

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
August 20, 2026

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
River Valley Room

I 9:00 A.M. SDAB-D-26-203

Construct exterior alterations (Driveway extension
left 1.1 m x 8.4 m), existing without permits

622 - FRASER VISTA NW
Project No.: 658690000-002

II 10:00 A.M. SDAB-D-26-202

Construct exterior alterations to a Residential Use
building (Driveway extensions, left 1.8 m x 7.9m,
right 1.1 m x 7.9 m)

16208 - 92 STREET NW
Project No.: 661031624-002

III 11:00 A.M. SDAB-D-26-204

Change the use of an Indoor Sales and Service to a
Liquor Store and construct interior alterations

5743 - 50 STREET NW, 4905 - ROPER ROAD
NW
Project No.: 663612431-002

IV 1:30 P.M. SDAB-D-26-205

Construct a Residential Use building in the form
of a Single Detached House with a breezeway and
rear attached Garage, Basement development with
wet bar (NOT to be used as an additional
Dwelling), an unenclosed front porch, rear
covered deck (2.13m x 4.20m) and rear
uncovered deck. (2.44 x 4.63m)

11404 - 44 AVENUE NW
Project No.: 648180215-002

ITEM I: 9:00 A.M.

FILE: SDAB-D-26-203

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 658690000-002

APPLICATION TO: Construct exterior alterations (Driveway extension left 1.1 m x 8.4 m), existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 14, 2026

DATE OF APPEAL: July 20, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 622 - FRASER VISTA NW

LEGAL DESCRIPTION: Plan 1223307 Blk 114 Lot 10

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Northeast District Plan

<i>Grounds for Appeal</i>

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

The city has indicated that I am extending my driveway, but in fact I am continuing my sidewalk from the house to the city sidewalk. In addition, there are other neighbours that have done the same thing on the same street.

<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.

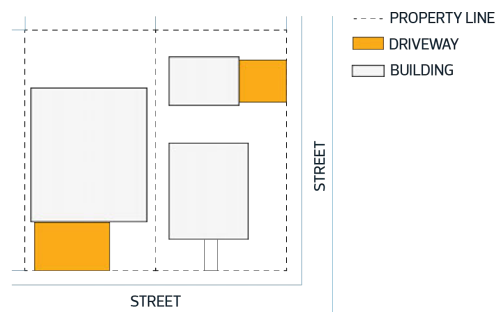
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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.”

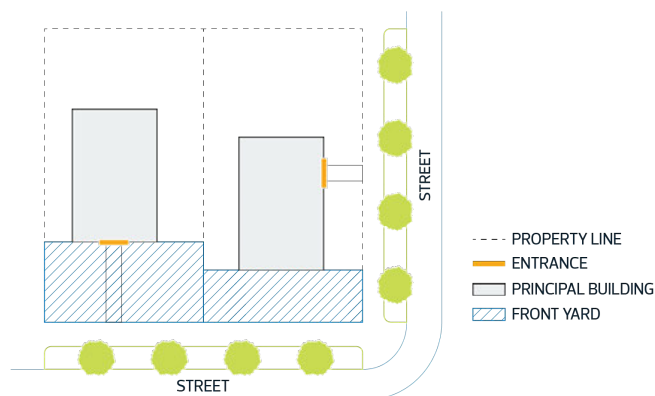
Under section 8.20, **Driveway** means:

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.



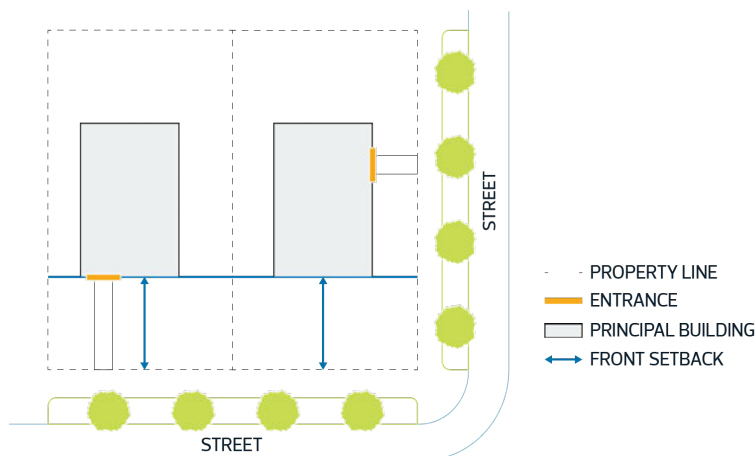
Under section 8.20, **Front Yard** means:

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

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

Proposed: Driveway extension do not lead to the Garage.

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

Maximum width: 9.9 m

Proposed: 11.0 m

Exceeds by: 1.1 m

3. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Subsection 5.80.2.1.6.1.).

Proposed: Driveway extension is located within the Front Yard.

[unedited]

<i>Previous Subdivision and Development Appeal Board Decision</i>
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Application Number	Description	Decision
SDAB-D-24-055	To construct exterior alterations to a Single Detached House (Driveway extensions, left side: 1.07 m x 6.05m, right side 0.91m x 6.05).	May 16, 2024; The Board does not have the jurisdiction to hear the appeal.

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: 658690000-002 Application Date: MAY 18, 2026 Printed: July 14, 2026 at 9:55 AM 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) 622 - FRASER VISTA NW Plan 1223307 Blk 114 Lot 10	
Scope of Application To construct exterior alterations (Driveway extension left 1.1 m x 8.4 m), existing without permits.			
Details			
Development Category: Site Area (sq. m.): 466.2		Overlay: Statutory Plan:	
Development Application Decision Refused Issue Date: Jul 14, 2026 Development Authority: FOLKMAN, JEREMY Reason for Refusal 1. Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.4.) Proposed: Driveway extension do not lead to the Garage. 2. Driveway Width - The maximum Driveway width is equal to the width of the Garage. (Subsection 5.80.2.1.5.2.) Maximum width: 9.9 m Proposed: 11.0 m Exceeds by: 1.1 m 3. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Subsection 5.80.2.1.6.1.). Proposed: Driveway extension is located within the Front Yard. Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.			
Building Permit Decision No decision has yet been made.			
Fees			
	Fee Amount	Amount Paid	Receipt #
Development Application Fee	\$195.00	\$195.00	03489000014021
Total GST Amount:	\$0.00		
Totals for Permit:	\$195.00	\$195.00	May 18, 2026
THIS IS NOT A PERMIT			
PG0702003			

