SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Tuesday, 9:00 A.M.
October 6, 2026

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RIVER VALLEY ROOM

I 9:00 A.M. SDAB-D-26-259

Construct exterior alterations to a Residential Use building (Driveway extension, 2.2m x 10.0m) existing without permits

4840 - 15A AVENUE NW
Project No.: 662778761-002

II 10:00 A.M. SDAB-D-26-260

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to: Cease use of the Water Retention Structure (ornamental pond and water feature) immediately AND Demolish and remove the Water Retention Structure (ornamental pond and water feature), and clear the site of demolition materials before September 20, 2026

530 - HEFFERNAN DRIVE NW
Project No.: 629523970-001

III 1:30 P.M. SDAB-D-26-261

Construct an addition (rear attached garage and second storey addition) to a Residential Use building in the form of a Single Detached House

10310 - 132 STREET NW
Project No.: 665815706-002

ITEM I: 9:00 A.M. FILE: SDAB-D-26-259

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:	
APPLICATION NO.:	662778761-002
APPLICATION TO:	Construct exterior alterations to a Residential Use building (Driveway extension, 2.2m x 10.0m) existing without permits
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	September 2, 2026
DATE OF APPEAL:	September 10, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	4840 - 15A AVENUE NW
LEGAL DESCRIPTION:	Plan 8922797 Blk 45 Lot 35
ZONE:	RS - Small Scale Residential Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A
DISTRICT PLAN:	Millwoods and Meadows District Plan

Grounds for Appeal

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

> We are appealing the refusal of our Development Permit application and request that the Subdivision and Development Appeal Board allow the appeal and approve the development with the necessary variance(s).

We believe that the requested variance(s) are appropriate in the specific circumstances of this property and are consistent with the applicable variance criteria under the Zoning Bylaw. Specifically, we believe the development does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties, and that approval of the variance(s) would be consistent with the general intent of the zone and sound land use planning principles. The requested variance is also important to our household and our livelihood, and we hope to provide the Board with further context regarding those circumstances as part of the appeal.

We respectfully request that the Board consider the specific circumstances of the property, the nature and extent of the development, its actual impact on the surrounding area, and the evidence and submissions that will be presented in support of the appeal. We would greatly appreciate the opportunity to have this matter reviewed by the SDAB. Thank you.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(c) issues an order under section 645,

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

…

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

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted

or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

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

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

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

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

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

or

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

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

Hearing and Decision

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

…

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

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

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

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

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

General Provisions from the *Zoning Bylaw 20001:*

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

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

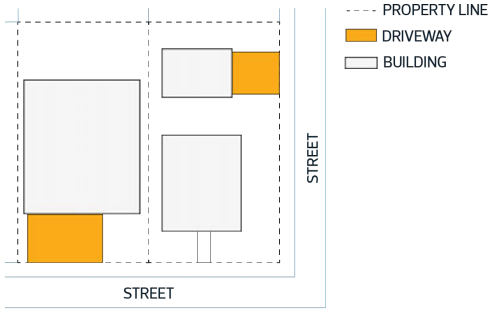
> Means a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.
>
> This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

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

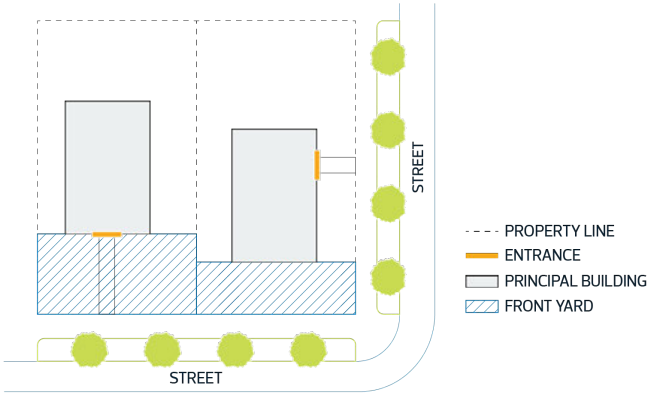
Under section 8.20, **Driveway** means:

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



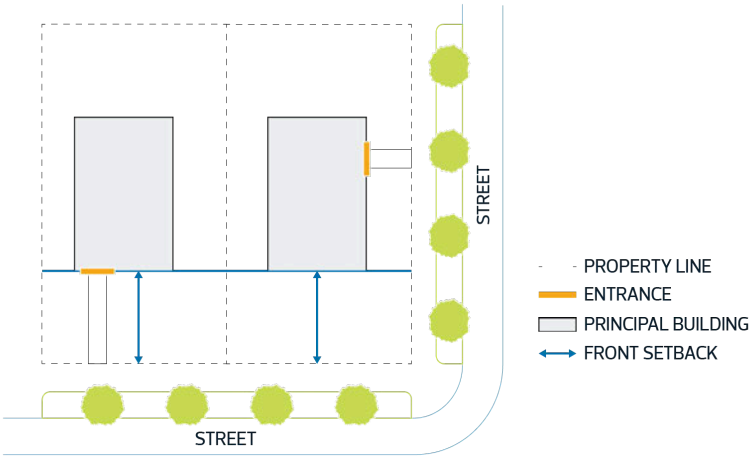
Under section 8.20, **Front Yard** means:

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



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

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



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

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

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

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

Site Circulation and Parking Regulations for Small Scale Residential Development

Section 5.80.2.1 states:

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

Site Circulation

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

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

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

Driveways

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

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

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

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

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

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

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

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

2.1.6.1. a Front Yard;

2.1.6.2. a Flanking Side Yard; or

2.1.6.3 a Flanking Side Setback.

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

Development Planner's Determination

1. Driveway - A Driveway must lead directly from the Street or Alley to the Garage. (Subsection 5.80.2.1.4)
Proposed: The Driveway does not lead directly to the Garage

2. Driveway Width - The maximum Width of a Driveway is the number of spaces multiplied by 3.7m (Subsection 5.80.2.1.5.2)
Required: 7.4m (2 x 3.7m)
Proposed: 8.4
Exceeds by: 1.0m

3. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Subsection 5.80.2.1.6.1)
Proposed: The extension creates additional parking space in the Front Yard

[unedited]

Notice to Applicant/Appellant

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

Edmonton

Project Number: **662778761-002**
Application Date: JUN 22, 2026
Printed: September 2, 2026 at 2:17 PM
Page: 1 of 2

Application for
Driveway Extension Permit

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

Applicant

Property Address(es) and Legal Description(s)
4840 - 15A AVENUE NW
Plan 8922797 Blk 45 Lot 35

Location(s) of Work
Suite: 4840 - 15A AVENUE NW
Entryway: 4840 - 15A AVENUE NW
Building: 4840 - 15A AVENUE NW

Scope of Application
To construct exterior alterations to a Residential Use building (Driveway extension, 2.2m x 10.0m) existing without permits.

Details

Development Category: Discretionary Development
Site Area (sq. m.): 527.55
Overlay:
Statutory Plan:

Development Application Decision
Refused

Issue Date: Sep 02, 2026 **Development Authority:** ZENG, KATHY

Reason for Refusal

1. Driveway - A Driveway must lead directly from the Street or Alley to the Garage. (Subsection 5.80.2.1.4)
Proposed: The Driveway does not lead directly to the Garage

2. Driveway Width - The maximum Width of a Driveway is the number of spaces multiplied by 3.7m (Subsection 5.80.2.1.5.2)
Required: 7.4m (2 x 3.7m)
Proposed: 8.4
Exceeds by: 1.0m

3. Parking Spaces - Vehicle parking spaces, other than those located on a Driveway, must not be located within a Front Yard (Subsection 5.80.2.1.6.1)
Proposed: The extension creates additional parking space in the Front Yard

Rights of Appeal
The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26,
Section 683 through 689 of the Municipal Government Act.

Building Permit Decision
No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	$195.00	$195.00	063313000018333	Jun 22, 2026
Total GST Amount:	$0.00			
Totals for Permit:	$195.00	$195.00		

THIS IS NOT A PERMIT

P0702003

Edmonton

Application for
Driveway Extension Permit

Project Number: **662778761-002**
Application Date: JUN 22, 2026
Printed: September 2, 2026 at 2:17 PM
Page: 2 of 2

