

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
August 12, 2026

VIRTUAL HEARINGS

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
VIRTUAL HEARINGS**

TO BE RAISED

I	9:00 A.M.	SDAB-D-26-170	To construct exterior alterations to a Residential Use building (Driveway extension, right 1.2 m x 9.1 m), existing without permits 15403 - 138B STREET NW Project No.: 658110197-002
II	10:00 A.M.	SDAB-D-26-189	To construct exterior alterations to a Residential Use building (Driveway extension, 9.3 m x 7.1 m) 7923 - 131A AVENUE NW Project No.: 661680096-002
III	11:00 A.M.	SDAB-D-26-190	To construct exterior alterations (driveway extension, 2.4 m x 5.6 m), existing without permits 6419 - 173 AVENUE NW Project No.: 661104863-002
IV	1:15 P.M.	SDAB-D-26-191	Leave as built a Residential Use building in the form of a Row House (Side Setback at 1.1m) 8045 - CEDRIC MAH ROAD NW Project No.: 658218634-002
V	2:15 P.M.	SDAB-D-26-192	To construct a Residential Use building in the form of a Single Detached House with a front attached Garage, Basement development with wet bar (NOT to be used as an additional Dwelling) and unenclosed front porch 14011 - 101A AVENUE NW Project No.: 650567390-002

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-26-170

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 658110197-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extension, right 1.2 m x 9.1 m), existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 15, 2026

DATE OF APPEAL: June 25, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15403 - 138B STREET NW

LEGAL DESCRIPTION: Plan 0125142 Blk 53 Lot 101

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Carlton Neighbourhood Structure Plan
Palisades Area Structure Plan

DISTRICT PLAN: Northwest District Plan

Grounds for Appeal

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

The driveway extension was put in place when the appellant's wife was critically ill, to allow for more room for her to enter and exit vehicles with

a mobility aid (it was not known by the appellant at that time that a permit was required). This was done at least 8 years ago and there have been no complaints since until the notification from the City about the issue this spring. There are other extended driveways on the street. The extension causes no interference to drainage or street parking and the extension is modest. The proposed development (driveway extension) neither unduly interferes with the amenities of the neighbourhood, nor does it materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land, and the proposed development conforms with the use prescribed for that land or building in the land use by-law.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on July 7, 2026.

“That the appeal hearing be scheduled for August 12, 2026.”

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

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

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

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

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

or

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

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

Hearing and Decision

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

...

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

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

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

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

...

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

General Provisions from the *Zoning Bylaw 20001*:

Under section 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

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

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

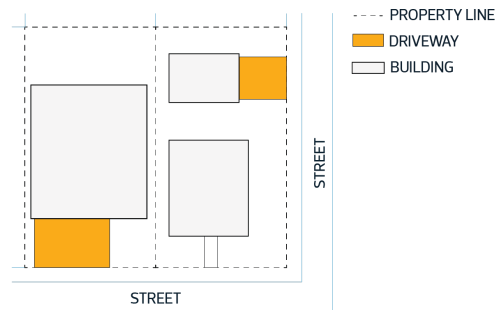
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

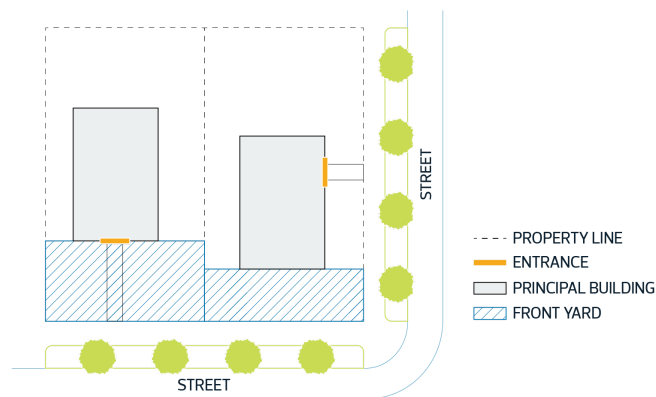
Under section 8.20, **Driveway** means:

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



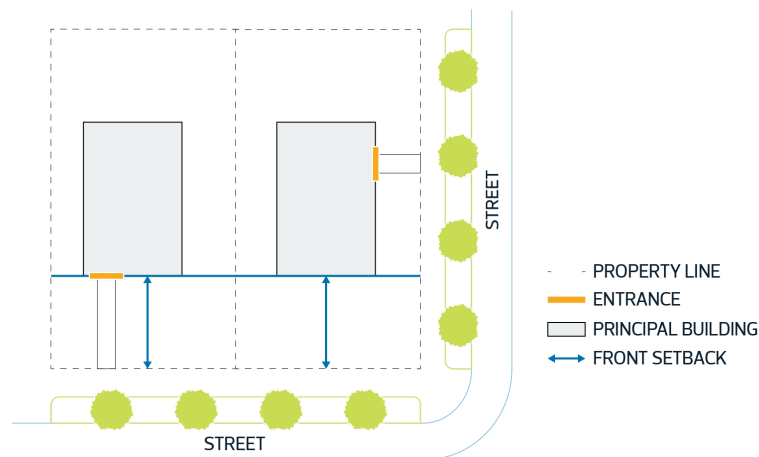
Under section 8.20, **Front Yard** means:

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



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

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



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

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

Section 2.20.1 states that the **Purpose** of the **RSF - Small Scale Flex Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

Single Detached Housing, Duplex Housing, Semi-detached Housing, Backyard Housing, and Row Housing, and Multi-unit Housing with 8 Dwellings or less must comply with the following:

Site Circulation

- 2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal

Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

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

Driveways

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

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

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

2.1.5.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:

2.1.5.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m.

2.1.5.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:

2.1.5.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied

by 3.7 m, whichever is less.

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

2.1.6.1. a Front Yard;

2.1.6.2. a Flanking Side Yard; or

2.1.6.3 a Flanking Side Setback.

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

Development Planner's Determination

1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Section 5.80.2.1.3)

Proposed: The driveway does not lead directly from the roadway to the garage.

