SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Friday, 9:00 A.M.
October 23, 2026

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
River Valley Room, City Hall

TO BE RAISED

I	9:00 A.M.	SDAB-D-26-272 SDAB-D-26-273 SDAB-D-26-274 SDAB-D-26-275	Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by September 20, 2026: Cease the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) and remove all vehicles and signage from the site. AND Prevent any recurrence of the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) by installing permanent durable barriers such as secured fencing, concrete bollards or parking stoppers on the interior of the site by September 20, 2026. 9914 / 9918 / 9934 / 9940 - 105 STREET NW Project No.: 577469722-001 / 577471639-001 / 577472641-001 / 577473602-001
II	1:30 P.M.	SDAB-D-26-278	Construct a Residential Use building in the form of a Semi Detached House with an unenclosed front porch, balcony, rear uncovered deck (0.9m x 1.8m), and Secondary Suites in the Basements and portion of the main floor. 7706 - 97 AVENUE NW Project No.: 669798510-002

TO BE RAISED

ITEM I: 9:00 A.M. FILE: SDAB-D-26-272 / 273 / 274 / 275

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT COMPLIANCE OFFICER

APPELLANT:	
APPLICATION NO.:	577469722-001 / 577471639-001 / 577472641-001 / 577473602-001
ORDER:	Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by September 20, 2026: Cease the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) and remove all vehicles and signage from the site. AND Prevent any recurrence of the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) by installing permanent durable barriers such as secured fencing, concrete bollards or parking stoppers on the interior of the site by September 20, 2026.
DECISION OF THE DEVELOPMENT AUTHORITY:	Order Issued
DECISION DATE:	August 11, 2026
DATE OF APPEAL:	August 26, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	9914 / 9918 / 9934 / 9940 - 105 STREET NW
LEGAL DESCRIPTION:	Plan NB Blk 5 Lot 84 / Plan NB Blk 5 Lots 81-83 / Plan NB Blk 5 Lots 79-80 / Plan NB Blk 5 Lots 77-79
ZONE:	RMU - Residential Mixed Use Zone
SPECIAL AREA:	Downtown Special Area
STATUTORY PLAN:	Capital City Downtown Plan

DISTRICT PLAN: Central District Plan

Grounds for Appeal

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

1. The parking lot use has existed for over 50 years and commenced at a time when the City was not consistently requiring development permits for parking lots;

2. The parking lot use did not require a development permit when it started. It was therefore legal when it started and has continued to operate to date;

3. The City has been aware of the parking lot use and has treated it as legal, including but not limited to issuing tax notices for the parking lot;

4. The Stop Order does not comply with the technical requirements of the Municipal Government Act, including without limitation:

    a. The Stop Order does not indicate on its face that the was issued by the development authority
    b. The Stop Order was not given or sent to the Owner on the same day that it was issued. The Owner did not receive the Stop Order until a number of days after it was issued and yet the Stop Order indicates that the appeal period runs from the date of issuance.

5. Such further and other grounds as may be raised at the hearing of the within appeal.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on September 3, 2026:

"That the appeal hearing be scheduled October 23, 2026."

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

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,

(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with section 685.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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 3.23.2.4, **Centre City Temporary Parking** is a **Permitted Use** in the **RMU - Residential Mixed Use Zone.**

Under section 3.23.2 and 3.23.3, a **Standalone Parking Facility** is **neither** a Permitted Use **nor** a Discretionary Use in the **RMU - Residential 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 8.10, **Standalone Parking Facility** means:

> a development consisting of vehicle parking, which does not have another principal Use on the Site other than Signs. This can be on the ground or within a structure.
>
> Typical examples include: Parkades and Surface Parking Lots.

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."

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."

Section 3.23.4.4 states "**Centre City Temporary Parking** must comply with **Section 6.120**."

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

Section 3.23.1 states that the **Purpose** of the **RMU - Residential Mixed Use Zone** is:

> To allow for primarily medium to high density residential mixed use developments, with limited commercial, institutional, office and service Uses distributed on-Site in a manner sensitive to the street environment and adjacent residential areas; to support an urban village where amenities are focused on a local main street; and to enhance the institutional and hotel cluster along the north edge of the sub-area.

7.110 Approvals Required and Development

Section 7.110.1 states:

1.1. No person may:

1.1.1. undertake, or cause or allow to be undertaken, a development; or

1.1.2. carry on, or cause or allow to be carried on, a development, without a Development Permit issued under this Section.

