SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.
September 23, 2026

Virtual Hearings

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
VIRTUAL HEARINGS

I	9:00 A.M.	SDAB-D-26-246	To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage) with a balcony 5308 - 104 AVENUE NW Project No.: 654958403-002
POSTPONED			
II	10:30 A.M.	SDAB-D-26-247	Operate a Centre City Temporary Parking Lot, valid until June 30, 2033 9610 - 102A AVENUE NW Project No.: 650458641-002

ITEM I: 9:00 A.M. FILE: SDAB-D-26-246

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:	
APPLICATION NO.:	654958403-002
APPLICATION TO:	Construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage) with a balcony
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	August 21, 2026
DATE OF APPEAL:	August 24, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	5308 - 104 AVENUE NW
LEGAL DESCRIPTION:	Plan 1841KS Blk 24 Lot 9
ZONE:	RS - Small Scale Residential Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A
DISTRICT PLAN:	Southeast District Plan

Grounds for Appeal

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

> We are appealing the Development Authority (Development Refusal)decision regarding the maximum height of the lane home proposed for this property. The design of the lane home needs to be executed as it stands in order to have proper head room and adequate heights in the garage and the living space on the second floor.

The garage requires 9ft ceilings in order to install duct work and insulate them properly as required. If the garage is less this impedes the general use of that space. The client would like to use the garage for light woodworking as well as the parking space.
As for the main living space: the mezzanine it to be used for storage and is designated as unoccupied. the ceiling height under the mezzanine is already less than 8 ft (7 ft 10 inches) and the mezzanine floor needs to be built with 2 X 10 joists for adequate strength. In doing this the overall height to the top of the upper floor walls is 8ft 10 inches. With the 6.55/12 slope the final elevation at the center of the home allows access with limited head room.
The entire design was based on having a storage space that makes the most sense.

We would like you to consider using the average of the 4 corners of the lot elevations in order to determine the allowable height of the lane home.
If the grade was calculated using the 4 corners of the property the mid point of the roof would be 6.78 m as it was designed for. Per section 5.70.2.2 of zoning by lay 2001. "The Development Planner may use the alternative method other than those described in Subsection 2.1 to determine grade. Any approved Development Permit using an alternative method under this subsection must be a Discretionary Development".
The development planner may choose to use all 4 corners and the development could be approved as a discretionary development.

We are anxious to get started on this build. We have been working with the Development Authority to satisfy all of the other requirements which have also taken some time but have now been completed and we are finally able to apply for this appeal. We ask that you consider our requests and vote in favor of a discretionary development.

General Matters

Appeal Information:

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

Grounds for Appeal
685(1) If a development authority

(a) fails or refuses to issue a development permit to a person,

(b) issues a development permit subject to conditions, or

(c) issues an order under section 645,

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

…

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

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

Appeals

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

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

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

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

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

or

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

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

Hearing and Decision

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

…

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

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

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

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

…

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

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

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

and

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

General Provisions from the *Zoning Bylaw 20001:*

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

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

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

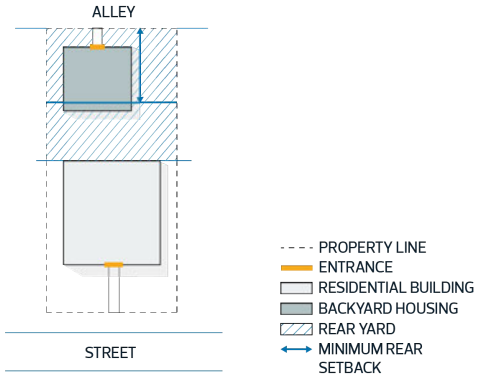
This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

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

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



Under section 8.20, **Dwelling** means:

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

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

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

6.90 - Backyard Housing

Section 6.10.1 states Backyard Housing must comply with Table 1:

Table 1. Building Regulations

Subsection	Regulation	Value	Symbol
Site Dimensions			
1.1.	Maximum Height	6.8 m	**-**

Under section 8.20, **Height** means:

> a vertical distance between 2 points.
>
> Where described as a Modifier in a regulation, this is represented as the letter “h” and a number on the Zoning Map.

Development Planner’s Determination

> **1. Midpoint Height - Maximum Height of a Backyard House is 6.8 m (Subsection 6.10.1.1).**
> **Proposed: 7.1 m**
> **Exceeds by: 0.3 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.

