



**SUBDIVISION AND DEVELOPMENT  
APPEAL BOARD**

**DATE: Wednesday, February 15, 2017**  
**TIME: 6:00 p.m.**  
**PLACE: Council Chambers**  
**FILE: B02**

**AGENDA**

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**1. Adoption of Agenda**

**2. Radius Notifications**

**3. Appeals**

**a) 44 Legacy Terrace – Appellant – Minh Tran**

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a duplex bungalow with basement development, attached garage, deck and covered veranda.

**b) 42 Legacy Terrace – Appellant - Minh Tran**

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a duplex bungalow with basement development, attached garage, deck and covered veranda.

**c) 32 Legacy Terrace – Appellant – Minh Tran**

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a duplex bungalow with basement development, attached garage, deck and covered veranda.

**d) 2 Perrault Place – Appellant – Shannon Sutherland**

The Appellant is appealing the decision of the Development Officer in approving a Development Permit Application to authorize the use of the property as a Group Home.

**4. Adjournment**

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB# 07-2017

Re: Lot 8, Block 7, Plan 792 0720- known municipally as 2 Perrault Place, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in approving a development permit application to authorize the use of the property as a Group Home.

The Appellant had no objection to the members of this Board hearing and deciding this Appeal.

**The Board considered the Development Officer's written report and heard from the Development Officer who stated that:**

1. The appellant is appealing the decision of the Development Officer, in issuing a development permit (DP-2017-000014) to authorize the use of the property as a group home. The Land Use Bylaw has two categories of group homes.
2. **Limited Group Home** which is defined as "a group home limited to 3 or fewer residents", is a permitted use in the Low Density (R1) Residential land use district.
3. **Group Home** which is defined as "a development consisting of the use of a residential dwelling as a facility which is recognized, authorized, licensed or certified by a public authority as a social care facility. A group home is intended to provide room and board for more than three but no greater than 6 residents, exclusive of staff, requiring specialize or personal care, guidance and supervision. The residential character of the development shall be primary, with the occupants living together as a single housekeeping group and using cooking facilities shared in common" is a discretionary use in the Low Density (R1) land use district.
4. The permit was issued for a Group Home which as a discretionary use, resulted in notification to adjacent property owners within a 30m radius (generated by our permitting system), who had a right to file an appeal against the issuance of the permit within 14-days of receipt of notice.
5. An appeal was filed against the issuance of the permit.

**Application Review**

6. A number of factors were reviewed and taken into account as part of the evaluation of the application, including those identified in Section 8.11 of the Land Use Bylaw.
7. As per Section 8.11, the Development Officer shall have regard for the nature of the group home and the density of the district in which it is located. Additionally, the group home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the district in which it is located.

Location:

8. The lot is a corner lot with a three-car garage and driveway.
9. This location allows for significant on site parking; three in the garage and three on the driveway.
10. In addition, the street along the south face of the property is available for on street parking as required.
11. The property is within reasonable walking distance to a park and good proximity to schools.

Parking:

12. As per Section 7.3(1)(b)(i), the parking requirement for a Group Home is 1 parking space per 3 sleeping units and 1 parking space per resident staff member.
13. The property has a triple garage as well as a 3-car driveway.
14. It is anticipated that the residents will not be driving, and based on the proposed staffing the property has more than sufficient on-site parking.
15. The Development Officer was satisfied that the proposed occupancy of the property should not materially affect the traffic, parking or other neighbourhood amenities.
16. The proposed occupancy of the property would have a similar impact as if a large family were to move into the same neighbourhood.
17. The letter of intent submitted with the development permit application noted that there will be six (6) individuals living at the home with 24/7 staff support/supervision.

