

Subdivision and Development Appeal Board Decisions for Liquor Stores

Between March 2007 and December 2018, there have been 48 appeals to the Subdivision and Development Appeal Board related to liquor store developments. The number of appeals per year has fluctuated, as indicated in the chart shown below:



Note: Chart excludes appeals withdrawn during this time period and one appeal that was related to the development of a distillery.

During this time, three distinct amendments to Zoning Bylaw 12800 have influenced location decisions for liquor stores.

- March 2007 - Bylaw 14547 introduces the 500 metre separation distance between liquor stores. This requirement is incorporated into the land use definitions for Major and Minor Alcohol Sales and does not provide the Subdivision and Development Appeal Board or the Development Officer the authority to grant a variance to the separation distance requirement
- October 2012 - Bylaw 15520 shifts the 500 metre separation distance requirement from the land use definition of Major and Minor Alcohol Sales to a special land use provision. This provides the Subdivision and Development Appeal Board the authority to grant a variance to the requirement, and the Development Officer is given the authority to relax the separation distance provided the development is for the temporary relocation/renovation of an existing liquor store
- December 2016 - Bylaw 17836 introduces an exemption to the 500 metre separation distance for suburban sites.

In consideration of regulatory changes that have influenced the decision by the Subdivision and Development Appeal Board, the summary of the decisions are broken into the following three time periods:

- 2007 to October 2012
- October 2012 to December 2016
- December 2016 to December 2018

Summary of Subdivision and Development Appeal Board Decisions between 2007 and October 2012

	Decisions	Overtaken Development Officer Decision	Separation Distance to a Liquor Store	Separation Distance to a Park	CPTED	Parking
SDAB Approval	8	4	1*	3	1	2
SDAB Refusal	14	1	6	7	2	2
Total	22	5	7	10	3	4

***Note:** Development was to expand a legal non-conforming use. The SDAB determined that a legal non-conforming use may extend throughout the building provided the building is not enlarged or structurally altered.

Key factors influencing decisions during this time include whether the SDAB could assume jurisdiction. The Subdivision and Development Appeal Board could not assume jurisdiction for six appeals due to the inclusion of the 500 metre separation distance requirement in the land use definitions for Major Alcohol Sales and Minor Alcohol Sales.

Summary of Subdivision and Development Appeal Board Decisions between October 2012 to December 2016

	Decisions	Overtaken Development Officer Decision	Separation Distance to a Liquor Store	Separation Distance to a Park	CPTED	Parking
SDAB Approval	10	6	5	2	2	1
SDAB Refusal	6	1	5	2	2	2
Total	16	7	10	4	4	3

Note: In 2012 amendments were made to Zoning Bylaw 12800 that provided the SDAB the authority to vary the 500 metre separation distance requirement, and discretion to the Development Officer to relax the 500 metre separation distance for the temporary relocation of an existing liquor store.

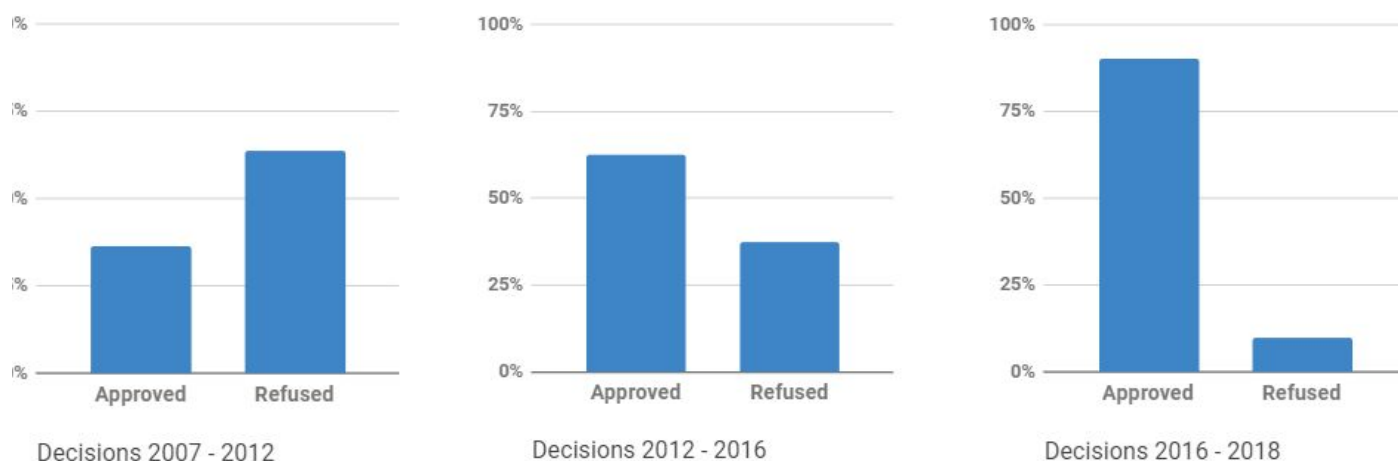
Decisions related to the separation distance to another liquor store	Temporary Relocation	Permanent Location
Approved	2	3
Refused	1	4
Total	3	7

