

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
July 23, 2026

River Valley Room
City Hall, 1 Sir Winston Churchill Square NW

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RIVER VALLEY ROOM, CITY HALL**

TO BE RAISED

I 9:00 A.M. SDAB-D-26-169

Install (1) Freestanding Sign (PATTISON
OUTDOOR ADVERTISING)

10050 - 19 AVENUE NW
Project No.: 649165188-002

II 10:30 A.M. SDAB-D-26-171

Operate a Major Industrial Use (aggregate storage
facility) and place on site a 6.1m x 3.1m office
trailer and 12.2m x 8.4m storage container,
existing without permits.

12125 / 12135 - MOUNT LAWN ROAD NW
Project No.: 630263534-002

III 1:30 P.M. SDAB-D-26-172

Convert a Residential Use building in the form of
a Single Detached House to a Child Care Service
with 39 children, and construct interior and
exterior alterations (Surface Parking Lot for 4
vehicles, and an Outdoor Play Space); and to
demolish an existing detached Garage

1103 - 41 STREET NW
Project No.: 640020203-002

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-26-169

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 649165188-002

APPLICATION TO: Install (1) Freestanding Sign (PATTISON OUTDOOR ADVERTISING)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 17, 2026

DATE OF APPEAL: June 21, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10050 - 19 AVENUE NW

LEGAL DESCRIPTION: Plan 9820427 Blk RLY Lot 51

ZONE: AJ - Alternative Jurisdiction Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Mill Woods and Meadows District Plan

<i>Grounds for Appeal</i>

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

- > The subject Site is owned by Canadian Pacific Railway Company operating under the under the auspices of the Canada Transportation Act, S.C. 1996, c. 10.

> Pattison Outdoor Advertising Ltd. occupies space thereon pursuant to License Agreement terminable on 90 days notice or, in some cases, terminable on immediate notice, and Pattison Outdoor Advertising Ltd. has no legal interest or estate in the subject Site.

> Since the last City of Edmonton Development Permit was issued for the subject Sign, the Site has been re-zoned from its former Direct Control classification to 2.220 AJ - Alternative Jurisdiction Zone. Accordingly, City Council has made the determination that the Site is regulated by federal or provincial law and is not otherwise amenable to the Zoning Bylaw.

> Such further and other reasons as may be presented at the hearing of this appeal.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on June 23, 2026:

“That the appeal hearing be scheduled on July 23, 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 2.220.2 of the **AJ - Alternative Jurisdiction Zone** states the following with respect to **Permitted Uses**:

- 2.1. Any Use that is consistent with the Uses, activities and operations that are permitted by the appropriate federal law or provincial law.

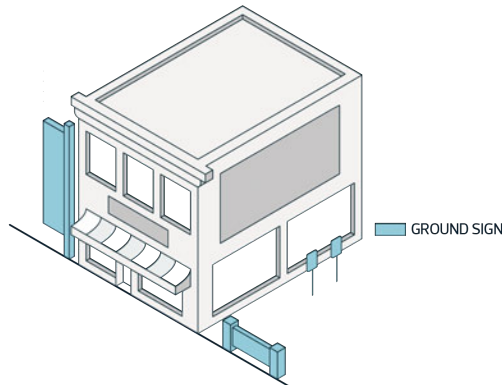
Under section 8.10, a **Freestanding Sign** means:

a Ground Sign that does not contain Digital Copy.

Typical examples include: pylon signs, monument signs, billboards, posters, and neighbourhood identification signs.

Under section 8.20, a **Ground Sign** means:

a Sign supported independently of a building.



Section 2.220.1 states that the **Purpose** of the **AJ - Alternative Jurisdiction Zone** is:

To identify Sites that do not require a Development Permit as these sites are regulated by federal or provincial law, or are Additions to Reserves/Reserve Creation. This Zone also provides direction for what Zoning Bylaw regulations will apply to these lands if their legal status changes and they become subject to this Bylaw.

<i>2.220 - General Regulations - AJ - Alternative Jurisdiction Zone</i>
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Section 2.220 states the following with respect to **General Regulations**:

- 3.1. A Development Permit is not required for Permitted Uses.
- 3.2. If Sites in this Zone become subject to the regulations of the Zoning Bylaw for any reason, including a change in Use, law, or ownership, the regulations from the most restrictive Abutting Zone apply. In this case, development must:
 - 3.2.1. be considered a Discretionary Development; and
 - 3.2.2. comply with applicable Statutory Plans.
- 3.3. Signs with Off-premises Advertising must be Discretionary Developments.
 - 3.3.1. Where an application is for a Sign with Off-premises Advertising the Development Planner must consider those Uses,

activities and operations prescribed in the appropriate superior legislation and the General and Specific Sign Regulations of Section 6.90 that are applicable to the closest Zone Abutting or adjacent to the Sign location.

Under section 8.20, **Off-premises Advertising** means:

Copy that relates to a business, activity or organization that does not have a Development Permit to operate on the Site where the Sign is located. Signs with Off-premises Advertising may generally be used for short term advertising.

