

# **SUBDIVISION AND DEVELOPMENT APPEAL BOARD A G E N D A**

**DATE:**                    **Wednesday, February 5, 2020**

**TIME:**                    **6:30 p.m.**

**LOCATION:**            **Council Chambers  
3<sup>rd</sup> Floor, 315 Jespersen Avenue**

1.      Call to Order

2.      6:30pm

        Appeal Hearing – PL20190000725

        Appellant:   Colin Ewanchyshyn of EPC Spruce Village Centre Ltd, represented  
                         by Bruce Mullett of Pro Staff Project Management

        Against the refusal of development permit PL20190000725 to locate an Alcohol  
        Sales, Minor business within the existing building at 5 Spruce Village Way, Suite  
        110. (Plan 082-0912 Block 5 Lot 37 Suite 110).

3.      Adjournment

## City of Spruce Grove Subdivision and Development Appeal Board

**Appeal:** PL20190000725

**Appellant:** Colin Ewanchyshyn of EPC Spruce Village Centre Ltd. represented by  
Bruce Mullett of Pro Staff Project Management

Civic Address	Legal Description
110, 5 Spruce Village Way	Plan 082-0912, Block 5, Lot 37

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### Exhibit List

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## **EXHIBIT 1**

## **DEVELOPMENT PERMIT No. PL20190000725**

### **TIMELINES**

Development Permit Application Received	November 19, 2019
Development Permit Application Decision Issued	December 19, 2019
Development Permit Appeal Period Expiry Date	January 8, 2020
Notice of Appeal Received	January 8, 2020
Email Correspondence With Appellant	January 10, 2020
Notice of Appeal Received With Correct Suite Number	January 13, 2020
Notice of Hearing Sent to Appellant	January 20, 2020
Notice of Hearing Sent to Adjacent Property Owners	January 20, 2020
Notice of Hearing Advertised in Newspaper	January 31, 2020
Subdivision and Development Appeal Board Hearing	February 5, 2020

## **EXHIBIT 2**



Planning and Development  
414 King Street, Spruce Grove, AB  
Phone: 780-962-7582  
Fax: 780-962-1062

# DEVELOPMENT PERMIT APPLICATION

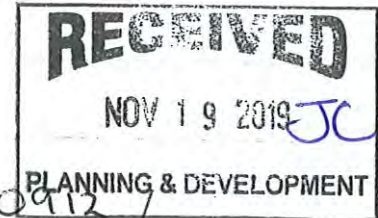
Page 1 of 2

Business Hours  
M-F: 8:30 a.m. – 4:30 p.m.

PL 20190000725

## PROJECT LOCATION – REQUIRED

Suite: 110 Street Address: 5 Street Name: SPRUCE VILLAGE WAY  
Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian  
1 37 1 5 10820912



## TYPE OF USE – REQUIRED

- |   |  |  |
|---|--|--|
| <input type="radio"/> New Home Construction | <input type="radio"/> Addition                   | <input type="radio"/> Temporary Business         |
| <input type="radio"/> Detached Garage       | <input type="radio"/> Show Home Conversion       | <input type="radio"/> Variance                   |
| <input type="radio"/> Shed                  | <input type="radio"/> Change of Occupancy or Use | <input checked="" type="radio"/> Other           |
| <input type="radio"/> Deck                  | <input type="radio"/> Secondary Suite            | <input type="radio"/> Accessory Building - Other |

## DETAILED PROJECT DESCRIPTION INCLUDING USE - REQUIRED

Unit # 110 @ 5 Spruce Village Centre - Second Liquor

## BUILDING TYPE – REQUIRED

- |   |   |  |
|---|---|--|
| <input type="radio"/> Residential<br><input type="checkbox"/> Single Detached<br><input type="checkbox"/> Semi Detached | <input type="radio"/> Multi-family Dwelling<br>Number of units: _____ | <input checked="" type="radio"/> Commercial<br><input type="radio"/> Industrial<br><input type="radio"/> Institutional |
|---|---|--|

Total Area: 187.8 m<sup>2</sup>

## ACCESSORY BUILDINGS / ADDITIONS

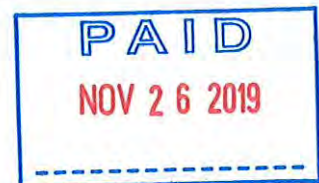
Total Area (m<sup>2</sup>): \_\_\_\_\_ Height (if applicable): \_\_\_\_\_  
☐ Residential ☐ Commercial ☐ Industrial ☐ Institutional

## CHANGE OF OCCUPANCY OR USE – COMPLETE ONLY IF APPLYING FOR CHANGE OF USE OR OCCUPANCY OR FAMILY DAY HOME

Total Area (m<sup>2</sup>): \_\_\_\_\_

## FAMILY DAY HOME – COMPLETE ONLY IF APPLYING FOR A FAMILY DAY HOME

Are room alterations involved: ☐ YES ☐ NO If yes – Number of Rooms: \_\_\_\_\_ List Rooms: \_\_\_\_\_  
Describe alterations: \_\_\_\_\_



Number of resident employees (employees that reside in the home): \_\_\_\_\_

Number of children (including children under the age of 5 who are otherwise permanent residents of the dwelling): \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

Number of daily business visits to the property: \_\_\_\_\_

Number of household vehicles: \_\_\_\_\_

Number of onsite parking stalls: \_\_\_\_\_

## Mailing Address

315 Jespersen Ave  
Spruce Grove, AB T7X 3E8

This information is being collected under the authority of section 33(c) the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used to administer a development permit. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-962-2611.



