



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, September 13, 2017**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

a) 153 Larose Way – Appellant – Michael & Anne Nystrom

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to operate a Home Based Business for Coffee Roasting.

4. Adjournment

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#25-2017

Re: Lot 44, Block 11, Plan 2924TR - known municipally as 153 Larose Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to operate a home-occupation business for coffee roasting.

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. A Home Occupation is a Discretionary Use and the use must be compatible with the residential district in which the home is located.
2. Any nuisance factors related to a Home Occupation must be considered by the Development Officer.
3. The permit was refused due to the potential odor generated by the roasting process.
4. If this application had been received for an address in a commercial/industrial lot Administration would categorize the use as "Light Industrial".
5. Light Industrial Use is defined as: "means a development used for manufacturing and warehousing where any actual or potential nuisance factor generated by the development is contained within an enclosed building but excludes bulk oil and chemical storage and chemical processing."
6. Permits are only valid for an initial one-year period.
7. A new permit application is required upon the expiration date of the permit. Administration can issue the second permit with no end date, provided that the home-based business has not generated complaints.

The Board heard from the Appellant who stated that:

Michael Nystrom, Owner of 153 Larose Drive, Submitted:

1. Commercial Coffee roasting has been a goal since the mid 1990s.
2. Invested his own time and money to form foundation of the business.

3. Operation out of the home will improve personal lives and improve their quality of the life.
4. Roasting is a small portion of the business.
 - a. 12 – 15 minutes per batch of coffee to roast.
 - b. Smoke and odour produced during the last 6-8 minutes.
5. Odour produced is similar to burnt rice/hot fresh cut grass.
6. Not a pleasant odour, but not harmful.
7. Will roast during specific time of day, between 3 a.m. and 5 a.m. to decrease nuisance.
8. Coffee venting happens on the school side and it will not go directly into people's homes.
9. Planning to roast several times a week during those hours.
10. After business develops, long term plan is to move to commercial space.
11. Fire pits and meat smokers are burning constantly. They go for longer than roasting yet they are allowed.
12. He has been roasting on a small scale on his BBQ in the rear yard without complaints.
13. Neighbours are supportive.
14. Does not want to be a problem in the neighbourhood.
15. Final goal is to develop something that is much larger and moving to a commercial property.
16. Piping goes out the house then up and above the roof line.
17. Starting at home avoids significant debt and start-up costs.

The Board also considered/reviewed the following

Ian Easson, of 150 Larose Drive, provided an email encouraging the Board to deny the appeal.

Colette Wilson of 155 Larose Drive spoke in favor of the Appellant.

Residents at #152 Larose Drive and #149 Larose Drive signed neighbourhood consultation forms in support of the application.

The Board finds the following:

This application has an effective life of one year before it needs to be reviewed by the Planning Department. The Board finds that the Applicant has taken all necessary steps to ensure there is little if any impact on the surrounding neighbourhood. The location of his vent, the build and height all limit the impact on surrounding neighbors. The Planning Department has the ability to deal with complaints as they arise; therefore, the Board finds in favor of the Appellant.

Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to operate a home-occupation business for coffee roasting located at 153 Larose Drive.

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 development permit 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 based on the following because:
 - a. The most affected neighbour was consulted and advised they have no issue with the variance.
2. The proposed development conforms with the use prescribed for the land within the Land Use Bylaw.

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



September 19, 2017

Dana Popadynetz - Chair

Date