2.190 - PU - Public Utility Zone

Section 2.190.3 states the following with respect to **Sign Uses**:

3.7 Fascia Signs, Freestanding Signs, Portable Signs and Projecting Signs are limited to On-premises Advertising.

3.8 Signs must comply with Section 6.90.

6.90.8 - Specific Sign Regulations for PU - Public Utility Zone

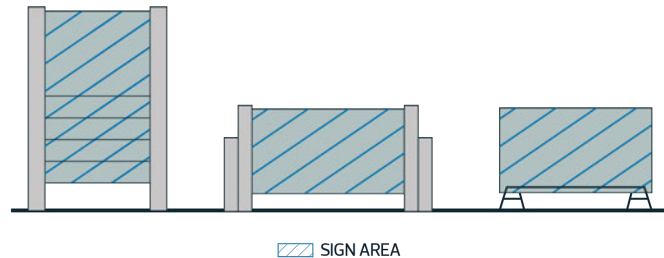
Section 6.90.8.11 states the following with respect to Freestanding Signs:

8.11. The maximum Sign Area for Freestanding Signs is 20.0 m² and the maximum Height is 8.0 m, except that:

8.11.1. Where the Freestanding Sign is located less than or equal to 60.0 m from a residential Zone and not separated by an Arterial Road, the maximum Sign Area is 3.0 m² and the maximum Height is 3.0 m. The distance must be measured from the Sign location to the nearest point of the Site Zoned residential.

Under section 8.20, **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of a double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy must be used in calculating the total Sign Area.



Development Planner's Determination

1) Subsection 2.220.3.3.1: Where an application is for a Sign with Off-premises Advertising the Development Planner must consider those Uses, activities and operations prescribed in the appropriate superior legislation and the General and Specific Sign Regulations of Section 6.90 that are applicable to the closest Zone Abutting or adjacent to the Sign location.

The Development Planner considered the information provided by the applicant regarding superior legislation.

The Development Planner considered the General and Specific Regulations of Section 6.90 that are applicable to the closest Zone Abutting or adjacent to the Sign Location.

The closest zone Abutting the sign to the West is DC2 1191 where Freestanding Off-premises Signs are not a listed Use.

The closest zone Abutting the sign where Section 6.90 would apply is 2.190 PU - Public Utility Zone to the East.

Within the PU Zone Subsection 2.190.3.7: Fascia Signs, Freestanding Signs, Portable Signs and Projecting Signs are limited to On-premises Advertising.

The proposed Freestanding Sign contains Off-premises Advertising.

Subsection 6.90.8.11: The maximum Sign Area for Freestanding Signs is 20.0 m² and the maximum Height is 8.0 m

The proposed Sign Area is 62.8 m² which exceeds the maximum Sign Area by 42.8 m².

[unedited]

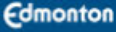
Previous Subdivision and Development Appeal Board Decision

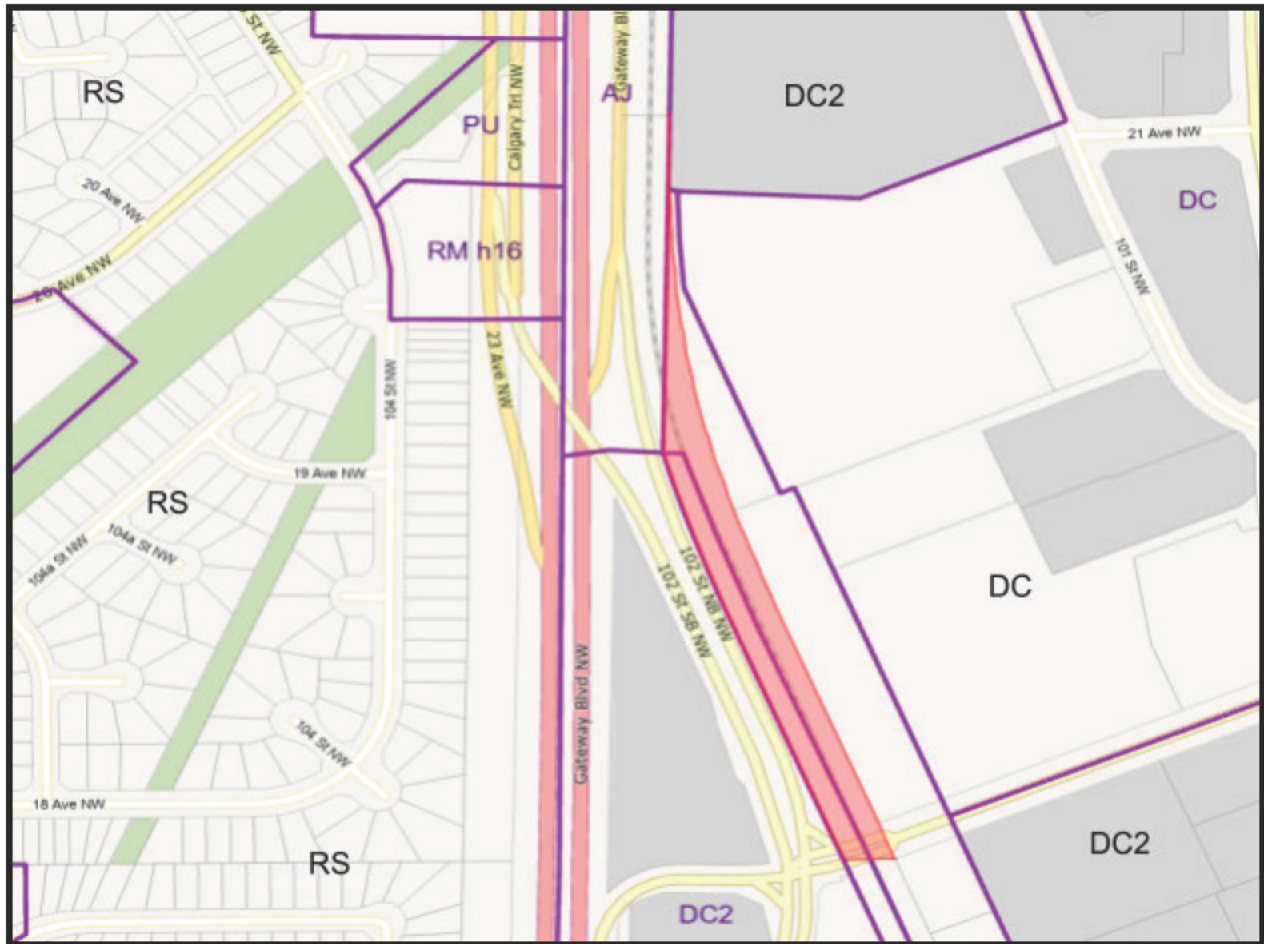
Application Number	Description	Decision
SDAB-D-11-136	Construct one Off-premises Freestanding Sign (4.26 metres by 14.63 metres Double Sided Facing East/West)	July 29, 2011; The appeal be ALLOWED and the DEVELOPMENT GRANTED for a General Advertising Billboard Sign under Edmonton Land Use Bylaw 5996, subject to conditions.