**Summary of Subdivision and Development Appeal Board Decisions
between December 2016 to 2018**

	Decisions	Overtaken Development Officer Decision	Separation Distance to a Liquor Store	Separation Distance to a Park	CPTED	Parking
SDAB Approval	9	8	6	2	1	3
SDAB Refusal	1	0	0	1	0	0
Total	10	8	6	3	1	3

Note: In December 2016, amendments were made to Zoning Bylaw 12800 that provided exemptions to the 500 metre separation distance for sites located in suburban areas.

In summary, the chart below indicates a trend for the Subdivision and Development Appeal Board to approve variances to the 500 metre separation distance between alcohol sales. This trend has occurred alongside the Zoning Bylaw 12800 reducing regulatory requirements related to the 500 metre separation distance.



Factors Influencing Decisions

Community and stakeholder opposition:

- Subdivision and Development Appeal Board decisions to uphold the Development Officer decision to refuse a permit are influenced by community opposition at the appeal hearing. Seven appeals between 2007 and 2012 received objection from property owners, surrounding businesses, community leagues, and representatives of the Edmonton Police Service. Reasons for opposing the liquor store included anecdotal evidence of existing problems in the community surrounding social disorder and public intoxication and the impact of the liquor store on the community and public parks.

Variances to the Separation Distances to Parks:

- The impact is mitigated by physical barriers such as arterial roads, large berms, ensuring physical separation between the liquor store and the formal activities in the park.
- The proposed development is an expansion of a legal non-conforming use
- Absence of child-oriented play areas or recreational facilities/structures within the park
- The liquor store is located in a Direct Control Zone that includes Minor Alcohol Sales as a listed use and the park has not been developed and is not actively used

Variances to the Separation Distance to another Liquor Store:

- It has not been demonstrated how proximity between stores represents a measurable land use impact.

- The development is a temporary relocation of an existing liquor store
- The impact is mitigated by physical barriers such as arterial roadways
- The proposed development aligns with policies that encourage pedestrian-oriented development, supporting a reduced separation distance in consideration of how people travel to the liquor store
- The proposed liquor store fills a gap in the market (products provided/hours of operation)
- The proposed liquor store is located on the periphery of the non-exemption area
- The liquor store within 500 metres has a development permit, but is no longer in operation
- The proposed and existing liquor store are located in separate neighbourhoods and serve a different areas
- No objections received for the proposed liquor store

Variances to the Separation Distance to Schools:

- Proposed development is for the temporary relocation of an existing liquor store, and:
 - the development has support from affected property owners,
 - the liquor store has operated for more than 20 years, and
 - the site is in a Direct Control Zone that modifies the regulations for Minor and Major Alcohol Sales, such that general requirements do not apply

Variances to Crime Prevention Through Environmental Design Requirements:

- the site is located on a corner lot which allows for passive surveillance of the rear customer parking area
- The submission of a professional statement that the proposed development adequately meets the Crime Prevention Through Environmental Design requirements

Variances to Parking Requirements:

- The liquor store located in a pedestrian oriented area
- The site has adequate parking available on and off the site
- The liquor store will have different operating hours than surrounding businesses
- The parking for liquor store customers has a quicker turn-over rate
- Parking study justifying the parking variance
- The proposed liquor store is located in a Direct Control Zone that prevents additional parking to be provided on the site