



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, October 10, 2018**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

a) 1 Sonora Drive

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to leave a fence as built.

b) 89A Salisbury Avenue

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to enclose an existing car port into a garage.

c) 107, 50 St. Thomas Street

The Appellant is appealing the decision of the Development Officer in approving a development permit application for a change of use.

d) 10, 17 Boudreau Road

The Appellant is appealing the decision of the Development Officer in approving a development permit application for a change of use.

e) 330, 5 Giroux Road

The following Appellants are appealing the decision of the Development Officer in approving a development permit application for a change of use:

- 1) 1283868 AB Ltd./Performance Health/Dr. Henry Hwang
- 2) Deerbourne Green
- 3) Giroux Crossing
- 4) 1274187 Alberta Ltd./Charlene Zoltenko Insurance Agency Ltd./Charlene Zoltenko
- 5) 1028962 Alberta Ltd.
- 6) Two Good Holdings Inc..

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB #40-2018

Re: Lot 30, Block 16, Plan 7061KS - known municipally as 1 Sonora Drive, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in refusing a development permit application to leave a fence as built.

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:

The new fence exceeds the height limit by 100% and it will encroach on to city property.

The Board heard from the Appellant who stated that:

Doug Ritzen – Appellant:

- A new fence was built to replace an old fence that had been onsite since the home was built.
- The height provides privacy to the yard and does not impede traffic flow in the neighborhood.

The Board finds the following:

With no objections noted from neighboring properties, the Board finds in favor of the Appellant.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a fence as built located at 1 Sonora Drive.

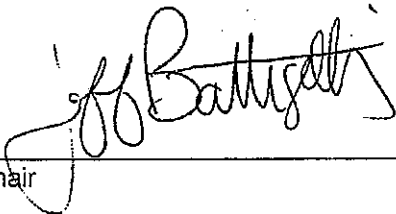
The development is approved with the following conditions:

- A formal encroachment agreement with the City of St Albert must be signed.

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 variance 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:
 - The fence is replacing the original fence.
 - There have been no issues with any of the neighbors in the past.

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.



Chair

October 23, 2018
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB #41-2018

Re: Lot 1, Block 25, Plan 1545MC - known municipally as 89A Salisbury Avenue, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in refusing a development permit application to enclose an existing carport into a garage.

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:

An enclosed structure will be deemed a new development and must be reviewed under current provision in the Land Use Bylaw. The setback from the side property line will be 0.76 m and will require a variance of 81% which exceeds the capacity of the Development Officer to approve.

The Board heard from the Appellant who stated that:

Dean Vanderkooi – Appellant:

- Recently moved from southern United States. The plans to create a garage are done and will be built by a professional builder.
- Has spoken with the neighbors who did not express any concerns or issues with the structure being built.

The Board finds the following:

With no objections noted from neighboring properties, the Board finds in favor of the Appellant.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to enclose an existing carport into a garage located at 89A Salisbury Avenue.

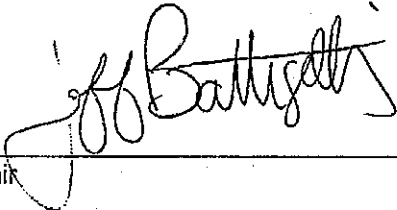
The development is approved with the following conditions:

- The garage exterior must match or compliment the house.
- The exterior of the building must be finished within 2 years of the date of this permit.

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 variance 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:
 - The development will replace an existing structure; add value to the home and neighborhood.
 - No complaints were received by the City of St. Albert following the radius notification.

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.



Chair

October 23, 2018

Date

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB #38-2018

Re: Unit 49, Plan 0122546 - known municipally as 107, 50 St. Thomas Street, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in approving a development permit application for a change of use.

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:

Issuance of a development permit for a change of use, Cannabis Retail Store, is discretionary in the Downtown District (DT) Land Use District. The store location is in accordance with all regulations regarding Cannabis Retail Store locations in accordance with Section 6.5 of Land Use Bylaw 9/2005.

The Board heard from the Appellant who stated that:

Gord Krocker on behalf Pat Matkinson - Appellant

- The Appellant submitted a letter raising concerns about noise, loitering, smoke, odors and decreased property values with the presence of a cannabis store.

