

**CITY OF GRANDE PRAIRIE**  
**P.O. Bag 4000**  
**10205 – 98<sup>th</sup> Street**  
**Grande Prairie, AB T8V 6V3**

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SDAB HEARING: 2020-002D

**CITY OF GRANDE PRAIRIE**  
**SUBDIVISION & DEVELOPMENT APPEAL BOARD**

**HEARING FILE NO.: 2020-002D**

**DEVELOPMENT PERMIT NO. PL200253**

**August 26, 2020**

Minutes of the Subdivision and Development Appeal Board (the “Board”) hearing of the City of Grande Prairie held remotely via zoom. Both the appellant and the opponent requested to be present in person, any other members of the public observed remotely. The meeting was held in the South Conference Room, 1<sup>st</sup> floor, City Hall, 10205 – 98<sup>th</sup> Street within the City of Grande Prairie, Alberta on Wednesday, August 26, 2020.

**PRESENT:**

L. Murphy	Board Member
L. Coulter	Board Member
I. Penner	Board Member
D. Tennant	Planning & Development
(Development Officer II)	City of Grande Prairie
J. Johnson	Planning & Development Manager
V. Norris-Kirk	City Clerks
(SDAB Recording Secretary)	City of Grande Prairie
K. Moore	Appellant
Adjacent Neighbour	
T. Pederson	Opposition
Home Business Owner (Meatdirect.ca)	

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K. & B. Dewy

Observers (via zoom)

K. Nippard

Observer (via zoom)

### CALL TO ORDER:

The SDAB Secretary, V. Norris-Kirk, called the meeting to order @ 1:31 p.m. and introduced herself to the Board and members of the public present.

### ELECTION OF CHAIRMAN:

The SDAB Secretary called for nominations for the Chairman. L. Coulter was unanimously elected Chairman of this appeal hearing. **Motion moved by Board Member L. Murphy Motion Carried**

Chairman L. Coulter explained the process of the Subdivision and Development Appeal Board and introductions were made.

Chairman L. Coulter asked if there were any objections to the Board members hearing the above noted appeal. No objections noted.

### APPEAL HEARING:

K. Moore

Grande Prairie, AB

(Hereinafter referred to as the "Appellant")

**Vs.**

City of Grande Prairie

SDAB 2020-002D

Development Permit Application No.: PL200253

Legal Description: Lot 2; Block 24; Plan 772-1128

(9813 – 75<sup>th</sup> Avenue)

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Chairman L. Coulter introduced the process for conducting the meeting and how the decision will be rendered and notification coming forthwith on the decision from the Subdivision and Development Appeal Board.

### Description of Application:

- 1 The appeal before the Subdivision and Development Appeal Board (the “Board”) was brought by K. Moore, an adjacent property owner to the Home Business.
- 2 On July 9, 2020, the Development Authority approved the development permit application for a Home Business (T. Pederson, owner / operator of meatdirect.ca) located at Lot 2; Block 24; Plan 772-1128 (9813 – 75<sup>th</sup> Avenue – the “Lands”) in the South Patterson neighbourhood. The subject property has a land use designation of General Residential (RG) District. The proposed use is a discretionary use within the district.

### Procedural History:

- 3 The hearing commenced on August 26, 2020 with consideration of procedural issues. The Board determined there were no concerns with procedural issues and had the authority to proceed with the hearing. The hearing concluded on that date.

### Proper Application for Appeal:

- 4 Pursuant to Section 686(1)(a)(i)(A) of the Municipal Government Act, the appeal was filed within 21 days of the date of Notice of Decision issued by the Development Authority.
- 5 Pursuant to Section 686(2) of the Municipal Government Act, the appeal hearing convened within 30 days of the receipt of Notice of Appeal.