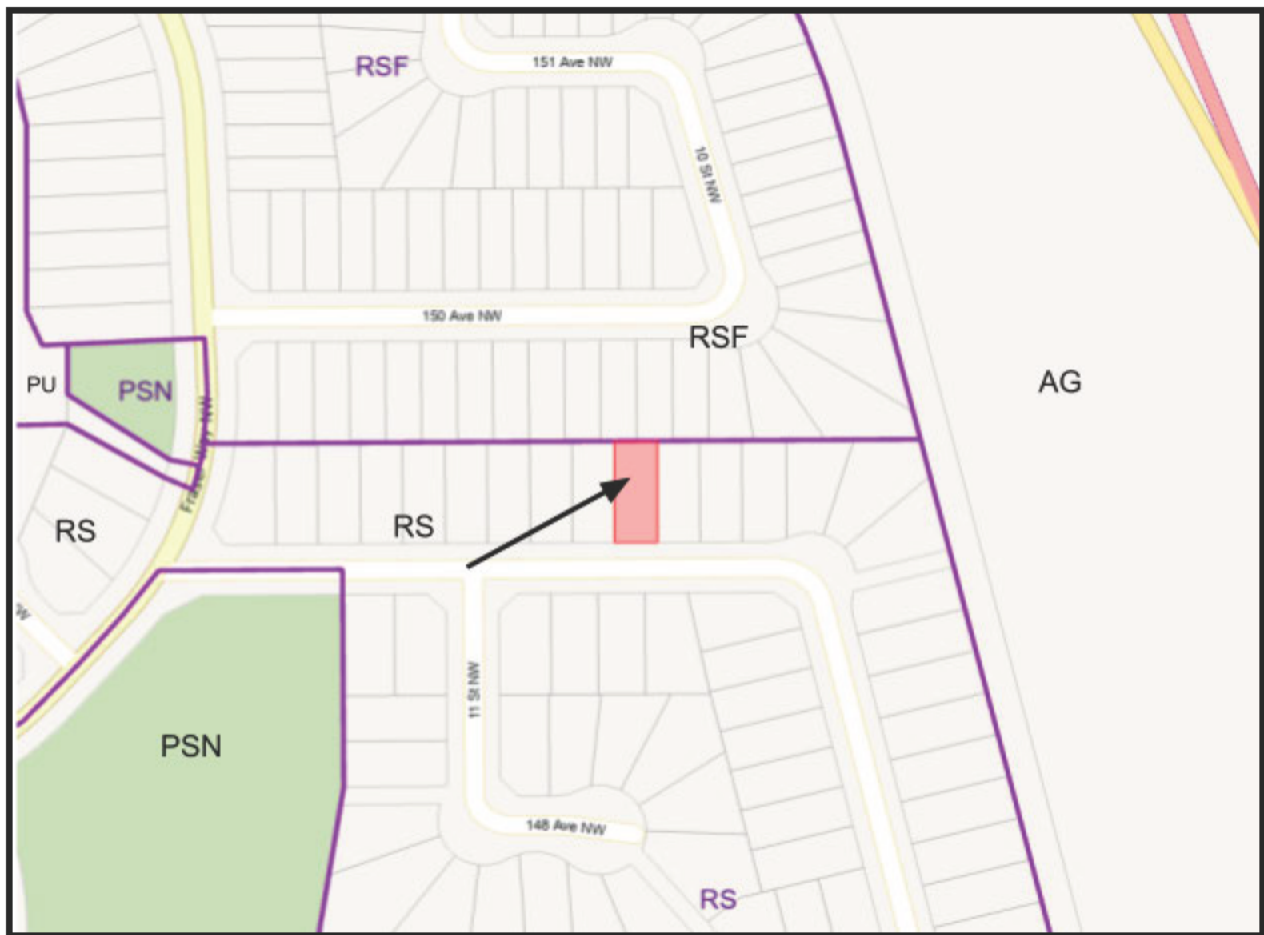


Application for Driveway Extension Permit

Project Number: **658690000-002**
Application Date: MAY 18, 2026
Printed: July 14, 2026 at 9:55 AM
Page: 2 of 2

THIS IS NOT A PERMIT

P0702003



ITEM II: 10:00 A.M.FILE: SDAB-D-26-202AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 661031624-002

APPLICATION TO: Construct exterior alterations to a Residential Use building (Driveway extensions, left 1.8 m x 7.9m, right 1.1 m x 7.9 m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 22, 2026

DATE OF APPEAL: July 22, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 16208 - 92 STREET NW

LEGAL DESCRIPTION: Plan 0021648 Blk 114 Lot 7

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Eaux Claires Neighbourhood Structure Plan
Edmonton North Area Structure Plan

DISTRICT PLAN: Northwest District Plan

<i>Grounds for Appeal</i>

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

i am applying to extend my driveway to provide additional off-street for my wife, the extension will improve access to my property reduce on-street parking, the bus is always traveling.

[unedited]

<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.

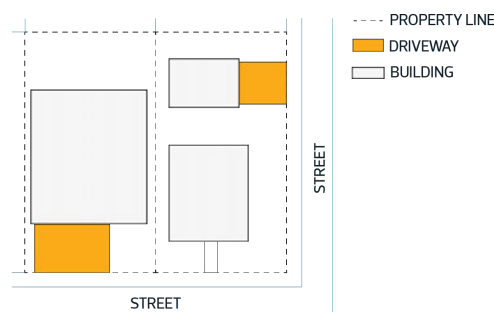
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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.”

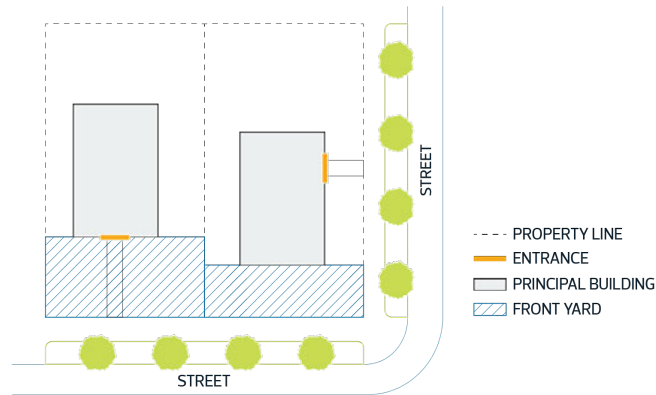
Under section 8.20, **Driveway** means:

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.



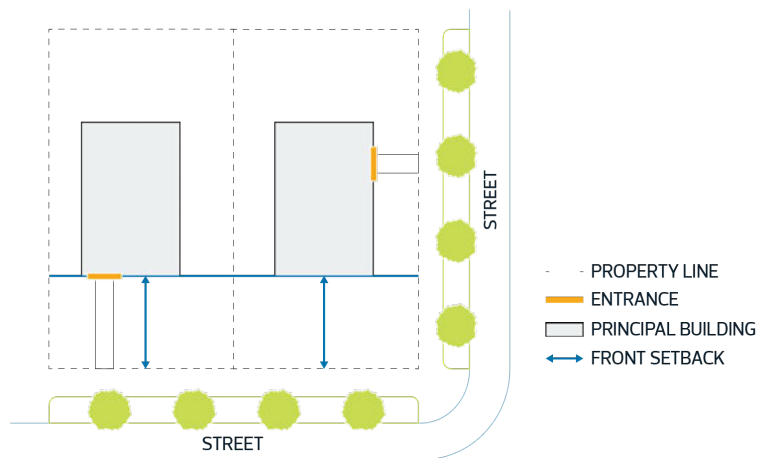
Under section 8.20, **Front Yard** means:

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.

<i>Site Circulation and Parking Regulations for Small Scale Residential Development</i>
--

Section 5.80.2.1 states:

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

Site Circulation

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

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

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

Driveways

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

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

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

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

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

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

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

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

2.1.6.1. a Front Yard;

2.1.6.2. a Flanking Side Yard; or

2.1.6.3 a Flanking Side Setback.

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

Development Planner's Determination

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

Proposed: The proposed Driveway extensions do not lead to the Garage.

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

Maximum width: 6.1 m

Proposed: 8.4 m

Exceeds by: 2.3 m

3. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Subsection 5.80.2.1.6.1.).

Proposed: The proposed Driveway extensions are located within the Front Yard.