The Board also considered/reviewed the following:

In opposition to the change of use:

- A petition included in the Appellant's appeal package with signatures of two (2) residents in opposition of the change of use.
- Cindy Pearn, owner of two (2) Condominium units spoke in opposition of the change of use and in agreement of the issues raised by the Appellant.

In favor of the change of use:

- Tammy Formoe, from Saint City Vapes spoke in favor of the change of use.
- Email from Saint City Vapes in support of the change of use. Attachments included in the email are a petition with eleven (11) signatures in support of the change of use and copies of email correspondence from Chris Oral (DJs Lounge) in support of the change of use.

Board finds the following:

Denied:

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal and upholds the decision of the Development Officer in approving a development permit application for a change of use located at 107, 50 St. Thomas Street.

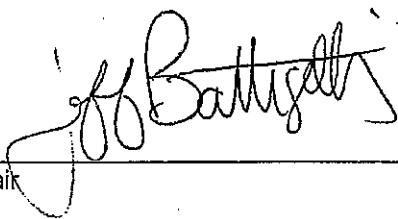
The Board makes its decision for the following reasons:

The Appellant failed to demonstrate to the satisfaction of the Board that the change of use would not unduly interfere with the amenities of the neighborhood.

Ultimately, the concerns expressed by the Appellant related to noise, loitering, smoke, odors, and decreased property values fall outside the scope of the Land Use Bylaw and the Subdivision and Development Appeal Board. Guidelines and bylaws for the sale and consumption of cannabis will be in place and enforced by various agencies including the City of St Albert and the AGLC.

The Board hopes the Community will maintain an active and ongoing dialogue with the business owners to raise any issues or concerns in a timely manner and to resolve any matters in a respectful and effective way.

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.



Chair

October 23, 2018

Date

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB #39-2018

Re: Unit 1, Plan 0423426 - known municipally as 10, 17 Boudreau Road, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in approving a development permit application for a change of use.

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:

Issuance of a development permit for a change of use, Cannabis Retail Store, is discretionary in the Commercial and Industrial (CIS) Land Use District. The store location is in accordance with all regulations regarding Cannabis Retail Store locations in accordance with Section 6.5 of Land Use Bylaw 9/2005.

The Board heard from the Appellant who stated that:

Kathleen Burry – Appellant:

- The Appellant was speaking on behalf of five (5) other owners and members of the condominium board currently located next to a vape shop in location.
- The Appellant raised concerns about increased noise, odors, pollution, loitering, parking, and negative impacts to business and livelihoods of professional services provided by businesses at the location, as well as potential issues with re-sale of units or rental opportunities with the presence of a retail cannabis store.
- The condominium board has changed their bylaws to control rentals and owners in the building with special resolution on an item by item basis.

The Board also considered/reviewed the following:

- Alex Iskander, the owner of the unit, suggested parking is not an issue and there are guidelines and controls in place to ensure the operation runs smoothly with little impact to neighboring units.
- Zane Yachimec, the new business owner, who will be renting the unit from Alex Iskander. He has never seen parking as an issue in the area and will be following all rules, regulations and bylaws for the operation of the store at this location. Most

clients are in and out with no consumption on site.

The Board finds the following:

Denied:

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal and upholds of the decision of the Development Officer in approving a development permit application for a change of use located at 10, 17 Boudreau Road.

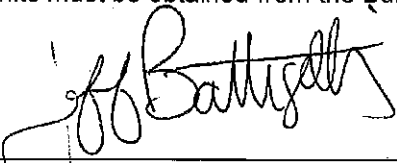
The Board makes its decision for the following reasons:

The Appellant failed to demonstrate to the satisfaction of the Board that the change of use would not unduly interfere with the amenities of the neighborhood.

Ultimately, the concerns expressed by the Appellant related to noise, loitering, pollution, odors, parking and decreased property values fall outside the scope of the Land Use Bylaw and the Subdivision and Development Appeal Board. While the condominium bylaws put in place by the Condominium board are effective for those owners in the building, the bylaws are not considered as part of the decision making by the Subdivision and Development Board. Guidelines and bylaws for the sale and consumption of cannabis will be in place and enforced by various agencies including the City of St Albert and the AGLC.