### Required Notification:

- 6 Pursuant to Section 686(3) of the Municipal Government Act, the Subdivision and Development Appeal Board has given at least five (5) days notice to:
  - The Appellant(s)
  - The Development Authority
  - Adjacent / affected landowners (9 circulated)
  - Members of the Subdivision and Development Appeal Board

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### Decision Timeframe:

- 7 Pursuant to Section 687(2) of the Municipal Government Act, the Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within fifteen (15) days after concluding the hearing.

### Decision:

- 8 The appeal is denied and the decision of the Development Authority is confirmed. The original Development Permit PL200253 issued by the Development Authority, acting as the Development Authority for Discretionary Uses under Section 83.3 of Land Use Bylaw C-1260, shall remain in effect (see **Schedule "A"** attached hereto – original Development Permit PL200253).

### Appearances:

- 9 The Board received submissions from:
- a) Ms. D. Tennant, for the Development Authority; and
  - b) Mr. K. Moore, adjacent neighbour (appellant to the appeal)
  - c) Mr. T. Pederson, Home Business owner (opposition of the appeal)

### DEVELOPMENT OFFICER'S REPORT:

The Chairman asked the Development Authority, Ms. D. Tennant to read administrations appeal report for the record.

It is recommended that the Subdivision and Development Appeal Board (SDAB) deny the appeal and, therefore, confirm the Development Permit as issued on Development Permit PL200253 for the following reasons:

- The Land Use Bylaw C-1260, Section 49 – permits Home Businesses within the City of Grande Prairie; and
- The Applicant for the Development Permit should be given an opportunity to operate a Home Business under the Land Use Bylaw Section 49 requirements and restrictions.



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- 10 The subject property is located within the South Patterson neighbourhood and is zoned General Residential (RG) District in Land Use Bylaw C-1260. A Home Business is a Discretionary Use in the General Residential (RG) District.
- 11 There will be limited customer traffic as the owner of the Home Business, will arrange delivery of the product. Under the Land Use Bylaw C-1260, Section 49 – Home Business, the owner of the Home Business is permitted to have up to six (6) customers per day.
- 12 Customer visits will be restricted to the hours noted in Section 49.14 of the Land Use Bylaw C-1260.
- 13 Arrangements will be made for the large delivery vehicles that need to deliver product to the Home Business, be done off-site and arranged at a designated location other than a residential neighbourhood (i.e.: rural area).
- 14 Administration confirms that the Home Business owner should be given an opportunity to operate in accordance to the regulations of Land Use Bylaw C-1260, Section 49, which governs Home Business. Failure to comply, then there is the ability to take enforcement action, including revoking the Home Business Development Permit PL200253 for non-compliance.
- 15 Further, the Development Authority indicated that they would support the use of the trailer and the 24% variance presented to the Subdivision and Development Appeal Board as part of their consideration for the appeal hearing as presented.

In summary, it is the opinion of the Development Authority that the proposed Home Business meets the requirements of the Land Use Bylaw C-1260, Section 49 – Home Business.

Administration recommends the SDAB confirms the decision of the Development Authority and deny the appeal.

At this time, the Chairman asked Appellant to come forward to present.

### **PRESENTATION IN “FAVOUR” OF THE APPEAL:**

The Chairman asked Mr. Moore to come forward and introduce himself to the board for the record.

- 16 Mr. Moore introduced himself to the board as an adjacent neighbour in favour of the appeal.
- 17 Mr. Moore indicated that the home business development permit would have a detrimental affect on the character of the street they live on and will affect the lifestyles they have enjoyed for the past 20 years. The concerns highlighted were:

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- Mr. Moore provided pictures showing a large delivery truck at the home business, and felt this would be better suited in a commercial or industrial district per Section 49.7 of Land Use Bylaw C-1260;
- The garage currently holds freezers for the products sold by meatdirect.ca; therefore may impact the parking availability on site;
- The website for meatdirect.ca does allow for customer pick up at the residence which would generate additional traffic coming into the neighbourhood;
- If the truck and trailer were hitched together, then it appears the 1.5m setback from curb could not be obtained and is it commercially licensed?
- Concerns that applicant indicated no signage; however business owner, on occasion does display a sign on the property;
- Was this approved by Alberta Health Services?
- Did the business owner receive appropriate approvals from the property owner to operate the home business at the subject property?