2. Driveway Width - The maximum Driveway width is equal to the width of the Garage. (Subsection 5.80.2.1.5.2.)

Maximum width: 6.1 m

Proposed: 7.3 m

Exceeds by: 1.2 m

3) Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Section 5.80.2.1.5.1)

Proposed: The additional concrete provides vehicle parking space in the front yard.

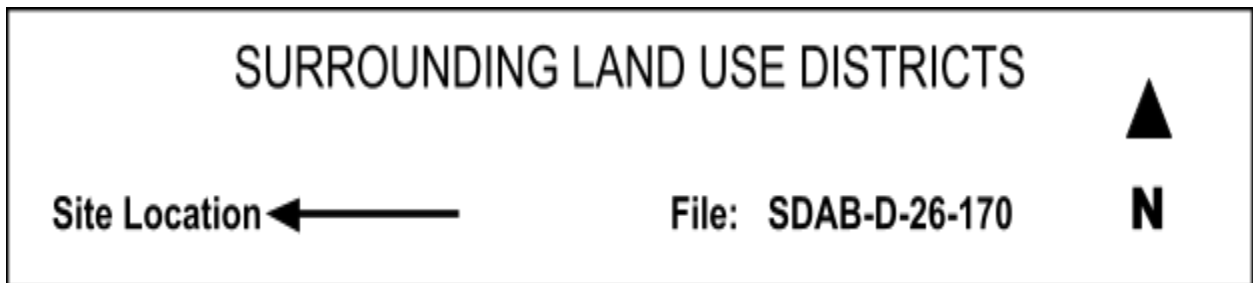
[unedited]

Notice to Applicant/Appellant

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

		Project Number: 658110197-002 Application Date: MAY 12, 2026 Printed: June 15, 2026 at 2:41 PM Page: 1 of 2	
Application for Driveway Extension Permit			
This document is a Development Permit Decision for the development application described below.			
Applicant		Property Address(es) and Legal Description(s) 15403 - 138B STREET NW Plan 0125142 Blk 53 Lot 101	
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension, right 1.2 m x 9.1 m), existing without permits.			
Details			
Development Category: Site Area (sq. m.): 452.09		Overlay: Statutory Plan:	
Development Application Decision Refused Issue Date: Jun 15, 2026 Development Authority: DEIGHTON, ROAN Reason for Refusal 1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Section 5.80.2.1.3) Proposed: The driveway does not lead directly from the roadway to the garage. 2. Driveway Width - The maximum Driveway width is equal to the width of the Garage. (Subsection 5.80.2.1.5.2.) Maximum width: 6.1 m Proposed: 7.3 m Exceeds by: 1.2 m 3) Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Section 5.80.2.1.5.1) Proposed: The additional concrete provides vehicle parking space in the front yard. Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.			
Building Permit Decision No decision has yet been made.			
Fees			
	Fee Amount	Amount Paid	Receipt #
Development Application Fee	\$195.00	\$195.00	944472000008979
			Date Paid May 12, 2026
THIS IS NOT A PERMIT			
P0702003			

	Application for Driveway Extension Permit				Project Number: 658110197-002 Application Date: MAY 12, 2026 Printed: June 15, 2026 at 2:41 PM Page: 2 of 2
Fees					
	Fee Amount	Amount Paid	Receipt #	Date Paid	
Total GST Amount:	\$0.00				
Totals for Permit:	\$195.00	\$195.00			
THIS IS NOT A PERMIT					
P0702003					



ITEM II: 10:00 A.M.

FILE: SDAB-D-26-189

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 661680096-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extension, 9.3 m x 7.1 m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 6, 2026

DATE OF APPEAL: July 17, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 7923 - 131A AVENUE NW

LEGAL DESCRIPTION: Plan 4469MC Blk 13 Lot 8

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

Reasons for appeal not supplied to the Board.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

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

Appeals

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

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

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the Zoning Bylaw 20001:

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

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

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

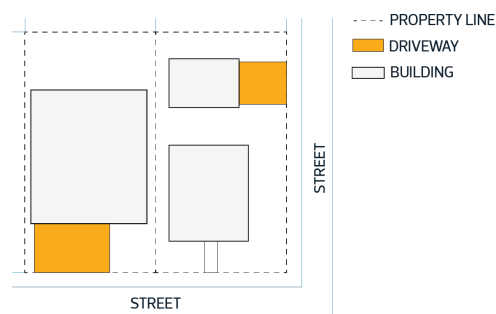
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

Under section 8.20, **Driveway** means:

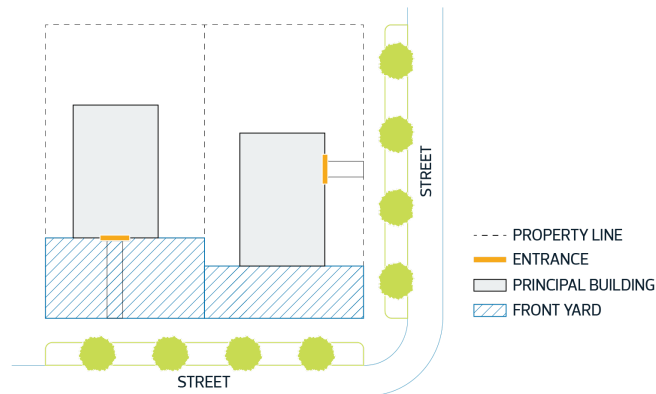
an area that provides vehicle access to the Garage or Parking Area of a small scale Residential development from a Street, Alley, or private roadway. A Driveway does not include a Pathway.



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

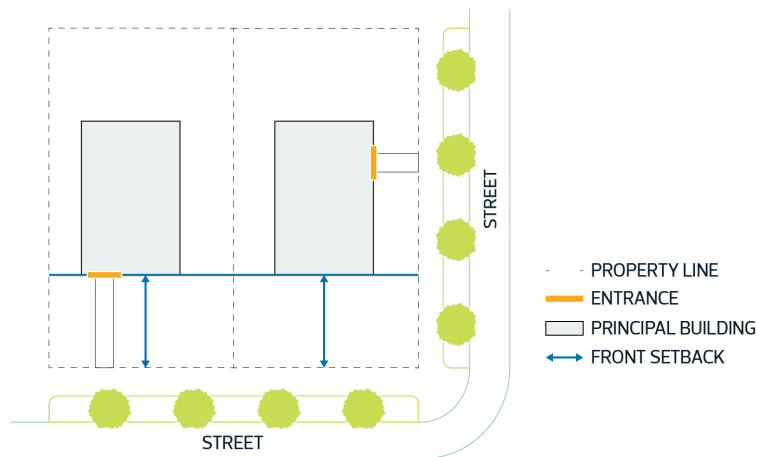
the portion of a Site Abutting the Front Lot Line extending across the full width of the Site, between the Front Lot Line and the nearest wall of the

principal building, not including projections.