# DEVELOPMENT PERMIT APPLICATION

Page 2 of 2

Planning and Development  
414 King Street, Spruce Grove, AB  
Phone: 780-962-7582  
Fax: 780-962-1062

Business Hours  
M-F: 8:30 a.m. - 4:30 p.m.

## SECONDARY SUITE / GARAGE SUITE / GARDEN SUITE

The proposed secondary suite is located within:

- ☐ The principal dwelling unit  
☐ Basement / Second Floor or Other  
☐ The second story of a detached garage  
☐ An accessory building  
☐ Other (describe):

Floor area of the secondary suite (m<sup>2</sup>): Number of bedrooms in the secondary suite:

Floor area of the principal dwelling unit (m<sup>2</sup>):

Number of parking stalls available on site:

Please note the location of all parking stalls on the accompanying site plan.

## OWNER OR REPRESENTATIVE - REQUIRED

☒ I am the registered owner of the land described above

Owner Name: SUKKAL (SAM) NARAYAN

Company Name: EPC SPRUCE VILLAGE CENTRE LTD

Signature:

☐ I have been designated as the representative of the owner  
(written consent attached)

Agent Name: COLIN EWANCHYSHYN

Company Name: RE/MAX EXCELLENCE

Signature:

## MAILING ADDRESS (OWNER) - REQUIRED

Mailing address:

201, 5607-199 ST.

Phone no.:

City:

EDMONTON

Province:

AB

Postal Code:

T6M 0M8

Fax no.:

Email Address:

## APPLICANT ☐ SAME AS OWNER/REPRESENTATIVE - REQUIRED

Applicant Name:

COLIN EWANCHYSHYN

Phone no.:

Fax no.:

Company Name:

RE/MAX EXCELLENCE

Mailing address:

201, 5607-199 ST.

City:

EDMONTON

Province:

AB

Postal Code:

T6M 0M8

Applicant e-mail address:

I acknowledge that if the development permit application is approved it is subject to an appeal period as per the Municipal Government Act, RSA 2000, c-26.1 and that the decision may be ultimately overturned or amended. I do accept that if I commence development prior to the appeal expiry date, I am doing so with the appropriate development and building permits issued and at my own risk accepting all legal responsibilities.

Applicant's signature

NOV 19/19  
Date

## Mailing Address

315 Jespersen Ave  
Spruce Grove, AB T7X 3E8

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## **EXHIBIT 3**

# Application for Development Permit -- Decision



Planning and Development  
315 Jespersen Avenue  
Spruce Grove, AB T7X 3E8  
Phone: (780) 962-2611  
Fax: (780) 962-1062

Development Permit Application No: PL20190000725  
Municipal Address: 5 Spruce Village Way, Suite 110  
File No/Legal (PI-Blk-Lt): 082-0912-5-37-S110  
Land Use District: C3

	Proposed	Bylaw Requirements	Conforms to Bylaw Requirements (yes or no)
Area of Site			
Floor Area of Building			
Site Area of Building			
% of Site Coverage	N/A		
- Principal Building			
- Accessory Building			
Total Site Coverage			
Front Yard Setback			
Rear Yard Setback			
Side Yard Setback			
Parking Spaces Provided			
Area of Accessory Building			
Building Heights			

☐ Approved ☐ Conditionally Approved ☒ X Refused  
☐ Permitted Use ☒ Discretionary Use ☐ Variance Granted

The application for development permit to locate a Retail Liquor Store within the existing building at 5 Spruce Village Way, Suite 110 has been refused for the following reasons:

- Section 56 Alcohol Sales of the City of Spruce Grove's Land Use Bylaw C-824-12 states: "Alcohol sales shall not be located closer than 100m (328ft) from the site boundary of any site that includes community or public recreational activities, a public park or a School. The proposed use, Alcohol Sales Minor, would be located approximately 66.6m from a site boundary containing a public park being 10 Victoria Avenue, Plan 074 0020, Block 12, Lot 1MR. Therefore, not complying with Section 56 of the Land Use Bylaw.
- A variance to allow for a reduced setback of 66.6m from the minimum required 100m setback to a public park has not been granted. The 100m setback from the boundary of the adjacent public park would eliminate the entire property at 5 Spruce Village Way as a potential location for an Alcohol Sales, Minor business. The separation distance of 100m from a public park is required to deter public consumption of alcohol in close proximity to where children congregate to play. In the opinion of the Development Officer, the request to vary the minimum required setback of 100m to 66.6m is not warranted, as the variance request may affect the neighboring site and the variance requested, is not minor in nature.

Karen Majeau  
Development Officer (Print Name)

Signature

December 19, 2019  
Date

APPEAL PERIOD EXPIRY DATE: JAN 08 2020

## Important Notices

- If you wish to appeal the decision of the Development Officer you may do so by completing a form available from the:

City of Spruce Grove  
Planning and Development Department,  
2<sup>nd</sup> Floor, City Hall, 315 Jespersen Avenue,  
Spruce Grove, Alberta, T7X 3E8

**Application for Development Permit -- Decision**



Planning and Development  
315 Jespersen Avenue  
Spruce Grove, AB T7X 3E8  
Phone: (780) 962-2611  
Fax: (780) 962-1062

Development Permit Application No: <b>PL20190007775</b>	
Municipal Address: 5 Spruce Village Way, Suite 110	
File No/Legal (Pl-Blk-Lt):	082-0912-5-37-S110
Land Use District:	C3

**OR alternatively by a submission in writing stating reasons for appeal within the appeal expiry date of the development permit decision. An appeal fee must be submitted with the appeal notice.**

# Application for Development Permit -- Decision



Planning and Development  
315 Jespersen Avenue  
Spruce Grove, AB T7X 3E8  
Phone: (780) 962-2611  
Fax: (780) 962-1062

Development Permit Application No: PL20190000725  
Municipal Address: 5 Spruce Village Way, Suite 110  
File No/Legal (Pl-Blk-Lt): 082-0912-5-37-S110  
Land Use District: C3

## For Information Purposes

(1) **THIS IS NOT A BUILDING PERMIT.** Such permits must be obtained separately.