In summary, no concerns with Mr. Pederson being an entrepreneur; however, against the change on the character of the street. Home business is a good way to start up in a residential area; however, long term should consider a store front.

At this time, the Chair, Mr. Coulter asked if there was anyone present in favour of the appeal. There were no other participants in favour of the appeal.

### **PRESENTATION IN “OPPOSITION” OF THE APPEAL:**

The Chairman asked those in opposition of the appeal to come forward and introduce themselves to the board.

- 18 Mr. Pederson introduced himself to the board as the owner / operator of meatdirect.ca in opposition of the appeal.
- 19 When starting up the home business, Mr. Pederson indicated that he reached out to his neighbours to advise them of his intent. When the issue of the delivery truck was raised by the appellant, Mr. Pederson then changed operations to do deliveries off-site. The reasons for allowing the home business to continue were stated as follows:
  - Mr. Pederson indicated that he is currently operating within the provisions of Land Use Bylaw C-1260, Section 49 as it relates to Home Businesses. His concern with the appeal is that it is based on the premises that he may breach the restrictions and feels that he should not be punished for future possibilities of breaching the permit currently issued for the home business;



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- Mr. Pederson pointed out that if he does in fact breach the conditions of the home business permit that was issued to him, then the City has the opportunity to revoke the home business permit;
- The Development Authority has already reviewed and approved the home business in accordance with Section 49 of Land Use Bylaw C-1260;
- The registered homeowner has provided written consent for the home business to run out of the subject property;
- Alberta Health Services has granted the necessary approvals;
- Has gone above and beyond to operate the home business as ethically and legally as possible; and
- Have consulted with the neighbours by sharing a letter about the business.

In conclusion, those in “opposition” of the appeal have asked the Subdivision and Development Appeal Board to confirm the decision of the Development Authority and deny the appeal.

At this time, the Chair, Mr. Coulter asked if there was anyone present in opposition of the appeal. There were no other participants in opposition of the appeal.

Chairman L. Coulter advised all present and participating in the appeal that they can expect an “unofficial” verbal decision within 24 hours of the hearing and an “official” written decision within 15 days.

Chairman L. Coulter declared the Subdivision and Development Appeal hearing closed at 2:16 p.m.

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### DECISION OF THE BOARD:

The Subdivision and Development Appeal Board determined that the appeal is denied and the decision of the Development Authority is confirmed and the development permit shall remain in effect. Development Permit PL200253 is hereby confirmed as issued by the Development Authority, acting as the Development Authority for Discretionary Uses under Section 83.3 of Land Use Bylaw C-1260, on July 9, 2020.

### REASONS FOR THE SDAB DECISION:

The Board considered the written and oral evidence submitted by all parties.

The grounds for the appeal are pursuant to section 685(1)(b), which states:

#### ***Grounds for Appeal***

*685(1)(b) If a Development Authority*

*(b) issues a development permit subject to conditions*

The Subdivision and Development Appeal Board confirmed the decision of the Development Authority and upheld Development Permit PL200253 for the following reasons:

#### **1 Compliance with the MGA and Land Use Bylaw C-1260**

The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons. The Board reviewed the Municipal Government Act (“MGA”) and Land Use Bylaw C-1260, specifically Section 49 – Home Business.

**2** The Board finds that the home business owner / operator is currently operating under the guidelines of the Development Permit PL200253 as issued by the Development Authority.

**3** The Board has determined it can not base its decision on the “potential breaches” of a home business and under due fair process must give opportunity to show the ability to comply with the conditions as set out under Development Permit PL200253.