THIS IS NOT A PERMIT

P0702003

SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-26-259

N

ITEM II: 10:00 A.M. FILE: SDAB-D-26-260

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT AUTHORITY

APPELLANT:	
APPLICATION NO.:	629523970-001
ORDER TO:	Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to: Cease use of the Water Retention Structure (ornamental pond and water feature) immediately AND Demolish and remove the Water Retention Structure (ornamental pond and water feature), and clear the site of demolition materials before September 20, 2026
DECISION OF THE DEVELOPMENT AUTHORITY:	Order Issued
ORDER DATE:	August 20, 2026
DATE OF APPEAL:	September 10, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	530 - HEFFERNAN DRIVE NW
LEGAL DESCRIPTION:	Plan 9222535 Blk 80 Lot 3
ZONE:	RS - Small Scale Residential Zone
OVERLAY:	RVO - North Saskatchewan River Valley and Ravine System Protection Overlay
STATUTORY PLAN:	North Saskatchewan River Valley Area Redevelopment Plan
DISTRICT PLAN:	Whitemud District Plan

Grounds for Appeal

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

> Grounds of Appeal:
>
> 1. The Water Retention Structure is a legal, non-conforming building within the meaning of section 643 of the Municipal Government Act. It was lawfully constructed in 2002, at a time when no Development Permit was required for it, and it may lawfully continue to stand.
>
> 2. No breach of the kind contemplated by section 645(1) of the Act exists. The Order was accordingly issued without jurisdiction and must be revoked.
>
> 3. Further and in the alternative, the Structure is not a "Water Retention Structure" as that expression is defined in Zoning Bylaw 20001, and section 7.120.1.3.4 of that Bylaw has no application to it.
>
> 4. The Order is founded upon an inspection conducted without the reasonable notice mandated by section 542(1) of the Act. The mandatory procedures prescribed by the Act were not followed and thus the Order was issued without due process and is to be cancelled.
>
> 5. The time given for compliance is not a reasonable time. The Order purports to require demolition of the Structure before this appeal can be heard and determined.
>
> 6. In the alternative, if a Development Permit is required for the Structure, the Board should exercise its powers under section 687(3) of the Act to approve the Structure as built.
>
> 7. In the Alternative, any such further grounds and arguments as may be presented at the time of Appeal.

General Matters

Appeal Information:

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:*

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.

Section 2.260.1 states that the **Purpose** of the **RVO - North Saskatchewan River Valley and Ravine System Protection Overlay** is:

To provide a development Setback from the North Saskatchewan River Valley and Ravine System and mitigate the risks associated with top-of-bank landslides, erosions, and other environmental hazards.

7.120 - No Development Permit Required - General Regulations

Section 7.120.1 states:

1.1 All development requires a Development Permit, except for those listed in Subsections 1.4 through 9.

…

1.3. Despite Subsection 1.1, a Development Permit is required for the following developments on Sites located within the North Saskatchewan River Valley and Ravine System Protection Overlay where the applicable Zone includes 1 or more Residential Uses:

1.3.1 Accessory buildings, Platform Structures or structures, or the removal of an Accessory building, Platform Structure, or structure;

1.3.2. Urban Agriculture Uses;

1.3.3. cisterns, septic tanks, or other underground water and wastewater retention facilities; and

1.3.4. Water Retention Structures.

Under section 8.20, **Water Retention Structure** means:

a structure designed to retain a large volume of water, a minimum of 0.378 cubic metres.

Typical examples include swimming pools, skating rinks, ornamental ponds, hot tubs, whirlpools, and spas.

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.

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.

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

August 20, 2026 Our File: 629523970-001

MUNICIPAL GOVERNMENT ACT ORDER

Dear

An Alberta Land Titles search identifies you as the registered owner(s) of the property located at 530 Heffernan Drive NW in Edmonton, Alberta, legally described as Plan 9222535 Blk 80 Lot 3.

This Property was inspected by Development Compliance Officer Marko Skendzic, on August 17, 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:

This property is zoned RS (Small Scale Residential Zone) in accordance with Section 2.10 of Edmonton Zoning Bylaw 20001. Our investigation revealed a Water Retention Structure (ornamental pond and water feature) has been developed without a Development Permit.

The City of Edmonton has not issued a Development Permit to develop a Water Retention Structure which is contrary to Subsection 7.110.1 of the Edmonton Zoning Bylaw 20001, and Section 683 of the Municipal Government Act.

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.

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

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.

You are advised that your property is within the North Saskatchewan River Valley and Ravine System Protection Overlay.

Subsection 2.260 of the Edmonton Zoning Bylaw 20001 states:
That the purpose of the North Saskatchewan River Valley and Ravine System Protection Overlay is to provide a development Setback from the North Saskatchewan River Valley and Ravine System and mitigate the risks associated with top-of-bank landslides, erosions, and other environmental hazards.

