

**SUBDIVISION**

**AND**

**DEVELOPMENT APPEAL BOARD**

**AGENDA**

**Friday, 9:00 A.M.**

**June 5, 2026**

**River Valley Room**

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

**AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**River Valley Room**

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**TO BE RAISED**

I	9:00 A.M.	SDAB-D-26-100	Construct two Residential Use buildings in the form of a 5 Dwelling Row House with 5 Secondary Suites in the basements and main floors (NOT to be used as a Lodging House), a Backyard House, and to demolish a Residential Use building and an Accessory building (Single detached house and detached garage). Total Dwellings: 11.  7903 - 119 STREET NW, 7905 - 119 STREET NW Project No.: 632975979-002
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II	1:30 P.M.	SDAB-D-26-137	Construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage).  5725 - 115 STREET NW Project No.: 652262227-002
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**NOTE:**     *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

**TO BE RAISED**

ITEM I: 9:00 A.M.

FILE: SDAB-D-26-100

APPEALS FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT(S):

APPLICATION NO.: 632975979-002

APPLICATION TO: Construct two Residential Use buildings in the form of a 5 Dwelling Row House with 5 Secondary Suites in the basements and main floors (NOT to be used as a Lodging House), a Backyard House, and to demolish a Residential Use building and an Accessory building (Single detached house and detached garage). Total Dwellings: 11.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: March 18, 2026

DATE OF APPEAL(S): April 6 and 7, 2026

RESPONDENT: Everfor Studio Ltd.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7903 - 119 STREET NW, 7905 - 119 STREET NW

LEGAL DESCRIPTION: Plan 2120977 Blk 2 Lot 47, Plan 2120977 Blk 2 Lot 48

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Scona District Plan

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***Grounds for Appeal***

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

Appellant 1

The grounds of appeal include, but are not limited to:

1. The Development Officer misinterpreted the Zoning Bylaw by deciding that the proposed development was a row house within the definition in the Zoning Bylaw when it does not meet that definition.
2. The Development Officer misinterpreted the Zoning Bylaw by deciding that the proposed development complied with all of the development regulations in the Zoning Bylaw, when it does not.
3. The Development Officer failed to apply and follow the terms and direction of the Scona District Plan, as amended.
4. If the Development Officer did grant a variance by implication, the variance test was not met as this development is out of scale to the rest of the neighbourhood, will cause an unsightly massing effect, and thus will damage the amenities of the neighbourhood and will negatively affect the use, value and enjoyment of the neighbouring properties.

Appellant 2:

I would like to appeal the approval of the development permit job # 632975979-002. The permit is to construct two residential use buildings in the form of a 5 dwelling row house with 5 secondary suites in the basement and main floors (NOT to be used as a lodging house) and backyard house. Upon getting more information on the structure it contains 37 bedrooms and 37 bathrooms and looks to be developed as a lodging house. The development officer misinterpreted the zoning bylaw deciding that the proposed development was a row house when in fact it is a lodging house.

<i>General Matters</i>
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**Appeal Information:**

**The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on April 15, 2026:**

**“That the appeal hearing be rescheduled to June 5, 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 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

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

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

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

Under section 8.20, **Row Housing** means:

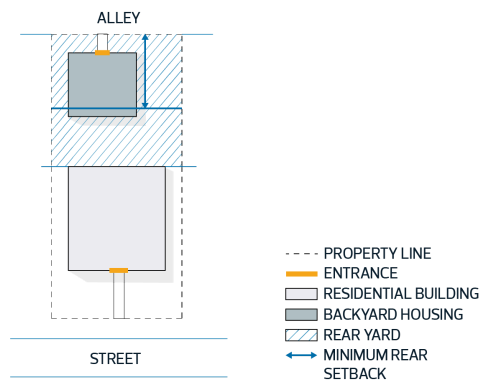
a building that contains 3 or more principal Dwellings joined in whole or in part at the side, the rear, or the side and the rear, with none of the principal Dwellings being placed over another. Each principal Dwelling has separate, individual, and direct access to ground level.

Under section 8.20, **Secondary Suite** means:

a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.20, **Backyard Housing** means:

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



Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

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

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.