**The Board heard from the Appellant who stated that:**

Carrie Andrews of 31 Pineview Crescent, acting on behalf of the primary Appellant submitted:

1. Group Home will unduly affect the neighbourhood.
2. Parking described as adequate in the permit approval, however, that is not accurate.
3. Concerned with location of shift changes, moving cars and create congestion in the mouth of the cul-de-sac.
4. Flow of people out of the home at shift changes causing harm to children at 3 p.m.
5. 7a.m. shift change traffic will interfere with people leaving for work.
6. Community mailbox located across from the group home where street parking exists.
7. Allowing street parking will hinder visitors to the existing residences.
8. Additional staff and commercial deliveries to create additional traffic.
9. Additional traffic will materially interfere with the use and enjoyment of the neighbourhood.
10. Council Policy: Strategic plan:
  - a. "Social Strategic Plan"
  - b. Not a person next to me is, it is a corporation. To care for and watch children. Not being paid to develop relationships with the community.

11. Need to consider how new children will be available to interact with other children in the cul-de-sac.

#### Closing

12. Friendly and inclusive community. With the unknown it interferes with that community feel.
13. Two staff for six children is a concern. If a staff takes a child to an appointment does that leave less staff to care for the children?
14. Need to make it clear. The residents are not against the group home we are against the location.
15. Against this location in this quiet cul-de-sac.
16. Will interfere with entry in the cul-de-sac.
17. Will interfere with safety.
18. Will interfere with daily mail collection.

#### Patricia Hengel #17 Perrault Place submitted:

1. Opposed to the group home.
2. Built there after careful selection 34 years ago.
3. Place to raise our children in a single-family home quiet area with minimal noise and traffic.
4. Concerned about value of her home.
5. Issue with the process.
6. As a taxpayer and home owner why does she need to file the appeal?
7. Why does she need to take action?
8. Expectation business owners need to get signatures, but that did not happen in this case.
9. Always people parking by the mailbox.
10. Snow builds up and hard to drive on the cul-de-sac.
11. Potential residents, maximum of 6 children. What is the age of the business?
12. Can business change and admit adults? / halfway house?

#### Cheryle Barns 5 Perrault Place submitted:

1. Reiterate fact that St. Albert planning/development provides home based business.
2. Why in this instance was the neighbourhood not consulted prior to approving the permit?
3. Standard procedures were not being followed.
4. Quoting home occupation.
5. 6 children require 24-hour care, will staff be rotating or living at the home?
6. Only residents of the dwelling can be employed at the business.
7. No longer a single-family home – for profit business.
8. Does this meet planning zoning?
9. Staff may be questionable candidates who might have access to innocent vulnerable children.
10. What are the screening processes for staff?
11. Do not want staff with questionable backgrounds in the neighbourhood.

12. Perception of group home will change the value of the group home.
13. How can we be sure this will not become a home instead of halfway house?

Alex Vlasenko 11 Perrault Place submitted:

1. It is a business.
2. Home base business subject to residents.

Dale Gibbs – 13 Perrault Place submitted:

1. City not transparent with the facts.
2. Not defining children as 0-18.
3. Revolution of the children.
4. Concerns with taking aerial photos.
5. Did not purchase our homes knowing group home would be in the area.
6. Small children roam around the cul-de-sac.
7. Within 30 meters of mailbox.
8. Saying 0-6 years old.
9. Widowers in the area.
10. What is the benefit to the neighbourhood?
11. Maybe some drug addicted people in the group home.
12. No idea what's going in there?
13. City has not been clear.
14. Only for the almighty dollar.
15. Benefits the City financially
16. Cause much concern with the neighbours.
17. Does not benefit the neighbourhood.

Don Yurchuck 14 Perrault Place submitted:

1. Were the first residents on the cul-de-sac.
2. Neighbourhood is a mix of retired, empty nesters and young family's.
3. Feel safe and secure.
4. Don't feel safe or secure with the group home.
5. Don't want rapists in the neighbourhood.
6. No limitations on group home.
7. Don't want a halfway house with rapists.
8. 33 mailboxes that cause a major traffic tie-up.
9. A child will be hit or killed there.
10. Whole business about 6 kids is plain and patent nonsense.
11. Children Services would separate kids and not keep siblings together.
12. Cannot trust the owner.
13. More than their share of ambulances and fire trucks. Neighbour passed away and access would be affected by increased parking.
14. Would be awful if someone died do to lack of access.
15. Traffic will be a horror story and will be a problem.
16. No business plan according to children services and children services says they do not exist.