(2) **POSTING OF DEVELOPMENT OFFICER'S DECISION**

Where there is a right of appeal, by anyone other than the applicant, from a decision on an application, posting on the site may be required. Such a posting must be on the site as may be required by the Development Officer, describing the proposed development and the Development Officer's decision, and advising of the right of appeal to the Subdivision and Development Appeal Board. The notice shall be of durable material, and shall be at least one (1) foot by two (2) feet in size.

(3) **GROUND FOR APPEAL**

Section 685 of the Municipal Government Act states:

"(1) If a Development Authority

- (a) refuses or fails 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 to the Subdivision and Development Appeal Board."

(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 to the Subdivision and Development Appeal Board.

(3) Notwithstanding 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."

Section 686 of the Municipal Government Act states in part:

"(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board

(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 decision is made 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

(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.

(2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The subdivision and development appeal board 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."

Section 687 of the Municipal Government Act states in part:

"(1) At a hearing under section 686, the Subdivision and Development Appeal Board must hear

(a) the appellant or any person acting on behalf of the appellant,

(b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,

(c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of the person, and

(d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear, or a person acting on behalf of that person.

(2) The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within 15 days of concluding the hearing."

(4) **ADDITIONAL INFORMATION:**

If you wish to appeal the decision of the Development Officer you may do so by a submission in writing, complete with the applicable fee, to the Secretary of the Subdivision and Development Appeal Board, City Hall, 2<sup>nd</sup> Floor, 315 Jespersen Avenue, Spruce Grove, Alberta T7X 3E8.

(5) **PERMIT VALIDITY**

(a) A development permit is effective for a period of one year unless specified otherwise in the permit conditions. If the development permit cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date and if substantial development has occurred on the site, in the opinion of the Development Officer.

## Application for Development Permit -- Decision



Planning and Development  
315 Jespersen Avenue  
Spruce Grove, AB T7X 3E8  
Phone: (780) 962-2611  
Fax: (780) 962-1062

Development Permit Application No: **PL20190006775**  
Municipal Address: 5 Spruce Village Way, Suite 110  
File No/Legal (Pl-Blk-Lt): 082-0912-5-37-S110  
Land Use District: C3

- (b) A development once commenced is not to be discontinued or suspended for a period or periods totalling more than six months unless the Development Officer has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained the development permit shall be considered to have lapsed.
- (c) In the case of an appeal the decision of the Subdivision and Development Appeal Board, to approve the development permit or amend any conditions, is effective for a period of one year from the date of the written notification. If the decision of the Subdivision and Development Appeal Board cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date.

## **EXHIBIT 4**



414 King Street, Spruce Grove, AB

Phone: 780-962-7582

Fax: 780-962-1062

M-F: 8:30 a.m. – 4:30 p.m.

## NOTICE OF APPEAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development Permit Application No.: PL20190000725

Stop Order Dated: \_\_\_\_\_

Appeal of the

- ☐ Approval  
☐ Conditional of approval  
☒ Refusal

☐ Representing group

☒ List of names attached

### APPELLANT – REQUIRED

Appellant Name:

Colin Ewanchyshyn, EPC Spruce Village Centre Ltd

Home Phone No.: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Mailing address:

#201, 5607 199 Street NW

City:

Edmonton

Province:

AB

Postal Code:

T6M 0M8

Signature: \_\_\_\_\_

Date:

January 8, 2020

Email \_\_\_\_\_

PAID

JAN 08 2020

### APPELLANT'S REPRESENTATIVE – REQUIRED

Appellant Name:

Bruce Mullett, Pro Staff Project Management

Home Phone No.: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Mailing address:

#201 93 Mcleod Ave

City:

Spruce Grove

Province:

AB

Postal Code:

T7X 2Z9

Email \_\_\_\_\_

### ADDRESS OF SUBJECT SITE – REQUIRED

Suite:

101

Street Address:

5

Street Name:

Spruce Village Way

Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian

/ 37

/ 5

/ 0820912

/

### REASON FOR APPEAL - REQUIRED

The reason for the appeal is outlined in the attached letter.

RECEIVED

JAN 08 2020

PLANNING & DEVELOPMENT

### OFFICE USE ONLY

Appeal Period Expiry Date:

January 8, 2020

Date Appeal Received:

January 8, 2020

Receipt No.:

1569769

This information is being collected under the authority of section 33(c) the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used to administer an appeal to the Subdivision and Development Appeal Board. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-962-2611.