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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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	Project Number: <b>632975979-002</b> Application Date: OCT 14, 2025 Printed: March 18, 2026 at 9:48 AM Page: 1 of 9																																														
<b>Development Permit</b>																																															
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.																																															
<b>Applicant</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>Property Address(es) and Legal Description(s)</b></td> </tr> <tr> <td colspan="2">7903 - 119 STREET NW Plan 2120977 Blk 2 Lot 47</td> </tr> <tr> <td colspan="2">7905 - 119 STREET NW Plan 2120977 Blk 2 Lot 48</td> </tr> <tr> <td colspan="2"><b>Specific Address(es)</b></td> </tr> <tr><td>Suite:</td><td>11670G - 79 AVENUE NW</td></tr> <tr><td>Suite:</td><td>11672 - 79 AVENUE NW</td></tr> <tr><td>Suite:</td><td>11674 - 79 AVENUE NW</td></tr> <tr><td>Suite:</td><td>11676 - 79 AVENUE NW</td></tr> <tr><td>Suite:</td><td>11678 - 79 AVENUE NW</td></tr> <tr><td>Suite:</td><td>7903 - 119 STREET NW</td></tr> <tr><td>Suite:</td><td>BSMT, 11672 - 79 AVENUE NW</td></tr> <tr><td>Suite:</td><td>BSMT, 11674 - 79 AVENUE NW</td></tr> <tr><td>Suite:</td><td>BSMT, 11676 - 79 AVENUE NW</td></tr> <tr><td>Suite:</td><td>BSMT, 11678 - 79 AVENUE NW</td></tr> <tr><td>Suite:</td><td>BSMT, 7903 - 119 STREET NW</td></tr> <tr><td>Entryway:</td><td>11670G - 79 AVENUE NW</td></tr> <tr><td>Entryway:</td><td>11672 - 79 AVENUE NW</td></tr> <tr><td>Entryway:</td><td>11674 - 79 AVENUE NW</td></tr> <tr><td>Entryway:</td><td>11676 - 79 AVENUE NW</td></tr> <tr><td>Entryway:</td><td>11678 - 79 AVENUE NW</td></tr> <tr><td>Entryway:</td><td>7903 - 119 STREET NW</td></tr> <tr><td>Building:</td><td>11670G - 79 AVENUE NW</td></tr> <tr><td>Building:</td><td>7903 - 119 STREET NW</td></tr> </table>	<b>Property Address(es) and Legal Description(s)</b>		7903 - 119 STREET NW Plan 2120977 Blk 2 Lot 47		7905 - 119 STREET NW Plan 2120977 Blk 2 Lot 48		<b>Specific Address(es)</b>		Suite:	11670G - 79 AVENUE NW	Suite:	11672 - 79 AVENUE NW	Suite:	11674 - 79 AVENUE NW	Suite:	11676 - 79 AVENUE NW	Suite:	11678 - 79 AVENUE NW	Suite:	7903 - 119 STREET NW	Suite:	BSMT, 11672 - 79 AVENUE NW	Suite:	BSMT, 11674 - 79 AVENUE NW	Suite:	BSMT, 11676 - 79 AVENUE NW	Suite:	BSMT, 11678 - 79 AVENUE NW	Suite:	BSMT, 7903 - 119 STREET NW	Entryway:	11670G - 79 AVENUE NW	Entryway:	11672 - 79 AVENUE NW	Entryway:	11674 - 79 AVENUE NW	Entryway:	11676 - 79 AVENUE NW	Entryway:	11678 - 79 AVENUE NW	Entryway:	7903 - 119 STREET NW	Building:	11670G - 79 AVENUE NW	Building:	7903 - 119 STREET NW
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<b>Scope of Permit</b>																																															
To construct two Residential Use buildings in the form of a 5 Dwelling Row House with 5 Secondary Suites in the basements and main floors (NOT to be used as a Lodging House), a Backyard House, and to demolish a Residential Use building and an Accessory building (Single detached house and detached garage). Total Dwellings: 11																																															
<b>Details</b>																																															
Development Category: Permitted Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: 5 Site Area (sq. m.): 858.04	Gross Floor Area (sq.m.): 1059.93 New Sewer Service Required: N Overlay: Statutory Plan:																																														
<b>Development Permit Decision</b>																																															
Approved <b>Issue Date:</b> Mar 18, 2026 <b>Development Authority:</b> ZAZULA, NICKOLAS																																															
P0702003																																															

## Development Permit

### Subject to the Following Conditions

#### Zoning Conditions:

1. This Development Permit authorizes the construction of two Residential Use buildings in the form of a 5 Dwelling Row House with 5 Secondary Suites in the basements and main floors (NOT to be used as a Lodging House), a Backyard House, and to demolish a Residential Use building and an Accessory building (Single detached house and detached garage). Total Dwellings: 11.
2. The development must be constructed in accordance with the approved drawings.
3. WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a Development Permit Notification Sign (Subsection 7.160.2.2).
4. Landscaping must be installed and maintained in accordance with Section 5.60.
5. A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided (Subsection 5.60.3.2).
6. Pathway(s) connecting the main entrance of the Dwelling directly to an Abutting sidewalk or to a Driveway must be a minimum unobstructed width of 0.9 m (Subsection 5.80.2.1.1).
7. Unenclosed steps require a minimum setback of 0.6 m from Lot lines (Subsection 2.10.4.6.). If the unenclosed steps are oriented toward the Interior Side Lot Line, a minimum distance of 1.1 m must be maintained between the Interior Side Lot Line and the unenclosed steps (Subsection 2.10.4.8.1.). If the unenclosed steps are oriented away from the Interior Side Line and have a landing less than or equal to 1.5 m<sup>2</sup>, a minimum distance of 0.15 m must be maintained from the Interior Side Lot line and the unenclosed steps (Subsection 2.10.4.8.2.).
8. A Secondary Suite must have a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building (Section 8.20).
9. A Hard Surfaced Pathway connecting the main entrance of a Secondary Suite directly to an Abutting sidewalk or to a Driveway is required, which must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).
10. A Secondary Suite must have less Floor Area than the principal Dwelling (Section 8.20).
11. A Secondary Suite must not be separated from the principal Dwelling by a condominium conversion or subdivision (Section 8.20).
12. Pathway(s) connecting the main entrance of the Backyard Housing directly to an Abutting sidewalk or to a Driveway must be provided and must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).
13. Facades facing an Alley must have outdoor lighting that complies with Section 5.120 (Subsection 6.10.12).
14. Outdoor lighting must: be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance; generally be directed downwards, except where directed towards the Site or architectural features located on the Site; be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways; and not interfere with the function of traffic control devices (Subsection 5.120.3).
15. Backyard Housing must not be subdivided from other principal Dwellings on a Site or be part of a Bare Land Condominium (Subsection 6.10.5).
16. Screening must be provided for the waste collection area, to the satisfaction of the Development Planner (Subsection 5.120.4.1.5)
17. Outdoor Common Amenity Area(s) must include seating and lighting, and must be accessible by all residents of the site (Subsection 5.20.6).



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## Development Permit

- 18. The development must not be used as a Lodging House. A Lodging House means a building, or part of a building, containing 4 or more Sleeping Units that are rented out individually.
- 19. Any increase in the number of Sleeping Units / Dwellings requires separate development approval.
- 20. The development must be demolished in accordance with the approved drawings.
- 21. A Building Permit (for demolition) is required prior to demolition of the existing building.
- 22. Immediately upon demolition of the building, the Site must be cleared of all debris.
- 23. This Development Permit will be revoked if the conditions of this permit are not met.