Kris Lynchuk 3 Perrault Place submitted:

1. If this was a not-for-profit there would be no appeal and they would not have come to appeal.
2. Changes in staff and changes in kids will create an unstable environment.
3. Two kids home schooled makes situation awkward.
4. If non-profit would have no issue.

Lila Olaru #7 Perrault Place submitted:

1. Many people against group home.
2. Has a family with 2 small kids.
3. Moved in 2 years ago.
4. Wanted quiet area and single family neighbourhood with no commercial or business.
5. Traffic is primary issue.
6. Three car garage does not mean there is 6 spots for parking without shuffling.
7. Business did not try to establish a good neighbourhood relations.
8. Learned about development from neighbour and owner referred all questions to the City.
9. Letter left by owner was not official.
10. Short notice to get appeal signed.
11. Did not try to find a place where children can thrive. Only cares about the business.
12. Is for-profit.
13. Could only find a registered business number.
14. Found job postings on Kijiji.
15. Min. Sabir group homes will be required to implement a good neighbourhood agreement.
16. Discussed City of Edmonton process.
17. City bylaw states group homes cannot be located within 300m of each other.
18. What is the definition of owner? Owner of the house or owner of the business?
19. Considers this a home-based business.
20. "The unknown" transform into halfway house.
21. Who should they be contacting if there is an issue?
22. Safety concerns.
23. High potential for problems.
24. How do the taxpayers benefit? We don't.
25. Can the City guarantee the family and neighbour safety by allowing?
26. General community concern over many group homes
27. For profit business will cause loss of enjoyment of the land by traffic noise and safety.
28. Cause intangible loss to her family.

Jeff Sherman 5 Perrault Place submitted:

1. Questions credentials of the Development Officer.
2. Development Officer says will not effect traffic as there would be a same impact as a large family.

3. Does not understand how that qualifies as a large family.

Nick Bronetto 8 Perrault Place submitted:

1. Increase in traffic volume.
2. Arterial road is more suited.
3. Cul-de-sac is more complex and only provides one access for emergency response, increased traffic will result in higher risk.
4. Per EMS, more call outs due to nature.
5. 9-10 vehicles could be at site at anytime.
6. Submitted Safety Codes, Land Use Bylaw building setbacks.
7. 0.39m from deck to property line setback.
8. Any regulations that square foot of play area is restricted.
9. Effects of this type of business will have a noise bylaw shift changes and many staff will violate noise bylaw.
10. Residents demand quiet areas.
11. Want SDAB to support residents as SDAB represents the citizens.
12. What happens with theft and property damage? Development Officer said to call Bylaw Enforcement and therefore downloading the issues onto another department.
13. Residents demand written proof that all Safety Codes are met for this business.
14. Quoted Building Codes, which is outside the jurisdiction of the Board.
15. City of St. Albert is looking at residential parking due to impact of non-residential parking
16. Emergency contact information / call back if there is an issue.
17. Why was there no parking or traffic study done?

Olga Valsenko 11 Perrault Place submitted:

1. Two concerns
  - o What is the most important in our life? Children.
  - o Trying to jeopardise their safety for some business.
  - o Some research up to 30% of the value of the home will be lost.
  - o Safety of our children. Our children are our future.

Hans Olaru #7 Perrault Place

1. Want to talk about life.
2. Life is peaceful and friendly.
3. Want respect with neighbourhood.
4. Personally, has three trucks.
5. Pays money to keep trucks away from their home.
6. Could block entire neighbourhood but keeps the peace.
7. Company was very disrespectful.
8. Never saw owner of the company.
9. Invaded and wanted to be sneaky.
10. Whole neighbour is against "public house".
11. No idea who the six kids are.