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

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



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

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

Section 2.10.1 states that the **Purpose** of the **RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

<i>Site Circulation and Parking Regulations for Small Scale Residential Development</i>
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Section 5.80.2.1 states:

Single Detached Housing, Duplex Housing, Semi-detached Housing, Backyard Housing, and Row Housing, and Multi-unit Housing with 8 Dwellings or less must comply with the following:

Site Circulation

2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

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

Driveways

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

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

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

2.1.5.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:

2.1.5.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m.

2.1.5.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:

2.1.5.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less.

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

2.1.6.1. a Front Yard;

2.1.6.2. a Flanking Side Yard; or

2.1.6.3 a Flanking Side Setback.

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

Development Planner's Determination

Driveway Width - The maximum width of a driveway is equal to the width of the Garage or Parking Area (Subsection 5.80.2.1.5.2).

Required: 4.70m

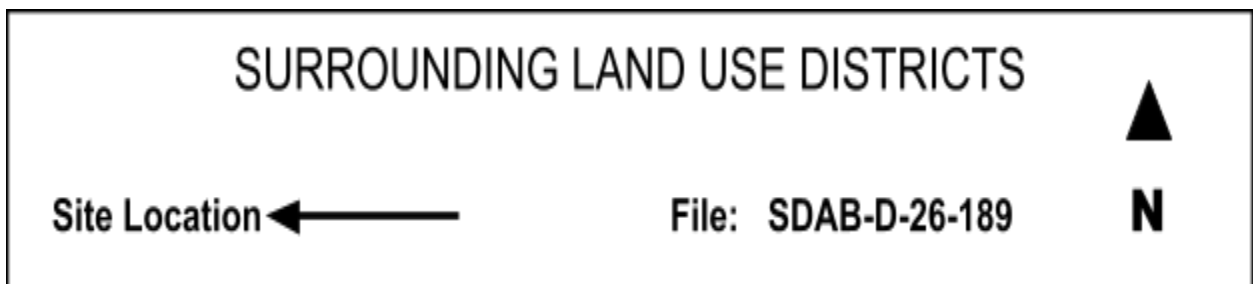
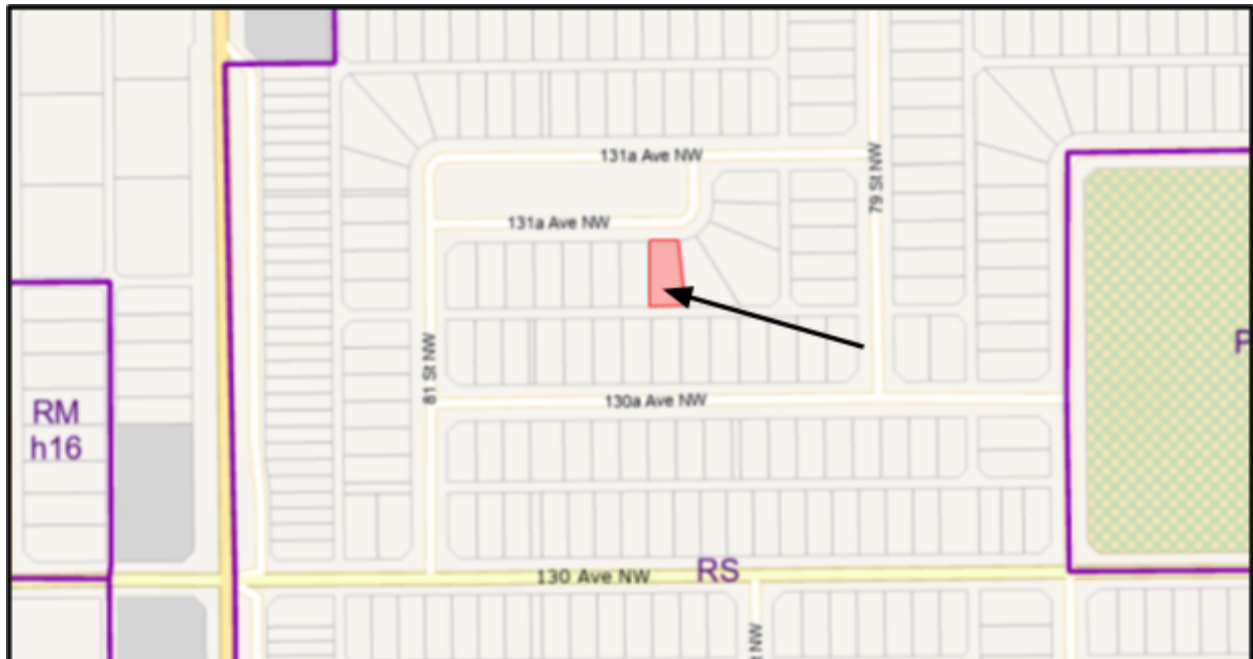
Proposed: 7.09m

Exceeds by: 2.39m

[unedited]