7.200 Inspections, Enforcement and Penalties

2.1. It is an offence for any person to:

2.1.1. contravene; or
2.1.2. cause, permit or undertake a contravention of; or any provisions of this Bylaw.
2.1.3. continue a contravention, regardless of whether the person initially caused, or permitted the contravention of, any provisions of this Bylaw.

2.2. Without restricting the generality of Subsection 2.1, if a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an offence for any person to:

2.2.1. construct or allow a building or structure;
2.2.2. make or allow an addition or alteration to a building or structure;
2.2.3. commence or allow a Use or change of intensity of Use; or
2.2.4. place or allow the placement of a Sign on land, or on a building or structure.

Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision
SDAB-D-05-312	A Stop Order was issued to discontinue the use of the site as a non-accessory parking lot by November 15, 2005 on Lots 77 to 79, Block 5, Plan NB.	December 2, 2005; that the appeal be ALLOWED and the Stop Order REVOKED. The Board makes its decision for the following reason: 1. The Board finds, based on the evidence provided, that the Stop Order was not issued properly by the City of Edmonton Planning and Development Department because the owner of the property was not correctly identified. For this reason the appeal is allowed and the Stop Order

		revoked.
SDAB-D-05-189	A Stop Order was issued to discontinue the use of the site as a non-accessory parking lot by July 15, 2005 on Lots 77 to 79, Block B, Plan NB.	July 29, 2005; that the appeal be ALLOWED and the Stop Order be REVOKED. The Board makes its decision for the following reasons: 1.The Board finds that the Stop Order was not issued properly by the City of Edmonton Planning and Development Department. For these reasons the appeal is allowed and the Stop Order overturned.

Notice to Applicant/Appellant

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

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August 13, 2026

Our Files: 577469722-001: 9914 - 105 STREET NW
577471639-001: 9918 - 105 STREET NW
577472641-001: 9934 - 105 STREET NW
577473602-001: 9940 - 105 STREET NW

MUNICIPAL GOVERNMENT ACT ORDER

Dear Sir / Madam:

An Alberta Land Titles search identifies 672884 Alberta Ltd as the registered owner of the properties located at 9914, 9918, 9934 & 9940 - 105 Street NW in Edmonton, Alberta, legally described as Plan NB Blk 5 Lots 77, 78, 79, 80, 81, 82, 83 & 84.

This Property was inspected by Development Compliance Officer Cory Unreiner, on August 06, 2026. City of Edmonton Development Compliance Officers have the authority to conduct site inspections and exercise development powers under Section 542 of the Municipal Government Act.

ZONING BYLAW INFRACTION:

These properties are zoned RMU - Residential Mixed Use Zone in accordance with Section 3.23 of Edmonton Zoning Bylaw 20001. **Our investigation revealed a Commercial Use: Centre City Temporary Parking (Surface Parking Lot) has been developed without a Development Permit.**

The City of Edmonton has not issued a Development Permit to develop a Commercial Use: Centre City Temporary Parking (Surface Parking Lot) which is contrary to Subsection 7.110.1 of Edmonton Zoning Bylaw 20001, and Section 683 of the Municipal Government Act.

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Subsection 7.110.1 of Edmonton Zoning Bylaw 20001 states:

Approval Required for Development

1.1. No person may:

1.1.1. undertake, or cause or allow to be undertaken, a development; or

1.1.2. carry on, or cause or allow to be carried on, a development, without a Development Permit issued under this Section.

Section 7.200 of Edmonton Zoning Bylaw 20001 states:

General Offences

2.1. It is an **offence** for any person to:

2.1.1. contravene; or

2.1.2. cause, permit or undertake a contravention of; or

2.1.3. continue a contravention, regardless of whether the person initially caused, or permitted the contravention of, any provisions of this Bylaw.

2.2. Without restricting the generality of Subsection 2.1, if a Development Permit is required but has not been issued or is not valid under this Bylaw, it is an **offence** for any person to:

2.2.1. construct or allow a building or structure;

2.2.2. make or allow an addition or alteration to a building or structure;

2.2.3. commence or allow a Use or change of intensity of Use; or

2.2.4. place or allow the placement of a Sign on land, or on a building or structure.