The Board hopes the condominium owners and board members will maintain an active and ongoing dialogue with the new business owner to raise any issues or concerns in a timely manner and to resolve any matters in a respectful and effective way.

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.



Chair

October 24, 2018

Date

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB # 37-2018

APPELLANT DR. HENRY HWANG

Re: Unit 10, Plan 0725748 - known municipally as 330, 5 Giroux Road, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in approving a development permit application for a change of use.

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:

Issuance of a development permit for a change of use, Cannabis Retail Store, is discretionary in the Corridor Commercial (CC) Land Use District. The store location is in accordance with all regulations regarding Cannabis Retail Store locations in accordance with Section 6.5 of Land Use Bylaw 9/2005.

The Board heard from the Appellant who stated that:

Dr. Henry Hwang - Appellant

- The Appellant did not appear before the Board but did indicate concerns with security, parking and a lack of proper delivery space or loading docks as part of the written submission for his appeal.
- The appellant also attached a copy of the condominium board bylaws indicating various prohibited uses for the units.

The Board also considered/reviewed the following:

Ryan Legassik, Rocky Mountain Roots owner

- Stated their store's application is currently under review with AGLC.
- The store will follow all local, provincial and federal guidelines and regulations required for security and operation of the store.
- Hours of operation would be until 10 pm all days except Sundays (until 6 pm).

- As all product will be packaged off site prior to delivery, smell and odor would not be an issue.
- Consumption on site will not be tolerated.

Guy Pelletier

- Email in support of the application for a change of use.

The Board finds the following:

Denied:

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal and upholds the decision of the Development Officer in approving a development permit application for a change of use located at 330, 5 Giroux Road.

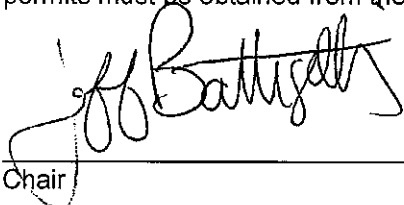
The Board makes its decision for the following reasons:

The Appellant failed to demonstrate to the satisfaction of the Board that the change of use would not unduly interfere with the amenities of the neighborhood.

Ultimately, the concerns expressed by the Appellant fall outside the scope of the Land Use Bylaw and the Subdivision and Development Appeal Board. While the condominium bylaws put in place by the Condominium board are effective for those owners in the building, the bylaws are not considered as part of the decision-making by Subdivision and Development Appeal Board. Guidelines and bylaws for the sale and consumption of cannabis will be in place and enforced by various agencies including the City of St Albert and the AGLC.

The Board hopes the condominium owners and board members will maintain an active and ongoing dialogue with the new business owner to raise any issues or concerns in a timely manner and to resolve any matters in a respectful and effective way.

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.



Chair

October 24, 2018
Date

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB # 37-2018

APPELLANT - DEERBOURNE GREEN

Re: Unit 10, Plan 0725748 - known municipally as 330, 5 Giroux Road, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in approving a development permit application for a change of use.

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:

Issuance of a development permit for a change of use, Cannabis Retail Store, is discretionary in the Corridor Commercial (CC) Land Use District. The store location is in accordance with all regulations regarding Cannabis Retail Store locations in accordance with Section 6.5 of Land Use Bylaw 9/2005.

The Board heard from the Appellant who stated that:

Liam Kelly, Solicitor for Deerbourne Green Residential Condominium - Appellant

- Identified various concerns including, security and safety, increased traffic, loitering, property damage, Police presence, crime, proximity to residential dwellings, reduced property values and environmental concerns as part of the issue with the presence of a retail cannabis store.
- Mr. Kelly talked to three (3) main issues including minimum setback from property line, residential proximity to CC Land Use District and a 30 m distance for nuisance bylaw.
- He also speculated on a number of other issues with respect to consumption on site, as well as increased foot traffic and trespassing that are ongoing and may increase.