[unedited]

Notice to Applicant/Appellant

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

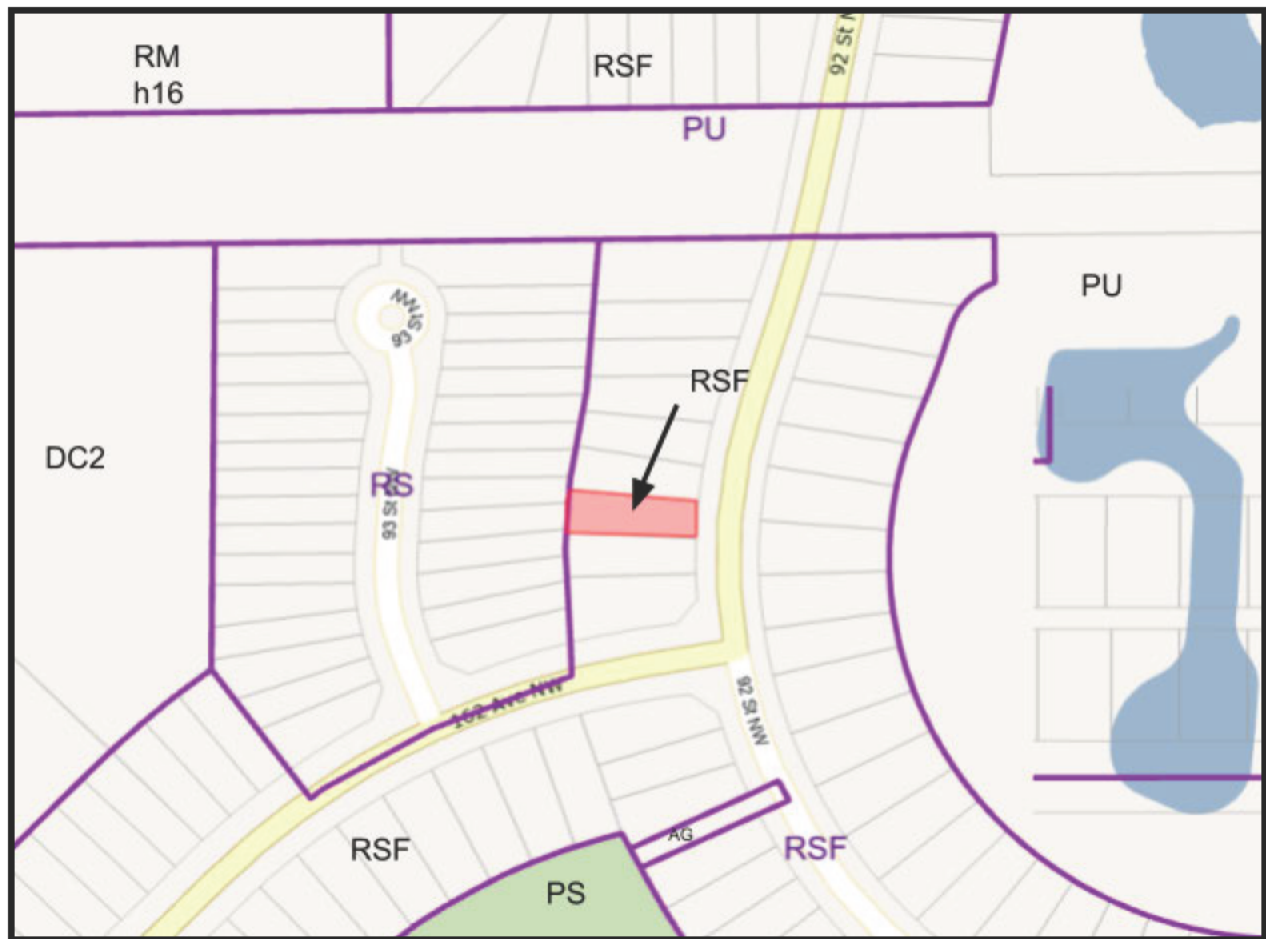
		Project Number: 661031624-002 Application Date: JUN 04, 2026 Printed: July 22, 2026 at 10:11 AM Page: 1 of 2	
Application for Driveway Extension Permit			
This document is a Development Permit Decision for the development application described below.			
Applicant		Property Address(es) and Legal Description(s) 16208 - 92 STREET NW Plan 0021648 Blk 114 Lot 7	
Scope of Application To construct exterior alterations to a Residential Use building (Driveway extensions, left 1.8 m x 7.9m, right 1.1 m x 7.9 m).			
Details			
Development Category: Site Area (sq. m.): 386.03		Overlay: Statutory Plan:	
Development Application Decision Refused Issue Date: Jul 22, 2026 Development Authority: FOLKMAN, JEREMY Reason for Refusal 1. Driveway - A Driveway must lead directly from the Street or Alley to the Garage or Parking Area. (Subsection 5.80.2.1.4.) Proposed: The proposed Driveway extensions do not lead to the Garage. 2. Driveway Width - The maximum Driveway width is equal to the width of the Garage. (Subsection 5.80.2.1.5.2.) Maximum width: 6.1 m Proposed: 8.4 m Exceeds by: 2.3 m 3. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway or Parking Area, must not be located within a Front Yard (Subsection 5.80.2.1.6.1.). Proposed: The proposed Driveway extensions are located within the Front Yard. Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.			
Building Permit Decision No decision has yet been made.			
Fees			
	Fee Amount	Amount Paid	Receipt #
Development Application Fee	\$195.00	\$195.00	020177000004905
Total GST Amount:	\$0.00		Jun 04, 2026
Totals for Permit:	\$195.00	\$195.00	
THIS IS NOT A PERMIT			
P0702003			



Application for Driveway Extension Permit

Project Number: **661031624-002**
Application Date: JUN 04, 2026
Printed: July 22, 2026 at 10:11 AM
Page: 2 of 2

THIS IS NOT A PERMIT



ITEM III: 11:00 A.M.

FILE: SDAB-D-26-204

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 663612431-002

APPLICATION TO: Change the use of an Indoor Sales and Service to a Liquor Store and construct interior alterations

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 6, 2026

DATE OF APPEAL: July 20, 2026

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 5743 - 50 STREET NW, 4905 - ROPER ROAD NW

LEGAL DESCRIPTION: Plan 2420485 Unit 7, Condo Common Area (Plan 2420485)

ZONE: BE - Business Employment Zone

OVERLAY: N/A

STATUTORY PLAN: Pylypow Industrial Area Structure Plan

DISTRICT PLAN: Southeast District Plan

<i>Grounds for Appeal</i>

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

Please accept this letter as an expression of our intent to appeal the Development Permit (DP) decision (refusal) for DP 663612431-002. The purpose of this DP application was to change the use from Indoor Sales and Service to a Liquor Store and construct interior alterations. The

property is zoned BE - Business Employment Zone, where a Liquor Store is a Permitted Use.

The Development Planner refused this DP application based on one Zoning Bylaw Deficiency:

1. Subsection 6.70.1.1: At the time a Development Permit application is submitted, a Liquor Store must be located to provide 500 m as minimum separation distances from other approved or existing Liquor Stores. Two existing Liquor Stores are located less than 500 m from the proposed store:

- a. 6114 - 50 Street NW (Ricky's Liquor)
 - Required distance (from store to store): 500 m
 - Proposed distance: 410 m
 - Deficient by 90 m
- b. 5149 - 55 Avenue NW (Hawk Liquor)
 - Required distance (from store to store): 500 m
 - Proposed distance: 435 m
 - Deficient by 65 m

The rationale for this appeal is two-fold:

- 1. Additional factors mitigate the impact of the deficiency, including practical travel distance, visibility, physical barriers, building orientation, and access.
- 2. The use, enjoyment, and amenities of the neighbourhood will not be impacted by a Liquor Store being approved at the proposed location.