Per Section 8.10 Standalone Parking Facility: means a development consisting of vehicle parking, which does not have another principal Use on the Site other than Signs. This can be on the ground or within a structure. Typical examples include: Parkades and **Surface Parking Lots**.

Per Section 8.20, Surface Parking Lot means: an unenclosed area wholly at ground level that includes 1 or more Parking Areas and 1 or more Drive Aisles.

Per 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.

Per Section 6.120, 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.

Per Subsection 6.120.2.4, Development Permits for Centre City Temporary Parking must not be issued after June 30, 2026.

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ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to complete the following by **September 20, 2026**:

Cease the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) and remove all vehicles and signage from the site.

AND

Prevent any recurrence of the Commercial Use: Centre City Temporary Parking (Surface Parking Lot) by installing permanent durable barriers such as secured fencing, concrete bollards or parking stoppers on the interior of the site.

CONSEQUENCES FOR NON-COMPLIANCE:

The property will be inspected after **September 20, 2026** to determine compliance with this Order.

In the event that a person fails to comply with this Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter the land and take any action necessary to carry out the Order. This may include the City entering the land, installing permanent durable barriers like secured fencing, concrete bollards or parking stoppers on the interior of the site, and towing any vehicle(s) parked on the unauthorized Commercial Use: Centre City Temporary Parking (Surface Parking Lot). Seized vehicles may be towed to the Police Seized Vehicle Lot at the owners' expense.

Section 646 authorizes the City to register a caveat under the Land Titles Act. Section 553(1)(h.1) of the Municipal Government Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to 566(2), a person who is found guilty of an offence under this Act is liable to a fine of not more than $10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

Affected persons may appeal this Order by filing an appeal with the Subdivision and Development Appeal Board within **21 calendar days** of the date of this Order
Visit the website at https://sdab.edmonton.ca or call 780-496-6079 for more information on how to file an appeal.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, RSA 2000, c M-26, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

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Regards,

Cory Unreiner
Development Compliance Officer
780-868-8812
cory.unreiner@edmonton.ca

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Adding amounts owing to tax roll

553(1) A council may add the following amounts to the tax roll of a parcel of land:

(a) unpaid costs referred to in section 35(4) or 39(2) relating to service connections of a municipal public utility that are owing by the owner of the parcel;

(b) unpaid charges referred to in section 42 for a municipal utility service provided to the parcel by a municipal public utility that are owing by the owner of the parcel;

(c) unpaid expenses and costs referred to in section 549(3), if the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or a part of the parcel;

(d), (e) repealed 1999 c11 s35; (f) costs associated with tax recovery proceedings related to the parcel;

(g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;

(g.1) if the municipality has passed a bylaw requiring the owner or occupant of a parcel to keep the sidewalks adjacent to the parcel clear of snow and ice, unpaid expenses and costs incurred by the municipality for removing the snow and ice in respect of the parcel;

(h) unpaid costs awarded by a composite assessment review board under section 468.1 or the Land and Property Rights Tribunal under section 501, if the composite assessment review board or the Land and Property Rights Tribunal has awarded costs against the owner of the parcel in favour of the municipality and the matter before the composite assessment review board or the Land and Property Rights Tribunal was related to the parcel;

(h.1) the expenses and costs of carrying out an order under section 646;

(i) any other amount that may be added to the tax roll under an enactment.

(2) Subject to section 659, when an amount is added to the tax roll of a parcel of land under subsection (1), the amount

(a) is deemed for all purposes to be a tax imposed under Division 2 of Part 10 from the date it was added to the tax roll, and

(b) forms a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll.

Stop order

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

(a) this Part or a land use bylaw or regulations under this Part, or

(b) a development permit or subdivision approval,

the development authority may act under subsection (2).

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(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(a) stop the development or use of the land or building in whole or in part as directed by the notice,
(b) demolish, remove or replace the development, or

(c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

Enforcement of stop order

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

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).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

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

(2.1) An appeal referred to in subsection (1) or (2) may be made

(a) to the Land and Property Rights Tribunal

(i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii), or

(b) in all other cases, to the subdivision and development appeal board.

(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).

(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

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

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(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.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board 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.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or (b)

the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

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(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

Subdivision and Development Appeal Board

File your appeal online at:

https://sdab.edmonton.ca

The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by a decision of the Development Authority under the Zoning Bylaw and the Subdivision Authority under the Subdivision Authority Bylaw. The board is appointed by City Council and consists of citizens living in the city of Edmonton.