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 Driveway Extension Permit				Project Number: 661680096-002 Application Date: JUN 12, 2026 Printed: July 6, 2026 at 10:44 AM Page: 1 of 1																			
	This document is a Development Permit Decision for the development application described below.																							
Applicant	Property Address(es) and Legal Description(s) 7923 - 131A AVENUE NW Plan 4469MC Blk 13 Lot 8																							
	Location(s) of Work Suite: 7923 - 131A AVENUE NW Entryway: 7923 - 131A AVENUE NW Building: 7923 - 131A AVENUE NW																							
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extension, 9.3 m x 7.1 m).																								
Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Development Category: Discretionary Development Site Area (sq. m.): 658.69 </td> <td style="width: 50%;"> Overlay: Statutory Plan: </td> </tr> </table>					Development Category: Discretionary Development Site Area (sq. m.): 658.69	Overlay: Statutory Plan:																		
Development Category: Discretionary Development Site Area (sq. m.): 658.69	Overlay: Statutory Plan:																							
Development Application Decision Refused Issue Date: Jul 06, 2026 Development Authority: OLTHUIZEN, JORDYN Reason for Refusal Driveway Width - The maximum width of a driveway is equal to the width of the Garage or Parking Area (Subsection 5.80.2.1.5.2). Required: 4.70m Proposed: 7.09m Exceeds by: 2.39m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																								
Building Permit Decision No decision has yet been made.																								
Fees <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$195.00</td> <td style="text-align: right;">\$195.00</td> <td>05078Z000011114</td> <td>Jun 12, 2026</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$195.00</td> <td style="text-align: right; border-top: 1px solid black;">\$195.00</td> <td></td> <td></td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$195.00	\$195.00	05078Z000011114	Jun 12, 2026	Total GST Amount:	\$0.00				Totals for Permit:	\$195.00	\$195.00		
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Development Application Fee	\$195.00	\$195.00	05078Z000011114	Jun 12, 2026																				
Total GST Amount:	\$0.00																							
Totals for Permit:	\$195.00	\$195.00																						
THIS IS NOT A PERMIT																								



ITEM III: 11:00 A.M.FILE: SDAB-D-26-190AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 661104863-002

APPLICATION TO: Construct exterior alterations (driveway extension, 2.4 m x 5.6 m), existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 3, 2026

DATE OF APPEAL: July 16, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 6419 - 173 AVENUE NW

LEGAL DESCRIPTION: Plan 1520589 Blk 14 Lot 33

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

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

DISTRICT PLAN: Northeast District Plan

Grounds for Appeal

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

I purchased my property in 2016 in its existing condition. I did not request or authorize any modifications to the driveway, and I was not aware at the time of purchase that it had been extended. my neighbours on the left side and right side of my property also bought the houses from same builder

with same extensions of driveway. They got the approvals. Furthermore, 75% neighbourhood on the same street have similar driveway extensions with approvals. The property includes appropriate landscaping on both sides of the driveway, with maintained green space and no adverse impact on drainage. there have been no issues related to water runoff or grading. It is very expensive to remove the extension. I respectfully request that the decision be reviewed and reconsidered.

<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 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

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

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

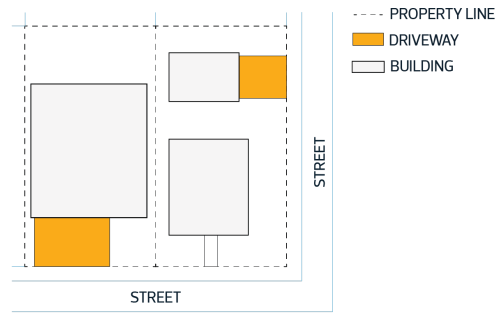
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

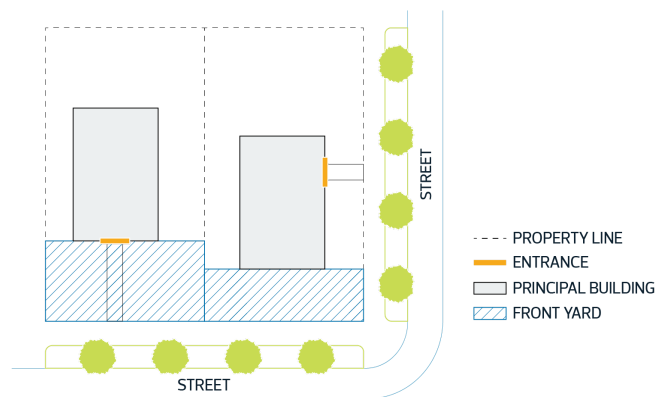
Under section 8.20, **Driveway** means:

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



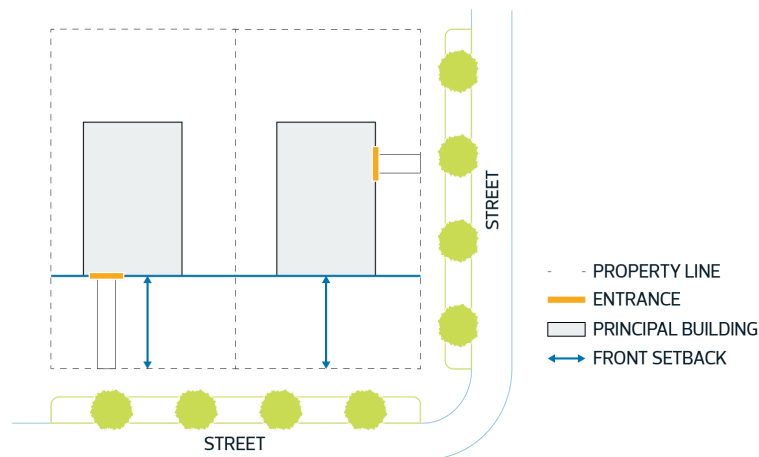
Under section 8.20, **Front Yard** means:

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



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

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



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

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

Section 2.20.1 states that the **Purpose** of the **RSF - Small Scale Flex Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

Single Detached Housing, Duplex Housing, Semi-detached Housing, Backyard Housing, and Row Housing, and Multi-unit Housing with 8 Dwellings or less must comply with the following:

Site Circulation

- 2.1.1 1 or more Pathways with a minimum unobstructed width of 0.9 m must be provided from all main entrances of principal

Dwellings directly to an Abutting sidewalk or to a Driveway, except that:

2.1.1.1 A handrail on 1 side is permitted to project a maximum of 0.1 m into the Pathway.

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

Driveways

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

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

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

2.1.5.1 Where a Garage or Parking Area has 1 vehicle parking space, the maximum Driveway width is 4.3 m, or the width of the Garage or Parking Area, whichever is less, except:

2.1.5.1.1 Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 1 vehicle parking space, the combined maximum width of the Driveway and Abutting Pathways is 4.3 m.