Subsection 7.120.1.3 of the Edmonton Zoning Bylaw 20001 states:
Despite Subsection 1.1, a Development Permit is required for the following developments on Sites located within the North Saskatchewan River Valley and Ravine System Protection Overlay where the applicable Zone includes 1 or more Residential Uses:
1.3.1 Accessory buildings, Platform Structures or structures, or the removal of an Accessory building, Platform Structure, or structure;
1.3.2. Urban Agriculture Uses;
1.3.3. cisterns, septic tanks, or other underground water and wastewater retention facilities; and
1.3.4. Water Retention Structures.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, RSA 2000, c M-26, you are hereby ordered to:

1. Cease use of the Water Retention Structure (ornamental pond and water feature) immediately.

AND

2. Demolish and remove the Water Retention Structure (ornamental pond and water feature), and clear the site of demolition materials before September 20, 2026.

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

Edmonton Tower
10111 - 104 Ave NW
Edmonton, AB T5J 0J4
Canada
edmonton.ca/developmentcompliance

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. 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 within **21 calendar days** to the Subdivision and Development Appeal Board. 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.

PERMIT APPLICATIONS:

You can make a permit application online at selfserve.edmonton.ca.

For more information related to obtaining a Development Permit, we suggest you consult a technical advisor at:
Email: developmentpermits@edmonton.ca
Phone: 780-442-5054

If you have any questions in regards to this matter, please contact the writer at 780-496-3970.

Regards,

Marko Skendzic
Development Compliance Officer
780-496-3970
marko.skendzic@edmonton.ca

City of Edmonton
Development Services Branch
Development Approvals & Inspections Section
Development Compliance Unit

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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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or

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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

(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,

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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).

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

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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.

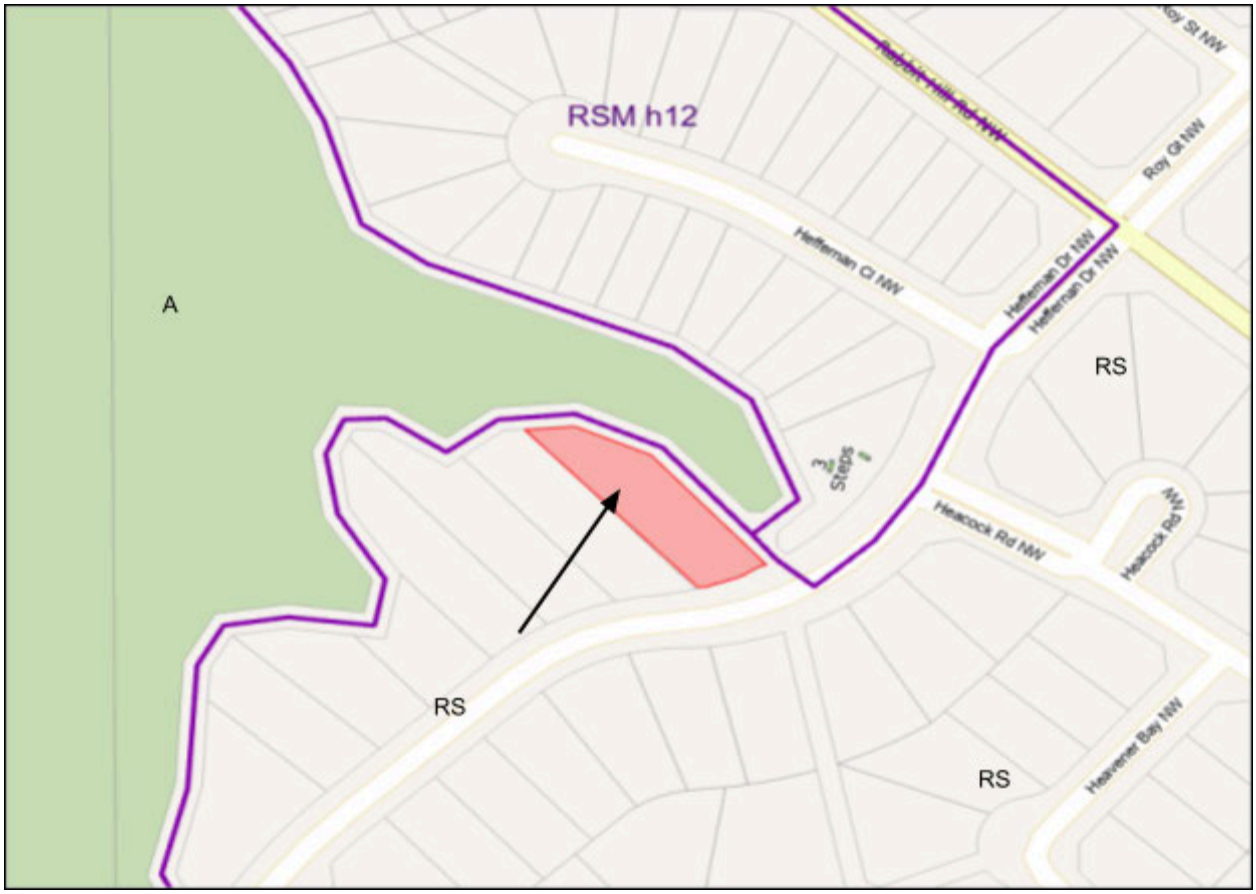
For more information:

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-26-260

N

ITEM III: 1:30 P.M. FILE: SDAB-D-26-261

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:	
APPLICATION NO.:	665815706-002
APPLICATION TO:	Construct an addition (rear attached garage and second storey addition) to a Residential Use building in the form of a Single Detached House
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	September 8, 2026
DATE OF APPEAL:	September 9, 2026
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10310 - 132 STREET NW
LEGAL DESCRIPTION:	Plan 2803AF Blk 89 Lot 17
ZONE:	RS - Small Scale Residential Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A
DISTRICT PLAN:	Central District Plan

Grounds for Appeal

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

-Our lot presents a significant hardship to propose a suitable design to expand the size of the home/garage to accommodate our families needs

-House length is historic, much of which was predetermined by the lot shape

-We have had a professional set of plans made to keep the home authentic to the original design and the neighbourhoods esthetic sparing no time or expense to produce them

-We have approached all neighbours with in sight line of the addition(60m) and all have signed letters of approval

-The Old Glenora Conservation Association has signed off on the plans

-The removal of the front access driveway will increase green space on the block
-The rear lane does not see significant traffic and this development will not impact access

-There currently is a garage built in this location so its current appearance is very similar to what is proposed

-There are multiple properties in the neighbourhood with in 1 block that have been approved with similar set backs to what we have proposed

-The neighbours directly north are fully in agreement with our plans and feel what we have proposed will be esthetically more appealing

-We have cleared all the requirements with EPCOR in advance of this application and they see no interference

-We purposefully designed just the garage portion to require the variance, the build above the garage is narrowed to accommodate the set back but to keep the garage usable we need the variance to 0.15m

-Other properties that have similar set backs also have access directly from the rear lane

-We have consulted to confirm access to the garage will not be an issue, the neighbour directly east(10305 132st) has the same set back for their garage and have no issue accessing the garage

-Our design does not have eave projection beyond the property line

-Our appreciation of the home, the neighbourhood, our neighbours and those accessing the area was considered in every step of our plans but we are significantly restricted by the odd shape of the lot and the original portion of the home we want to maintain as original in our plans

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(c) issues an order under section 645,

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

…

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

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

Appeals

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

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

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

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

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

or

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

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

Hearing and Decision

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

…

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

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

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

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

…

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

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

(i) the proposed development would not

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

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

and

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

General Provisions from the *Zoning Bylaw 20001:*

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

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

> Means a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.
>
> This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

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

Under section 8.20, **Garage** means "an Accessory building, or part of a principal building, designed and used primarily to store vehicles and includes carports. A Garage does not contain a Drive Aisle."

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.

Building Length

Section 2.10.4.1 states

4.1. Development must comply with Table 4.1:

Table 4.1. Site and Building Regulations

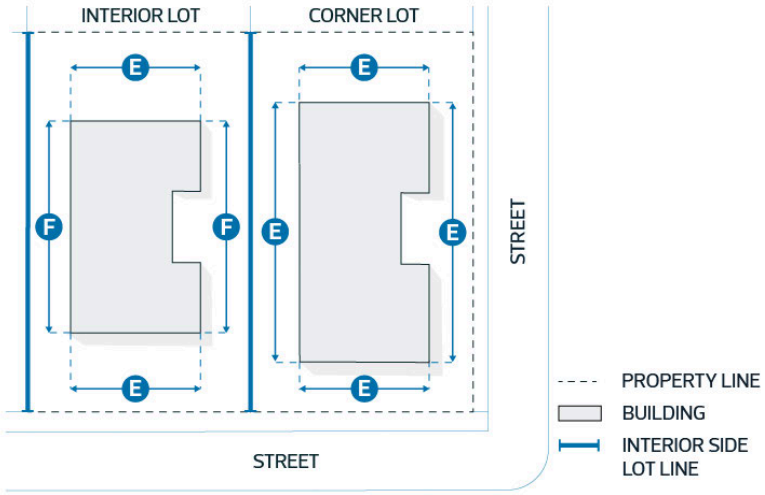
Subsection	Regulation	Value	Symbol
Building Length			