### Landscaping Conditions:

- 1. Landscaping must be installed in accordance with the approved Landscape Plan, and Section 5.60 of Zoning Bylaw 20001, to the satisfaction of the Development Planner.
- 2. Any change to an approved Landscape Plan requires the approval of the Development Planner prior to the Landscaping being installed.
- 3. Landscaping must be installed within 12 months of receiving the Final Occupancy Permit. Landscaping must be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Planner.

### Transportation Conditions:

1 - The existing approximate 5.4 m wide private crossing to 79 Avenue NW located approximately 2 m from the east property line, must be removed with reconstruction of the curb, gutter, monolithic sidewalk and restoration of the grassed boulevard within the road right-of-way to the City of Edmonton Complete Streets Design and Construction Standards. The owner/applicant must obtain a Permit to remove and fill in the access, available from Development Services, [developmentpermits@edmonton.ca](mailto:developmentpermits@edmonton.ca).

As this residential crossing is integral with the adjacent alley, the removal of the driveway access will result in the requirement for the construction of the alley flare on the west side of the adjacent north-south alley crossing to 79 Avenue NW. This alley flare must be constructed to match the existing flare on the east side of the alley as per the City of Edmonton Complete Streets Design and Construction Standards.

The applicant must contact Trevor Singbeil of Development Inspections at 780-496-7019 for inspection 72 hours prior to and following removal of the driveway access.

2-Access is proposed to the alley and does not require a crossing permit. The area between the west property line and the alley driving surface must be hard surfaced to the satisfaction of Subdivision and Development Coordination and must not exceed 8%.

3 - There is an existing power pole with streetlight infrastructure adjacent to the site that may interfere with access to the proposed on-site parking stalls. The applicant is responsible to contact EPCOR Electricity at [ces@epcor.com](mailto:ces@epcor.com) about the conflict and to resolve the issue as required. The applicant is responsible for all costs associated with any required mitigative action (including but not limited to: removal / relocation / modification) associated with the conflict.

4 - There is an existing street light and/or street light infrastructure on the wood power pole and possible associated infrastructure that may be impacted by the development. This wood power pole and street light infrastructure may require relocation or removal (and as such), the land owner will be responsible for all costs associated with this requirement.

All costs associated with permanent street light installations, relocations, removals or any other related work on street light

## Development Permit

infrastructure, including street light infrastructure on wood poles, is the responsibility of the developer. An independent lighting submission is required for review and approval in eplan, and post construction documentation is required for review and approval in eplan. To Initiate the Engineering Drawing review process, please contact [Development.Coordination@Edmonton.ca](mailto:Development.Coordination@Edmonton.ca). Refer to the City of Edmonton Road and Walkway Lighting Design Manual for plan submission requirements and post construction documentation requirements.

All costs associated for any temporary street light work is the responsibility of the developer. Please complete your temporary street light modification request at: <https://form.jotform.com/202014766267050> No modifications to existing street light infrastructure to occur without approved engineering drawings or prior consent via the jotform application.

The owner/applicant must contact Natalia Bondarik ([natalia.bondarik@edmonton.ca](mailto:natalia.bondarik@edmonton.ca)) of the Local Improvements Section to confirm if any amendments are required to an existing Bylaw related to the alley street lighting infrastructure removal/relocations.

5- The existing connector walk on the east side of 119 Street NW must be removed with restoration of the grassed boulevard to the property line within the road right-of-way, to the City of Edmonton Landscaping Standards.

6 - The proposed connector sidewalks, (2) from the west property line of the subject site to tie into the City sidewalk on the east side of 119 Street and (1) from the south property line of the subject site to tie into the City sidewalk on the north side of 79 Avenue NW, are acceptable to Subdivision Planning.

7 - Permanent objects including concrete steps, ramps, railings, fencing, planters, etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property.

8 - Compensation is required for the unauthorized removal of a City of Edmonton boulevard tree. Forestry will be recovering costs in the estimate of \$1,990 for the total loss of one (1) tree in accordance with the Corporate Tree Management Policy C456C and Public Tree Bylaw 18825. This includes base asset value costs, as well as administrative fees.

There is one (1) remaining crabapple tree on City of Edmonton property. The following conditions apply:

No excavation is permitted within 3 meters of the open space boulevard tree. This includes excavation for grading, landscaping and the installation of any connector walk.

A minimum separation of 3 meters is required from the tree to the connector walk and this distance must be shown on the final approved plan.

If the project comes into conflict with tree roots 2 inches or greater in diameter during excavation, Urban Forestry must be notified for further consultation. Roots 2" or greater in diameter play an integral role in tree structure, stability as well as health, and the removal of them could have a negative impact on the tree. The significance of that impact will be determined by the Forester as well as if any compensation will be required from the proponent.

All costs associated with the removal, replacement, pruning, remediation or transplanting of trees shall be covered by the Proponent as per the Corporate Tree Management Policy (C456C). Forestry will schedule and carry out all required tree work involved with this project. Please contact 311 to be connected with Urban Forestry to arrange a meeting. Contact to Urban Forestry must be made a minimum 4 weeks in advance of the construction start date in order facilitate tree work.

Prior to construction, a Public Tree Permit is required for all work, including haul routes, within 5 meters of a boulevard/open space tree and 10 meters of a natural stand as per Public Tree Bylaw 18825. Trees will require physical tree protection fencing and possibly anti-compaction methods as part of the overall protection plan. For more information on City of Edmonton Tree Protection, please visit the Public Tree Permit Webpage.