2.1.5.2. Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less, except:

2.1.5.2.1. Where 1 or more Pathways Abut and run parallel to a Driveway that leads to a Garage or Parking Area with 2 or more vehicle parking spaces, the combined maximum width of the Driveway and Abutting Pathways is the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied

by 3.7 m, whichever is less.

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

2.1.6.1. a Front Yard;

2.1.6.2. a Flanking Side Yard; or

2.1.6.3 a Flanking Side Setback.

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

Development Planner's Determination

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

Proposed: The driveway does not lead directly from the roadway to the garage.

2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less. (Section 5.80.2.1.5.2.)

Proposed: The driveway is 8.5 m wide.

Garage Width: 6.1 m

Maximum width: 6.1 m

Proposed: 8.5 m

Exceeds by: 2.4 m

3) Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Section 5.80.2.1.6.1)

Proposed: The additional concrete provides vehicle parking space in the front yard.

[unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
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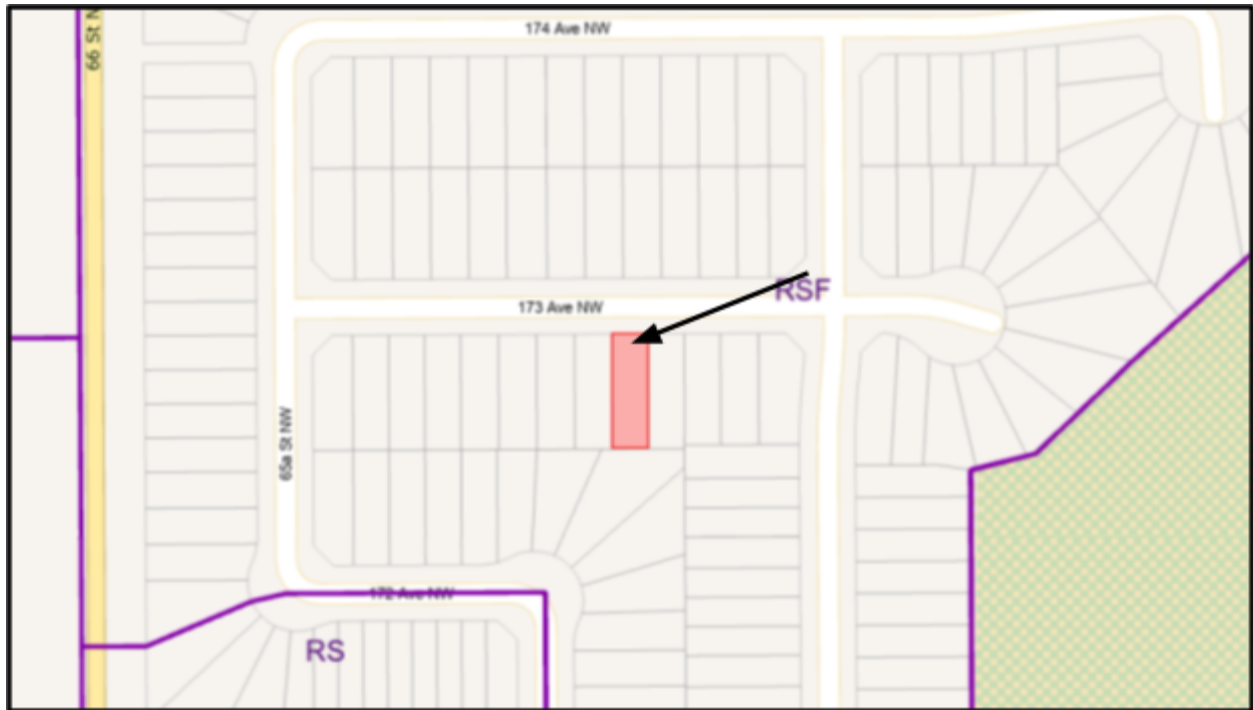
SDAB-D-26-013	To construct exterior alterations to a Residential Use building in the form of a Single Detached House (Driveway extension, 2.4m x 8.0m), existing without permits.	January 26, 2026; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is REFUSED.
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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.

	Application for Driveway Extension Permit		Project Number: 661104863-002 Application Date: JUN 04, 2026 Printed: July 3, 2026 at 3:55 PM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 6419 - 173 AVENUE NW Plan 1520589 Blk 14 Lot 33		
Scope of Application To construct exterior alterations (driveway extension, 2.4 m x 5.6 m), existing without permits.			
Details			
Development Category: Site Area (sq. m.): 383.89	Overlay: Statutory Plan:		
Development Application Decision			
Refused			
Issue Date: Jul 03, 2026 Development Authority: DEIGHTON, ROAN			
Reason for Refusal			
1) A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Section 5.80.2.1.4.)			
Proposed: The driveway does not lead directly from the roadway to the garage.			
2) Where a Garage or Parking Area has 2 or more vehicle parking spaces, the maximum Driveway width is equal to the width of the Garage or Parking Area, or the number of side-by-side vehicle parking spaces multiplied by 3.7 m, whichever is less. (Section 5.80.2.1.5.2.)			
Proposed: The driveway is 8.5 m wide.			
Garage Width: 6.1 m			
Maximum width: 6.1 m			
Proposed: 8.5 m			
Exceeds by: 2.4 m			
3) Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Section 5.80.2.1.6.1)			
Proposed: The additional concrete provides vehicle parking space in the front yard.			
Rights of Appeal			
The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26. Section 683 through 689 of the Municipal Government Act.			
Building Permit Decision			
No decision has yet been made.			
Fees			
THIS IS NOT A PERMIT			
P0702003			

	Application for Driveway Extension Permit		Project Number: 661104863-002 Application Date: JUN 04, 2026 Printed: July 3, 2026 at 3:55 PM Page: 2 of 2	
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$195.00	\$195.00	681836000003544	Jun 04, 2026
Total GST Amount:	\$0.00			
Totals for Permit:	\$195.00	\$195.00		
THIS IS NOT A PERMIT				
P0702003				



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-26-190 **N** ▲

ITEM IV: 1:15 P.M.

