

**TOWN OF EDSON
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
DECISION**

Hearing Date: February 7, 2024
Development Application 048-2023
Applicant: Reflections Society for Empowering People to Succeed
Appellants: Mid-West Glass (Wayne Iwaschuk)
Waky Holdings/Definitive Optimization
Ankani Holdings and Elevation Studio
Jobsite Work Wear
4 Way Rental Building
Peyto Exploration
UFA
Location: 4920 - 1st Avenue, Edson, AB
Legal Description: Plan 1494AC, Block 6, Lot 31 to 37 (the "Site")
Proposed Development: Group Care Facility

A. INTRODUCTION

1. The Development Authority for the Town of Edson approved a development permit for a Group Care Facility on the Site. The Appellants appealed the approval of the development permit.

B. PROCEDURAL MATTERS

2. There were no objections to the Board members and no objections to the proposed hearing process.

C. SUMMARY OF HEARING

Development Authority - Paul Hanlan, General Manager, Corporate Services, and Julia Darling, Development Officer, represented the Development Authority. Ms. Darling reviewed the Development Authority's written report, which is on the Board's file. In response to questions from the Board, Ms. Darling advised as follows:

- (a) Capacity for the proposed development was based on information from the Applicant and in consultation with the Safety Codes Officer regarding fire occupancy.
- (b) The capacity approved is more than requested by the Applicant as the Development Authority wanted to allow some room for growth.
- (c) When operating at its maximum capacity, the proposed development could be considered as a higher density development.
- (d) If the Applicant wishes to change the areas noted as storage on the approved plans, a new development permit will be required.

3. Appellants:

- (a) Wayne Iwaschuk spoke on behalf of Mid-West Glass and the other Appellants. He has provided a written submission, which is on file. He owns a total of five parcels in the immediate area of the Site. His concerns and those of other neighbouring businesses are as follows:
 - (i) His business and a number of the other neighbouring businesses all have significant large truck and equipment traffic. The traffic is coming and going at all hours. Many of the vehicles have poor visibility. He expressed concern about a development that would bring a large number of pedestrians to the area and the safety concerns associated with potential conflicts between the large truck/equipment traffic associated with his business and pedestrians associated with the proposed development.
 - (ii) He raised concerns about garbage associated with the proposed development.
 - (iii) He raised concerns regarding the safety of his staff and customers.

- (iv) He advised that he has lost a tenant due to the proposed development.
 - (v) Overall, he indicated that while he recognizes the need for this type of development, the proposed development is not compatible with the surrounding area. It is in the wrong location.
 - (b) Yvette Iwaschuk read a letter on behalf of Jobsite Work Wear, which is on file. The concerns expressed were similar to those expressed by Mr. Iwaschuk, namely related to safety and security.
4. Affected Party (In Support of Appeal) - Louis Giannitsos owns property in the immediate vicinity of the Site. He indicated that he will have difficulty leasing or selling his business due to the impacts of the proposed development. He has concerns with garbage, safety and impact on his property value.
5. Applicant – Anne Auriat and Debbie Bezaire made a presentation on behalf of the Applicant. Both are members of the volunteer Board of the Applicant. They have letters on file describing the nature of the proposed development. Their expectation is maximum 20 (twenty) to 30 (thirty) people per day will be attending at the proposed development. They are already operating a similar development one block away. The only entry will be on 1st Avenue. There will be no alley access. They do not intend to operate as a housing facility but would like to be able to provide emergency shelter services in severe weather for a maximum of 10 (ten) people. They provide showers, laundry and limited meals. They do not provide counselling or any other services. In response to questions from the Board, they advised as follows:
- (a) For day use there will be two (2) staff and overnight there will be two (2) staff to provide monitoring. They also have security cameras both inside and outside the building.
 - (b) Their normal hours of operation are 9 am to 6 pm, Monday to Wednesday and Friday to Saturday.

- (c) If required to open overnight, then in order to meet their funding requirements, they must be available 7 (seven) nights per week.

6. Additional questions by the Board:

- (a) Questions for the Development Authority - In response to additional questions from the Board, the Development Authority advised as follows:

- (i) With respect to the factors under Section 74 of the Land Use Bylaw, the Development Authority requested additional information to address these factors from the Applicant. This information (which is appended to the Development Authority's report on file) included a site plan, letter of intent and letters of support.
- (ii) The Development Authority also referred information from the Safety Codes Officer.
- (iii) The Development Authority noted that there is limited direction in the Land Use Bylaw for this type of use.