12. Kids going from one bad environment to a worse one where the neighbourhood is the against the home.
13. We are not against kids we are against the business.
14. Creates war / conflict / escalates.
15. Kids will understand entire neighbour is the enemy.
16. Why are we wasting the governments money?
17. Create crime.
18. Don't do it.

Aurora Leclair 32 Pineview Drive submitted:

1. Money must be very good to go for this.
2. House is for her and her children.
3. Traffic concerns due to the increased traffic of the group home.
4. Traffic will be a pain.

Efrem Bahta 11095 66 St. Edmonton, AB submitted:

1. Owner and Applicant
2. Director of Stepping Stones Group Care.
3. Finished High School in 2001 in GMAC to UofA BA in Sociology UVIC degree in Child and Youth Care.
4. Worked with Edmonton Police Service for 14 months.
5. School Councillor for 4 years.
6. In 2011 opened Stepping Stones Group Care.
7. Licensed in 2012 through Children Services.
8. Established to fill a gap in service for children who have been apprehended via Children Services.
9. House for children who needed a home.
10. Most of the kids come from homes with history of abuse and neglect and therefore not in a safe environment.
11. First house opened in Grandin in 2012 on Gaylord Place.
12. Opened another facility behind Costco in Erin Ridge.
13. Received a call from one of the Ministries to create a house for six kids. To create home for 6 kids from <1 year to 7 years old.
14. Kids living in separate homes.
15. Government wants to unify the family to live together.
16. Applied for a Permit in January.
17. Spoke to some of the residents and those who he did not speak to left a pamphlet in the mail box.
18. Only went to homes he told he was needed.
19. 6 kids with maximum of 2 staff at anytime and only 2 cars at anytime and therefore there is adequate onsite parking.
20. Issue of Parking Addressed.
21. Concerns of MD and psychologist. Kids will be seeing care givers but will be done offsite. No health professionals coming to the home on regular basis.
22. Social Worker comes to home regularly per legislation.
23. Staff are qualified to take care of the kids.



24. The comment to volunteer was to get community engagement. Strong regulations and anyone who wishes to volunteer would need same checks as staff.
25. All staff have criminal record and also a child welfare check.
26. Group homes are heavily regulated. Check on with City legislation, Alberta Health Services checks, fire check as well as group home accreditation body.
27. Planned and surprised visits.
28. Concern regarding safety but two kids are not even able to walk yet. 1 month old, 16-month old and 2 year old and from there.
29. There is negative stigmatization of group homes and there is a right of the community.
30. This is not a halfway house or a house for criminals.
31. Facility are supervised 24/7 by staff.
32. The eligible kids will be going to school.
33. Children would be in the community just like any other children.
34. Age is only thing he can disclose to the residents.
35. If a regular family was to move to the neighbourhood with this many kids would someone ask.
36. The license he has applied for is through Children's Services and will only service children. Only deals with kids.
37. Boyle Street has halfway houses but he has nothing to do with that agency.
38. Real issue is centering more on a social level with concern and fear amongst residence. Its not so much about parking but more about who is coming into the neighbourhood.
39. These are no different than any other kids.
40. Chose Pineview to be in a nice neighbourhood.
41. Kids deserve to live in a safe neighbourhood.
42. If kids are moved there are two options:
  - o 1. Shut the home down.
    - Cannot transfer one license from one house to another.
    - No intention to move to adults and would require whole new appeal process.

Bev Hills 10155 116 St Edmonton, AB submitted:

1. Came as an observer.
2. Worked in the human services field for almost 35 years.
3. Hearing the stories from the community and from the service provider makes her think of the term "that it takes a village to raise a child".
4. 6 kids don't have anyone.
5. Please give the kids a chance.
6. What's in it for the community is a learning opportunity and empathy and new friends in a new context.
7. Heavily regulated industry and all staff will be will qualified.

Aimee Hughes 29 Pineview Drive submitted:

1. Supportive of group home.

2. Not all community against home and her home is the direct neighbour.
3. Master of Social Work and works with group homes.
4. These kids need a community.
5. Who is the staff in the group home? People who work for low pay but for the higher purpose and love of the children.