If tree damage occurs, all costs related to remediative tree work, including full tree removal, will be enforced and shall be covered by the proponent as per the Corporate Tree Management Policy (C456C). This includes compensation for tree value as well as operational and administrative fees.

## Development Permit

9 - There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.

10 - Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right of way if required; and
- to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

[https://www.edmonton.ca/business\\_economy/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/oscam-permit-request.aspx)

11 - Any road, alley, sidewalk, and/or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner. The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction of the access.

#### EPCOR Conditions:

1. PRIOR TO THE RELEASE OF DRAWINGS TO BUILDING PERMIT REVIEW, (except for Building Permits for demolition, excavation, or shoring), the lots must be consolidated.

2. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 19626 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting [waterlandadmin@epcor.com](mailto:waterlandadmin@epcor.com).

#### Subject to the Following Advisements

##### Zoning Advisements:


1. Unless otherwise stated, all above references to "section numbers" or "subsection numbers" refer to the authority under the Zoning Bylaw.

2. An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act, or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).

3. Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

4. All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see [https://www.edmonton.ca/residential\\_neighbourhoods/gardens\\_lawns\\_trees/public-tree-permit](https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit). All new installations, above and below ground, within 5m of a City tree require forestry consultation.

5. In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree

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<h2>Development Permit</h2>	
<p>Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.</p>	
<ol style="list-style-type: none"> <li>6. City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage.</li> <li>7. A site mechanical plan stamped by a professional engineer showing water and sewer services, stormwater management calculations and the proposed lot grading design must be submitted to EPCOR Infill Water and Sewer Servicing for review. Following EPCOR's review, the grading plan is forwarded to Development Services for final review and approval. New plan submissions can be made via EPCOR's Builder and Developer web portal in My Account. Visit <a href="http://epcor.com/newconnection">epcor.com/newconnection</a> and click 'ONLINE APPLICATION' for instructions on the plan submission process.</li> <li>8. The site must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to <a href="mailto:lot.grading@edmonton.ca">lot.grading@edmonton.ca</a> for review and approval.</li> <li>9. For more information on Lot Grading requirements, plans and inspections refer to the website: <a href="https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading">https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading</a></li> <li>10. Please be advised that if the grading plan review results in changes to your approved drawings to incorporate a Low Impact Development (LID) grading design, it is the owner/applicant's responsibility to inform the Urban Planning and Economy department. This notification is necessary to determine whether a new development permit is required.</li> <li>11. Signs require separate Development Permit application(s).</li> </ol>	
<p>Transportation Advisements: Advisements:</p>	
<ol style="list-style-type: none"> <li>1 - The site is located within the Belgravia residential parking program area. For more information on the residential parking program please refer to the website: <a href="https://www.edmonton.ca/transportation/driving_carpooling/residential-parking">https://www.edmonton.ca/transportation/driving_carpooling/residential-parking</a></li> <li>2- The Infill Infrastructure Fund (IIF) provides financial support for new market housing developments in Priority Growth Areas (PGAs) or within 800 m of LRT stops. Funding is also available for non-market housing developments within the redeveloping area. Both of these criteria apply to this site. The fund aims to incentivize housing development by reducing the financial barriers associated with off-site infrastructure upgrades. Eligible mobility-related infrastructure includes sidewalks, shared pathways, alleys, paved roads, traffic control signals, and streetlights. For more information on the IIF, including other eligibility criteria and how to apply, please see the City website: <a href="https://www.edmonton.ca/programs_services/housing/infill-infrastructure-fund">https://www.edmonton.ca/programs_services/housing/infill-infrastructure-fund</a></li> </ol>	
<p>EPCOR Advisements:</p>	
<ol style="list-style-type: none"> <li>1. The site is currently serviced by a 20mm copper water service (S19669) located 6.35m north of the south property line of Lot 47. If this service will not be used for the planned development, it must be abandoned back to the water main prior to any on-site excavation. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site including demolition, excavation or grading for direction on the correct process to follow to have the service isolated and meter removed. <ol style="list-style-type: none"> <li>1a. The existing service is not of sufficient size for the proposed development. The owner/applicant must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water supply to the proposed development.</li> </ol> </li> <li>2. EPCOR Water Services Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a professional to complete on-site water distribution design and to ensure the supply will meet plumbing code and supply requirements.</li> </ol>	
<p>P0702003</p>	



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## Development Permit

3. A new water service may be constructed for this lot directly off EPCOR's 150mm water main along lane east of 119 Street NW adjacent to the subject site.

4. For information on water and/or sewer servicing requirements, please contact EPCOR Infill Water and Sewer Servicing (IWASS) at [wass@epcor.com](mailto:wass@epcor.com) or at 780-496-5444. EPCOR Strongly encourages all applicants to contact IWASS early in development planning to learn about site specific minimum requirements for onsite water and/or sewer servicing.

4a. For information and to apply for a new water service please go to [www.epcor.com/ca/en/ab/edmonton/operations/service-connections.html](http://www.epcor.com/ca/en/ab/edmonton/operations/service-connections.html).

5. For information on service abandonments contact EPCOR Infill Water and Sewer Servicing (IWASS) at [wass@epcor.com](mailto:wass@epcor.com) or at 780-496-5444.

6. For information on metering and inquiries regarding meter settings please contact EPCOR's Water Meter Inspector at [EWSinspections@epcor.com](mailto:EWSinspections@epcor.com) or 780-412-3850.

7. The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.

8. The proposed development appears to be contained on 2 separately titled lots (Lots 47 & 48). In reference to City of Edmonton Bylaw 19626 (EPCOR Water Services Bylaw), a private service line must not cross from one separately titled property to another separately titled property even if these properties are owned by the same owner. Each lot must be provided with a separate and individual service, or the lots must be consolidated under one title. Serviced buildings must be contained within one lot and cross lot servicing will not be permitted.