<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 2.120.2.11, a **Liquor Store** is a **Permitted Use** in the **BE - Business Employment Zone**.

Under section 8.10, **Liquor Store** means “a development where the primary purpose is to sell alcoholic drinks and other related products for off-Site consumption.”

Section 2.120.3.8 states the following:

Liquor Stores

3.8.1. The maximum Floor Area is 500 m2 per individual establishment.

3.8.2. Liquor Stores must comply with Section 6.70.

Section 2.120.1 states that the **Purpose** of the **BE - Business Employment Zone** is:

To allow for light industrial and a variety of small commercial businesses with a higher standard of design that carry out their operations in a manner where no Nuisance is created or apparent outside an enclosed building. This Zone is intended to be compatible with any Abutting non-industrial Zone, while also serving as a transition Zone to buffer medium and heavy industrial Zones. This Zone is generally located on the periphery of industrial areas, Abutting Arterial and Collector Roads, or along mass transit routes.

Section 6.70 - Liquor Stores

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

Table 1. Minimum Separation Distance

Subsection	From approved or existing:	500 m (store to store)	100 m (<u>Site</u> to <u>Site</u>)
1.1.	<u>Liquor Stores</u>	x	
1.2.	<u>Schools</u> , limited to primary and secondary		x
	From <u>Sites</u> Zoned:		
1.3.	<u>PS</u> , <u>PSN</u> , or <u>A</u>		x

2. For the purposes of Subsection 1, when measuring separation distances:
 - 2.1 from Site to Site, the distance is measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and not Zone boundaries; and
 - 2.2 from store to store, the distance is measured from the closest point of the Liquor Store to the closest point of another Liquor Store.

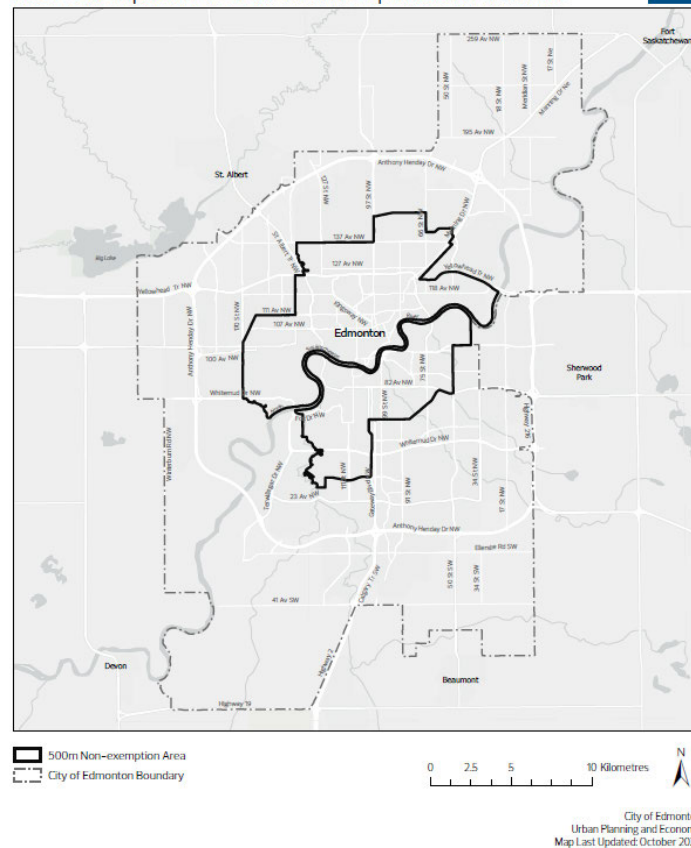
Diagram for Subsection 2



3. Despite Subsection 1.1, the minimum separation distance required between Liquor Stores does not apply to Sites located outside of the boundary shown in Appendix I, if:
 - 3.1 at least 1 Liquor Store is located on a Site greater than or equal to 2.5 ha that is Zoned CG, CB, MU, or Direct Control; and
 - 3.2 the Liquor Stores are located on separate Sites.
4. Despite Subsections 1.2 and 1.3, the minimum separation distance required between a Liquor Store and Schools, or between a Liquor Store and the PS, PSN, or A Zones, does not apply where the Liquor Store is located on a Site that is greater than 2.0 ha in size and zoned either MU, CG, or Direct Control.
5. **No variance to Subsection 1 is permitted**, except that, at the discretion of the Development Planner, the minimum separation distance to another Liquor Store may be varied to accommodate the temporary relocation of an approved Liquor Store within 500 m of its original location, where:
 - 5.1 the temporary location is not within 500 m of any other Liquor Store with a valid Development Permit;
 - 5.2 the Floor Area of the temporary location is not more than 50.0 m² larger than the total Floor Area of the original Liquor Store;
 - 5.3 the Development Permit is issued for a duration of 5 years or less; and
 - 5.4 the Development Permit expires upon the relocation of the existing approved Liquor Store back to its original location.

Appendix I

Appendix I: Liquor Stores
Non-exemption Area to 500m Separation Distance



Development Planner's Determination

1. Subsection 6.70.1.1: At the time a Development Permit application is submitted, a Liquor Store must be located to provide 500 m as minimum separation distances from other approved or existing Liquor Stores.

Two existing Liquor Stores are located less than 500 m from the proposed store:

a. 6114 - 50 Street NW (DP 148156288-001)
Require distance (from store to store): 500 m
Proposed distance: 410 m
Deficient by: 90 m

b. 5149 - 55 Avenue NW (DP 148156288-001)
Require distance (from store to store): 500 m
Proposed distance: 435 m
Deficient by: 65 m

[unedited]