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.

	Application for Sign Permit		Project Number: 649165188-002 Application Date: MAR 03, 2026 Printed: June 17, 2026 at 11:15 AM Page: 1 of 2		
This document is a Development Permit Decision for the development application described below.					
Applicant	Property Address(es) and Legal Description(s) 10050 - 19 AVENUE NW Plan 9820427 Blk RLY Lot 51				
	Location(s) of Work Suite: 10050 - 19 AVENUE NW Entryway: 10050 - 19 AVENUE NW Building: 10050 - 19 AVENUE NW				
Scope of Application To install (1) Freestanding Sign (PATTISON OUTDOOR ADVERTISING)					
Details <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> ASA Sticker No./Name of Engineer: Development Category: </td> <td style="width: 50%;"> Construction Value: 10000 Expiry Date: </td> </tr> </table>				ASA Sticker No./Name of Engineer: Development Category:	Construction Value: 10000 Expiry Date:
ASA Sticker No./Name of Engineer: Development Category:	Construction Value: 10000 Expiry Date:				
Development Application Decision Refused Issue Date: Jun 17, 2026 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) Subsection 2.220.3.3.1: Where an application is for a Sign with Off-premises Advertising the Development Planner must consider those Uses, activities and operations prescribed in the appropriate superior legislation and the General and Specific Sign Regulations of Section 6.90 that are applicable to the closest Zone Abutting or adjacent to the Sign location. The Development Planner considered the information provided by the applicant regarding superior legislation. The Development Planner considered the General and Specific Regulations of Section 6.90 that are applicable to the closest Zone Abutting or adjacent to the Sign Location. The closest zone Abutting the sign to the West is DC2 1191 where Freestanding Off-premises Signs are not a listed Use. The closest zone Abutting the sign where Section 6.90 would apply is 2.190 PU - Public Utility Zone to the East. Within the PU Zone Subsection 2.190.3.7: Fascia Signs, Freestanding Signs, Portable Signs and Projecting Signs are limited to On-premises Advertising. The proposed Freestanding Sign contains Off-premises Advertising. Subsection 6.90.8.11: The maximum Sign Area for Freestanding Signs is 20.0 m ² and the maximum Height is 8.0 m The proposed Sign Area is 62.8 m ² which exceeds the maximum Sign Area by 42.8 m ² . Rights of Appeal THE Applicant has THE RIGHT OF appeal TO THE Subdivision AND Development Appeal Board (SDAB) WITHIN 21 days AFTER THE date ON which THE decision IS made AS outlined IN Chapter M-26, SECTION 683 THROUGH 689 OF THE Municipal Government Act.					
Fees					
THIS IS NOT A PERMIT					
PG702003					

	Application for Sign Permit	Project Number: 649165188-002 Application Date: MAR 03, 2026 Printed: June 17, 2026 at 11:15 AM Page: 2 of 2		
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$415.00	\$415.00	03497J000001991	Mar 03, 2026
Off Premise Advertising Fee	\$207.50	\$207.50	03497J000001991	Mar 03, 2026
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$622.50</u>	<u>\$622.50</u>		
THIS IS NOT A PERMIT				
P0702003				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-169



N

ITEM II: 10:30 A.M.