The City of Spruce Grove  
Planning & Development  
315 Jespersen Avenue  
Spruce Grove, AB T7X 3E8  
Attention: Secretary to the Subdivision &  
Development Appeal Board

January 03, 2020

Dear Secretary to the Subdivision & Development Appeal Board;

**Re: Development Permit Application No.: PL20190000725**  
**Municipal Address: 5 Spruce Village Way, Suite 110**  
**File Number: 082-0912-5-37-S110**  
**Land District: C3**

This is in regard to the application for development permit to locate a Retail Liquor Store (Econo Liquor) within the existing building at 5 Spruce Village Way, Suite 110. A development permit has not been issued; response from the City of Spruce Grove indicated that a variance to allow for a reduced setback on 66.6m from the minimum required 100m setback to the public park has not been granted. **We wish to appeal the decision**, based on the following:

- There have been discussions with residents in the neighborhood who support having the convenience of liquor sales at this proposed location. Currently, there is no liquor sales in this neighborhood, nor directly south in the Grove Meadows neighborhood. There is no service east of Century Rd for those 2 neighborhoods. We noted that both the existing Ace Liquor and Vivo Liquor are located approximately 1.5 km away from the proposed site, while being adjacent to either a school, daycare or public park. The proposed site at 5 Spruce Village Way has similar adjacencies characteristics.
- The site currently has a convenience store and pizza location. Both are in support of the proposed liquor sales, as this will support their business sales and profits.
- There is plenty of parking directly in front of the building, and enough distance with visual blocks thus create no impact or disturbance to the neighboring residences.
- The adjacent public park does not back directly onto the property. It is separated by Victoria Avenue, which acts as a barrier from the property. We suggest that traffic vehicles would pose more of a safety concern than purchase of alcohol in close proximity to where children congregate to play.
- The tenants desired retail location of suite 101 is located at the most southern part of the building which is actually 87 meters from the adjacent public park as appose to the 66.6 meters noted above.
- With the downturn in the economy and limited opportunities to find suitable tenants, the introduction of this proposed vendor will permit space to be leased by building owners. Econo Liquor is willing to move forward in acquiring this space.

- Based on the City of Spruce Grove Mid-Year Development Activity Report 2019, it is stated that the City saw relatively lower permitting levels in the first half of 2019 compared to the same period in 2018. These results reflect the current slowdown in the market for new development and decreasing sales typical of a weaker job market and recent changes to financing rules (Stress Test). The drop in development and permitting levels was observed province wide. Report noted commercial permits seeing the largest decline at -55.7%. We see this proposed project as a positive for both the developer and the City of Spruce Grove.

Points above noted by Suzanne Allard, Suzanne Allard Licensed Interior Design and Bruce Mullett, Pro Staff Project Management. Reviewed and approved by Colin Ewanchyshyn, owner EPC Spruce Village Centre Ltd / EPC Capital

In conclusion, we ask that the Subdivision and Development Appeal Board kindly review our request for appeal on this development permit.

Sincerely;  
EPC Capital

Colin Ewanchyshyn  
Owner EPC Spruce Village Centre Ltd

Cc: Suzanne Allard  
Suzanne Allard Licensed Interior Design

Cc: Bruce Mullett  
Pro Staff Project Management

City of Spruce Grove

Receipt # 1569769

Date: 2020-01-08

RE/MAX EXCELLENCE COMMERCIAL P

5603 199 STREET

EDMONTON, AB T6M 0M8

Account Type: DA	Amount
SDAB APPEAL FEE 110, 5 SPRUCE V Remaining	
General	\$130.00
	\$0.00

GST#R124060203 \$0.00

Total Receipt \$130.00

=====

CHEQUE \$130.00

Rounding \$0.00

Change given \$0.00

=====

JC

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## **EXHIBIT 5**

## Julie Cousins

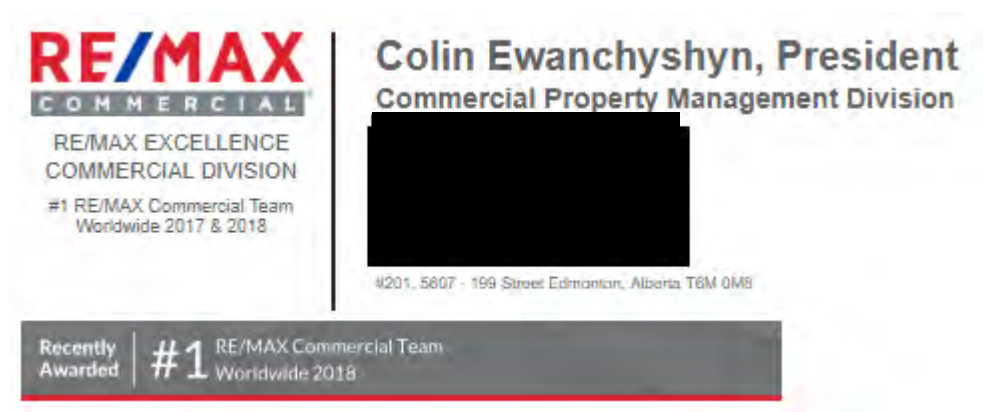
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**From:** Colin Ewanchyshyn [REDACTED]  
**Sent:** January 10, 2020 5:55 PM  
**To:** Carolynn Grey; Julie Cousins  
**Subject:** RE: Notice of Appeal - Subdivision and Development Appeal Board - Incorrect Suite Number  
**Attachments:** Spruce Village Way Appeal App.pdf

Sorry

Please see attached

Thanks



---

**From:** Carolynn Grey <[cgrey@sprucegrove.org](mailto:cgrey@sprucegrove.org)>  
**Sent:** January 10, 2020 4:42 PM  
**To:** Colin Ewanchyshyn [REDACTED]; Julie Cousins <[jcousins@sprucegrove.org](mailto:jcousins@sprucegrove.org)>  
**Subject:** RE: Notice of Appeal - Subdivision and Development Appeal Board - Incorrect Suite Number

Hi Colin,

Thank you for making the change today. A signature is still required on this document.