9. Development engineering drawings including landscaping and hardscaping must meet Volume 1 (Table of Minimum Offsets) and Volume 4 (April 2021) of the City of Edmonton Design and Construction Standards.

10. Dimensions must be provided as part of the engineering drawing submission package where a tree or shrub bed is installed within 5.0m of a valve, hydrant or curb cock, as per 1.6.1.3 of City of Edmonton Design and Construction Standards Volume 4 (April 2021).

11. The applicant/owner will be responsible for all costs related to any modifications or additions to the existing municipal water infrastructure required by this application.

12. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

13. This review was completed to the best of our knowledge with the information provided and is not an official response to any DP or LDA applications.


Should you require any additional information, please contact Jonathan Fong at [jfong@epcor.com](mailto:jfong@epcor.com).

### Fire Rescue Services Advisements:

Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal, however, we have the following advisements for your implementation and information:

Travel distance from the emergency access route to each principal entrance must not exceed 45m.

[https://www.edmonton.ca/sites/default/files/public-files/B19-04\\_Small\\_Building\\_Access\\_Policy.pdf?cb=1737101329](https://www.edmonton.ca/sites/default/files/public-files/B19-04_Small_Building_Access_Policy.pdf?cb=1737101329)

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<h2>Development Permit</h2>	
<p>Emergency access path widths must be a minimum of 0.9m and the path must be of a hard surface and accessible in all climate conditions. Soft surfaces such as grass or landscaped areas will not be considered.</p>	
<p><a href="https://www.edmonton.ca/sites/default/files/public-files/B19-04_Small_Building_Access_Policy.pdf?cb=1737101329">https://www.edmonton.ca/sites/default/files/public-files/B19-04_Small_Building_Access_Policy.pdf?cb=1737101329</a></p>	
<p>The fire safety plan required for construction and demolition sites in accordance with Article 2.8.1.1. of Division B shall be provided to the fire department as the authority having jurisdiction. Edmonton Fire Rescue Services may review your plan prior to a site visit and/or at the initial construction site safety inspection upon commencement of construction.</p>	
<p>Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan</p>	
<p>Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).</p>	
<p>A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE).</p>	
<p>You can locate a copy of the FSP guide for your reference here:  <a href="https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771">https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771</a></p>	
<p>To meet the requirements of the National Fire Code - 2023 Alberta Edition, Sentence 5.6.1.2.(1), protection of adjacent properties during construction must be considered.</p>	
<p>Reference: NFC(2023-AE) 5.6.1.2 Protection of Adjacent Building  1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations.</p>	
<p>Reference: Protection of Adjacent Building- STANDATA - Joint fire/building code interpretation:  Measures to mitigate fire spread to adjacent buildings  <a href="https://open.alberta.ca/dataset/cb3d1662-1354-45c8-aab8-29b91f2a6c35/resource/699821b7-26ed-40ec-a5a0-6ba344cdc514/download/ma-standata-interpretation-building-23-bci-030-23-fci-012-2025-03.pdf.pdf">https://open.alberta.ca/dataset/cb3d1662-1354-45c8-aab8-29b91f2a6c35/resource/699821b7-26ed-40ec-a5a0-6ba344cdc514/download/ma-standata-interpretation-building-23-bci-030-23-fci-012-2025-03.pdf.pdf</a></p>	
<p>Please send ALL FRS DP review inquiries to <a href="mailto:cmsfpts@edmonton.ca">cmsfpts@edmonton.ca</a></p>	
<p>Waste Services Advisements:  Waste Services has reviewed the proposed plan "RESIDENTIAL DEVELOPMENT PERMIT PLAN" dated 12/20/24 and has no concerns to identify during this review.</p>	
<p>This review follows Waste Services' current standards and practices and will expire when the Development Permit expires.</p>	
<p>Adding any number of additional dwellings beyond what is indicated in this letter may result in changes to your waste collection. Waste Services reserves the right to adjust the collection method, location, or frequency to ensure safe and efficient service.</p>	
<p>Additional information about waste service at your proposed development:  Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.</p>	
<p>To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:  Access to containers and removal of obstructions.  Container set out, and  The responsibility for wear and tear or damages.</p>	
P0702003	



Project Number: **632975979-002**  
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## Development Permit

The green cart equivalency program while maintaining 1.0 m spacing between carts and any other objects such as vehicles, fences, power poles, etc. has been approved for this proposed development with 11 dwellings, allowing it to receive Curbside Collection. Each unit will be charged the waste utility rate. The City will provide a total of 17 carts: 11 x 240 L for garbage and 1 x 120 L and 5 x 240 L for food scraps.

**Please note:**

Residents would be required to share their food scraps carts.  
 Residents will be required to set out garbage and food scraps carts on collection day as per the set-out instructions.  
 Residents would use blue bags for recycling.

Due to the width of the development lot not being able to accommodate the space required for setting out carts for Curbside Service, the carts from this development will be collected from the rear lane as well as 79 Avenue. This will allow for the cart spacing requirements to be met, utilizing the Curbside Collection program. It is the responsibility of the applicant or owner to ensure residents have access to the rear lane for waste set out.

In order for Curbside Collection to occur off of 79 Avenue, appropriate 'no parking' signs need to be installed at the expense of the applicant. The applicant must contact Parks and Roads Services via [parkingassets@edmonton.ca](mailto:parkingassets@edmonton.ca) to arrange for signage installation. Waste carts for the property will not be delivered until Waste Services verifies that the 'no parking' signage has been properly installed.

A minimum of 7.5 m unobstructed overhead space is required above the collection area to allow proper servicing of the containers.

If the locations of the transformer and switching cubicles do not exactly match the approved drawings, Waste Services must be advised and reserves the right to make changes to the approved plan to ensure waste can still be collected safely and efficiently.