FILE: SDAB-D-26-171

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 630263534-002

APPLICATION TO: Operate a Major Industrial Use (aggregate storage facility) and place on site a 6.1m x 3.1m office trailer and 12.2m x 8.4m storage container, existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 23, 2026

DATE OF APPEAL: June 25, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12125 / 12135 - MOUNT LAWN ROAD NW

LEGAL DESCRIPTION: Plan 2614KS Blk B Lot 5, Plan 9925911 Blk 1

ZONE(S): IH - Heavy Industrial Zone
IM - Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: North Central District Plan

Grounds for Appeal

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

Subsection 2.130.2.3 - We are on a yard that falls under two sections with one being zoned for what we need for aggregate storage while the other side is not. They are one large connected yard and we are looking for the zoning to be approved to match what we need for aggregate storage. We

had started the development permit application prior to 2024 but our prior staff failed to complete the landscape plan prior to his departure from the company

Subsection 2.130.5.1 - I do believe we are farther than 3.0m from Wayne Gretzky Drive. Our site entrance is location on Mount Lawn Road and the side that borders Wayne Gretzky is down a slope from the road. With the steepness of the slope we can't really see the main road when you stand right outside the fence

Subsection 5.60.4.1.1 - We planned to landscape the side that faces Mount Lawn Road and not the side that faces Wayne Gretzky since its just a steep slope and not really public facing and then the back fence faces train tracks.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

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

...

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

- (d) **may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,**
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) **the proposed development conforms with the use prescribed for that land or building in the land use bylaw.**

General Provisions from the Zoning Bylaw 20001:

Under section 2.140.2.2, **Major Industrial** is a **Permitted Use** in the **IH - Heavy Industrial Zone**.

Under section 2.130.2.3, Major Industrial, limited to those existing as of January 1, 2024, is a Permitted Use in the IM - Medium Industrial Zone.

Under section 8.10, a **Major Industrial Use** means:

means a development used primarily for 1 or more of the following activities:

- processing raw materials;
- manufacturing, cleaning, servicing, repairing or testing materials, goods and equipment;
- handling, storing, or shipping equipment, goods, and materials;
- training, research and development laboratories; or
- distributing and selling materials, goods and equipment to institutions and industrial and commercial businesses.

A Major Industrial Use includes at least 1 of the following features:

- the creation of Nuisances that extend beyond the boundaries of the Site and that may have a harmful effect on other Sites due to noise, odour, light, airborne emissions, dust, heavy commercial

vehicle traffic, or any other harmful effect created by a Nuisance;
or

- the use of materials or processing operations that require separation from other developments, due to risk of toxic emissions or fire and explosion hazards.

Typical examples include: chemical plants, land treatment facilities, metal factories, and petroleum refineries.

Under section 8.20, **Accessory** means:

a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.

Section 2.140.1 states that the **Purpose** of the **IH - Heavy Industrial Zone** is:

To allow for heavy industrial developments that may have the potential to create Nuisance conditions that extend beyond the boundaries of the Site, and to allow for industrial operations that have large land requirements. This Zone is generally located in the interior of industrial areas or other locations where it does not present a major risk to the health and safety of the general public, the enjoyment of Abutting developments, or the integrity of the natural environment.

Section 2.130.1 states that the **Purpose** of the **IM - Medium Industrial Zone** is:

To allow for light to medium industrial developments that may carry out a portion of their operation outdoors or require outdoor storage areas, with limited supporting commercial businesses. Any Nuisance conditions associated with such developments are minimal. This Zone is intended to be used as a transition Zone to buffer between light industrial and heavy industrial Zones and is generally located on the interior of industrial areas Abutting Collector and Local Roads and separated from non-industrial Zones.

<i>IM Zone - General Regulations</i>

Section 2.130.5.1 states “Surface Parking Lots and loading, storage, waste collection, service and display areas must not be located within a required Setback.”

Under section 8.20, **Setback** means “the area of a building or structure, contained within the outside surface of the exterior and Basement walls. Where a wall contains windows, the glazing line of windows may be used.”

Section 5.60 - Landscaping

Section 5.60.4.1 states:

Trees and shrubs for all development not regulated in Subsection 3.1 must comply with Table 4.1:

Table 4.1. Minimum Trees and Shrubs

Subsection	Measure	Minimum Tree and Shrub Requirements
All development, excluding development: - regulated in Subsection 3.1 and Backyard Housing; - on a Site in the AG, AJ, FD, PS, or PSN Zone; or - on a Site in a River Valley Special Area Zone		
4.1.1.	Total Setback area, calculated based on the Setbacks at ground level	1 tree and 2 shrubs per 30.0 m ²

Development Planner's Determination

1. Subsection 2.130.2.3 - The proposed development is classified as a Major Industrial Use. The Major Industrial Use is limited in the IM Zone to those existing as of January 1, 2024. No Development Permit has been approved for a Major Industrial Use on the site prior to January 1, 2024.

2. Subsection 2.130.5.1 - Material storage and business service areas are located within the required setback 3.0m abutting Wayne Gretzky Drive NW.