Thank you,

Carolynn

**Carolynn Grey, CMC** | Subdivision and Development Appeal Board Clerk | City of Spruce Grove  
315 Jespersen Ave. | Spruce Grove, AB | T7X 3E8 | 780.962.7634 ext. 195

---

**From:** Colin Ewanchyshyn [REDACTED]  
**Sent:** Friday, January 10, 2020 4:01 PM  
**To:** Julie Cousins <[jcousins@sprucegrove.org](mailto:jcousins@sprucegrove.org)>  
**Cc:** Carolynn Grey <[cgrey@sprucegrove.org](mailto:cgrey@sprucegrove.org)>  
**Subject:** RE: Notice of Appeal - Subdivision and Development Appeal Board - Incorrect Suite Number

Please see attached

Thanks



---

**From:** Julie Cousins <[jcousins@sprucegrove.org](mailto:jcousins@sprucegrove.org)>

**Sent:** January 10, 2020 1:58 PM

**To:** Colin Ewanchyshyn [REDACTED]

**Cc:** Carolyn Grey <[cgrey@sprucegrove.org](mailto:cgrey@sprucegrove.org)>

**Subject:** Notice of Appeal - Subdivision and Development Appeal Board - Incorrect Suite Number

Good Afternoon Colin,

The suite number on the attached Notice of Appeal - Subdivision and Development Appeal Board form is incorrect. Please correct and return to me via email.

Thanks,

Julie Cousins

Development Service Clerk

Planning and Engineering | City of Spruce Grove

**Office address:** 414 King Street | Spruce Grove, AB | T7X 2C7

**Mailing address:** 315 Jespersen Avenue | Spruce Grove, AB | T7X 3E8

Main Line: 780-962-7582 | Fax: 780 962-1062 [www.sprucegrove.org](http://www.sprucegrove.org)

Direct Line: 780 962-7634 ext 180

## EXHIBIT 6



414 King Street, Spruce Grove, AB

Phone: 780-962-7582

Fax: 780-962-1062

M-F: 8:30 a.m. - 4:30 p.m.

## NOTICE OF APPEAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development Permit Application No.: PL20190000725

Stop Order Dated: \_\_\_\_\_

Appeal of the

- ☐ Approval  
☐ Conditional of approval  
☒ Refusal

☐ Representing group

☒ List of names attached

### APPELLANT - REQUIRED

Appellant Name:

Colin Ewanchyshyn, EPC Spruce Village Centre Ltd

Home Phone No.: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Mailing address:

#201, 5607 199 Street NW

City:

Edmonton

Province:

AB

Postal Code:

T6M 0M8

Signature: \_\_\_\_\_

Date:

January 8, 2020

Email \_\_\_\_\_

### APPELLANT'S REPRESENTATIVE - REQUIRED

Appellant Name:

Bruce Mullett, Pro Staff Project Management

Home Phone No.: \_\_\_\_\_

Work Phone No.: \_\_\_\_\_

Mailing address:

#201 93 Mcleod Ave

City:

Spruce Grove

Province:

AB

Postal Code:

T7X 2Z9

Email \_\_\_\_\_

### ADDRESS OF SUBJECT SITE - REQUIRED

Suite:

110

Street Address:

5

Street Name:

Spruce Village Way

Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian

/ 37

/ 5

/ 0820912

/

### REASON FOR APPEAL - REQUIRED

The reason for the appeal is outlined in the attached letter.

**RECEIVED**

JAN 13 2020

PLANNING & DEVELOPMENT

### OFFICE USE ONLY

Appeal Period Expiry Date: \_\_\_\_\_

Date Appeal Received: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

This information is being collected under the authority of section 33(c) the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used to administer an appeal to the Subdivision and Development Appeal Board. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-962-2611.

## Instructions for filing an appeal

Notice of appeal to Spruce Grove Subdivision and Development Appeal Board (SDAB) must be filed in accordance with the Municipal Government Act and City of Spruce Grove Land Use Bylaw.

The notice of appeal form must:

- Be received by the SDAB within 21 days of receipt of written notice or decision from the Development Authority or the Subdivision Authority
- State specific reasons for the appeal
- Be signed by the appellant
- Be accompanied by the required filing fee payable to City of Spruce Grove

Mail to: City of Spruce Grove  
Subdivision and Development Appeal Board  
315 Jespersen Avenue  
Spruce Grove, AB T7X 3E8

Deliver in-person: City of Spruce Grove  
Subdivision and Development Appeal Board  
414 King Street  
Spruce Grove, AB

Fax or email to: Fax the completed appeal form to 780-962-1062, or email it to [permits@sprucegrove.org](mailto:permits@sprucegrove.org).

You are cautioned that if you mail the appeal, it must be received on or before the final date for appeal. It is therefore, recommended that you use one of the alternate submission options.

Appeal fees may also be paid by VISA, MasterCard or by cheque payable to City of Spruce Grove. Debit is available, but only if you file your appeal in-person.

Payments can be processed until 4:00 p.m. on any business day

You may contact the Subdivision and Development Appeal Board Clerk Carolynn Grey at (780) 962-7634 ext. 195 for any questions you may have about appeal deadlines, fee payment options and information regarding the appeal process. The Board Clerk may also advise individuals on how to prepare for and present an appeal, Board procedures and planning issues.

## **EXHIBIT 7**

January 17, 2020

Dear Property Owner,

**RE: NOTICE OF HEARING – SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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An appeal has been filed on the refusal of the development permit to locate an Alcohol Sales, Minor business within the existing building at 100, 5 Spruce Village Way, Development Permit PL20190000725 Plan 082-0912 Block 5 Lot 37 Suite 110. The Development Permit Application was refused on December 19, 2019.