If the waste enclosure or room is incomplete or does not match the approved drawings upon resident move-in, Waste Services reserves the right to select an alternate location for the waste containers to ensure safe and efficient waste collection. The alternate location may be in a parking stall, loading area, green space, etc.

For developments with rear lanes, waste will only be collected from the rear lane for all dwellings in the development. It is the responsibility of the owner to ensure all residents have access to the rear lane for waste set out.

If you require any further clarifications, please contact us.

**Rights of Appeal**

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$554.00	\$554.00	042682001001238	Oct 27, 2025
Major Dev. Application Fee	\$1,020.00	\$1,020.00	042682001001238	Oct 27, 2025
Development Permit Inspection Fee	\$560.00	\$560.00	042682001001238	Oct 27, 2025
Dev. Application Fee # of dwelling units	\$581.00	\$581.00	042682001001238	Oct 27, 2025
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,715.00	\$2,715.00		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-26-100

▲  
**N**

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 652262227-002

APPLICATION TO: Construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 6, 2026

DATE OF APPEAL: May 11, 2026

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5725 - 115 STREET NW

LEGAL DESCRIPTION: Plan 2420817 Blk 12 Lot 2A

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Scona District Plan

***Grounds for Appeal***

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

We, Ildikó and Stefan Grossmann, are the registered owners of 11423 – 58 Avenue NW, directly north of 5725 – 115 Street NW. Our side yard is our

primary rear-yard amenity area and directly interfaces with the proposed Backyard Housing on the subject site.

We are appealing the approval of this development permit based on material and cumulative interference with the use and enjoyment of our property, as prohibited under section 7.100.5.2 of Zoning Bylaw 20001 and section 687(3)(d) of the Municipal Government Act.

1. Misinterpretation and misapplication of the Backyard Housing height rules

- The Development Authority misinterpreted the height regulations by applying the standard 6.8 m "alley-based" height (Zoning Bylaw 20001 Section 6.10.1.1) to an atypical, unbuffered perpendicular interface.
- Under the purposive interpretation standards set by the Supreme Court in *Rizzo* and *Montréal*, the 4.3 m height cap in Section 6.10.1.2 must apply here because there is no physical buffer (alley or separation) between the massing and the adjacent low-scale amenity area.
- The "abutting alley" in this configuration is located on a different edge of the parcel and provides zero relief to the impacted neighbour; treating it as a license for extra height defeats the bylaw's protective intent.

The misapplication of the law here is not a matter of intent, but a failure of administrative methodology, by applying standard rules to a non-standard lot configuration.

The Development Authority has treated a Backyard House with a maximum height of 6.8 m under section 6.10.1.1 of the Zoning Bylaw as automatically acceptable on this site because the rear lot line backs onto an alley. In our submission, applying this standard rule to a non-standard lot configuration is a misinterpretation and misapplication of the height provisions in the specific circumstances of this lot.

Our property lies directly north of the subject site, with a perpendicular, zero-buffer interface: our side yard functions as the effective rear interface to the Backyard House. In substance, we experience the proposed Backyard House as if the rear lot line directly abutted our yard without an alley buffer, facing the full garage-plus-two-storey massing and its shadow directly along our primary amenity space. The Backyard Housing rationale materials make clear that the lower 4.3 m height exists to protect situations where Backyard Housing is likely to be adjacent to other small-scale

residential sites, and that higher height limits are intended for conditions where the massing has less effect, such as when it faces alleys, non-residential sites or large-scale residential development.

By treating the presence of an alley on paper as enough to apply the maximum 6.8 m height, without considering how this particular perpendicular configuration actually functions on the ground, the Development Authority has interpreted section 6.10.1.1 in a way that defeats its protective purpose for small-scale neighbours like us.

We are submitting that the “alley” reference in the Backyard Housing rules must operate as a genuine functional buffer that reduces the perception of massing in a neighbour’s central field of vision, not simply as a geological or technical label on a survey plan. Read purposively, the higher 6.8 m height is only justified where that alley actually performs a buffering role between the Backyard House and adjacent small-scale residential yards, which does not occur in our perpendicular, zero-buffer configuration. That is a misinterpretation and misapplication of the bylaw within the meaning of section 685(3) of the Municipal Government Act, which gives this Board jurisdiction over a permitted-use development where the land-use bylaw has been misinterpreted or misapplied.

## 2. Application of the mandatory negative-effects test under section 687(3)(d) MGA

The Development Authority and the previous SDAB decision erred by treating bylaw compliance as an automatic entitlement that displaces provincial law.

The Alberta Court of Appeal confirmed in *Newcastle Centre GP Ltd. v Edmonton* that s. 687(3)(d) is a distinct, mandatory inquiry. Even for a permitted use, the Board must be satisfied that the development will not materially interfere with the use and enjoyment of neighbouring parcels.

This permit ignores the cumulative massing of an over-length primary house and a total 7.5 high backyard house, which together create a 26 m continuous wall that near-total overshadowing of our rear-yard food-producing garden and amenity area, significantly increasing overlooking into our yard, and creates a pronounced sense of enclosure and visual pressure from the continuous wall of massing.

Section 687(3)(d) of the MGA requires that, in determining an appeal, the Board must be satisfied that the development “would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.”

## 3. Abuse of Process and the "Mootness Race."

- This permit was applied for while the exact legal interpretation of the height rule was (and remains) under active review by the Alberta Court of Appeal (File No.2603-0073AC).
- The use of Subsection 7.180.3.1 to operationalize a contested legal interpretation before the Court can speak is a strategic attempt to achieve "construction mootness" and frustrate the Rule of Law.
- We understand that this Board must determine this new permit on its own merits.