The Board also considered/reviewed the following

Carrie Roulston, Owner of Papillion Hair

- Described ongoing issues with vape store across the street with little or no enforcement of regulations.

- Problems that need to be dealt with by ensuring timely response of Bylaw Officers or Police to enforce regulations and bylaws.

Mel Demarchi, President of Deerbourne Condo Association

- Lives behind the commercial units and mentioned ongoing issues with access behind the buildings, concerns with loitering, smoking, alcohol consumption and trespassing by High School children.

Ryan Legassik, Rocky Mountain Roots owner

- Stated their store's application is currently under review with AGLC.
- The store will follow all local, provincial and federal guidelines and regulations required for security and operation of the store.
- Hours of operation would be until 10 pm all days except Sundays (until 6 pm).
- As all product will be packaged off site prior to delivery, smell and odor would not be an issue.
- Consumption on site will not be tolerated.

Guy Pelletier

- Email in support of the application for a change of use.

The Board finds the following:

Denied:

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal and upholds the decision of the Development Officer in approving a development permit application for a change of use located at 330, 5 Giroux Road.

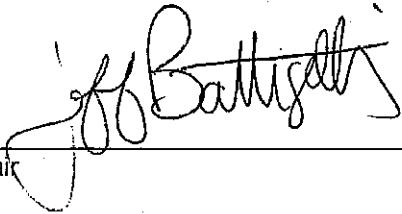
The Appellant failed to demonstrate to the satisfaction of the Board that the change of use would not unduly interfere with the amenities of the neighborhood.

Ultimately, the concerns expressed by the Appellant fall outside the scope of the Land Use Bylaw and the Subdivision and Development Appeal Board. Guidelines and bylaws for the sale and consumption of cannabis will be in place and enforced by various agencies including the City of St Albert and the AGLC.

The Board hopes the Community will maintain an active and ongoing dialogue with the business owners to raise any issues or concerns in a timely manner and to resolve any matters in a respectful and effective way. The Subdivision and Development Appeal

Board encourages further dialogue with city staff to ensure reasonable mitigation options can be included with the development to address the concerns of adjacent property owners with respect to security and to limiting public access to the rear landscape setback area.

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



Chair

October 24, 2018
Date

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB # 37-2018

APPELLANT: GIROUX CROSSING

Re: Unit 10, Plan 0725748 - known municipally as 330, 5 Giroux Road, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in approving a development permit application for a change of use.

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:

Issuance of a development permit for a change of use, Cannabis Retail Store, is discretionary in the Corridor Commercial (CC) Land Use District. The store location is in accordance with all regulations regarding Cannabis Retail Store locations in accordance with Section 6.5 of Land Use Bylaw 9/2005.

The Board heard from the Appellant who stated that:

Vince Bruno - Appellant

- Speculated on air quality issues, wood construction of the units, odor, mold issues, and safety concerns related to potential break-ins between units.
- Several photos submitted by the Appellant showing the layout of the units in relation to the proposed new business and adjacent businesses that may be affected by air quality.

The Board also considered/reviewed the following:

Ryan Legassik, Rocky Mountain Roots owner

- Stated their store's application is currently under review with AGLC.
- The store will follow all local, provincial and federal guidelines and regulations required for security and operation of the store.
- Hours of operation would be until 10 pm all days except Sundays (until 6 pm).

- As all product will be packaged off site prior to delivery, smell and odor would not be an issue.
- Consumption on site will not be tolerated.

Guy Pelletier

- Email in support of the application for a change of use.

Denied:

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal and upholds the decision of the Development Officer in approving a development permit application for a change of use located at 330, 5 Giroux Road.

The Board makes its decision for the following reasons:

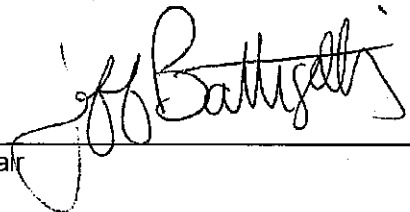
The Appellant failed to demonstrate to the satisfaction of the Board that the change of use would not unduly interfere with the amenities of the neighborhood.