The SDAB normally meets every Wednesday and Thursday. If required, the Board may set additional dates for hearings.

Once you have met requirements and filed a proper appeal, this Board presides over your hearing.

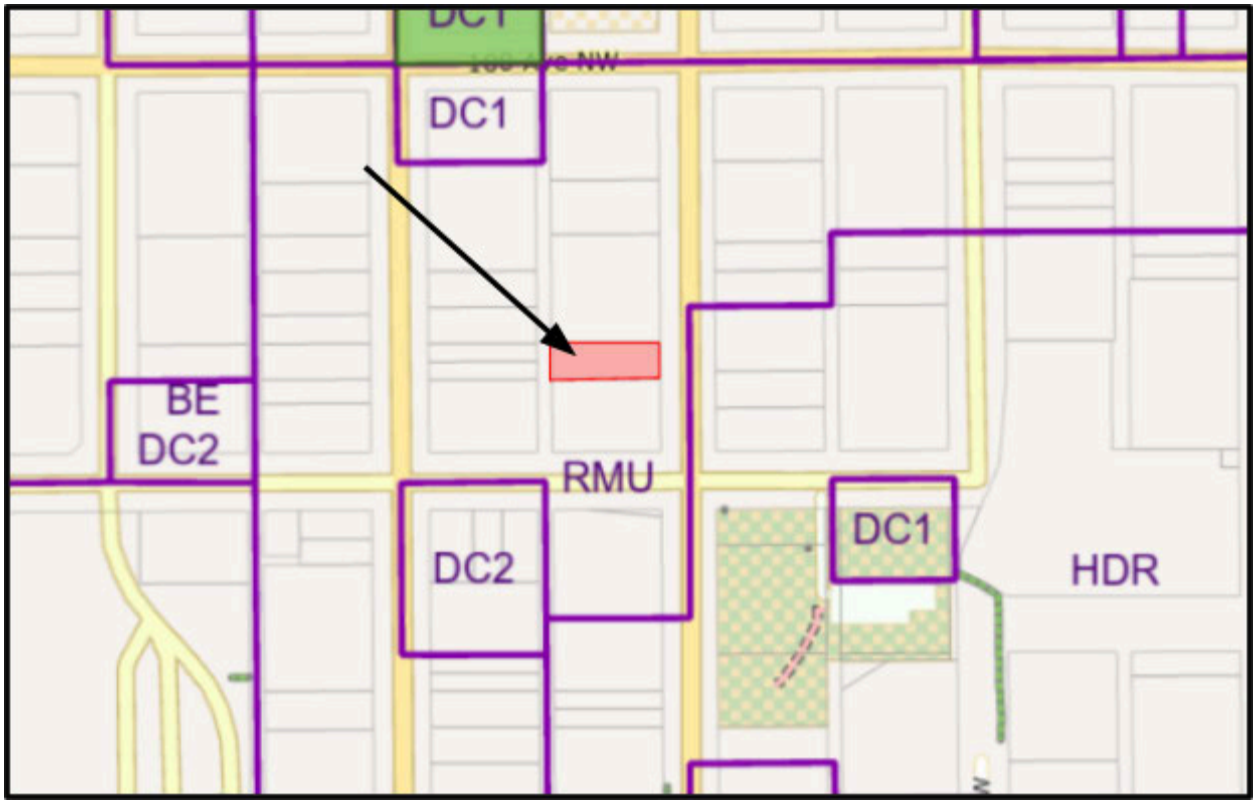
The SDAB is an independent, quasi-judicial body established by City Council, and its decisions are final and cannot be overturned unless the board makes an error in some aspect of law or jurisdiction.

Agendas listing appeals and hearing times scheduled for that day are posted in the hearing waiting area. Hearings do not start before the time listed on the schedule.