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**

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:

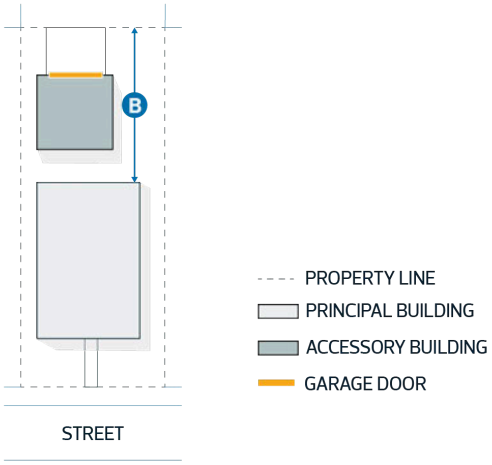
Table 4.3 Setback Regulations

Rear Setback

Subsection	Regulation	Value	Symbol

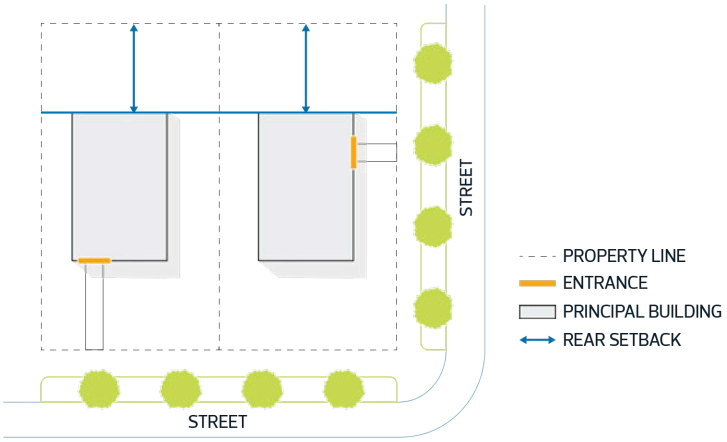
4.3.2.	**Minimum Rear Setback**	**10.0 m**	**B**

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.



Rear attached Garage

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

Development Planner’s Determination

1. Rear Setback - Minimum Rear Setback is 10.0m (Subsection 2.10.4.3.2)
Proposed: 0.2m
Exceeds: 9.8m

2. Building length - Maximum building length along an Interior Side Lot Line is 50% of Site Depth or 25.0 m, whichever is less (Subsection 2.10.4.1.9)
Maximum: 19.8m (50% of 39.65m)
Proposed: 29.8m
Exceeds: 10.0m

3. Rear attached Garage - Rear attached Garages are not permitted (Subsection 2.10.6.2)
Proposed: Rear attached Garage

[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: **665815706-002**
Application Date: JUL 10, 2026
Printed: September 8, 2026 at 3:58 PM
Page: 1 of 2

Application for Addition Permit

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

Applicant

Property Address(es) and Legal Description(s)
10310 - 132 STREET NW
Plan 2803AF Blk 89 Lot 17

Location(s) of Work
Suite: 10310 - 132 STREET NW
Entryway: 10310 - 132 STREET NW
Building: 10310 - 132 STREET NW

Scope of Application
To construct an addition (rear attached garage and second storey addition) to a Residential Use building in the form of a Single Detached House.