Ultimately, the concerns expressed by the Appellant fall outside the scope of the Land Use Bylaw and the Subdivision and Development Appeal Board. Guidelines and bylaws for the sale and consumption of cannabis will be in place and enforced by various agencies including the City of St Albert and the AGLC.

The Board hopes the Community will maintain an active and ongoing dialogue with the business owners to raise any issues or concerns in a timely manner and to resolve any matters in a respectful and effective way.

The Subdivision and Development Appeal Board encourages further dialogue with unit owners and the business operator to ensure reasonable mitigation options can be included with the development to address the concerns of adjacent property owners with respect to security and air quality.

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.


Chair

October 24, 2018
Date

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB # 37-2018

APPELLANT - 1274187 Alberta Ltd./CHARLENE ZOLTENKO

Re: Unit 10, Plan 0725748 - known municipally as 330, 5 Giroux Road, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in approving a development permit application for a change of use.

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:

Issuance of a development permit for a change of use, Cannabis Retail Store, is discretionary in the Corridor Commercial (CC) Land Use District. The store location is in accordance with all regulations regarding Cannabis Retail Store locations in accordance with Section 6.5 of Land Use Bylaw 9/2005.

The Board heard from the Appellant who stated that:

Charlene Zoltenko - Appellant

- Speculated on security issues, lack of bylaw enforcement and a perceived lack of proper permitting for operating the store.

The Board also considered/reviewed the following:

Ryan Legassik, Rocky Mountain Roots owner

- Stated their store's application is currently under review with AGLC.
- The store will follow all local, provincial and federal guidelines and regulations required for security and operation of the store.
- Hours of operation would be until 10 pm all days except Sundays (until 6 pm).
- As all product will be packaged off site prior to delivery, smell and odor would not be an issue.
- Consumption on site will not be tolerated.

Guy Pelletier

- Email in support of the application for a change of use.

The Board finds the following:

Denied:

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal of the decision of the Development Officer in approving a development permit application for a change of use located at 330, 5 Giroux Road.

The Board makes its decision for the following reasons:


The Appellant failed to demonstrate to the satisfaction of the Board that the change of use would not unduly interfere with the amenities of the neighborhood.

Ultimately, the concerns expressed by the Appellant fall outside the scope of the Land Use Bylaw and the Subdivision and Development Appeal Board. While the condominium bylaws put in place by the Condominium board are effective for those owners in the building, the bylaws are not considered as part of the decision-making by Subdivision and Development Appeal Board. Guidelines and bylaws for the sale and consumption of cannabis will be in place and enforced by various agencies including the City of St Albert and the AGLC.

The Board hopes the condominium owners and board members will maintain an active and ongoing dialogue with the new business owner to raise any issues or concerns in a timely manner and to resolve any matters in a respectful and effective way.

The Subdivision and Development Appeal Board encourages further dialogue to ensure reasonable mitigation options can be included with the development to address the concerns of adjacent property owners with respect to security and air quality

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.


Chair

October 24, 2018
Date

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB # 37-2018

APPELLANT - 1028962 Alberta Ltd.

Re: Unit 10, Plan 0725748 - known municipally as 330, 5 Giroux Road, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in approving a development permit application for a change of use.

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:

Issuance of a development permit for a change of use, Cannabis Retail Store, is discretionary in the Corridor Commercial (CC) Land Use District. The store location is in accordance with all regulations regarding Cannabis Retail Store locations in accordance with Section 6.5 of Land Use Bylaw 9/2005.

Kurt Popowich – Appellant

- Has been at the location for 11 years and provides specialty orthodontic work for many children and teenagers in the city.
- He feels the distance requirements for other industries (i.e. school and hospitals) should be applied for his industry as well.

The Board also considered/reviewed the following

Ryan Legassik, Rocky Mountain Roots owner

- Stated their store's application is currently under review with AGLC.
- The store will follow all local, provincial and federal guidelines and regulations required for security and operation of the store.
- Hours of operation would be until 10 pm all days except Sundays (until 6 pm).

- As all product will be packaged off site prior to delivery, smell and odor would not be an issue.
- Consumption on site will not be tolerated.

Guy Pelletier

- Email in support of the application for a change of use.