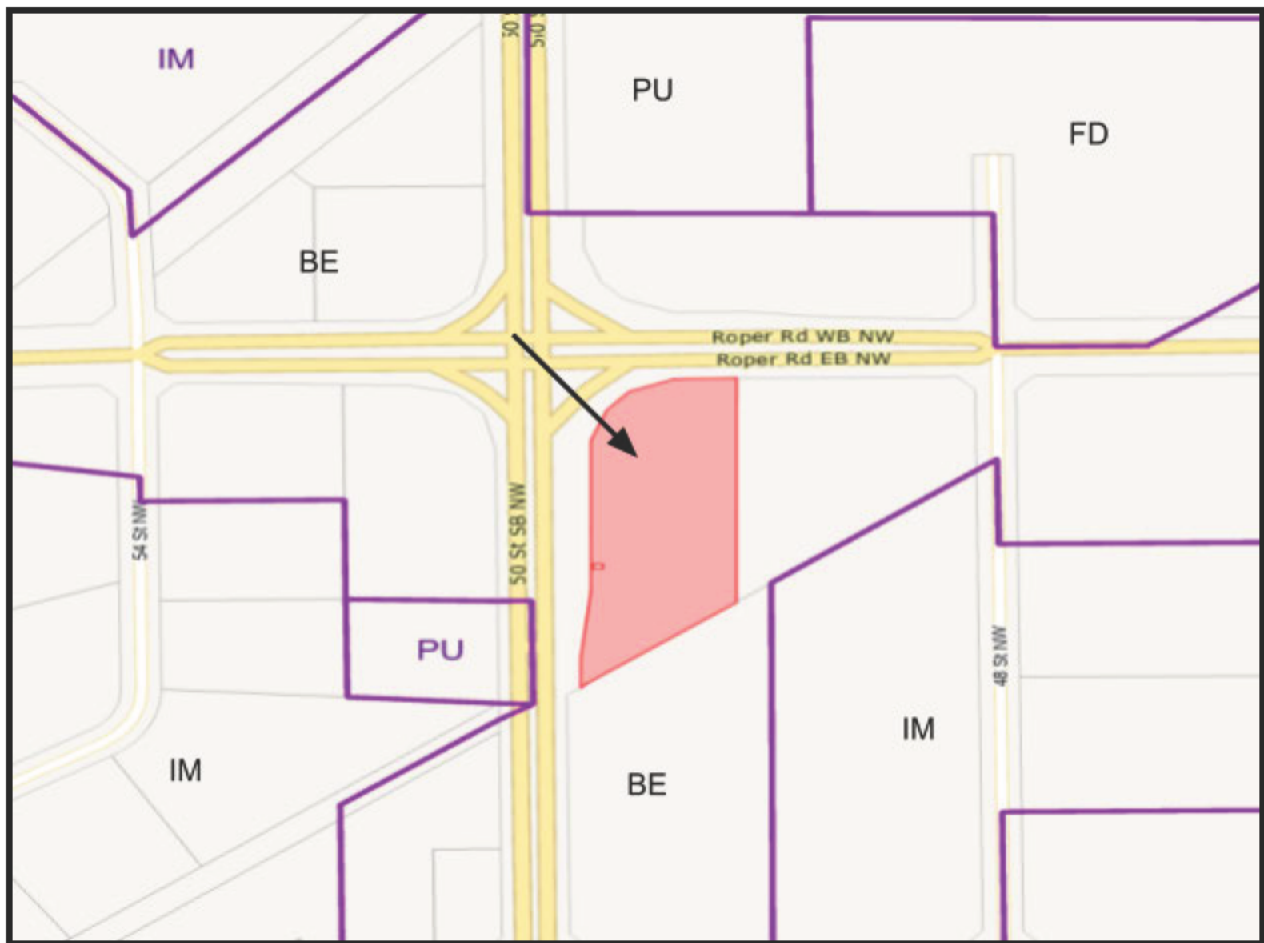
Notice to Applicant/Appellant

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: 663612431-002 Application Date: JUN 23, 2026 Printed: July 6, 2026 at 11:50 AM 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) 5743 - 50 STREET NW Plan 2420485 Unit 7 4905 - ROPER ROAD NW Condo Common Area (Plan 2420485)	
		Specific Address(es) Suite: 5743 - 50 STREET NW Entryway: 5743 - 50 STREET NW Building: 5733 - 50 STREET NW	
Scope of Application To change the use of an Indoor Sales and Service to a Liquor Store and construct interior alterations.			
Details			
Development Category: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Site Area (sq. m.):		Gross Floor Area (sq. m.): New Sewer Service Required: Overlay: Statutory Plan:	
Development Application Decision Refused Issue Date: Jul 06, 2026 Development Authority: XU, HAILEE Reason for Refusal 1. Subsection 6.70.1.1: At the time a Development Permit application is submitted, a Liquor Store must be located to provide 500 m as minimum separation distances from other approved or existing Liquor Stores. Two existing Liquor Stores are located less than 500 m from the proposed store: a. 6114 - 50 Street NW (DP 148156288-001) Require distance (from store to store): 500 m Proposed distance: 410 m Deficient by: 90 m b. 5149 - 55 Avenue NW (DP 148156288-001) Require distance (from store to store): 500 m Proposed distance: 435 m Deficient by: 65 m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.			
Fees			
THIS IS NOT A PERMIT			
P0702003			

	Application for Development Permit				Project Number: 663612431-002 Application Date: JUN 23, 2026 Printed: July 6, 2026 at 11:50 AM Page: 2 of 2
Fees					
	Fee Amount	Amount Paid	Receipt #	Date Paid	
Major Dev. Application Fee	\$415.00	\$415.00	10364619	Jun 29, 2026	
Total GST Amount:	\$0.00				
Totals for Permit:	\$415.00	\$415.00			
THIS IS NOT A PERMIT					

P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-204

N ▲

ITEM IV: 1:30 P.M.FILE: SDAB-D-26-205AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 648180215-002

APPLICATION TO: Construct a Residential Use building in the form of a Single Detached House with a breezeway and rear attached Garage, Basement development with wet bar (NOT to be used as an additional Dwelling), an unenclosed front porch, rear covered deck (2.13m x 4.20m) and rear uncovered deck. (2.44 x 4.63m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: July 10, 2026

DATE OF APPEAL: July 23, 2026

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11404 - 44 AVENUE NW

LEGAL DESCRIPTION: Plan 1210NY Blk 29 Lot 69

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Whitemud District Plan

<i>Grounds for Appeal</i>

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

I am appealing against the approval of this development on the basis of the second of the variances listed in the July 13, 2026 letter from the City of Edmonton (City File #: 648180215-002, i.e., –“Reduced Rear Setback – the distance from the single detached house to the rear property line (abutting the alley) is 1.6 m, instead of 10.0 m (Subsection 2.10.4.3.2)”

The Subdivision and Development Appeal Board must keep in mind that there are very good reasons why current city bylaws don't allow buildings to be built too close to a back lane. Some of the problems which can be foreseen at this location with the very short setback approved are noted in the following two points.

1) The reduced distance from the buildings to the back alley is so short that if vehicles are parked on the driveway they will encroach upon space in the alley. When this happens it will impede traffic, and make it impossible for garbage trucks and snow removal equipment to navigate the adjacent T -intersection. Furthermore, the reduced driveway length will add to safety hazards at the intersection because there will essentially be no time for drivers leaving the garage to safely assess the situation before entering the alley.

The 1.6 m proposed distance to the rear property line on the right side of the driveway means that the entire driveway is so short that parked vehicles will extend into the adjacent back alley (see elaboration below for confirmation of this statement). Although it can be argued that the driveway is not designed to accommodate parked vehicles, the very fact that the driveway is there will mean that it will, in fact, be used for this purpose

Severe consequences will occur if the width of the back alley is restricted even to a small degree by vehicle parking in a manner which encroaches into the back alley. This is because the location is adjacent to a T-intersection involving three lanes. Even now this intersection is too restrictive for garbage trucks which must go back and forth several times to get around corners. Even if vehicles are parked just a little over the property line they will make the corner completely non-negotiable for these big garbage trucks and snow clearing equipment.

Another aspect of the shortened driveway must be considered. From the pictures of the blind T-intersection it can be seen how difficult it is for a vehicle to see around the corner when coming from the south and turning west. This has been no real problem in the past because there was no driveway at the west of this intersection. However, the proposed driveway is now within 1 m of the corner, which means that vehicles coming from the south and turning left will not be able to see vehicles backing out the garage until they are almost on top of them. Moreover, safety for all other vehicles in the back alley will be compromised with a shortened driveway because for those leaving the

garage here will be essentially no time to determine the safety of entering the back alley; almost as soon as a vehicle exits the garage it will be already in the alley. In contrast, with a 10 m setback there is space and time to check safety considerations before entering the alley. Back alleys which are well-planned should not need stop signs for resident safety!