We respectfully ask the Board to:

1. Find that the Development Authority misinterpreted and misapplied the Backyard Housing height provisions by treating the 6.8 m maximum standard as automatically acceptable in this unique perpendicular, zero-buffer configuration.
2. In any event, apply the mandatory section 687(3)(d) negative-effects test to the proposed Backyard House at 6.8 m height on this site, having regard to the cumulative massing, overshadowing and privacy impacts on our property, and, as per section 7.100.1.2, find that this site is not suitable for the full scope of development proposed. We request that the Board maintain the protective intent of the bylaw to reduce the impacts of massing and either:

- impose a 4.3 m height restriction as a necessary condition; or
- revoke the permit.

We will provide supporting documentation and evidence separately as part of the appeal process.

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

...

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

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

### **Appeals**

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

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

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

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

or

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

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

### **Hearing and Decision**

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

...

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

- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the Zoning Bylaw 20001:**

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

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

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

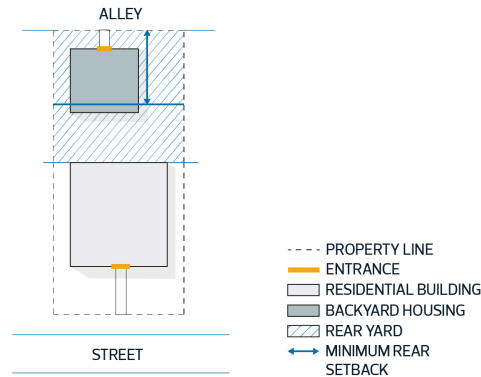
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

Under section 8.20, **Backyard Housing** means:

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



Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

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.

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


Application Number	Description	Decision
SDAB-D-26-040	To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage).	<p>March 11, 2026; The appeal is <b>ALLOWED</b> and the decision of the Development Authority is <b>REVOKED</b>. The development is <b>REFUSED</b>.</p> <p><b>Court of Appeal of Alberta: 2603-0073AC</b></p>


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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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	Project Number: <b>652262227-002</b> Application Date: MAR 27, 2026 Printed: May 6, 2026 at 3:38 PM Page: 1 of 3		
<h2 style="margin: 0;">Development Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 5725 - 115 STREET NW Plan 2420817 Blk: 12 Lot 2A  <b>Specific Address(es)</b> Suite: 5725G - 115 STREET NW Entryway: 5725G - 115 STREET NW Building: 5725G - 115 STREET NW		
<b>Scope of Permit</b> To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage).			
<b>Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     1. Titled Lot Zoning: R5                      3. Overlay:                       5. Statutory Plan:                      7. Neighbourhood Classification: Redeveloping                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     2. Number of Principal Dwelling Units To Construct: 0                      4. Number of Secondary Suite Dwelling Units to Construct: 1                      6. Backyard Housing or Secondary Suite Included?: Yes                      8. Development Category / Class of Permit: Permitted Development                 </td> </tr> </table>		1. Titled Lot Zoning: R5 3. Overlay:  5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 0 4. Number of Secondary Suite Dwelling Units to Construct: 1 6. Backyard Housing or Secondary Suite Included?: Yes 8. Development Category / Class of Permit: Permitted Development
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<b>Development Permit Decision</b> Approved <b>Issue Date:</b> May 06, 2026 <b>Development Authority:</b> POTTER, CHRISTINA  <b>Subject to the Following Conditions</b> Zoning Conditions: This Development Permit authorizes the construction of a Residential Use building in the form of a Backyard House (1 Dwelling with Garage).  The development must be constructed in accordance with the approved drawings.  WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a Development Permit Notification Sign (Subsection 7.160.2.2).  A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided (Subsection 5.60.3.2).  Pathway(s) connecting the main entrance of the Backyard Housing directly to an Abutting sidewalk or to a Driveway must be provided and must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).  Facades facing an Alley must have outdoor lighting that complies with Section 5.120 (Subsection 6.10.12).  Outdoor lighting must: be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance; generally be directed downwards, except where directed towards the Site or architectural features located on the Site; be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways; and not interfere with the function of traffic control devices (Subsection 5.120.3).  Backyard Housing must not be subdivided from other principal Dwellings on a Site or be part of a Bare Land Condominium			
PG702003			

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<h2>Development Permit</h2>	
<p>(Subsection 6.10.5).</p>	
<p><b>Subject to the Following Advisements</b></p>	
<p><b>Zoning Advisements:</b></p>	
<p>Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw.</p>	
<p>The Driveway must maintain a minimum clearance of 1.5 m from the service pedestal and all other surface utilities. The applicant or property owner is responsible for the location of all underground and above ground utilities and maintaining the required clearance as specified by the utility companies. Alberta One-Call, Shaw, and Telus should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with the relocation or removal of the service pedestal must be at the expense of the applicant or property owner.</p>	
<p>An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act, or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).</p>	
<p>Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.</p>	
<p>All work within 5 metres of City of Edmonton trees or 10 metres of a City of Edmonton natural stand will require a Public Tree Permit in accordance with Bylaw 18825. For more information on tree protection and Public Tree Permits please see <a href="https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit">https://www.edmonton.ca/residential_neighbourhoods/gardens_lawns_trees/public-tree-permit</a>. All new installations, above and below ground, within 5m of a City tree require forestry consultation.</p>	
<p>In the event that tree removal or relocation is required on City of Edmonton land, including road right-of-way, all costs associated with the removal or relocation will be borne by the owner/applicant as per the City of Edmonton Corporate Tree Management Policy (C456C). City of Edmonton Forestry will schedule and carry out any and all required tree work. Contact Urban Forestry at City Operations, Parks and Roads Services (311) a minimum of 4 weeks prior to construction, to remove and/or relocate the trees.</p>	
<p>City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage.</p>	
<p>The site must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to <a href="mailto:lot.grading@edmonton.ca">lot.grading@edmonton.ca</a> for review and approval. For more information on Lot Grading requirements, plans and inspections refer to the website: <a href="https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading">https://www.edmonton.ca/residential_neighbourhoods/residential-lot-grading</a></p>	
<p><b>Waste Services Advisements:</b></p>	
<p>Waste Services has reviewed the proposed plan "PLOT PLAN" dated 3/26/26 and has no concerns to identify during this review.</p>	
<p>This review follows Waste Services' current standards and practices and will expire when the Development Permit expires.</p>	
<p>Adding any number of additional dwellings beyond what is indicated in this letter may result in changes to your waste collection. Waste Services reserves the right to adjust the collection method, location, or frequency to ensure safe and efficient service.</p>	
<p><b>Additional information about waste service at your proposed development:</b></p>	
<p>Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.</p>	
<p>Refer to Developer Standards for Residential Waste Collection for developments receiving residential collection.</p>	
<p>P0702003</p>	