3. Subsection 5.60.4.1.1 - The site is deficient in the number of trees and shrubs proposed:

Minimum required trees: 28

Proposed trees: 12

Minimum required shrubs: 55

Proposed shrubs: 0

[unedited]

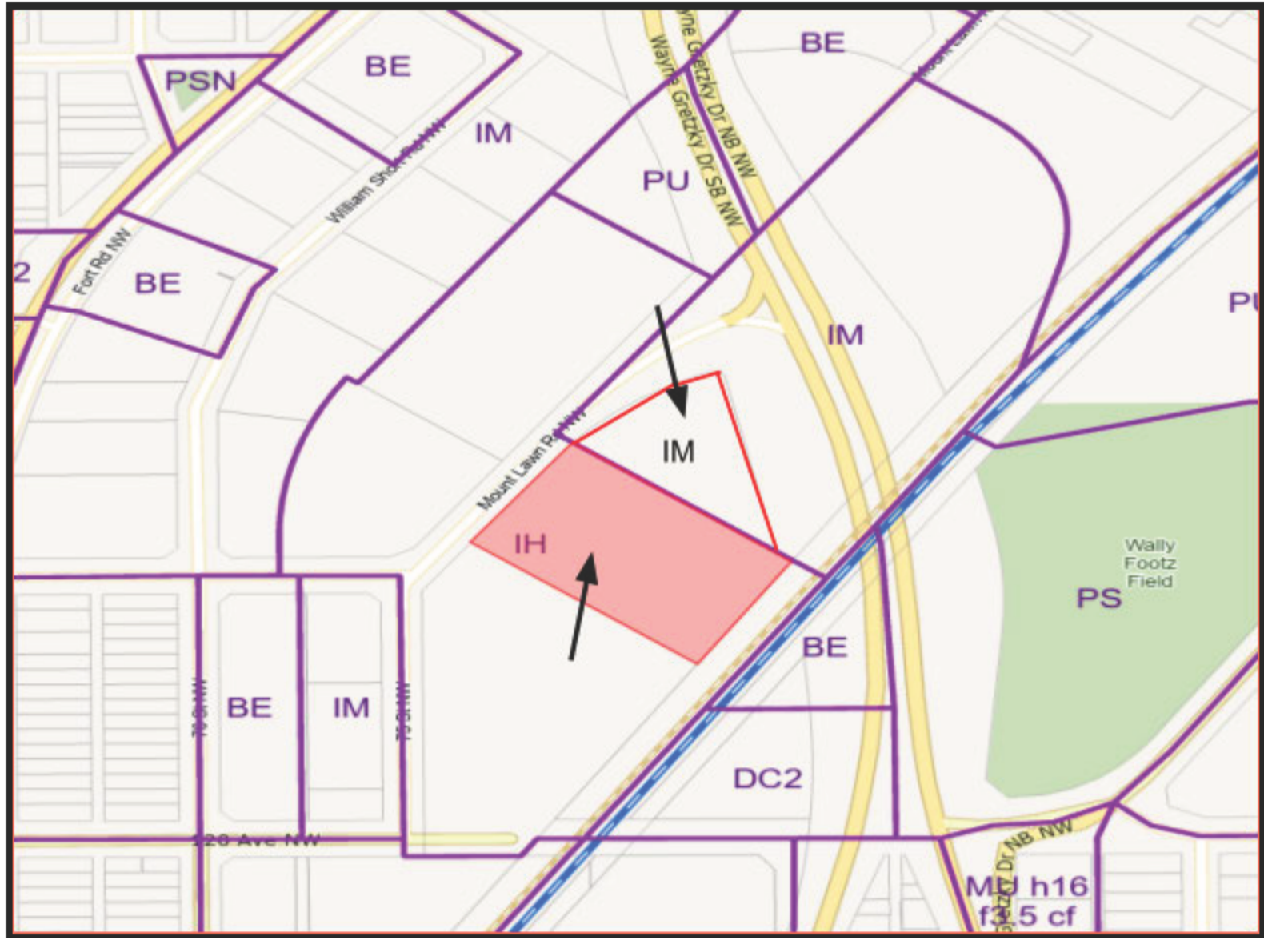
Notice to Applicant/Appellant

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

		Project Number: 630263534-002 Application Date: SEP 22, 2025 Printed: June 23, 2026 at 4:27 PM Page: 1 of 2	
Application for Development Permit			
This document is a Development Permit Decision for the development application described below.			
Applicant		Property Address(es) and Legal Description(s) 12125 - MOUNT LAWN ROAD NW Plan 2614KS Blk B Lot 5 12135 - MOUNT LAWN ROAD NW Plan 9925911 Blk 1	
Scope of Application To operate a Major Industrial Use (aggregate storage facility) and place on site a 6.1m x 3.1m office trailer and 12.2m x 8.4m storage container, existing without permits.			
Details			
Development Category: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Site Area (sq. m.):		Gross Floor Area (sq.m.): New Sewer Service Required: N Overlay: Statutory Plan:	
Development Application Decision Refused Issue Date: Jun 23, 2026 Development Authority: TODD, ADAM			
Reason for Refusal 1. Subsection 2.130.2.3 - The proposed development is classified as a Major Industrial Use. The Major Industrial Use is limited in the IM Zone to those existing as of January 1, 2024. No Development Permit has been approved for a Major Industrial Use on the site prior to January 1, 2024. 2. Subsection 2.130.5.1 - Material storage and business service areas are located within the required setback 3.0m abutting Wayne Gretzky Drive NW. 3. Subsection 5.60.4.1.1 - The site is deficient in the number of trees and shrubs proposed: Minimum required trees: 28 Proposed trees: 12 Minimum required shrubs: 55 Proposed shrubs: 0			
Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.			
Fees			
	Fee Amount	Amount Paid	Receipt #
Major Dev. Application Fee	\$1,195.00	\$1,195.00	011772000008183
			Date Paid Feb 11, 2026
THIS IS NOT A PERMIT			
P0702003			

	Application for Development Permit				Project Number: 630263534-002 Application Date: SEP 22, 2025 Printed: June 23, 2026 at 4:27 PM Page: 2 of 2
Fees					
Total GST Amount:	Fee Amount \$0.00	Amount Paid	Receipt #	Date Paid	
Totals for Permit:	\$1,195.00	\$1,195.00			
THIS IS NOT A PERMIT					

P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-171

N

ITEM III: 1:30 P.M.