2) The reduced distance from the building to the alley will create a major problem for snow removal from the driveway. Snow removal problems will ultimately result in ice build-up with resulting safety concerns and water drainage problems.

Since there is a fence on the left side of the driveway, the only option for snow removal is the right side. The problem with this side is that there is only a distance of 1.6 m from the building to the back lane – about two widths of a shovel! Snow blowers would be a better option than shovelling but the angle of the back alley will make it virtually impossible for blown snow not to land in the lane. Further, because of the limited space to remove and pile snow (1.6 m), it will have to be moved twice – once away from the driveway and secondly away from the back alley to a location where it can be piled.

Snow itself can cause problems in the winter because the building is so close to the alley. Winds from the north and west, for example, could cause drifts from the garage to extend into the alley, making through traffic difficult or impossible and blocking people directly across from the proposed driveway from entering or leaving their facilities.

Of greater concern, however, is the problem of ice buildup in the alley. The possibility of this occurring will be greatly enhanced because, as noted, there is no way that snow can be easily removed from the shortened driveway. Additionally, the driveway faces to the north. Because the proposed driveway is so short and the buildings are relatively tall, the sun will never be able to help reduce snow and ice buildup in the winter. Unless great care is taken, then, there will be accumulation of snow and ice in the lane along the north of the property. How bad it will be will depend upon the diligence of the homeowners in snow and ice removal. Unfortunately, because of the problems in clearing snow, it will become increasingly difficult to keep the driveway snow-free as homeowners age. Further, if the property is sold there is a good possibility that careful snow removal will not be a priority for new owners in this older neighbourhood.

Excessive ice accumulation in the alley in this location is of particular concern since it would severely affect water drainage in the area. Water from the west, east and south portions of alley runs to the drain in this T-intersection. Any excessive snow or ice buildup in the back alley at this location which interferes with water drainage will thus have a very negative effect on residents, particularly to the west of this location.

The current approval of proposed development must be rescinded

In summary, there is a reason why the city currently has the current bylaw in place which is to prevent the very problems foreseen in this appeal. The owners have provided no good reason as to why the setback bylaw requirement should be changed in this circumstance – a change which are only required if their whims and desires are to be accomplished. Why should the whole neighbourhood suffer to accommodate these?

In deciding on the merits of this appeal, one of the two most important items for consideration by the Subdivision and Development Appeal Board is how likely it will be that vehicles will be parked on the driveway in the foreseeable future? If they agree that this is highly likely to occur over the next 25 to 50 years, then they must consider the potential problems this will cause in the neighborhood. Of particular importance in this regard is the demonstration presented below demonstrating that it will be virtually impossible for parked vehicles not to extend into the back alley to the north unless great care and attention is paid to the parking and smaller vehicles are involved. Secondly, without a doubt the shortened driveway will result in more snow and ice problems at this location for the residents than would be normal if the driveway were longer. How unavoidable and important these problems are must be considered by the Appeal Board.

The homeowners are cautioned to rethink their proposal in terms of what the difficulty in snow removal from their driveway will mean to them personally. Again, over time, and because of these difficulties in removing snow, the Royal Garden residents should expect excessive snow and ice build up in this location with the resulting problems as discussed above.

Unfortunately, if this development permit stands as is, Royal Garden residents can expect no help from the city to remedy any resulting problems. Those proposing this development must thus consider the risks to which they would be exposed if residents resort to filing civil charges in court against them to obtain redress for any damages they might incur because of this development. The likelihood of such actions succeeding in a court will be greatly enhanced if documentation exists proving that the homeowners were previously warned that such problems could occur.

In conclusion, it is argued that The Subdivision and Development Appeal Board must rescind the current approval which reduces the current 10 m setback in city bylaws to the proposed 1.6 m. A rescinding of the permit would give the owners time to adjust their proposal to make it more consistent with most of the current bylaw. Further, it would impose no real hardship since at this stage the owners have only demolished a building on the property which will increase the value of the property they have purchased.

Further, the owners could find a different property which is able to accommodate their whims and desires. In contrast, if the development goes ahead the residents can expect some problems for which there will be no remedy. The City could face additional costs if garbage removal in the area becomes more difficult and enforcement of parking problems in the alley become necessary and from other consequences of the development. In short, there appears to be no advantage to the city or to the residents but many potential problems and costs as a result of this proposed development.

Will the shortened driveway result in vehicles being parked so they encroach upon the back alley to the north?

Because the lot in question is a pie-shaped lot there is not enough room to park more than one car in front of the property. The five bedrooms, however, suggest that there will often be more than two older people staying in the house. At times, then, there will be the temptation to park in the driveway.

Although it is well known that the city is not now concerned about the availability of parking for private residences, the problem with the too-short driveway is that it will be used for parking even if it is not suitable for this purpose. It then will be inevitable that any parked vehicle will at times extend past the property line and encroach into the back alley. The following numbers demonstrate how real this concern is.

According to the Pals Geomatics Corp plan the distance from the garage door to property line on the left side of the driveway is 7.806 m. However, on the right side, because of the small angle ($<50^\circ$) between the fence line and the lane, the distance from the building to the back alley is only 1.6 m (as given in the letter to residents, dated July 13, city file #648180215-002).

To illustrate the problems with this, consider a normal sized van (e.g., a Toyota Sienna) which is 5.18 m long and 1.99 m wide, and for which the fully open door adds an additional ~ 1 m to the width. The centre of the driveway is 3.66 m from outside walls of the garage ($1/2$ of 7.32 m as obtained from the plan). From scale drawings, at the centre of the driveway the distance to the property line will only be 4.7m. This means that a van parked on the left side would extend over the property line by at least 0.5 m if parked touching the centre of the driveway even when touching the garage door.

As another example, the length of a Ford 150 truck ranges from 5.884 to 6.184 m. This vehicle would extend 1.2 m-1.5 m over the property line and into the lane if parked in the same manner.

It is recognized that vehicles will not necessarily be parked touching the centre of the driveway. However, even if they are parked so the space used is only 3 m from the left side of the driveway, the right edge of the vehicle would still be 4.32 m (i.e. 7.32m -3 m) from the right side of the driveway. The distance from the garage to the property line and the alley at this point would be 5.3 m. The van, then, would just fit within the property line if parked at this location and 0.1 m (~4 inches) from the garage door. The truck, however, could not be parked on the driveway without encroaching upon the alley .

In conclusion, although it would be possible to park a van on the driveway without encroaching on the back alley, this can only occur if great caution is routinely exercised. A parked truck would always extend into the lane. Lanes are meant to be used for driving – not for parking. Everyone that uses the lane will thus be adversely affected by parked vehicles encroaching upon the lane .

When vehicles extend into the driveway at this location residents most affected will be those on the other side of the lane. If, for example, there was a garage directly across the driveway, think about how much more difficult it would be for people to get into or out of their own garage if their exit space is restricted by a vehicle parking over the lip of the lane on the other side of the driveway.

Pictures

Property on right at 11404 – 44 Ave NW. Pictures of T -intersection, drain for the three alleys, high fence which makes it impossible to see vehicles approaching from south while exiting the proposed garage.

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.