Natalie July 12 Ash Place submitted:

1. Came very last minute as heard some things about the last group home.
2. Increased needs are not the same as criminality.
3. Kids need a home and we have the ability to give them the home in our community is great.
4. This is an allowed Use. It is a group home for children, not a business.
5. Hopes facts not fear are taken into account.

Leah McCorrie 13861 131B Ave. Edmonton

6. Passionate ally in community for inclusion and people with disabilities.
7. Have same rights as other.
8. Not fond of group homes because they are underfunded.
9. Need group homes to fill a need.
10. A people have a right to live in the community.
11. Would not be sitting here if we replaced the word disability and replaced it with any other minority.
12. This is heartbreaking and frustrating to continue to engage in these conversations.
13. Supported living is a necessity.
14. Disability is not a bad word.
15. Community living is a right.
16. St. Albert is inclusive.

**The Board also considered/reviewed the following:**

1. Operator of the group home clarified that accreditation/evaluation checks happen once per year and the checks from various agencies (AHS, Fire, Safety) do not occur on the same day.
2. Social workers will visit the home for approximately 2 hours every two weeks.
3. Petition received against the group home (in favour of the appeal) with 90 signatures.

**The Board finds the following:**

First and foremost, the Board would like to make it very clear that our jurisdiction falls within the Land Use Bylaw. That said, while the Board does appreciate the multitude of information presented during the hearing, the following clarifications needs to be addressed:

1. A group home is not the same as a home-based business and therefore; the guidelines of a home-based business do not apply.
2. Fire codes, building codes, safety codes and related are all outside the jurisdiction of the Board.
3. Decisions made by the Board are not precedent setting. This means that the Board will not use any information or decision making process from a previous appeal and apply that decision to this appeal. Each appeal is heard on its on merits.
4. Submission contained herein from speakers at the appeal is a summary of information presented.

Overall, the primary complaint presented by the Appellant was related to traffic safety and increased traffic in the cul-de-sac. The Appellants and proponents of the appeal submitted on multiple occasions that there could be up-to 10 vehicles at a time on the property. The operator of the group home explicitly stated that there would be a maximum of two staff present during the day and evening and one staff present overnight. The Land Use Bylaw, Section 8.11 dictates the requirements for a group home. Section 8.11(b) states "The group home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the district in which it is located." The maximum of 2 vehicles present at any given time will not generate excessive vehicular traffic that is uncharacteristic of a residential land use district. In fact, the vehicular traffic impact would be the same as if a family with two driving adults moved into the property in question. As the home has a triple attached garage, there is ample onsite parking to accommodate staff parking and therefore; parking is not a valid reason to approve the appeal.

Information was also presented from proponents that their property values would be affected by up to 30%. There was no formal evidence presented to substantiate this claim; therefore, the Board cannot take this information into consideration when making its decision.

The Board, in general, finds that this group home will have the same impact as a large family would moving into that home. There is absolutely no planning reason to approve the appeal and subsequently deny this group home development permit; as such the Board denies this appeal.

**Denied:**

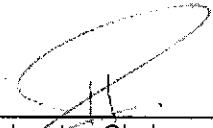
The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal against the approved Development Permit to authorize the use of the property as a Group Home located at 2 Perrault Place.

The Board makes its decision for the following reasons:

1. The Board concludes that (in accordance with section 687(3)(d) of the *Municipal Government Act*) the group home will not unduly interfere with the amenities of the neighbourhood, and/or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land because:
  - a. The net effect of the approval of this group home on the neighborhood is analogous to a large single family.
  - b. There will be no impacts on traffic or parking in the neighbourhood.

The Applicant is responsible for complying with all applicable federal, provincial and municipal enactment and any other applicable law and for obtaining all applicable permits, licenses and approvals. Building permits must be obtained from the Building Inspector who can be contacted at 780-459-1655

1-MARCH-2017



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Dana Popadyretz - Chair

Date