For more information:

Subdivision and Development Appeal Board

Telephone 780-496-6079 **Fax** 780-577-3537 **Email** sdab@edmonton.ca

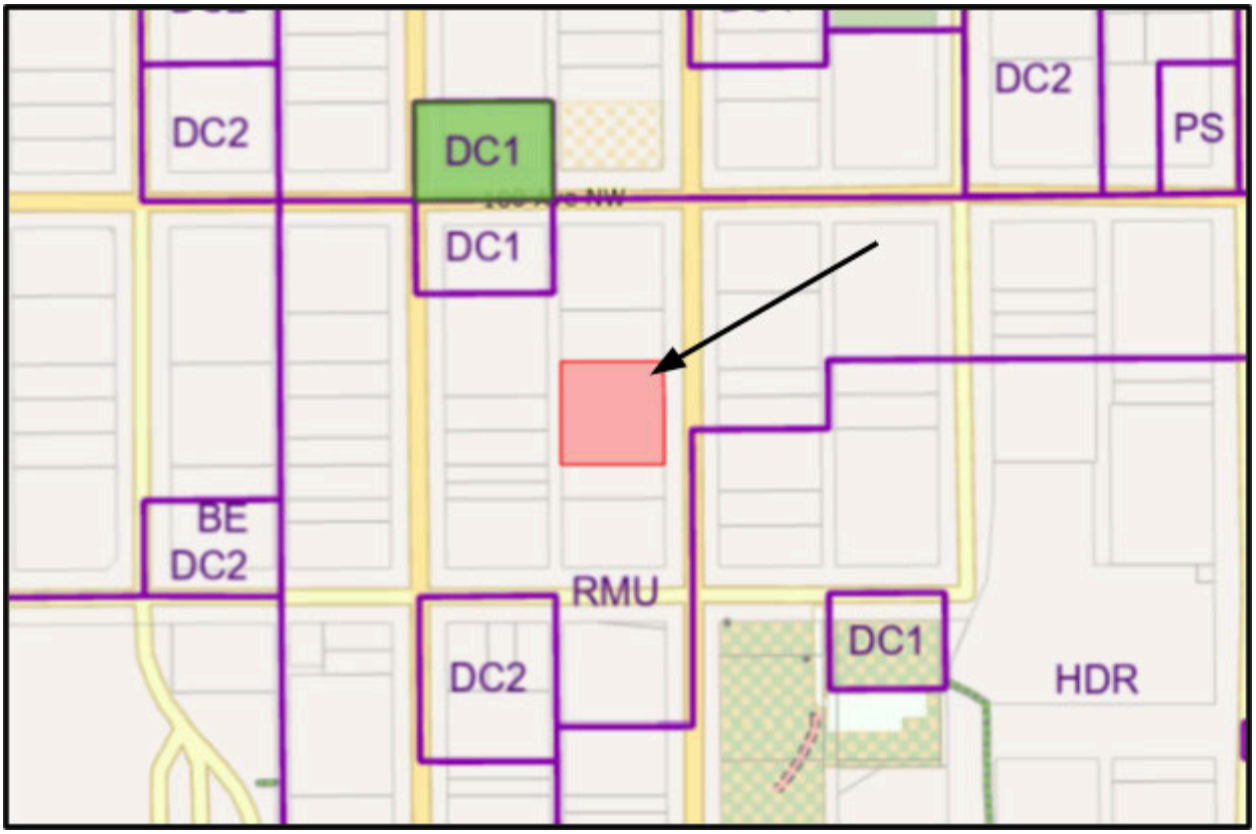


SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-272

N

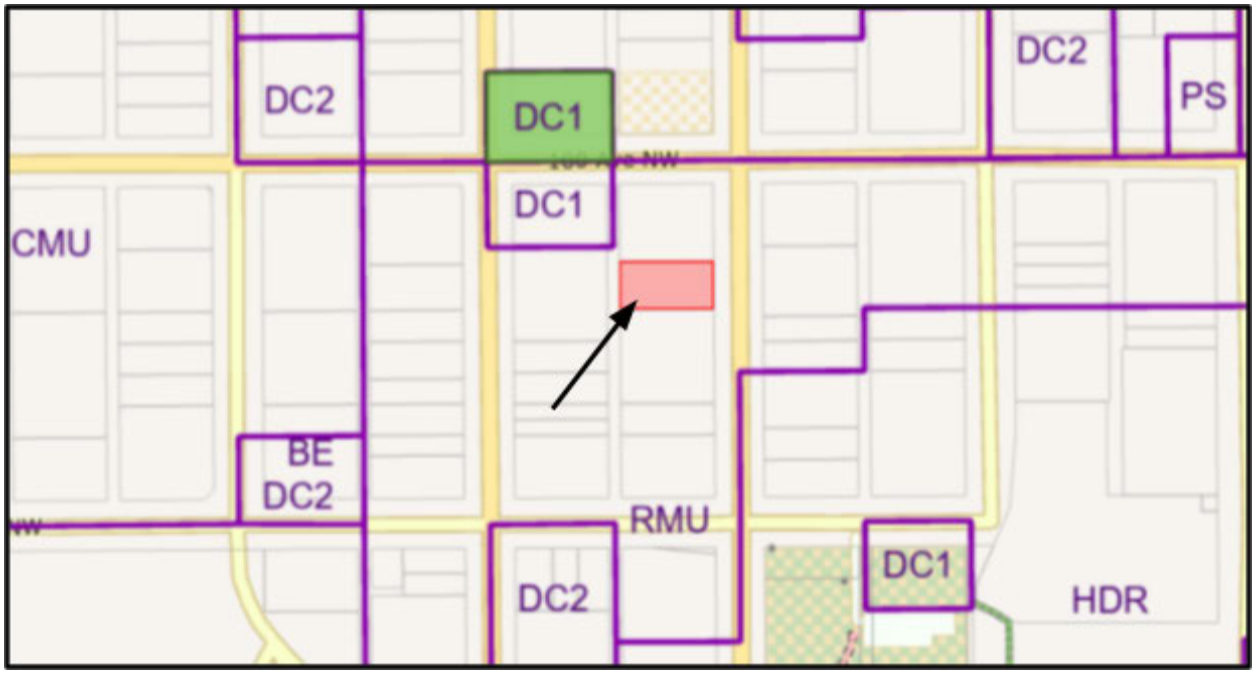


SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-273

N

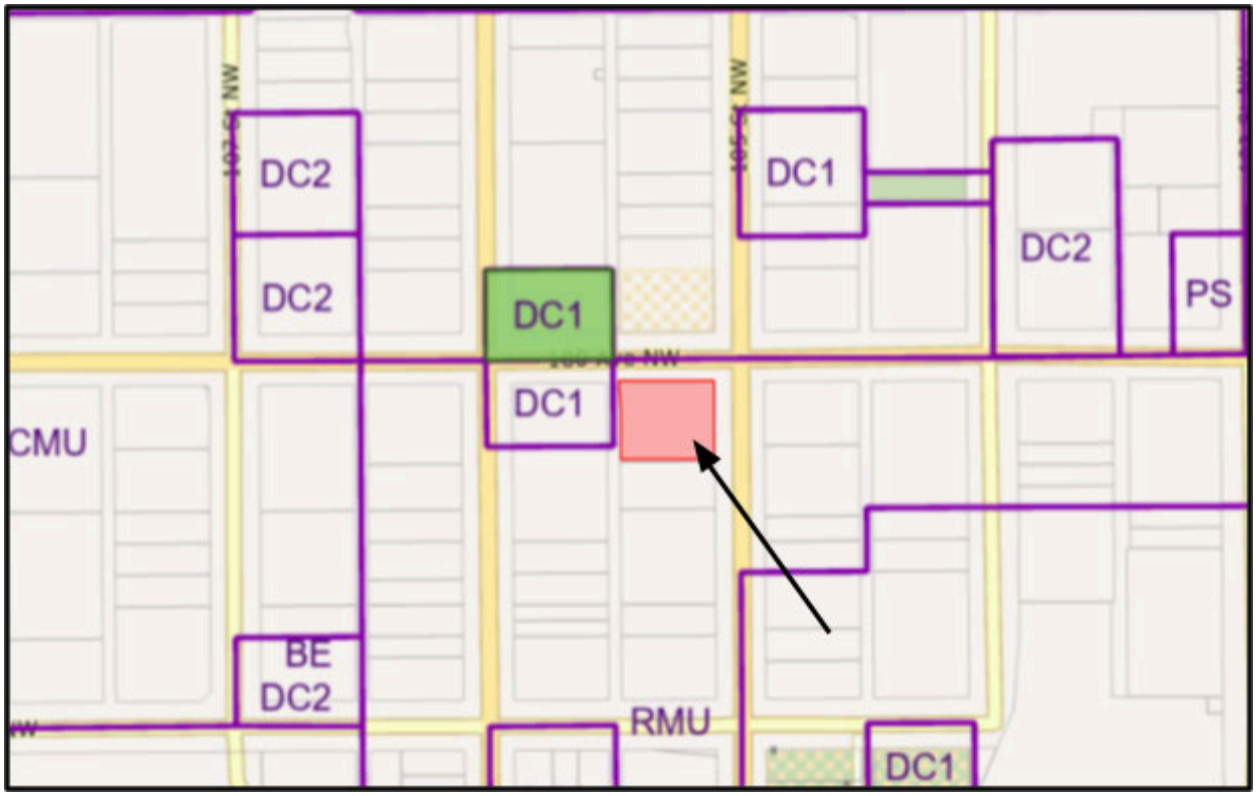


SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-274

N



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-275

N

ITEM II: 1:30 P.M. FILE: SDAB-D-26-278

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:	
APPLICATION NO.:	669798510-002
APPLICATION TO:	Construct a Residential Use building in the form of a Semi Detached House with an unenclosed front porch, balcony, rear uncovered deck (0.9m x 1.8m), and Secondary Suites in the Basements and portion of the main floor.
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with Conditions
DECISION DATE:	September 2, 2026
DATE OF APPEAL:	September 24, 2026
RESPONDENT:	
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	7706 - 97 AVENUE NW
LEGAL DESCRIPTION:	Plan 2522483 Blk 5 Lot 48B
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:

I wish to appeal to ensure that design revisions made by the developer are in line with the recent changes to the bylaw height restrictions, as I do not trust the development office to ensure compliance: as evidenced by the previous appeal results.

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, **Semi-detached Housing** means:

> a building that contains 2 principal Dwellings that share, in whole or in part, a common vertical party wall. Each Dwelling has individual, separate and direct access to ground level. This does not include Duplex Housing.