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:

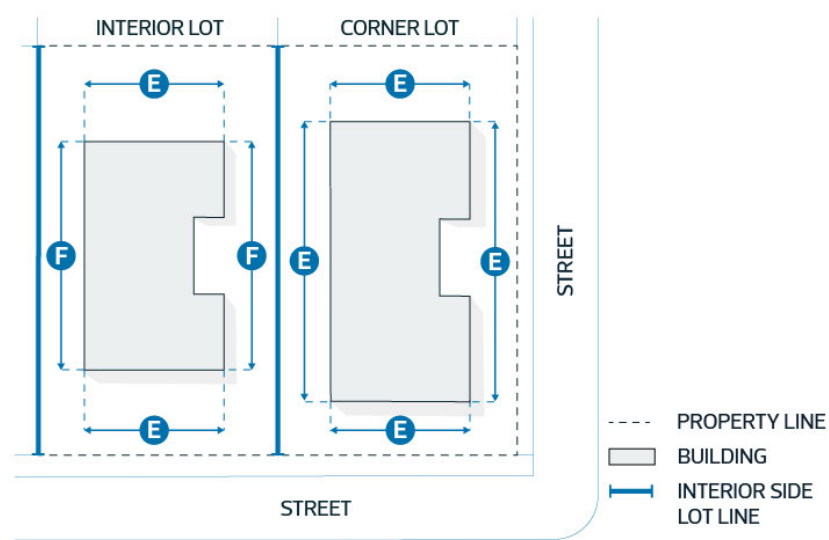
Table 4.1. Site and Building Regulations

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



Rear Setback

Section 2.10.4.3

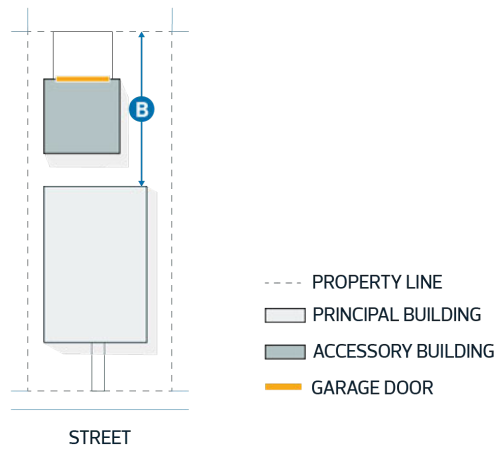
4.3. Setbacks must comply with Table 4.3:

Table 4.3 Setback Regulations

Rear Setback

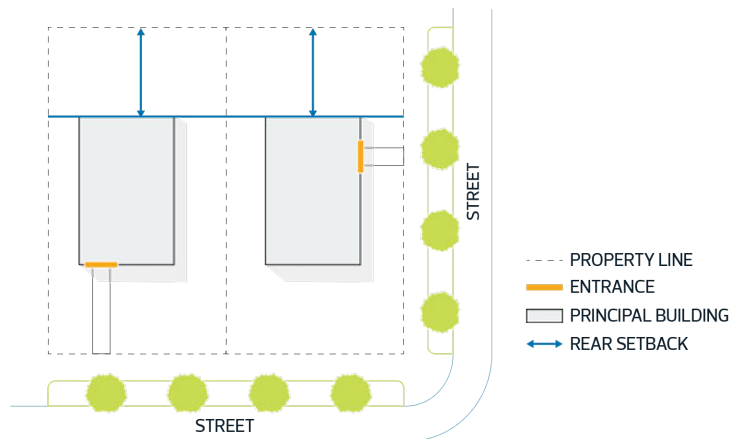
Subsection	Regulation	Value	Symbol
4.3.2.	Minimum Rear Setback	10.0 m	B

Diagram for Subsection 4.3.2



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

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



Parking, Loading and Access

Section 2.10.6.2 states “Rear attached Garages are not permitted.”

Development Planner’s Determination

Building Length - The building length along the Interior Side Lot Line is 30.6m instead of 20.3m (Subsection 2.10.4.1.9)

Reduced Rear Setback - The distance from the Single Detached House to the rear property line (abutting the alley) is 1.6m, instead of 10.0m (Subsection 2.10.4.3.2).

Attached Garage - The rear garage is allowed to be attached, instead of detached (Subsection 2.10.6.2).

[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: 648180215-002 Application Date: FEB 23, 2026 Printed: July 10, 2026 at 10:19 AM Page: 1 of 4			
		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) 11404 - 44 AVENUE NW Plan 1210NY Blk 29 Lot 69			
		Specific Address(es) Entryway: 11404 - 44 AVENUE NW Building: 11404 - 44 AVENUE NW			
Scope of Permit To construct a Residential Use building in the form of a Single Detached House with a breezeway and rear attached Garage, Basement development with wet bar (NOT to be used as an additional Dwelling), an unenclosed front porch, rear covered deck (2.13m x 4.20m) and rear uncovered deck. (2.44 x 4.63m).					
Details <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> 1. Titled Lot Zoning: R5 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping </td> <td style="vertical-align: top; width: 50%;"> 2. Number of Principal Dwelling Units To Construct: 1 4. Number of Secondary Suite Dwelling Units to Construct: 6. Backyard Housing or Secondary Suite Included?: No 8. Development Category / Class of Permit: Discretionary Development </td> </tr> </table>				1. Titled Lot Zoning: R5 3. Overlay: 5. Statutory Plan: 7. Neighbourhood Classification: Redeveloping	2. Number of Principal Dwelling Units To Construct: 1 4. Number of Secondary Suite Dwelling Units to Construct: 6. Backyard Housing or Secondary Suite Included?: No 8. Development Category / Class of Permit: Discretionary Development
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Development Permit Decision Approved Issue Date: Jul 10, 2026 Development Authority: ZENG, KATHY Subject to the Following Conditions Zoning Conditions: This Development Permit is NOT valid until the notification period expires (Subsection 7.160.1.3). This Development Permit authorizes the construction of a Residential Use building in the form of a Single Detached House with a breezeway and rear attached Garage, Basement development with wet bar (NOT to be used as an additional Dwelling), an unenclosed front porch, rear covered deck (2.13m x 4.20m) and rear uncovered deck. (2.44 x 4.63m). The development must be constructed in accordance with the approved drawings. WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD WITH NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a Development Permit notification Sign (Subsection 7.160.2.2). Landscaping must be installed and maintained in accordance with Section 5.60. A minimum Soft Landscaped area equal to 30% of the total Lot area must be provided (Subsection 5.60.3.2). Pathway(s) connecting the main entrance of the Dwelling directly to an Abutting sidewalk or to a Driveway must be a minimum unobstructed width of 0.9 m (Subsection 5.80.2.1.1). Unenclosed steps require a minimum setback of 0.6 m from Lot lines (Subsection 2.10.4.6.). If the unenclosed steps are oriented toward the Interior Side Lot Line, a minimum distance of 1.1 m must be maintained between the Interior Side Lot Line and the unenclosed steps (Subsection 2.10.4.8.1.). If the unenclosed steps are oriented away from the Interior Side Line and have a landing					
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Development Permit

less than or equal to 1.5 m², a minimum distance of 0.15 m must be maintained from the Interior Side Lot line and the unenclosed steps (Subsection 2.10.4.8.2.)

Vehicular access from 44 Avenue is not permitted. PRIOR TO BUILDING OCCUPANCY, the existing Driveway off 44 Avenue must be removed (Subsection 2.10.6.1). Failure to complete this work prior to building occupancy is an offence (Subsection 7.200.2.3).

The proposed basement development(s) must NOT be used as an additional Dwelling. An additional Dwelling requires a new Development Permit application.

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 8.20).

The proposed wet bar must only be used by the household that uses the principal kitchen on the main floor.

There may be an inspection in the future to ensure that an illegal suite has not been developed.