- (b) Questions for the Applicant - In response to additional questions from the Board, the Applicant advised as follows:

- (i) If there is a situation where it appears that maximum capacity will be exceeded, they will respect the maximum capacity and turn people away.
- (ii) A condition limiting overnights stays to 10 (ten) people would be acceptable.
- (iii) A condition requiring professional security guards onsite overnight would be acceptable.
- (iv) They already have security cameras.

7. In response to a question from the Chair, there were no concerns raised with respect to the hearing process.

D. DECISION

8. The Board allows the appeal and varies the development permit as follows:
 - (a) Condition 1 is varied to add a requirement for the Applicant to submit revised plans to the Development Authority showing the following in compliance with the additional conditions (set out below):
 - (i) Location of external security cameras;
 - (ii) Location of external lighting; and
 - (iii) Fencing.
 - (b) Condition 2 is varied to allow up to 15 (fifteen) overnight users only in the event of extreme cold weather (where overnight lows are forecast to be in the range of -25 degrees Celsius including windchill).
 - (c) The following conditions are added:
 - (i) The access to the building on the Site shall be from 1st Avenue only. The alley access shall be for emergency use only;
 - (ii) The areas marked in the building as “storage” on the approved plan shall not be used for any purpose other than storage;
 - (iii) The developer/applicant must ensure the Site is tidy and maintained, free of debris and outdoor storage;
 - (iv) Prior to commencement of operations for the group care facility, external security cameras shall be placed in locations that allow the entire Site to be monitored;

- (v) Prior to commencement of operations for the group care facility, exterior lighting shall be placed in locations that provide for adequate lighting of the entire Site;
- (vi) Prior to commencement of operations for the group care facility, the perimeter of the Site going along the west, north and east property lines running parallel and abutting to the south-east and south-west corners of the building shall be fenced, and maintained, with minimum 6 foot high chain link fencing, allowing for either/and/or a vehicular/pedestrian gate, as shown on the attached sketch; and
- (vii) At anytime when there is overnight use of the proposed development, there shall be two (2) professional security guards onsite from 6 pm to 9 am and at any other times when the Applicant's staff is not onsite.

In all other respects, the development permit, including all conditions, is confirmed.

E. REASONS FOR DECISION

- 9. The Site is located in the C-1 (Retail Commercial) District. Group Care Facility is a discretionary use.
- 10. As a discretionary use, the Board considered whether the proposed development is appropriate for the Site. As a starting point, the Board notes that its role is not to determine whether the proposed development provides a useful or necessary service. Rather, it is to determine whether it is appropriate for the Site, taking into account the surrounding area and potential impacts. Further, the Board must confine itself to considering the land use impacts of the proposed use.
- 11. The Board notes that the Applicant is already operating a similar development in the area, approximately one block away from the Site on 1st Avenue.

12. The general purpose of the C-1 District is to provide for higher density commercial uses, as well as a higher density residential component. In this respect, the C-1 District contemplates a mix of higher density commercial and residential uses.
13. Taking the general purpose of the C-1 District into consideration, along with the surrounding area and based on the evidence presented, the Board is of the view that the proposed development is generally appropriate for the Site.
14. In order to address the concerns raised by the Appellants, the Board has imposed a number of conditions designed to improve safety and security in relation to the proposed development. The Board is satisfied that with these conditions, the concerns raised by the Appellants should be largely mitigated.
15. With respect to traffic concerns, the Board is of the view that the Appellants did not provide sufficient evidence as to the amount and type of traffic in the area. As noted above, the C-1 District contemplates mixed uses that would include a combination of commercial and pedestrian traffic. In the Board's opinion, the amount of pedestrian traffic associated with the proposed development would be consistent with other types of higher density residential or commercial development. Further, the fencing condition should assist in addressing concerns related to pedestrian and vehicle conflicts.
16. In summary the Board is of the view that with the conditions noted under section D. Decision, the proposed development is an appropriate development for the Site.

Dated this 20 day of February, 2024.

Per: 

Chair
Subdivision and Development
Appeal Board

IMPORTANT INFORMATION

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c. M-26.