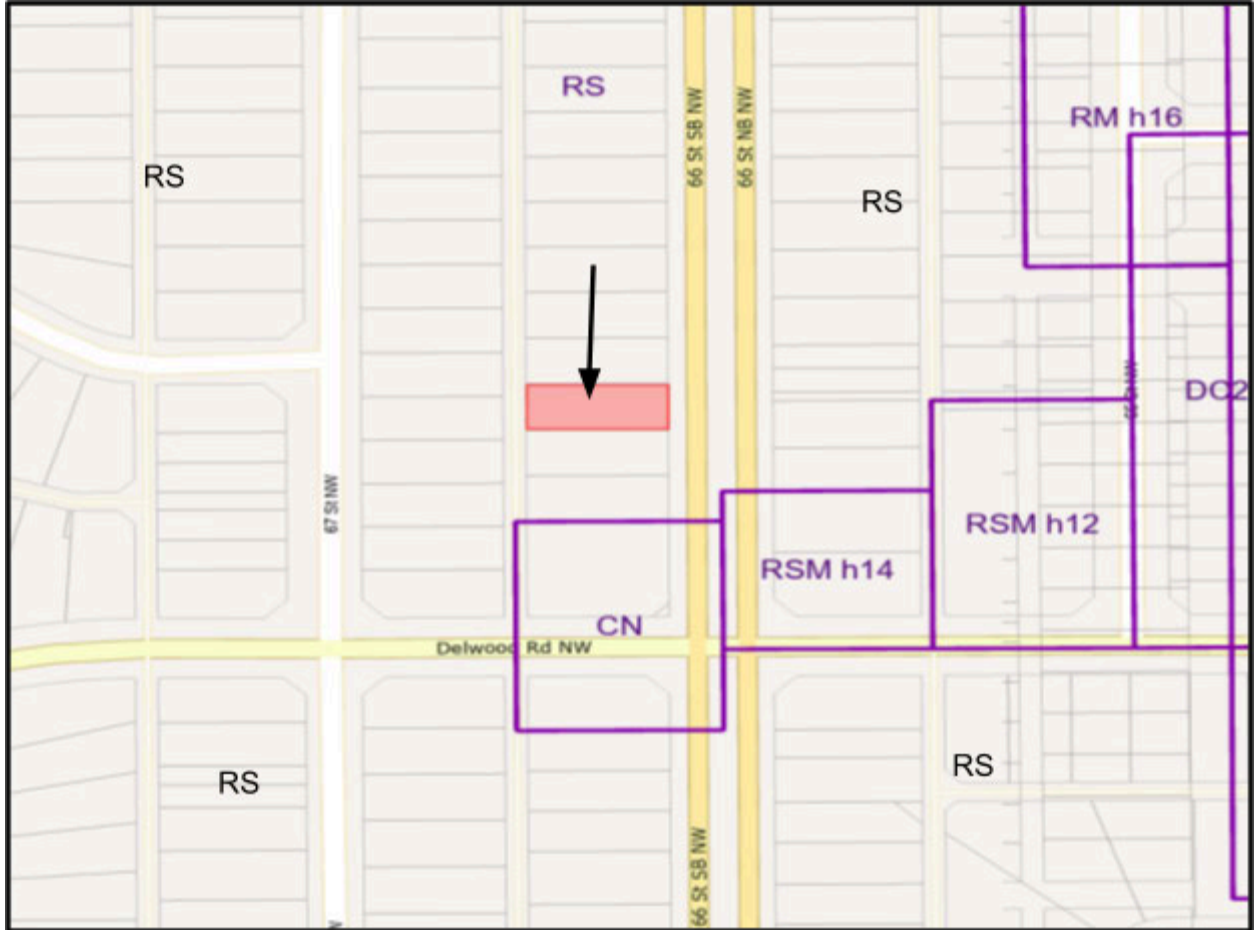
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For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079 **Fax** 780-577-3537 **Email** sdab@edmonton.ca



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-26-155 ▲
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