FILE: SDAB-D-26-172

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 640020203-002

APPLICATION TO: Convert a Residential Use building in the form of a Single Detached House to a Child Care Service with 39 children, and construct interior and exterior alterations (Surface Parking Lot for 4 vehicles, and an Outdoor Play Space); and to demolish an existing detached Garage

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 26, 2026

DATE OF APPEAL: June 23, 2026

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 1103 - 41 STREET NW

LEGAL DESCRIPTION: Plan 7823021 Blk 36 Lot 37

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Mill Woods and Meadows District Plan

<i>Grounds for Appeal</i>

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

- Lengthy construction disturbance

- 39 kids are too many
 - continued noise disturbance after development
- The following have signed petition for appeal:
Benjamin Ash - 1139 41 st
Kevin Bordon - 1135 - 41 st
Abdur Khawaja - 1131 - 41 st

<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).

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(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 2.10.2.8, a **Child Care Service** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

Under section 8.10, a **Child Care Service** means:

Child Care Service means a development that provides temporary care and supervision of children. This Use includes facility-based early learning and child care programs. This Use does not include a Home Based Business operating as Home Based Child Care.

Typical examples include: daycares, out-of-school care, and preschools.

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.

<i>Surface Parking Lot and Parkade Design</i>

Section 5.80.4.3 states:

Unless otherwise specified, a Surface Parking Lot must be located a minimum of 2.0 m from the Lot line of an Abutting Site, or the minimum required Setback in the underlying Zone, whichever is greater, [...]

Under section 8.20, **Surface Parking Lot** means “an unenclosed area wholly at ground level that includes 1 or more Parking Areas and 1 or more Drive Aisles.”

Under section 8.20, **Setback** means “the distance that a development, or a specified portion of a development, must be from a Lot line. A Setback is not a Yard. A Setback only applies to development on or above ground level.”

Development Planner’s Determination

Surface Parking Lot Setback - The setbacks from the abutting sites to the surface parking lot are 0.3m instead of 2.0m (south), and 1.5m instead of 10.0m (east). (Subsection 5.80.4.3)

[unedited]

Notice to Applicant/Appellant

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

		Project Number: 640020203-002 Application Date: DEC 08, 2025 Printed: May 28, 2026 at 9:10 AM Page: 1 of 6			
		Development Permit			
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.					
Applicant		Property Address(es) and Legal Description(s) 1103 - 41 STREET NW Plan 7823021 Blk 36 Lot 37			
		Specific Address(es) Suite: 1103 - 41 STREET NW Entryway: 1103 - 41 STREET NW Building: 1103 - 41 STREET NW			
Scope of Permit To convert a Residential Use building in the form of a Single Detached House to a Child Care Service with 39 children, and construct interior and exterior alterations (Surface Parking Lot for 4 vehicles, and an Outdoor Play Space); and to demolish an existing detached Garage.					
Details <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: Site Area (sq. m.): 550 </td> <td style="width: 50%;"> Gross Floor Area (sq.m.): New Sewer Service Required: N Overlay: Statutory Plan: </td> </tr> </table>				Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: Site Area (sq. m.): 550	Gross Floor Area (sq.m.): New Sewer Service Required: N Overlay: Statutory Plan:
Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: Site Area (sq. m.): 550	Gross Floor Area (sq.m.): New Sewer Service Required: N Overlay: Statutory Plan:				
Development Permit Decision Approved Issue Date: May 26, 2026 Development Authority: SELTZ, AARON Subject to the Following Conditions Zoning Conditions: This Development Permit authorizes the conversion of a Residential Use building in the form of a Single Detached House to a Child Care Service with 39 children, and construct interior and exterior alterations (Surface Parking Lot for 4 vehicles, and an Outdoor Play Space); and to demolish an existing detached Garage. The development must be constructed in accordance with the approved plans. Any revisions to the approved plans require a separate Development Permit application. The development must be demolished in accordance with the approved drawings. The Development Permit is not valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled (Subsection 7.190.2.1.1). This Development Permit is NOT valid until the notification period expires (Subsection 7.160.1.3 and Section 7.170). A Building Permit (for demolition) is required prior to demolition of the existing building. Immediately upon demolition of the building, the Site must be cleared of all debris. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner must pay a Lot Grading Fee of \$490.00.					
P0702003					

Development Permit

Outdoor play spaces for Child Care Services must be located a minimum of 2.0 m away from mechanical equipment and exhaust systems (Subsection 6.40.3.2).

On-Site outdoor play spaces for Child Care Services at ground level must be Fenced on all sides and all gates must be self-latching (Subsection 6.40.3.3).