**4** The Board has disregarded the following evidence in rendering a decision, as it has been deemed irrelevant:

- a.** Commercial vehicle registration, this is not within the jurisdiction of the Board to determine whether or not this is required for this type of vehicle / equipment.



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- b. Each development permit application must be reviewed separately under it's own merit, therefore, the Board disregarded other matters that may have occurred within the neighbourhood without prior approvals, such as a bed and breakfast.
- 5 The Board has deemed there to be insufficient evidence of alleged impacts to neighbouring residents, specific to this home business, submitted by the Appellant(s) which would weigh against development approval for a home business including negative impact to the characteristics of the neighbourhood.
- 6 The Board declined to consider the inclusion of the truck and variance height of the truck being approximately 24% and refers this portion back to the Development Authority for further consideration. In making it's decision on this matter, the Board determined that since it was not part of the initial request for the Development Permit for a Home Business, they felt the opportunity for adjacent neighbours to comment were missed. In order to provide a fair and transparent process, the Board unanimously agreed to refer this back to the Development Authority for consideration.

As a result and in consideration of the above and having regard to planning principles, the Board is of the opinion that Development Permit PL200253 for a Home Business as a Discretionary Use is confirmed under the existing permit.

Based on the evidence before the Board, the Board hereby confirms the decision of the Development Authority and confirms the decision of the Development Authority for Development Permit PL200253 in accordance with Section 687(3)(a.1)(a.2)(a.3)(c)(d)(i)(ii) of the MGA.


Subdivision and Development Appeal Board

City of Grande Prairie

Signed this 1<sup>st</sup> day of September, 2020.



Chairman L. Coulter



SDAB Secretary – V. Norris-Kirk

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### SCHEDULE "A"



CITY OF GRANDE PRAIRIE  
PLANNING AND DEVELOPMENT

Permit Number  
PL200253

### Development Permit

#### Conditions of Approval

Permit Type: Home Based Business Application  
Applicant: TYLER PEDERSON  
Business Type: Meatdirect.ca  
Activities at Home: Online Meat Sales  
Address: 9813 75 AVENUE, GRANDE PRAIRIE, AB T8V4X1  
Contact: (780) 518-3913

1. The Home Business shall proceed in accordance to the Business Outline (questionnaire) completed in conjunction with the Home Business application.
2. The Applicant shall obtain a yearly business license from the City of Grande Prairie Enforcement Services Department.
3. The Home Business shall proceed in accordance to the City Of Grande Prairie Land Use Bylaw C-1260 Section 49 (Home Businesses) attached hereto.
4. This Home Business Permit is only valid for the above noted property. The applicant shall apply to the City of Grande Prairie Planning and Development Department in the event of moving the location of the Home Business (within Grande Prairie) prior to moving.
5. The Development permit for a Home Business may be reviewed for compliance with this Bylaw by the Development Authority at any time. If, at that time, any of the requirements for the Home Business are not complied with, the Development Authority may revoke the Development Permit.
6. The Applicant is permitted to use a maximum of 30% of the total combined gross floor area of the principal dwelling and accessory buildings for the home business. The total area used cannot exceed 50m<sup>2</sup>.
7. The Home Business shall not create a nuisance and shall preserve privacy and enjoyment of adjacent residences and neighbourhood.
8. The Home Business shall not have more than one (1) customer on site at a time, and no more than 6 customers per day.
9. Alberta Health Services approval required BEFORE the Home Business opens for business.
10. All Home Business customer vehicle trips shall be restricted to: A) Monday to Saturday - 7:00 am to 7:00 pm; and, B) Sundays and Statutory Holidays - 10:00 am to 6:00 pm.

Date of Decision: July 9, 2020  
Date of Issuance: July 10, 2020  
Appeal Expiry Date: July 31, 2020

This Development Permit is not valid until the expiration of the Appeal Date listed above, and provided that an appeal is not filed against this Decision within the prescribed period. In the event that an appeal is received, this Permit could be amended or nullified.

Diane Tennant  
Development Officer