FILE: SDAB-D-26-191

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 658218634-002

APPLICATION TO: Leave as built a Residential Use building in the form of a Row House (Side Setback at 1.1m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 30, 2026

DATE OF APPEAL: July 17, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8045 - CEDRIC MAH ROAD NW

LEGAL DESCRIPTION: Plan 2120299 Blk 6 Lot 29

ZONE: BRH - Blatchford Row Housing Zone

OVERLAY: N/A

STATUTORY PLAN: City Centre Area Redevelopment Plan

DISTRICT PLAN: North Central District Plan

Grounds for Appeal

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

Introduction

This appeal concerns a minor dimensional variance relating to the west side yard setback of the end-unit townhouse located at 8045 Cedric Mah Road NW.

A recent Real Property Report determined that a small portion of the townhouse encroaches approximately 0.09 metres (9 centimetres) into the required 1.20 metre side yard setback. As a result, the townhouse provides an actual setback of approximately 1.11 metres, representing more than 92% compliance with the required setback.

This appeal is not an attempt to avoid compliance with municipal or building regulations. Rather, it is a request that the Board exercise its discretion to recognize that an exceptionally minor dimensional variance can be accommodated while maintaining the planning objectives of the Zoning Bylaw and ensuring compliance with all applicable Building Code requirements.

The Applicant respectfully submits that, when the development is considered as a whole, it fully achieves the purpose and intent of the Zoning Bylaw. The requested variance has resulted in no measurable adverse impact on neighbouring properties or neighbourhood character, and the Applicant remains committed to satisfying all applicable Building Code requirements associated with the reduced setback.

Accordingly, the Applicant respectfully requests that the Subdivision and Development Appeal Board allow this appeal and approve the development as constructed.

Legislative Framework

The Applicant recognizes that the role of the Subdivision and Development Appeal Board is not simply to determine whether a development complies with every numerical requirement of the Zoning Bylaw. Rather, the Board is empowered to consider whether, in the circumstances of a particular case, a requested variance is appropriate having regard to the intent and purpose of the Zoning Bylaw, the impact on neighbouring properties, neighbourhood amenity, and the principles of sound planning.

The Applicant respectfully submits that this appeal falls squarely within those circumstances.

The Development Achieves the Intent of the Zoning Bylaw

The requested variance is exceptionally minor.

From a planning perspective, there is no meaningful functional difference between a side yard setback of 1.20 metres and one of 1.11 metres. The development continues to achieve the planning objectives that the setback regulation was intended to protect.

Side yard setbacks exist to promote appropriate site planning, maintenance access, drainage, emergency access, privacy, light, air circulation, fire safety and compatibility between neighbouring properties.

Despite the minor dimensional variance, these planning objectives continue to be achieved. The requested variance is therefore one of dimension rather than planning substance.

The Development Otherwise Fully Complies with the Zoning Bylaw

The townhouse forms part of an approved three-unit row housing development within the Blatchford Row Housing Zone.

The requested variance relates solely to a minor side yard setback. In every other material respect, the development complies with the applicable requirements of the Zoning Bylaw.

Without limitation, the development complies with:

- the permitted use;
- building height requirements;
- site coverage requirements;
- building massing and design requirements;
- parking requirements;
- landscaping requirements; and
- all remaining applicable development regulations governing the site.

Accordingly, this appeal does not concern a development that is broadly non-compliant with the Zoning Bylaw. Rather, it concerns one isolated dimensional variance within an otherwise compliant development.

The Applicant respectfully submits that the Board should consider the development as a whole. When viewed in its entirety, the development clearly achieves the objectives of the Zoning Bylaw and represents appropriate development for the site.

No Adverse Impact on Adjacent Properties

The townhouse has existed in its present location since its completion in 2023.

During that time there has been no evidence that the minor dimensional variance has negatively affected neighbouring properties or the surrounding community.

The development has functioned exactly as intended without affecting neighbouring owners' use or enjoyment of their properties.

The variance was identified only through the preparation of a Real Property Report and is not readily apparent through ordinary observation.

The Applicant respectfully submits that the absence of any demonstrable planning impact strongly supports approval of the requested variance.

Neighbour Consultation

The Applicant recognizes the importance of neighbouring property owners in the development approval process and has commenced discussions with owners located within the 60-metre notification radius surrounding the subject property.

Those discussions have been received very positively. The Applicant has already spoken with a number of neighbouring property owners, and the initial response has been overwhelmingly supportive of allowing the townhouse to remain as constructed. The Applicant is currently in the process of obtaining written letters of support, which will be provided to the Board as they become available.

While neighbour support is not determinative of the appeal, the Applicant respectfully submits that the favourable response from those most directly affected reinforces the conclusion that this minor dimensional variance has not resulted in any meaningful impact on neighbouring properties or neighbourhood amenity.

Commitment to Building Safety and Fire Protection

The Applicant recognizes that this appeal concerns the land use implications of the reduced side yard setback, while compliance with the National Building Code is administered separately by the City's Building Safety Section.

The townhouse was originally designed and constructed to comply with all applicable National Building Code requirements associated with the approved development. In addition to those code requirements, the exterior wall adjacent to the reduced setback was constructed with 28-gauge fire-rated steel cladding, providing an enhanced level of fire protection.

The Applicant is actively working with the City's Building Safety Section to confirm whether any additional Building Code requirements arise as a result of the reduced setback. Should Building Safety determine that additional fire protection measures are necessary, the Applicant is fully committed to implementing those requirements.

Potential measures could include additional fire-rated assemblies or fire-rated exterior window shutters, if required by the City's Building Safety Section. The Applicant is committed to ensuring that the

development fully satisfies all applicable Building Code requirements and any conditions imposed by Building Safety.

The Applicant respectfully submits that this commitment further demonstrates that the requested variance can be accommodated without compromising public safety.

Position of Development Services

The Applicant understands that Development Services was required to refuse the Leaveas-Built Development Permit because the development did not strictly comply with the numerical setback requirement contained in the Zoning Bylaw.

However, the Applicant has been advised that Administration does not intend to oppose this appeal before the Subdivision and Development Appeal Board.