Edmonton

Application for Development Permit

Project Number: **654958403-002**
Application Date: APR 20, 2026
Printed: August 21, 2026 at 1:54 PM
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)
5308 - 104 AVENUE NW
Plan 1841KS Blk 24 Lot 9

Specific Address(es)
Suite: 5308G - 104 AVENUE NW
Entryway: 5308G - 104 AVENUE NW
Building: 5308G - 104 AVENUE NW

Scope of Application
To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage) with a balcony.

Details

1. Titled Lot Zoning: RS
2. Number of Principal Dwelling Units To Construct: 1
3. Overlay:
4. Number of Secondary Suite Dwelling Units to Construct: 1
5. Statutory Plan:
6. Backyard Housing or Secondary Suite Included?: Yes
7. Neighbourhood Classification: Redeveloping
8. Development Category / Class of Permit: Discretionary Development

Development Application Decision
Refused

Issue Date: Aug 21, 2026 **Development Authority:** BARAN, NICKLAS

Reason for Refusal
1. Midpoint Height - Maximum Height of a Backyard House is 6.8 m (Subsection 6.10.1.1).
Proposed: 7.1 m
Exceeds by: 0.3 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

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	$625.00	$625.00	020610000013773	Apr 20, 2026
Lot Grading Fee	$160.00	$160.00	020610000013773	Apr 20, 2026
Variance Fee	$156.25	$156.25	016379000012039	Jul 16, 2026
Total GST Amount:	$0.00			
Totals for Permit:	$941.25	$941.25		

THIS IS NOT A PERMIT

P0702003

SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-246

N

POSTPONED

ITEM II: 10:30 A.M. FILE: SDAB-D-26-247

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:	
APPLICATION NO.:	650458641-002
APPLICATION TO:	Operate a Centre City Temporary Parking Lot, valid until June 30, 2033
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	August 4, 2026
DATE OF APPEAL:	August 24, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	9610 - 102A AVENUE NW
LEGAL DESCRIPTION:	Plan ND Blk 7 Lot 1
ZONE:	MU - Mixed Use Zone
OVERLAY:	N/A
STATUTORY PLAN:	The Quarters Downtown Area Redevelopment Plan
DISTRICT PLAN:	Central District Plan

Grounds for Appeal

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

> 1. Procedural Refusal (Subsection 6.120.2.4) The refusal under Subsection 6.120.2.4 is procedural. The applicant submitted the development permit application on March 13, 2026, well before the June 30 deadline. Any delay in issuance was administrative and outside the applicants control. This clause is not related to the merits of the development, and the Board

has authority to approve the development notwithstanding this timing requirement.
2. Setback Variance (Subsection 6.120.3.3) The applicant is seeking a variance to the 2.0?m setback along 102A Avenue. The site is physically constrained by an existing building encroachment and limited lot depth. The applicant intends to provide a revised plan which will remove the 2.0 m buffer with the northern property , and which will include a physical buffer consisting of a 2.5 ft iron fence and a 1 ft vegetated soil strip, along 102A Ave, which meets the intent of the Bylaw by protecting the public realm and providing landscaping. The variance is minor, site specific, and does not unduly interfere with neighbouring parcels.

3. Access and Maneuvering (Subsection 6.120.3.4 and 5.80.5.5.3) The Development Authority applied the access and drive aisle standards rigidly, without using the broad discretion intended by the City Centre Temporary Parking Bylaw. The revised plan will provide a usable driving aisle of approximately 4.7?m, which exceeds the 3.6?m Part?5 standard and fully resolves refusal reason #6. The angled stall configuration and physical buffer ensure safe and functional maneuvering. Any remaining concerns can be addressed through reasonable conditions.

4. Pathway Requirement (Subsection 6.120.3.6) The applicant will install the required pathway connecting the parking lot to the adjacent sidewalk. This fully addresses refusal reason #4 and can be secured through a condition of approval.

5. Landscaping (Subsections 6.120.4.3 and 6.120.4.4) The landscaping deficiency relates only to quantities and can be addressed through a condition of approval. Subsection 6.120.4.3 allows landscaping requirements to be met through trees, shrubs, or Low Impact Development features. The revised plan will include a 1 ft vegetated soil strip that qualifies as Low Impact Development for constrained downtown sites. Currently, the City has already planted at least 3 trees on its sidewalk abutting 102A Ave. Any additional landscaping can be provided as required by the Board. However, the applicant seeks variance for this requirement, if necessary.

6. Landscape Plan Formatting (Subsection 5.60.11.3.1) The landscape plan formatting issue is technical and can be addressed through a condition of approval. This is not a substantive reason to refuse the development.