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

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

Under section 8.20, **Dwelling** means:

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

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

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

Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision

SDAB-D-26-176	To construct a Residential Use building in the form of a Semi-Detached House with unenclosed front porches, balconies, and to develop Secondary Suite(s) in the Basement and main floors.	August 11, 2026; The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **REFUSED**.
SDAB-D-26-175	To construct a Residential Use building in the form of a multi-unit Backyard House (2 Dwellings without Garage and 2 Secondary Suites).	August 11, 2026; The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **GRANTED** as applied for to the Development Authority.

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: **669798510-002**
Application Date: AUG 12, 2026
Printed: September 2, 2026 at 3:59 PM
Page: 1 of 3

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)
7706 - 97 AVENUE NW
Plan 2522483 Blk 5 Lot 48B

Specific Address(es)

Suite:	1, 7706 - 97 AVENUE NW
Suite:	2, 7706 - 97 AVENUE NW
Suite:	BSMT1, 7706 - 97 AVENUE NW
Suite:	BSMT2, 7706 - 97 AVENUE NW
Entryway:	1, 7706 - 97 AVENUE NW
Entryway:	2, 7706 - 97 AVENUE NW
Building:	1, 7706 - 97 AVENUE NW

Scope of Permit

To construct a Residential Use building in the form of a Semi Detached House with an unenclosed front porch, balcony, rear uncovered deck (0.9m x 1.8m), and Secondary Suites in the Basements and portion of the main floor.

Details