The Subdivision and Development Appeal Board (SDAB) will hold an appeal hearing as follows:

DATE: Wednesday, February 05, 2020  
TIME: 6:30 p.m.  
LOCATION: Council Chambers, Third Floor, City Hall  
315 Jespersen Avenue, Spruce Grove

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 30 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property, the applicant of the development permit, and the person(s) who filed the appeal will also receive a copy of this letter.

Persons mentioned above and affected by this development have the right to submit a written, verbal, and/or visual submission to the Board. When making a submission, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision.

If you wish to submit written material to the Board for inclusion in the hearing agenda package, it should be received by the Clerk by Wednesday, January 29, 2020 at 12 noon. If you are unable to meet this submission deadline, please bring 10 copies of the materials to the hearing and it will be distributed at the start of the hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 780-962-7634 ext. 195 should you have any questions.

Yours truly,

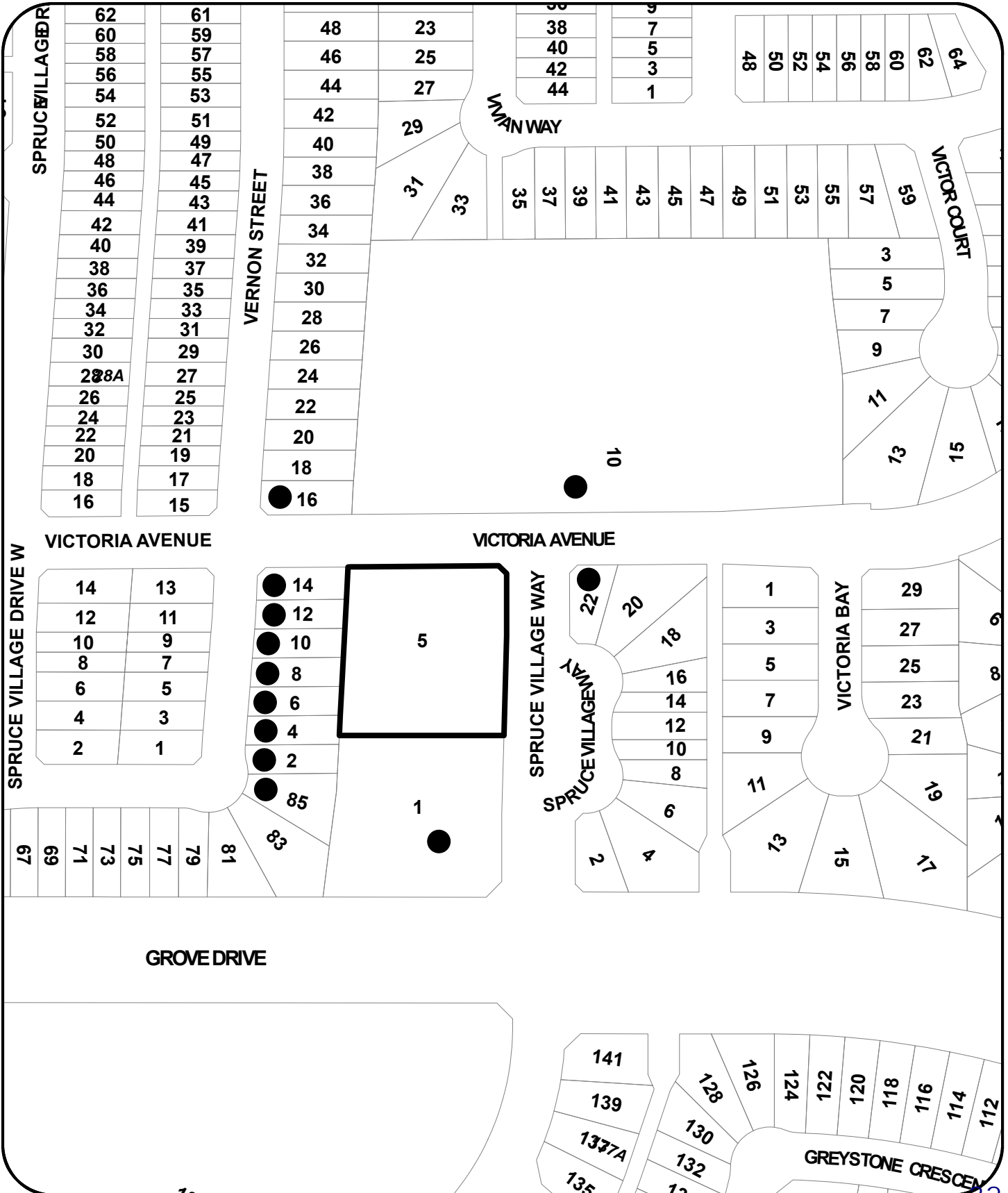
Carolynn Grey  
Clerk, Subdivision and Development Appeal Board  
Email: [cgrey@sprucegrove.org](mailto:cgrey@sprucegrove.org)  
Phone: 780-962-7634 ext. 195