7. Request to the Board The applicant respectfully requests that the Board approve the revised plan as described, (to be submitted), including the 4.7?m drive aisle, the south buffer fence and LID strip, and the required pathway. The applicant reserves the right to submit additional or alternate plan, and/or additional reasons for the appeal.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

(a) fails or refuses to issue a development permit to a person,

(b) issues a development permit subject to conditions, or

(c) issues an order under section 645,

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

…

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

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

Appeals

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

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

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

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

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of

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

or

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

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

Hearing and Decision

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

…

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

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

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

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

…

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

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

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

and

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

General Provisions from the *Zoning Bylaw 20001:*

Under section 2.80.2.6, **Centre City Temporary Parking** is a **Permitted Use** in the **MU - Mixed Use Zone**.

Under section 8.10, **Centre City Temporary Parking** means:

> a temporary Surface Parking Lot that does not have another principal Use on the Site other than Signs and that was operating as a Surface Parking Lot as of January 1, 2024.

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

Section 2.80.3.6 states "**Centre City Temporary Parking** must comply with **Section 6.120**."

Section 2.80.1 states that the **Purpose** of the **MU - Mixed Use Zone** is:

> To allow for varying scales of mixed use development that enables the growth and development anticipated in the Nodes and Corridors as directed by Statutory Plans. This Zone allows for a range of Uses and supports housing, recreation, commerce, and employment opportunities. Site and building design in this Zone promotes development that enhances the public realm and publicly accessible amenities to create vibrant, walkable destinations at a scale inviting to pedestrians.

6.120 Centre City Temporary Parking

General Regulations

Section 6.120.2.4 states "Development Permits for Centre City Temporary Parking must not be issued after June 30, 2026."

Development Planner's Determination

1) Issue Date: The development permit for Centre City Temporary Parking was not issued by June 30, 2026 (Subsection 6.120.2.4).

[unedited]

Parking Design Regulations

Section 6.120.3.3 states "The minimum Setback Abutting a Street is 2.0 m."

Section 6.120.3.4 states:

Surface Parking Lots must be designed to:

3.4.1. include adequate, safe, and convenient:

3.4.1.1. vehicle access;
3.4.1.2. provisions for pedestrians and active mobility users;
3.4.1.3. Drive Aisles; and
3.4.1.4. ramps,

to the satisfaction of the Development Planner in consultation with the City department responsible for transportation planning; [...]

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

2) Setback: The setback abutting 102A Ave. NW is 0 instead of 2 m (Subsection 6.120.3.3).

3) Surface Parking Lot Design: The surface parking lot has not been designed to include adequate, safe, and convenient vehicle access and drive aisles to the satisfaction of the Development Planner in consultation with the City department responsible for transportation planning (Subsection 6.120.3.4).

[unedited]

Section 6.120.3.6 states "All Sites must provide a Pathway through the Landscaped Setback Area Abutting a Street to connect the Surface Parking Lot to adjacent sidewalks."

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."

Development Planner's Determination

> **4) Pathway: The site does not provide a pathway through the landscape setback abutting the street to connect the surface parking lotto the adjacent sidewalk (Subsection 6.120.3.6).**
>
> [unedited]

Landscaping Regulations

Section 6.120.4.3 states:

> A minimum of 1 tree and 4 shrubs per 20.0 m2 of total Setback area must be provided, except:
>
> 4.3.1. the Development Planner may approve a development that does not provide the minimum number of trees and shrubs, if the development provides low impact development (LID) installations that include plantings, to the satisfaction of the Development Planner in consultation with the City departments responsible for lot grading, drainage and landscaping.

Section 6.120.4.4 states "Landscaping provided in accordance with Subsection 4.3 must be provided along the perimeter of Surface Parking Lots Abutting Streets to enhance the view and soften the edge."

Development Planner's Determination

> **5) Landscaping Quantities: There is 1 tree instead of 5 around the perimeter of the site (Subsections 6.120.4.3 and 6.120.4.4).**
>
> [unedited]

Section 5.80 - Parking, Access, Site Circulation, and Bike Parking

Drive Aisle Regulations

Section 5.80.5.5 states:

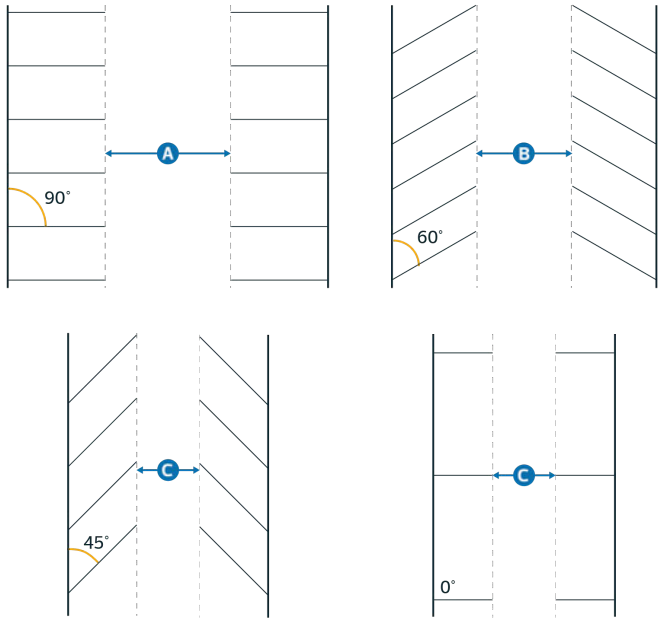
> Drive Aisles must comply with Table 5.5:

Table 5.5. Minimum Drive Aisle Widths

Subsection	Regulation	Width	Symbol

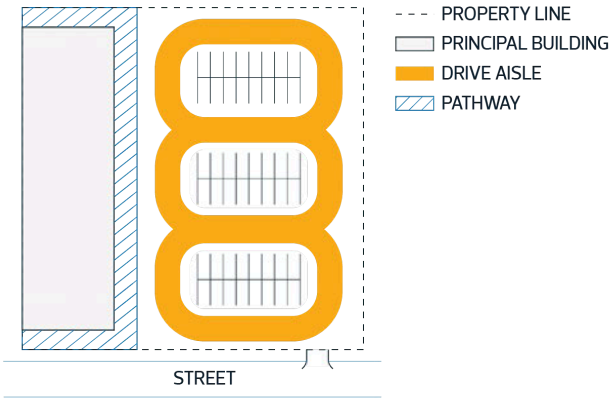
5.5.3.	**45° parking and parallel parking space**	**3.6 m**	**C**

Diagram for Subsection 5.5



Under section 8.20, **Drive Aisle** means:

> the area that provides circulation for vehicles within Parkades or Surface Parking Lots, and does not include a Street, Pathway, or vehicle access.



Development Planner's Determination

6) Drive Aisle Width: The drive aisle is 1.76 m wide instead of 3.6 m (Subsection 5.80.5.5.3).

[unedited]

Section 5.60 - Landscape Plan Requirements

Section 5.60.11.3 states:

Landscape plans must comply with:

11.3.1. Subsection 1.1.3 of Section 7.130; and

11.3.2. City Design and Construction Standards for Landscaping on City-owned land, where applicable.

Development Planner's Determination

7) Landscape Plan: The landscape plan is missing information and is not to the standard established in the landscape plan standards document published at edmonton.ca/newbuildings (Subsection 5.60.11.3.1).

[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.

Edmonton

Project Number: **650458641-002**
Application Date: MAR 13, 2026
Printed: August 4, 2026 at 2:58 PM
Page: 1 of 2

Application for Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant

Property Address(es) and Legal Description(s)
9610 - 102A AVENUE NW
Plan ND Blk 7 Lot 1

Scope of Application
To operate a Centre City Temporary Parking Lot, valid until June 30, 2033.

Details

Development Category:	Gross Floor Area (sq.m.):
Lot Grading Needed?: Y	New Sewer Service Required:
NumberOfMainFloorDwellings:	Overlay:
Site Area (sq. m.):	Statutory Plan:

Development Application Decision
Refused

Issue Date: Aug 04, 2026 **Development Authority:** BUCCINO, SAMANTHA

Reason for Refusal

1) Issue Date: The development permit for Centre City Temporary Parking was not issued by June 30, 2026 (Subsection 6.120.2.4).

2) Setback: The setback abutting 102A Ave. NW is 0 instead of 2 m (Subsection 6.120.3.3).

3) Surface Parking Lot Design: The surface parking lot has not been designed to include adequate, safe, and convenient vehicle access and drive aisles to the satisfaction of the Development Planner in consultation with the City department responsible for transportation planning (Subsection 6.120.3.4).

4) Pathway: The site does not provide a pathway through the landscape setback abutting the street to connect the surface parking lotto the adjacent sidewalk (Subsection 6.120.3.6).

5) Landscaping Quantities: There is 1 tree instead of 5 around the perimeter of the site (Subsections 6.120.4.3 and 6.120.4.4).

6) Drive Aisle Width: The drive aisle is 1.76 m wide instead of 3.6 m (Subsection 5.80.5.5.3).

