



RealTalk® about Real Estate

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Topic: Unidriveways

Calgary Subdivision and Development Appeal Board (SDAB2015-0135 - Corrected)

Here's a recent decision from the Calgary Subdivision and Development Appeal Board ("SDAB") relating to the width of a driveway on a home in Saddleridge. We bring this to you so as to show how the SDAB is currently viewing these issues, in case you have a Seller in a similar situation.

The SDAB refused to grant a relaxation for a driveway which was wider than permitted by the Bylaw. The actual driveway was 10.36m wide, which was 3.36m (or 48%) wider than the maximum permitted width of 7.0m. Although the SDAB didn't explicitly say it, this was one of the "unidriveways" that the City has been cracking down on lately. The actual reasons provided for the refusal included that the wider driveway:

- was placed over a Utility Right-of-Way and hindered access to utilities
- rendered the neighbourhood "unsightly and less enjoyable to residents of the street"
- had adverse consequences on drainage
- eliminates on-street parking possibilities

As a side note, the owner had also argued that the contractor who paved the driveway did not advise her of the width limits, nor that a development permit was required, but the SDAB didn't buy that argument, noting that "a property owner is responsible for the actions of the contractor."

It's safe to say that if you have a seller with a driveway which materially exceeds the width permitted in the Bylaw, your client will be removing some concrete in the near future.

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