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

Development Permit Decision

Approved

Issue Date: Sep 02, 2026 **Development Authority:** SMITH, BRADLEY2

Subject to the Following Conditions

Zoning Conditions:

This Development Permit authorizes the construction of a Residential Use building in the form of a Semi Detached House with an unenclosed front porch, balcony, rear uncovered deck (0.9m x 1.8m), and Secondary Suites in the Basements and portion of the main floor.

The development must be constructed in accordance with the approved drawings.

WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a Development Permit Notification Sign (Subsection 7.160.2.2).

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

Development Permit

toward the Interior Side Lot Line, a minimum distance of 1.1 m must be maintained between the Interior Side Lot Line and the unenclosed steps (Subsection 2.10.4.8.1.). If the unenclosed steps are oriented away from the Interior Side Line and have a landing less than or equal to 1.5 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 97 Avenue NW is not permitted (Subsection 2.10.6.1).

The Secondary Suites must have a separate entrance from the principal Dwellings, either from a common indoor landing or directly from outside the building (Section 8.20).

A Hard Surfaced Pathway connecting the main entrance of the Secondary Suites directly to an Abutting sidewalk or to a Driveway is required, which must be a minimum width of 0.9 m (Subsection 5.80.2.1.1).

The Secondary Suites must have less Floor Area than the principal Dwellings (Section 8.20).

The Secondary Suites must not be separated from the principal Dwellings by a condominium conversion or subdivision (Section 8.20).