The Board finds the following:

Denied:

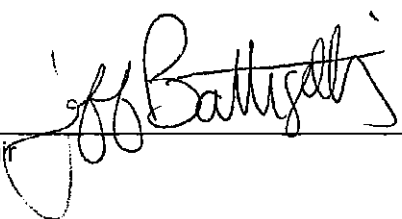
The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal of the decision of the Development Officer in approving a development permit application for a change of use located at 330, 5 Giroux Road.

The Appellant failed to demonstrate to the satisfaction of the Board that the change of use would not unduly interfere with the amenities of the neighborhood.

Ultimately, the concerns expressed by the Appellant fall outside the scope of the Land Use Bylaw and the Subdivision and Development Appeal Board. While the condominium bylaws put in place by Condominium boards are effective for unit owners in the building in controlling activities in the units, the bylaws are not considered as part of the decision-making process by Subdivision and Development Appeal Board. Guidelines and bylaws for the sale and consumption of cannabis will be in place and enforced by various agencies including the City of St Albert and the AGLC.

The Board hopes the condominium owners and board members will maintain an active and ongoing dialogue with the new business owner to raise any issues or concerns in a timely manner and to resolve any matters in a respectful and effective way. The Subdivision and Development Appeal Board encourages further dialogue to ensure reasonable mitigation options can be included with the development to address the concerns of adjacent property owners with respect to security.

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.


Chair

October 24, 2018
Date

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB # 37-2018

APPELLANT - TWO GOOD HOLDINGS LTD.

Re: Unit 10, Plan 0725748 - known municipally as 330, 5 Giroux Road, St. Albert, AB.

Regarding the appeal of the decision of the Development Officer in approving a development permit application for a change of use.

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:

Issuance of a development permit for a change of use, Cannabis Retail Store, is discretionary in the Corridor Commercial (CC) Land Use District. The store location is in accordance with all regulations regarding Cannabis Retail Store locations in accordance with Section 6.5 of Land Use Bylaw 9/2005.

The Board heard from the Appellant who stated that:

Michael Good - Appellant

- Practices family law and deals with serious issues and feel there should be serious, professional tenants in the units.
- The Appellant feels this is the wrong type of business for the area.
- He indicated concerns over safety specifically the lack of loading area for the store and the potential for robberies and the impact this might have on the surrounding businesses and individuals in the area.

The Board also considered/reviewed the following:

Ryan Legassik, Rocky Mountain Roots owner

- Stated their store's application is currently under review with AGLC.
- The store will follow all local, provincial and federal guidelines and regulations required for security and operation of the store.

- Hours of operation would be until 10 pm all days except Sundays (until 6 pm).
- As all product will be packaged off site prior to delivery, smell and odor would not be an issue.
- Consumption on site will not be tolerated.

Guy Pelletier

- Email in support of the application for a change of use.

The Board finds the following:

Denied:

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal and upholds the decision of the Development Officer in approving a development permit application for a change of use located at 330, 5 Giroux Road.

The Board makes its decision for the following reasons:

The Appellant failed to demonstrate to the satisfaction of the Board that the change of use would not unduly interfere with the amenities of the neighborhood.

Ultimately, the concerns expressed by the Appellant fall outside the scope of the Land Use Bylaw and the Subdivision and Development Appeal Board. While the condominium bylaws put in place by Condominium boards are effective for unit owners in the building in controlling activities in the units, the bylaws are not considered as part of the decision-making process by Subdivision and Development Appeal Board. Guidelines and bylaws for the sale and consumption of cannabis will be in place and enforced by various agencies including the City of St Albert and the AGLC.

The Board hopes the condominium owners and board members will maintain an active and ongoing dialogue with the new business owner to raise any issues or concerns in a timely manner and to resolve any matters in a respectful and effective way. The Subdivision and Development Appeal Board encourages further dialogue to ensure reasonable mitigation options can be included with the development to address the concerns of adjacent property owners with respect to security.

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.

A handwritten signature in black ink, appearing to read "Jeff Battaglia". The signature is written over a horizontal line that extends across the page.

Chair

October 24, 2018
Date