The Applicant fully recognizes that the Board must make its own independent determination. Nevertheless, Administration's decision not to contest the requested variance respectfully suggests that the application does not raise substantive land use planning concerns.

Sound Planning Principles Support Approval

Planning decisions should focus on whether the objectives of land use regulation have been achieved rather than on strict mathematical precision where no corresponding planning impact exists.

In this case:

- neighbourhood compatibility has been maintained;
- maintenance access, drainage, light and air circulation remain unaffected;
- privacy has not been compromised;
- neighbourhood character has been preserved;
- no evidence exists that the requested variance adversely affects neighbouring properties; and
- the development continues to satisfy the overall intent and purpose of the Zoning Bylaw.

The Applicant respectfully submits that the requested variance is entirely consistent with sound planning principles.

Refusing the Variance Would Not Advance Any Planning Objective

The Applicant respectfully submits that refusing the requested variance would not advance any identifiable planning objective.

Approval of this appeal would not diminish neighbourhood amenity, compromise public safety, or adversely affect adjacent properties.

Conversely, refusing the requested variance would not improve privacy, drainage, neighbourhood character, or any other planning objective. It would simply enforce strict dimensional compliance despite there being no corresponding public planning benefit.

The Applicant respectfully submits that this is precisely the type of circumstance in which the Board's discretion to approve a minor variance should be exercised.

Conclusion

This appeal concerns an exceptionally minor dimensional variance within an otherwise fully compliant development.

The townhouse has existed since completion without complaint or evidence of adverse impact.

The development complies with all other applicable provisions of the Zoning Bylaw, continues to achieve the purpose and intent of the setback regulations, and remains compatible with the surrounding neighbourhood.

The Applicant has commenced consultation with neighbouring property owners, and the response received to date has been overwhelmingly positive. Written letters of support will be provided to the Board as they become available.

The Applicant is also actively working with the City's Building Safety Section to ensure that the development satisfies all applicable National Building Code requirements associated with the reduced setback and is fully committed to implementing any additional fire protection measures that may be required.

Finally, while Development Services was required to refuse the application because of the technical application of the Zoning Bylaw, the Applicant understands that Administration does not intend to oppose this appeal before the Board.

For all of these reasons, the Applicant respectfully submits that the requested variance is reasonable, maintains the intent and purpose of the Zoning Bylaw, is consistent with sound planning principles, and should be approved.

The Applicant respectfully thanks the Board for its time and consideration of this appeal and requests that the appeal be allowed and the requested Leave-as-Built Development Permit be approved.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal**685(1)** If a development authority

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

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

...

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of

that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

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

...

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

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

and

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

General Provisions from the Zoning Bylaw 20001:

Section 3.42.2.2 provides the following with respect to Permitted Uses in the **BRH - Blatchford Row Housing Zone**:

2.2. Residential, limited to:

...

2.2.3. Row Housing

...

2.2.5. Secondary Suite

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, **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 3.42.1 states that the **Purpose** of the **BRH - Blatchford Row Housing Zone** is:

To allow for medium density street oriented Row Housing and Multi-unit Housing in the form of stacked row housing, which are developed in a manner characteristic of urban settings, including but not limited to smaller Yards, greater Height, and Dwellings with individual access at ground level.

<i>Section 3.42 - Site and Building Regulations</i>
--

Section 3.42.5 states:

5.2. Development must comply with Table 5.2:

Site and Setback Regulations

Subsection	Regulation	Value
5.2.7	Minimum Setback	1.2 m

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

Side Setback - The minimum northeast Setback is 1.2m (Subsection 3.42.5.2.7).