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## Development Permit

To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:  
 Access to containers and removal of obstructions.  
 Container set out, and  
 The responsibility for wear and tear or damages.

This property with 2 dwellings would receive Curbside Collection. The City will provide each dwelling with two carts, for a total of 4 carts, one for garbage and one for food scraps. Each unit will be charged the waste utility rate. Residents would be required to use their own blue bags for recycling.

A minimum of 7.5 m unobstructed overhead space is required above the collection area to allow proper servicing of the containers.

If the locations of the transformer and switching cubicles do not exactly match the approved drawings, Waste Services must be advised and reserves the right to make changes to the approved plan to ensure waste can still be collected safely and efficiently.

If the waste enclosure or room is incomplete or does not match the approved drawings upon resident move-in, Waste Services reserves the right to select an alternate location for the waste containers to ensure safe and efficient waste collection. The alternate location may be in a parking stall, loading area, green space, etc.

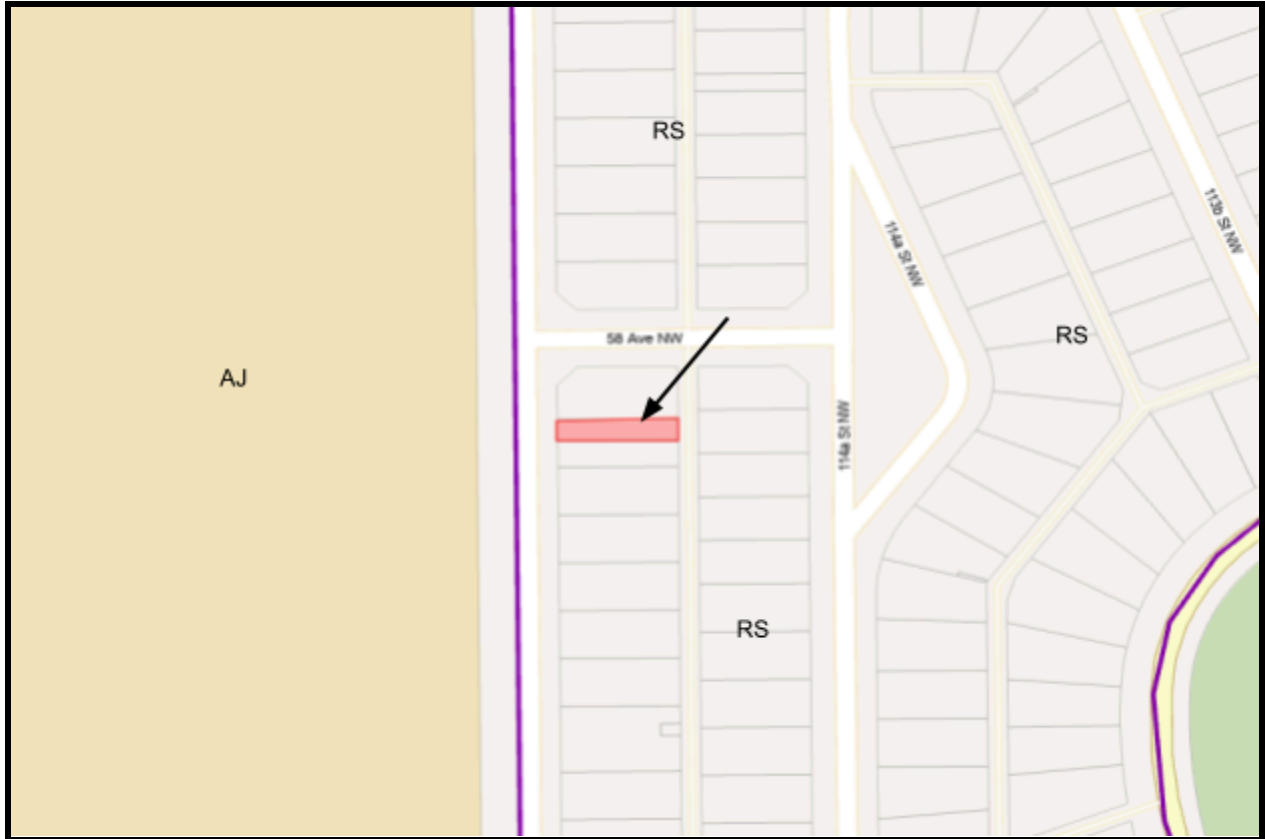
For developments with rear lanes, waste will only be collected from the rear lane for all dwellings in the development. It is the responsibility of the owner to ensure all residents have access to the rear lane for waste set out.

**Rights of Appeal**

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$625.00	\$625.00	776921000020314	Mar 27, 2026
Lot Grading Fee	\$160.00	\$160.00	776921000020314	Mar 27, 2026
Total GST Amount:	\$0.00			
Totals for Permit:	\$785.00	\$785.00		



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-137



**N**