## EXHIBIT 8

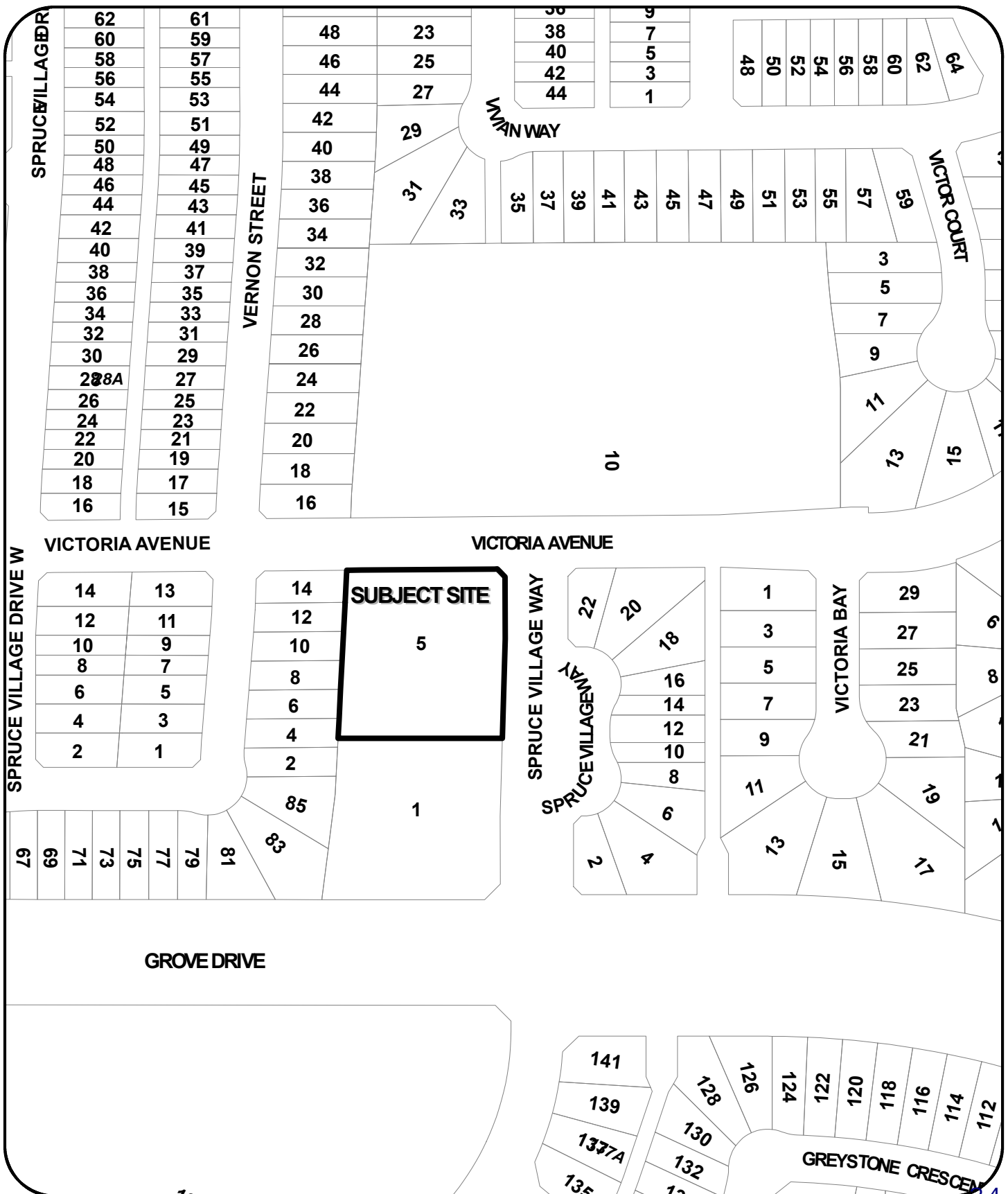
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**The information on this page is intended for Board Members only and includes the personal information of adjacent property owners. This page has been removed in accordance with section 17 of the Freedom of Information and Protection of Privacy Act.**

## **EXHIBIT 9**



## **EXHIBIT 10**





## **EXHIBIT 11**



## PLANNING STAFF REPORT TO: Subdivision & Development Appeal Board

ITEM: 1

<b>File No:</b>	082-0912-5-37-S110	<b>Subject:</b>	An appeal against the refusal of a Development Permit Application to locate a liquor store into suite 110 of the existing building at 5 Spruce Village Way. (Plan 082 0912, Block 5, Lot 37)
<b>Date of Report:</b>	January 24, 2020		
<b>Date of Meeting:</b>	February 5, 2020		

The following is a summary of information relevant to the application:

**Development Permit: PL20190000725**

**Date of Decision: December 19, 2019**

**Date Appeal Received: January 8, 2020**

**Relevant Sections of the  
Land Use Bylaw:**

Section 7 Definitions  
Section 14 Variances  
Section 56 Alcohol Sales

**Land Use District:** C3 – Neighborhood Retail and Service District

**Proposed Use:** Alcohol Sales, Minor

**Municipal Address:** 5 Spruce Village Way, Suite 110

**Legal Address:** Plan 082 0912, Block 5, Lot 37

### I. BACKGROUND INFORMATION

November 19, 2019 – Colin Ewanchyshyn of Remax Excellence submitted a development permit application to locate a liquor store within suite 110 of the existing building at 5 Spruce Village Way.

December 19, 2019 – The Development Officer refused the application for the liquor store under development permit PL20190000725.

January 8, 2020 – The applicant submitted an appeal against the refusal of Development Permit PL20190000725.

### II. LAND USE BYLAW C-824-12

**Section 7 Definitions:** The definitions under this section that apply to this appeal are as follows:

Alcohol Sales, Minor: “Development used for the retail sales of alcoholic beverages to the public. The Principal Use may include as a subordinate use the retail sale of related products. The maximum floor area for this use shall be 275m<sup>2</sup> per business premise.”