Proposed: 1.1m

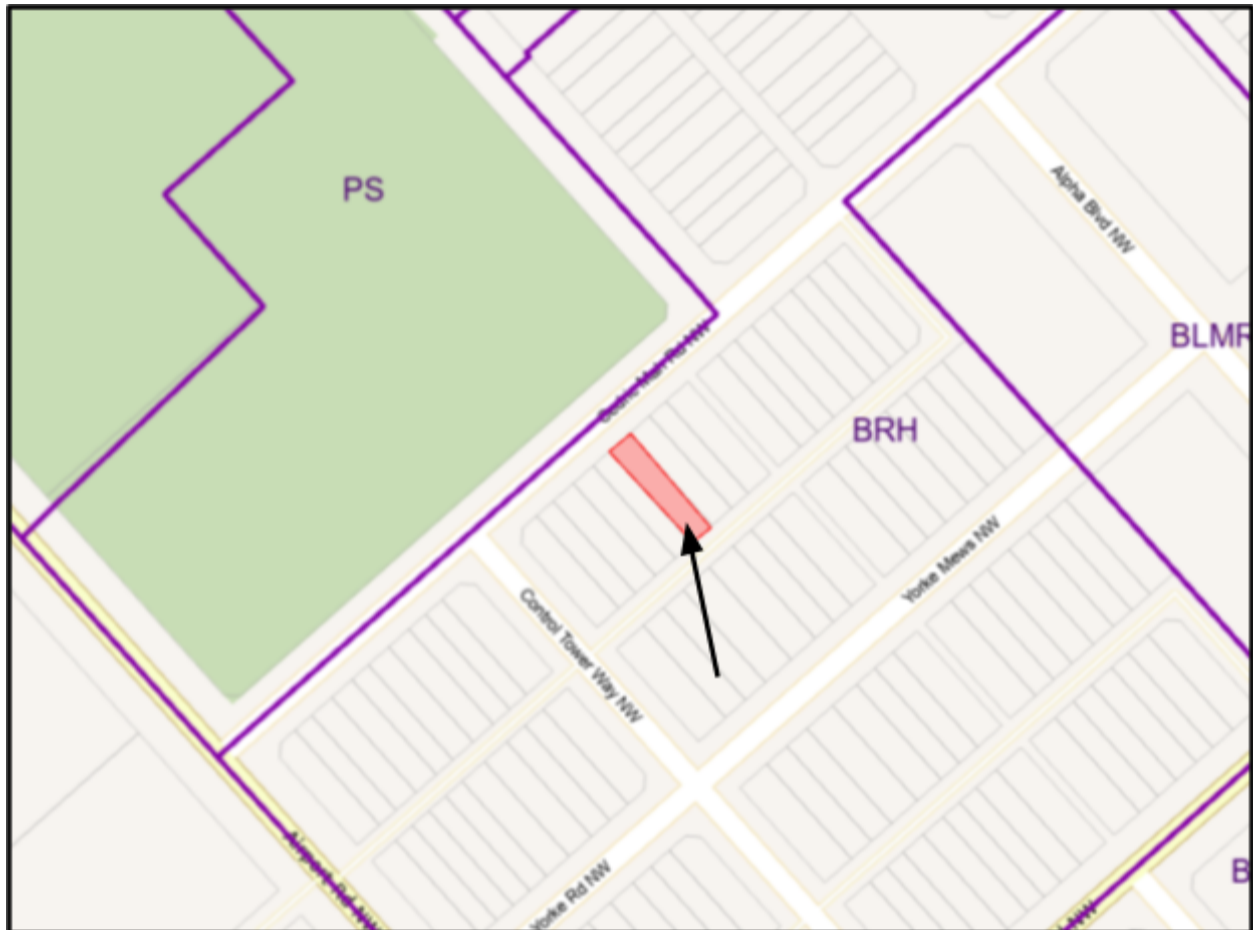
Deficient by: 0.1m

[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: 658218634-002 Application Date: MAY 13, 2026 Printed: June 30, 2026 at 3:23 PM Page: 1 of 1																					
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) 8045 - CEDRIC MAH ROAD NW Plan 2120299 Blk 6 Lot 29																					
		Specific Address(es) Suite: 8045 - CEDRIC MAH ROAD NW Entryway: 8045 - CEDRIC MAH ROAD NW Building: 8045 - CEDRIC MAH ROAD NW																					
Scope of Application To leave as built a Residential Use building in the form of a Row House (Side Setback at 1.1m).																							
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Development Application Decision Refused Issue Date: Jun 30, 2026 Development Authority: OLTTHUIZEN, JORDYN Reason for Refusal Side Setback - The minimum northeast Setback is 1.2m (Subsection 3.42.5.2.7). Proposed: 1.1m Deficient by: 0.1m 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.																							
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PC0702003																							



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-191

▲
N

ITEM V: 2:15 P.M.

FILE: SDAB-D-26-192

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 650567390-002

APPLICATION TO: Construct a Residential Use building in the form of a Single Detached House with a front attached Garage, Basement development with wet bar (NOT to be used as an additional Dwelling) and unenclosed front porch

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 16, 2026

DATE OF APPEAL: July 17, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 14011 - 101A AVENUE NW

LEGAL DESCRIPTION: Plan 2620154 Blk 131 Lot 5B

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

Grounds for Appeal

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

I am requesting approval for a front attached garage at 14011 101A ave. Front attached garages already exist immediately adjacent and nearby, including the home at 14015 and a newer home at 14022. The original

house on this site also had a front attached garage, which functioned without issue. The neighbor at 14007 expressed concern that a rear attached structure (garage) could block sunlight to their rear sunroom. Placing the garage at the front keeps the rear more open and better preserves sunlight and openness for that neighbor. In addition, the home next door in my project will have a rear attached garage. Varying the orientation avoids two identical facades side by side, supporting a more attractive streetscape in this high-quality area. And finally, a front garage reduces vehicle activity in the rear, where traffic is already concentrated. For these reasons, I respectfully believe the proposed design is compatible with the neighborhood, respects adjacent properties, and warrants approval - Regarding the building length exceeding the maximum permitted length is due to the attached garage

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

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

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

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

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

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>Building Length</i>

Section 2.10.4.1 states

4.1. Development must comply with Table 4.1:

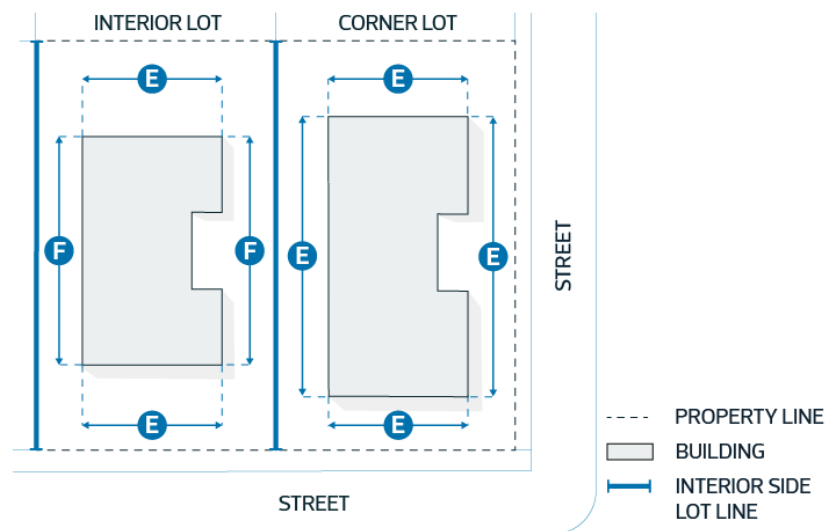
Table 4.1. Site and Building Regulations

Subsection	Regulation	Value	Symbol
Building Length			
4.1.8.	Maximum building length	30.0 m	E

Unless the following applies:

4.1.9.	Maximum building length along an Interior Side Lot Line on an Interior Lot	50% of Site Depth or 25.0 m, whichever is less	F
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Diagram for Subsections 4.1.8 and 4.1.9



<i>Parking, Loading and Access</i>

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

Development Planner’s Determination

Building Length - The maximum building length along an Interior Side Lot Line on an Interior Lot is 50% of Site Depth or 25.0m, whichever is less. (Subsection 2.10.4.1.9)

Required: 17.68m

Proposed: 20.73m

Exceeds by: 3.05m

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

Proposed: The vehicular access is off of 101A Avenue (front).

[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: 650567390-002 Application Date: MAR 14, 2026 Printed: July 16, 2026 at 4:03 PM Page: 1 of 2																					
Application for Development Permit																							
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Total GST Amount:	\$0.00			
Totals for Permit:	\$941.25	\$941.25		

P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-192



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