Details

Development Category: Discretionary Development
Site Area (sq. m.): 533.05
Overlay:
Statutory Plan:

Development Application Decision
Refused

Issue Date: Sep 08, 2026 **Development Authority:** WATSON, COLE

Reason for Refusal

1. Rear Setback - Minimum Rear Setback is 10.0m (Subsection 2.10.4.3.2)
Proposed: 0.2m
Exceeds: 9.8m

2. Building length - Maximum building length along an Interior Side Lot Line is 50% of Site Depth or 25.0 m, whichever is less (Subsection 2.10.4.1.9)
Maximum: 19.8m (50% of 39.65m)
Proposed: 29.8m
Exceeds: 10.0m

3. Rear attached Garage - Rear attached Garages are not permitted (Subsection 2.10.6.2)
Proposed: Rear attached Garage

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 #	Date Paid
Development Application Fee	$415.00	$415.00	046714000007353	Jul 10, 2026

THIS IS NOT A PERMIT

P0702003

Edmonton

Application for Addition Permit

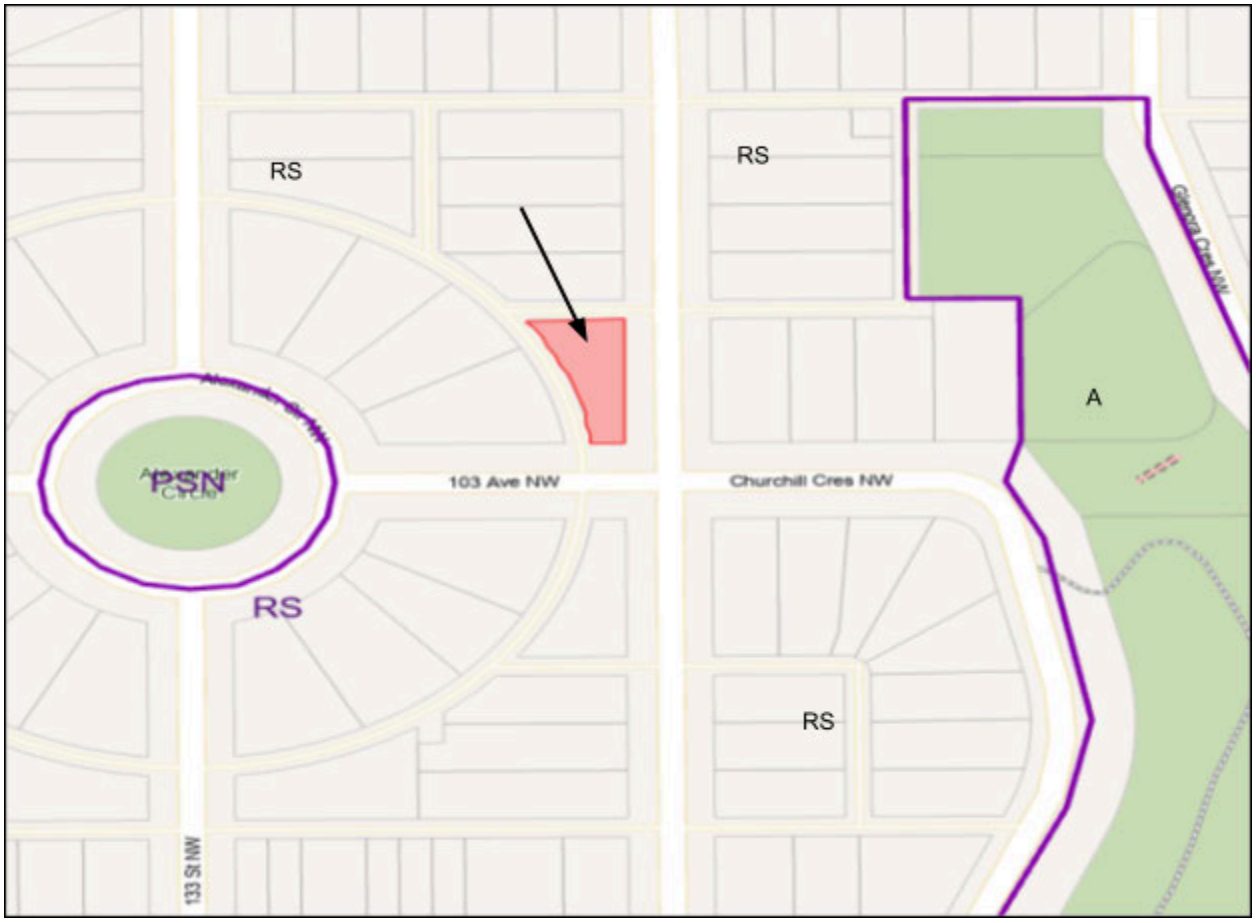
Project Number: **665815706-002**
Application Date: JUL 10, 2026
Printed: September 8, 2026 at 3:58 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
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-26-261

N