Passenger pick-up and drop-off spaces for Child Care Services must not be located more than 100 m from the entrance used by the Child Care Service (Subsection 5.80.6.10.1).

Passenger pick-up and drop-off spaces for Child Care Services must contain signage indicating a maximum duration of 30 minutes or less (Subsection 5.80.6.10.2).

Landscaping must be installed and maintained in accordance with Section 5.60.

Pathways connecting the main building entrances to adjacent sidewalks must be a minimum width of 1.8 m (Subsection 5.80.3.1.2).

Provided parking spaces must include wheel stops to prevent vehicle overhang where adjacent to Streets, Pathways, sidewalks, required Landscaped areas, and other similar features, that must be a minimum 0.1 m in Height and located 0.6 m from the front of the parking space (Subsection 5.80.5.1.2).

All mechanical equipment, except for Solar Collectors, must be concealed by screening in a manner compatible with the architectural character of the building or by incorporating it within the building (Subsection 5.120.1.1.2).

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. It must also generally be directed downwards, except where directed towards the Site or architectural features located on the Site. Outdoor lighting must be designed to provide an appropriately -lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways, and must not interfere with the function of traffic control devices (Subsection 5.120.3).

Bike parking must be provided in accordance with Subsection 5.80.8.

Landscaping Conditions:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, in accordance with Section 5.60 the applicant or property owner must provide a guaranteed security for \$16,067.74 to ensure 100% of the minimum landscaping is provided and maintained for two growing seasons. The Landscape Security may take the following forms:

Cheque

Irrevocable letter of credit

Development bond

Please contact dplandscaping@edmonton.ca to submit the required Landscape Security.

2. Landscaping must be installed in accordance with the approved Landscape Plan, Section 5.60, and to the satisfaction of the Development Planner.

3. Any change to an approved Landscape Plan requires the approval of the Development Planner prior to the Landscaping being installed.

4. 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 (Section 5.60.9). To request a landscape inspection, visit www.edmonton.ca/landscapeinspectionrequest.

5. If at the time of the first landscape inspection the required landscaping has been fully installed, up to 80% of the Landscape Security may be returned. 20% must be retained to ensure landscaping is maintained in a healthy condition for a minimum of 24

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Development Permit	
months (Section 5.60.10.3). 6. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development, or if the landscaping is not well maintained and in a healthy condition for a minimum of 24 months after completion of the landscaping, the City may draw on the security for its use absolutely (Section 5.60.10.9). Applicants MUST adhere to the following: 7. 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. All new installations, above and below ground, within 5m of a City tree require forestry consultation. 8. 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. The City of Edmonton Public Tree Bylaw https://www.edmonton.ca/sites/default/files/public-files/assets/Bylaws/BL18825.pdf?cb=1634287158 Apply for the Public Tree Permit https://www.edmonton.ca/treep permit Transportation Conditions: 1. Access from the site to 41 Street is existing. Any modification to the existing access requires the review and approval of Subdivision Planning. 2. The existing sidewalk connection connecting 41 Street must be removed, and the boulevard must be restored to grass, from the curb and gutter up to the north property line to the City of Edmonton Complete Streets Design and Construction Standards. 3. The waste location cannot interfere with the access to the site. Due to the confined nature of this site, wheeled bins and/or carts will be acceptable as long as the time restrictions for garbage removals are adhered to outside of operational hours. Waste removal operations must be conducted only on-street. Garbage trucks are not permitted to back into or out of the site. 4. Permanent objects including concrete steps, railings, 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. 5. There may be utilities within the 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. Utility Safety Partners (Online: https://utilitiesafety.ca/wheres-the-line/submit-a-locate-request/) (1-800-242-3447) and Shaw Cable (1-866-344-7429; 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 removals shall be at the expense of the owner/applicant. 6. Any alley, sidewalk 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 trevor.singbeil@edmonton.ca for an onsite inspection 72 hours prior to and following construction of the access. In Trevor's absence, please contact developmentinspections@edmonton.ca. 7. 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:	
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Development Permit	
a. the start/finish date of project; b. accommodation of pedestrians and vehicles during construction; c. confirmation of lay down area within legal road right of way if required; d. 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	
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. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property. 3. An issued Development Permit means that the proposed development has been reviewed against the provisions of the Zoning 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). 4. Any proposed change from the original issued Development Permit is 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. 5. A Building Permit may be required for any construction or change in use of a building. Please contact the 311 Call Centre for further information. 6. 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. All new installations, above and below ground, within 5m of a City tree require forestry consultation. 7. 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. 8. 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. 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 epcor.com/newconnection and click 'ONLINE APPLICATION' for instructions on the plan submission process. The lot 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 lot.grading@edmonton.ca for review and approval. 9. Signs require separate Development Permit application(s).	
LOT GRADING ADVISEMENT:	
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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.

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 epcor.com/newconnection and click 'ONLINE APPLICATION' for instructions on the plan submission process.

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 lot.grading@edmonton.ca for review and approval.

For more information on Lot Grading requirements, plans and inspections refer to the website:
https://www.edmonton.ca/business_economy/lot-grading-commercial

Transportation Advisements:

1. Designated on-street drop off stalls are not supported with this development application.

Fire Rescue Services Advisements:

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

Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route.