This Development Permit will be revoked if the conditions of this permit are not met.

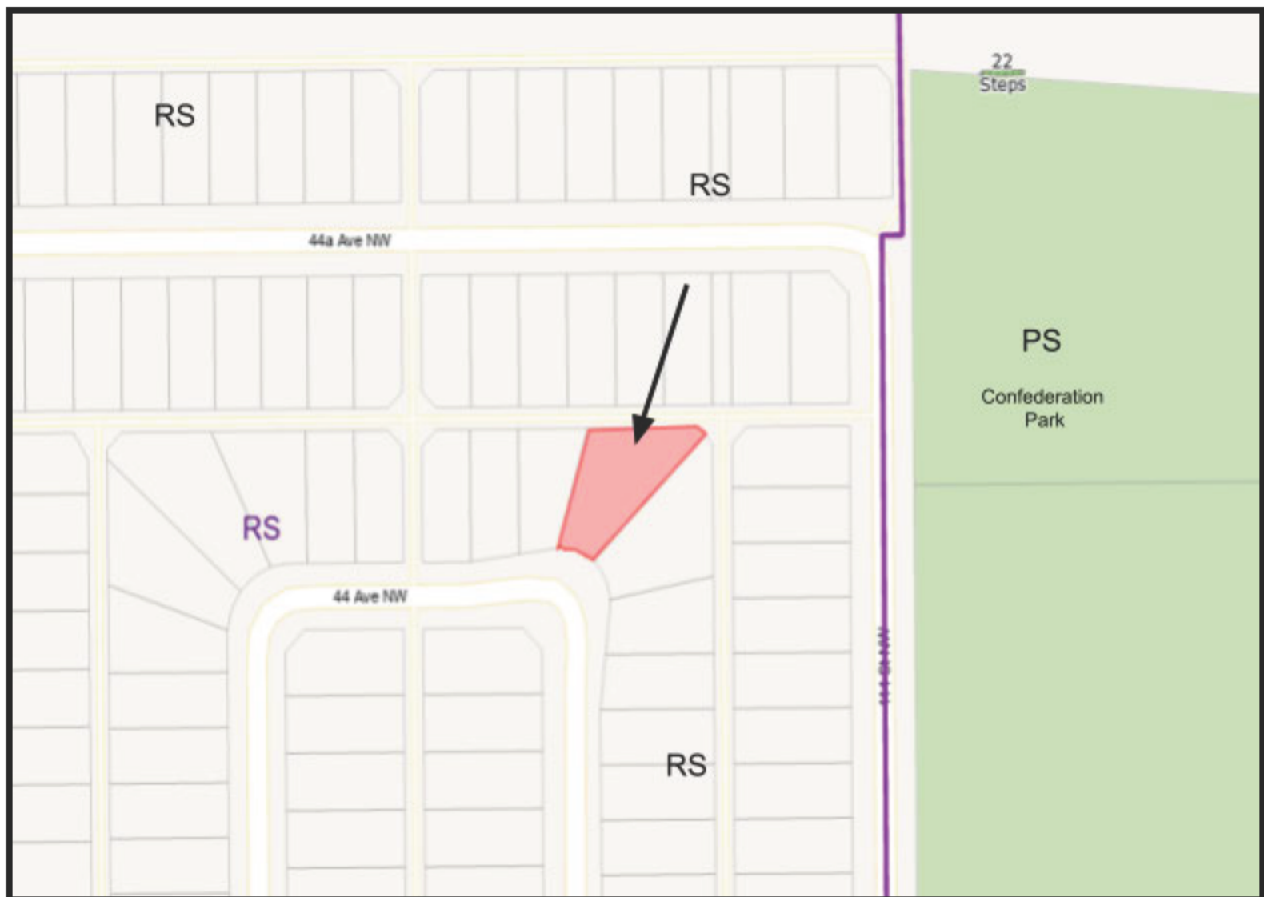
Transportation Conditions:

SUBDIVISION PLANNING CONDITIONS:

1. The existing approximate 4.5m driveway access to 44 Avenue located at the east property line, must be removed with restoration of the grassed boulevard within the road right-of-way to the City of Edmonton Complete Streets Design and Construction Standards.
2. Access is proposed to the alley and does not require a crossing permit. The area between the property line and the alley driving surface must be hard surfaced to the satisfaction of Subdivision and Development Coordination. This area within the alley road right-of-way must not exceed a slope of 8%.
3. Permanent objects including concrete steps, railings, planters, etc. must NOT encroach into or over/under road right-of-way. All proposed landscaping for the development must be provided entirely on private property. The existing retaining walls within the right-of-way must be removed.
4. 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.
5. 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.
6. 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:
 - a. the start/finish date of the project;

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Development Permit	
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: Unless otherwise stated, all above references to "subsection numbers" refer to the authority under the Zoning Bylaw.	
Any future deck enclosure or cover requires a separate development and building permit approval.	
The Driveway must maintain a minimum clearance of 1.5 m from the service pedestal and all other surface utilities. The applicant or property owner is responsible for the location of all underground and above ground utilities and maintaining the required clearance as specified by the utility companies. Alberta One-Call, Shaw, and Telus should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with the relocation or removal of the service pedestal must be at the expense of the applicant or property owner.	
An issued Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act, the Historical Resource Act, or any caveats, restrictive covenants or easements that might be attached to the Site (Subsection 7.110.2.1).	
Any proposed change from the original issued Development Permit may be subject to a revision/re-examination fee. The fee will be determined by the reviewing planner based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.	
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.	
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.	
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.	
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/residential_neighbourhoods/residential-lot-grading	
Future inspections may occur to ensure the building is not operating as a Lodging House.	
Transportation Advisements: SUBDIVISION PLANNING - ADVISEMENT:	
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1. A portion of the proposed onsite hard surfaced driveway connecting the garage entrance and the paved alley will not allow for vehicles to park behind the garage without overhanging onto the alley. If additional on-site parking is desired within the driveway, a minimum 5.5 m stall length is required for perpendicular parking within private property. Vehicles parking within legal road right-of-way may result in enforcement measures. Variances Building Length - The building length along the Interior Side Lot Line is 30.6m instead of 20.3m (Subsection 2.10.4.1.9) Reduced Rear Setback - The distance from the Single Detached House to the rear property line (abutting the alley) is 1.6m, instead of 10.0m (Subsection 2.10.4.3.2). Attached Garage - The rear garage is allowed to be attached, instead of detached (Subsection 2.10.6.2). 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: Jul 16, 2026 Ends: Aug 06, 2026																															
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 20%; text-align: left;">Receipt #</th> <th style="width: 20%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$625.00</td> <td style="text-align: right;">\$625.00</td> <td>226486000015788</td> <td>Feb 23, 2026</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$160.00</td> <td style="text-align: right;">\$160.00</td> <td>226486000015788</td> <td>Feb 23, 2026</td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: right;">\$158.25</td> <td style="text-align: right;">\$158.25</td> <td>263610000009531</td> <td>Jun 10, 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;">\$941.25</td> <td style="text-align: right; border-top: 1px solid black;">\$941.25</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$625.00	\$625.00	226486000015788	Feb 23, 2026	Lot Grading Fee	\$160.00	\$160.00	226486000015788	Feb 23, 2026	Variance Fee	\$158.25	\$158.25	263610000009531	Jun 10, 2026	Total GST Amount:	\$0.00				Totals for Permit:	\$941.25	\$941.25		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-205

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