7) Landscape Plan: The landscape plan is missing information and is not to the standard established in the landscape plan standards document published at edmonton.ca/newbuildings (Subsection 5.60.11.3.1).

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

Edmonton

Application for Development Permit

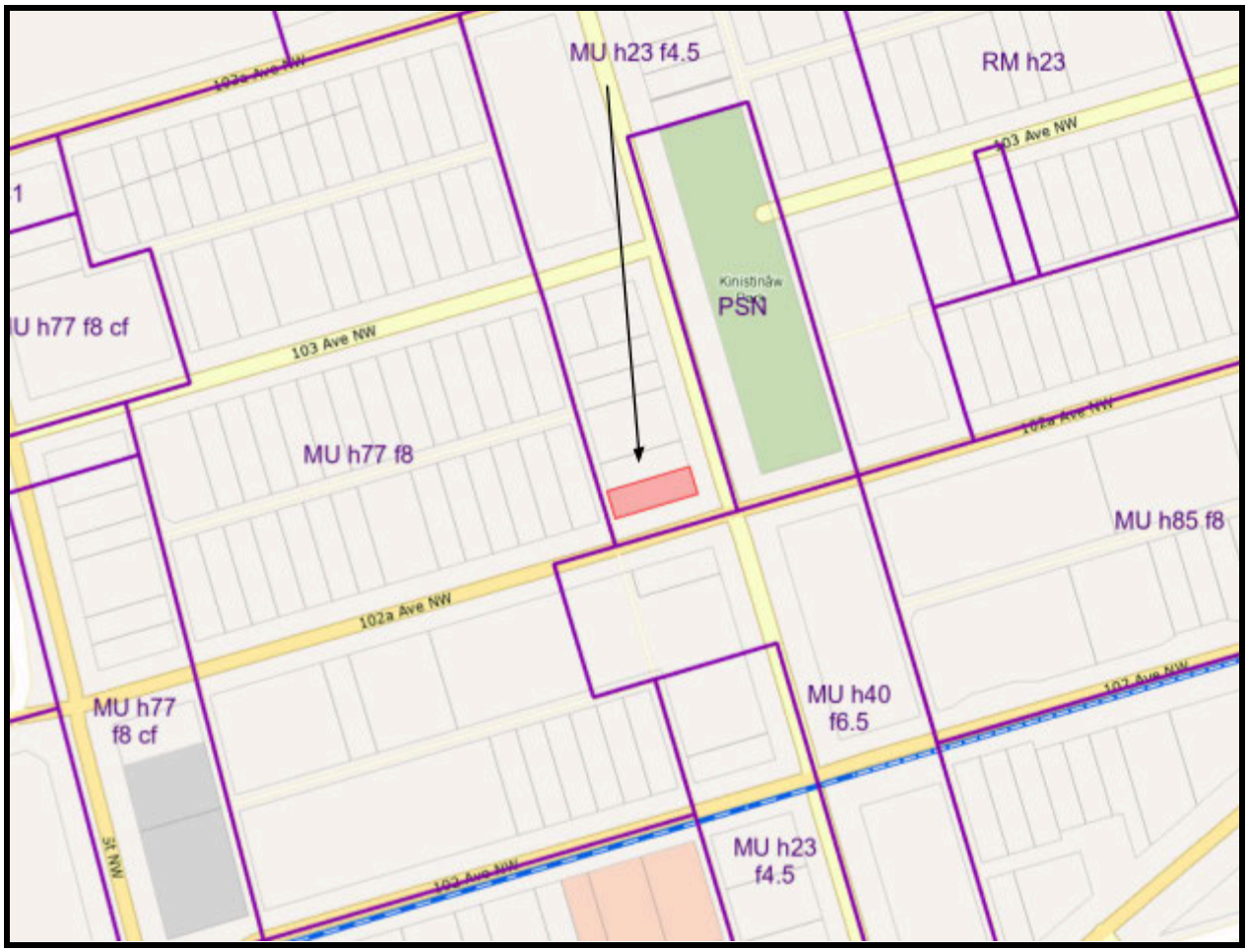
Project Number: **650458641-002**
Application Date: MAR 13, 2026
Printed: August 4, 2026 at 2:58 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	$500.00	$500.00	00387I000020372	Mar 27, 2026
Major Dev. Application Fee	$960.00	$960.00	00387I000020372	Mar 27, 2026
Development Permit Inspection Fee	$575.00	$575.00	00387I000020372	Mar 27, 2026
Total GST Amount:	$0.00			
Totals for Permit:	$2,035.00	$2,035.00		

THIS IS NOT A PERMIT

P0702003



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-247

N