Reference: NBC(2023-AE) 3.2.4.8 Annunciator and Zone Indication

1) The Fire Alarm Annunciator Panel shall be installed in close proximity to a building entrance that faces a street or an access route for fire department vehicles.

Reference: NBC(2023-AE) 3.2.4.1. A fire alarm system shall be installed in a building that is not sprinklered throughout and that contains:

f) a school, college, or child care facility, including a daycare facility, with an occupant load more than 40

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.

Reference: NFC(2023-AE) 5.6.1.3. Fire Safety Plan

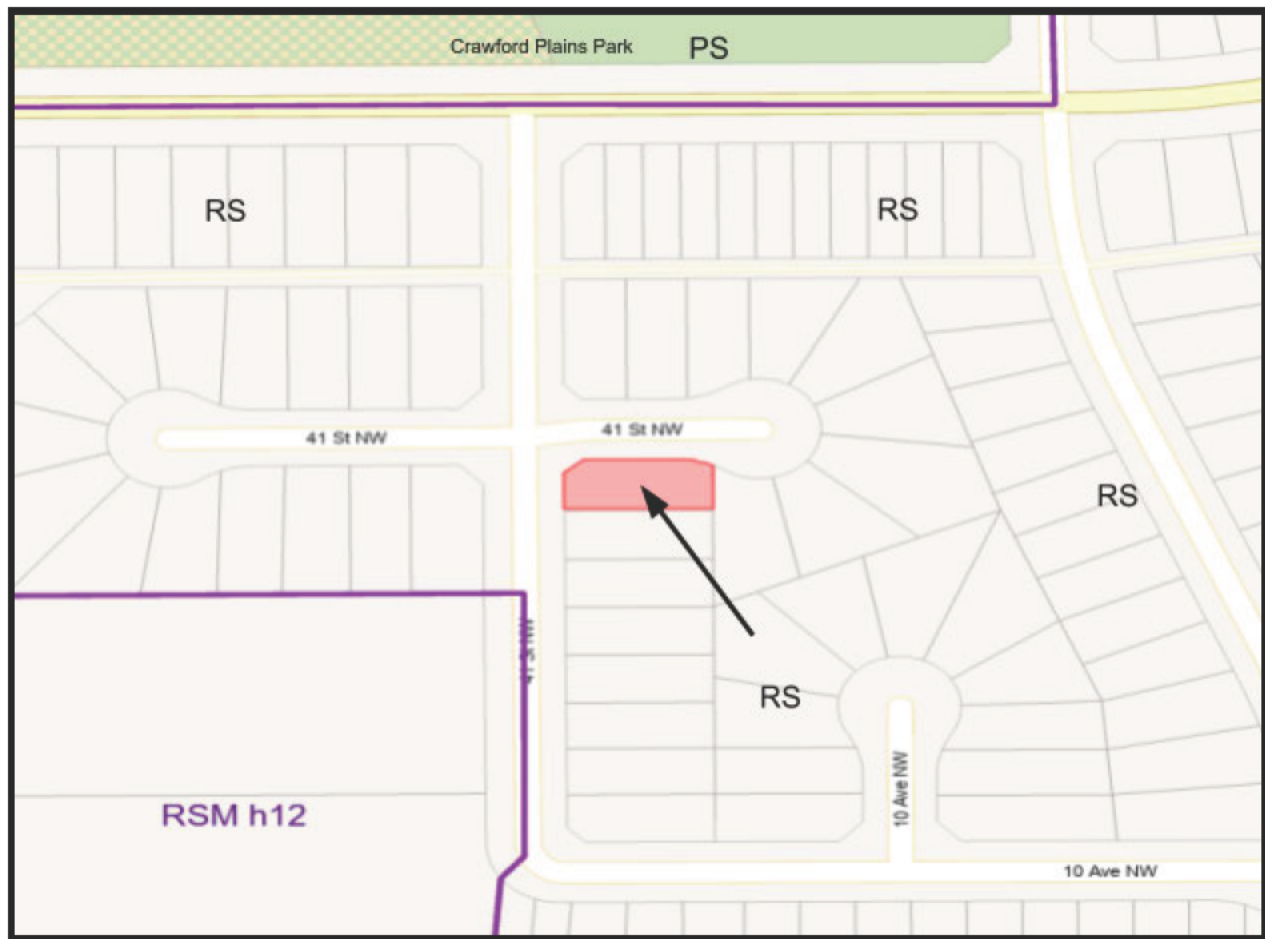
Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).

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).

You can locate a copy of the FSP guide for your reference here:

<https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771>

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During Construction 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. https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-plan-construction-sites 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. Reference: Protection of Adjacent Building- STANDATA - Joint fire/building code interpretation: Measures to mitigate fire spread to adjacent buildings 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 Kind regards, Matthew McKellar FSCO Group B, Level II Please send ALL FRS DP review inquiries to cmsfpts@edmonton.ca Variances Surface Parking Lot Setback - The setbacks from the abutting sites to the surface parking lot are 0.3m instead of 2.0m (south), and 1.5m instead of 10.0m (east). (Subsection 5.80.4.3) 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. Notice Period Begins: Jun 02, 2026 Ends: Jun 23, 2026																																				
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-172

N ▲