**Section 14 Variances:** The regulations under this section that apply to this appeal are as follows:

- 1) The Development Officer may allow a variance to a Development Regulation provided that the Development Officer is of the opinion that:
  - a. The variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring Sites; and
  - b. The proposed Development conforms with the Use prescribed for that land or Building under this Bylaw.
- 2) In addition to the consideration provided under Section 14(1) of this Bylaw, and subject to Section 14(3) and 14(4), a variance may only be granted if, in the opinion of the Development Officer the variance:
  - a. Requested maintains the intent and purpose of the Municipal Development Plan;
  - b. Requested maintains the General Purpose and intent of the Land Use District which is being applied;
  - c. Is desirable for the appropriate and orderly Development or Use of the land; and
  - d. In the opinion of the Development Officer, is truly minor in nature.
- 3) A variance shall be considered only in cases of hardship or practical difficulties particular to the use, character or situation of land or Buildings which are not common to other Sites in the same Land Use District.

**Section 56 Alcohol Sales:** “Alcohol Sales shall not be located closer than 100m (328ft) from the site boundary of any site that includes community or public recreational activities, a public park or a School.”

### III. STAFF COMMENTS

The property at 5 Spruce Village Way is located within the C3 – Neighbourhood Retail and Service District.

Alcohol Sales, Minor is a Discretionary Use within the C3 District.

The proposed liquor store would be located approximately 66.6m from the site boundary of a public park, located at 10 Victoria Avenue. This distance to the site boundary of the public park does not meet the minimum required separation distance set out under Section 56 of the Land Use Bylaw.

A variance to the regulated 100m (328ft) setback to allow the liquor store to be located approximately 66.6m (218ft) from the site boundary of the public park was discussed with the applicant and considered by the Development Officer, however the variance was not issued for the following reasons:

Section 14 (1) (a) states the Development Officer may consider a variance to a regulation provided the variance does not unduly interfere with the amenities of the neighborhood, or materially interfere or affect the use, enjoyment or value of neighboring sites. It is the opinion of the Development Officer a variance to the setback requirement of 100m (328ft) to allow for a reduced separation distance to the public park to the north would be contrary to the reasons a separation distance to public parks, schools, or community or public recreational activities is regulated in the Land Use Bylaw. The reasons for this regulation are:

1. To deter public drinking in public parks, schools, or community or public recreational activities.
2. To separate liquor sales from places where kids can gather unsupervised.

3. Reduces the chance of kids being influenced by advertising while traveling to and from school or public areas.
4. The regulation represents what is generally accepted as a best practice.

Section 14 (2) (d) indicates a variance shall only be granted if in the opinion of the Development Officer the variance request is truly minor in nature. In this case, the variance request would be approximately a thirty four percent variance which is not considered minor in nature.

Therefore, as the regulated separation distance from the public park would not be met the Development Officer refused the application.

## EXHIBIT 12

## Carolynn Grey

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**From:** Bruce Mullett [REDACTED]  
**Sent:** Monday, January 27, 2020 2:20 PM  
**To:** Carolynn Grey  
**Subject:** Re: February 5, 2020 Appeal Hearing, PL20190000725

Carolynn

As per my response on the call we have no issue what has been requested. We look forward to having the council member observing.

Thanks

**Bruce**

Bruce Mullett  
Business Development / Project Manager  
Pro Staff Project Management  
[REDACTED]

Sent from my iPhone

On Jan 27, 2020, at 11:32 AM, Carolynn Grey <[cgrey@sprucegrove.org](mailto:cgrey@sprucegrove.org)> wrote:

Hi Mr. Mullett,

As discussed on the phone this morning, a new council representative was recently appointed to the Subdivision and Development Appeal Board, and she has asked if she may observe an appeal prior to participating in a hearing.

If we were to proceed, we will have one council representative sitting for the appeal, and the new representative will simply observe the process and would not be permitted to speak or participate during the hearing and deliberations.

As the appellant's representative, please let me know if you have any objections to having an additional member observing the above noted appeal.

Thank you,

**Carolynn Grey, CMC** | City Clerk | Corporate Services Division | City of Spruce Grove  
315 Jespersen Ave. | Spruce Grove, AB | T7X 3E8 | 780.962.7634 ext. 195

## **EXHIBIT 13**

**From:** [Lori Kustra](#)  
**To:** [Carolynn Grey](#)  
**Subject:** RE: February 5, 2020 Appeal Hearing, PL20190000725  
**Date:** Tuesday, January 28, 2020 10:54:36 AM

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Good Morning Carolynn,

The Development Authority has no objections having this member being an observer for the up and coming appeal.

Lori Kustra, CPT  
Supervisor of Development  
Planning and Development Department  
City of Spruce Grove  
Phone: (780) 962-7623

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**From:** Carolynn Grey  
**Sent:** January 27, 2020 11:29 AM  
**To:** Lori Kustra <[lkustra@sprucegrove.org](mailto:lkustra@sprucegrove.org)>  
**Subject:** February 5, 2020 Appeal Hearing, PL20190000725

Hi Lori,

A new council representative was recently appointed to the Subdivision and Development Appeal Board, and she has asked if she may observe an appeal prior to participating in a hearing.

If we were to proceed, we will have one council representative sitting for the appeal, and the new representative will simply observe the process and would not be permitted to speak or participate during the hearing and deliberations.

Please let me know if the Development Authority has any objections to having an additional member observing the above noted appeal.

Thanks,

Carolynn

**Carolynn Grey, CMC** | City Clerk | Corporate Services Division | City of Spruce Grove  
315 Jespersen Ave. | Spruce Grove, AB | T7X 3E8 | 780.962.7634 ext. 195