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.

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.

Edmonton

Project Number: **669798510-002**
Application Date: AUG 12, 2026
Printed: September 2, 2026 at 3:59 PM
Page: 3 of 3

Development Permit

Rights of Appeal

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

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	$625.00	$625.00	284334000008030	Aug 12, 2026
Lot Grading Fee	$320.00	$320.00	284334000008030	Aug 12, 2026
Total GST Amount:	$0.00			
Totals for Permit:	$945.00	$945.00		

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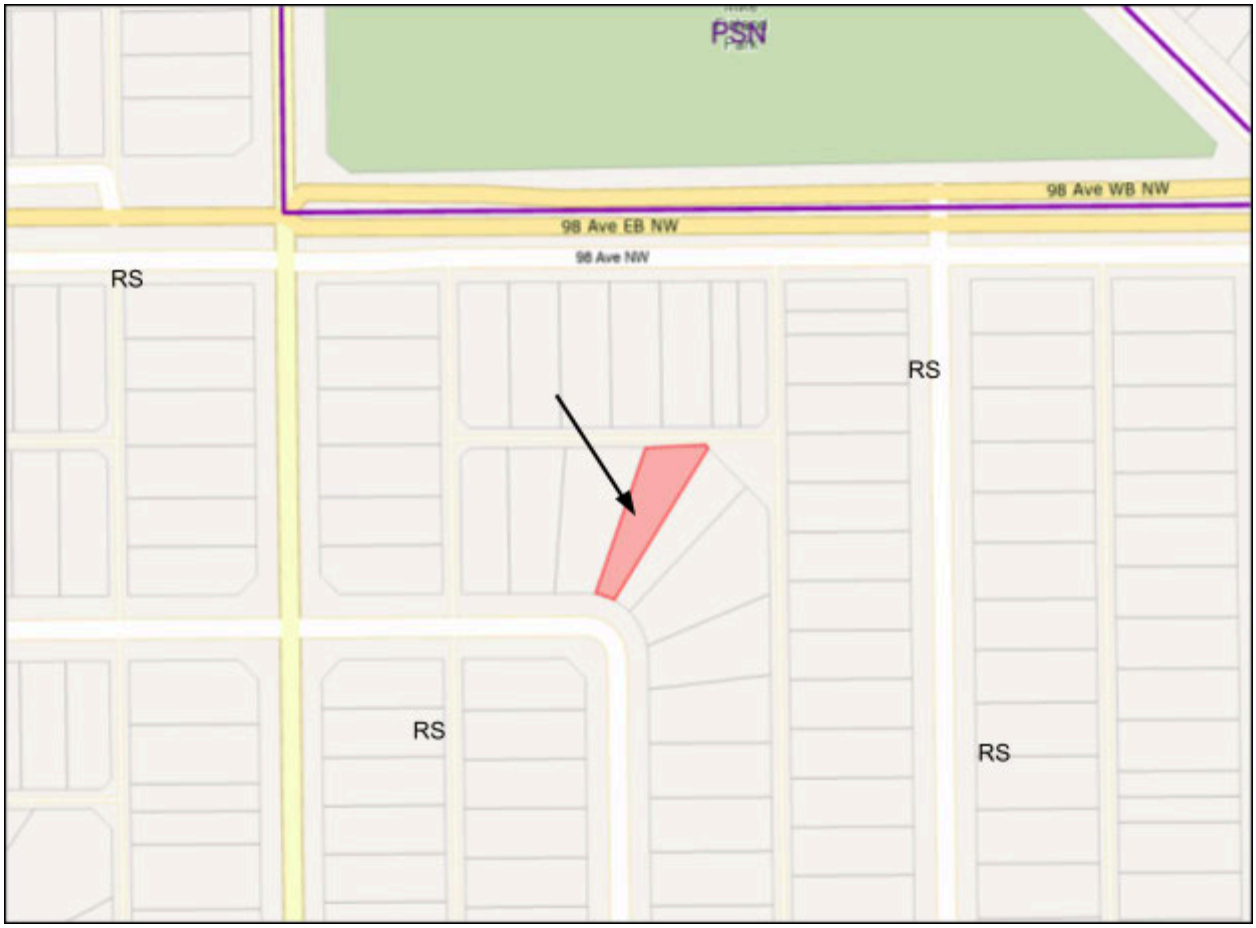

SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-278

N